

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

PLANNING COMMITTEE REPORT

Report PLAN2017-019

Date: April 5, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward/Community
Identifier - All

Subject: Culture and Heritage Policy Amendments to the City of Kawartha Lakes Official Plan, the Town of Lindsay Official Plan and the Village of Fenelon Falls Official Plan

Author: Linda Russell, Planner II

Signature:



Recommendations:

RESOLVED THAT Report PLAN2017-019, respecting Culture and Heritage policy amendments to the City of Kawartha Lakes Official Plan, The Lindsay Official Plan and the Fenelon Falls Official Plan, be received;

THAT the proposed Official Plan Amendment, substantially in the form attached as Appendix "A" be referred to Council for adoption and that the necessary by-law be passed; and

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

At the Council meeting of August 9, 2016, Council adopted the following resolution:

RESOLVED THAT the recommendation of Heritage Victoria to adopt the Oak Street, Fenelon Falls HCD study under Part V, Section 40.3 of the Ontario Heritage Act (R.S.O. 1990 c.O.18) be approved;
THAT the Oak Street, Fenelon Falls Heritage Conservation District (HCD) Study be approved;
THAT staff be authorized to proceed to prepare an amendment to the Village of Fenelon Falls Official Plan to identify heritage conservation districts as an approved heritage planning tool; and
THAT staff be authorized to proceed with the completion of a Heritage Conservation District Plan and By-Law for the Oak Street neighbourhood in Fenelon Falls.

At the Council meeting of September 20, 2016, Council adopted the following resolution:

RESOLVED THAT Report ED2016-008, **Downtown Lindsay Heritage Conservation District Study**, be received;
THAT the recommendation of Heritage Victoria to adopt the Downtown Lindsay HCD Study under Part V, Section 40.3 of the Ontario Heritage Act (R.S.O. 1990 c.O.18), be approved;
THAT the Downtown Lindsay Heritage Conservation District (HCD) Study be adopted;
THAT the City's Official Plan be amended to identify Heritage Conservation Districts as an approved heritage planning tool; and
THAT staff be authorized to proceed with the completion of Heritage Conservation District Plans and By-Laws for Downtown Lindsay.

The statutory public meeting was held by the Planning Committee on February 8, 2017 and the following resolution was passed:

RECOMMEND THAT Report PLAN2017-007, Culture and Heritage policy amendments to the City of Kawartha Lakes Official Plan, The Lindsay Official Plan and the Fenelon Falls Official Plan, be received; and
THAT Official Plan Amendment No. 26 to the City of Kawartha Lakes Official Plan, Official Plan Amendment No. 51 to the Town of Lindsay Official Plan, and Official Plan Amendment No. 17 to the Village of Fenelon Falls Official Plan, as generally outlined in Appendix 'A' to this report, be referred back to staff for further review and processing until comments from circulated agencies, City departments and stakeholders who may have an interest in these amendments have been received and addressed.

This report addresses that direction and provides an update on the status of this project.

Rationale:

The City of Kawartha Lakes considers heritage resources as valuable assets that can be reused to meet broader municipal goals and objectives – to create culture corridors, public green space, and education. The existing planning framework must be updated to better reflect the City's desire to protect heritage resources, while balancing development demands.

Currently, there are three official plans in effect in the City of Kawartha Lakes, each containing separate culture and heritage policies. In general, these policies encourage the conservation and enhancement of cultural heritage resources, but more policy direction is needed to balance the conservation of these resources with development.

Below outlines each plan and current policy framework:

1) City of Kawartha Lakes Official Plan

The City's OP was approved by the Province in January 2012 and contains policies relating to Culture and Heritage. Since then, amendments to the Provincial Policy Statement came into effect on April 30, 2014. The Ontario Heritage Act (OHA) and the 2014 Provincial Policy Statement (PPS) gives the City the tools and responsibilities to conserve these heritage properties and the Growth Plan requires the municipality to implement Official Plan policies to conserve our heritage resources where feasible as urban areas are intensified. Without these implementing policies to conserve heritage properties, the City will lack the ability to fully protect them in forums such as the Ontario Municipal Board and the Conservation Review Board.

2) Lindsay Official Plan

The Town of Lindsay Official Plan, approved by the Ontario Municipal Board in December 21, 2000, has some existing language that speaks to heritage conservation. However, the policies being reflective of the time in which the plan was written, does not necessarily reflect the current PPS and OHA requirements.

