

# **Council Report**

<b>Report Number:</b>	ED2022-017
Meeting Date:	July 19, 2022
Title:	Old Mill Heritage Conservation District Study
Description:	Recommendations from the Old Mill Heritage Conservation District Study
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

### **Recommendations:**

**That** Report ED2022-017, **Old Mill Heritage Conservation District Study,** be received;

**That** the Old Mill Heritage Conservation District Study, attached as Appendix A, be adopted; and

**That** staff be directed to proceed with the preparation of a Heritage Conservation District Plan for the area identified by the study as the Recommended Boundary and attached as Appendix D to this report.

Department Head:	
Financial/Legal/HR/Other:	
Chief Administrative Officer: _	

# **Background:**

At its meeting of May 15, 2018, Council received a deputation from a representative of the Old Mill neighbourhood in Lindsay requesting to designation the area as a heritage conservation district (HCD). An accompanying petition was included alongside the deputation. The area proposed for a potential district included the area bounded by the Scugog River, Durham Street East, and Lindsay Street South to the east of downtown Lindsay. This area was identified in 2015 as part of the Downtown Lindsay Heritage Conservation District Study, by both the consultants who undertook that study and the community, as having the potential to be designated in future as an HCD itself due to its significance as the original settlement site in Lindsay and for its large collection of nineteenth and early twentieth century residential properties. In response to the petition and deputation, Council passed the following motion:

CR2018-300 Moved By Councillor Stauble Seconded By Councillor Strangway

That the deputation of John Ireland, regarding **Request for Designation of Old Mill Heritage Conservation District**, be received and referred to staff for a report back to Council.

#### Carried

The first step to designating an area as a heritage conservation district is the initiation and completion of a heritage conservation district study as outlined under Section 40 of the Ontario Heritage Act. The study is initiated by Council in consultation with its municipal heritage committee. After undertaking some preliminary research in response to Council's direction, staff determined that this area was suitable for a heritage conservation district study to take place because of its historic significance within the town of Lindsay. The Kawartha Lakes Municipal Heritage Committee concurred and pass the following motion at its meeting of February 6, 2020 recommending that Council that a study be initiated:

# KLMHC2020-12

Moved By A. Adare Seconded By M. Sloboda

That Report KLMHC2020-05, Proposed Old Mill Heritage Conservation District Study, be received;

**That** the Municipal Heritage Committee recommends the commencement of a heritage conservation district study in the Old Mill area of Lindsay;

**That** the Municipal Heritage Committee endorse Boundary Alternative 1 as attached in Appendix B as the boundary for the proposed heritage conservation district study; and

**That** this recommendation be forwarded to Council for approval.

#### Carried

Council received the Committee's recommendation at its meeting of June 23, 2020 and passed the following resolution:

CW2020-086 Moved By Councillor Elmslie Seconded By Councillor Yeo

That Report ED2020-009, Proposed Old Mill Heritage Conservation District Study, be received;

**That** staff be authorized to proceed with a Heritage Conservation District Study of the Old Mill neighbourhood in Lindsay;

**That** the Old Mill Heritage Conservation District Study area be within the boundary identified in Appendix C to Report ED2020-009.

#### Carried

In response to the Council resolution, staff have prepared a heritage conservation district study for the Old Mill area of Lindsay. The study was undertaken between July 2020 and April 2022 and is attached to this report at Appendix A. Appendix C of the Study itself has been attached to this report as Appendix B due to its large file size.

The study was originally scheduled for completion in summer 2021, but the development of the study was significantly impacted by the ongoing COVID-19 pandemic. In particular, the restrictions on in-person gatherings imposed at various times since early 2020 made public consultation for this project challenging; similarly, the lockdowns imposed throughout the pandemic limited when in-field data collection and archival research could occur. Ultimately, public consultation, data collection, and archival research were undertaken successfully for this project, but the date of completion was delayed.

