

The Corporation of the City of Kawartha Lakes
Agenda
Kawartha Lakes Municipal Heritage Committee Meeting

KLMHC2020-07

Thursday, November 19, 2020

5:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Ron Ashmore

Ann Adare

William Bateman

Dorothy Carroll

Jim Garbutt

Athol Hart

Rob Macklem

Ian McKechnie

Wayne Purdy

Joan Skelton

Michael Sloboda

This will be an electronic participation meeting and public access to Council Chambers will not be available. Please visit the City of Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1.	Call to Order	
2.	Administrative Business	
2.1.	Adoption of Agenda	
2.2.	Declaration of Pecuniary Interest	
2.3.	Adoption of Minutes	
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3.	Presentations and Deputations	
3.1.	The Grand Redevelopment Presentation The Grand Redevelopment Presentation Diana Balanyuk, END Group	
3.1.1.	KLMHC2020-28 171 Kent Street West Alteration Application Report KLMHC2020-28 171 Kent Street West Alteration Application	10 - 20
3.2.	Lindsay Armoury Doors Presentation Lindsay Armoury Doors Presentation Rodney Porter, Capital and Special Projects Supervisor	
3.2.1.	KLMHC2020-10 210 Kent Street West Alteration Application Report KLMHC2020-10 210 Kent Street West Alteration Application	21 - 28
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5.	Subcommittee Updates	
5.1.	Heritage Designation Subcommittee	
5.2.	Outreach Subcommittee	
6.	Correspondence	
7.	New or Other Business	
8.	Next Meeting	
9.	Adjournment	

The Corporation of the City of Kawartha Lakes
Minutes
Kawartha Lakes Municipal Heritage Committee
Meeting

KLMHC2020-06
Thursday, October 8, 2020
5:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. Call to Order

J. Garbutt called the meeting to order at 5:00 p.m. with the following members present Councillor R. Ashmore, D. Carroll, A. Hart, I. McKechnie, W. Purdy and J. Skelton.

Staff Present: E. Turner, Economic Development Officer - Heritage Planning.

Regrets: W. Bateman, A. Adare, R. Macklem

2. Administrative Business

2.1 Adoption of Agenda

An additional item was added to the agenda by Councillor Ashmore under other business to discuss the proposed demolition of a number of boathouses by Parks Canada.

Item 3.1 was deferred to the November meeting.

The Committee also agreed to modify the order of the agenda to accommodate I. McKechnie having to leave the meeting early.

KLMHC2020-41

Moved By W. Purdy

Seconded By D. Carroll

That the agenda be adopted as amended.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

KLMHC2020-42

Moved By Councillor Ashmore

Seconded By I. McKechnie

That the minutes of the Municipal Heritage Committee meeting held on September 10, 2020, be adopted as circulated.

Carried

3. Presentations and Deputations

3.1 Records and Archives Presentation

Report KLMHC2020-14

Presentation on the City's Archives and Records Program

The Records and Archives presentation was deferred until the Committee's November meeting.

3.2 Heritage Signs Presentation

Report KLMHC2020-24

Presentation on commercial signage for heritage properties

E. Turner provided a presentation on the City's requirements for signs in heritage districts. In future, the Committee would like staff to provide an update on what applications have been submitted for information. The Committee would also like to take on a role to advise potential applicants regarding their signs should they require guidance with the City's requirements and ideas for heritage friendly signage.

KLMHC2020-43

Moved By A. Hart

Seconded By D. Carroll

That Report KLMHC2020-24, **Heritage Signs Presentation**, be received; and

That the presentation from staff be received for information.

Carried

3.3 Proposed Development on Lindsay Street South

Deputation

Paul Orchard

Paul Orchard provided an overview of a potential new development on Lindsay Street South. He is aiming to work with with a developer to redevelop the block

between Ridout and Russell Street East into a new development which will take into account the heritage character of downtown Lindsay.

KLMHC2020-44

Moved By A. Hart

Seconded By I. McKechnie

That the deputation from Paul Orchard regarding a proposed development on Lindsay Street South be received for information.

Carried

4. Reports

4.1 Report KLMHC2020-23

Report KLMHC2020-23 Thornhill Road Development Site Plan Approval - 1st Submission

The Committee reviewed the plans for the proposed development on Thornhill Road. The development is not located near any heritage properties and the Committee decided not to provide comment.

KLMHC2020-45

Moved By A. Hart

Seconded By W. Purdy

That Report KLMHC2020-23, **Thornhill Road Development Site Plan Approval - 1st Submission**, be received for information.

Carried

4.2 Report KLMHC2020-25

Report KLMHC2020-25 Proposed Ontario Heritage Act Regulations

The Committee reviewed the proposed new regulations under the Ontario Heritage Act to provide comment to the provincial government. E. Turner advised that comments would have to be endorsed by Council as per the Committee's terms of reference. The Committee developed a general overview of their comments to be provided to Council at the next Council meeting and formed a

subcommittee comprised of A. Hart, J. Skelton, I. McKechnie, J. Garbutt and W. Purdy.

KLMHC2020-46

Moved By A. Hart

Seconded By Councillor Ashmore

That Report KLMHC2020-25, **Proposed Ontario Heritage Act Regulations**, be received;

That the Committee's comments be forwarded to Council for endorsement; and

That a subcommittee be formed to refine the Committee's final comments.

Carried

5. Subcommittee Updates

5.1 Heritage Designation Subcommittee

E. Turner provided an update on heritage designations. There is currently one designation request that has been recently received for 40 Head Street in Bobcaygeon.

5.2 Outreach Subcommittee

E. Turner provided an update on Doors Open. The map tours and one of the museum virtual tours are now online.

6. Correspondence

There was no correspondence reviewed by the Committee.

7. New or Other Business

The Committee discussed a number of items of other business included any additional information to be provided regarding the 37 Adelaide Street North Site Plan, potential properties for listing, and a proposal for a new development on William Street North.

7.1 Trent Severn Waterway Boathouses

Councillor Ashmore brought to the Committee's attention several boathouses that are proposed for demolition by Parks Canada. Several community members have expressed concerns regarding the proposed demolition as the boathouses may have some historic value.

E. Turner advised the Committee that the boathouses were outside of the municipality's jurisdiction because they are located on federal property but that the Committee could reach out to Parks Canada.

The Committee decided that they would draft a letter to Parks Canada regarding the potential for the boathouses to have historic value. Councillor Ashmore and J. Garbutt volunteered to work together on drafting the letter.

KLMHC2020-47

Moved By Councillor Ashmore

Seconded By W. Purdy

That a letter be written to Parks Canada to discuss the history and future of the cabins near Pickerel Point.

Carried

8. Next Meeting

The next meeting will be Thursday, November 12, 2020 at 5:00 p.m. in Council Chambers at City Hall (26 Francis Street).

9. Adjournment

KLMHC2020-48

Moved By D. Carroll

Seconded By Councillor Ashmore

That the Municipal Heritage Committee Meeting adjourn at 6:37 p.m.

Carried

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-28

Meeting Date: November 19, 2020
Title: 171 Kent Street West Alteration Application
Description: Alteration application for 171 Kent Street West (the Grand)
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-28, **171 Kent Street West Alteration Application**, be received; and

That the proposed alterations be approved with conditions.

Background:

Under the City of Kawartha Lakes' delegated authority by-law for the alteration of designated heritage properties (By-law 2019-154), approvals for minor alterations to properties designated individually under Part IV of the Act are delegated to staff in consultation with the Kawartha Lakes Municipal Heritage Committee. Minor alterations are defined in the by-law and include changes to the property including, but not limited to, the replacement of exterior elements, additions, the construction of accessory structures, hard landscaping, and the installation of utilities.

The property at 171 Kent Street West ("the Grand") in Lindsay is designated individually by Town of Lindsay By-law 1981-03 (attached as Appendix C). The building is designated as a rare and excellent example of a Second Empire commercial building in downtown Lindsay and as a longstanding hotel in the town. The building is also located in the Downtown Lindsay Heritage Conservation District. The proposal also includes the newer section of the building which is not designated individually, but is located within the Downtown Lindsay HCD. The building, which is a two-storey commercial building dating from the 1920s, is identified in the Downtown Lindsay HCD Plan as a contributing historic building. Municipally, the building as a whole is addressed as 171-183 Kent Street West. For clarity, this report will refer to the 1875 section of the building as 171 Kent Street West and the 1920s section as 183 Kent Street West.

In 2016, the City received an application to demolish the property and redevelop it as a multi-storey mixed-use property. This development did not come to fruition. In fall 2020, the property was sold and a new application was received for the property. The new application does not include the demolition of the property. In general, it involves the restoration of the older section of the building and some changes to the façade of the newer section. The proposed elevations and interior layout of the proposal are attached as Appendix A. A current image of the building is attached as Appendix B.

Rationale:

The application involves a number of changes to the two different sections of the property. The applicant intends to complete the work in three phases. The phases and the intended work in each are outlined below.

Phase One

- Façade refinishing of 183 Kent Street West with stucco
- Window and door replacement as needed and reopening the historic window openings on the ground floor of 171 Kent Street West
- Roof and foundation repair as per structural assessment
- Interior clean up and renovation of two existing commercial units

- Installation of new awnings and lighting

The roof and structural repair of the older section of the building is supported by the Downtown Lindsay HCD plan, as is the reopening of the closed up windows on 171 Kent Street West, as these actions contribute to bringing the building back to its historic appearance and into good repair for long term conservation.

Generally, the replacement of historic windows is not encouraged when the windows can be repaired. However, there is a significant amount of deterioration in 171 Kent Street which is likely to make window replacement necessary in some cases. The applicant is proposing window replacement on an as needed basis, which is supported. The specifications for replacement windows have not been submitted but will need to replicate the historic windows that are currently in place.