3) Village of Fenelon Falls Official Plan

The Village of Fenelon Falls Official Plan was approved by the Ministry of Municipal Affairs on June 26, 1989. With the exception of policies relating to the main core and Community Improvement Area, there are no heritage policies. New policies must be introduced to reflect the current PPS and OHA requirements.

4) General Amendment to City of Kawartha Lakes Official Plan – OPA 13

Council has endorsed Official Plan Amendment No. 13 to the City of Kawartha Lakes Official Plan. This amendment includes a new Culture and Heritage section that will guide development in the five settlement areas. As the General Amendment is currently under review by the Ontario Municipal Board, any revisions to the Cultural Heritage policies will be reflected in the General Amendment.

Key Proposed Amendments to the Official Plans:

The City of Kawartha Lakes Official Plan policies contained in Section 10: Culture and Heritage would be updated through the proposed amendment to reflect the updated 2014 PPS and align with the requirements of the Ontario Heritage Act. The proposed amendments would provide the necessary policy statements that permit the City to create heritage conservation districts and will standardize the Culture and Heritage policies across the Plans, with the overall goal of improving the City's cultural heritage conservation program.

The proposed amendment would also permit the City to request a heritage impact assessment where development proposals about a cultural heritage resource. The assessment would review whether a proposal would impact an existing cultural or heritage resource and whether mitigation measures could be applied.

Policies will also be introduced that would not permit the demolition, destruction, or alteration of cultural and heritage resources unless the City and or advisory committee are satisfied that there is no other option and the proposal has been properly assessed.

The proposed amendment would also permit the City to consider heritage conservation districts in other parts of Fenelon Falls and Lindsay as well as in Bobcaygeon, Omemee, Sturgeon Point, and Woodville subject to the necessary background study requirements being completed.

Finally, more detailed requirements for archaeological assessments and Heritage Impact Assessments are included provide guidance on study expectations.

Planning Act:

The *Planning Act* states that the Minister, the Council of a municipality and the Municipal Board in carrying out their responsibilities shall have regard to, among other matters, matters of provincial interest including:

- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

Ontario Heritage Act:

The *Ontario Heritage Act* provides a framework for the protection and conservation of the Province's cultural heritage resources. It provides the

legislative basis and a variety of tools for the protection of cultural heritage resources, including archaeological sites, defines the municipal and provincial roles in cultural heritage resource conservation.

Public Consultation:

Notice of this proposed amendment was placed in Kawartha Lakes This Week, on January 19, 2017, as well as posted to the City of Kawartha Lakes website. The Notice and draft amendment was circulated to prescribed agencies, City Departments, and individuals who may have an interest in the amendments. This included members of the Heritage Victoria Committee, as well as those involved in heritage related projects throughout the City.

At the public meeting on February 8, 2017, the following comments were received regarding the proposed amendments:

Heather Sadler of EcoVue Consulting spoke on behalf of Fenelon Trails. In general, they support the proposed amendments, however she stated they are seeking clarification on suitable wording to ensure clear direction, as well as updating references to the Village as that entity no longer exists. Finally she expressed the need for these amendments to be better reflected in the Secondary Plans.

Tom Mohr, President of the Peterborough Chapter of the Ontario Archeological Society, expressed support to update the plans with requirements for archeological assessments. He also expressed support to the City to undertake a Municipal Archeological Management Plan.

Next Steps:

Following adoption of the Culture and Heritage policies, Council can consider designating by By-law the Heritage Conservation Districts on Oak Street in Fenelon Falls and in downtown Lindsay.

Financial Considerations:

Should there be any appeals against these Official Plan Amendments, they would be dealt with by the Ontario Municipal Board and there would be legal costs for the hearings.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Relationship of Recommendations to the Strategic Plan:

The City of Kawartha Lakes 2016-2019 Strategic Plan identifies these goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

The proposed Culture and Heritage policies align with the Heritage Master Plan to foster and promote the intrinsic value of cultural heritage conservation, resulting in community pride which stimulates the economy and attracts tourists and investment from outside the City.

Consultations:

Debra Soule, Arts, Culture and Heritage Development Officer
Carl Bray, Bray Heritage
Marcus Letourneau, Letourneau Heritage Consulting Inc.

Development Services – Planning Division Comments:

The proposed Culture and Heritage policy amendments to the City of Kawartha Lakes Official Plan, The Lindsay Official Plan and the Fenelon Falls Official Plan conform to the Growth Plan and are consistent with the 2014 Provincial Policy Statement, the Planning Act and the Ontario Heritage Act.

