



Committee of the Whole Report

Report Number: ED2023-016
Meeting Date: May 9, 2023
Title: **Addendum to the Old Mill Heritage Conservation District Study**
Description: Addendum to the Old Mill-Pumpkin Hollow Heritage Conservation District Study in response to Bill 23
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2023-016, **Addendum to the Old Mill Heritage Conservation District Study**, be received;

That the evaluation of the study area under Ontario Regulation 9/06, as amended, and as provided in Appendix B to Report ED2023-016, be endorsed;

That the evaluation be appended to the Old Mill-Pumpkin Hollow Heritage Conservation District Study; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

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 designate the area as a heritage conservation district (HCD). An accompanying petition was provided to staff in addition to 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 local 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 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 and the substantial number of historic properties in the area. The Kawartha Lakes Municipal Heritage Committee concurred and recommended to Council that a study be initiated. At its meeting of June 23, 2020, Council 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 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. Council received the study at its meeting of July 19, 2022 and passed the following resolution:

CR2022-249

Moved By Councillor Veale

Seconded By Councillor Yeo

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.

Carried

The preparation of a heritage conservation district plan for the area, which has been renamed Old Mill-Pumpkin Hollow in response to resident feedback, is ongoing. The plan phase of the project was launched on the City's website and Jump-In in August 2022 with an initial public meeting held in Lindsay in September 2022 and a second in April 2023. It is anticipated that the plan will be complete in Q4 2023, with additional public consultation, including the statutory public meeting required under the Act, taking place throughout Q3 and Q4.

In November 2022, the provincial government passed Bill 23, the More Homes, Built Faster Act. The bill introduced sweeping changes to land use planning across Ontario and includes amendments to several distinct pieces of legislation related to the land use planning process. Schedule 6 of the Bill included amendments to the Ontario Heritage Act which made changes to a number of processes related to municipal heritage planning. The majority of these amendments came into force on January 1, 2023 and municipalities are required to comply with these changes.

One of the amendments made to the Ontario Heritage Act was with regard to the criteria for evaluating and designating heritage conservation districts. Prior to the amendments, there were no legislated criteria for evaluating and designating heritage conservation districts under Part V of the Act. HCDs were evaluated based on a set of widely accepted, but not mandated, criteria, including in Kawartha Lakes which took into account the architectural, historical and contextual attributes of the property. Section 41 of the Act now allows for criteria for evaluating HCDs to be prescribed through regulation. These criteria have been established in Ontario Regulation 9/06 and came into force with the rest of the amendments made to the Act on January 1, 2023. A proposed heritage conservation district must be evaluated against and meet these criteria in order for it to be designated by by-law under Part V of the Act and for a heritage conservation district plan to be adopted for the area. This regulation previously contained the criteria for evaluating individual properties for designation under Part IV of the Act but now also includes criteria for designation under Part V of the Act. The criteria for Part V designations that are now prescribed under the regulation are very similar, but not identical, to the criteria used in Kawartha Lakes and other municipalities prior to the passage of Bill 23. The primary differences are that the new criteria do not take into account natural elements or social and community value as explicit categories for evaluation, nor do they address district integrity and now also required a certain percentage of the properties to meet at least two of the criteria.

In order to be eligible for designation under Part V of the Act as a heritage conservation district, Ontario Regulation 9/06 now stipulates that at least 25% of the properties in the proposed district must meet at least two of the following criteria:

- The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.

- The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
- The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
- The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- The properties have contextual value because they define, maintain or support the character of the district.
- The properties have contextual value because they are physically, functionally, visually or historically linked to each other.
- The properties have contextual value because they are defined by, planned around or are themselves a landmark.