The installation of new awnings and lighting will also require the submission of more detailed specifications to ensure that they comply with the Downtown Lindsay Streetscape and Façade Guidelines. Generally, awnings and lighting are included as part of applications for commercial signage, and the applicant may choose to apply for approval for the awnings and lighting in this manner. The applicant may also choose to submit specifications for awnings and lighting separately from the commercial signage.

The covering of the existing façade of 183 Kent Street West with stucco is not supported in the Downtown Lindsay HCD plan. The property is identified as a contributing historic property and the plan recommends that original brick facades not be painted, nor, by extension, covered up. It is not recommended that this aspect of the proposal be approved.

The interior work does not require heritage approval but, in general, the cleanup and renovation of the two commercial units for commercial tenants is supported by the City's wider economic development goals for downtown revitalization and encouraging businesses in its downtown areas.

Phase Two

- Renovations of existing apartments in 183 Kent Street West, including the update of electrical and mechanical systems
- Potential conversion of hotel suites at 171 Kent Street West into additional apartments

Phase Three

- Interior renovations to the two existing restaurants

There are no designated interior features in 171 Kent Street West and properties located in heritage conservation districts, namely 183 Kent Street West, do not require approval for interior work. There are no heritage review or approvals

required for this work. The work will, however, require site plan approval and the Committee will be circulated on the application when it is received.

Staff are recommending that the application be approved with conditions. The conditions would be as follows:

- Submission of window specifications for windows that are being replaced and for the windows being used in 171 Kent Street West that are being reopened
- Submission of door specifications for any doors being replaced
- Submission of specifications for awnings and lighting being added or replaced on the building separate from the commercial signage
- Submission of separate heritage permit applications for commercial signage
- That the covering of the façade of 183 Kent Street West not be approved.

The approval of the project as a whole, conditional on the submission of additional specifications for individual features such as windows and doors, will allow the applicant to begin to work through the requisite Planning Act processes, namely site plan approval, and submit the specifications for individual elements of the building as the project progresses. For a large project such as this, conditional approval also allows for flexibility should something unexpected occur or, in this case, for the applicant to undertake an assessment of the windows as the work begins and make a decisions regarding which, if any, need replacement. The specifications for individual items would be brought forward and approved on an as needed basis.

The businesses which lease the space in the building will also be required to apply for and receive heritage permits for their commercial signage. This often includes awnings and lighting which are installed as part of the overall signage. In Kawartha Lakes, signage has typically been permitted separately from other alterations and as the responsibility of the commercial tenant. Given that the tenants for the property may not yet be known, staff are recommending this course of action. The permits for signage will be processed as they are received and separately from this application.

Other Alternatives Considered:

The Committee could choose to approve the application in its entirety without requesting specifications for the detailed aspects of the design and including the covering of the façade of 183 Kent Street West in stucco. Alternatively, the Committee could refer the application back to the applicant for more detailed design prior to making any decision.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – 171 Kent Street West Proposed Elevations and Floorplan



171 Kent
St_Proposed Developi

Appendix B – The Grand Current Photo



The Grand Current
Photo.docx

Appendix C – Town of Lindsay By-law 1981-03



Town-of-Lindsay-198
1-03.pdf

E-Mail: eturner@kawarthalakes.ca

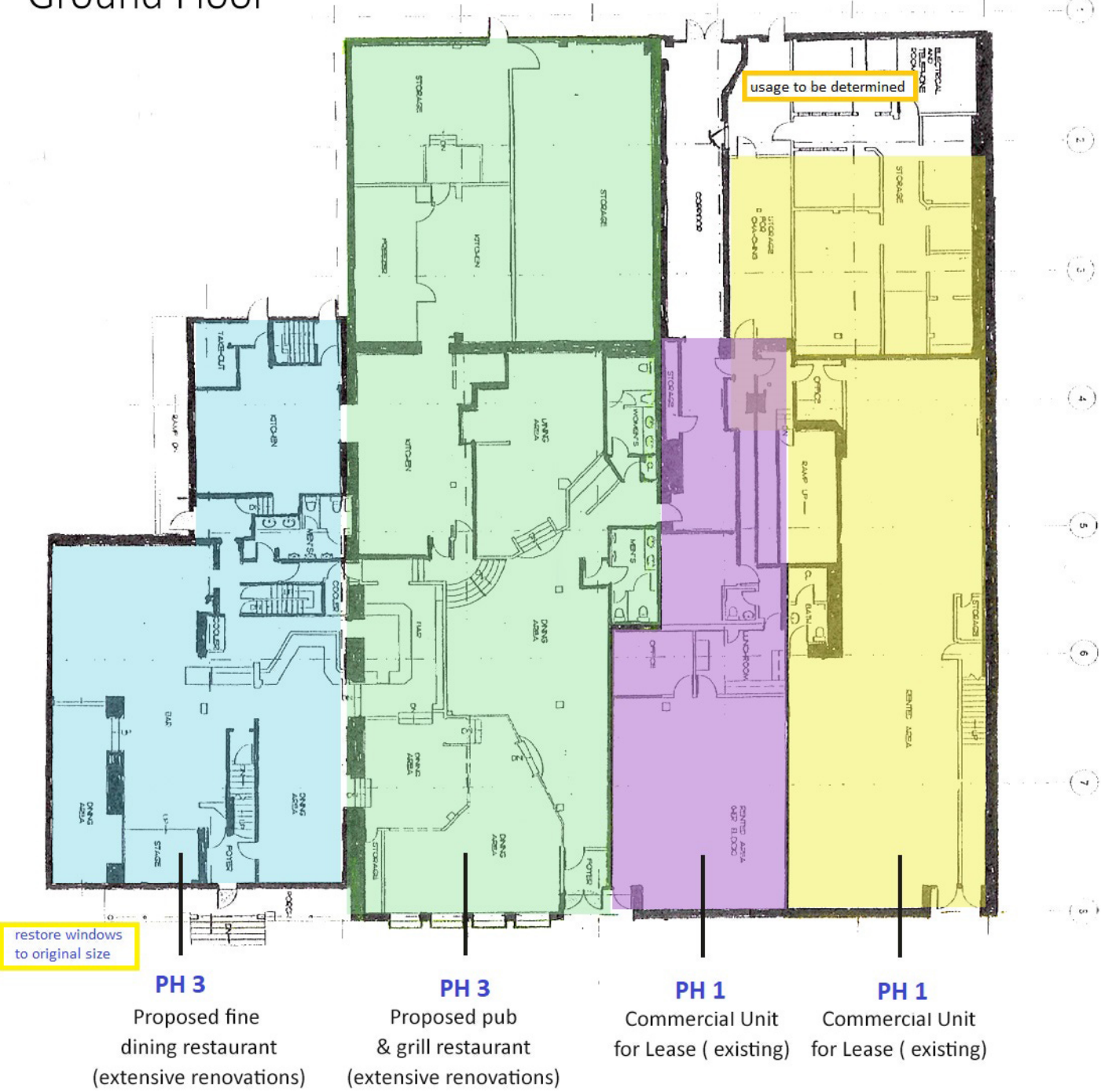
Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

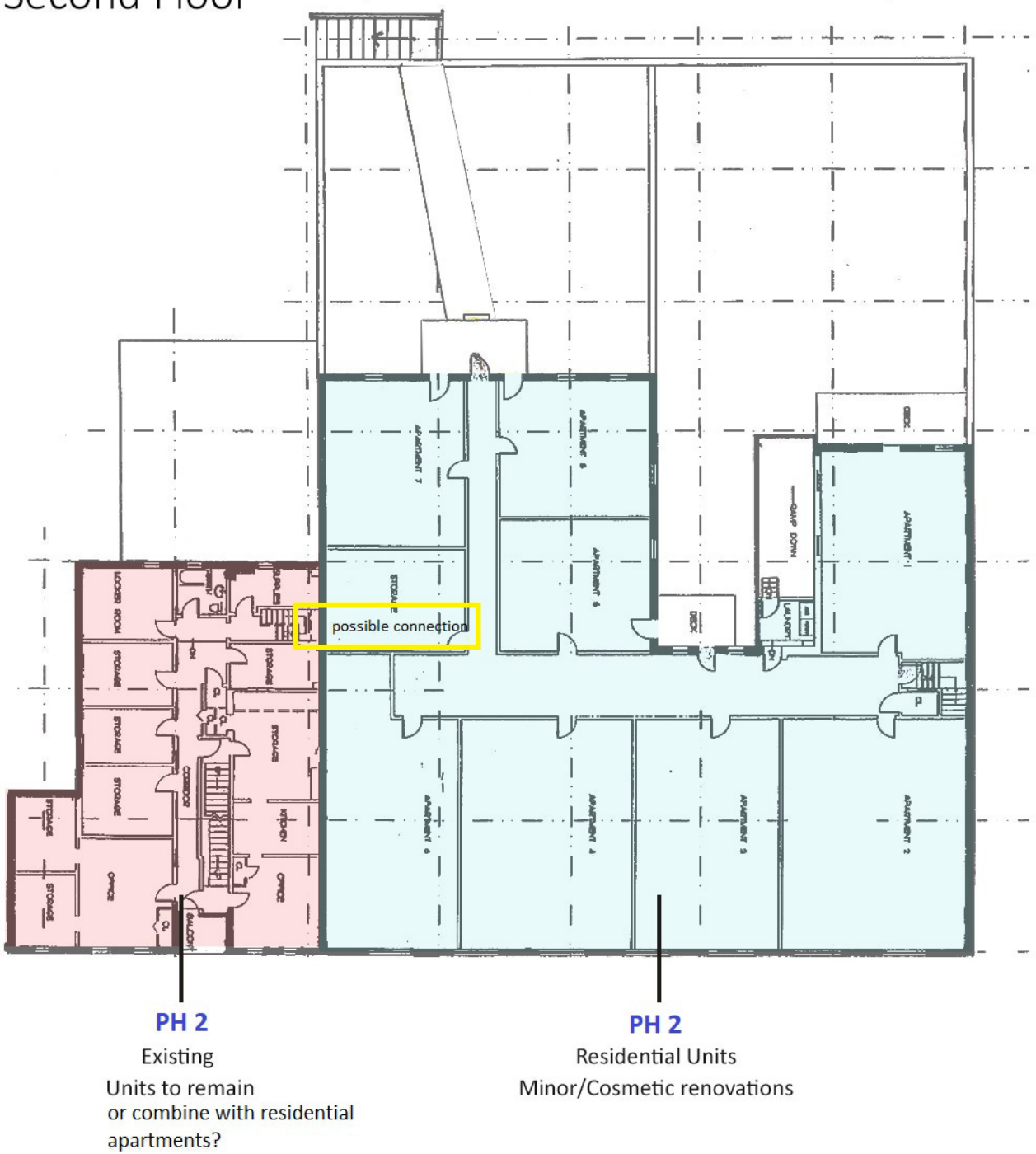


171 KENT ST., LINDSAY
Proposed Exterior Facade Refinish

Ground Floor



Second Floor



171 KENT ST., LINDSAY
Proposed Interior Development



TOWN OF LINDSAY

BY-LAW NUMBER

3-81

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE GRAND HOTEL, LINDSAY AS BEING OF ARCHITECTURAL AND HISTORICAL VALUE OR INTEREST.

