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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Committee of the Whole
MEETING DATE: June 27, 2016
REPORT NO.: PDS.16.84
SUBJECT: Recommendations for a Council Decision on the Application to Demolish a Cultural Heritage Designated Barn – Ian Lind East Part Lot 31, Concession 11; Part 2, RP 16R-623; 417014 10th Line; Town of The Blue Mountains

PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP Planner II

A. Recommendations

THAT Council receive Planning and Development Services Staff Report PDS.16.84 respecting “Recommendations for a Council Decision on the Application to Demolish a Cultural Heritage Designated Barn – Ian Lind; East Part Lot 31, Concession 11; Part 2, RP 16R-623; 417014 10th Line; Town of The Blue Mountains”;

AND THAT Council provisionally consent to the demolition of the heritage designated barn, pursuant to Section 34(2) of the *Ontario Heritage Act*, subject to the following conditions:

1. That the Owner shall have a Photographic Record completed, to the satisfaction and clearance of Town, at the Owner’s sole cost, prior to the demolition and removal of the barn.
2. That the Owner, in consultation with the Town’s Community Services Department, shall have an Interpretive Sign for the Mitchell Family designed and installed in Lion’s Park in Clarksburg, all to the satisfaction and clearance of the Town, at the Owner’s sole cost, prior to the demolition and removal of the barn.
3. That the existing farmhouse will remain designated on the property in accordance with Part IV the *Ontario Heritage Act*.
4. That the Owner fulfill the above noted conditions within one year of Council’s Decision and demolish and remove the said barn, otherwise the approvals will have deemed to have lapsed under Section 34 of the *Ontario Heritage Act*.

AND FURTHER THAT Council direct Planning Staff to prepare a partial repeal of By-law 90-33 from the former Township of Collingwood, so as to remove the barn from the Statement of Cultural Heritage Value and Heritage Attributes, amongst other matters, once the barn has been demolished and removed from the property in accordance with the terms and conditions noted in this report.

B. Background

The purpose of this Report is to seek a Council decision for the proposed demolition of the Mitchell Barn that has a cultural heritage designation under Part IV of the *Ontario Heritage Act* through former Township of Collingwood By-law 90-33.

As Council will recall on March 30, 2016, Council authorized Town Staff to serve a Notice of Receipt on the Application pursuant to Section 34(1.2) of the *Ontario Heritage Act* and make a decision within 90 days of the issuance of the Notice in accordance within Section 34(2) of the *Ontario Heritage Act*. This Council resolution was based on Option Two within Planning and Development Services Staff Report PDS.16.25 that went to Committee of the Whole on March 14, 2016. This initial Staff Report can be reviewed at the following weblink:

http://www.thebluemountains.ca/public_docs/events/B.10.3%20PDS.16.25%20Lind%20-%20Request%20to%20Demolish%20Heritage%20Designated%20Barn.pdf

Town Staff served Notice of Receipt to the Owner and the Applicant on April 28, 2016, thus requiring a Council decision on this on or before July 28, 2016 (90 days from the Notice). Planning Staff notes that the Committee of the Whole of Council recommendations would proceed to Council on July 11, 2016 for a decision on the matter.

The Applicant, Lynda Long, has requested in the letter to Council, dated February 09, 2016 that a Record for Posterity be completed for the barn, prior to demolition.

Planning Staff note that the former Township of Collingwood Council proceeded forward with the designation, at the Lind's request, since it was the farmstead of John Mitchell who began fruit farming in the area. As such, through By-law 90-33 designated the property with the house and barn on it, recognizing the farmstead. The By-law's textual references to the barn describes it as a rectangular barn with stone foundations, vertical boards and a gabled tin roof.

Over the years, the condition of the existing barn has been degrading for various reasons and would appear to be of poor quality. The 19th century barn's foundation is a mix of stone and cinder blocks, varying from the Designation By-law's Statement of Cultural Heritage Value and Heritage Attributes.

Based on the Owner's request, Planning Staff can support a photographic record of the barn for recalling its historical significance, as a condition to the approval. This would require the Owner to have the built form of the barn and then put into a photo book to complete a record, at the sole cost of the Owner of the lands prior to the demolition and removal of the barn. This record can then be publicized through public facilities and/or websites for future use and information.

In consultation with Community Services Department, it was suggested that an Interpretive Sign be designed and installed within Lion's Park in Clarkburg, to go together with other existing interpretive signs. Planning Staff recommends this as a

condition of approval, at the Owner's sole cost prior to the demolition and removal of the barn.

Since the Applicant is requesting to remove only the existing barn from the property, Planning Staff recommends as a condition of approval that the existing farmhouse will remain designated on the property in accordance with Part IV the *Ontario Heritage Act*.

To ensure that the Owner progresses forward in a timely matter with the approvals, it is recommended by Planning Staff that a time limitation be imposed on the approval, so that the approval has an expiry and do not last forever, should the Owner wish not to proceed with the demolition. As such, Planning Staff recommends as a condition of approval, that the Owner fulfill the above noted conditions within one year of Council's Decision and demolish and remove the said barn, otherwise the approvals will have deemed to have lapsed under Section 34 of the *Ontario Heritage Act*. Based on the Council schedule, this report would be considered by Council on July 11, 2016. Therefore, the approvals would lapse on July 11, 2017, should this be supported by Council.

Once the above noted conditions are fulfilled, the barn can then be demolished, as set out in the terms and conditions. It is recommended that Council direct Planning Staff to prepare a partial repeal of By-law 90-33 from the former Township of Collingwood, so as to remove the barn from the Statement of Cultural Heritage Value and Heritage Attributes, amongst other matters, once the barn has been demolished and removed from the property in accordance with the terms and conditions noted in this report.

It is noted that Planning Staff have conferred with the Applicant on these suggested conditions of approval and are satisfied and prepared to move forward with fulfilling these conditions prior to the demolition, should Council follow Planning Staff's recommendations contained within this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning and Development Services Staff Report PDS.16.84 is consistent and supports the following Strategic Plan Goals:

Strategic Plan goal #1: "*Create opportunities for sustainability.*"

D. Environmental Impacts

The proposal does not appear to generate any special or significant environmental impacts.

E. Financial Impact

It is noted that there are no Planning Fees associated with this *Ontario Heritage Act* request within the Town's Tariff of Planning Fees By-law, as amended. Staff time will be expended on the review of this request, up until Council makes a decision on the matter; and has the ability to be appealed to the Ontario Municipal Board by the Owner.

The recommended terms and conditions of supporting this request are at the sole cost of the Owner, although Staff time will be utilized in fulfilling these conditions for the greater community benefit with this cultural heritage barn.

F. In Consultation With

Shawn Everitt, Director of Community Services

G. Attached

Nil

Respectfully submitted,

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