AGENDA - PLANNING COMMITTEE OF THE WHOLE SEPTEMBER 15, 2014

A Regular Meeting of the Planning Committee of the Whole will be held on September 15, 2014 at 9:00 a.m. in the Council Chambers, Municipal Offices, Port Carling, Ontario.

1. Call to Order

2. Adoption of Agenda
   a. Consideration of a resolution to adopt the agenda.

3. Disclosure of Interest

4. Adoption of Minutes
   a. Consideration of a resolution to adopt the Planning Committee of the Whole Meeting minutes held on August 14, 2014.
   b. Consideration of a resolution to adopt the Special Planning Committee of the Whole Meeting minutes held on August 25, 2014.

5. Planning
   Chair Burgess and Vice Chair Murphy
   a. Delegations and Petitions
      1. Greg Corbett, agent, to attend, Re: item 5.b.1., ZBA-30/14, Poirier
      2. Ed Hill, agent, Hills Carpentry, to attend Re: item 5.c.1., 1377135 Ontario Inc. (Bala Bay Marine)
      3. Margaret Walton, agent, Planscape, to attend Re: item 5.c.2., Stills Bay Landing Corporation
      4. Paul Richards to attend Re: item 5.d.1., Zoning By-law 2014-14
      5. Ted Britton to attend Re: item 5.d.1., Zoning By-law 2014-14
      6. Fred Aitken to attend Re: item 5.d.1., Zoning By-law 2014-14
      7. The following to attend Re: By-law 2010-126, Young Men's Christian Association of Metro Toronto (YMCA Camp Pinecrest):
         1. Michael Silver
         2. Sandy Gribben, Chair, Clear Lake Road Association
         3. Dennis Cartwright, President of the Clear Lake Property Owners
a. Delegations and Petitions

Association

4. Bob Stephens, Representative of the property owners of Gullwing and Echo Lakes

b. Zoning By-law / Official Plan Amendments

18-31

1. ZBA-30/14, Poirier, Part of Lot 4, Concession 14, Parts 2 on Plan BR-655, Part 3 on Plan BR-572, (Medora), Roll #'s 4-8-060 & 4-8-061

c. Site Plans / Plans of Subdivision and Condominium

32-41

1. SPA-54/14, 1377135 Ontario Inc. (Bala Bay Marine), Part of Lot 16, Concession A, Parts 1 to 4 on Plan 35R-12683, (Bala), Roll # 7-12-049

42-67

2. SPA-61/14, Still’s Bay Landing Corporation, Part of Lot 8, Concession 8, (Medora), Parts 4, 5 & 8, Plan 35R-10754, Roll # 4-5-067

d. Long Range Planning / Special Projects

Separate Document

1. Report from the Director of Planning, Re: Zoning By-law 2014-14

e. Heritage

389-501

1. Report from the Director of Planning Re: Bala Heritage Conservation District Study and Plan

f. Other Business

502-505

1. Report from the Director of Planning, Re: Monthly Report

6. New and Unfinished Business

7. Committee in Closed Session

a. Planning Committee of the Whole in Closed Session to be held for personal matters about an identifiable individual, including municipal or local board employees and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; pursuant to Section 239(2) of the Municipal Act, 2001.
8. Adjournment

a. Consideration of a resolution to adjourn.
A Regular Meeting of the Planning Committee of the Whole was held on Thursday, August 14th, 2014 at 9:00 a.m. in the Council Chambers, Municipal Office, Port Carling, Ontario.

PRESENT:

Mayor Alice Murphy, Vice Chair
Councillor Ruth Nishikawa, left at 1:24pm
Councillor Donelda Kruckel
Councillor Allen Edwards
Councillor Jean-Ann Baranik
Councillor Ron Brent
Councillor Phil Harding
Councillor Gault McTaggart
Councillor Brad Burgess - Chair
Councillor Don Furniss

OFFICIALS PRESENT:

C. Harris - Interim CAO
C. Mortimer - Clerk
D. Pink - Director of Planning
N. Popovich - Senior Planner
L. Forbes - Planning Assistant
J. Krynicki - Director of Public Works

1. Call to Order
   a. Chair Burgess called the meeting to order at 9:00 a.m.

2. Adoption of Agenda
   a. Consideration of a resolution to adopt the agenda.

      Resolution Number: PCOW-1-14/08/14

      Councillor Baranik – Councillor Brent: Be it resolved that the Planning Committee of the Whole agenda dated August 14, 2014, be adopted as amended to add litigation matters to item 7.a., Committee in Closed Session.