Conclusion:

Staff respectfully recommends that the proposed Official Plan Amendments and accompanying By-law be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Proposed Official Plan Amendment and Implementing By-law



2017.03.20 - By-law 2017-XXX
COMBINED OPA CULTure and Heritage

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Department Head: Chris Marshall, Director of Development Services

Department File: D01-17-002, D01-17-003, and D01-17-004

APPENDIX " A "
to
REPORT PLAN 2017-019
FILE NO. DOI-17-002
-003
-004

PLAN2017-019 Appendix 'A'

**AMENDMENT NO. 26
TO THE
CITY OF KAWARTHA LAKES
OFFICIAL PLAN**

**AMENDMENT NO. 51
TO THE
TOWN OF LINDSAY
OFFICIAL PLAN**

**AMENDMENT NO. 17
TO THE
VILLAGE OF FENELON FALLS
OFFICIAL PLAN**

Schedule 'A' to By-law No. 2017-0XX
The Corporation of the City of Kawartha Lakes

PART A - THE PREAMBLE

A. Purpose of the Amendment:

The City of Kawartha Lakes (City) has made good progress in the development of an effective heritage program, however a stronger policy framework for heritage conservation is needed. This amendment proposes to implement policies that enable Heritage Conservation Districts in the following manner:

- 1) The City of Kawartha Lakes Official Plan is proposed to be revised with enhanced policies contained in Section 10: Culture and Heritage and to revise the archaeological study requirements in Section 36.1: Appendix A – Background Studies.
- 2) The Town of Lindsay Official Plan is proposed to be revised with enhanced policies contained in Section 3.3: Heritage Conservation Policies, in Section 6.4: Requirements for Supporting Studies, and amend Section 7.1: General.
- 3) The Village of Fenelon Falls Official Plan is proposed to be amended to include new culture and heritage policies to the Environmental policies under Section 2.2.2: Objectives, to the Community Improvement policies under Section 2.8.2: Objectives, to the Main Central Area policies under Section 3.6.3: Policies, to the Community Improvement Policies under Section 6.2: Criteria for Designation and Section 6.4: Implementation, and add a new Section 7.4: Heritage Conservation.

B. Location:

- C.** The new Culture and Heritage policies proposed by this Amendment apply to all lands within the City of Kawartha Lakes.

D. Basis:

Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to cultural heritage. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. The Province's natural heritage resources, water resources, agricultural resources and cultural heritage resource provide important environmental, economic and social benefits. These resources are to be managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment in the following manner:

“Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

“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.”

“Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.”

“Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.”

Ontario Heritage Act

One of the key pieces of legislation for heritage conservation in Ontario is the Ontario Heritage Act (OHA). Its purpose is to give municipalities and the provincial government powers to preserve the heritage of Ontario. The Act addresses a variety of different cultural heritage resources, including individual properties, heritage conservation districts and archaeological resources. It also identifies appeal processes and provisions for enforcement.

Growth Plan for the Greater Golden Horseshoe, 2006

The Growth Plan guides decisions on a wide range of issues, including land-use planning, urban form, natural heritage and resource protection. The Growth Plan provides that:

“Municipalities will develop and implement official plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified.”

Official Plans in Effect

At the time of passing this Official Plan Amendment, the City of Kawartha Lakes has three (3) official plans in effect for the affected lands of the municipality; including:

1) City of Kawartha Lakes Official Plan

The City's OP was approved by the Province in January 2012 and contains policies relating to Culture and Heritage. Since then, amendments to the Provincial Policy Statement came into effect on April 30, 2014. The Ontario Heritage Act and the Provincial Policy Statement (2014) gives the City the tools and responsibilities to conserve these heritage properties and the Growth Plan requires the municipality to implement Official Plan policies to conserve our heritage resources where feasible as built up areas are intensified. Without these implementing policies to conserve heritage properties, the City will lack the ability to fully protect them in forums such as the Ontario Municipal Board and the Conservation Review Board.

2) Lindsay Official Plan

The Town of Lindsay Official Plan, approved by the Ontario Municipal Board in December 21, 2000, has some existing language that speaks to heritage conservation. However, the policies being reflective of the time in which the plan was written, does not necessarily reflect the current PPS and OHA requirements.

