



## Committee of the Whole Report

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<b>Report Number:</b>	<b>ED2023-030</b>
<b>Meeting Date:</b>	November 7, 2023
<b>Title:</b>	<b>Heritage Conservation District and Cultural Heritage Landscape Strategies</b>
<b>Description:</b>	Proposed strategies to address the identification, evaluation and protection of heritage conservation districts and cultural heritage landscapes
<b>Author and Title:</b>	Emily Turner, Economic Development Officer – Heritage Planning

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### Recommendations:

**That** Report ED2023-030, **Heritage Conservation District and Cultural Heritage Landscape Strategies**, be received;

**That** the Heritage Conservation District Strategy (Appendix A) and Cultural Heritage Landscape Strategy (Appendix B) be endorsed; 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:**

The City is currently undertaking its comprehensive Heritage Inventory project which aims to identify the breadth of cultural heritage resources across Kawartha Lakes. This project was authorized by Council in February 2022 and is guided by the Heritage Inventory Framework. At its meeting of Committee of the Whole on February 8, 2022, Council received the Framework and adopted the following resolution:

### **CW2022-032**

**Moved By** Councillor Ashmore

**Seconded By** Councillor Yeo

**That** Report ED2022-006, **Heritage Inventory Framework**, be received;

**That** the Heritage Inventory Framework as outlined in Appendix A be adopted;  
and

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

**Carried**

The resolution was ratified at the Council meeting of February 22, 2022.

The goal of the inventory is to identify, document and evaluate the wide range of heritage resources present in communities across Kawartha Lakes and make recommendations regarding the best management of these resources, whether through the protection of property under the provisions of the Ontario Heritage Act, integration of additional heritage-specific policies into local land use planning policy, or campaigns intended to increase public awareness about and celebrate heritage assets in local communities. The early datasets coming out of this project, which were completed in Bobcaygeon and Bethany in 2022 and have been ongoing in Fenelon Falls and Omemee throughout summer and fall 2023, show large numbers of diverse historic assets present in the municipality, the vast majority of which do not have any strategy in place for long-term management.

With the long term view of making good use of this data as part of future decision-making in relation to heritage resources, staff have begun to develop strategic planning documents to address specific types of cultural heritage resources that may be identified through the inventory process. These strategic planning documents are

intended to outline relevant legislative and policy frameworks, establish high level goals for resource identification, protection and management, identify specific processes that may be required to preserve certain types of resources, and provide direction for community involvement and consultation. These documents will provide transparency and consistency in how the City protects and preserves its cultural heritage resources and make clear its long-term goals for heritage resource management. Staff have opted to develop a number of strategic planning documents for specific types of resources and processes, as opposed to an overall strategic plan, to create more dynamic frameworks that can be easily updated in response to legislative and policy changes and for ease of use for Council, the Municipal Heritage Committee, staff and the public. In this report, staff are bringing forward two strategic documents related to cultural heritage landscapes (CHLs) and heritage conservation districts (HCDs). These two strategies are being brought forward together as they are specifically related to one another and inform each other in their content and approach.

Cultural heritage landscapes are one of the most complex types of cultural heritage resources. CHLs are a distinctive type of cultural heritage resource that are recognized in heritage conservation policy and legislation at the provincial, national and international levels. For example, the 2020 Provincial Policy Statement (PPS) defines cultural heritage landscapes as “a defined geographical area that may have been modified by human activities and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning and association.” They differ from the individual heritage resources that the City commonly protects in that, while their individual elements may have their own heritage value, a significant portion of the value of these resources comes from the relationships between their different elements and their significance as a collective whole. Cultural heritage landscapes can take on a range of different forms and sizes and may include collections of built heritage resources across different properties, such as downtowns or residential areas, singular properties with multiple interrelated resources, such as historic farmsteads and cemeteries, or areas comprised primarily of natural resources that have been impacted by human activities, such as waterways. There are existing protected CHLs in Kawartha Lakes, although they have often not been identified as such. These include the City’s two heritage conservation districts, Downtown Lindsay and Oak Street Fenelon Falls, several individually designated properties that contain internal cultural

heritage landscapes such as St. Thomas' Anglican Church and Cemetery in Bexley Township, and the City's largest protected CHL, the Trent-Severn Waterway, which is protected federally by Parks Canada.

The proposed Cultural Heritage Landscape Strategy is attached as Appendix A and contains information on the types of CHLs that may be present in Kawartha Lakes and relevant tools for identification, protection and long-term management. In particular, it outlines the various tools for CHL conservation that the City may pursue as it deems appropriate; while designation under the Ontario Heritage Act is an established method for conserving CHLs, it is not the only method for doing so, nor is it always the most appropriate. The identification of CHLs has been identified as a long term priority in the Heritage Inventory Framework and it is anticipated that a large number of CHLs will be identified through this process.