WHEREAS the Ontario Heritage Act S.O. 1974, Chap. 122 as amended by 1975, Chap. 87, Part IV provides that the Council of a municipality may designate a property within the boundaries of the municipality to be of historical and/or architectural value or interest, and

WHEREAS Notice of intent to Designate said property has been given in accordance with said Act, Part IV, SEC. 29, Subsection 3.4, and

WHEREAS no objection to the proposed designation has been served on the clerk of the municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINDSAY ENACTS AS FOLLOWS:

1. There is designated as being of architectural and historic interest or value the exterior of the property known as The Grand Hotel, more particularly described in Schedule "A" attached hereto. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building and offices herein contained but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Local Architectural Conservation Advisory Committee.
2. The municipality is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office.
3. The clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the same newspaper having general circulation in the municipality once for each of three consecutive weeks.

4. This by-law shall come into force and take effect on the final passing thereof.

Read a first time on: JAN 5 1981

Read a second time on: JAN 5 1981

Read a third time and

finally passed on: JAN 5 1981

James V. Dwyer MAYOR

W B Bates CLERK
ADMINISTRATOR.

SCHEDULE "A"

to by-law number 3-81

TOWN OF LINDSAY

the facade of the building and the original deeded parcel of land upon which said building is located being that property located in the Town of Lindsay and being on the South side of Kent Street on the block bounded by Cambridge Street and Victoria Avenue South, and known as the GRAND HOTEL, 171 Kent Street West, LINDSAY.

Significance:

Construction: Brick with white clapboard on the third storey. Exact construction date is undetermined but is believed to be between 1860 and 1875.

This building seems always to have been a hotel. It was under the management of John Irvine as early as 1875 and was known as the Market Hotel, probably due to its location within the Queen's Square, and opposite to the market place at the Town Hall. Mr. Jerimiah S. McCarthy took over the hotel about 1890 and since then the business has been carried on as the Grand Hotel. The present owner is Colonial Inns Limited and is operated by Mr. Philip Nieu Kirk. The architectural features of the Grand Hotel are certainly worthy of note. The Halifax mansard roof, the dormers on the third storey, and the corner brackets are typical of French Empire architecture during the Second Empire. There is an attractive arch entryway leading on to the verandah and another arch opening directly above the main doorway leading onto a second floor verandah/balcony. The use of arches is characteristic of Romanesque Revival design. The Grand Hotel is an elegant building which contributes greatly to the appearance of our picturesque main street.

Therefore, because of its historical and architectural significance, the Council of the Corporation of the Town of Lindsay recommends that, the facade of the above mentioned premises and the original parcel of land having a frontage of 44 feet on Kent Street upon which same is located, be designated as a property having historic or architectural value or interest pursuant to the provisions of The Ontario Heritage Act. 20

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-10

Meeting Date: November 19, 2020

Title: 210 Kent Street West Alteration

Description: Proposed alteration to 210 Kent Street West (Lindsay Armoury)

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-10, **210 Kent Street West Alteration**, be received;
and

That the proposed alterations to 210 Kent Street West be approved.

Background:

Under the City of Kawartha Lakes' delegated authority by-law for the alteration of designated heritage properties (By-law 2019-154), approvals for minor alterations to properties designated individually under Part IV of the Act are delegated to staff in consultation with the Kawartha Lakes Municipal Heritage Committee. Minor alterations are defined in the by-law and include changes to the property including, but not limited to, the replacement of exterior elements, additions, the construction of accessory structures, hard landscaping, and the installation of utilities.

210 Kent Street West (Lindsay Armoury) is designated by By-law 1980-03 (Town of Lindsay) under Part IV of the Ontario Heritage Act. It is designated for its architectural significance as an early twentieth century drill hall and for its historical significance in its association with Sir Sam Hughes and the town's military history. The designation by-law for this property is attached as Appendix A. This property is municipally-owned and is used as a community facility.

Staff are proposing the replacement of the front doors of the building. A picture of the existing doors is attached as Appendix B for reference. Staff will present proposed options for changing the doors, both with regard to design and materials at the meeting. Several alternatives for door designs are attached as Appendix C. Although this is a City-owned property, authorization must still be obtained prior to undertaking any alterations.

Rationale:

Staff are proposing the replacement of the front doors of the Armoury and will present a number of designs at the meeting which the Committee can review and assess for design and material compatibility with the heritage attributes of the property. Replacement of the front doors on the Lindsay Armoury can be supported if the proposed design is compatible with the property.

Other Alternatives Considered:

The Committee may choose not to endorse the proposed changes to the doors of the property, although this is not recommended to ensure the long-term maintenance and usability of the building. Depending on the designs submitted, the Committee may also ask for modifications to ensure that the new doors are suitable to the character of the Armoury.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

Capital and Special Projects Supervisor

Attachments:

Appendix A – Town of Lindsay By-law 1980-03



Town-of-Lindsay-19
80-03.pdf

Appendix B – Current Photo, front doors of 210 Kent Street West



210 Kent Street W
Doors.docx

Appendix C – Proposed Elevations



1921 - Elevation
Options - R.pdf

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

TOWN OF LINDSAY

BY-LAW NO. 3-80

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE
VICTORIA PARK ARMOURY, LINDSAY AS BEING OF ARCHITECTURAL AND
HISTORICAL VALUE OR INTEREST.

WHEREAS the Ontario Heritage Act S.O. 1974, Chap. 122 as amended by 1975, Chap. 87, Part IV provides that the Council of a municipality may designate a property within the boundaries of the municipality to be of historical and/or architectural value or interest and

WHEREAS Notice of Intent to Designate said property has been given in accordance with said Act, Part IV, Sect. 29, Subsection 3.4, and

WHEREAS no objection to the proposed designation has been served on the clerk of the municipality

NOW THEREFORE THE COUNCIL OF THE CORPORATION
OF THE TOWN OF LINDSAY ENACTS AS FOLLOWS:

1. There is designated as being of architectural and historic interest or value the exterior of the property known as The Victoria Park Armoury, more particularly described in Schedule "A" attached hereto. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building and offices herein contained but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Local Architectural Conservation Advisory Committee.
2. The municipality is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office.
3. The clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the same newspaper having general circulation in the municipality once for each of three consecutive weeks.

4. This by-law shall come into force and take effect on the final passing thereof.

Read a first time on: JAN 7 1980

Read a second time on: JAN 7 1980 James F. Slyn MAYOR

Read a third time and

finally passed on: JAN 7 1980 W B Bates CLERK
ADMINISTRATOR.

SCHEDULE "A"

to by-law number 3-80

TOWN OF LINDSAY

The exterior portion of the building and the original deeded parcel of land upon which said building is located being that property located in the Town of Lindsay and being the North West part of the Market Reserve, formerly Queen's Square and known as The Lindsay Armoury, 210 Kent Street West.

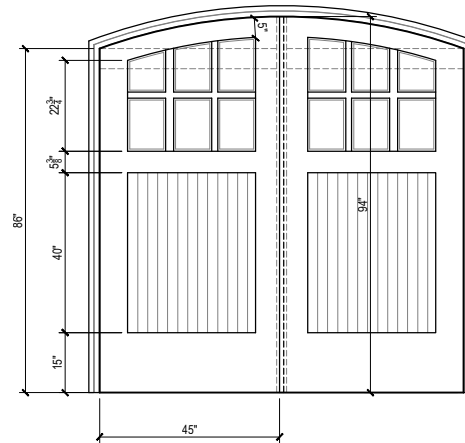
SIGNIFICANCE:

Construction: Brick withstone trim, built 1913. The Lindsay Armoury is an important landmark, both historically and architecturally. The land was purchased by the Town of Lindsay in 1912. The cornerstone for the building was laid on July 22nd, 1913, in a ceremony presided over by Sir Sam Hughes, the federal Member of Parliament for the riding, General Sir Ian Hamilton of the British Army and John Carew, the provincial Member of Parliament for the riding. The Armoury was built as a drill hall for the 45th Regiment and was one of a series of Armouries requisitioned by Sir Sam Hughes as Minister of Militia and Defence as part of a program of military readiness.

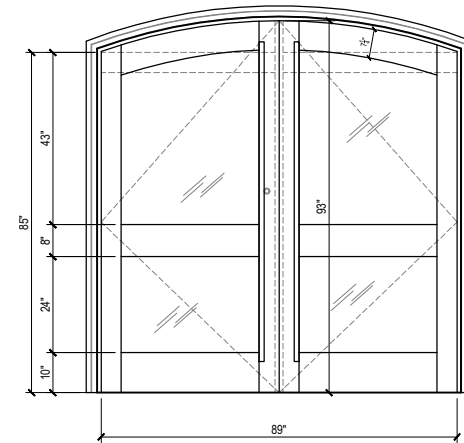
The design of The Lindsay Armoury is that of an italianate drill hall with other architectural influences being present including the baronial gothic style of the crenellated towers, the rough faced masonry and arched doorway of the romanesque revival style and the pilasters in the classic style.