The designation of heritage conservation districts is governed by Part V of the Ontario Heritage Act and requires two phases of development: the study phase and the plan phase. The completion of the study is the first step towards designating an area as a district. The goal of the study is to determine if the area is suitable for designation as a district and to provide the background information that will eventually inform the heritage conservation district plan. The study itself does not designate the area as an HCD. Subsection 40(2) of the Act states that:

- (2) A study under subsection (1) shall,
  - (a) Examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;
  - (b) Examine and make recommendations of the boundaries of the area to be designated;
  - (c) Consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1;
  - (d) Make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

The study completed for the Old Mill area is in compliance with these requirements.

Should a study recommend the designation of all or part of a study area as a heritage conservation district, Council may choose to initiate a heritage conservation district plan for the area. The plan outlines the goals for the long-term preservation of the area, sets design guidelines for new development, and provides overarching policy guidance for growth and change in the area. Once the plan is complete, it is adopted by by-law which designates the areas a heritage conservation district under Part V of the Act. Similar to the development of an HCD study, the creation of an HCD plan does not itself designate an area, but eventually forms part of the designation by-law for a specific geographic area. A flowchart outlining the full process of heritage conservation district designation is attached as Appendix C.

Section 40(3) of the Ontario Heritage Act requires that the Council of a municipality consult with its municipal heritage committee regarding the development of a heritage conservation district study. The Kawartha Lakes Municipal Heritage Committee has been involved in the study process since the beginning and formed a subcommittee to help

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staff in the development of the study. The Committee is supportive of the examination of this area as a potential future HCD. The Committee received the final study at its meeting of June 14, 2022 and passed the following motion:

KLMHC2022-075 Moved By J. Garbutt Seconded By I. McKechnie

That Report KLMHC2022-038, Old Mill Heritage Conservation District Study, be received;

**That** the recommendations of the Old Mill Heritage Conservation District Study, as attached as Appendix A, be endorsed;

**That** the preparation of a heritage conservation district plan for the area identified in the recommended boundary be endorsed; and

That this recommendation be forwarded to Council for approval.

#### Carried

This report addresses that direction.

# **Rationale:**

The study recommends the designation of a portion of the study area as a heritage conservation district and the development of a heritage conservation district plan for that section of the neighbourhood identified in the recommended boundary option. The following provides an overview of the methodology, findings and recommendations of the study.

### Study Methodology

The study was undertaken using a number of different methodologies in order to gather different types of data and information to inform its recommendations.

- Primary and secondary source research: a range of primary and secondary source research was undertaken to develop a history of the area as well as the provide information about the buildings as part of the character analysis.
- Field Surveys: field surveys were undertaken for the study area to document the built and natural features. Photographs were taken of all of the existing structures in the area, as well as key views and streetscapes. These were undertaken in February and March 2021, with select photo retakes undertaken in

late 2021 and early 2022 to provide better quality images of some structures, as well as to reflect changes made to the study area since the original survey.

- Built form analysis: the built form of the area was analyzed and maps were developed which demonstrated its various development patterns in visual form.
- Community engagement and input: the community was invited to provide input on the study, including local knowledge of the history and significance of the area. Local knowledge assisted in filling gaps in the historical record which were not addressed through primary source research as well as identifying aspects of the community which are significant locally. In particular, input from the community helped form the area history, its local significance, the proposed boundaries, and recommendations for the study.

#### **Study Area History**

A high level history of the area was undertaken using both primary and secondary sources. This section of the study charts the history of the neighbourhood from indigenous use prior to the nineteenth century to the present day. The goal of the area history was to establish the history and pattern of development for the neighbourhood and identify key events and themes which shaped local history and the character of the area.

The history divided the narrative of the area into five major periods:

- Pre-settlement Indigenous use: the full usage of this area by indigenous people prior to the arrive of settlers is not known, but the Scugog River was identified as a travel route through the region in both oral and written histories. There are written accounts of the site being used as a Mississauga campsite and portage, but these accounts cannot be verified.
- Purdy's Mills and early settlement: the first mill was constructed in the area around 1830 by William Purdy and a settlement formed around the mill which eventually formed the nucleus of Lindsay. This was the first settlement site in the community.
- Town of Lindsay period: the incorporation of the Town of Lindsay in 1857 saw the subdivision of the area into blocks and lots and the growth of residential settlement. It also saw the construction of St. Mary's Church and the consolidation of the Catholic presence in the area.
- Turn of the century developments: the turn of the century saw increased residential growth in Lindsay alongside the development of infrastructure, such as lights and sewers in the town. The area saw a spike in residential development around this time with an increased need for worker's housing as the population of the town grew.