      Carried.

3. Disclosures of Interest
   a. None.

4. Adoption of Minutes
   a. Consideration of a resolution to adopt the Planning Committee of the Whole minutes held July 21, 2014.

      Resolution Number PCOW-2-14/08/14

      Councillor Baranik – Councillor Brent: Be it resolved that the Planning Committee of the Whole Meeting minutes held on July 21, 2014 be adopted.

      Carried.
5. **Planning**  

**Chair Burgess and Vice Chair Murphy**

a. **Delegations and Petitions**

1. Margaret Walton, agent, Planscape attended at 9:15 am Re: item 5.b.1., ZBA-28/14, Siracha Investment Ltd., attended at 9:50 am Re: item 5.c.1., SPA-42/14, Villas of Lake Muskoka, and attended at 10:04 am Re: item 5.c.2., Ferndale Fun Inc. Refer to item 5.b.1., 5.c.1., and 5.c.2., Reports

2. Gary Gregoris, agent, attended at 10:06 am Re: item 5.c.2., SPA-47/14, Ferndale Fun Inc. Refer to item 5.c.2., Report

3. Angela Ghikadis, agent, Planscape, attended at 10:12 am Re: item 5.b.2., ZBA-18/14, Rempel/ Weidner/ Rubin Refer to item 5.b.2., Report

4. Cam White, applicant, attended at 10:51 am Re: item 5.c.3., SPA-46/14 & Cash in Lieu of Parking, White Refer to item 5.c.3., Report

5. Sean Ogilvie, agent or other Rogers representative did not attend Re: item 5.d.1., Rogers Communication Tower Refer to item 5.d.1., Report

b. **Zoning By-law / Official Plan Amendments**


Mr. Popovich explained the history, nature, and location of the application/property.

Ms. Margaret Walton, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Walton indicated the applicant, Bobby Genovese, the contractor, Chris Madden and an authority on antique wooden boats, Jamie Smith were also present. Ms. Walton explained Mr. Genovese is dedicated and passionate regarding antique and historic boats. Ms. Walton submitted and reviewed a PowerPoint presentation, a copy of which is attached.

Mr. Jamie Smith, 1015 Beaumont Drive, Bracebridge, ON, P1L 1X2, attended the meeting. Mr. Smith indicated he became acquainted with Mr. Genovese through fundraising for the Muskoka Boat and Heritage Centre, Grace and Speed in Gravenhurst. Through the years Mr. Genovese has made a mission of acquiring antique boats that originated in Muskoka, and returning the boats to preserve their heritage and historic importance to the Muskoka area. Mr. Smith indicated the purpose of the application is to ensure these boats are preserved and have a place where they may be berthed.

Mr. Bobby Genovese, applicant, attended the meeting. Mr. Genovese indicated he is very passionate about keeping the boats in Muskoka. He explained he has looked at many options to provide a location to house the boats with this being the best solution. Mr. Genovese indicated the boats were made in Muskoka and he wished to keep the heritage here. He would like to design the museum to enable the RMS Segwun and the Wenonah II to dock so the public may visit the museum as part of their tours.
In response to Committee’s question, Chris Madden, Tamarack North, Port Carling, indicated a hydraulic lift would be installed to assist in accessing the slips at the rear of the boathouse.

In response to Committee’s questions, Mr. Genovese indicated there would be no entertainment, refreshments or retail use at the museum. He felt that 90% of the visitors would arrive at the property by water, but could travel by car as well. His intent is that this will be carried on by his family for future generations.

Resolution Number PCOW-3-14/08/14

Councillor Baranik – Councillor Brent: Be it resolved that Zoning By-law Amendment Application, ZBA-28/14, Siracha Investments Ltd. be approved for circulation.

Carried.

2. ZBA-18/14, Rempel/ Weidner/ Rubin, Part of Tondern Island, (Monck), Roll # 9-15-053. A copy of the report is attached.

Mr. Popovich explained the history, nature, and location of the application/property.