In Ontario, the most common protection mechanism for cultural heritage landscapes is through the designation of heritage conservation districts (HCDs) under Part V of the Ontario Heritage Act. The first HCD in Ontario, Meadowvale Village in Mississauga, was designated in 1980 and the number of districts has steadily grow over the last four decades. At present, there are just under 140 heritage conservation districts across the province. Kawartha Lakes has two heritage conservation districts, both designated in 2017. HCDs provide an important mechanism for designating cultural heritage landscapes because they allow municipalities to designate entire areas, such as commercial downtowns, residential neighbourhoods or rural landscapes, that contain interrelated heritage resources, including buildings, natural elements, views and intangible heritage elements. The process for designating districts is well-established through Part V of the Ontario Heritage Act and best practices from municipalities across the province. However, given the importance of the HCD designation option in the management of cultural heritage landscapes in Ontario and its specific nuances within the land use planning framework, staff felt that it was appropriate that a separate strategy be developed to guide how to City identifies and designated HCDs in Kawartha Lakes.

The proposed Heritage Conservation District Strategy is attached as Appendix B. Building on the Cultural Heritage Landscapes Strategy, this strategy addresses challenges specific to heritage conservation districts, including goals for creating HCDs in different parts of Kawartha Lakes, prioritization for designation, addressing how and by whom areas are nominated for potential designation, future amendments and

updates, and the public consultation process which, under the provisions of the Act, is extremely limited. The strategy is intended to help guide future decision making and provide transparency and consistency across the City as to how the HCD designation process is undertaken and why.

The Kawartha Lakes Municipal Heritage Committee has worked with staff to develop and refine the attached strategies. Finalized versions of both strategies were presented to the Committee at its meeting of October 5, 2023. The Committee reviewed the strategies and made the following recommendation:

**KLMHC2023-125**

**Moved By** J. Hartman

**Seconded By** W. Peel

**That** Report KLMHC2023-075, **Heritage Conservation District and Cultural Heritage Landscape Strategies**, be received;

**That** the proposed strategies be endorsed; and

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

**Carried**

**Rationale:**

The identification and protection of cultural heritage landscapes and the designation of heritage conservation districts is an important aspect of a comprehensive heritage planning program, both with regard to best practices and direction contained in local and provincial land use policy. At present, the City does not have specific direction as to how to go about identifying and protecting CHLs and designating HCDs to ensure that the conservation process is consistent and transparent across Kawartha Lakes. The development of strategies to guide these processes will help to ensure that they are open and transparent aspects of the land use planning process in the City.

The strategies, which are related to each other, provide high level direction regarding the conservation of CHLs and the designation of HCDs in the City. A summary of the direction contained within each document is outlined below.

## **Cultural Heritage Landscape Strategy**

Cultural heritage landscapes are complex heritage resources that show the imprint of human activity on the land over time. These take on a variety of forms – from farms to downtowns to natural landscapes – but are integral to providing a sense of place and history to communities across Kawartha Lakes. The goal of the CHL strategy is to provide a high level framework for identifying, evaluating and protecting CHLs across the City. At present, the City does not have a comprehensive or consistent approach to protecting CHLs.

The strategy contains the following:

- **Policy and legislative framework overview:** The legislative framework for cultural heritage landscape conservation is guided by the Ontario Heritage Act and supported by the Planning Act, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the City's Official Plan. Provincial land-use planning policy directs municipalities to conserve significant cultural heritage landscapes and a variety of tools are available under the relevant legislation for doing so.
- **Overview of the types of cultural heritage landscape:** There are three primary types of CHLs: designed landscapes, evolved landscapes, and associative landscapes. These landscape types are outlined and discussed.
- **Goal setting for landscape preservation:** High level goals have been set for cultural heritage landscape conservation which aim to include and support the diverse CHLs present across the City. CHLs are dynamic resources and, in general, the goal for their conservation is to preserve and enhance their cultural heritage values and attributes while encouraging sensitive evolution and growth. The strategy encourages the identification and preservation of these landscapes and their associated cultural values through the mechanisms available to the municipality to support their living nature and encourages new development that is sensitive to CHLs.
- **Identification and evaluation of landscapes:** The identification and evaluation of CHLs is complex because of the multifaceted nature of these heritage resources. They may be identified through a variety of means including community identification or through relevant plans and studies undertaken by the City. Evaluation of these resources will be determined based on the

complexity and size of the landscape with preliminary evaluation based on Ontario Regulation 9/06 and the potential for additional study as required. The attributes – both tangible and intangible – of a landscape must be identified through the evaluation process and their significance to the landscape as a whole must also be identified.