3) Village of Fenelon Falls Official Plan

The Village of Fenelon Falls Official Plan was approved by the Ministry of Municipal Affairs on June 26, 1989. With the exception of policies relating to the main core and Community Improvement Area, there are no heritage policies. New policies must be introduced to reflect the current PPS and OHA requirements.

PART B - THE AMENDMENT

E. Introductory Statement:

All of this part of the document, entitled "Part B - The Amendment", consisting of the following text constitutes Amendment No. 26 to the City of Kawartha Lakes Official Plan, Amendment No. 51 to the Town of Lindsay Official Plan (Official Plan for the former Town of Lindsay), and Amendment No. 17 to the Village of Fenelon Falls Official Plan (Official Plan for the former Village of Fenelon Falls).

F. Details of the Amendment:

1) The City of Kawartha Lakes Official Plan is hereby amended as follows:

- a) Section 10 (Culture and Heritage Policies): there is no change to sections 10.1 or 10.4; Subsection 10.6 (Heritage Conservation Districts) is added; subsections 10.2, 10.3 and 10.5 are hereby amended by deleting some of the existing text and replacing with the following:

"10. CULTURE AND HERITAGE

10.1 GOAL

Encourage the conservation and enhancement of cultural heritage resources.

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.
- b) To raise public awareness and celebrate the history of the community.
- c) To encourage participation and involvement in conservation efforts and foster the community's understanding and appreciation of the area's heritage resources.

10.3 ARCHAEOLOGICAL CONSERVATION

- a) Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

- b) Any archaeological assessment report prepared on an area located within Kawartha Lakes must be filed with the City at the time the report is filed with the Provincial Government.
- c) It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of resources.
- d) The City will consider the development of an Archaeological Management Plan
- e) The City shall consider the interests of Aboriginal communities in conserving archaeological resources.

10.4 MUNICIPAL HERITAGE COMMITTEE

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Within the City of Kawartha Lakes, it is known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee). Heritage Victoria advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan.

10.5 HERITAGE POLICIES

- a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.
- b) Through the review of development applications, the City shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist.
- c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.

- d) Any archaeological assessment report prepared on an area located within the City must be filed with the City at the time the report is filed with the Provincial Government.
- 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 deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.
- g) The City 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.
- h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.
- i) The City shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.
- j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate.
- k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.
- l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee.

- m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.
- n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.
- o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.
- p) The City shall consider the development of an Archaeological Management Plan.

10.6 HERITAGE CONSERVATION DISTRICTS

10.6.1 Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria. Council may, by by-law, designate any area within the City, as a heritage conservation district.

10.6.2 Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and Heritage Victoria. Candidate areas to be analyzed include, but are not limited to the following areas:

- Fenelon Falls (Oak Street)
- Fenelon Falls (Downtown)
- Lindsay (Downtown)
- Bobcaygeon (Downtown)

- Omemee (Main Street Area)
- Woodville (Main Street Area)
- Kinmount (Main Street Area)
- Sturgeon Point

10.6.3 Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designated. Such district plans are to be update from time to time.

10.6.4 Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act.”

- b) Section 30 (Definitions) is hereby amended by deleting and replacing the term Adjacent Lands and adding the term Alteration.

Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law.

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register.”

- c) **36.1. APPENDIX A - BACKGROUND STUDIES** is revised by replacing the policies under the headings “Level One Archaeological Assessment:” and “Level Two Archaeological Assessment:” with the following text:

“Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: Property assessment

All applications where development is proposed on lands containing a registered Archaeological site or where a Level One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required.

The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: Site-specific assessment

This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where

necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment.

Stage 4: Mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.”

- d) The following new section is being added and subsequent appendices are renumbered accordingly.

“36.11 APPENDIX K – HERITAGE IMPACT ASSESSMENT

- 1) A Heritage Impact Assessment will be required under the following circumstances:
 - a) Any property listed or designated in the municipal heritage register that is subject to land use planning applications;
 - b) Any property listed or designated in the municipal heritage register that is facing possible demolition; and/or,
 - c) Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register.
- 2) A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value as determined by the City will be subject to an appropriate level of heritage due diligence and may require a Heritage Impact Assessment.
- 3) Where a Heritage Impact Assessment is required, the terms of reference for the study will be determined in conjunction with the City.
- 4) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, will include, but not necessarily be limited to the following:
 - a) historical research, site analysis and evaluation;

- b) identification of the significance and heritage attributes of the cultural heritage resource;
- c) description of the proposed development or site alteration;
- d) assessment of development or site alteration impacts;
- e) consideration of alternatives, mitigation and conservation methods;
- f) schedule and reporting structure for implementation and monitoring; and
- g) a summary statement and conservation recommendations.
- i) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.

