

MINUTES OF SETTLEMENT

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2107401 Ontario Inc. Et Al
Subject: Request to amend the Official Plan - Failure of the Municipality of Port Hope to adopt the requested amendment
Existing Designation: Low Density Residential
Proposed Designated: Medium Density Residential, Low Density Residential-Urban
Purpose: To permit the development of 369 dwelling units
Property Address/Description: Various Locations
Municipality: Municipality of Port Hope
Approval Authority File No.: OP01-2019
LPAT Case No.: PL200619
LPAT File No.: PL200619
LPAT Case Name: 2107401 Ontario Inc. Et Al v. Port Hope (Mun.)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2107401 Ontario Inc. Et Al
Subject: Proposed Plan of Subdivision - Failure of the Municipality of Port Hope to make a decision
Purpose: To permit the development of 369 dwelling units
Property Address/Description: Various Locations
Municipality: Municipality of Port Hope
Municipality File No.: SU01-2019
LPAT Case No.: PL200619
LPAT File No.: PL200621

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2107401 Ontario Inc. Et Al
Subject: Application to amend Zoning By-law No. 20/2010 - Refusal or neglect of the Municipality of Port Hope to make a decision
Existing Zoning: RES4(28)(H1), RES3(47)(H1), RES3(48)(H1), 'RES3(115), RES1-1(H1)
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit the development of 369 dwelling units
Property Address/Description: Various Locations
Municipality: Municipality of Port Hope
Municipality File No.: ZB06-2019
LPAT Case No.: PL200619
LPAT File No.: PL200620

BETWEEN:

2107401 Ontario Inc., AON Inc, Penryn Park Estates Inc, and Penryn Mason AON Inc.

(herein collectively referred to as the “Appellants”)

and

The Municipality of Port Hope

(herein referred to as “the Municipality”)

WHEREAS the Appellants filed planning applications with the Municipality for Official Plan Amendment (OPA), Zoning Bylaw Amendment (ZBA) and Draft Plan Approval (DPA) (hereinafter the “Applications”) for the lands described as Phase 5 of the Lakeside Village Community;

AND WHEREAS the Applications were deemed complete by the Municipality on November 28th, 2019 and appealed by the Appellants to the Local Planning Appeals Tribunal (LPAT) on November 17th, 2020 as a result of non-decision by the Municipality on the Applications;

AND WHEREAS the Appellants and the Municipality have reached a settlement to seek approval from LPAT for the development of a portion of the Phase 5 lands as hereinafter described;

AND WHEREAS the Appellants have prepared a revised draft plan of subdivision (which draft plan is attached hereto as Appendix A) for all of the lands of the Appellants having an area of approximately 19.38 ha (“the Lands”);

AND WHEREAS Block 272 on the revised draft plan of subdivision includes a woodlot and a buffer of at least 120m;

AND WHEREAS the Parties have worked to resolve all outstanding issues as between them with regards to the development on the Lands, save and except for Block 272 and have prepared the planning instruments attached to these Minutes of Settlement in contemplation of the resolution of those issues (Draft Plan of Subdivision – Appendix A; OPA – Appendix B; ZBA – Appendix C; Draft Plan Conditions – Appendix D);

AND WHEREAS the parties are desirous of resolving the appeals as it relates to the Lands, save and except for Block 272 and the Appellants having provided Notice of the Case Management Conference scheduled by LPAT to be held on May 28th (CMC Date) where such Notice has advised all interested parties and persons that the Appellants are not seeking to have LPAT make any determination on the CMC Date with respect to Block 272 other than to identify that Block 272 remains under appeal;

AND WHEREAS the Parties have committed to continuing to work co-operatively in an attempt to resolve those issues that remain with regards to Block 272 while allowing for development to proceed on the balance of the Lands in accordance with the attached planning instruments;

NOW THEREFORE IN RECOGNITION OF THE TRUTH AND ACCURACY of the recitals above and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by the Parties hereto), the Parties do hereby agree as follows:

1. At the CMC Date, the Municipality will advise LPAT that it is supportive of development on the Lands, save and except for Block 272, proceeding in accordance with the attached planning instruments (OPA, ZBA, Draft Plan of Subdivision and Draft Plan Conditions) and will file the Tribunal with any resolutions of Council that may be required to evidence such support and to make such submissions through their solicitors as may be necessary before LPAT in order to give effect to the approval of the planning instruments attached.
2. The Parties agree, acknowledge and confirm that notwithstanding the support for the approval that is being provided by the Municipality in accordance with paragraph 1 above, that such approval/support is being made on without prejudice basis to any position or action that the Municipality may take, or continue to take, with regards to any potential for development on all or part of Block 272.
3. The parties agree, acknowledge and confirm that the Appellants shall not seek any approval from LPAT with regards to Block 272 at the CMC Date, save and except to have LPAT confirm that the appeal remains in force and effect for Block 272 only and that the determination of any planning considerations for Block 272 shall be adjourned sine die, with the ability of the Appellants to ask that consideration of Block 272 be set down for consideration by LPAT at a future case management conference for which a new notice will be required to be sent by the Appellants.
4. Prior to seeking a new case management conference for Block 272, the Appellants are required to submit to the Municipality a Heritage Impact Assessment (HIA) that has been prepared consistent with terms of reference prepared by Municipality's peer reviewer LHC and which addresses the information in the Cultural Heritage Evaluation Report from LHC dated May 3, 2021.
5. Prior to seeking a new case management conference for Block 272, the Appellants are further required to submit to the Municipality an updated Environmental Impact Study (EIS) that responds to the peer review comments that have been provided by Municipality's peer reviewer in a letter dated March 16th, 2021 from North-South Environmental which is attached hereto as Appendix E.
6. Before development can proceed on all or part of Block 272, the Appellants shall work with the Municipality, and both the Appellants and Municipality agree to act reasonably in those discussions, in order to determine if an agreement can be reached as to the appropriate form of residential uses for the said Block 272 or part thereof, which final plan of subdivision shall include lotting/road layouts, draft plan conditions of subdivision approval, as well as any OPA and/or ZBA which may be required.
7. Notwithstanding, paragraph 6 above, should the Parties ultimately be unable to resolve the final form of the required planning instruments or residential uses that may be permitted on Block 272, the Appellants will be at liberty to seek a new case management conference date from LPAT for Block 272 in accordance with paragraph 3 but only after it has provided the EIS and HIA as required by paragraphs 4 and 5 above.
8. Upon final resolution of the development approvals related to Block 272, the Appellants agree that it will survey and convey in fee simple and without encumbrance and without costs to the Municipality the Little Creeks Lands as identified in the attached Appendix F.

The Appellants further agree that as part of the transfer of the Little Creek Lands, being Parts 1 and 3 on Plan 39R10743, as well as Block 42 on Plan 39M834, to the Municipality that it shall construct at no cost to the Municipality and in consultation with the Municipality a public trail through the said lands for the use and enjoyment of the citizens of Port Hope.

9. These Minutes of Settlement shall not in any way fetter the discretion of Council or be construed as, or considered to fetter the discretion of Council with regards to any position or action that it may take with regards to Block 272 nor limit or restrict in any manner the normal exercise of discretion by Council of the Municipality or its legal counsel.
10. The Parties hereto agree that the decision of the Municipality to approve development in accordance with Appendices A, B, C and D have been made on the basis of good planning for the Lands save and except Block 272.
11. The Parties agree that they shall each bear their own costs in connection with the Appeals, the settlement of same and the drafting of these Minutes. The Parties further agree that neither Party shall seek an award of costs against the other from the LPAT or any other body.
12. These Minutes of Settlement may be executed by the Parties in counterpart form, which together shall constitute a complete set of these Minutes. These Minutes may be executed by the respective solicitors of the parties hereto and delivered by email.

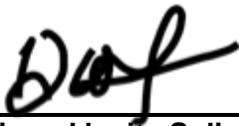
DATED THIS DAY OF MAY, 2021.

**2107401 Ontario Inc., AON Inc., Penryn Park Estates Inc,
and Penryn Mason AON Inc.**



Signed by their Solicitor, **Kagan Shastri**
Per Paul M. DeMelo

The Municipality of Port Hope



Signed by its Solicitor, **Templeman LLP**
Per Wayne Fairbrother

DRAFT PLAN OF SUBDIVISION

PART OF THE S. CUMBERLAND LOT, REGISTERED PLAN NO. 25 (FORMERLY PART OF LOT 10, CONCESSION 1, TOWNSHIP OF HOPE) AND PART OF LOT 9 & 10, CONCESSION 1 AND PART OF LOT 9 & 10, BROKEN FRONT CONCESSION AND PART OF ROAD ALLOWANCE BETWEEN BROKEN FRONT CONCESSION AND CONCESSION 1, TOWNSHIP OF PORT HOPE AND PART OF BLOCK 67 PLAN 39M-834 MUNICIPALITY OF PORT HOPE, COUNTY OF NORTHUMBERLAND



Key Map

Additional Information

Required Under Section 51(17) of the Planning Act R.S.O. 1990

- (a) SHOWN ON DRAFT PLAN
- (b) SHOWN ON DRAFT AND KEY PLANS
- (c) SHOWN ON KEY PLAN
- (d) LAND TO BE USED IN ACCORDANCE WITH LAND USE SCHEDULE
- (e) SHOWN ON DRAFT PLAN
- (f) SHOWN ON DRAFT PLAN
- (f.1) NOT APPLICABLE
- (g) SHOWN ON DRAFT AND KEY PLAN
- (h) MUNICIPAL PIPED WATER
- (i) SOIL IS SILTY TO CLAYEY SILT
- (j) SHOWN ON DRAFT PLAN
- (k) FULL MUNICIPAL SERVICES
- (l) SHOWN ON DRAFT PLAN

Schedule of Land Use

PROPOSED LAND USE	ha	Ac
1) Single Detached (Lots 1 to 271)	10.12	25.0
2) Other Lands Owned (Block 272) by Applicant	4.95	12.2
3) Servicing (Blocks 273 to 276)	0.21	0.5
4) Walkway/Servicing (Block 277)	0.02	0.02
5) Roads & Laneways	4.08	10.1
TOTAL SITE AREA	19.38	47.8

PROPOSED RESIDENTIAL UNITS	Total	%
1) Δ 8.4m (27.5ft) Single-Detached Laneway	15	5
2) ⊕ 11.0m (36ft) Single-Detached Laneway	35	13
3) ⊙ 11.0m (36ft) Single-Detached	83	31
4) □ 14.0m (46ft) Single-Detached	128	47
5) * 16.5m (54ft) Single-Detached	10	4
PROJECTED UNIT YIELD	271	100

PROPOSED ROADS	m	ft
1) 7.5m ROW Laneway	164	538
2) 14.5m ROW Local	659	2,162
3) 17.0m ROW Local	1,483	4,865
4) 20.0m ROW Local	228	748
TOTAL ROAD LENGTH	2,534	8,313

NOTE: All areas shown subject to rounding, and may not add up to total or convert to the other measuring units directly.

Revisions

DATE	REVISION	BY
May 7, 2020	Create Block 305 (Other Lands Owned by Applicant); Modify Alignment of Street A	SS
April 9, 2021	Modify Future Development Block and Residential Lots; Add Walkway/Servicing Block, and Easement	SS

Owner's Authorization

I authorize Walker, Nott, Dragicevic Associates Limited to prepare and submit this Draft Plan of Subdivision to the Municipality of Port Hope for approval.