• Modern developments: the period after 1950 saw the development of a significant amount of infill housing, as well as the building up of the southeast corner of the study area. This period also saw the loss of several key landmark structures in the area, including the Old Mill and St. Joseph's convent, as well as the final departure of industrial businesses from the area.

#### **Character Analysis**

A character analysis was carried out using the data collected during the field survey and additional research on the structures and landscapes within the study area. The intention of the character analysis is to identify historic and current development patterns within the neighbourhood which contribute to its overall character. The analysis identified and discussed a variety of different factors that characterized the area including the date of construction, land use, architectural style and views within the study area. An evaluation of the area was carried out using an evaluation matrix used in heritage conservation district studies in municipalities across Ontario.

The character analysis also identified the primary building typology in the area: a single detached one to two-and-a-half storey home constructed in a vernacular, Victorian or Edwardian style set back from the street with soft landscaping in the front yard. Structures of this type form the bulk of buildings within the study area and contribute to its unique history and current character. This section also provided a more general description of heritage character which identified the area's historic buildings and its role as an organically evolved residential area, alongside its historic significance in the early development of Lindsay, as major contributing features to its cultural heritage value.

#### **Policy Analysis**

Heritage conservation district studies are required to include an analysis of existing municipal policy to recommend if there are any policy changes required to enact the heritage conservation district, as well as if local policies support the designation of the area as a district. It is also best practice to provide a summary of federal and provincial policy to examine how the designation of districts fits within the wider land use and heritage planning frameworks.

Kawartha Lakes currently has policies in place through its official plan, as well as the Town of Lindsay Official Plan, which support the designation of heritage conservation districts. More generally, the City has in place a range of other policies and plans which broadly support the designation of districts within the municipality and provide direction with regard to the procedures surrounding their administration. Similarly, the protection of this area through designation does not conflict with the intent of the Town of Lindsay zoning by-law or the land use designations identified within the Official Plan. No policy changes are required to designate the area as a heritage conservation district.

The Town of Lindsay Official Plan remains in effect until the Lindsay Secondary Plan, which is currently under appeal, is adopted. The adoption of the Lindsay Secondary Plan will not impact the policy implications for the designation of this area as a heritage conservation district and the designation of the area as a district will be supported through the Secondary Plan.

#### **Community Engagement**

Community and stakeholder engagement was undertaken throughout the study, although traditional methods of engagement, such as in person community meetings and open houses, were not feasible due to the various restrictions imposed due to the COVID-19 pandemic. The consultation took place using a range of primarily digital methods. These included four public meetings held by Zoom and a range of engagement tools on the project's Jump-In page. Direct mail was also used to inform and engage residents in the area and both digital and paper surveys were provided to gather feedback throughout the study process.

An overview of the public engagement undertaken for this project, including a detailed discussion of the methodology, analytics from the various methods of engagement used, and a summary of feedback from the community is included as part of the study. In general, there was community support for designation of all or part of the area as a heritage conservation district although there are also community members who are opposed to this initiative. Some general reasons community members provided for support of district designation are:

- Protection of historic resources within their neighbourhood;
- Implementation of design guidelines for new development and infill;
- Celebration of the early settlement of Lindsay; and
- Recognition of the area as a unique historic neighbourhood in Lindsay.

Similarly, some reasons that community members are opposed to a potential district designation are:

- Concern regarding property values;
- A desire to demolish and/or redevelop their properties; and
- A preference that the City not impose restrictions on private property.

#### Recommendations

The study recommends the designation of a portion of the area as a heritage conservation district, the preparation of a heritage conservation district plan, and additional stakeholder and local resident consultation in the creation of the plan. The recommendation to designate is based on the significance of the area as the earliest settlement area in Lindsay, its concentration of Victorian and Edwardian residential properties and those constructed in the vernacular style, and its historical associations with the Catholic Church and growth of industry in the community. Key heritage attributes of the area have been identified and are outlined in the study.