Therefore, because of its historical and architectural significance, the Council of the Corporation of the Town of Lindsay recommends that the exterior portion of the above mentioned premises and the original parcel of land having dimensions of 112 feet by 200 feet upon which same is located be designated as a property having historic or achitectural value of interest pursuant to the provisons of The Ontario Heritage Act.

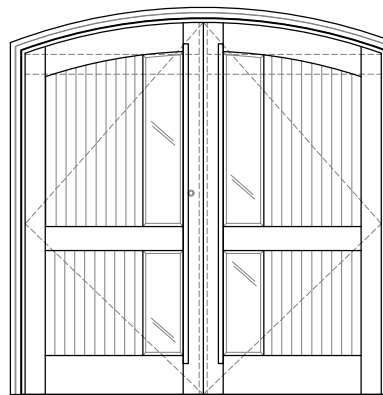




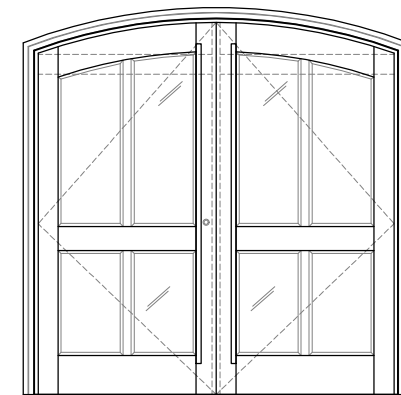
Existing



Option #1



Option #2



Option #3

Door Hardware:	
2	ea. Continuous Hinge
2	ea. Panic Bar Exit Device
1	ea. Door Closer
1	ea. Power Door Operator
2	ea. Wall Actuator Button
1	ea. Electric Strike
2	ea. Full Height Door Pull
1	ea. 90° extruded aluminum threshold
5	ea. Weatherstripping

REF:
PROJECT NO: 2019-21
DATE: 2020.02.11
FILE: 1921 - ARCH DETAILS.DWG

DRAWN BY: C.C.
CHK'D BY: 28 R.A.

**RONALD
AWDE**
ARCHITECT
1458 ■ KING ■ STREET
BETHANY ■ ONTARIO
705 ■ 277 ■ 9490

SHEET TITLE

Door Elevations

PROJECT

Victoria Armoury Door Replacement
Lindsay, Ontario

DRAWING

A1

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-30

Meeting Date: November 19, 2020
Title: Arts and Culture Presentation
Description: Presentation on the City's current Arts and Culture Initiatives
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-30, **Arts and Culture Presentation**, be received; and
That the presentation from Arts and Culture staff be received for information.

Background:

The City's Arts and Culture portfolio is held in Economic Development and undertakes a wide range of activities which help foster the growth and development of the Arts and Culture sectors in Kawartha Lakes. The Economic Development Officer for Arts and Culture will provide a presentation to the Committee on the City's Arts and Culture programming and current initiatives underway in that sector.

Rationale:

An update on Arts and Culture initiatives in the City provides the Committee with information on the Arts and Culture portfolio in Economic Development and on activities which may be of interest to the Committee or impact the Committee's work.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operating impacts resulting from the recommendations of this report.

Consultations:

N/A

Attachments:

N/A

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-26

Meeting Date: November 19, 2020

Title: 2021 Meeting Dates

Description: Meeting dates for the Kawartha Lakes Municipal Heritage Committee for 2021

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-21, **2021 Meeting Dates**, be received; and

That the meeting dates for 2021 be approved.

Background:

Traditionally, the Municipal Heritage Committee meets the first Thursday of each month, or the second Thursday if the first Thursday falls on or next to a holiday. In 2021, these dates would be:

January 14	July 8 (as required)
February 4	August 5
March 4	September 2
April 8	October 7
May 6	November 4
June 4	December 2 (as required)

Typically, the Committee does not meet in July and December. The dates are established if they are required to deal with urgent business.

Rationale:

In the past, the date for the next meeting has been decided at the preceding meeting. However, given the spatial limitations and need for advance room booking due to the COVID-19 pandemic, it would be helpful for staff to book meeting for the entirety of 2021 to ensure availability of resources. Should an additional meeting be required or a date moved, a new date can be established as required with sufficient notice.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts resulting from the recommendations of this report.

Consultations:

N/a

Attachments:

N/A

E-Mail: eturner@kawarthalakes.ca

Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-27

Meeting Date: November 19, 2020

Title: 511 Emily Park Road Consent Application

Description: Application to sever a portion of 511 Emily Park Road and consolidate it with 4249 Highway 7

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-27, **511 Emily Park Road Consent Application**, be received; and

That comments regarding the proposed consent be provided through the Chair to Planning staff.

Background:

The City of Kawartha Lakes has received a consent application for a lot boundary adjustment for the property known municipally as 511 Emily Park Road. The purpose of the application is to sever approximately 4.05 hectares (10 acres) from the property and consolidate it with the adjacent property, Emily Cemetery (4249 Highway 7). The parcel is located directly to the east of existing cemetery with frontage on both Highway 7 and Emily Park Road. The intent of the proposal is to expand the existing cemetery.

The receiving property, 4249 Highway 7, is designated under Part IV of the Ontario Heritage Act because of the Emily Cemetery Chapel which is located on the property. The Chapel has cultural heritage value as an excellent example of an English Gothic Revival chapel and in its associations with Flora McCrae, Lady Eaton, who commissioned it. Designed by Toronto architect George Roper Gouinlock in 1928, it was originally known as the McCrae Memorial Chapel. The cemetery itself has been in operation since 1872.

A planning justification brief was prepared and submitted by the applicant and includes maps identifying the location of the subject addition to the property. The planning justification brief is attached as Appendix A.

Rationale:

The proposed lot boundary adjustment is unlikely to have any impact on the heritage attributes of the Emily Cemetery, namely the chapel. The cemetery is currently an active cemetery and the expansion would continue the ongoing cemetery operations to the east of the existing burial ground.

Should the proposal be approved, an amendment will be required to the heritage designation by-law for the property (Township of Emily 2000-14) to ensure that the legal description of the property appropriately reflects the accurate boundaries of the property. The amendment would be processed in accordance with Section 30.1 of the Ontario Heritage Act.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are no financial or operational impacts associated with the recommendations of this report.

Consultations:

N/A

Attachments:

Appendix A – Planning Justification Brief



Planning Justification
Brief 511 Emily Park R

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Phone: 705-324-9411 ext. 1366

Department Head: Chris Marshall, Director of Development Services

RECEIVED
AUG 17 2020
City of Kawartha Lakes
Development Services
Planning Division

Planning Justification Brief

**511 Emily Park Road
Part of Lot 12, Concession 4,
City of Kawartha Lakes**

D.M. Wills Project Number 19-7378



D.M. Wills Associates Limited
Peterborough

August 2020

**Prepared for:
Mr. Derrick Lennox**

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- Appendix A – Pre-Consultation Comments
- Appendix B – Correspondence

1.0 Introduction

D.M. Wills Associates Limited (Wills) has been retained by Derrick Lennox (Client) to prepare this Planning Justification Brief (Brief) in support of an application for consent (Lot Addition) for the property located at 511 Emily Park Road, Part of Lot 12, Concession 4 (Subject Property) in the former geographic Township of Emily, now in the City of Kawartha Lakes (City). The consent application entails a lot boundary adjustment to convey approximately 10 acres (4.05 hectares) of land fronting on Highway 7 (Subject Site) to the abutting Emily Cemetery located at 4249 Highway 7.

1.1 Purpose of Planning Justification Brief

The application benefits from a pre-consultation meeting, which was conducted with the City and other interested agencies on January 24th, 2019. As identified in the final comments circulated from the pre-consultation meeting, a Lot Addition is required for a lot boundary adjustment to convey approximately 10 acres (4.05 hectares) of land from the Subject Site to the abutting Emily Cemetery. Refer to **Appendix A**.

The purpose of this Brief is to provide a review and analysis of the proposed Lot Addition in the context of both provincial and municipal planning policies. This Brief is submitted in support of the planning application.

2.0 Project Background

2.1 Property Location and Surrounding Land Uses

The Subject Property is located at 511 Emily Park Road, Part of Lot 12, Concession 4 in the former geographic Township of Emily, now the City of Kawartha Lakes consisting of 134 acres (54.2 hectares). The Subject Site is located at the southeast corner of the Subject Property and is comprised of approximately 10 acres (4.05 hectares). The Subject Property is located approximately 3 kilometres west of the Village of Omemee, and 2 kilometres south of Emily Provincial Park. Refer to **Figure 1**.

The Subject Property is located in the northwest quadrant of the intersection of Highway 7 and Emily Park Road, east of the Village of Omemee. In the immediate vicinity, there are a number of existing rural residential properties directly neighbouring the Subject Property, both along Emily Park Road and Highway 7. Several agricultural operations exist in the nearby vicinity. These operations are predominately a mix of beef cattle, alpaca, equine and cash crop operations. The Emily Cemetery is located adjacent to the Subject Site and has been in operation since 1872. Refer to **Figure 2**. A small portion of the northeasterly lands on the Subject Property have been identified as a provincially significant wetland, connected to a larger provincially significant wetland that extends east of Emily Park Road. Refer to **Figure 3**.