Signature on File _____ October 7, 2019
 Gordon Mason, President
 Penryn Mason Homes Inc. _____ DATE

Signature on File _____ October 7, 2019
 Brad Smith, President
 AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., Penryn Mason Homes Inc. _____ DATE

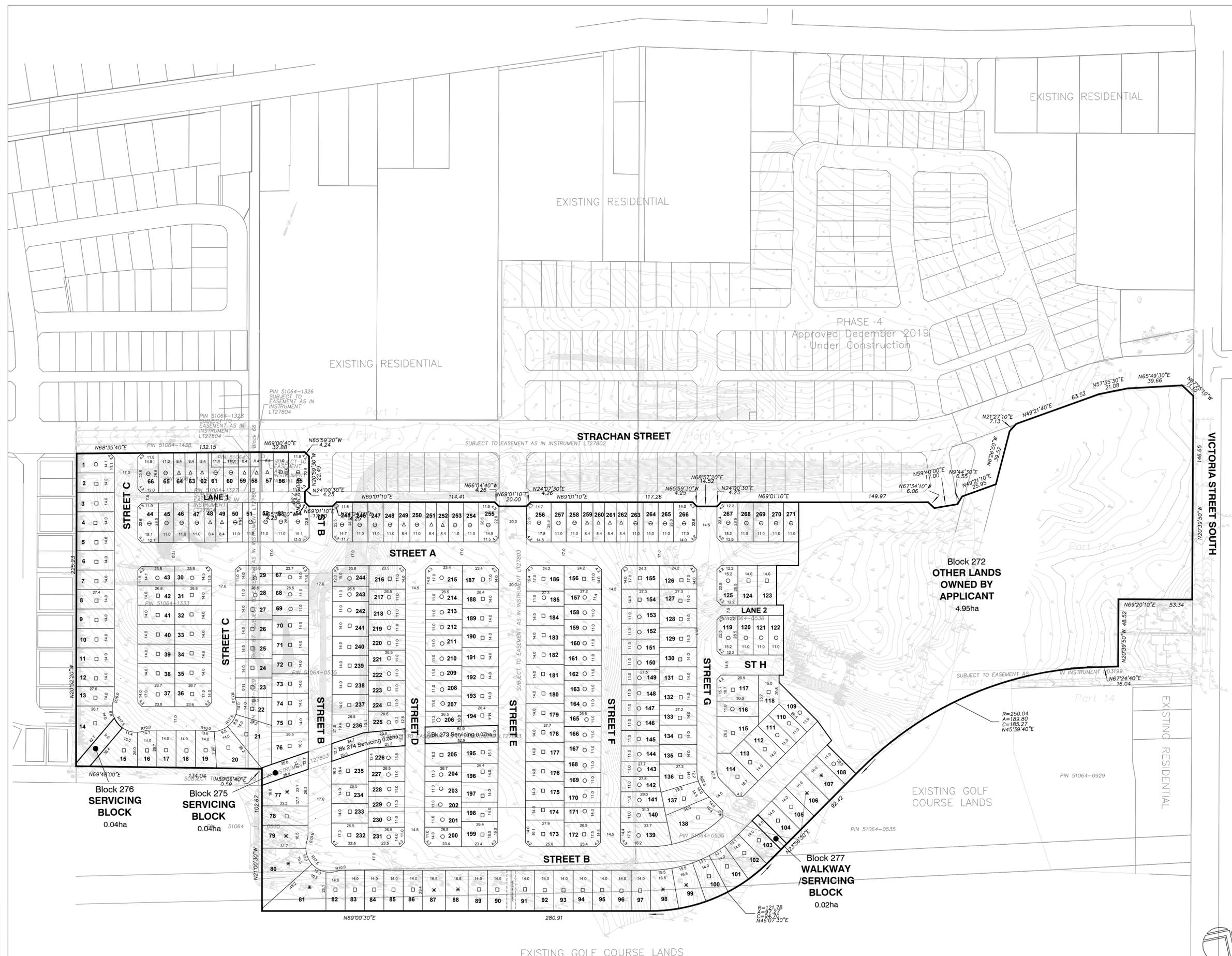
Surveyor's Certificate

I hereby certify that the boundaries of the land to be subdivided on this plan and their relationship to adjacent lands are correctly and accurately shown.

Signature on File _____ October 7, 2019
 Dave Comery, OLS
 IBW Surveyors, Ontario Land Surveyor _____ DATE



Scale 1:1,250
 July 15, 2019
 14.643.03



THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. XX/2021 (LPAT)

Being a By-law to adopt Official Plan Amendment No. 10 to the Official Plan for the Municipality of Port Hope, which will re-designate certain lands municipally known as Part of S. Cumberland Lot PL 25 Port Hope, And Part of Lot 9 & 10, Concession 1, And Part of Lot 9 & 10, Broken Front Concession, And Part of Road Allowance Between Concession 1 & Broken Front Concession, Township of Port Hope, And Block 67 Plan 39M-834, Municipality of Port Hope, County Of Northumberland.

Whereas the Local Planning Appeal Tribunal, pursuant to its Order dated ~ ~, 2021, deems it advisable to amend the Municipality of Port Official Plan as follows:

1. That Amendment No. 10 to the Official Plan of the Municipality of Port Hope, being the attached Schedule "A" is hereby approved.

Pursuant to the Local Planning Appeal Tribunal Order issued ~ ~, 2021 in LPAT File No. PL200619.

Schedule "A" to By-law X/2021(LPAT)

AMENDMENT NO. 10

Municipality of Port Hope Official Plan

Amendment No. 10

Municipality of Port Hope Official Plan

PART A: BACKGROUND INFORMATION

1. THE PURPOSE OF AMENDMENT NO. 10

The purpose of Amendment No. 10 to Municipality of Port Hope Official Plan is to amend the Official Plan in order to re-designate the subject lands to a Special Site Policy exception permitting residential uses in order to facilitate the development of the subject lands to allow for residential uses similar to those permitted on the adjacent lands to the west which are designated 'Low Density Residential'. The residential development will consist of approximately 240 single detached dwelling units with a range of lot sizes in a plan of subdivision which includes public streets and lanes. The amendment will establish a population threshold density of development in the Greenfield Area of the urban area of the Municipality of Port Hope in excess of the current density target in the Official Plans of the County of Northumberland and the Municipality of Port Hope, and consistent with the density target of the Growth Plan 2020.

2. LANDS AFFECTED BY AMENDMENT NO. 10

Amendment No. 10 applies to the lands Municipally known as Part of S. Cumberland Lot PL 25 Port Hope, And Part of Lot 9 & 10, Concession 1, And Part of Lot 9 & 10, Broken Front Concession, And Part of Road Allowance Between Concession 1 & Broken Front Concession, Township of Port Hope, And Block 67 Plan 39M-834, Municipality of Port Hope, County Of Northumberland., with an area of approximately 11.4 ha (28.3 ac). The majority of the lands are vacant with the southern portion of the lands forming part of the Port Hope Golf and Country Club. The general location of the subject property within the Municipality is shown on the attached Schedule "A" to Amendment No. 10.

3. BASIS OF AMENDMENT NO. 10

An application has been submitted to amend the Official Plan designation and the Zoning By-law currently in effect in order to permit residential uses on the subject lands. The application seeks to amend the "Residential 2", "County Inn Commercial", and "Recreational Open Space" designation within Special Policy Area 9 to new Special Policy Area 17 which will provide for a mix and range of size of detached residential dwelling units within the community. The amendment provides for the introduction of single detached residential dwellings on lots which are smaller than those otherwise permitted by policy on adjacent lands to the west and north while maintaining an appropriate and compatible land use relationship with the surrounding area.

The proposed amendment will allow for new housing opportunities, while respecting the municipal interest to assess environmental and heritage considerations on adjacent lands, while utilizing available urban services.

4. PLANNING RATIONALE

The proposed amendment is consistent with and does not contradict the Provincial Growth Plan (2020), the Provincial Policy Statement (2020), and is consistent with the urban area development pattern of the Municipality of Port Hope, policies of the Municipal Official Plan, and the County of Northumberland Official Plan.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (Growth Plan), took effect on August 28, 2020, and was established under the Places to Grow Act, 2005, for municipalities within the Greater Golden Horseshoe.

The Growth Plan, as amended, contains policies to manage growth to the year 2051 and is to be read in conjunction with the Provincial Policy Statement (“PPS”).

The Growth Plan (Policies 1.2.1 and 2.2.6) encourages the achievement of intensification and supports a range and mix of housing options. Further, the Growth Plan stipulates that proposed development be directed to lands which are already fully serviced by Municipal water and sewer service.

The proposed minimum density required by the amendment is consistent with the minimum density target of the designated Greenfield Areas, as set out in Policy 2.2.7 of the Growth Plan. The proposed residential use provides an opportunity for a range of residential units in the context of a larger community development; makes full use of surrounding infrastructure and services; and contributes to the range of housing supply opportunities in the primary urban area within the Municipality.

Policy 4.2.2 of the Growth Plan provides policies to protect the Natural Heritage System from development by identifying the NHS “to support a comprehensive, integrated, and long-term approach to planning for the protection of the region’s natural heritage and biodiversity”.

The proposed eastern limit of the area affected by this amendment is intended to correspond to and include a 120m buffer between a staked treeline of the wooded area located along the Victoria Street South frontage and the development within the amendment area. This separation will ensure no negative or adverse impact to the wooded area which will be subject to further review and assessment prior to any development activity on those lands.

The Growth Plan (Policy 4.2.7) also provides policies for protecting cultural heritage resources stating that “cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas”. To ensure conformity with this policy, the conditions of draft plan approval shall require the Owner to complete a Heritage Impact Study, to the satisfaction of the Municipality. In addition, the implementing zoning bylaw may use holding provisions on lots within the draft plan of subdivision that may potentially be identified in the Heritage Impact Study as requiring mitigation measures.

The proposed amendment is consistent with the Growth Plan.

Provincial Policy Statement

The amendment must be viewed in the context of the Provincial Policy Statement (PPS) which came into effect on May 1, 2020. All decisions made with respect to applications submitted on or after May 1, 2020 “shall be consistent with” the new Provincial Policy Statement.

The PPS (Policies 1.1.1 and 1.4) supports intensification, encourages a mix of uses, and promotes the use of existing or planned infrastructure to obtain cost effective development.

The PPS (Policy 1.4.3) also calls for an appropriate range of housing types and densities to meet the social, health and well-being requirements of

current and future residents, including special needs requirements.

Policy 2.1.8 of the PPS also limits development and site alteration on lands adjacent to natural heritage features and areas.

The PPS (Policy 2.6.3) also protects heritage properties by prohibiting development and site alteration on adjacent lands except where the proposed development and site alteration has been evaluated and demonstrates that the heritage attributes of the protected heritage property will be conserved.

The development provides for an efficient development pattern that will result in a range of residential units in the context of a larger community; makes full use of planned and available infrastructure and municipal services; contributes to the housing supply in the Greenfield urban area; and provides adequate protection of areas of environmental constraints or significant built heritage.

To ensure conformity with this policy, the conditions of draft plan approval shall require the Owner to complete a Heritage Impact Study, to the satisfaction of the Municipality. In addition, the implementing zoning bylaw may use holding provisions on lots within the draft plan of subdivision that may potentially be identified in the Heritage Impact Study as requiring mitigation measures.

The proposed amendment is consistent with the Provincial Policy Statement.

Northumberland County Plan

The County Official Plan designates the entirety of the subject site as “Urban Area”. In the context of the Municipality of Port Hope this area is intended to be the focus of growth within the County with greater specificity of the range of permitted uses to be determined in the local Official Plan.

Section B10 of the County Official Plan provides a minimum designated greenfield area density target (residents and jobs combined per hectare) of 35 people and jobs per gross hectare in the Municipality of Port Hope.

The proposed development conforms to and is consistent with the community development policies of the Northumberland County Official Plan. The proposed subdivision will exceed the minimum density target of 35 residents and jobs per hectare of the in-force Northumberland County Official Plan.

Municipality of Port Hope Official Plan

The subject lands are included in the Greenfield area within the Urban Settlement Area of the Municipality of Port Hope.

The lands are currently designated “Residential 2”, “Country Inn Commercial”, and “Recreational Open Space” within Special Policy Area 9 in the Official Plan. The land identified as Special Policy Area 9 on Schedule C1, Land Use-Urban Area Detail, refers to the approvals granted by the Ontario Municipal Board (OMB) as outlined in OMB Decisions/Orders 1463, 1075, 1900, 0027 and 2292.

Section B12.3 of the Official Plan provides a minimum designated greenfield area density target of 35 residents and jobs per hectare.

The purpose of the Official Plan Amendment would be to re-designate the subject lands in order to facilitate the development of the subject lands

primarily for a range of grade related housing, with a density of development of approximately 40 persons per hectare.

Implementation

The proposed development of the subject lands shall be implemented through an appropriate Zoning By-law Amendment and approval of a draft plan of subdivision.

PART B: THE AMENDMENT

The Municipality of Port Hope Official Plan is hereby amended as follows:

- i. That Schedule C-1 (Land Use – Urban Area Detail) is hereby amended by removing Special Policy Area 9 and adding a reference to Special Site Policy area *17, in accordance with Schedule “A” attached hereto and forming part of this amendment.

- ii. That the following new Special Site Policy area *17, be inserted in Section D8:

“D8 *17 Penryn Mason Homes – South of Strachan Street and West of Victoria Street South

Notwithstanding anything in the Plan to the contrary, the lands identified as *17 shall be subject to the following policies:

- a) Within the area identified as Special Policy Area *17 on Schedule C1, the main permitted uses shall include single-detached residential dwellings.
- b) Development shall achieve a minimum population density of 40 residents per hectare.