The study also outlines the key objectives for designating the area as a district which are:

- Retain, conserve enhance the historic buildings, vistas, and natural heritage features which contribute to the cultural heritage value of the Old Mill neighbourhood.
- Ensure that properties related to the early history of Lindsay are preserved.
- Permit alterations to existing historic properties that maintain their heritage character both individually and in relation to the district as a whole.
- Ensure that new development and alterations are consistent with the identified heritage attributes and character of the district through their form, massing, scale, height and architectural details.
- Ensure a high quality of architecture and design in new development and additions that is complementary to the neighbourhood's heritage value.
- Conserve and enhance the neighbourhood's natural heritage features, namely the Scugog River shoreline, the tree canopy, and parks that support its cultural heritage value.
- Conserve and enhance the district's Part IV designated and listed properties.
- Ensure that development adjacent to the district conserves its cultural heritage value.

#### **Boundaries**

There are two potential boundaries for a future heritage conservation district presented in the study. Both boundaries are smaller than the study area and exclude Lindsay Street South, due to its primarily commercial character as a major transportation artery in the community. The recommended boundary, which is the smaller of the two boundary area, includes 266 properties and excludes a large portion of the south eastern corner of the study area, as well as the entirety of Durham Street East, as these areas include a much higher concentration of modern properties and are not in keeping with the character and heritage attributes identified in the study. The alternative boundary, which is not recommended by staff, encompasses a larger area and includes 352 properties. It also excludes a portion of the south eastern part of the study area, but does include several blocks in this area which are excluded in the recommended boundary.

The primary difference between the two boundary alternatives is the inclusion of a large number of Victory homes in the alternate boundary which are excluded from the recommended boundary. These homes, which were constructed in the 1940s, have a distinctive architectural character which is different from that of their Victorian and Edwardian counterparts, but still speak to the organic, historic evolution of the neighbourhood.

Staff are supportive of the recommended boundary area and this is also the preference of community members who provided feedback on the study. Staff are of the opinion that, while Victory houses certainly have cultural heritage value and are worthy of preservation, they would be better preserved through a separate protection framework than a heritage conservation district plan with a significant focus on properties from the Victorian and Edwardian periods. The Municipal Heritage Committee is also supportive of this boundary and the preservation of Victory homes in the area through an alternative mechanism.

There are a significant number of historic properties outside of the recommended values which have heritage value but will not be included in a future HCD. The study recommends that these properties be listed on the City's Heritage Register to ensure their ongoing preservation. Should Council adopt the study, the proposed listing of these properties will be brought forward to Council at a later date in a separate staff report.

#### **Next Steps and HCD Plan**

Should Council choose to endorse the recommendations of the HCD study, the next step in the process of designating a district in this area is the preparation of a heritage conservation district plan. In order to designate an area as a heritage conservation district, a municipality must adopt a heritage conservation district plan as outlined by section 41.1 of the Act.

An HCD plan provides guidance and policy direction for the long-term preservation and management of the district. It will be the guiding document for future development in the area, should Council choose to eventually designate it as an HCD. In accordance with the Act, a heritage conservation district plan must contain the following:

- A statement of the objectives to be achieves in designating the area as a heritage conservation district;
- A statement explaining the cultural heritage value or interest of the heritage conservation district;
- A description of the heritage attributes of the heritage conservation district and of the properties in the district;
- Policy statements, guidelines and procedures for achieving the stated objective and managing change in the heritage conservation district; and
- A description of the alterations or classes of alteration that are minor in nature and that the owner of property in the district may carry out without obtaining a heritage permit.

As part of the development of the plan, the City must hold one public meeting as required by subsection 41.1(6) of the Act. It is recognized as a best practice that the community be consulted throughout the plan development phase and multiple meetings be held to solicit feedback and input on the plan's contents. Other forms of public engagement, such as the Jump-In platform, will also be used in order to solicit feedback and input from a range of local residents, stakeholders, and interested parties. Staff are intending that public meetings will be held in person which was not feasible during the study phase.