Ms. Angela Ghikadis, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Ghikadis submitted and reviewed photographs, copies of which are attached. She provided a brief review of the proposal and existing structures. She noted the main part of the dwelling was built almost 100 years ago and explained that each bathroom has steps for access. The applicants wish to eliminate any stairs and add a handicap accessible bathroom. Ms. Ghikadis explained they chose not to add a second storey to maintain the historical view of the cottage from the lake. The difficulty is the former ice house that serves as a shed to store a golf cart. The area is unique as it is accessed by golf cart. There are no roads for automobiles. She indicated the resultant lot coverage would be 11.4% but would result in no visual impact from the lake.

In response to Committee’s question, Ms. Ghikadis indicated they would not be able to relocate the ice house due to terrain issues and convenience.

Ms. Claire Rempel, applicant, 240 East Lauer Lane, Camp Hill, PA, 17011, attended the meeting. Ms. Rempel explained that they are a growing family and require additional space. They plan to add onto the rear of the dwelling to eliminate stairs and enlarge existing rooms. Ms. Rempel requested they be permitted to keep the 180 square foot ice house for its historic nature.

Committee held a brief discussion and agreed they could not circulate the request for additional lot coverage over 11%.

Resolution Number PCOW-6-14/08/14

Councillor – Councillor: Be it resolved that Zoning By-law Amendment Application, ZBA-18/14, Rempel/ Weidner/ Rubin, Roll # 9-15-053, be approved for circulation with a maximum lot coverage of 11.0%.

Carried.
c. **Site Plans / Plans of Subdivision and Condominium**

1. SPA-42/14, Villas of Lake Muskoka, Part of Lot 18, Concession 6, (Monck), Roll # 9-3-021. A copy of the report is attached.

Mr. Popovich explained the history, nature, and location of the application/property.

Ms. Margaret Walton, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Walton indicated she has been working with the new owners for a couple of years. She reviewed the proposal noting they are working with Pinestone Engineering and the Ministry of the Environment regarding sewage disposal. Ms. Walton stated the Villas of Lake Muskoka would be available to the travelling public. She was available to answer questions.

Committee expressed concern that the District of Muskoka had no comment regarding traffic along Muskoka Road #118 and felt that stretch of the road should be double lined.

Resolution Number PCOW-4-14/08/14

Councillor Baranik – Councillor Brent: Be it resolved that Planning Committee of the Whole recommend to Council that Site Plan Agreement Application, SPA-42/14, Villas of Lake Muskoka Ltd., Roll # 9-3-021 be approved subject to the receipt of securities and the relocation of an easement. This approval will expire on March 12, 2015, unless the corresponding Site Plan Agreement has been entered into and registered on the title of the lands.

Carried.

2. SPA-47/14, Ferndale Fun Inc., Part of Lots 28, 29 & 30, Concessions 5 & 6, Parts 5 & 6 on Plan 35R-6021, Parts 1, 16, 17, 23, 24, 26, 31, 35 on Plan 35R-8837, (Port Carling), Roll # 5-4-092. A copy of the report is attached.

Mr. Popovich explained the history, nature, and location of the application/property.

Ms. Margaret Walton, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Walton indicated Gary Gregoris and a representative from the architectural firm were also present. She submitted and reviewed her presentation, a copy of which is attached. Ms. Walton indicated she was available to answer questions.

Mr. Gary Gregoris, 2360 Bristol Circle, Oakville, ON, L6H 6K5, attended the meeting. In response to Committee’s question, Mr. Gregoris indicated he had significant dialog with the neighbour, Mr. McElwain.

Resolution Number PCOW-5-14/08/14

Councillor Baranik – Councillor Brent: Be it resolved that Planning Committee of the Whole recommend to Council that Site Plan Agreement Application, SPA-47-14, Ferndale Fun Inc., Roll # 5-4-092 be approved. This approval will expire on March 12, 2015, unless the corresponding Site Plan Agreement has been registered on title of the lands.

Carried.
3. SPA-46/14 & Cash in Lieu of Parking, White, Part of Lot 31, Concession 4, Lot 107 on Plan 1, (Port Carling), Roll # 5-5-074. A copy of the report is attached.

Mr. Popovich explained the history, nature, and location of the applications/property.