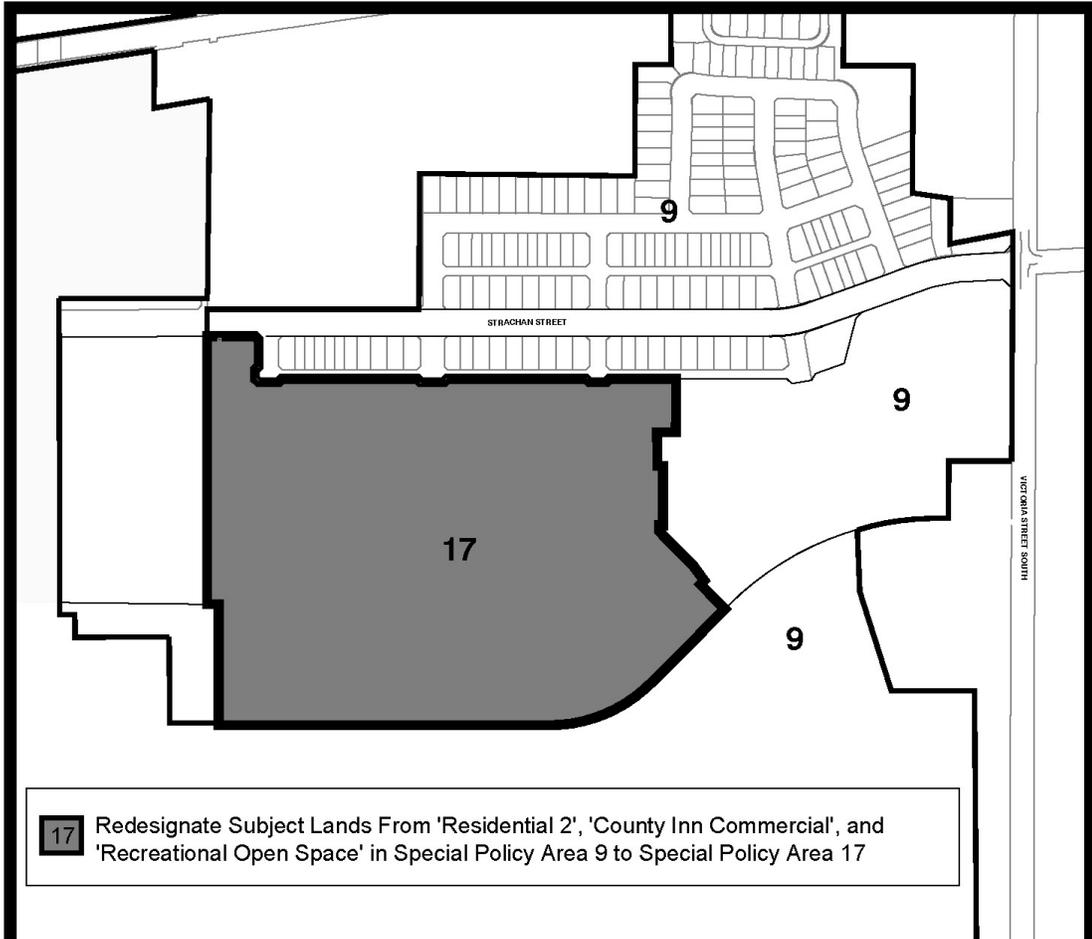
5. **IMPLEMENTATION**

This Amendment No. 10 to the Municipality of Port Hope Official Plan shall be implemented by an amendment to the Municipal Zoning By-law, pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13. and approval of a draft plan of subdivision, pursuant to Section 51 of the Planning Act, R.S.O. 1990, c.P. 13.

6. **INTERPRETATION**

- a) The provisions of the Municipality of Port Hope Official Plan, as amended from time to time, shall apply in regard to Amendment No. 10.
- b) Notwithstanding 6a) above, the eastern limit of the area subject to this amendment shall be established in the final approval of the draft plan of subdivision and zoning by-law amendment which details a development limit to provide for a distance separation of 120 metres from a delineated wooded area located at the south-west corner of Victoria Street South and Strachan Street.

SCHEDULE "A"



17 Redesignate Subject Lands From 'Residential 2', 'County Inn Commercial', and 'Recreational Open Space' in Special Policy Area 9 to Special Policy Area 17

SCHEDULE "A"
Official Plan Amendment
No. 10



The Corporation of the
MUNICIPALITY OF
PORT HOPE
56 Queen Street
Port Hope, Ontario
L1A 3Z9

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. XX/2021 (LPAT)

Being a By-law Under the Provisions of Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as Amended, to Amend Zoning By-law 20/2010, as Amended, of the Corporation of the Municipality of Port Hope, for Part of S. Cumberland Lot PL 25 Port Hope, And Part of Lot 9 & 10, Concession 1, And Part of Lot 9 & 10, Broken Front Concession, And Part of Road Allowance Between Concession 1 & Broken Front Concession, Township of Port Hope, And Block 67 Plan 39M-834, Municipality of Port Hope, County Of Northumberland.

WHEREAS authority is given to the Local Planning Appeal Tribunal by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this By-law;

THEREFORE Zoning By-law No. 20/2010, as amended, is further amended as follows:

1. THAT Schedule A - Sheet 4 (zone map) forming part of Zoning By-law No. 20/2010, as amended, is hereby amended by changing the zone classification on the subject lands identified on Schedule "A" to this By-law hereto **from** the current Medium Density Residential Exception 47- Holding One 'RES3(47)(H1)', Medium Density Residential Exception 48 - Holding One 'RES3(48)(H1)', High Density Residential Exception 28 - Holding One 'RES4(28)(H1)', Medium Density Residential – Exception 115 'RES3(115)', Low Density Residential One – Holding Provision One 'RES1-1(H1)'; Neighbourhood Commercial Exception 29 - Holding Provision One 'COM1(29)(H1)', General Commercial Exception 30 - Holding Provision One 'COM2(30)(H1)', Open Space Exception 56 - Holding Provision One 'OS(56)(H1)', 'Major Recreational Exception 27 – Holding Provision One 'OSR(27)(H1)', and 'Major Recreational Exception 46 - Holding Provision One 'OSR(46)(H1)' **to** the Medium Density Residential Exception 128 'RES3(128)' Zone, the Medium Density Residential Exception 129 'RES3(129)' Zone, the Medium Density Residential Exception 129 – Holding Provision 7 'RES3(129)(H7)' Zone, Medium Density Residential Exception 130 'RES3(130)', Medium Density Residential Exception 132 'RES3(132)', and Major Recreational Exception 133 'OSR(133)' all in accordance with Schedule "A" attached hereto and by this reference forming part of this By-law;
2. THAT Part 12, entitled "EXCEPTIONS" of Zoning By-law No. 20/2010, as otherwise amended, is hereby amended by adding the following to Part 12 – Exceptions:

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RES3	128 (LPAT XX/2021)		(i) Single Detached Dwelling (ii) a Public Use including a school, park, or walkway		(i) Minimum Lot Area - 230 square metres (ii) Minimum Lot Frontage - 8.4 metres (iii) Minimum Required Front Yard to the main wall of the dwelling – 3.0 metres (iv) Minimum Required Exterior Side Yard – 3.0 metres (v) Minimum Required Interior Side Yard - 1.2 metres and 0.6 metres (provided the minimum cumulative interior side yard of abutting yards shall be 1.8 metres) (vi) Minimum Required Rear Yard - 10.3 metres to the main rear wall of the dwelling excluding any breezeway, attached private garage, or porch a. For the purpose of Clause (vi) a breezeway shall not be more than one (1) storey in height and shall not have a width greater than 2.2 metres on a lot having a frontage of 7.6 metres in width. The width of a breezeway may be increased by 0.3 metres for each additional 0.3 metres of lot frontage to a maximum of 4 metres. The measurement of the width shall be from the inner side of the exterior walls or supporting structure. (vii) Notwithstanding the provisions of Section 4.1.1 (Private Garages) or any other provision in this By-law, the minimum setback for a private garage from a lot line dividing the lot from a lane shall be 0.3 metres from the lot line (viii) For the purpose of Clauses (iii) to (vii), in the case of a corner lot, the setbacks of the dwelling and garage shall be calculated as if the exterior side lot line was

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>extended to its hypothetical point of intersection with the extension of the front lot line and rear lot line dividing the lot from a lane</p> <p>(ix) Maximum number of dwellings - 25</p> <p>(x) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any other provision in this By-law:</p> <p>a. the provision for 'Setback from exterior side lot line' shall not apply</p> <p>b. The maximum floor area for any accessory buildings and structures shall be 20%</p> <p>(xi) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p> <p>(xii) Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p> <p>(xiii) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.</p>

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RES3	129 (LPAT XX/2021)		(i) Single Detached (ii) a Public Use including a school, park, or walkway		(i) Minimum Lot Area - 230 square metres (ii) Minimum Lot Frontage – 8.4 metres (iii) Minimum Required Front Yard to the main wall of the dwelling a. Lot with vehicular access from a public street (front) – 4.5 metres b. Lot with vehicular access from a lane – 3.0 metres (iv) Minimum Required Setback to Attached Garage from a public street – 6.0m (v) Minimum Required Exterior Side Yard a. Abutting a local road right-of-way of 17.0 metres or greater – 3.0 metres b. Abutting a local road right-of-way of 14.5 metres or lane right-of-way of 7.5 metres – 2.0 metres (vi) Minimum Required Interior Side Yard - 1.2 metres and 0.6 metres (provided the minimum cumulative interior side yard of abutting yards shall be 1.8 metres) (vii) Minimum Required Rear Yard a. Lot with vehicular access from a public street (front) – 6.0 metres b. Lot with vehicular access from a lane – 10.5 metres to the main rear wall of the dwelling excluding any breezeway, attached private garage, or porch c. For the purpose of Clause (vii) a breezeway shall not be more than one (1) storey in height and shall not have a width greater than 2.2 metres on a lot having a frontage of 7.6 metres in width. The width of a breezeway may be increased by

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>0.3 metres for each additional 0.3 metres of lot frontage to a maximum of 4 metres. The measurement of the width shall be from the inner side of the exterior walls or supporting structure.</p> <p>(viii) Notwithstanding the provisions of Section 4.1.1 (Private Garages) or any other provision in this By-law, the minimum setback for a private garage from a lot line dividing the lot from a lane shall be 0.3 metres from the lot line</p> <p>(ix) For the purpose of Clauses (iii) to (viii), in the case of a corner lot, the setbacks of the dwelling and garage shall be calculated as if the exterior side lot line was extended to its hypothetical point of intersection with the extension of the front lot line and rear lot line dividing the lot from a lane</p> <p>(x) Maximum number of dwellings - 238</p> <p>(xi) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any other provision in this By-law:</p> <ol style="list-style-type: none"> a. the provision for 'Setback from exterior side lot line' shall not apply b. The maximum floor area for any accessory buildings and structures shall be 20% <p>(xii) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p>

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>(xiii) Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p> <p>(xiv) Notwithstanding the provisions of Section 4.8 (Encroachment of Architectural Features), or any other provision in this by-law, for lots 14.0m or larger, accessed from a lane, a balcony may be permitted on the roof top of an attached garage provided:</p> <ol style="list-style-type: none"> a. the garage is no higher than one storey beyond the main rear wall; b. that the minimum distance between any two balconies on abutting properties is 6.0 metres, and; c. that the garage has a minimum setback of 6.0 metres from the rear lot line. <p>(xv) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.</p>
RES3	130 (LPAT XX/2021)		<p>(i) Single Detached</p> <p>(ii) a Public Use including a school, park, or walkway</p>		<p>(i) Minimum Lot Area - 230 square metres</p> <p>(ii) Minimum Lot Frontage – 14.0 metres</p> <p>(iii) Notwithstanding Clause (ii), the lot flanking on Strachan Street (corner lot) may have a minimum lot frontage of 11.0 metres.</p> <p>(iv) Minimum Required Front Yard to the main wall of the dwelling accessed from a public street (front) – 4.5 metres</p>

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>(v) Minimum Required Setback to Attached Garage from a public street – 6.0m</p> <p>(vi) Minimum Required Exterior Side Yard Abutting a local road right-of-way – 3.0 metres</p> <p>(vii) Minimum Required Interior Side Yard - 1.2 metres and 0.6 metres (provided the minimum cumulative interior side yard of abutting yards shall be 1.8 metres)</p> <p>(viii) Minimum Required Rear Yard – 7.0 metres</p> <p>(ix) Maximum number of dwellings - 14</p> <p>(x) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any other provision in this By-law:</p> <p>a. the provision for ‘Setback from exterior side lot line’ shall not apply</p> <p>b. The maximum floor area for any accessory buildings and structures shall be 20%</p> <p>(xi) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p> <p>(xii) Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p>

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					(xiv) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.
RES3	132 (LPAT XX/2021)		(i) Single Detached (ii) a Public Use including a school, park, or walkway		(i) Minimum Lot Area – 300 square metres (ii) Minimum Lot Frontage – 11.0 metres (iii) Minimum Required Front Yard to the main wall of the dwelling with vehicular access from a public street (front) – 4.5 metres (iv) Minimum Required Setback to Attached Garage from a public street – 6.0m (v) Minimum Required Exterior Side Yard a. Abutting a local road right-of-way of 17.0 metres or greater – 3.0 metres b. Abutting a local road right-of-way of 14.5 metres or lane right-of-way of 7.5 metres – 2.0 metres (vi) Minimum Required Interior Side Yard - 1.2 metres and 0.6 metres (provided the minimum cumulative interior side yard of abutting yards shall be 1.8 metres) (vii) Minimum Required Rear Yard – 5.0 metres (viii) Maximum number of dwellings - 4 (ix) Notwithstanding the provisions of Table 4.1 (Provisions for Urban Residential, Commercial, Employment and Institutional Zones), or any other provision in this By-law: a. the provision for 'Setback from exterior side lot line' shall not apply

Col.1	Col.2	Col.3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>b. The maximum floor area for any accessory buildings and structures shall be 20%</p> <p>(x) Notwithstanding the provisions of Section 4.33.1 (Sight Triangles - Application), or any other provision in this By-law, the minimum sight triangle dimensions shall be 3.0m for Local Roads with a connection to Strachan Street, and 1.5m for Laneways</p> <p>(xi) Notwithstanding the provisions of Section 4.1.4 (Unitary Equipment), or any other provision in this by-law, unitary equipment (including air conditioning units) shall be permitted to encroach into the interior side yard for the main building from the applicable lot lines</p> <p>(xii) Notwithstanding the provisions of Section 4.15 (Model Homes), or any other provision in this by-law, not more than 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as model homes.</p>
OSR	133 (LPAT XX/2021)	(i) a Private Use including a walkway			