It is anticipated that the development of the plan will take approximately 12 months and will be presented to Council in summer 2023. Once the plan is complete, Council may adopt the plan and designate the area by by-law as a heritage conservation district. As with the study, the plan will be completed by City staff with support from the Kawartha Lakes Municipal Heritage Committee. Should Council choose to adopt the heritage conservation district plan and designate the area, the designating by-law may be appealed to the Ontario Land Tribunal. Any person, including but not limited to property owners and residents of the impacted area, may appeal to the Tribunal. The endorsement of the study and initiation of the plan phase does not commit Council to designating the area as a heritage conservation district. The recommendation contained in this report only directs staff to initiate the next step in the designation process which includes the development of design guidelines for the area and public consultation. The decision to designate the area as a district through the passage of a by-law is made after the plan is complete and presented to Council.

# **Provincial Policy Conformity**

## **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) sets the policy foundation for development and land use planning Ontario. The policy intends to balance the needs of growth and economic development with the need for ensuring a high quality of life, public safety and health, and the conservation of natural and cultural heritage resources. Section 2.6 (Cultural Heritage and Archaeology) requires municipalities to conserve significant built heritage resources and significant cultural heritage landscapes as part of the land use planning process, stating that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved."

Heritage conservation districts are a type of cultural heritage landscape which are geographical areas that hold cultural heritage value through their interrelated elements, including structures, natural features, views, and spaces. Significant cultural heritage landscapes, as defined by the PPS, are those which have been determined to have cultural heritage value or interest under the processes defined by the Ontario Heritage Act. The study area has been evaluated in accordance with subsection 40(2) of the Act and has been found to have cultural heritage value and, therefore is a significant culture heritage landscape which requires conservation. Designation as an HCD under Part V of the Act is the most appropriate mechanism to conserve a collection of properties such as those located within the recommended boundary and the preparation of a heritage conservation district plan is the next step in the process outlined by the Act to designate the area.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe was prepared by the Ontario government in order to help guide the land use planning process and assist communities within the Greater Golden Horseshoe achieve a high quality of life, positive economic development, and protection for important local resources. Section 4.2.7 (Cultural Heritage Resources) requires municipalities to conserve their cultural heritage resources as part of the land use planning process "in order to foster a sense of place and benefit communities". The Growth Plan defines cultural heritage resources as "built heritage resources, cultural heritage landscapes, and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution that make to our understanding of the history of a place, event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation."

The area identified by the recommended boundary has been determined to have cultural heritage value as a cultural heritage landscape through the preparation of the heritage conservation district study appended to this report. Community benefit would be gained through its ongoing preservation and management in order to retain and protect the heritage attributes and values which make this area of Lindsay unique. Conservation of the area is best achieved through the designation of the area as an HCD under Part V of the Ontario Heritage Act and the preparation of an HCD plan is the next step in the process outlined by the Act to designate the area.

### City of Kawartha Lakes Official Plan (2012)

The City of Kawartha Lakes Official Plan was amended in 2017 to include strengthened cultural heritage policies. Official Plan Amendment 26 outlined those amendments.

The City's general heritage policies are contained in Section 10.5. Two of these policies directly support the designation of heritage conservation districts:

- a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected and conserved.
- e) The City shall use the tools available to it under the Municipal Act, the Planning Act, the Environmental Assessment Act, and the Ontario Heritage Act to conserve cultural heritage resources.

Similarly, Section 10.6 of the Official Plan contains policies specific to the designation of heritage conservation districts. This section enables the designation of heritage conservation districts, as is required by Part V of the Ontario Heritage Act, and directs Council to designate and protect heritage conservation districts as part of its heritage planning program.

The City's policies require it to conserve cultural heritage resources and designation under Part V of the Ontario Heritage Act is a tool for undertaking the preservation of cultural heritage landscapes, including residential neighbourhoods such as the study area which are comprised of a large number of individual properties that together have cultural heritage value. The area has been evaluated and found to have cultural heritage value through a heritage conservation district study and the preparation of a heritage conservation district plan is the next step in the process outlined by the Act to designate the area as an HCD.