Transition provisions included in the amendments to the Act only apply if the statutory public meeting required under subsection 41.1(7) of the Act had been held or the by-law for the district pass prior to the passage of Bill 23. For new heritage districts which are being initiated, these criteria will be applied during the study phase as subsection 40(2) of the Act requires that a heritage conservation district study includes an evaluation of the area to determine if it warrants preservation which forms the basis of the study's recommendations. For heritage conservation districts which are currently in development but which have not yet held their statutory public meeting, the study must be revisited and the area re-evaluated to ensure its compliance with the new criteria before a by-law is passed to designate the area.

The transitions provisions do not apply to the Old Mill-Pumpkin Hollow HCD process because the statutory public meeting for the area has not yet been held. An initial public information session was held for the plan phase in September 2022 and a second held in late April 2023, but neither of these fulfilled the criteria for the statutory public meeting. While the Act only requires municipalities to hold one statutory public meeting when creating an HCD plan, in practice, the development of most HCD plans includes several informal public information sessions for information sharing and public input throughout the plan development process alongside the statutory public meeting which

is generally held near the end of the process and is used to review a full draft of the plan with the community.

As a result, the evaluation of the area must comply with the new prescribed criteria under Ontario Regulation 9/06, as amended, in order to be designated. To ensure that the area did meet the criteria and that the evaluation was endorsed by both Council and the Municipal Heritage Committee prior to the completion of the plan, staff felt that the most appropriate action was to undertake a revised evaluation of the area based on the new criteria, the presentation of the new evaluation to the Committee and Council, and the adoption of the evaluation as an addendum to the study. The plan development remains ongoing but is contingent on the adoption of a new evaluation for the area.

The revised evaluation of the area, using the new prescribed criteria, is attached as Appendix B. The revised evaluation only took into account the area which was recommended for designation under the original evaluation to avoid confusion amongst property owners as to what was included in the potential heritage conservation district and what was not. The evaluation criteria found that the area which is proposed to form a future HCD in the area fulfilled the requirements under Ontario Regulation 9/06.

Subsections 40(3) and 41.1(6) require that the Council of a municipality consult with its municipal heritage committee regarding the development of a heritage conservation district study and plan. The Kawartha Lakes Municipal Heritage Committee has been involved in the process from the beginning and has also formed a subcommittee to help staff in the development of the study. The Committee received the revised evaluation of the potential district at its meeting of April 13, 2023 and passed the following motion:

KLMHC2023-055

Moved By I. McKechnie

Seconded By T. Richards

That Report KLMHC2023-030, **Addendum to the Old Mill-Pumpkin Hollow Heritage Conservation District Study**, be received;

That the evaluation of the property under Ontario Regulation 9/06 be endorsed;

That the evaluation be appended to the Old Mill-Pumpkin Hollow Heritage Conservation District Study; and

That this recommendation be forwarded to Council for approval.

Carried

This report addresses that direction.

Rationale:

The initial evaluation of the study area found that a portion of the study area was suitable for designation under Part V of the Ontario Heritage Act as a heritage conservation district. Through the initial evaluation, the study found that the area had cultural heritage value through its role as the initial settlement site of Lindsay and substantial and intact collection of Victorian and Edwardian residential architecture, particularly with regard to vernacular dwellings which form a high percentage of the properties in the area. The recommendations also recognize the importance of the area in the history of the Catholic Church in Lindsay and in its industrial development along the Scugog River corridor. The initial evaluation of the study area is found in Section 5 – Heritage Evaluation (pages 91-99) of the study and the full recommendations and rationale for them are contained in Section 8 – Recommendations (134-146).

The revised evaluation of the area undertaken in light of the legislative changes found that the area identified as having potential for designation still qualifies under the new criteria and the stipulation that 25% of the properties in an area must fulfil at least two of the prescribed criteria. The properties most strongly fulfil the criteria related to contextual value and historical value as there is not a consistent architectural style throughout, although staff have categorized architectural style in broad categories, such as vernacular, Victorian and Edwardian, because of the highly diverse architectural landscape of the area. As a result, the recommendations of the study, including its statement of cultural heritage value and heritage attributes, do not change and amended recommendations have not been developed.