3. THAT Part 13, entitled “HOLDING PROVISIONS” of Zoning By-law No. 20/2010, as otherwise amended, is hereby amended by adding the following to Part 13 – Holding Provisions:

Col.1	Column 2	Column 3	Column 4	Column 5
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted
H7	Penryn Mason Homes Phase 5A	Multiple Properties	The Holding (H7) provision shall be lifted once a Heritage Impact Assessment (“HIA”) is completed to the satisfaction of the Municipality and any recommendations of the HIA are implemented to each of the lots within the zone.	XX

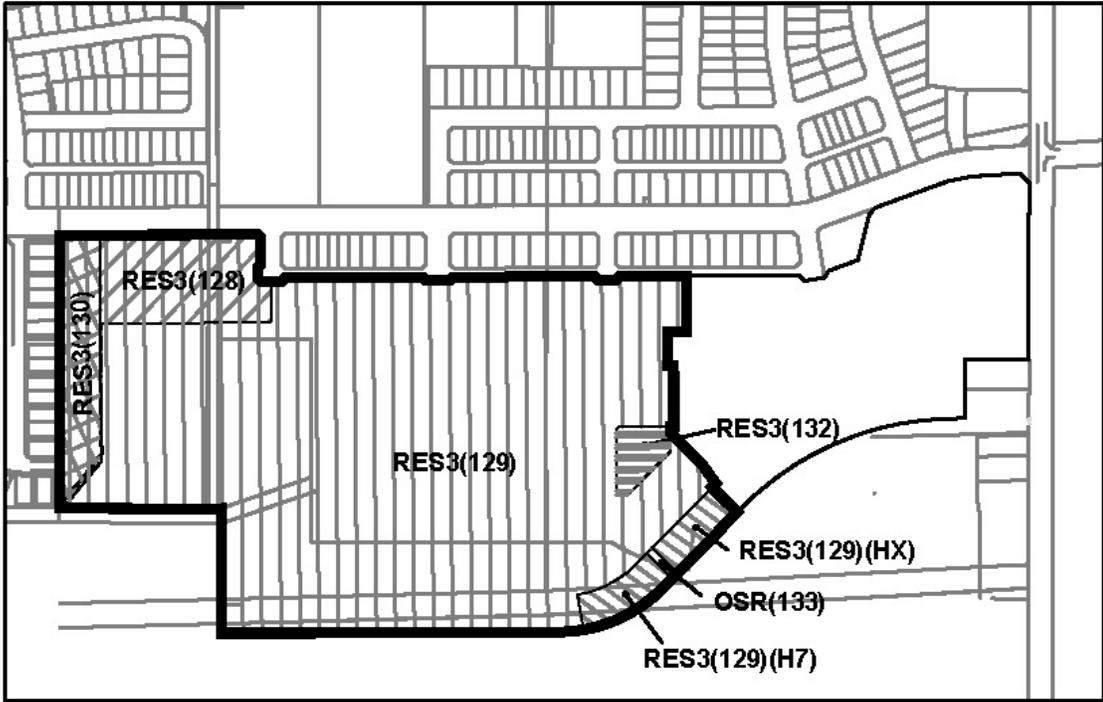
4. THAT Zoning By-law No. 20/2010, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 20/2010, as otherwise amended, shall in all respects remain in force and effect save as same may be otherwise amended or hereinafter dealt with.

Local Planning Appeal Tribunal Decision/Order issued ~ ~, 2021 in Tribunal File PL200619.

LPAT Member

LPAT Member

SCHEDULE "A"



From: Medium Density Residential Exception 47- Holding Provision One 'RES3(47)(H1)', Medium Density Residential Exception 48 - Holding Provision One 'RES3(48)(H1)', High Density Residential 4 Exception 28 - Holding Provision One 'RES4(28)(H1)' Medium Density Residential – Exception 115 'RES3(115)', Low Density Residential One – Holding Provision One 'RES1-1(H1)'; General Commercial Exception 30 - Holding One 'COM2(30)(H1)', Open Space Exception 56 - Holding Provision One 'OS(56)(H1)', Major Recreational Exception 27 - Holding Provision One 'OSR(27)(H1)', and Major Recreational Exception 46 - Holding Provision One 'OSR(46)(H1)'

To: Medium Density Residential 3 Exception 128 'RES3(128)' Zone, Medium Density Residential Three Type Exception 129 'RES3(129)' Zone, Medium Density Residential Three Type Exception 129 - Holding Provision 7 'RES3(129)(H7)' Zone, Medium Density Residential Three Type Exception 130 'RES3(130)' Zone, Medium Density Residential Three Type Exception 132 'RES3(132)' Zone, and Major Recreational Exception 133 'OSR(133)' Zone

**SCHEDULE "A" TO
BY-LAW ~/2021 (LPAT)**



The Corporation of
the Municipality of
Port Hope
56 Queen Street
Port Hope, ON
L1A 3Z9

Conditions of Draft Approval

Plan of Sub:	SU01-2019 (Phase 5A of the Lakeside Village Community)
Applicant:	AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc. and Penryn Mason Homes Inc.
Location:	Part Of The S. Cumberland Lot, Registered Plan No. 25 (Formerly Part Of Lot 10, Concession 1, Township Of Hope) And Part Of Lot 9 & 10, Concession 1 And Part Of Lot 9 & 10, Broken Front Concession And Part Of Road Allowance Between Broken Front Concession And Concession 1, Township Of Port Hope And Part Of Block 67 Plan 39M-834, Municipality Of Port Hope, County Of Northumberland

Conditions of Draft Approval to be cleared prior to Final Plan approval and Registration of this Subdivision are as follows:

1. That this approval applies to the Draft Plan of Subdivision for Part Of The S. Cumberland Lot, Registered Plan No. 25 (Formerly Part Of Lot 10, Concession 1, Township Of Hope) And Part Of Lot 9 & 10, Concession 1, And Part Of Lot 9 & 10, Broken Front Concession, And Part Of Road Allowance Between Broken Front Concession And Concession 1, Township Of Port Hope And Part Of Block 67 Plan 39M-834. now in the Municipality of Port Hope, County of Northumberland as prepared by Walker, Nott, Dragicevic Associates Limited, revised April 9, 2021 illustrating:

Land Use	Area (Hectares/ Acres)
Residential Lots (271 dwellings)	10.12 ha/ 25.0 ac
Other Lands Owned By Applicant (Block 272)	4.95 ha/ 12.2 ac
Servicing (Blocks 273 to 276)	0.21 ha/ 0.5 ac
Private Walkway/Servicing (Block 277)	0.02 ha/ 0.02 ac
Public Roads & Lanes	4.08 ha/ 10.1 ac
TOTAL	19.38 ha/ 47.8 ac

2. That the public road allowances included in this draft plan shall be shown and dedicated as public highways.
3. That the streets shall be named by the Municipality of Port Hope.

4. That prior to final approval, the Owner agrees to prepare a Heritage Impact Assessment, to the satisfaction of the Municipality, to address any development impacts on the cultural heritage landscape and features identified in the LHC Cultural Heritage Evaluation Report (May 2021) and implement any recommendations on the lots within this plan of subdivision as identified in the assessment.
5. That prior to final approval, the Owner agrees to provide:
 - i. a statement from a professional engineer indicating whether any works related to this application are subject to a Schedule “C” class environmental assessment; and,
 - ii. a statement from a professional engineer, regarding potential site contamination.
6. That prior to final approval, the Owner agrees to revise servicing blocks, as required, subject to the satisfaction of the Director of Works and Engineering.
7. That prior to final approval, the Owner agrees to submit an updated Functional Servicing & Stormwater Management Report, as prepared by D.M. Wills Associates Limited, dated May 2020, subject to the satisfaction of the Director of Works and Engineering, prior to proceeding with the first detailed design submission.
8. That prior to final approval, the Owner agrees to provide a detailed design, including a hydraulic analysis of the proposed water distribution system, to confirm sufficient fire flow protection as per Municipal and agency guidelines.
9. That the Owner shall pay for a peer review of any study, report or guideline, if/as required by the Municipality of Port Hope.
10. In the event that the subdivision agreement is not executed within one (1) calendar year from the date of approval of the engineering drawings, they shall be resubmitted to the Director of Works and Engineering for approval prior to execution of the subdivision agreement.
11. That prior to final approval, the following lands will be conveyed to the Municipality of Port Hope:
 - i. Servicing Blocks identified as Blocks 273-276.
12. That prior to final approval, the Owner shall prepare a drawing to identify to the satisfaction of the Director of Works and Engineering the following:
 - i. Street “A” will be two-way traffic.
 - ii. Street “B” will be two-way traffic.
 - iii. Street “C” will be two-way traffic.
 - iv. Street “D” will be one-way traveling southbound.

- v. Street "E": will be two-way traffic.
- vi. Street "F" will be one-way traveling northbound.
- vii. Street "G" will be one-way traveling southbound.
- viii. Street "H" will be one-way traveling eastbound *.
- ix. Lane "1" will have no parking and traffic will be one-way traveling west bound.
- x. Lane "2" will have no parking and traffic will be one-way traveling eastbound *.
- xi. An Active Transportation Plan to confirm sidewalk locations and connections.
- xii. Sightline analysis requirements at select locations based on geometric configurations and/or proposed landscape features. Any additional right-of-way required to facilitate the implementation of the said sightline analysis is at the sole expense of the owner.

* Street "H" and Lane "2" will be connected through Lot 122 or a location satisfactory to the Municipality and designed and constructed to the satisfaction of the Municipality.

- 13. That prior to final approval, the Owner shall agree that the east end of Street A and, Street B, shall be terminated in a manner satisfactory to the Municipality and shall be designed and constructed as a cul-de-sac as per OPSD-500.020 to the satisfaction of the Municipality in consultation with Northumberland County. Any additional right-of-way required to facilitate the implementation of the said termination is at the sole expense of the Owner.
- 14. That prior to final approval, the Owner agrees to prepare a Utility Coordination Plan to the satisfaction of the Municipality.
- 15. That prior to final approval, the Owner agrees to prepare a full streetlighting design to the satisfaction of the Municipality.
- 16. That prior to final approval, the Owner agrees to prepare a Soil Management Plan to the satisfaction of the Director of Works and Engineering.
- 17. That prior to final approval, the Owner agrees to prepare a Construction Traffic Management Plan, including dust control, to the satisfaction of the Director of Works and Engineering.
- 18. That the Owner agree in the subdivision agreement to carry out or cause to be carried out all of the measures and recommendations contained within the Construction and Traffic Management Plan prepared pursuant to Condition No. 17.
- 19. That the subdivision agreement between the Owner and the Municipality of Port Hope contain provisions requiring the Owner to undertake the regular cleaning of the streets within Phase 5A of "Lakeside Village Community" subdivision as well as adjacent streets, as impacted by construction activity, all to the satisfaction of the Director of Works and Engineering.

20. That the Owner agrees in the subdivision agreement, in wording acceptable to the Municipality of Port Hope:
 - i. to design and implement on-site erosion and sediment control, in order to meet the requirements of the Municipality and the Ganaraska Region Conservation Authority (GRCA);
 - ii. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair, in a manner satisfactory to the Municipality and the Ganaraska Region Conservation Authority (GRCA).
21. That the Owner shall agree to design and construct all servicing requirements (roads, sidewalks, water, sanitary, storm, electrical, etc.) to the specifications of the approving authorities (the Municipality of Port Hope, Elexicon, etc.) and the cost thereof shall be paid by the Owner.
22. That the Owner shall provide proof of an 'Offer to Connect' from Elexicon, and also agree to protect any existing Elexicon facilities during the construction of this subdivision.
23. That prior to the commencement of any grading or construction on site, or final registration of the plan, the Owner shall submit and obtain approval of the Ganaraska Region Conservation Authority (GRCA) for the following:
 - i) That this approval relates to a draft plan of subdivision prepared by WND Associates (File No: 14.643.04) last revised April 9, 2021.
 - ii) Prior to final approval and to any on-site grading taking place, a detailed stormwater management plan in accordance with current MOECC criteria, and the report titled Penryn Mason Homes Phase 5 Functional Servicing Report prepared by DM Wills Associates Ltd. (Project No. 17-10323, dated May 2020).
 - iii) That the Owner submit a plan to the satisfaction of the GRCA and the Municipality detailing the means whereby erosion and siltation will be minimized and contained on the site both during and subsequent to the construction period, in accordance with Provincial guidelines.
 - iv) That the Owner agree in the subdivision agreement to carry out or cause to be carried out all of the measures and recommendations contained within the reports approved under conditions ii) and iii) above.
24. That the locations for all community mailboxes for mail delivery shall be located to the satisfaction of Canada Post and the Municipality of Port Hope.

25. That the subdivision agreement between the Owner and the Municipality of Port Hope shall contain the following warning clause:

NOTE: *Purchasers are advised that it is unlikely that there will be door-to-door mail delivery within this subdivision. Canada Post intends to service this property through the use of community mailboxes that may be located in several locations within this subdivision.*

26. That the subdivision agreement between the Owner and the Municipality of Port Hope shall contain the following warning clause:

WARNING: *Purchasers are advised that the grading and drainage of the subdivision including all individual lots are designed utilizing sheet flow, side yard swales, rear yard swales and occasionally via rear lot catchbasins. It is the purchaser's responsibility to not block drainage by the construction of any fencing, decks, landscaping, etc. Any proposed changes to the grading, by the purchaser, must be approved by the Municipality.*

27. That prior to final approval, the Owner shall submit a Water Modeling Report to the satisfaction of the Director of Works and Engineering.