- **Tools for protecting landscapes:** There are five primary direct protection mechanisms for conserving CHLS: listing on the Heritage Register; individual designation under Part IV of the Ontario Heritage Act; designation under Part V of the Act as a heritage conservation district; entrance into a heritage easement agreement; and protection under the Planning Act through an Official Plan amendment. Each of these tools is discussed and their appropriateness for different types of CHL is outlined.
- **Community participation and engagement strategies:** Strategies for engaging with the community in the identification, evaluation and protection of CHLs are discussed. As all CHLs are different, engagement approaches will vary and may include targeting consultation with specific property owners and organizations, public meetings or digital engagement through Jump In. It also discusses direct engagement with relevant stakeholders, including local organizations, other levels of government, and Indigenous communities.

### **Heritage Conservation Districts Strategy**

Heritage Conservation Districts are designated under Part V of the Ontario Heritage Act and are an important tool to conserve, protect and enhance areas with cultural heritage value that include multiple properties, resources and features. The goal of an HCD strategy is to guide the development of new districts in Kawartha Lakes to ensure that the City's approach is fair, consistent and transparent and in alignment with provincial and local land use planning policy.

The strategy contains the following:

- **Policy and legislative framework overview:** The legislative framework for district designation is guided by the Ontario Heritage Act and is supported by policies contained in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the City's Official Plan. These documents provide the process and rationale for district designation and support the creation of new heritage conservation districts in Kawartha Lakes.

- **Goal setting for district designation across Kawartha Lakes:** High level goals have been set for district designation across Kawartha Lakes, which seek to include and support the different needs in the City's urban, hamlet and rural areas. General goals as well as goals for each of these areas have been identified. In general, the goal of district designation in Kawartha Lakes is to preserve and enhance its unique historic areas and their associated communities and cultures while providing policies and strategies for sensitive growth and development.
- **Processes for district nomination:** The strategy outlines how potential districts may be nominated for study, namely through local community or public request, or through the initiative of Council, the Municipal Heritage Committee and staff. Nominations must be accompanied by rationale for investigating the area, any preliminary research undertaken by the nominator and proposed boundaries for an HCD study. The strategy also sets guidelines around the submission of petitions in relation to HCD designations.
- **Direction on prioritizing areas for study:** As Kawartha Lakes is a very large municipality, guidelines for prioritizing areas for district designation have been developed to ensure that the creation of districts is fair, represents the different communities across the City and responds to the current development context. Staff will also maintain a priority list for district designation based on the identified guidelines.
- **Consistent criteria for evaluation:** Ontario Regulation 9/06 prescribes criteria for heritage conservation district evaluation and designation. An outline of these criteria is provided.
- **Direction on amendment and repeal of HCD plans and by-laws:** Recent amendments to the Ontario Heritage Act allow for the amendment and repeal of HCD plans and by-laws. The process for doing so will be prescribed in regulations which have not been released yet. However, the strategy identifies scenarios where the amendments or repeal of an HCD may be contemplated and directs staff to review HCD plans at five-year intervals.
- **Community participation and engagement strategies:** An outline is provided for engaging the community with a heritage conservation district study and plan process, including engagement through community meetings, Jump-In, direct mail and community advisory groups. It also discusses direct engagement



with relevant stakeholders, including local organizations, other levels of government, and Indigenous communities. Under the Ontario Heritage Act, municipalities are required to hold only one public meeting when designating an HCD but it is widely recognized that that is not sufficient for developing and implementing a robust HCD plan. This section draws on best practice from municipalities throughout the province to supplement the legislative requirements.

As noted in the strategy, staff have also developed a preliminary priority list for heritage conservation district designation. This list includes a number of areas throughout Kawartha Lakes that have been already identified as having the potential for heritage conservation district designation in future. Most of these were identified as part of Official Plan Amendment 26 which was adopted in 2017 and made substantial amendments to the cultural heritage policies in the City's Official Plan (2012). Staff anticipate that additional areas will be identified throughout the Heritage Inventory project that may be eligible for designation. Additional areas may also be included through request by members of the public or direction from Council. Inclusion on the priority list does not mean an area is guaranteed to become a heritage conservation district, but rather that it may be considered for a heritage conservation district study at some point in the future. The intention of the priority list is to ensure that the City is being fully transparent as to what areas it considers to have cultural heritage value and are potentially suited for district designation. As with all heritage conservation district studies, a proposal to undertake a study for any of these areas must be presented to and authorized by Council prior to commencement. The current priority list is attached to this report as Appendix C.

