



**Municipality of Port Hope**  
56 Queen Street  
Port Hope, ON  
L1A 3Z9

**FROM:** Theodhora Merepeza, Planning Manager

**SUBJECT:** Penryn Mason Homes Inc. Phase 5 Planning Applications Update:  
Proposed Minutes of Settlement LPAT Appeal (Case # [PL200619](#))  
Planning Justification Report

**DATE:** May 18, 2021

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## **INTRODUCTION**

This planning report describes planning principles, rationale and the basis for staff recommending Council support a proposed **Minutes of Settlement** for Local Planning Appeal Tribunal (LPAT) Appeal Case # [PL200619](#) submitted by the Applicant (AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc.), herein after referred to as the “**Applicant**”, concerning the subject lands described herein.

The Applicant appealed the “non-decision by the Council for Port Hope”. Under the Act, the Applicant is entitled to appeal a non-decision to the Local Planning Appeal Tribunal (LPAT) any time after 120 days of receipt of the complete applications by the Municipality. The appeal pertains to all Phase 5 lands shown on **Figure 1**.

On December 22, 2020 the Municipality received a letter of acknowledgement from LPAT that included a case number identifying file number ([PL200619](#)) and scheduling of a Case Management Conference (CMC) on May 28, 2021.

Under the Planning Act, as a result of this Appeal by the applicant, all municipal approval and decision-making authority for these planning applications is fully assumed by LPAT. However, LPAT in their decision-making looks to municipal planning staff for their professional planning knowledge and expertise. The Municipality may make recommendations or proposals to LPAT on ways to find a settlement to the appeal.

The proposed Minutes of Settlement submitted by the Applicant to the Municipality were approved by Council on May 18, 2021 during a closed meeting and publicly reported at an open Council session, which immediately followed. They represent a proposed legal agreement between the Appellant and the Municipality (herein, the “Parties”). The Minutes set out terms and conditions whereby both parties mutually agree on an approach to resolving LPAT Appeal.

The Minutes include the following planning instruments:

- Revised Draft Plan of Subdivision (April 9, 2021): Appendix A;
- Official Plan Amendment (OPA): Appendix B;
- Zoning By-law Plan Amendment (ZBA): Appendix C;
- Draft Plan Conditions: Appendix D;

## **BACKGROUND**

### **Subject Lands**

The Subject Lands are generally located south of Strachan Street and west of Victoria Street South in the Urban Area of the Municipality of Port Hope (See **Figure 1: Subject Lands**). The irregularly shaped lands, with an area of 19.38 ha (47.8 ac), consist of several contiguous separate parcels that collectively constitute “Phase 5” of the Lakeside Village Community. The Applications were deemed complete by the Municipality on November 28, 2019. [SU01/2019 - Mason Homes Phase 5](#).

The property consists of former farmlands, a woodlot and a portion of the Port Hope Golf and Country Club. The existing grade falls from northwest to southwest with an elevation difference of approximately 15 metres. An existing single detached dwelling (82 Victoria Street South/A) is located on the east of the property and a Quonset building is situated on the west part. The most easterly portion of Phase 5 lands contain a woodlot of approximately 3.15 ha.

### **2019 Applications**

Staff note that there is (and always has been) only one application for draft plan approval since Fall 2019. However there have been a few subdivision revisions or proposals since then.

Walker, Nott, Dragicevic Associates Limited on behalf of AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc. (herein referred to as “Applicant”) applied to the Municipality for draft plan approval, official plan amendment and zoning by-law amendment in the fall of 2019 to permit a residential development of 369 dwelling units associated with Phase 5 of Lakeside Village Community (herein referred to as “the 2019 applications”).