28. That such easements as may be required for utility, telecommunication services, drainage or servicing purposes shall be conveyed to the appropriate authority.

29. That prior to final approval, Bell Canada shall confirm by letter that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities servicing this plan of subdivision which facilities are required by the Municipality of Port Hope to be installed underground.

30. That prior to final approval, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

31. That prior to final approval, the Owner will obtain a letter from the Historic Waste Program Management Office, (or its equivalent) that the schedule of the excavation phase of construction is in accordance with the Construction Monitoring Program. This shall include road, sewer and lot development excavations.

32. That the subdivision agreement between the Owner and the Municipality contain provisions, with wording acceptable to the Historic Waste Program Management Office, wherein the Owner agrees to contact the Historic Waste Program Management Office to implement the scheduled monitoring of excavations.

33. That the Owner shall enter into a subdivision agreement with the Municipality of Port Hope. Without limiting the generality of the foregoing, the Owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Municipality of Port Hope, including the provision of roads, sidewalks, boulevards, installation of services, stormwater management and drainage.
34. That the Owner shall agree in the subdivision agreement that no building permits will be applied for or issued until the Municipality of Port Hope is satisfied that adequate road access, municipal water supply, hydro service, sanitary sewers, and storm drainage facilities are available to service the proposed development.
35. The owner shall agree in the Municipality of Port Hope subdivision agreement to include the following warning clause in all purchase and sale agreements for prospective home buyers:

WARNING: *Purchasers of lots with vehicular access from a public rear lane are advised that waste collection services from the County of Northumberland shall be from the fronting public street and not the rear lane.*

36. The Owner agrees to the installation of a privacy fence 1.8 m in height along the west boundary of Lots 1 to 14. Such fence shall be constructed by the owner at its sole cost to the satisfaction of the Planning Manager and Director of Works and Engineering Department.
37. The Owner agrees to the installation of a black chain link fence 1.2 m in height along both sides of servicing Blocks 273, 274, 275, 276 and 277, extending from the rear lot line to the required front yard setback on the adjacent lot. Such fence shall be constructed by the owner at its sole cost to the satisfaction of the Director of Works and Engineering Department.

NOTES TO DRAFT APPROVAL:

1. That engineering drawings be prepared in accordance with current Municipality of Port Hope standards, policies and requirements. Prior to the preparation of the subdivision agreement, the plans and drawings are to be submitted to and approved by the Director of Works and Engineering.
2. It is the applicant's responsibility to fulfill the conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agency to the Municipality of Port Hope, quoting the Municipal file number, within 3 (three) years of the Draft Approval date.
3. We suggest that you make yourself aware of:
 - a. section 143(1) of the Land Titles Act, which requires all new plans be registered in a land titles system;
 - b. section 143(2) allows certain exceptions.
4. All measurements in subdivision final plans must be presented in metric units.
5. Registration: The final plan approved by the Municipality must be registered within 30 days or the Municipality may withdraw its approval under Section 51(59) of the Planning Act.
6. Clearance is required (in writing to the Planning Manager) from the following agencies:
 1. Ganaraska Region Conservation Authority, how Condition 20 has been satisfied;
 2. Canada Post Corporation, how Conditions 24 and 25 have been satisfied;
 3. Bell Canada, how Condition 29 has been satisfied;
 4. Elexicon, how Condition 22 has been satisfied; and
 5. Historic Waste Project Management Office, how Condition 31 has been satisfied.



Environmental Impact Study (EIS) Peer Review

Overview

Introduction

As part of the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for Phase 5 – Lakeside Village Community (herein referred to as the “2019 Applications”), an Environmental Impact Study (EIS) and supporting documents were submitted by the AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc. (“Applicant”).

The Municipality retained North-South Environmental Inc. (NSE) to undertake a peer review to provide a third party, science-based review of the Applicant’s Environmental Impact Study (EIS). The purpose of the peer review is to ensure that an objective, professional analysis of the EIS and related information be completed to help inform the preparation of the requisite professional opinions by planning staff and other professionals as to whether or not the 2019 Applications meet the required tests for good planning including the Provincial Policy Statement 2020, relevant Provincial Guidelines, applicable Official Plan policies, etc.

The NSE peer review took into consideration the accepted standards which an EIS should fulfill to ensure that a development application conforms with applicable natural heritage policies and legislation. General guidance in undertaking an EIS, to inform and further enable a development proposal to conform with the Provincial Policy Statement, can be found in Section 13.0 of the Province’s Natural Heritage Reference Manual (NHRM 2010).

Municipality of Port Hope Official Plan (OP) EIS Policy

The Municipality of Port Hope provides specific direction for completing an EIS under Section C20.3 of the OP. Staff notes that the comments provided in the NSE peer review report primarily relate to the review of the EIS (Niblett, September 2019) submitted in support of the 2019 Applications as well as any supporting documentation related to the 2019 submission.

NSE Comments on the Applicant’s Bifurcation/Deferral Proposal

A revised draft subdivision plan was proposed by the Applicant (referred to as the “Bifurcation/Deferral Proposal”) in 2020. NSE reviewed the plan and other subsequent documentation to determine if the responses to previously provided comments (i.e., those provided by the Municipality of Port Hope, the County of Northumberland and the Ganaraska Region Conservation Authority) would adequately satisfy the comments regarding the EIS.

Staff’s and NSE’s understanding is that the Applicant’s Bifurcation/Deferral Proposal divides the 2019 Application’s Subject Lands into **Phase 5A** and **Phase 5B** (refer to [Figure 1](#): 2020 Bifurcation-Deferral Proposal):

- **Phase 5A excludes** from development the woodlands and adjacent lands (i.e. a 120 m. minimum a buffer (zone) area immediately west of the woodland on the subject lands).
- **Phase 5B includes** the woodland and adjacent lands located on the eastern side of the subject lands.

Based on NSE and Staff's understanding of geographic location of the subject lands area - referred to as **Phase 5A** in the Applicant's Bifurcation/Deferral Proposal - should the Applicant choose to only proceed with a Phase 5A residential subdivision development at this time, then **an EIS or a revision** of the Applicant's 2019 Application **EIS would not be required**.

Official Plan: Natural Heritage Feature

OP Section 5.2 Natural Heritage Feature Outside of the Oak Ridges Moraine, Table 1 (page 42) the boundary of a Woodland is defined as:

"In addition to the Significant Woodlands shown on Schedule B and Woodlands shown on Schedule B-1, all woodlands 4 hectares or greater in area and all woodlots of any size straddling or immediately adjacent to a watercourse will be considered significant woodlands."

The woodland in the subject lands is shown in Schedule B1 of the OP as a Significant Woodland. Table 1 in the OP also identifies the extent of adjacent lands, which need to be considered in an EIS as being 120 metres. Since there is not a Natural Heritage Feature or adjacent lands as defined by the OP in what staff understands to be Phase 5A of the Bifurcation/Deferral Proposal, an EIS is not required if the Applicant limits the subdivision development application to Phase 5A.

However, if the Bifurcation/Deferral Proposal, as is understood by NSE and Staff, is not pursued and the Applicant proceeds with the development in all or any part of the woodland and/or within 120 m of the woodland on in the subject lands, it is NSE's (the peer reviewer's) recommendation that the EIS be revised and resubmitted, prior to any approval of the original 2019 Applications. An addendum to the original EIS would not be sufficient given the extent of comments and lack of adequate information.

The revised 2019 Applications EIS report should contain all of the relevant content as outlined in Section C20.3 of the Port Hope Official Plan and address the comments in this peer review report and of those previously provided by the County, Port Hope and the GRCA. This will be necessary to allow review agencies to better evaluate the conclusions of the EIS and determine if the EIS should be approved as part of the development application, which includes the lands containing the woodland and/or lands within 120 m of the woodland.

Figure 1: 2020 Bifurcation-Deferral Proposal

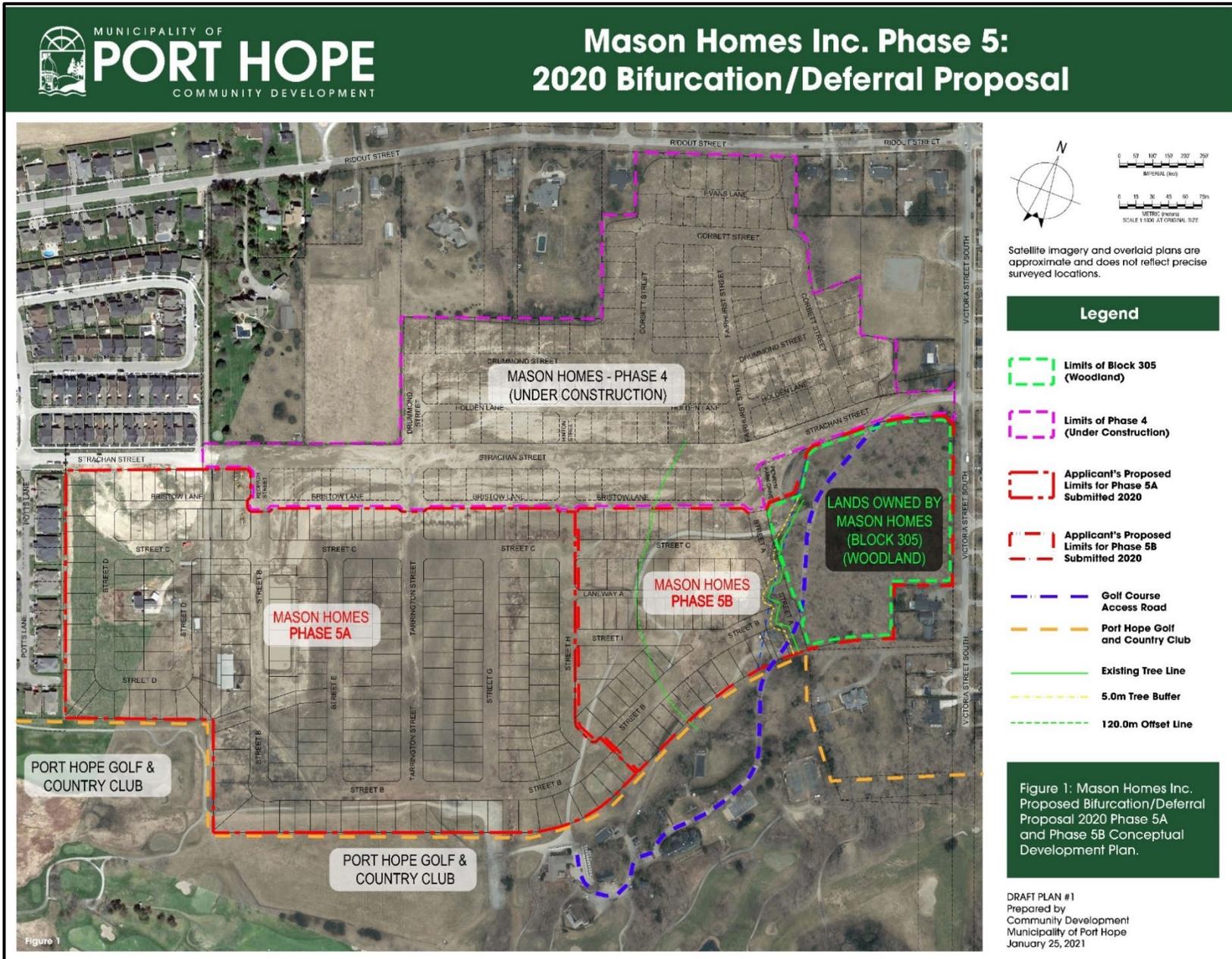


Figure 1

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March 16, 2021

Peer Review of Environmental Impact Study for a Residential Development in Port Hope, Ontario

Prepared for

Municipality of Port Hope



Participating Staff

Sal Spitale, Principal / Senior Ecologist - Primary reviewer and report author

Sarah Mainguy, Senior Ecologist - secondary reviewer, report editor

Introduction

The Municipality of Port Hope is currently reviewing an application for a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment [herein referred to as the “2019 Applications”]. As part of the 2019 Applications an Environmental Impact Study (EIS) and supporting documents were submitted. The Municipality has retained North-South Environmental Inc. (NSE) to undertake a peer review to provide a science-based objective review of these reports. In this regard, we understand that the purpose of the peer review will be to ensure that an objective analysis of the EIS and supporting documents is undertaken in order to provide an opinion that is defensible and provides municipal staff with confidence in making a decision on 2019 Applications.