5) Where approval of a development application, or site alteration permit application would result in the demolition of a built heritage resource, a Heritage Impact Assessment will require the documentation of the built heritage resource. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The Heritage Impact Assessment shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed development application, or site alteration permit application being considered by Council.

6) Heritage Impact Assessments may be scoped or waived by the City.”

2) The Town of Lindsay Official Plan is hereby amended as follows:

- a) Section 3 (Heritage Conservation Policies) is renamed “CULTURE AND HERITAGE” and is deleted in its entirety and replaced with the following:

“3.3 CULTURE AND HERITAGE

3.3.1 General

The City’s Cultural Heritage Resources shall be conserved. It is the intent of Council to integrate and balance the conservation of cultural heritage resources with legislative requirements.

3.3.2 Policies

It is the policy of the City that:

- a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.
- b) Through the review of development applications, the City shall require an archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist.
- c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.
- d) Any archaeological assessment report prepared on an area located within the City must be filed with the municipality at the time the report is filed with the Province.
- 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 deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.
- g) The City 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.
- h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.
- i) The City shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.

- j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate.
- k) The City shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.
- l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee.
- m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.
- n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.
- o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.,
- p) The City shall consider the development of an Archaeological Management Plan.

3.3.3 Heritage Conservation Districts

a) Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria. Council may, by by-law, designate any area within the Municipality, as a heritage conservation district.

b) Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and Heritage Victoria. Candidate areas to be analyzed include, but are not limited to the following area:

- Lindsay (Downtown)
- c) Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designates. Such district plans are to be updated from time to time.

- d) Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act.

3.3.4 Municipal Heritage Committee

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee), the committee advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan."

- b) Section 6.4 REQUIREMENTS FOR SUPPORTING STUDIES is hereby amended by adding the following text:

"6.4.5 Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: Property assessment

All applications where development is proposed on lands containing a registered Archaeological site or where a Stage One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required.

The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: Site-specific assessment

This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics

by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment.

Stage 4: Mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.

6.4.6. Heritage Impact Assessment

- 1) A Heritage Impact Assessment will be required under the following circumstances:
 - a) Any property listed or designated in the municipal heritage register that is subject to land use planning applications;
 - b) Any property listed or designated in the municipal heritage register that is facing possible demolition; and/or,
 - c) Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register.
- 2) A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value as determined by the City will be subject to an appropriate level of heritage due diligence and may require a Heritage Impact Assessment.
- 3) Where a Heritage Impact Assessment is required, the terms of reference for the study will be determined in conjunction with the City.
- 4) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, will include, but not necessarily be limited to the following:
 - a) historical research, site analysis and evaluation;
 - b) identification of the significance and heritage attributes of the cultural heritage resource;
 - c) description of the proposed development or site alteration;
 - d) assessment of development or site alteration impacts;
 - e) consideration of alternatives, mitigation and conservation methods;
 - f) schedule and reporting structure for implementation and monitoring; and
 - g) a summary statement and conservation recommendations.
- h) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.

- 5) Where approval of a development application, or site alteration permit application would result in the demolition of a built heritage resource, a Heritage Impact Assessment will require the documentation of the built heritage resource. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The Heritage Impact Assessment shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed development application, or site alteration permit application being considered by Council.
 - 7) Heritage Impact Assessments may be scoped or waived by the City.”
 - c) The Lindsay Official Plan is amended by adding the following text to the end of Section 7 GENERAL:

“Whenever a term is used in this Plan and a term is defined in an approved Provincial Plan, the definition of the term shall be as identified in the approved Provincial Plan.”
 - d) The Lindsay Official Plan is amended by adding the following definitions alphabetically to Section 7.2 DEFINITIONS:

“Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law.

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register.”
- 3) The Village of Fenelon Falls Official Plan is hereby amended as follows:
- a) Section 2.2 (Environmental Objectives) is hereby amended adding the objective below:

2.2.2 Objectives

“h. The Cultural Heritage Resources shall be conserved. It is the Intent of Council to integrate and balance the conservation of cultural heritage resources with legislative requirements.”