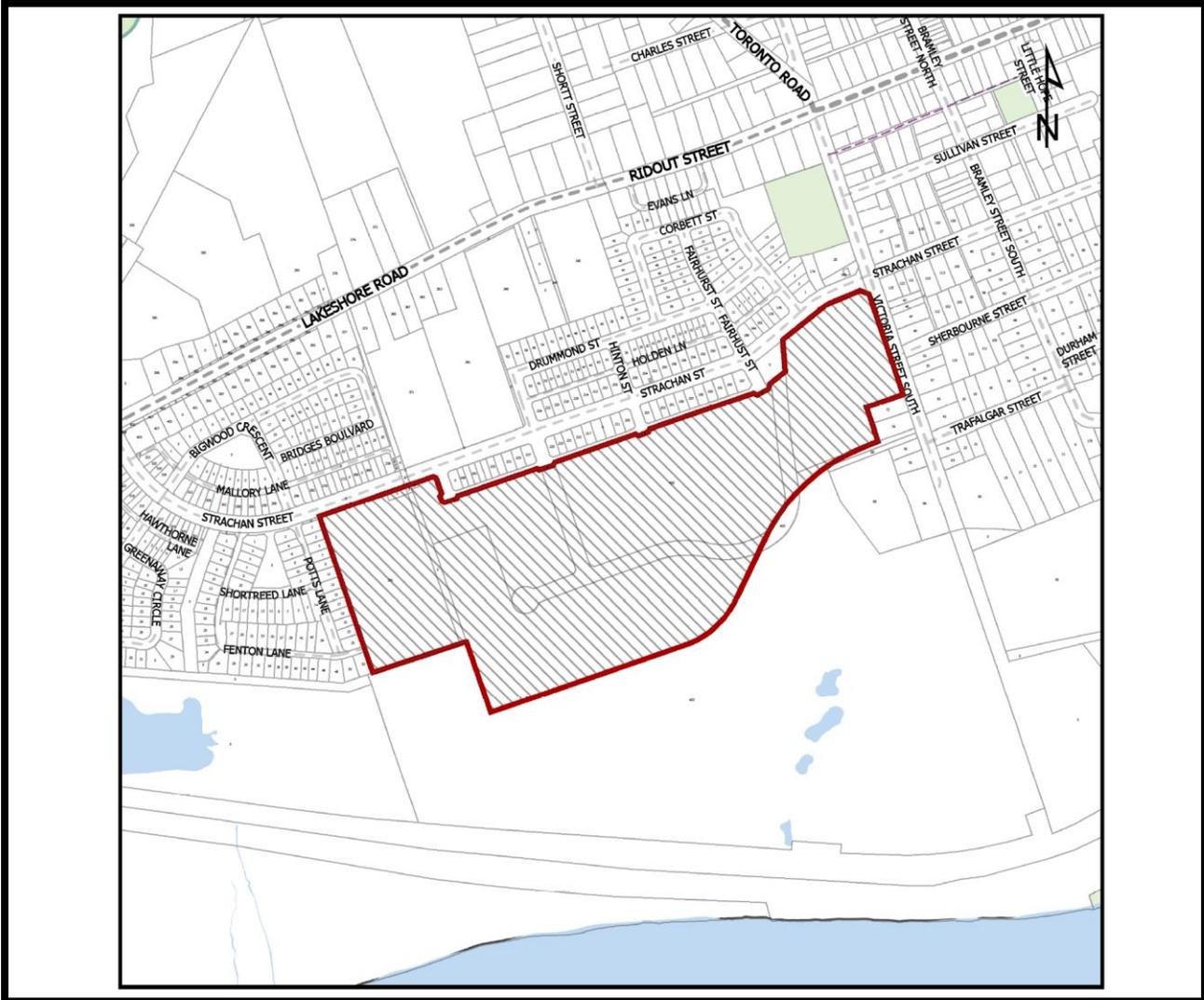
A formal statutory public meeting was held on March 10, 2020 to consider the applications. The purpose of the public meeting was to present the staff report and provide a public forum for questions and feedback on the merits of the applications.

The staff report presented background information concerning the 2019 Applications, an overview of the Subject Lands; review of the prior Ontario Municipal Board (OMB) approvals; and an analysis of the current planning policy framework. The report also included all the comments submitted to date from agencies and departments as well as the public

In keeping with the purpose and intention of the required public meeting, no recommendations to Council were provided and no decision was requested at the time.

The Staff report to the Public Meeting can be found at the following link: [Port Hope - Meeting Information \(civicweb.net\)](http://Port Hope - Meeting Information (civicweb.net)).

**Figure 1: Subject Lands – Phase 5 of Lakeside Village Community**  
Application: Draft Plan of Subdivision (SU01-2019). Official Plan Amendment (OP01-2019) & Zoning By-law Amendment (ZB06-2019)  
Applicant: Walker, Nott, Dragicevic Associates Limited on behalf of AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc.