This peer review of the EIS submitted as part of the 2019 Applications has been undertaken in consideration of the standards by which an EIS should fulfill certain requirements to ensure that a development application will conform with applicable natural heritage policies and legislation. General guidance for undertaking an EIS to determine if a development proposal conforms with the Provincial Policy Statement can be found in Section 13.0 of the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition (Ontario Ministry of Natural Resources 2010) [NHRM 2010]. The Municipality of Port Hope provides specific direction for completing an EIS in Port Hope, as outlined in the Official Plan under Section C20.3. This policy identifies that the purpose of the EIS is to “determine whether a proposed development or infrastructure undertaking within or adjacent to lands identified as Natural Heritage on Schedules B or B1 or Natural Hazards on Schedules B2 or B1 will result in negative impacts to the feature or its ecological function and to determine whether a particular development is appropriate and to recommend necessary mitigation measures where development is deemed to be appropriate in accordance to the policies of this Plan”. The scope of an EIS is in part based on the scale of the proposed development and potential for impacts, as determined in consultation with the GRCA. The peer review of the EIS submitted in support of the 2019 Applications has been undertaken with consideration of the “matters to address” and the purpose of an EIS as outlined in Section C20.3 of the Port Hope OP, to determine if the EIS prepared for Penryn Mason Homes Inc. is adequate to assess conformity with relevant natural environment policies and legislation.

In order to support the peer review a site visit was conducted on November 3rd, 2020 with representatives from Penryn Mason Homes Inc., Chris Ellingwood of GHD (formerly with Niblett Environmental Associates Inc), the ecological consultant for the proponent, Lindsay Champagne, Watershed Biologist with Ganaraska Region Conservation Authority (GRCA), and Theodhora Merepeza, Planning Manager with the Municipality of Port Hope.

The following documents submitted in support of the 2019 Applications were reviewed:

- Plan of Subdivision – Part Lot 9 and 10, Concession 1, Municipality of Port Hope, Northumberland County – Scoped Environmental Impact Study. Prepared for Penryn Mason Homes Inc. Prepared by Niblett Environmental Associates Inc., September 2019.
- Tree Inventory and Preservation Plan – Penryn Mason Homes – Port Hope Phase 5, Port Hope, ON. Prepared for Penryn-Mason Homes Ltd. Prepared by Treescape Certified Arborists, October 10, 2019.
- Draft Plan of Subdivision – WND Associates, July 15, 2019.

The comments provided in this peer review report primarily relate to the review of the EIS (Niblett, September 2019) submitted in support of the 2019 Applications as well as any supporting documentation related to the 2019 submission. In addition to the review of the documents submitted in support of the 2019 Applications and in recognition of a revision to the draft plan proposed by the Owner [herein referred to as the “Bifurcation/Deferral Proposal”] and other subsequent documentation, the following documents were also reviewed:

- Draft Plan of Subdivision – WND Associates, revised May 7, 2020.
- Subdivision Application-Phase 5, Part Lot 9 And 10, Concession 1, Township of Port Hope, Northumberland County – Environmental Impact Study-Addendum. Submitted to Ms. Ashley Mason of Mason Homes Ltd. Submitted by Niblett Environmental Associates Inc., May 8, 2020
- Tree Inventory and Preservation Plan – Penryn Mason Homes – Port Hope Phase 5, Port Hope, ON. Prepared for Penryn-Mason Homes Ltd. Prepared by Treescape Certified Arborists, revised May 12, 2020.
- Comment Matrix to Application Comments – Mason Homes Phase 5, Municipality of Port Hope. Last Updated on May 13, 2020.
- Environmental Impact Study – Addendum – Landbird Migration Stopover Surveys. Submitted by GHD, dated 18 August 2020, received November 9, 2020.

These additional documents were reviewed to determine if the responses to previously provided comments (i.e., those provided by the Municipality of Port Hope, the County of Northumberland and the GRCA) would adequately satisfy the comments regarding the EIS provided in this peer review report.

The comments provided below have been divided into “general comments” and “specific comments” that refer to a specific section or statement in the EIS submitted in support of the 2019 Applications. Following these sections, comments are also provided on the Bifurcation/Deferral Proposal.

General Comments

1. The EIS is not well organized and does not follow a logical order, like that provided in Section C20.3 of the Port Hope Official Plan.
2. There are references to figures that are missing and information in the figure that is missing.
3. The description of vegetation communities and classification according to Ecological Land Classification guidelines is insufficient and not appropriately applied.
4. The assessment of features and functions is insufficient to support the findings and does not adequately allow for a determination if the proposed development and ensuing impacts to the natural heritage features and areas conform with relevant natural heritage policies.
5. Significant Wildlife Habitat (SWH) assessment should provide a screening of all types to identify potential/candidate SWH, which would inform what further studies are required. For example, these could include Migratory Landbird Area habitat.
6. The impact assessment should consider the impacts to adjacent lands, which are considered to be within 120 m of lands continuous to a natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. There is a larger woodland block (labelled as East Woodlands) on Figure 1 of the EIS within 120 m of the woodland that is continuous within the study area. Impacts to the East Woodlands should be assessed.
7. The EIS is lacking sufficient information and assessment to support the conclusions of the report.

Specific Comments

8. Figure 1: Vegetation Communities
 - a. The delineation of Ecological Land Classification (ELC) communities includes some “ELC types” that were assessed as not natural and so were not given ELC classifications (e.g., disturbed golf course edges). Missing from the list of ELC types is the community labeled as “Maintained Black Walnut” - this community should be classified according to proper ELC nomenclature and classification and included in the table of the legend listing the code and description of the community.

- b. The delineation of ELC communities on the figure is coarse and appears to be excluding some woodland, in particular the narrow extension of deciduous forest, mainly comprised of native tree species, on the steep slope south of feature mapped as “Maintained Black Walnut”. The ELC mapping should be revised and updated to better reflect the delineation of features and appropriately code the vegetation communities.
 - c. The 2019 Applications seek to remove the woodland from the subject property. For a proposal that contemplates development that will result in a removal of any part of a feature found to be significant, it is recommended that as part of the EIS a feature staking be undertaken with appropriate staff from the municipality and/or GRCA. This is necessary to accurately illustrate the dripline/limit of the woodlands within the subject property on mapping in the EIS, to more accurately characterize and assess the significance of the woodland (in particular to apply criteria related to size thresholds for significant woodland and significant wildlife habitat), and to more fully describe and assess the impacts to the woodland resulting from the proposed development. This will allow for a more accurate delineation of woodlands, calculation of woodland area, and assessment of impacts with sufficient mitigation proposed where necessary.
9. Section 1.3.2 - Local and Other Regulatory Bodies - Northumberland County Official Plan (2016)
- a. The policy referenced in the Northumberland County Official Plan only refers to lot creation related to the Urban Area designation. There are other policies in the County Official Plan that should be referenced related to natural heritage, such as policy D1.5, D1.7, D1.9.2, D1.9.3.1 and D1.9.3.2.
10. Section 1.3.2 - Local and Other Regulatory Bodies - Municipality of Port Hope
- a. It appears that the policies referenced in this section are those of the Northumberland County OP. The natural heritage policies of Section C5.2 of the Port Hope Official Plan should be accurately referenced, as well as policy C20.3, related to Environmental Impact Studies.
11. Section 1.4 Other Resources Referenced
- a. There is no reference to a request for information regarding records of Species at Risk (SAR) from the Ministry of Environment, Conservation and Parks (MECP). While the Natural Heritage Information Centre (NHIC) does provide records of SAR, there may be other records that are either considered sensitive (e.g., Blanding’s Turtle) or are not available by searching the NHIC website. An information request should be made to MECP for any records of SAR within the vicinity of the subject property that could

inform the need for field surveys. The reply from the MECP should be included in a revised EIS.

12. Section 1.5 – Description of Development

- a. The description of the development should provide more detail related to servicing and storm water management.
- b. The EIS should include a figure of the draft plan of subdivision, as well as a figure that overlays the development footprint on the ELC mapping in order to support the analysis of impacts to natural heritage features and any identified locations where mitigation is proposed.

13. Section 1.6 – Scope of Report

- a. While one of the outcomes of an EIS is to supplement existing reports, it is not the main objective. The main objectives of an EIS are identified in both the County OP and Port Hope OP, which should be referenced and considered in any revisions undertaken to this EIS.
- b. The EIS refers to correspondence with the GRCA (dated May 2019, as indicated in Section 2.1) regarding the preliminary discussions related to the scope of work to be completed as part of a complete EIS. However, the GRCA comment and the response to Agency Comment #121 acknowledges that no formal scoping was undertaken. Formal scoping should have been undertaken. In the event there is to be a revised EIS, formal scoping with the GRCA should be undertaken to inform the requirements of a revised EIS that adequately fulfills the requirements of an EIS as outlined in the Port Hope Official Plan under Section C20.3.
- c. It is stated on p. 7 of the EIS that the results of the field work are intended to “indicate that the proposed development will not negatively affect the functions of natural features on the subject property”. The purpose of field work completed for an EIS is not to support an outcome that may be preferred by an applicant; rather, the approach to completing field surveys should be to provide site-specific information that allows for a science-based and objective evaluation of significant features, areas and functions and inform the assessment of the sensitivity of features and areas to the impacts associated with the proposed development.
- d. The scope of the EIS should have included a screening for candidate Significant Wildlife Habitat (SWH), which is required to be undertaken to inform which species-specific / habitat-specific surveys are required to determine if SWH is present within or adjacent to the study area.

14. Section 2.1 - General Approach

- a. This section described “three phases” under which the EIS was completed. It is suggested that the “third phase” of the EIS included “specific mitigation measures for protecting the woodland, sensitive species and other natural features on or adjacent to the study site”. There is no discussion of mitigation measures other than avoiding removal of vegetation to coincide with requirements of the Migratory Bird Convention Act and the Endangered Species Act. In particular, there was no discussion on the ecological functions that would be impacted and what measures were proposed to mitigate the impacts. Additional comments are provided later in this peer review report.
- b. This section refers to a figure that “illustrates the location of vegetation communities and recommended buffers/setbacks”. There is no figure in the EIS that illustrates the buffers proposed between the natural heritage features and the proposed development. There is no discussion on buffers in the EIS.

15. Section 2.2.2.3 - Wildlife

- a. This section identifies that incidental observations of wildlife were recorded. However, earlier in the EIS there is reference to the GRCA requiring specific wildlife surveys, in particular breeding bird surveys. While it is acknowledged that these appear to have been completed, this section should identify the protocols that were followed to complete the breeding bird surveys, and the qualifications of the personnel involved in the surveys.

16. Section 2.2.2.4 Woodlands

- a. Please note that the reference to Section D1.8 related to woodlands is not contained in the Port Hope Official Plan; rather Section D1.8 is a policy found in the County Official Plan. Please correct the reference to policies and/or official plans related to direction for identifying woodlands.
- b. It is stated in the EIS that “provincial policies for significant woodlands were also reviewed”. The provincial policies, in particular the Provincial Policy Statement do not contain criteria to evaluate the significance of a woodland. The following sentence in the EIS refers to a technical document prepared in support of the Oak Ridges Moraine Conservation Plan as well as the Natural Heritage Reference Manual, which provide criteria to support the identification of significant features. It is recognized that the first sentence was actually intended to state that the technical reports related to other provincial plans were reviewed (rather than the policies) to support the assessment and

identification of significant woodlands. That said, please advise how the technical documents and the criteria (e.g., NHRM 2010) contained within each were used to inform the assessment of woodland significance.

17. Section 3.0 – Survey Results

- a. The introductory paragraph to this section states that information pertaining to the background review and review of other sources of information would be presented and discussed in Section 4.0 – Discussions and Analysis. The information obtained from the background review should be included in the results section (Section 3.0). This allows the reader to consider this information as it pertains to the results of field surveys completed in the study area.

18. Section 3.2.1.2 ELC Code Descriptions

- a. Within this section there are descriptions of the “three vegetation communities” identified in the study, but only one of the areas described is an actual vegetation community that warrants an ELC community code and description. The “Golf Course Unmanaged Edges/Disturbed Portions (No Applicable ELC code)” (Community 1) should not be included in this section. The description of this area would more appropriately be used to describe the adjacent lands to the natural features, which are not natural in area and are not ELC vegetation communities. However, the description of community 1 in part sounds like a cultural meadow. If this area described as “regenerating” contains the species listed in the paragraph, it should be delineated as a cultural meadow.

Community 2 is a vegetation community that is appropriately given an ELC code. However, “Norway Maple and Sugar Maple Forest” is not the full name of FOD5. Please revise the title of this community to reflect the correct ELC community name.

Community 3 is not a separate ELC vegetation community that warrants its own description – it is too small and is not distinctly different from the surrounding forest (FOD5) to be considered as a separate community. Based on the observations from the site visit on November 3rd, this area has evidence of historical disturbance, but is not a separate or distinct vegetation community. There is an opening in the canopy where a large tree had fallen allowing more light to penetrate and support early successional herbaceous species. These types of openings in the canopy are common in woodlands containing older trees and they should not be referred to as a separate vegetation community.

The “Maintained Black Walnut” vegetation community does not have a community description. This community is described as a woodland community in the report and should therefore have the appropriate ELC code applied as well as a fulsome description of this community within this section of the EIS.