- b) Section 2.8 (Community Improvement Objectives) is hereby amended adding the objective below:

2.8.2 Objectives

“g. To ensure the conservation of cultural heritage resources.”

- c) Section 3.6 (Main Central Area) is hereby amended by amending the policy below:

3.6.3 Policies

“f. Through the conservation of cultural heritage resources, in accordance with Provincial requirements, innovative building design and layout shall be encouraged.”

- d) Section 6.2 (Criteria for Designation) is hereby amended by adding the criteria below:

6.2 Criteria for designation

“xi. A concentration of cultural heritage resources.”

- e) Section 6.4 (Implementation) is hereby amended by adding the policy below:

6.4 Implementation

“viii. By using the tools for heritage conservation under the Ontario Heritage Act, the Municipal Act, and the Planning Act.”

- f) Section 7.4 (Heritage Conservation), which includes General Policies, Heritage Conservation Districts, Heritage Victoria, is hereby added as follows:

“7.4 Heritage Conservation

7.4.1 General Policies:

It is the policy of the municipality that:

- a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.
- b) Through the review of development applications, the Council shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist.
- c) Council may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.
- d) Any archaeological assessment report prepared on an area located within the City must be filed with the municipality at the time the report is filed with the Provincial Government.
- e) Council 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 deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.
- g) Development and site alteration on adjacent lands to protected heritage property shall not be permitted 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.
- h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.
- i) The municipality shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.

- j) The municipality shall seek the advice of the Province regarding heritage conservation matters when appropriate.
- k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.
- l) The demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes shall not be permitted. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the municipality, and any appropriate advisory committee.
- m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.
- n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.
- o) Council shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.
- p) Council shall consider the development of an Archaeological Management Plan.

7.4.2 Heritage Conservation Districts

- a) Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria.

Council may, by by-law, designate any area within the City, as a heritage conservation district.

b) Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and Heritage Victoria. Candidate areas to be analyzed include, but are not limited to the following areas:

- Fenelon Falls (Downtown)
- Fenelon Falls (Oak Street)

c) Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designated. Such district plans are to be update from time to time.

d) Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act.

7.4.3 Municipal Heritage Committee

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee), the committee advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan."

- g) Section 8.12 Archaeological Assessment and Section 8.13 Heritage Impact Assessment are hereby added as follows:

“8.12 Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

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8.13 Heritage Impact Assessment

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 - f) schedule and reporting structure for implementation and monitoring;
and
 - g) a summary statement and conservation recommendations.
 - h) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.
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- 6) Heritage Impact Assessments may be scoped or waived by the City.”
- h) Section 9.6 Definition of Terms is hereby amended by adding the following definitions:

“Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law.”

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register.”

G. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

APPENDIX A
to
PLAN2017-019
D01-17-002
- 003
- 004

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2017-XXX

A BY-LAW TO AMEND THE CITY OF KAWARTHA LAKES OFFICIAL PLAN, THE TOWN OF LINDSAY OFFICIAL PLAN AND THE VILLAGE OF FENELON FALLS OFFICIAL PLAN, RESPECTING ALL LANDS WITHIN THE CITY OF KAWARTHA LAKES

[Files: D01-17-002/003/004, Report PLAN2017-019 – Culture and Heritage Amendments]

Recitals:

- 1. Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an updated Culture and Heritage polices for the City of Kawartha Lakes Official Plan, the Town of Lindsay Official Plan, and the Village of Fenelon Falls Official Plan.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt the Official Plan Amendment.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-XXX.

Article 1:00 Official Plan Amendment Details

- 1.01 Property Affected: The lands affected by this By-law are identified as all land in the City of Kawartha Lakes Official Plan.
1.02 Amendment: Amendment No. 026 to the City of Kawartha Lakes Official Plan, Amendment No. 051 to the Town of Lindsay Official Plan and Amendment No. 017 to the Village of Fenelon Falls Official Plan attached hereto and forming a part of this By-law is hereby adopted.

Article 2:00 Effective Date

- 2.01 Force and Effect: This By-law shall come into force and take effect on the date it is finally passed by the City of Kawartha Lakes in accordance with the provisions of Sections 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this day of , 2017.

Andy Letham, Mayor

Judy Currins, Clerk

Official Plan Amendment No. 026 – City of Kawartha Lakes Official Plan
Official Plan Amendment No. 051 – Town of Lindsay Official Plan
Official Plan Amendment No. 017 – Village of Fenelon Falls Official Plan