## **Provincial Policy Conformity:**

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

The Provincial Policy Statement (PPS) sets the policy foundation for development and land use planning in 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.” The proposed strategies aim to fulfil this policy direction by providing a transparent and consistent framework for the identification, evaluation and conservation of cultural heritage landscapes, and by extension heritage conservation districts, in Kawartha Lakes.

The provincial government released a draft of the new Provincial Planning Statement in spring 2023 which will replace and combine the policy directions of both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (2019). The final version of this new PPS has not been released or implemented. However, the draft cultural heritage policies presented in spring 2023 remain generally consistent in their intent with current policy direction and the direction to conserve cultural heritage landscapes is anticipated to remain in place within the new policy when it is released.

### **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.” The proposed strategies support this policy direction by providing a framework for identifying, evaluating and protecting cultural heritage landscapes, including heritage conservation districts, to enhance local communities and conserve local cultural heritage resources.

As noted above, the Growth Plan is expected to be superseded by the new Provincial Planning Statement which has not yet been released in its final form. However, it is anticipated that the new PPS will continue to generally support the cultural heritage policy objectives contained in the Growth Plan based on reviews of the drafts released in spring 2023.

### **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.

There are no specific policies in the Official Plan that speak directly to the conservation of cultural heritage landscapes, as the cultural heritage policies speak to cultural heritage resources more broadly without differentiating between individual resources and landscapes. In particular, three of the heritage policies speak directly to the specific identification and conservation of heritage resources:

- 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.
- f) Cultural heritage resources shall be maintained in situ and in a manner that prevents the deterioration and conserved the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.

These policies are supported by other cultural heritage policies contained within the Official Plan, such as those which speak to the requirements for development on or adjacent to cultural heritage resources and provide direction for conserving these resources while also promoting and supporting new development. The proposed strategies support the direction outlined in the Official Plan provide additional objectives and processes that are required in order to fulfil these policy objectives specifically with regard to cultural heritage landscapes, including heritage conservation districts.

The Ontario Heritage Act requires that municipal official plans contain enabling language related to the conservation of heritage conservation districts. These policies were added to the City's Official Plan in 2017. Section 10.6 provides direction that the City designate heritage conservation districts and the high level process requirements for doing so. The proposed Heritage Conservation District Strategy is consistent with and supports the policies in Section 10.6 of the Official Plan. Further, this section also identifies a number of candidate areas that the City may wish to consider as future heritage conservation districts. These have been added to the preliminary priority list for HCD designation.

## **Cultural Master Plan 2020-2030**

The City's Cultural Master Plan identifies as one of its objectives that "Heritage assets are protected and conserved and contribute to a thriving local economy." Progress indicators for this objective include the number of Part IV and Part V (HCD) designations, as well as the number of listed properties. The proposed strategies support this objective by providing strategic direction for how to identify, evaluate and protect cultural heritage landscapes and HCDs.

## **Other Alternatives Considered:**

There are no recommended alternatives. Council may choose not to adopt the proposed strategic documents, but the preservation of cultural heritage landscapes, both as HCDs and through other planning mechanism, is required under provincial land use planning policies and the adoption of strategic planning documents ensures that the City's approach to fulfilling its policy objectives is consistent, transparent and accountable.

## **Alignment to Strategic Priorities:**

The adoption of new strategies to guide the protection and conservation of heritage conservation districts and cultural heritage landscapes supports the priority of Good Government by streamlining by-laws, policies and plans through the creation of high level documents to guide these aspects of heritage preservation. These documents provide consistency, transparency and accountability in relation to the City's approach to the identification, protection and management of cultural heritage landscapes and heritage conservation districts.

It also promotes An Exceptional Quality of Life by supporting and promoting arts, culture and heritage through the furthering of heritage preservation measures within the municipality to protect, enhance and conserve the City's unique heritage places.

## **Financial/Operation Impacts:**

There are no specific financial or operational impacts as a result of the recommendations of this report. Budgetary considerations for individual projects related to these strategies, such as the creation of new heritage conservation districts, will be brought forward to Council as necessary on a project-specific basis.

## **Consultations:**

Municipal Heritage Committee  
Manager, Economic Development  
Manager, Planning  
Policy Planning Supervisor

## **Attachments:**

Appendix A – Cultural Heritage Landscape Strategy



Adobe Acrobat  
Document

Appendix B – Heritage Conservation District Strategy



Adobe Acrobat  
Document

Appendix C – Preliminary Heritage Conservation District Priority List



Adobe Acrobat  
Document

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