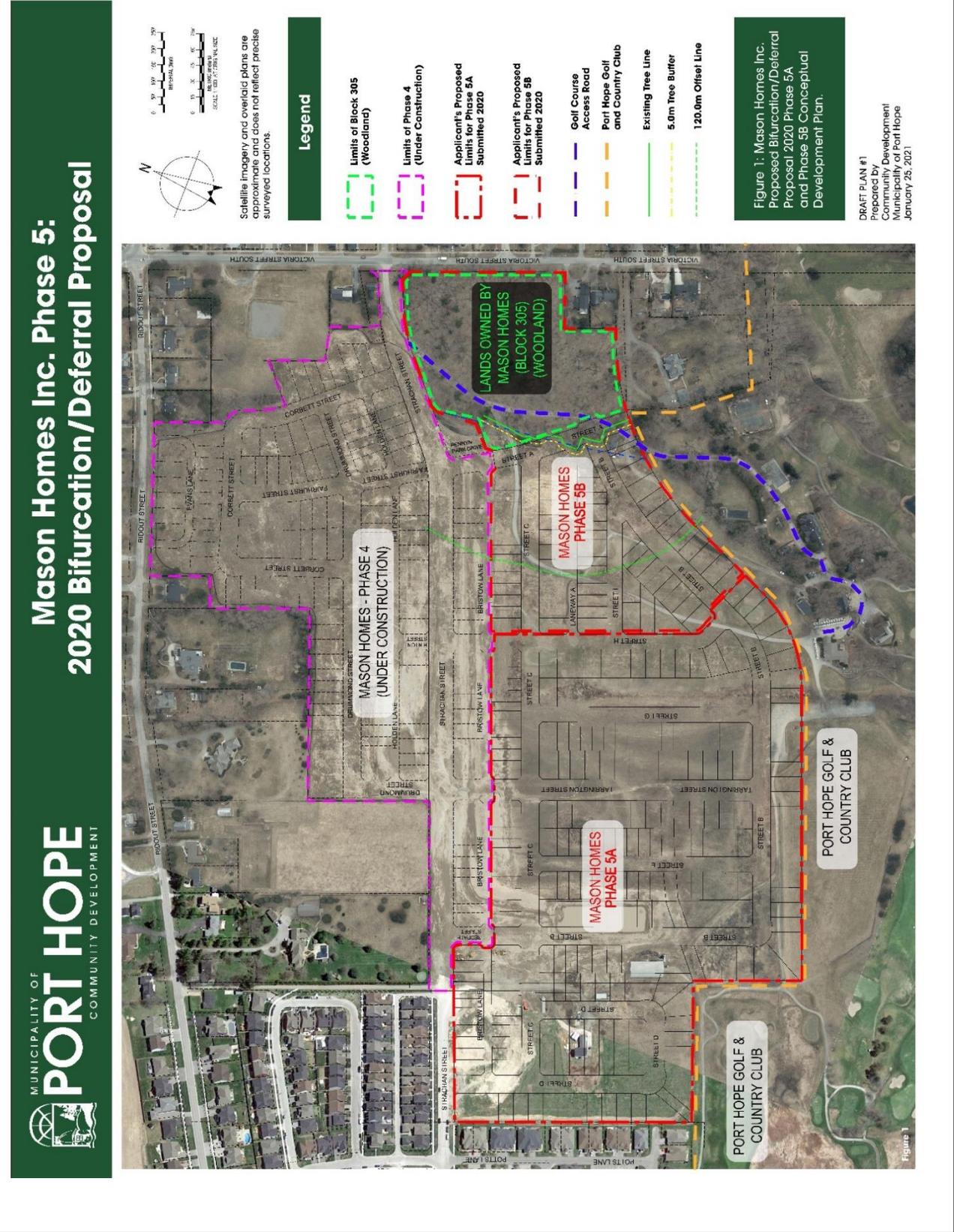


At the March 10, 2020 public meeting, the Applicant proposed a revision to the subdivision plan originally submitted for consideration as part of the 2019 applications. The revised proposal was to divide the Phase 5 lands into two distinct phases. The proposal was subsequently formally submitted in May 2020 and is referred to as the “Bifurcation/Deferral Proposal” that intended to divide the Subject Lands into Phase 5A and Phase 5B (refer to **Figure 2: 2020 Bifurcation/Deferral Proposal**).

Phase 5B includes the 3.15 ha. woodlot lands and a 120m adjacent buffer area. Phase 5A consists of the balance of the proposed subdivision lands immediately to the west.

The Bifurcation/Deferral Proposal proposed approval on the Phase 5A lands only and a deferral of any approval for the Phase 5B lands.

**Figure 2: 2020 Bifurcation-Deferral Proposal**



## **LPAT Appeal**

On Friday, November 20, 2020, the Municipality of Port Hope received a [Letter of Appeal](#) to the [Local Planning Appeal Tribunal \(LPAT\)](#) regarding the Penryn Mason Homes Phase 5 Draft Plan of Subdivision/Official Plan and Zoning By-law Amendment applications. The appeal has been requested by the property owners (AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc.).

In accordance with the provisions of the *Planning Act (the Act)*, the Applicant appealed the “non-decision by the Council for Port Hope”. Under the Act, the Applicant is entitled to appeal a non-decision to the Local Planning Appeal Tribunal (LPAT) any time after 120 days of receipt of the complete applications by the Municipality.

The appeal to LPAT pertains to all Phase 5 lands shown on **Figure 1**. On December 22, 2020 the Municipality received a letter of acknowledgement from LPAT that included a case number and identified the file number as [PL200619](#). The Case Management Conference (CMC) is scheduled for May 28, 2021.

As a result of the appeal, the final decision on the applications now rests exclusively with LPAT and therefore is considered to be a matter “before the courts”. As of December 22, 2020, Council no longer has a decision-making power with respect to the Applicant’s planning applications.

The CMC provides LPAT with the opportunity to identify parties and participant requests, identify or narrow the issues, identify facts that may be agreed upon, and directions related to the disclosure of information. At the CMC, the LPAT has the authority to hear evidence with respect to any settlements and to establish subsequent procedures for any unresolved matters.

Following the appeal notice the Applicant and the Municipality (the “Parties”) expressed interest through their respective legal counsel on a confidential, without prejudice basis, in resolving the LPAT Appeal as it relates to the “*Subject Lands*” (see **Figure 3** – Draft Plan).

The Parties reached a settlement that includes terms and conditions set out in legal agreement referred to as “*Minutes of Settlement*”. On May 18, 2021, Council approved Minutes of Settlement for this LPAT appeal.

Council directed these Minutes of Settlement be signed and forwarded to LPAT for consideration at the CMC scheduled May 28, 2021 at 10:00 a.m.

## **Current Proposal**

The details of the current proposal as presented in the Minutes of Settlement are identified in the following section including identification of any changes required from the Bifurcation/Deferral proposal.