Mr. Cameron White, applicant, Box 291, Port Carling, ON, P0B 1J0, attended the meeting. Mr. White provided a brief history of the property. He indicated the proposed development at the eastern end of Port Carling would be economically beneficial to the area. In regard to parking, Mr. White felt there was sufficient but underutilized parking available in this area such as the Port Carling Library, the Duke House and the Port Carling Memorial Community Centre. He circulated photographs, copies of which are attached. Mr. White reviewed current available parking, requested the cash-in-lieu of parking fee be waived and that the second application fee be waived.

In response to Committee’s questions, Mr. White indicated he was looking for a three season tenant as he did not wish to provide heating in the proposed new building. He currently had no specific tenants secured. He noted no additional parking is proposed with this development. Mr. Pink reviewed zoning by-law parking provisions for Committee.

Committee held a brief discussion regarding the parking fees and agreed to a reduction of the fee. Committee also agreed to waive half the application fee for the cash-in-lieu of parking application.

Resolution Number PCOW-7-14/08/14

Councillor Edwards – Councillor Kruckel: Be it resolved that Planning Committee of the Whole recommend to Council that Site Plan Agreement Application, SPA-46/14, White, Roll # 5-5-074, be approved subject to satisfactory comments from the District of Muskoka and the payment of cash-in-lieu of parking in the amount of $7,500.00. This approval shall lapse if the Site Plan Agreement is not executed by March 12, 2015.

Carried.

d. Long Range Planning / Special Projects

1. Report from the Senior Planner, Re: Rogers Communication Tower. A copy of the report is attached.

Mr. Pink reviewed his report for Committee.

In response to Committee’s question, Mr. Pink indicated that through a resolution of Council, co-location with other communication companies could be encouraged. While co-location cannot be forced, a resolution could initiate a discussion among other communication companies. A resolution of Council could also comment on any lighting concerns. Mr. Pink noted he would also review the Township’s Dark Sky By-law to ensure compliance.

Committee held a brief discussion regarding an appropriate circulation area, co-location with other communication companies and lighting. Committee raised concern that the current circulation area of 1 kilometre was insufficient due to the height and close proximity to the Hekkla community. An improved site map was requested.
Resolution Number PCOW-11-14/08/14

Councillor Edwards – Councillor Furniss: Be it resolved that the proposal from Rogers Communications Inc. be circulated to property owners located within 5 kilometres of the proposed communication tower and that a notice be placed in the newspaper advising of a required Public Meeting.

Carried.


Chair Burgess suggested a special meeting of Planning Committee of the Whole be held to discuss this item.

It was the consensus of Committee that a Special Meeting of Planning Committee of the Whole be held on Monday, August 25, 2014, at 9:00 a.m.


Mr. Pink reviewed his report for Committee.

Committee held a brief discussion and felt an application fee of approximately $100 was appropriate.

Resolution Number PCOW-12-14/08/14

Councillor Furniss – Councillor Edwards: Be it resolved that Planning Committee of the Whole direct that Rooming House Licensing By-law 2014-35 be forwarded to the Township solicitor for review, and placed on the next available Council meeting for consideration.

Carried.

e. Heritage

1. None.

f. Other Business


Mr. Pink reviewed his report and answered questions for Committee.

6. New and Unfinished Business

a. None.
7. **Committee in Closed Session**

   a. Planning Committee of the Whole in Closed Session was held for a proposed or pending acquisition or disposition of land by the municipality or local board, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose pursuant to Section 239(2) of the Municipal Act, 2001.

   Councillor Edwards left the Council Chambers at 11:21 am.

   **Resolution Number PCOW-8-14/08/14**

   Councillor Kruckel – Councillor Furniss: Be it resolved that Closed Session convene at 11:22 a.m. for a proposed or pending acquisition or disposition of land by the municipality or local board, and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose pursuant to Section 239(2) of the Municipal Act, 2001.

   Carried.

   Councillor Edwards returned to the Council Chambers at 11:23 am.

   Councillor Brent left the Council Chambers at 1:05 pm and returned at 1:07 pm.

   Mayor Murphy left the Council Chambers at 1:07 pm and returned at 1:09 pm.

   Councillor Edwards left the Council Chambers at 1:08 pm and returned at 1:10 pm.

   Councillor Nishikawa left the Council Chambers at 1:20 pm and returned at 1:23 pm.

   Councillor Nishikawa left the meeting at 1:24 pm.

   **Resolution Number PCOW-9-14/08/14**

   Councillor Kruckel – Councillor Edwards: Be it resolved that Planning Committee of the Whole reconvene at 1:26 p.m. to report on matters arising from Closed Session.