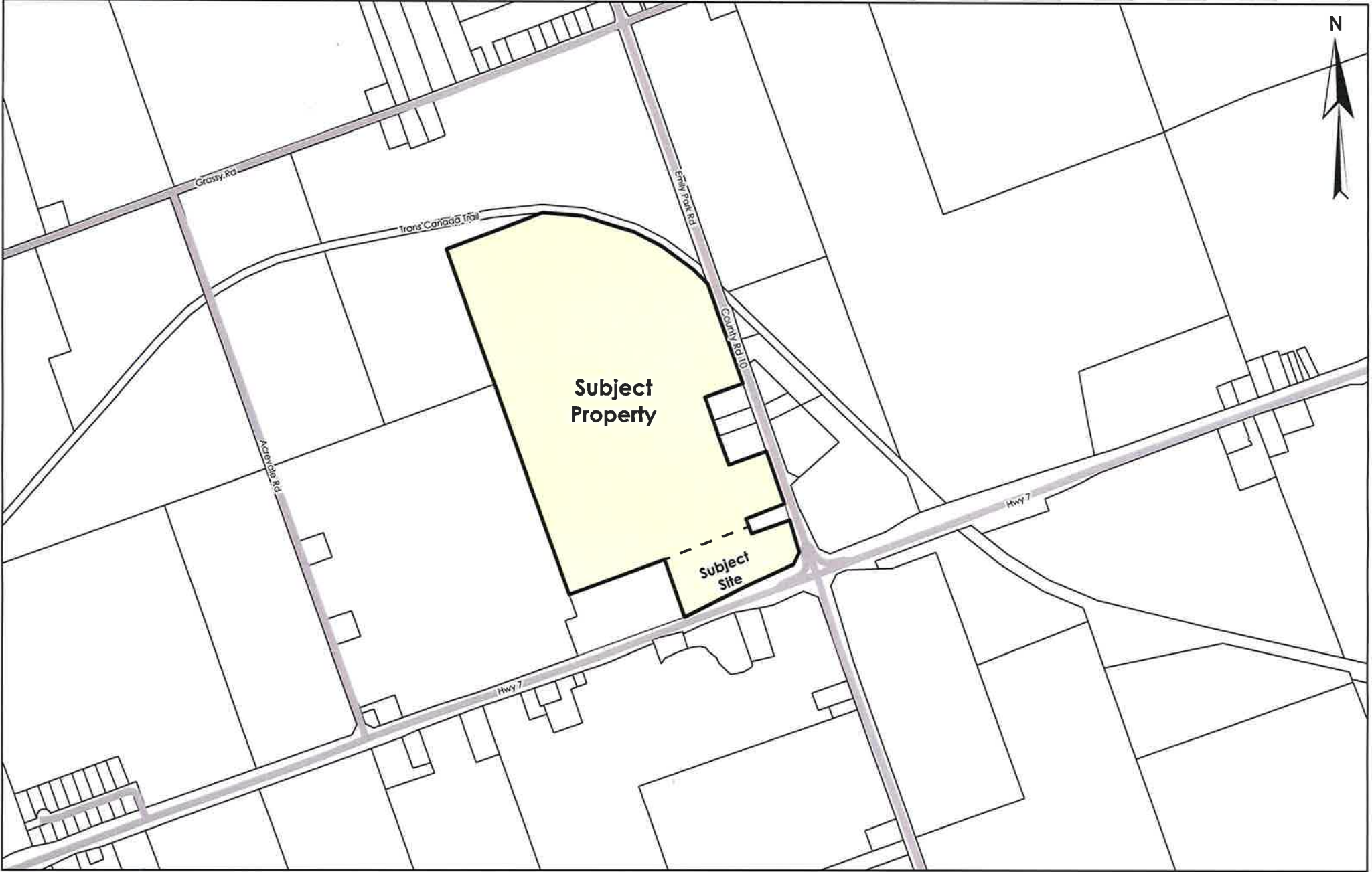


Figure 1
Key Map



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Legend

- Road
- Property Boundary
- Subject Property

Drawn by:	AK
Checked by:	KH
Map Date	November, 2019
Project No.	7378
Map File No.	
Scale	NAD83 UTM Zone 17 North
0 80 160 320	Meters



Figure 2
Surrounding Land Uses



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Legend

- Highway
- Arterial
- Local
- Subject Property

Drawn by:	AK
Checked by:	KH
Map Date	November, 2019
Project No.	7378
Map File No.	
Scale	NAD83 UTM Zone 17 North
0 125 250 500	Meters

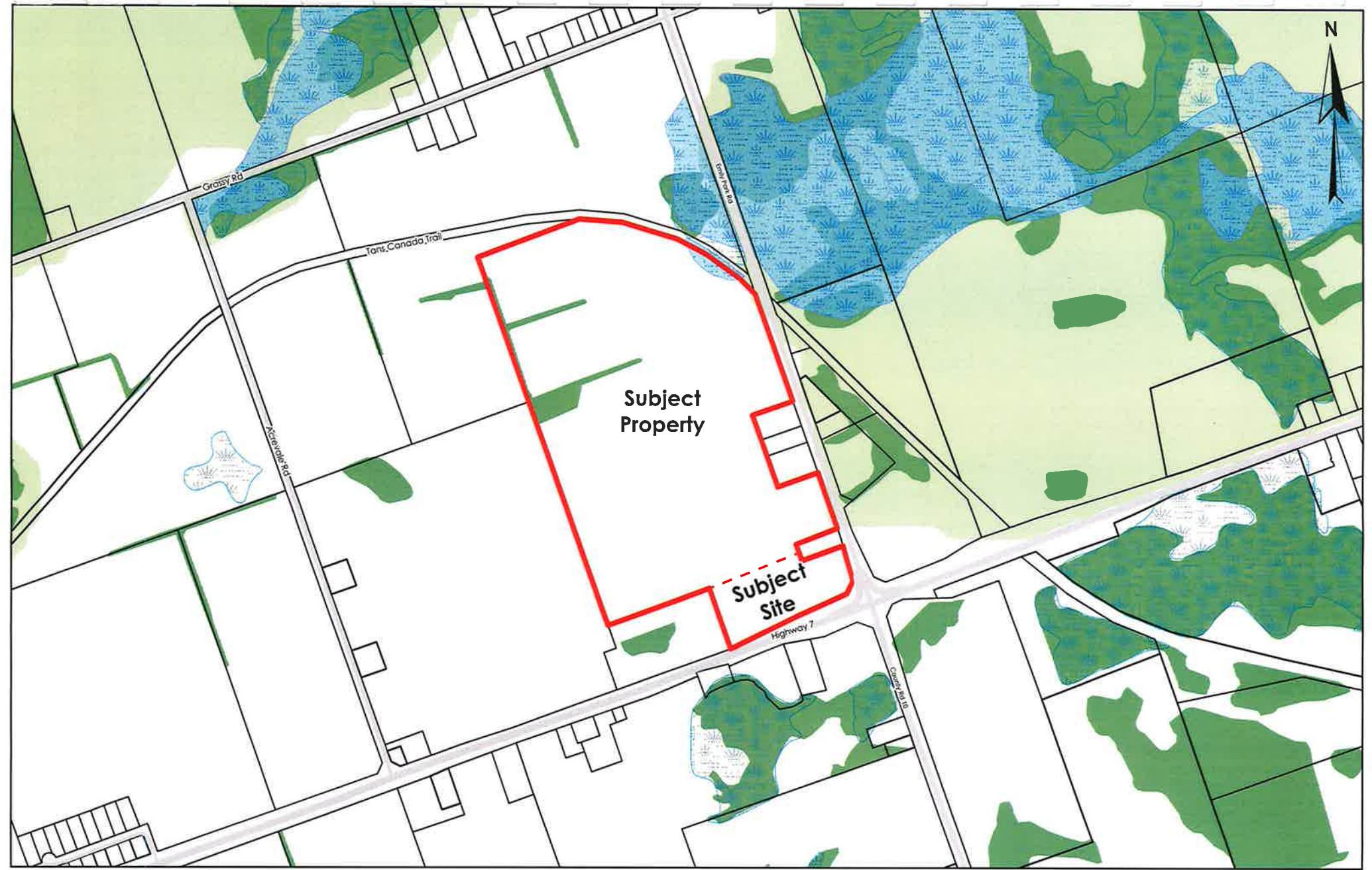


Figure 3

Natural Heritage Features

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Legend

- Road
- Subject Property
- Property Boundary
- Unevaluated Wetland
- Provincially Significant Wetland Evaluated
- Non-Provincially Significant Wetland Evaluated
- Woodland
- Natural Heritage System Area

Drawn by:	AK
Checked by:	KH
Map Date	November, 2019
Project No.	7378
Map File No.	
Scale	NAD83 UTM Zone 17 North
0 85 170 340	Meters

2.2 Property Development and Uses

The Subject Property contains a dwelling serviced by a private individual well and septic system, a drive shed and several cultivated fields that have been historically rented out for agricultural use. The cultivated fields are currently rented by a local farmer for growing rotational field crops. Approximately half of the Subject Site (~5.6 acres) has been cultivated and in 2019 was used for the production of hay. Refer to **Appendix B**.

To note, there are no proposed land use changes to the Subject Property, as the lands will remain in agricultural production. The Subject Site is a proposed extension to the existing Emily Cemetery. Refer to **Figure 4**. Access to the Subject Site will be from the existing entrances to the Cemetery from Highway 7.

The Subject Property is designated as 'Sand and Gravel', 'Rural', and 'Environmental Protection' in the City of Kawartha Lakes Official Plan, and zoned 'Agricultural' (A1) in the Township of Emily Zoning By-law 1996-30. Additionally, although not in effect, the Subject Property is identified as a 'Candidate Area' under the Agricultural Systems mapping prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

NOTE:
THIS DRAWING IS A SITEPLAN AND AN APPROXIMATION
BASED ON PUBLICLY ACCESSED INFORMATION. THIS IS
NOT A SURVEY.