The adoption of the new evaluation is required to continue the HCD development process. Without adopting the revised evaluation as an addendum to the study, the area may not be designated as an HCD as the study as endorsed by Council would not demonstrate how the area fulfilled the prescribed criteria under Ontario Regulation 9/06. Should the revised evaluation not be adopted, the plan process necessarily would be suspended as there would be no rationale for continuing it.

The endorsement of the revised evaluation of the area and continuation of the plan phase does not commit Council to designating the area as a heritage conservation district. The recommendation contained in this report only supports the evaluation of the area based on the new criteria under Ontario Regulation 9/06 and allows staff to continue the plan development 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. It is anticipated that the final plan will be presented to Council in Q4 2023. The final plan will include policies for the area, design guidelines, and a record of community engagement.

The adoption of the revised evaluation and continuation of the district designation process is supported by provincial and local land use planning policy, including cultural heritage policies contained within the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), the City of Kawartha Lakes Official Plan (2012) as amended, and the Town of Lindsay Official Plan (2000) as amended, which direct the City to identify, evaluate and protect its significant cultural heritage resources, including cultural heritage landscapes of which the identified neighbourhood is one. Both Official Plans contain enabling language for the designation of HCDs. Significance, in relation to these policies, is determined by fulfilment of the criteria for evaluation contained within Ontario Regulation 9/06, or alternatively, through recognition at a provincial, federal, or international level. As significance has been demonstrated through the revised evaluation appended to this report, the continuation of the process for district designation through its endorsement is required to fulfil these policy objectives.

Throughout the study and plan process today, staff have undertaken substantial community engagement through public meetings, direct mailing, Jump-In and information presented through the City's website to inform the local community and gather input. The potential designation of the area as an HCD is controversial within the neighbourhood. Although the initial impetus for initiating this project came from a community request and petition, there is also strong opposition from some community members to this initiative. However, the revised evaluation and its adoption are a separate part of the process from the community engagement aspect of this project as the evaluation as presented in this report is specifically intended to address legislative changes and policy direction, as opposed to some of the wider community issues with regard to the potential designation of the area. A full summary of community engagement, feedback and outcomes will be presented to Council alongside the HCD plan when it is finalized in Q4 to inform Council's decision-making process with regard to the wider issues of passing a designation by-law for the area and adopting the heritage conservation district plan. The statutory public meeting where a full draft of the plan will be available for review is anticipated to be held at the end of Q3.

Other Alternatives Considered:

Council could choose not to endorse the revised evaluation of the area. However, the revised evaluation must be adopted in order for the designation process to proceed and the plan phase will be suspended should the evaluation not be updated to comply with provincial criteria.

Should Council wish not to endorse the new evaluation and suspend the plan development, it could make the following motion:

That Report ED2023-016, **Addendum to the Old Mill Heritage Conservation District Study**, be received;

That the evaluation of the study area under Ontario Regulation 9/06 not be endorsed;

That the development of the Old Mill-Pumpkin Hollow Heritage Conservation District plan be suspended; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

This alternative is not recommended by staff as the area has been demonstrated to have cultural heritage value through evaluation based on the criteria for heritage conservation district designation in Ontario Regulation 9/06. The suspension of the plan process is not consistent with the policy direction contained within the PPS, the Growth Plan or the City's Official Plans.

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 are no costs directly associated with the recommendations of this report as the plan phase has already been initiated and budgeted for. The costs associated with the preparation of the plan, such as conducting public meetings and providing direct mail to owners, have already been included in the existing 2023 heritage planning budget.

Consultations:

Ministry of Multiculturalism and Citizenship
Municipal Heritage Committee
Manager, Economic Development

Attachments:

Appendix A – Old Mill Heritage Conservation District Study



Adobe Acrobat
Document

Appendix B – Revised Evaluation



Adobe Acrobat
Document

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services