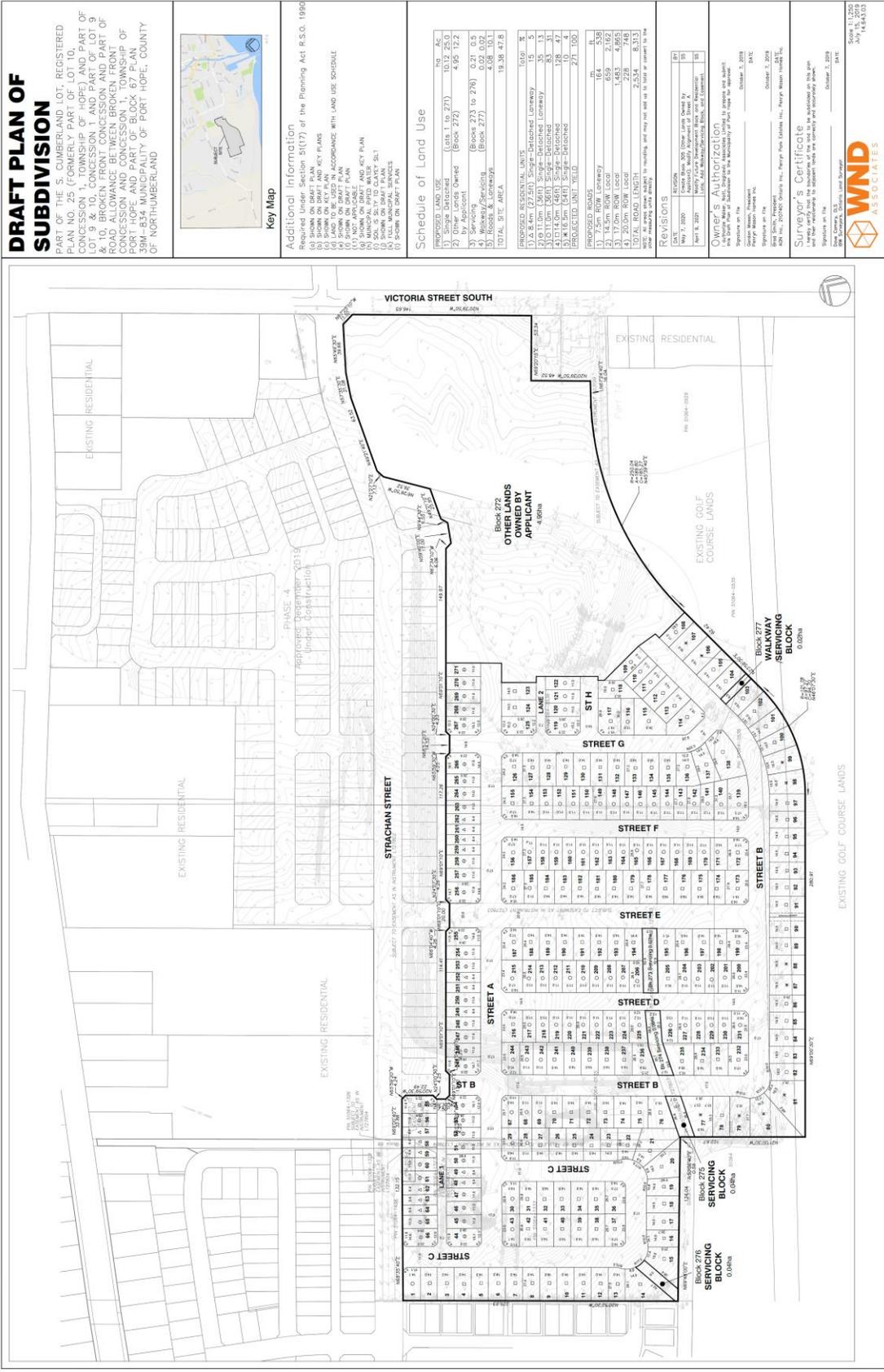
The Draft Plan of Subdivision application seeks draft approval of the development of 271 dwelling units comprised of single detached dwellings in a freehold tenure within Phase 5A, with frontages ranging from 8.4 metres (27.5 feet) to 16.5 metres (54 feet).

Below is a summary of the proposed changes of the April 2021 Draft Plan to Bifurcation/Deferral proposal:

Draft Plan of Subdivision:

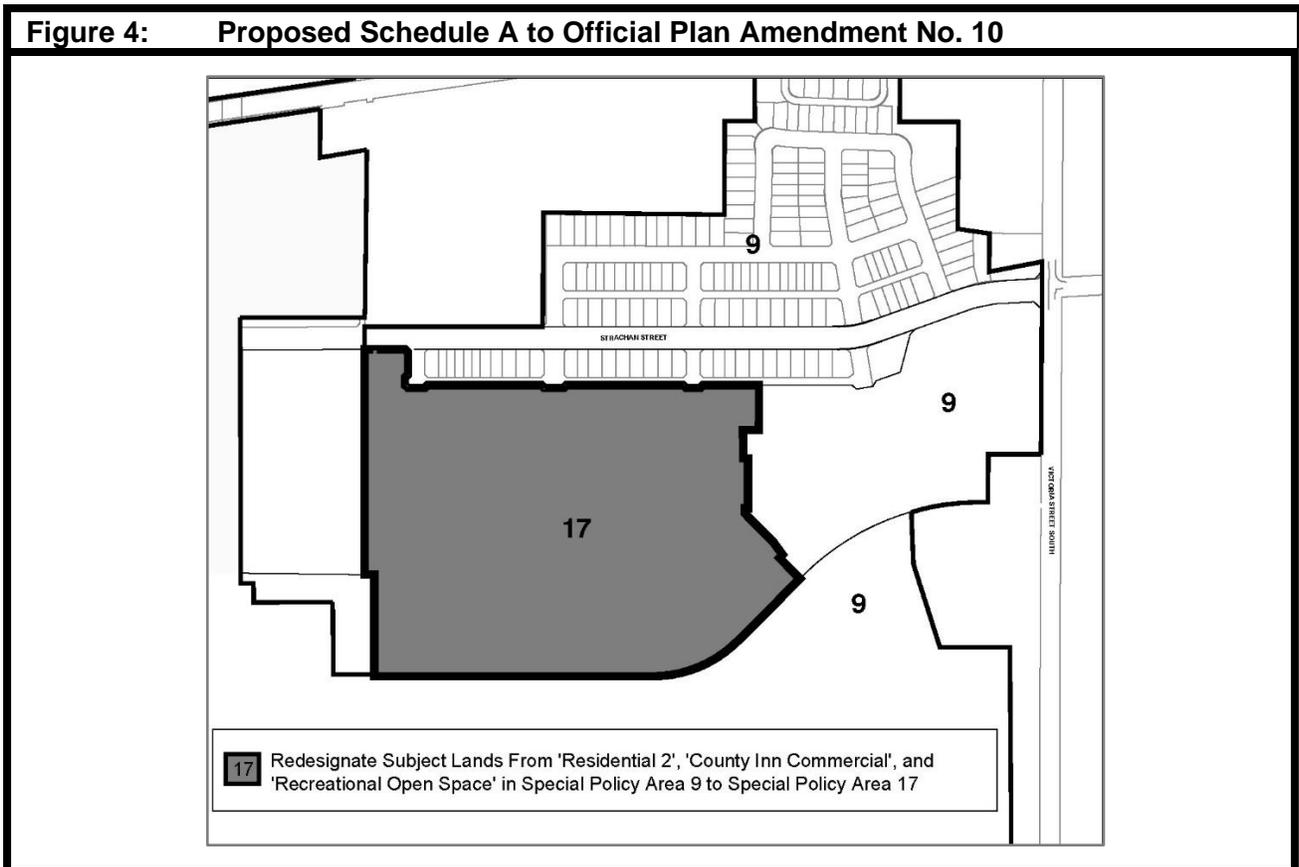
1. Block 272, comprising of the woodlot lands and the 120 m buffer, now replaces what was referred in 2020 as Phase 5B. **Block 272** labelled as "**Other Lands Owned by the Appellant**", will remain as part of the draft plan but the Minutes of Settlement signed by the legal representative for the Applicant confirm that the Applicant shall not seek any approval from LPAT with regards to Block 272 at the May 28 CMC save and except to have LPAT confirm that their 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 Applicant to ask that consideration of Block 272 by LPAT 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 Applicant.
2. West boundary of Block 272 has been adjusted from the previous plans/phasing plan submitted in summer 2020 to align with the eastern limit of the residential lots located west of the 120 m buffer.
3. Subject Lands are slightly increased from 19.34 ha to 19.38 ha.
4. The number of lots has increased to 271 due to:
  - a. re-lotting of the area east of Street G from north-south orientation to west-east orientation; and
  - b. the inclusion of the lands in the north western corner, just south of Strachan Street (area of 0.04 ha) which were conveyed in early 2021 to Mason Homes by the Municipality. Such lands (now lots 58-61) were held by the Municipality for servicing and termination purposes until such time as the extension of Strachan Street.
5. East of Street G, a local (right of way width of 14.5m) street (Street H) and a public lane (Lane 2) have been proposed terminating at the eastern limit of the developable area (i.e., the 120m separation to the wooded area has been maintained).
6. A servicing easement of 6m in width has been added between Lots 90 and 91 with 3m on each respective side of the lots.
7. A servicing/walkway block (Block 275) between lots 103 and 104 has been added in the southern portion of the lands to provide for future connections to the golf course. This block will be in private ownership.
8. The "Schedule of Land Use" in the Draft Plan was adjusted consistent with the above.

Figure 3: Plan of Subdivision (April 9, 2021)



### Official Plan Amendment

The proposed Official Plan amendment would re-designate a portion of the lands within 'Special Policy Area 9' (Penryn Park Estate), including the portions of the Subject Lands that were previously part of the Port Hope Golf and Country Club to a site-specific special policy area 17, to allow residential uses consistent with the adjacent approved Mason Homes plans of subdivision. No amendment to the 'Low Density Residential – Urban' designation of the Municipality of Port Hope Official Plan for the former Skora lands is required. Proposed schedule of the OPA is depicted in **Figure 4**.



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 consideration of development activity on those lands.