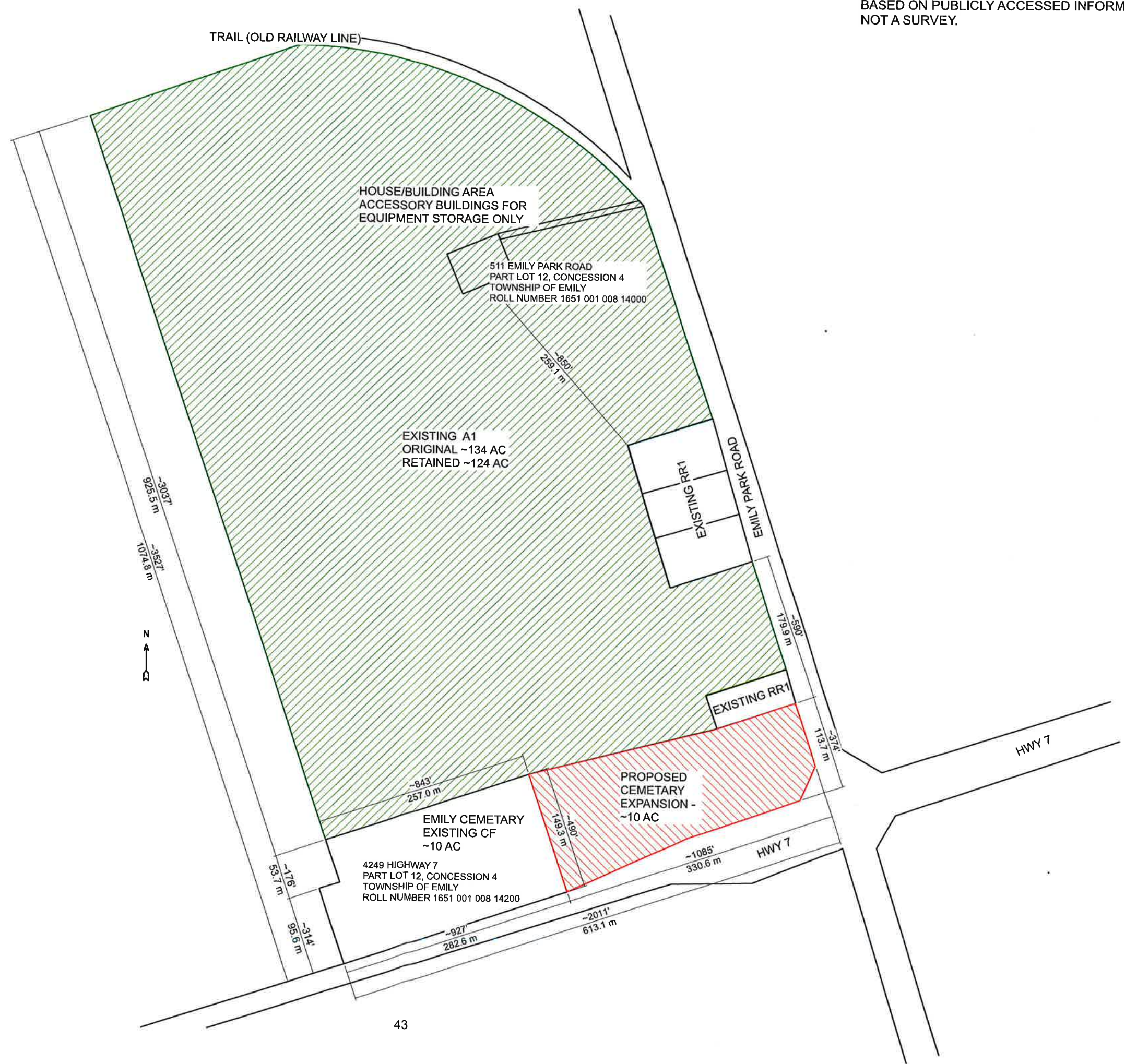


Figure 4 - Lot Configuration

3.0 Supporting Technical Studies

As a result of the pre-consultation meeting held with the City on January 24th, 2019, the following studies were identified as requirements for the consent application.

3.1 Agricultural Impact Brief

In January 2020, Wills completed an Agricultural Impact Brief (AIB) for the Subject Property. The AIB examined the Subject Property's agricultural characteristics; reviewed the potential impact of the proposed non-agricultural uses on the wider agricultural system; and reviewed the relevant planning policies pertinent to the planning application. The AIB concluded that the proposed Lot Addition to expand the existing Emily Cemetery is appropriate for the following reasons:

- *The soil mapping and classification systems identified that the Subject Site contains Class 5 soils, an OMAFRA classification for stoniness of 4, and that the topography, coupled with drainage, contributes to a low CLI Soil Capability of Agriculture indicating that the lands are marginal for agricultural production;*
- *Within the context of a larger agricultural system, the use of the Subject Site for non-agricultural uses will not inhibit normal farm practices nor inconvenience farmers of surrounding agricultural operations;*
- *The Subject Site's location next to two (2) arterial roadways serves to limit the effect of field fragmentation. As such, and with consideration to on-site agricultural limitations, the use of the Subject Site for any future farm consolidation would not be overtly beneficial. Rather the Subject Site represents an ideal location and logical extension for the expansion of the Emily Cemetery; and,*
- *That the net potential impacts to agriculture as a result of the proposed consent application are negligible.*

According to the AIB, the proposed Lot Addition to expand the Emily Cemetery is an appropriate development for the rural property, and does not adversely affect the agricultural integrity of the area.

3.2 Aggregate Impact Study

In January 2020, Wills completed an Aggregate Impact Study (AIS) on the Subject Property in support of the consent application (Lot Addition). The AIS included extensive background information and policy review; a site inspection; and an examination of land use compatibility and aggregate development constraints. The AIS report was prepared on the basis of the Ministry of Natural Resources and Forestry (MNRF) Terms of Reference for an Aggregate Study. The AIS's compatibility analysis noted the following:

- *The proximity of the Proposed Severed Parcel to the intersection of Highway 7 and Emily Park Road limits the use of these lands for a potential entrance point for a future aggregate operation. Additionally, the Proposed Severed Parcel's high relief with respect to the adjacent roadways further limits its usability in this context.*
- *The Proposed Development is expected to result in minimal traffic volume increases and access will be provided using the existing Emily Park Cemetery entrances. As a result, the Proposed Development would not pose traffic compatibility issues with a future aggregate operation in the area.*
- *The environmental impact of the Proposed Development is expected to be minimal, and will not require a significant draw on, or impact to, local groundwater or surface water resources that may compete with a future aggregate operation. Conflicts resulting from the competing demands of the Proposed Development and a future aggregate operation in the area are not expected.*
- *The Proposed Development has the potential to restrict the available resource tonnage for a future aggregate operation on the remainder of the Subject Property. The amount of aggregate has been determined to be relatively minor.*

The AIS concluded that based on the size, potential quality, proximity to residential structures and access issues, it is unlikely that an applicant would pursue a license to operate a standalone aggregate operation on the Proposed Severed Parcel (Subject Site). Extraction of aggregate on the Subject Site may be feasible if part of a larger operation, however this would constitute a very small volume with respect to what is suggested on the remainder of the Subject Property. Additionally, the Proposed Development is not anticipated to prevent or cause any land use compatibility issues with the future development of aggregate resources elsewhere on the Subject Property. Additionally, the Proposed Development may provide a greater long term benefit to the local and surrounding communities than reserving this small area for the future development of an aggregate resource of unknown quality.

3.3 Species at Risk Evaluation Report

In June 2020, Wills completed a Species at Risk (SAR) Evaluation (Evaluation) for the Subject Property as the Kawartha Region Conservation Authority (KRCA) advised of the potential for SAR on and adjacent to the Subject Property. The purpose of the Evaluation was to identify any SAR or SAR habitat on and/or around the Subject Property. The Evaluation included target surveys for Eastern Meadowlark and Bobolink.

The evaluation concluded that although Eastern Meadowlark were observed on the Subject Property, the Subject Site does not provide habitat for Eastern Meadowlark or Bobolink. The report noted that vegetation on the Subject Site was "sparse, with very little cover for their nests." It is important to note that no Eastern Meadowlark, Bobolink, or other SAR were observed on the Subject Site.

According to the Evaluation, the proposed Lot Addition to expand the Emily Cemetery will not result in an adverse impact to SAR, as long as relevant timing windows are followed. The Evaluation recommends that:

"to ensure no bird species are impacted during construction, it is recommended that any vegetation removal should take place outside of the breeding bird-timing window that is typically April 15 to July 31. If work cannot be done outside of the timing window, a professional biologist should complete a nest sweep of the property prior to any vegetation removal."

Correspondence was received from the Ministry of Environment, Conservation, and Parks (MECP) on August 6th, 2020, confirming that the list of SAR investigated was comprehensive. This correspondence is included in **Appendix B**.

4.0 Policy Framework

As noted in **Section 2.2** of this report, the Subject Property is designated as 'Sand and Gravel', 'Rural' and 'Environmental Protection' in the City of Kawartha Lakes Official Plan, and zoned 'Agricultural' (A1) in the Township of Emily Zoning By-law 1996-30. Although not currently in effect, the Subject Property is additionally identified as a 'Candidate Area' under the Agricultural Systems mapping prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

The following provincial and municipal land use policy documents contain policies that relate to the proposed development of the Subject Site. The policy documents include: the Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019); the City of Kawartha Lakes Official Plan (2012); and the Township of Emily Comprehensive Zoning By-law 1996-30.

4.1 Provincial

4.1.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. *Section 3 of the Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under *the Act*. In general, the PPS seeks to promote the development of communities that are socially, economically, and environmentally resilient.