   Carried.

   The following resolution was considered upon arising from Closed Session.

   **Resolution Number PCOW-10-14/08/14**

   Councillor Kruckel – Councillor Furniss: Be it resolved that Planning Committee of the Whole recommend to Township Council that a qualified consultant be retained to investigate the correct Environmental Protection (EP1) zone boundary on Property (Roll # 5-3-068-02 and 5-3-058-01) at a cost not to exceed $5,000.00.

   Carried.
8. **Adjournment**

   a. Consideration of a resolution to adjourn.

   Resolution Number: PCOW-13-20/05/14

   Councillor Edwards – Councillor Kruckel: Be it resolved that this meeting adjourn at 2:57 p.m., and the next regular meeting of the Planning Committee of the Whole will be held on September 15, 2014 at 9:00 a.m. or at the call of the Chair in the Council Chambers, Municipal Office, Port Carling.

   Carried.

   Brad Burgess, Chair
   Cheryl Mortimer, Clerk
A Special Meeting of the Planning Committee of the Whole was held on **Monday, August 25th, 2014** at 9:00 a.m. in the Council Chambers, Municipal Office, Port Carling, Ontario.

**PRESENT:**

- Mayor Alice Murphy, Vice Chair
- Councillor Don Furniss
- Councillor Phil Harding, left at 11:01 a.m.
- Councillor Ron Brent
- Councillor Gault McTaggart
- Councillor Ruth Nishikawa
- Councillor Jean-Ann Baranik
- Councillor Brad Burgess, Chair
- Councillor Allen Edwards

**OFFICIALS PRESENT:**

- C. Harris - Interim CAO
- C. Mortimer - Clerk
- D. Pink - Director of Planning
- L. Forbes - Planning Assistant

**REGrets:**

- Councillor Donelda Kruckel

1. **Call to Order**
   
   a. Chair Burgess called the meeting to order at 9:05 a.m.

2. **Adoption of Agenda**
   
   a. Consideration of a resolution to adopt the agenda.

   Resolution Number: SPCOW-1-25/08/14

   Councillor Brent – Councillor Harding: Be it resolved that the Special Planning Committee of the Whole agenda dated August 25, 2014, be adopted.
   
   Carried.

3. **Disclosures of Interest**
   
   a. None.

4. **Delegations and Petitions**
   
   a. Angela Ghikadis, Planscape, attended Re: item 5.a., Zoning By-law 2014-14 *(Refer to item 5.a., report)*

   b. Anne McCauley, attended Re: item 5.a., Zoning By-law 2014-14 *(Refer to item 5.a., report)*

   c. Lisa Cormack, President, Muskoka Builder’s Association, attended Re: item 5.a., Zoning By-law 2014-14 *(Refer to item 5.a., report)*
5. **Items of Business**


Mr. Pink provided a review of the process to date.

Ms. Angela Ghikadis, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Ghikadis indicated Planscape represents a number of property owners in the Township of Muskoka Lakes and have made a number of both written and oral submissions on the draft zoning by-law to date. She indicated that most initial comments have been addressed. There were four primary outstanding matters; 1. Front yard setbacks for sundecks; 2. Grandfathering expansion rights; 3. Frontage requirements for waterfront properties within serviced Urban Centres; and 4. Minor technical corrections.

Ms. Ghikadis made the following suggestions: 1. Front yard setback for a sundeck could be 50 feet as it allows for conformity with the Official Plan in the buffer area along the shoreline; 2. A cap on ground floor area opposed to the current proposed 20% increase; 3. Proposed 75 feet of lot frontage for serviced lots on water; and 4. Minor technicalities within the draft by-law could be discussed with staff. She noted that it would be helpful if the latest draft of the zoning schedules were available on the Township’s website.

Chair Burgess indicated they would review Ms. Ghikadis’ points in order and if anyone present wished to comment they would be permitted.

**Front yard setbacks for Sundecks**

Mr. Pink reviewed the draft provisions regarding sundecks for Committee.

Ms. Tracey Owen, The Drawing Board, PO Box 248, Port Carling, ON, P0B 1J0, attended the meeting. Ms. Owen concurred with Ms. Ghikadis to permit sundecks at a 50 foot front yard setback.