### Zoning By-law Amendment

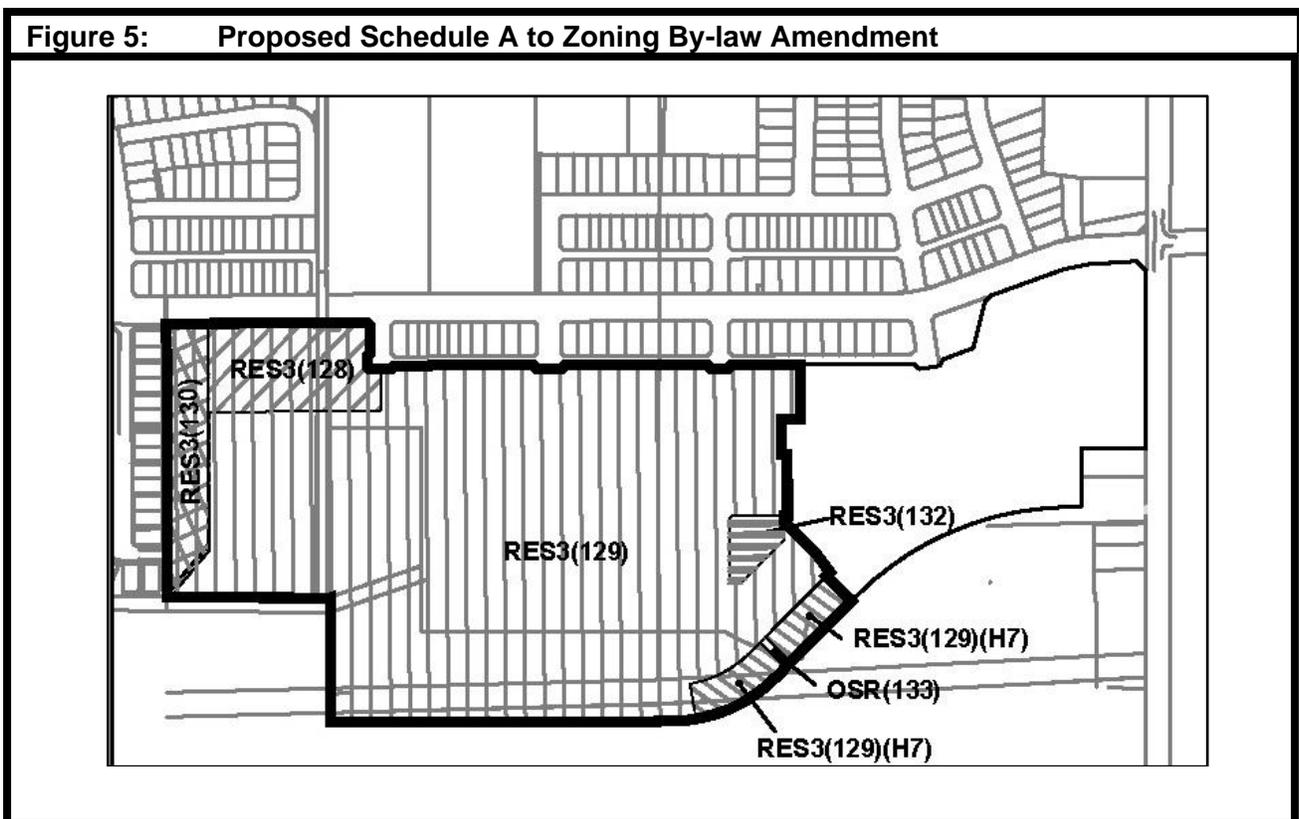
The proposed Zoning By-law amendment would establish appropriate residential uses and development standards to implement the development of the proposed subdivision.

An amendment to the existing Zoning by-law 20/2020 is required to permit the proposed residential use and to establish appropriate development standards to accommodate the proposed subdivision.

Five (5) zones are proposed for the Phase 5 area (excluding Block 272), as depicted in **Figure 5**, and would consist of:

- Medium Density Residential Exception No. 128 'RES3(128)' Zone – for the northwest corner of the Subject Lands
- Medium Density Residential Exception No. 129 'RES3(129)' Zone - majority of the Subject Lands.
- Medium Density Residential Exception No. 130 'RES3(130)' Zone - for the 14 lots along the western boundary of the Subject Lands and abutting the Williams Port Condo development
- Medium Density Residential Exception No. 132 'RES3(132)' Zone- for 4 lots east of Street G
- Major Recreational Exception No. 133 'OSR (133)' – for the servicing Block 277

There are no changes proposed at this time for the Block 272 in accordance with the Minutes of Settlement between the Applicant and the Municipality.



Ten lots (Lots 99-108) in the southeastern corner and abutting the Port Hope Golf Course will have a holding provision H7. These lots have been identified as lots that may impact the off-site cultural heritage features to the south and east of the proposed subdivision lands (which cultural heritage features were identified in CHER report prepared on behalf of the Municipality). Until the Applicant completes an HIA, it is not known what the impacts may be and what, if any, mitigation measures may be required to protect the identified off site cultural heritage features. The Holding (H7) provision shall be lifted once an 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.

## **PLANNING JUSTIFICATION**

For the Minutes of Settlement to be considered at LPAT there must be good planning justification to support them when presented. The proposed Minutes of Settlement have been prepared with good planning practice in mind as further identified below. Additional Information is provided in *Attachment A*.

The staff report prepared for the March 10, 2020 Public Meeting provided a comprehensive analysis of the relevant provincial and municipal land-use and development policies and identified whether the 2019 Applications were consistent with the respective policies. The analysis was broken down into three major policy areas: **growth and development**, **natural heritage**, and **cultural heritage**. This approach ensured alignment with relevant policies of the Provincial Policy Statement of Section 1.0 (*Building Strong Healthy Communities*) and Section 2.0 (*Wise Use and Management of Resources including Natural Heritage, Cultural Heritage and Archaeology*).

As identified in the public meeting report, staff's opinion was that the proposed 2019 Applications were consistent with the applicable **growth and development policies**.

Municipal planning staff were previously unable to render a planning opinion on the consistency of the proposal with the PPS, County and Municipal Official Plan policies regarding **natural heritage** and **cultural heritage** features due to incomplete information submitted.

As noted in earlier sections, Block 272 consisting of the woodlot area and the 120 m buffer are excluded from LPAT approval at this time. Therefore, Planning staff are now able to render an opinion on the conformity with natural heritage policies for each of the planning documents for Phase 5A. A scoped Cultural Heritage Impact Assessment (HIA) is required for Phase 5A and is identified in the Minutes of Settlement to enable staff to render a final opinion on **cultural heritage**.

### **Provincial Policy Statement, 2020**

The Provincial Plan Statement (PPS) is an important part of Ontario's land use planning system, setting out the provincial land use policy direction that guides municipal decision making. Municipalities play a key role in implementing provincial land use policies through local official plans, zoning by-laws and other planning decisions. The *Planning Act* requires that decisions on land use planning matters be "consistent with" PPS policies.

