

# Heritage Applications Policy

Committee of the Whole

September 7, 2021



# Heritage Applications Policy

- New policy to guide heritage applications made to the City
- Mandatory application requirements
- Staff, Heritage Committee and Council roles
- Steps to processing applications
- New fees
- Technical study requirements
- Guidance on Planning Act applications

# Background

- Ontario Heritage Act requires that municipalities set application requirements for certain types of applications (repeal of by-law, removal of property from the Heritage Register)
- Ontario Regulation 385/21 (2021) sets new submission requirements for applications to alter or demolish a heritage property but also allows municipalities to set their own policy
- Proposed policy responds to that direction
- City currently has a lack of policy direction regarding the processing of and approach to heritage applications
- Proposed policy intends to provide transparency and clarity on the City's expectations and processes
- Clarifies and provides consistency for many processes and requirements already in place

# Background

Three main goals:

- Responding to legislative direction from the Ontario Heritage Act, its associated regulations, and the amendments made by the More Homes, More Choice Act
- The provision of clarity for property owners regarding submission requirements and municipal procedures for four key processes under the Ontario Heritage Act
- The provision of direction for staff, the Municipal Heritage Committee and Council through a Council adopted policy to ensure transparency and consistency of approach to applications regarding heritage property

# Legislative and Administrative Authority

- Ontario Heritage Act and Ontario Regulation 385/21
- Planning Act
- Building Code Act
- Provincial Policy Statement (2020)
- A Place to Grow: Growth Plan for the Great Golden Horseshoe (2019)
- Funeral, Burial and Cremation Services Act
- Municipal Act
- City of Kawartha Lakes Official Plan

# Roles

- Policy establishes and clarifies roles for staff, the Municipal Heritage Committee and Council
- These align with the requirements under the Ontario Heritage Act
- In general, the roles are:
  - Staff: review applications and deem them complete; communicate with the property owner; approve applications where authority is delegated; issue appropriate permits and documentation; provide information to the Municipal Heritage Committee and Council
  - Municipal Heritage Committee: review applications and provide recommendations to staff and Council
  - Council: review applications and consent to or deny applications as appropriate; act as the decision making body for heritage applications

# Application Requirements

- Ontario Regulation 385/21 sets minimum submission requirements for applications to alter or demolish a heritage property
- Municipalities may set additional requirements through Council resolution, by-law, or Official Plan amendments
- The proposed policy reiterates those requirements and provides clarification on when items such as additional studies will be required
- Requests additional information for application to demolish a property
- Aligns requirements for individually designated, heritage conservation district and listed properties
- Establishes requirements for applications to repeal a by-law and remove a property from the heritage register which mirror the requirements for the other types of applications
- Provides clarification on the waiver of requirements
- Includes clarification on the definition of an alteration versus a demolition

# Process

- Policy provides a high level overview of the application review process from submission to decision
- Process aligns with the current processes under the Ontario Heritage Act, the City's Heritage Permit Processing SOP and current practice
- New requirement for a pre-submission meeting to clarify submission requirements for applicants (may be formal or informal)



# Planning Act Applications

- Specific guidance on processing Planning Act applications which involve a heritage property
- Provision for securities to be requested as part of an application
- Provision for the City and the applicant to enter into a heritage easement and situations where that would be appropriate (plan of subdivision, major site plan and development applications, relocation of heritage property)
- Templates for site plan and subdivision agreements and heritage easement agreements are being drafted for future use

# Fees

- New fees introduced for applications to repeal designating by-laws and demolition of heritage properties
- For 2022, the fees will be \$750
- Fees are intended to cover costs incurred by the City for processing these applications (by-law registration, public notices, postage)
- Fee calculations do not include staff time
- No new fees for applications to alter a heritage property or to remove a property from the Heritage Register
- Fees will be established in the Consolidated Fees By-law
- A new heritage fees by-law is required to enable these fees as well as allow for fees for peer review and OLT appeals

# Technical Studies

- Clarifies when technical heritage studies will be required
- Two types of study: Cultural Heritage Evaluation Report (CHER) and Heritage Impact Assessment (HIA)
- Terms of reference for these studies have been developed separately and are already in use
- Goal of technical studies is to assist with evidence based decision making
- ToR are consistent with those in use in other municipalities

# Associated Documents

Several other associated documents will be required to implement the new policy:

- Amendment to the Heritage Delegated Authority By-law
- New Heritage Fees By-law
- Amendment to the Consolidated Fees By-law
- New heritage section in the Subdivision Agreement Template
- New heritage section in the Site Plan Agreement Template
- New Heritage Easement Agreement Template

# Implementation

## 2021 Implementation

- Application requirements
- Technical studies
- Roles and processes

## 2022 Implementation

- New fees
- Templates for Planning Act applications and Heritage Easements