- b. In general, the descriptions alone do not describe the ELC communities in sufficient detail to determine if the classification was appropriately applied. For example, there is no description on percent canopy cover for each of the vegetation layers (i.e., canopy, understory, shrub layer, ground cover). There is also no information on presence of snags and downed woody debris and any other elements of habitat that are generally present in woodlands and are part of determining the ELC community type. This information is necessary to inform the characterization, including age, regenerating species, habitat characteristics, and general ecological health.
- c. During the site visit on November 3rd, it was observed that there is a distinct vegetation community on the southern extent of the study area that extends along a steep slope south of the Black Walnut vegetation community. It also appears this native deciduous forest community extends north along the slope into what is currently mapped as the “Maintained Black Walnut” vegetation community. This vegetation community should be accurately characterized and accurately delineated on Figure 1.
- d. In order to fully characterize and verify the ELC codes, please provide the full ELC data sheets completed during the field surveys.

19. Section 3.2.3.1 - Introduction and Level of Effort (Birds)

- a. This section refers to the methodology outlined in Section 2.2.2.2, which does not describe the methods or protocols followed to conduct the breeding bird survey. See comment # 16 above requesting this protocol be described in the methodology section.

20. Section 3.2.3.2 - Breeding Bird Surveys

- a. This section refers to survey stations. These survey stations should be identified on a figure.
- b. This section refers to Appendix II for observations documented during the surveys. Please include the breeding evidence of the species observed during the surveys.

21. Section 3.2.5 - Woodland

- a. This section states that a woodland was identified on the subject property, specifically referring to the FOD5 vegetation community. There is no mention in this section of other woodlands or that the FOD5 vegetation community is part of a continuous woodland within or beyond the study area - whether this be the Black Walnut woodland or the native deciduous woodland that follows the steep slope on the edge of the Black Walnut vegetation community. The description of the woodland in other sections of the report (section 4.2, p 18; section 5.1, p. 20) alludes to other woodlands that are described as being continuous/contiguous with the FOD5 vegetation community. These woodlands should be further described in Section 2.3.5.
- b. Woodland statistics should be provided, based on accurately delineated woodland boundaries in order to inform the evaluation of significance and impact assessment.
- c. It should be noted that the Natural Heritage System Plan for Northumberland County (North-South Environmental Inc. and Meridian Planning, June 2020) has recommended criteria for Significant Woodlands in urban areas. These criteria were based on a detailed assessment of woodland cover using GIS, in various land use types (i.e., rural, agricultural, and urban), with recommendations for size criteria as informed by the Natural Heritage Reference Manual (OMNR 2010). The criteria recommended in the Northumberland Natural Heritage System Plan identify woodlands 1 ha or larger in size in urban areas as significant woodlands. The June 2020 "Natural Heritage System Plan for Northumberland County" was endorsed by Council resolution in July 2020 and an amendment to the County Official Plan has been prepared to implement the Plan into the County's Official Plan for presentation to County Council in the spring of 2021.

22. Section 4.1.3 - Other Wildlife

- a. There is reference to "enhancement areas" proposed to be located south-west of the proposed subdivision within the adjacent golf course lands, as described in the Geoprocess R.A, Nov 2018. Please provide a description and corresponding figure of the enhancement lands proposed as part of the compensation for the removal of bat habitat. Please also confirm that the landowner of the golf course has agreed to this enhancement.

23. Section 4.2 - Woodland

- a. In order to undertake an adequate review of impacts to the woodland and the associated ecological functions, and to assess the potential for negative impacts on the natural features or their ecological functions, there must be a thorough review of the ecological functions of the woodland. This is particularly important considering the 2019 Applications propose to remove 3.15 ha of woodland. The potential for impacts

is substantially greater when a development proposed to remove a feature (or part thereof), therefore, the evaluation of ecological functions and assessment of impacts should be more thorough.

The “degraded” character of a woodland or impacts resulting from historical disturbance should not diminish the need for a fulsome characterization and evaluation of ecological functions of the woodland. In southern Ontario, many of the woodlands have been or continue to be impacted by disturbance; however it is important to recognize the higher ecological value of these woodlands as a result of the lower woodland cover; this is widely accepted by way of criteria that have a lower size threshold for significant features in areas where there is lower natural cover (e.g., urban areas), or where the proximity of smaller features to ecologically significant areas (e.g., close proximity to the shoreline of the Great Lakes) are considered more significant. While the quality of the woodland, amount of historical disturbance and presence of invasive species factors into the sensitivity of the woodland, the review of the ecological functions of the woodland should at a minimum consider the following:

- The contribution of this woodland to the overall function of the larger continuous woodland to which it is functionally connected.
 - A discussion of wildlife (observed and expected) and characterization of the habitat functions associated with the woodland, including its function as habitat for migrating wildlife (e.g., stopover habitat for birds) and maternity roosting habitat for bats.
 - Ecological functions related to ground water recharge/infiltration, nutrient cycling, carbon sequestration, etc.
 - Stepping stone functions related to the proximity of this woodland to the lake shore. This should be considered in the context of the high ecological value of natural features and areas in close proximity to the Lake Ontario shoreline.
- b. The mapping should clearly delineate the continuous woodland areas described in this section, as determined through staking of the features with reviewing agencies. As previously mentioned, statistics related to woodland size should be provided to support the description of the woodland.
- c. The description of the Black Walnut Woodland as “hardly a woodland” is not an ecological qualifier for woodlands. It either is or is not a woodland as determined from woodland definitions (e.g., Forestry Act) and ELC classification (based on canopy cover). A characterization of the Black Walnut Woodland may very well identify the

degraded nature or impeded ecological function of this woodland. Please remove the qualifier “hardly” from the statement. Furthermore, please provide evidence of the trees having been “planted”.

- d. The response to Agency Comment #70 notes that the “woodlot area is not a provincially significant woodlot in the context of the Provincial Policy Statement”. This statement is not correct. According to the Provincial Policy Statement, significant means, “in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry”. The Natural Heritage Reference Manual (OMNR 2010) acknowledges planning authorities have the ability to develop a set of evaluation criteria in order to identify a woodland as significant, in the context of the Provincial Policy Statement in order to appropriately protect significant features and functions and ensure conformity with the PPS.

24. Section 5.1 – Significant Woodland (Impact Assessment and Recommendations)

- a. The characterization of the woodland and assessment of significance should have been included in Section 4.2, Woodlands. Section 5.1 should focus on impacts and recommendations to mitigate impacts.
- b. Section 5.1 does not elaborate on the functions associated with the woodlands within the study area, nor the contribution of those woodlands to ecological functions of continuous features or those on adjacent lands. These ecological functions should be fully characterized, regardless of “limitations”. This is particularly relevant given the proposal to remove a portion of the feature.
- c. The natural heritage policies require that the adjacent lands are considered in the evaluation of functions and significance, as well as the assessment of impacts to adjacent lands. In this case, that would include the woodlands located within 120 m of continuous features (i.e., woodlands) within and beyond the study area (including the “East Woodland”). This fulsome assessment of ecological functions should be included in the previous section describing the woodlands in the study area, continuous with the study area, and those identified on adjacent lands.
- d. The woodland proposed for removal is cited as being 3.15 ha in size. What is the total area of continuous woodland, and what percentage of woodland area will this removal

represent? This calculation should in part form the discussion on impacts, since the size of the woodland is identified as one of the primary criteria triggering the status as significant woodland.

- e. This section provides a characterization of the woodland, particularly the type of disturbances to the woodland and the abundance of invasive species. However, there is little to no discussion on the ecological functions this woodland does provide. This is important in order to fully characterize the ecological functions and assess the impacts to these functions resulting from the proposed development. Please provide a more fulsome discussion of the ecological functions of the woodland in the previous section (i.e., not within the impact assessment section).
- f. Table 3 provides a summary of functions that appear in part to be based on the Natural Heritage Reference Manual. This table conflates broad ecological functions as they pertain to evaluating the “significance of a woodland” with other ecological functions related to specific types of SWH, such as bat habitat. A table that evaluates criteria to determine the “significance” of the woodland should be included in the previous section assessing significance of features and should not be included in the impact section.
- g. The final paragraph in this section that concludes the removal of 3.15 ha of canopy cover would not “pose a significant impact to the overall diversity of the area” is insufficiently supported by the previous assessment and discussion. Furthermore, the “area” is not defined. A more thorough evaluation of the ecological functions associated with the woodland, and the delineation of the woodland is required to adequately assess impacts to the woodland to determine if there is a threat to the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.
- h. The response to Agency Comment #32 provided by the landowners’ consultants acknowledges that woodland compensation may be difficult to accomplish on the adjacent private property. At this time, there has not been a viable plan put forward that would sufficiently mitigate the impact of removal of 3.15 ha of woodland from the subject property. A more detailed plan that is achievable and sufficiently mitigates impacts resulting from the removal of 3.15 ha is required in order to meet the test of no negative impact.
- i. The response to Agency Comment #66 suggests that offsetting for the removal of trees will be achieved by planting trees “elsewhere on Mason Homes or adjacent lands”. Any proposal for planting trees to mitigate impacts resulting from tree clearing should be described in the EIS with mapping indicating the location of tree planting and species

proposed for planting. It is recommended a planting plan be prepared by a certified OALA landscape architect, with sufficient detail provided in the plan to support any discussion on mitigation for tree removal.

25. Section 5.3 – Significant Wildlife Habitat

- a. A significant wildlife habitat (SWH) screening should have been completed prior to field surveys in order to identify candidate SWH and inform the full extent of wildlife surveys necessary to determine if any habitats meet the criteria as SWH. Undertaking this SWH screening would have identified candidate SWH on the subject property that would have informed field studies that should be undertaken as part of a complete EIS. The results of the field surveys are required to assess if SWH is present and determine if the proposed developed will have a negative impact on SWH.
- b. Addressing requirements of the Endangered Species Act related to Species at Risk (SAR) bats is described in the EIS with reference to correspondence with the MNRF related to SAR bats; however, there is little discussion on impacts to SWH for Bat Maternity Colonies. The response to Agency Comment #33 notes that bat maternity colonies were not confirmed but assumed to be present. Please identify what mitigation measures are proposed, in addition to timing related to vegetation removal, to avoid a negative impact to this SWH type. Please provide details and mapping for any proposed mitigation measures (e.g., type of bat boxes, numbers, locations, type and location of foraging habitat, etc.).
- c. The response to Agency Comment #33 notes that “Table 1: Significant Wildlife Habitat Criteria and those relating to the Subject property” (NEA Letter dated January 16, 2020) will be submitted to the Municipality”. Please provide this table.
- d. A letter, titled “Environmental Impact Study – Addendum – Landbird Migration Stopover Surveys” was provided outlining surveys completed on the subject property to assess the potential for Significant Wildlife Habitat - Landbird Migratory Stopover Areas. The Significant Wildlife Habitat Criteria Schedules for Eco-Region 6E (OMNRF 2015) identifies candidate habitat for this SWH as including FOC, FOM, FOD, SWC, SWM and SWD ecosites; the woodlot needs to be greater than 10 ha in size and within 5 km of Lake Ontario, where woodlands within 2 km are considered more significant. Studies are intended to determine if the woodland meets a certain threshold of species and individuals within a set timeframe. The following comments pertain specifically to this letter and are provided in consideration of the criteria identified in the Eco-Region 6E schedule:

- i. This letter states that surveys were required to be conducted “within the approximately 2 ha woodlot in the east portion of the study area”. The EIS refers to a woodland that is 3.15 ha in size proposed for removal, not 2 ha as referred to in this letter. Mapping of continuous woodland which qualifies as candidate SWH for Landbird Migratory Stopover Area, including size statistics, would help clarify this confusion and clearly delineate the candidate SWH.
- ii. The entirety of the continuous woodland, not just a 2 ha portion, should be surveyed to adequately determine if the thresholds for numbers of species and individuals is met to evaluate the significance of this SWH.
- iii. The table in the letter that identifies the dates and results of species and abundance should include the time during which the surveys were completed as well as weather conditions.

26. Table 4 – Impact Assessment Recommendation Summary

- a. This table does not adequately consider the impacts to the ecological functions associated with the woodland or to adjacent lands. The impact to ecological functions, both within the study area and to adjacent lands needs to be discussed more fully.
- b. The proposed mitigation only addresses regulatory requirements related to the Migratory Bird Convention Act and the Endangered Species Act (related to maternity roosting habitat). Mitigation should address impacts to ecological functions, which should be more fully assessed and discussed.

27. Section 6.0 – Policies and Legislative Compliance

- a. In general, this section is brief and does not refer to relevant natural heritage policies of the various plans. The EIS does not contain an adequate assessment of natural heritage features and associated ecological functions in order to support the conclusions related to policy compliance with the PPS, County OP and Port Hope OP.
- b. The designation of an area as “urban” or “residential” does not preclude a development application from being subject to the relevant natural heritage policies of the PPS, the County OP and the Port Hope OP. There is still a requirement that these policies be met, including providing sufficient support for concluding that the development will meet the test of no negative impact.
- c. As a minor note, this section refers to this report as an “ESA”; this should be revised to accurately refer to this report as an EIS.

28. Section 7.1 – General Recommendations

- a. This section is missing the requirement that vegetation removal occur outside of the maternity bat roosting period (April 1st to September 30th).

29. Section 8.0 – Conclusions

- a. Based on the review of the EIS and preceding comments, it is the opinion of this peer reviewer that the EIS does not contain a satisfactory evaluation of natural heritage features and functions, nor sufficient mitigation to address impacts to support the assertion in the conclusions of the EIS that the proposed development (i.e. based on the 2019 Applications), including the removal of the 3.15 ha of woodland, will not result in a negative impact. Furthermore, due to the extent of content missing or lacking in the EIS compared with the expected content of an EIS as identified in policy C20.3, the EIS should be revised to address the shortcomings of the EIS including the comments provided in this peer review report and from those of the County, Municipality of Port Hope and the GRCA. This revised EIS should be resubmitted for review by the County, Municipality and GRCA.