The proposed Draft Plan, draft conditions of subdivision approval, Official Plan Amendment and Zoning By-law Amendment for the Phase 5A lands are consistent with PPS policies providing direction of growth and development to urban areas and requiring provision of sufficient lands for residential purposes. The proposed single detached dwellings on a range of lot sizes make full use of surrounding infrastructure and services and contributes to the range of housing supply opportunities in the urban area of the Municipality.

The proposed development of Phase 5A lands is consistent with Policy 2.1.8 of the PPS which limits development and site alteration on lands adjacent to natural heritage features and areas. There are no Natural Heritage Features on the Phase 5A lands.

Any development activity on Block 272 will be subject to further review and assessment in accordance with applicable provincial and municipal policies.

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.

Phase 5A is not adjacent to the built heritage resources and outside of the boundary of the cultural heritage landscape (“CHL”) and there is no anticipated potential for direct impacts, nor have any significant views towards Phase 5A been identified. Consistency of policy 2.6.3 is achieved by inclusion of condition 4 to draft plan approval (completion of CHIA) and the holding provision for Lots 99-108.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

It is the opinion of municipal staff that the proposed official plan amendment is consistent with the Growth Plan policies.

The proposed residential development conforms to the growth management and housing policies of the Growth Plan by improving the range and mix of housing options within a ‘designated greenfield area’ that is planned for growth and has municipal infrastructure available. Additionally, this subdivision proposal meets and exceeds the density targets for the Municipality of Port Hope.

Another guiding principle of the plan is the protection and enhancement of natural heritage and its features and associated functions.

The Growth Plan affords protection to significant woodlands in the Natural Heritage System (NHS) from development. As per Section 4.2.2 of the Plan, NHS map prepared by the province excludes land within settlement area boundaries that were approved and in effect as of July 1, 2017. The woodlot on the Subject Lands is not identified in the Growth Plan mapping. The NHS, adopted in 2020 by the County of Northumberland has not been yet implemented in its Official Plan. Therefore, the NHS policies of the Growth Plan would not apply to the subject woodlot. Accordingly, for settlement areas the Growth Plan reverts back to the responsibility of the Municipality to assess this woodlot under the Section 2.1 policies of the PPS.

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”. It is staff’s opinion that the current subdivision proposal that excludes the development of Block 272 conforms with the Policy 4.2.7 of the Growth Plan when the HIA condition of draft plan approval is met.

## **Northumberland County Plan**

It is the opinion of municipal staff that the proposed Draft Plan, Official Plan and Zoning By-law Amendment conform and are consistent with the **community development** aspect of the Northumberland County Official Plan (NCOP) policies. The proposed development provides for residential intensification within the Urban Area of Port Hope, by using existing municipal infrastructure and locating near public services such as transit, community centres and recreational spaces. Further, the proposed design incorporates several urban design principles, such as compact built form and buildings sited to frame adjacent streetscapes. The proposed subdivision of 271 units on 14.4 ha will exceed the minimum density target of 35 residents and jobs per hectare of the in-force Northumberland County Official Plan.

The proposed development that excludes Block 272 also conforms to Natural Environment policies of the NOCP.

## **Official Plan for the Municipality of Port Hope (2017)**

The Subject Lands are included in the designated greenfield area within the Urban Settlement Area of the Municipality of Port Hope.

The Subject 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 a portion of the Subject Lands from Special Site Policy Area \*9 to Special Site Policy area \*17, to facilitate the development of the Phase 5A Lands primarily for a range of grade related housing, with a density of development of approximately 40 persons per hectare.

The proposed residential development of the Phase 5A Lands shall be implemented through an appropriate Zoning By-law Amendment and approval of a Draft Plan of Subdivision.

Draft Official Plan Amendment No. 10 is attached to this report as *Appendix B* of the Minutes of Settlement.

## **Zoning Bylaw for the Municipality of Port Hope**

The proposed rezoning (see *Appendix C* of the Minutes of Settlement) for the Phase 5A lands is appropriate and conforms to the Official Plan Amendment No. 10.

**LEGAL ADVICE:**

Staff has been consulting with legal counsel on all the matters noted in this report, including the review of the planning instruments.

Templeman LLP, legal counsel for the Municipality have advised that they are satisfied with the terms of the Minutes of Settlement and recommended Council approval.

**RESOURCE IMPLICATIONS:**

The Municipality has incurred legal costs regarding the matters mentioned above. The legal costs include those for expert witnesses. These costs will continue to be incurred during 2021 as part of the LPAT appeal process. Some of these costs will be recovered from the Applicant but not those related to the appeal.

The more significant resource implication is the loss/delay of future development charges and property tax revenue if this subdivision development proposal is not approved or there are lengthy delays as a result of an LPAT appeal.

The development of the proposed residential Plan of Subdivision in its current form is anticipated to yield approximately \$810,00,000 in Building Permit fees, \$5,477,000 in development charges for the Municipality and \$811,374 for Northumberland County (all three figures on a one-time basis) and provide the Municipality with an initial estimated annual property tax contribution of approximately \$1,000,000.