### Town of Lindsay Official Plan (2000)

The Town of Lindsay Official Plan was amended in 2017 to include strengthened cultural heritage policies and to enable the designation of Downtown Lindsay as a heritage conservation district. Official Plan Amendment 51 outlined those amendments. These amendments are contained within Section 3 – Culture and Heritage of the Official Plan. The policies included in the Town of Lindsay Official Plan are identical to those contained in the City of Kawartha Lakes Official Plan outlined above to ensure consistency of approach across the municipality. Section 3.3.3 supports and enables the designation of heritage conservation districts and directs Council to designate and protect heritage conservation districts as part of its heritage planning program.

The policies contained within the Town of Lindsay Official Plan direct the City conserve cultural heritage resources and designation under Part V of the Ontario Heritage Act is a tool for undertaking the preservation of cultural heritage landscapes, such as residential neighbourhoods. The area has been evaluated and found to have cultural heritage value through a heritage conservation district study and the preparation of a heritage conservation district plan is the next step in the process outlined by the Act to designate the area as an HCD.

### **Other Alternatives Considered:**

There are several alternatives that could be considered by Council with regard to this study.

The study has presented two different boundary alternatives. The recommendation in this report recommends that a future heritage conservation district be designated using the Recommended Boundary Option, as identified in the study. The boundary is the smaller of the two boundary options and is supported by staff and the Municipal Heritage Committee, and is generally the preferred option of the community. However, Council may feel that the Alternate Boundary, which is larger, is more appropriate. There are those in the neighbourhood who feel the larger boundary option is better because it protects more properties. Should Council feel this boundary is more appropriate, it could pass the following resolution:

**That** Report ED2022-017, **Old Mill Heritage Conservation District Study**, be received;

**That** the adoption of the Old Mill Heritage Conservation District Study under Part V, Section 40.3 of the Ontario Heritage Act (R.S.O. 1990 c.O.18) be approved; and

**That** staff be directed to proceed with the preparation of a heritage conservation district plan for the area identified in the Alternate Boundary option.

Staff are not supportive of the alternate boundary option because it includes a large number of modern properties as well as a large collection of Victory houses which staff feel are better protected using an alternative framework.

Council may also feel that the study area does not merit designation as a heritage conservation district and that proceeding with a heritage conservation district plan is not warranted. This is not a recommended alternative and is not supported by staff or the Municipal Heritage Committee, as it has been demonstrated through the study that the study area has a significant amount of cultural heritage value and merits designation under Part V of the Act. However, should Council choose not to proceed with the designation of the area, it could pass the following resolution:

**That** Report ED2022-017, **Old Mill Heritage Conservation District Study**, be received; and

**That** the Old Mill Heritage Conservation District Study be received for information.

# **Alignment to Strategic Priorities**

The designation of heritage conservation districts supports the strategic priority of An Exceptional Quality of Life by supporting and promoting arts, culture and heritage. The development of new heritage conservation districts recognizes and promotes heritage resources in the municipality and supports long-term heritage conservation and planning. It is an important part of a proactive municipal heritage planning program.

# **Financial/Operation Impacts:**

There will be costs associated with the preparation of the plan, such as conducting public meetings and providing direct mail to property owners. However, as the plan will be completed by City staff as opposed to the use of an external consultant, these costs are covered under the existing heritage planning budget. Similarly, there will be costs associated with the registration of the eventual heritage conservation district designating by-law on title for the properties within the final district should Council decide to designate the area when the plan is finalized. These costs will be included in the 2023 heritage planning budget. There may also be costs associated with an Ontario Land Tribunal appeal, should an appeal be filed once the plan is adopted.

## **Consultations:**

Community Members Key Community Stakeholders (identified in Study document) First Nations Municipal Heritage Committee Senior Management Team Director of Development Services Manager, Economic Development Manager, Planning Manager, Parks, Recreation and Culture GIS Staff

# **Attachments:**

Appendix A – Old Mill Heritage Conservation District Study



Appendix B – Old Mill Heritage Conservation District Study Appendix C



Appendix C – Heritage Conservation District Designation Flowchart



Appendix D – Recommended Boundary



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