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

e) using rural infrastructure and public service facilities efficiently;

1.1.5 Rural Lands in Municipalities

1.1.5.2 On rural lands located in municipalities, permitted uses are:

f) cemeteries

- 1.1.5.4 *Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*
- 1.1.5.5 *Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*
- 1.1.5.8 *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*
- 2.1 *Natural Heritage*
 - 2.1.1 *Natural features and areas shall be protected for the long term.*
 - 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.5 *Mineral Aggregate Resources*
 - 2.5.1 *Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*
 - 2.5.2.5 *In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*
 - a) *resource use would not be feasible; or,*
 - b) *the proposed land use or development serves a greater long-term public interest; and,*
 - c) *issues of public health, public safety and environmental impact are addressed.*
- 2.6 *Cultural Heritage and Archaeology*
 - 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
 - 2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

4.1.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides additional Provincial policy for lands within one of the fastest growing regions in North America. Its policies are intended to support growth and development while

ensuring that it occurs in an orderly and well-planned fashion, so as to protect the social, economic, and environmental interests of Ontario and its residents.

Section 1.2.3 Relationship with the Provincial Policy Statement (PPS)

The PPS provides overall policy direction on matters of provincial interest related to land use and development in Ontario, and applies to the GGH, except where this Plan or another provincial plan provides otherwise.

Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. This Plan is to be read in conjunction with the PPS. The policies of this Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Where the policies of this Plan address the same, similar, related, or overlapping matters as policies in the PPS, applying the more specific policies of this Plan satisfies the requirements of the more general policies in the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in this Plan, those PPS policies must be independently satisfied.

As provided for in the Places to Grow Act, 2005, this Plan prevails where there is a conflict between this Plan and the PPS. The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.

Section 2.2.9 Rural Areas

3. Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

- c) other rural land uses that are not appropriate in settlement areas provided they:
 - i. are compatible with the rural landscape and surrounding local land uses;
 - ii. will be sustained by rural service levels; and,
 - iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Section 4.2.2 Natural Heritage System

3. Within the Natural Heritage System for the Growth Plan:

- a) new development or site alteration will demonstrate that:
 - i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;

Section 4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

1. *Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone.*

Section 4.2.6 Agricultural System

3. *Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System.*

Section 4.2.7 Cultural Heritage Resources

1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

Section 4.2.8 Mineral Aggregate Resources

1. *Municipalities will develop and implement official plan policies and other strategies to conserve mineral aggregate resources.*

4.2 Municipal

4.2.1 City of Kawartha Lakes Official Plan (2012)

The City of Kawartha Lakes Official Plan (CKLOP) sets the land use and planning framework for local Official Plans and decision making. The CKLOP outlines a long term vision for the City's physical form and community character. The CKLOP describes the Subject Property as 'Sand and Gravel', 'Rural' and 'Environmental Protection'. Refer to **Figure 5**.

10. Culture and Heritage

10.2 Objectives

- a) *To conserve and enhance the City's cultural and heritage resources. Features of particular interest include buildings, structures and significant structural remains, areas of unique or rare composition, landscapes of scenic value, artifacts, archaeological sites, cemeteries and burial grounds.*

10.5 Heritage

- g) *The City shall ensure land development adjacent to protected heritage properties are not adversely impacting identified heritage attributes of these properties.*

16. Rural Designation

16.3 Policies

The primary use will be agriculture in the form of ranching and forestry. Where farming uses exist, new uses that are compatible with and not hindering the agricultural use will be permitted.

16.3.9 A severance for a minor lot line adjustment may be permitted provided it does not create a separate building lot that would otherwise require an amendment to this plan.

17. Environmental Protection Designation

17.3 Policies

17.3.1 Permitted uses within this designation should maintain the unique natural characteristics of such lands and should not contribute to problems of erosion, flooding, pollution or the deterioration of the environment.

24. Sand and Gravel Resource Designation

24.3 Policies

24.3.1 The permitted uses in areas of known high potential sand and gravel resources shall be agriculture, forestry and open space passive recreational uses. The Sand and Gravel Resource Designation is also intended to act as a buffer between existing Aggregate Designations and adjacent uses. It is the intent of this Official Plan that sand and gravel resources be protected by directing permanent development away from these areas.

24.3.3 All lands designated should be preserved for possible future use for sand and gravel extraction where possible. In areas adjacent to known deposits of sand and gravel resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- the aggregate resource use would not be feasible; or,*
- the proposed land use or development serves a greater long term public interest; and,*
- issues of public health and safety and environmental impact are addressed.*

24.3.4 Minor adjustments to the boundaries to the boundaries of areas of known high potential sand and gravel resources, based on more detailed site evaluation, may be permitted without amendment to the Official Plan.

24.3.7 Within lands identified on Schedule A as Sand and Gravel Resource, a parcel may be severed by consent into a separate lot if the retained and severed parcels satisfy the abutting Official Plan and Zoning By-law requirements and does not generate any land use compatibility constraints for a potential aggregate operation or licensed aggregate operation.

24.3.8 Within lands identified on Schedule A as Sand and Gravel Resource, certain parcels of land may not have aggregate potential. In such

cases, an alternative use consistent with the surrounding uses and in conformity with the abutting designation may be considered if Council is satisfied that the proposed use will not impede sand and gravel extraction either on the property to be used or on other holdings in the vicinity. A study by a qualified professional must be completed to the satisfaction of the Council to demonstrate that the parcel of land has no commercial potential for the extraction of sand and gravel. The study must provide information on the quality and quantity of subsurface material to a sufficient depth to assess the feasibility of a commercial mining operation on the site and any other information that the Ministry of Natural Resources or Council deems necessary. The Ministry must confirm in writing that they concur with the findings of the study that there is no commercial sand and gravel potential on the land.

33 *Division of Land and Buildings*

33.3 *Consents*

33.3.4 *Consents should not be granted where access may create a traffic hazard because of limited sight lines on curves or grades.*

33.3.5 *The size of any parcel of land created by Consent should be appropriate for the proposed uses and the services available.*



Figure 5 - Official Plan



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Legend

-  Subject Property
-  Road
-  Rural
-  Environmental Protection
-  Aggregate
-  Sand and Gravel Resource

Drawn by:	AK
Checked by:	KH
Map Date	November, 2019
Project No.	7378
Map File No.	
Scale	NAD83 UTM Zone 17 North
0 70 140 280	Meters

4.2.2 Township of Emily Comprehensive Zoning By-law (1996)

The Subject Property is designated as "Agricultural (A1) Zone" in the Township of Emily Comprehensive Zoning By-law. Refer to **Figure 6**.

Part 7- Agricultural (A1) Zone

7.1 Uses Permitted

7.1.1.4 Existing cemeteries and expansions which increase their size to a maximum lot area equal to twice the existing area.

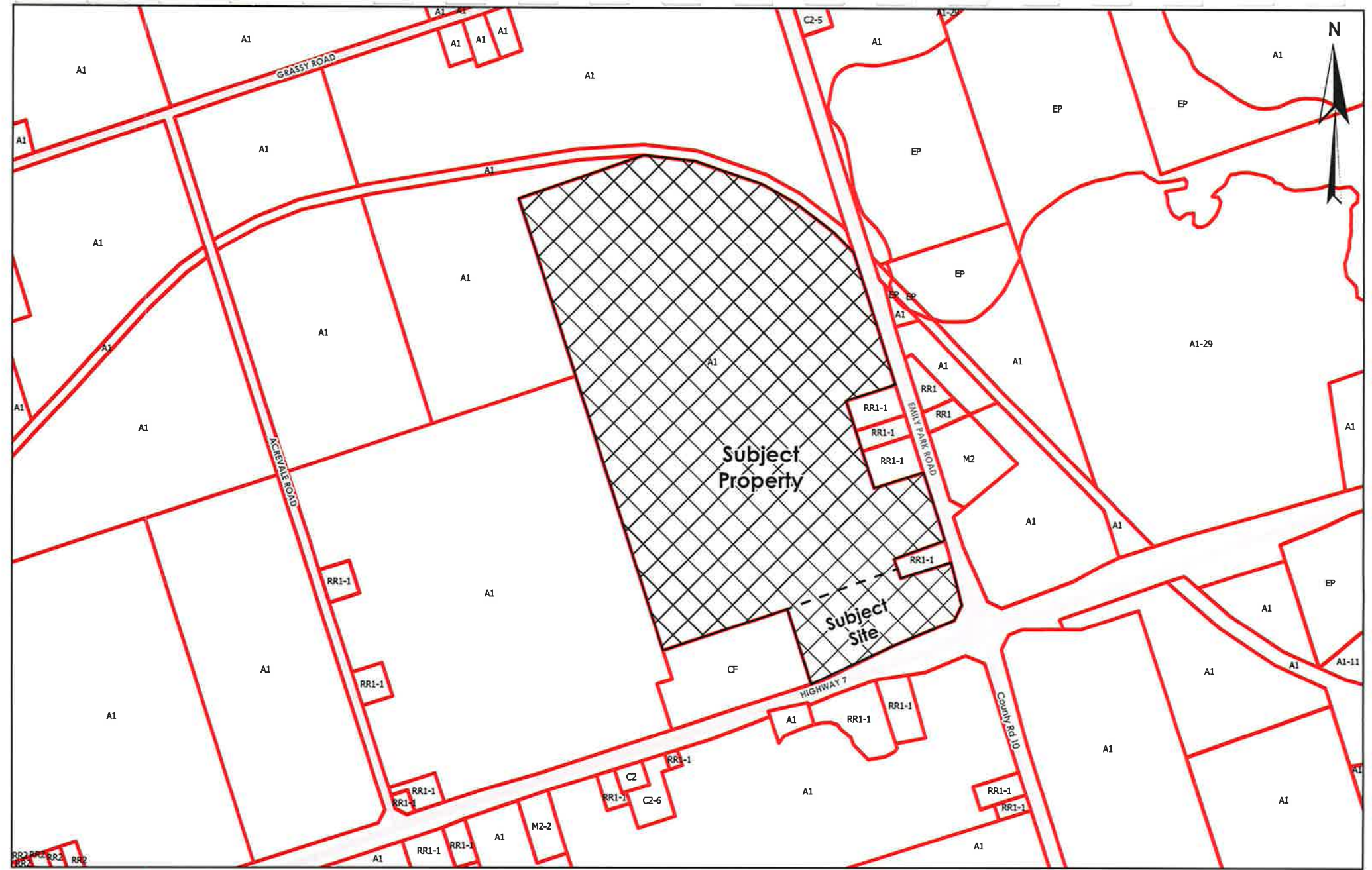




Figure 6
Zoning





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Legend

 Zoning

 Road

 Subject Property

A1- Agricultural Zone

RR1- Rural Residential Type One

CF- Community Facility

C2- Highway Commercial Zone

EP - Environmental Protection

M2- General Industrial Zone

Drawn by: AK

Checked by: KH

Map Date November, 2019

Project No. 7378

Map File No.