**CONCLUSION:**

The revised Draft Plan of Subdivision, Draft Conditions of Subdivision Approval, Official Plan Amendment and Zoning By-law Amendment for the Phase 5A lands submitted to the Municipality in April 2021 seek permission to develop 271 single detached residential units accessed by an array of public roads and lanes and serviced by municipal infrastructure. The Draft Plan includes Block 272 (woodlot and 120 m buffer lands) however, as noted above, the Applicant has agreed not to seek any approval from LPAT of these lands at the May 28, 2021 CMC, save and except to have LPAT confirm that the appeal remains in force and effect for Block 272 only. The Minutes of Settlement require the Applicant to prepare and submit to the Municipality further studies for review (i.e. revised Environmental Impact Study and completion of a Cultural Heritage Impact Assessment) prior to seeking a new case management conference date for Block 272.

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 designated greenfield urban area; and provides adequate protection of areas of environmental constraints or significant built heritage.

The proposed OPA No. 10 is consistent with the Provincial Growth Plan (2020), the Provincial Policy Statement (2020), and conforms to the policies of the Municipal Official Plan, and the County of Northumberland Official Plan.

Municipal staff and legal counsel have recommended to Council that such a settlement on the basis of the bifurcation/deferral proposal is in the broader municipal interest (which

takes into account the existing approved municipal planning approvals for the Subject Lands and the desire to add to the residential inventory/tax base) and provides a path forward for the approval of the Phase 5A lands which are noncontroversial but defers any consideration of the Phase 5B lands (i.e. Block 272) to a subsequent date and to the results of further studies (i.e. environmental and heritage).

Consideration of this matter in a closed session provided Council the opportunity to receive further ongoing legal advice with respect to the LPAT Appeal. Staff and legal counsel recommended approval of the Minutes of Settlement and the attached appendices.

Respectfully submitted,

Theodhora Merepeza, M.C.P., MCIP, RPP  
Planning Manager

*Attachment A: Additional Technical Information*

## ATTACHMENT A

### ADDITIONAL TECHNICAL INFORMATION

This section of the report provides updates on the status of reports from external consultants retained by the Municipality having technical expertise with respect to Environmental Impact Statements and Heritage Impact Statements which expertise is required to assist the Municipality's planning review process. As such reports have been finalized, they have been shared with Council and public in a series of staff reports from March to December 2020, and periodic information updates to the Municipal website's Current Planning Applications page.

#### **Peer Review of the Environmental Impact Study**

As part of the "2019 Applications", an Environmental Impact Study (EIS) and supporting documents were submitted by the Applicant.

To address the matter of potential negative environmental impacts resulting from the removal of woodland, the Municipality hired North-South Environmental, an independent firm with expertise in environmental assessments, particularly as they relate to significant woodlands. This firm undertook a peer review of the EIS prepared by the Applicant to:

- ensure that a complete and objective analysis of the EIS and accompanying documentation had been undertaken, and;
- to provide the Municipality with expert opinion and thereby enable to form an informed and defensible opinion on the 2019 Applications.

In March 2021 North-South Environmental (NSE) completed the peer review of the EIS prepared for the Applicant for the 2019 Applications. Port Hope's Official Plan (OP) requires an EIS to be completed in circumstances where an identified Natural Heritage Feature may be potentially impacted by a proposed development (in this case the woodlands located on the eastern portion of the Phase 5 lands- i.e., within the Phase 5B lands). The over-arching conclusion by NSE was that the Applicant's EIS lacked sufficient information and impact assessment analysis, required by the OP and Provincial Guidelines, to support the EIS's conclusion of no negative impacts to the woodlands. The full report can be found on the following link: [Environmental Impact Study \(porthope.ca\)](https://www.porthope.ca/Environmental_Impact_Study)

## Cultural Heritage Evaluation Report (CHER)

During the public meeting held on March 10, 2020, along with public consultation input, many questions were raised about the Phase 5 development's potential impact on designated heritage properties at 82 and 88 Victoria Street South (pursuant to Part IV, Section 29 of the *Ontario Heritage Act*). Of note was the lack of a heritage impact assessment for the proposed residential development by Penryn-Mason Homes on the Phase 5 lands. In the summer 2020 staff concluded, based on the advice of legal counsel and relevant provisions of the Port Hope Official Plan, that the Municipality is authorized, and, in fact, the policies of the Official Plan require the preparation of a Cultural Heritage Impact Assessment (CHIA). A qualified heritage consultant is expected to conduct a CHIA and evaluate the proposed Phase 5 development, regardless of whether or not the proposed development is contiguous to or adjacent to a cultural heritage resource.

Letourneau Heritage Consulting (LHC) was retained by the Municipality in September 2020 to provide staff with additional heritage expertise, to prepare a Cultural Heritage Evaluation Report and, ultimately, to conduct a peer review of the Applicant's completed CHIA when received. LHC prepared Terms Of Reference for the CHIA that the Applicant and Municipal staff will use as a reference and guide.

LHC completed the Cultural Heritage Evaluation Report (CHER) on May 3, 2021. It identified and described the cultural heritage landscape associated with the two noted designated properties and the former Penryn Estate. The CHER concluded that 82 Victoria Street South and 88 Victoria Street South, both part of former Penryn Estate, have cultural heritage value or interests (design/physical/historical and contextual). The report also identified and delineated the Penryn Estate cultural heritage landscape (CHL), shown in **blue** on the **Figure 6** on the next page, which extends beyond these two private properties and into the eastern portion of the Phase 5 lands.

The CHER recommends that the Municipality recognize the CHL and implement a number of conservation measures, including the completion of an HIA by the Applicant to assess impacts of the proposed residential development could have on the broader CHL and the individual properties. The full report can be found on the following link:

[Current Planning Applications - Municipality of Port Hope](#)

**Figure 6: Excerpt from Figure # 83, CHER (May 3, 2021)**