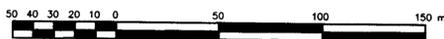
Comments on the Bifurcation/Deferral Proposal

30. The Bifurcation/Deferral Proposal is proposing to exclude from development the woodlands and adjacent lands (i.e. 120 m a buffer (zone) area immediately west of the woodland on the subject lands). However, if the Bifurcation/Deferral Proposal is not pursued and it is proposed to have development in all or any part of the woodland and/or within 120 m of the woodland on the subject lands, it is our recommendation that the EIS be revised and resubmitted, prior to any approval of the original 2019 application. An addendum to the original EIS would not be sufficient given the extent of comments and lack of adequate information. The revised EIS report should contain all of the relevant content as outlined in Section C20.3 of the Port Hope Official Plan and address the comments in this peer review report and of those previously provided by the County, Port Hope and the GRCA. This will be necessary to allow review agencies to better evaluate the conclusions of the EIS and determine if the EIS should be approved as part of a development application, which includes the lands containing the woodland and/or lands within 120 m of the woodland.

PLAN OF SUBDIVISION OF

PART OF LOTS 10 AND 11 CONCESSION 1 AND PART OF THE ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 10 AND 11 CONCESSION 1 AND PART OF THE ORIGINAL ROAD ALLOWANCE BETWEEN BROKEN FRONT CONCESSION AND CONCESSION 1 AND PART OF LOT 11 BROKEN FRONT CONCESSION AND PART OF THE ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 10 AND 11 BROKEN FRONT CONCESSION FORMERLY IN THE GEOGRAPHIC TOWNSHIP OF HOPE, TOWN OF PORT HOPE, NOW MUNICIPALITY OF PORT HOPE COUNTY OF NORTHUMBERLAND

SCALE = 1 : 1500



E. LYNN BROWN O.L.S.

OWNER'S CERTIFICATE - PLAN OF SUBDIVISION

THIS IS TO CERTIFY THAT:

- LOTS 1 TO 41, BOTH INCLUSIVE; BLOCKS 42, 44, 46 TO 61, BOTH INCLUSIVE, 64, 65, 66 AND 67; THE STREET, NAMELY STRACHAN STREET, THE 0.30 METRE RESERVES, NAMELY BLOCKS 43, 45, 62 AND 63 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
- THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE AS A PUBLIC HIGHWAY.

Jan 19, 2006
DATE

AON INC.

This plan is approved by the Ontario Municipal Board pursuant to section 51(5) of the Planning Act, R.S.O. 1990 c.P.13, as amended. Dated this 3 day of Feb 2006

[Signature]
SECRETARY

[Signature]
BRAD R. SMITH, EXECUTIVE VICE PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

CERTIFICATE OF REGISTRATION

PLAN 39M-834

I CERTIFY THAT THIS PLAN 39M-834 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF NORTHUMBERLAND (39) AT 1:00 PM O'CLOCK ON THE 7th DAY OF FEBRUARY 2006 AND ENTERED IN THE REGISTER FOR PIN 51064 - 0259 AND PIN 51064 - 0306 AND PIN 51064 - 0308

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. LT2800

[Signature]
LAND REGISTRAR

THE SUBDIVISION REPRESENTED BY THIS PLAN COMPRISES PART OF PIN 51064 - 0259 AND PART OF PIN 51064 - 0306 AND ALL OF PIN 51064 - 0308

BLOCKS 63, 64, 65, 66 AND 67 ARE SUBJECT TO A RIGHT-OF-WAY AS PER INST. No. N12016

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON 13 JAN, 2005

18 JAN, 2006
SYLVESTER & BROWN LIMITED

[Signature]
E. LYNN BROWN
ONTARIO LAND SURVEYOR

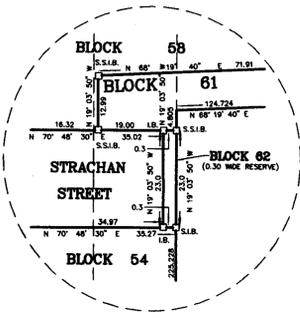
FINAL APPROVAL AUTHORITY

THIS PLAN IS APPROVED BY THE ONTARIO MUNICIPAL BOARD UNDER FILE P000542 ET AL PURSUANT TO THE PLANNING ACT R.S.O. 1990, c. P. 13 SECTION 51.

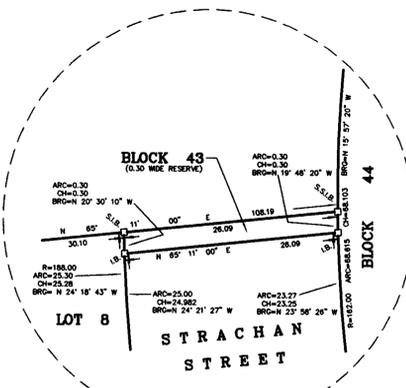
DATE _____ SECRETARY, ONTARIO MUNICIPAL BOARD

SYLVESTER & BROWN LIMITED
ENGINEERING & LAND SURVEYING
75 JOHN STREET
P. O. BOX 25
PORT HOPE, ONTARIO L1A 3V9
905-885-2260
2004.085

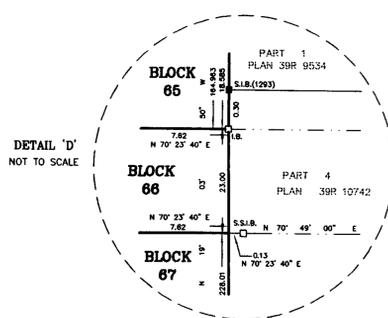
LOT/BLOCK	RADIUS	ARC	CHORD	CHORD BEARING
1	203.00	2.35	2.35	N 30° 41' 04" E
2	203.00	21.38	21.37	N 34° 02' 00" E
3	203.00	21.08	21.07	N 40° 01' 31" E
4	203.00	21.05	21.05	N 45° 57' 57" E
5	203.00	17.70	17.70	N 51° 25' 51" E
6	203.00	14.84	14.82	N 57° 28' 28" E
7	203.00	12.39	12.39	N 61° 12' 23" E
8	7.62	11.93	10.79	N 65° 41' 50" E
9	188.00	25.30	25.28	N 74° 18' 43" W
21	177.00	12.89	12.87	N 52° 24' 24" E
22	177.00	21.025	21.013	N 37° 51' 49" E
23	177.00	21.04	21.028	N 44° 40' 19" E
24	177.00	22.15	22.136	N 51° 39' 44" E
25	177.00	18.505	18.485	N 58° 24' 15" E
27	7.62	11.793	10.851	N 74° 06' 10" W
27	201.50	5.245	5.245	N 30° 30' 44" W
28	178.50	6.015	6.015	N 30° 43' 56" W
28	7.62	12.148	10.900	N 19° 53' 50" E
43	188.00	0.300	0.300	N 20° 30' 10" W
43	182.00	0.300	0.300	N 19° 48' 20" W
44	182.00	68.813	68.103	N 15° 57' 20" W
44	7.62	8.871	8.185	N 65° 11' 56" W
45	7.62	2.145	2.138	N 69° 37' 36" E
50	201.50	81.15	80.803	N 42° 47' 43" W
51	201.50	72.75	72.358	N 64° 40' 30" W
52	201.50	18.193	18.190	N 77° 19' 17" W
53	201.50	57.94	57.741	N 67° 51' 41" W
54	201.50	48.045	45.945	N 77° 21' 17" E
57	178.50	108.88	105.27	N 48° 50' 53" W
58	178.50	134.585	131.40	N 67° 38' 42" W
58	188.00	25.00	24.982	N 24° 21' 27" W
STRACHAN STREET	182.00	23.27	23.13	N 23° 58' 28" W
STRACHAN STREET	7.62	12.016	10.809	N 75° 15' 50" W



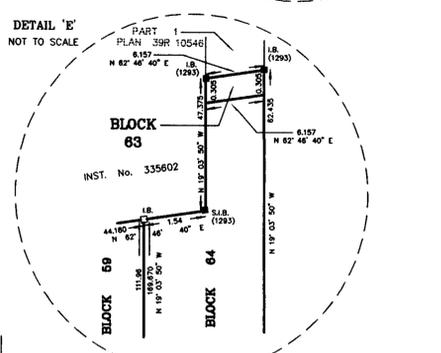
DETAIL 'A'
NOT TO SCALE



DETAIL 'B'
NOT TO SCALE



DETAIL 'D'
NOT TO SCALE

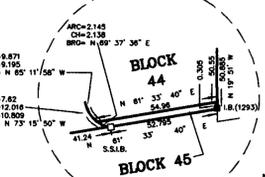
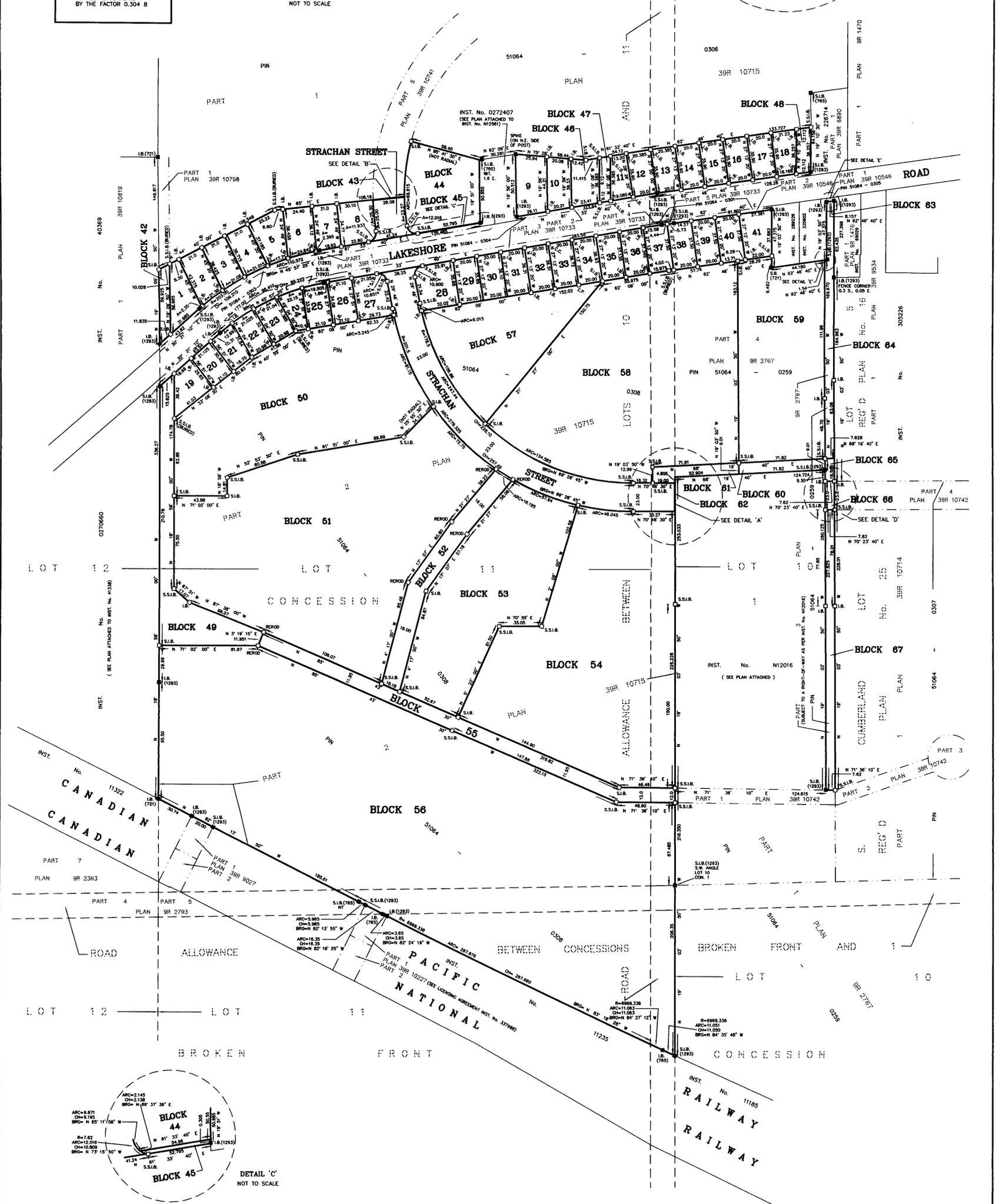


DETAIL 'E'
NOT TO SCALE

- LEGEND
- - DENOTES FOUND
 - - DENOTES PLANTED
 - REPOD - DENOTES 0.2m 1.8 LONG REPOD PLANTED IN WET LAND

BEARING NOTE
BEARINGS ARE ASTROMONIC, DERIVED FROM THE SOUTHERN LIMIT OF PART 3 DEPOSITED PLAN 39R 10545 AND HAVING A BEARING OF N 61° 33' 40" E.

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY THE FACTOR 0.304 8



DETAIL 'C'
NOT TO SCALE