Scale 90 NAD83 UTM Zone 17 North 150 360 Meters

54

5.0 Planning Rationale

The proposed planning application is consistent with the aforementioned applicable provincial and municipal policies as outlined in **Section 4.0**.

The proposed Lot Addition to permit the expansion of the Emily Cemetery meets the criteria of *Section 1.1.5* of the *PPS*, as cemeteries are a permitted use on rural lands within municipalities and that it *"is compatible with the rural landscape and can be sustained by rural service levels"*. With respect to *Section 1.1.5.8* where the creation of lots shall comply with minimum distance separation (MDS), it was determined that this application is exempt from MDS, as *"Existing cemeteries and expansions which increase their size to a maximum lot area equal to twice the existing area"* is an existing permitted use in the A1 Zone of the Township of Emily Zoning By-law. Correspondence with the City regarding this matter is included in **Appendix B**.

Given the distance between the Subject Site and the portion of an identified Provincially Significant Wetland (PSW) on the northeastern portion of the Subject Property, the proposed development in no way impacts the identified natural heritage feature. Additionally, provided the conclusions of the SAR Evaluation, *Section 2.1.7* regarding development and site alteration in habitat of endangered and threatened species, has been addressed where it was determined that the proposed development will not result in an adverse impact to SAR.

With respect to the mineral aggregate resources identified on the Subject Site and Subject Property, the AIS concluded that based on the size, potential quality, proximity to residential structures and access issues, it is unlikely that an applicant would pursue a license to operate a standalone aggregate operation on the Subject Site and that the proposed development may serve a greater long-term public interest. With respect to Cultural Heritage, the Emily Cemetery is a designated Heritage property. Therefore, the proposed development complies with *Section 2.6.3* of the *PPS* that notes that planning authorities shall not permit development and or site alteration on adjacent lands to protected heritage properties.

The proposed development further complies with the criteria *Section 2.2.9* of the *Growth Plan* as both the AIB and AIS demonstrated that the proposed expansion to the Emily Cemetery is a compatible land use, can be sustained by rural service levels and *"will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations."* The location of the proposed development does not contain any natural heritage features and has been previously impacted by development, therefore the proposed development satisfies the requirements of *Section 4.2.2* and *Section 4.2.4* of the *Growth Plan*, as the proposed development is not impacting natural features in the area. With respect to *Section 4.2.6* of the *Growth Plan*, the AIB demonstrated that the proposed development is compatible and would have minimal impacts on the agricultural community.

In the CKLOP, *Section 10.2* notes that an objective of the City is to *"conserve and enhance the City's cultural and heritage resources"* which includes cemeteries and

burial grounds. Additionally, Section 16.3 notes that "new uses that are compatible with and not hindering the agricultural use" are permitted in the rural areas. As the Subject Site is designated in its entirety, "Sand and Gravel Resource", the AIS demonstrated that the proposed development complies with the policies of Section 24.3 of the CKLOP, especially Section 24.3.3 which notes that development in areas of known deposits of sand and gravel shall only be permitted if the aggregate resources use would not be feasible; or the proposed land use or development serves a greater long term public interest; and issues of public health and safety and environmental impact are addressed. With respect to compliance with Section 24.3.8, it was confirmed with CKL staff on January 30th, that this application would not require a letter from the MNRF confirming the results of the AIS. Refer to **Appendix B**. Section 33.3 of the CKLOP provides direction with respect to consent applications. As this proposed Lot Addition would utilize the existing entrances to Emily Cemetery and that the existing use is permitted in the current Zoning By-law, the proposed development complies with Sections 33.3.4 and 33.3.5 of the CKLOP.

6.0 Discussion and Conclusions

This Planning Justification Brief has been prepared in support of a consent application to convey approximately 10 acres (4.05 hectares) of land fronting on Highway 7 to the abutting Emily Cemetery. The Brief has provided an analysis of the applicable provincial and local policy documents in the context of the proposed development.

It is our opinion that the proposed development on the Subject Site is a compatible land use and will not adversely impact the surrounding lands and that the proposed development complies with the relevant provincial and local policies discussed herein.

Based on the background information, the features on site and the forgoing review of the relevant policies, it is our opinion that the proposed consent application is consistent with and conforms to provincial and municipal policies and constitutes as good planning.

Respectfully Submitted,

Written By:



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KH/DK/hd

Reviewed By:



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The Corporation of the City of Kawartha Lakes
Kawartha Lakes Municipal Heritage Committee Report
Report Number KLMHC2020-29

Meeting Date: November 19, 2020

Title: New Ontario Heritage Act Processes

Description: New Ontario Heritage Act processing coming into effect January 1, 2021

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2020-29, **Ontario Heritage Act Processes**, be received;

That property owners be provided with notice in advance of the listing of their properties on the Heritage Register in addition to the new statutory notice; and

That that this recommendation be forwarded to Council for approval.

Background:

In June 2019, the province passed the More Homes, More Choice Act which made amendments to a number of pieces of planning related legislation, including the Ontario Heritage Act. The amendments made changes to a number of heritage related processes which the municipality undertakes, including the inclusion of property on the Heritage Register as listed properties and alteration applications for individually designated properties.

The amendments are scheduled to come into effect on January 1, 2021 and will include the new regulations which the Committee has previously reviewed.

This report addresses several changes to the legislation which may have an immediate impact on the Committee's work once they come into force and are provided for the Committee's information. It also makes recommendations regarding the provision of notices for listed properties.

Rationale:

Prescribed Principles: There are a number of subsections added to the Act, namely with regard to the designation of individual properties and heritage conservation districts, which stipulate that a municipality must consider prescribed principles when making decisions under the Act. These principles are prescribed in regulation.

The regulations have not yet been finalized by the province as the commenting period for the draft regulations closed on November 5, 2020. Should the regulation regarding prescribed principles be adopted as drafted, the principles are as follows:

1. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.
2. Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should,
 - i. minimize adverse impacts to the cultural heritage value or interest of the property or district,
 - ii. be based on research, appropriate studies and documentary evidence, and
 - iii. demonstrate openness and transparency by considering the views of all interested persons and communities.
3. Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.

The Committee will need to ensure that its decision making and recommendations are consistent with these principles and that adherence to these principles can be demonstrated through documentation.

Alterations to Individually Designated Properties: Changes have been made to the Act which change the definition of an alteration as opposed to a demolition. Currently, demolition, as defined by Section 34 of the Act, constitutes the demolition or removal of a structure on a designated property. The amended Section 34 reads:

34(1) No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.
2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be. 2019, c. 9, Sched. 11, s. 12.

Under the Act, and the City's delegated authority by-law, demolitions require Council approval, while most alterations are delegated to staff and the Municipal Heritage Committee. The change in definition will change the alterations approvals process for any alterations which involve the removal of a heritage attribute. Any removal of a heritage attribute will now require approval by Council and the publication of a notice in a local newspaper. In practice, applications which fall under this category will be received by staff before proceeding to the Municipal Heritage Committee for a recommendation. The application and committee recommendation will then proceed to Council which can approve or deny the application. The owner may appeal Council's decision to the Local Planning Appeals Tribunal. There is no scope in the Act to delegate authority under Section 34.

Listing Properties: The Act, in its current form, has no provisions for notifying owners regarding the listing of their properties on the Heritage Register, nor does it have an objection and appeals process for owners who do not wish their property to be included. The amendments now require that an owner be notified within 30 days of having their property listed on the register. If they object at that

time, they may then file an objection with the clerk of the municipality. The objection is heard by Council.

Presently, the City notifies owners prior to listing their property on the Heritage Register. This notice is a courtesy notice and designed to provide information, to allow owners to ask questions and for clarification, or to object formally to Council when the staff report detailing the proposed listing is received. The notices are sent because of the following Council resolution from its meeting of December 12, 2017:

CR2017-1051

Moved By Councillor Macklem

Seconded By Councillor Miller

Resolved That Report ED2017-022, **Adding Listed Properties to the Heritage Register**, be received;

That staff be directed to add a Section Two: Properties of Potential Heritage Value or Interest section to the Kawartha Lakes Heritage Property Register;

That the Municipal Heritage Committee identify and include properties of potential heritage interest and value in Section Two of the Heritage Property Register; and

That the property owners be notified of inclusion on the list and of the nature of the listing.

CARRIED

The notification of owners prior to the inclusion of their property is recognized as a best practice throughout Ontario and has proven effective in Kawartha Lakes in communicating with property owners and educating them about the role of listing in municipal heritage planning. Staff are recommending that, in addition to the new statutory notice required by the amendments to the Act, that the City continue to send notices in advance of listing to ensure transparency and create an open dialogue between the owners of heritage properties and the municipality.

Other Alternatives Considered:

The Committee could choose not to endorse the provision of an extra notice for listed properties and receive the report only.

Financial/Operation Impacts:

There will be additional costs with mailing extra notices to owners regarding the listing of their properties on the Heritage Register. These costs can be covered by the existing Heritage Planning budget.

Consultations:

N/A

Attachments:

N/A

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