Mr. Jamie Blair, Box 10, Port Carling, ON, P0B 1J0, attended the meeting. Mr. Blair concurred with the 50 foot front yard setback for sundecks.

Dr. Naiomi Himel, Purdy Road, attended the meeting. Dr. Himel indicated she supported the present setbacks.

It was the consensus of Committee to change the minimum permitted front yard setback for sundecks from 66 feet to 50 feet.

**Grandfathering of the front yard setback:**

Mr. Pink reviewed the draft grandfathering provisions for Committee.

Ms. Catherine Ross, 1072 Island Park Road, Port Carling, ON, P0B 1J0, attended the meeting. Ms. Ross indicated she would only be able to add a small addition of one room to her dwelling and felt that was unfair.

Ms. Anne McCauley, Muskoka Lakes Association, Port Carling, ON, P0B 1J0, attended the meeting. Ms. McCauley reviewed her comments on this topic from her written submission, a copy of which is attached.
Ms. Owen suggested a provision regarding relief from the front yard setback during reconstruction of the dwelling in the event an existing dwelling has no sundeck, and a property owner wishes to have a sundeck at the front of the dwelling.

Mr. Pink indicated the provision has been modified to address this situation in the draft by-law.

Mr. Greg Mannion, Box 519, Port Carling, ON, P0B 1J0, attended the meeting. In response to Mr. Mannion’s question, Mr. Pink indicated conversions from two storey to one storey buildings and vice versa, would still be permitted.

Mr. Tony Robinson, 1112 Dawson Road, Windermere, ON, P0B 1P0, attended the meeting. Mr. Robinson explained that he repairs many foundations, both with basements and many built on piers. He felt a basement height of 8 feet should be permitted to permit the basement area to be habitable.

It was the consensus of Committee to change the provision to a maximum 20% increase in the resultant footprint located within 35 to 50 feet of the High Water Mark and a 20% increase in the resultant height located within 35 to 50 feet of the High Water Mark up to the maximum permitted in the zoning by-law.

Chair Burgess indicated Councillor Harding had to leave the meeting and had concern regarding provision 4.2.13 (f) in the tracked changes version. Committee moved to this item to accommodate Councillor Harding.

Councillor Harding questioned why this provision was removed when it had been in place since By-law 87-87’s inception to protect the lakes. He felt there are a number of options available to the travelling public so that new tent and trailer parks were not needed on the three big lakes.

Mr. Pink provided a brief review of the background noting a submission had been received during this zoning by-law review which requested that the provision be removed, as under certain scenarios it does not permit any use on properties zoned as a Tent and Trailer Park (WC3). Committee members had directed that the provision be removed.

It was the consensus of Committee that provision 4.2.13 (f) be re-included in the final draft.

Councillor Harding left the meeting at 11:01 a.m.

Frontage requirements on serviced lots in Urban Centres on water

Ms. McCauley indicated she was supportive of 100 feet of frontage for waterfront lots located in urban areas.

It was the consensus of Committee for lots on water in Urban Centres to have 100 feet of frontage, and that the draft by-law be left as is in this regard.

Ms. McCauley, reviewed the remainder of her written presentation.

Mr. Blair indicated he felt that single owner islands should be permitted multiple docks and boathouses without severing the property.

Ms. Ghikadis indicated Official Plan policies contemplate more than one shoreline structure and noted island owners require more boathouses and docks.
Ms. Owen indicated there should not be a limit on the number of shoreline structures on a lot. There could be a number of reasons for additional shoreline structures such as water depth and a variety of watercrafts. If the request is in compliance with the zoning by-law, she felt there should not be an issue.

Dr. Himel indicated it is the future look of the shorelines that is the concern.

Committee members discussed the concerns raised in Ms. McCauley’s presentation and directed that the illustration depicting frontage measurements in the appendix be amended to improve accuracy. A number of other concerns were addressed or were to be reviewed as future projects outside of the current review.

Ms. Lisa Cormack, President, Muskoka Builders Association, 179 Santa’s Village Road, Bracebridge, ON, P1L 1W8, attended the meeting. Ms. Cormack indicated she had no specific comment regarding the by-law however wanted to ensure the information is available for public review. She requested that the final draft of the by-law and schedules be available for public review for 90 days prior to Council’s consideration of passage.

Ms. Mary Grady, Secretary, Muskoka Lakes Chamber of Commerce, 1012 Burns Street, Bala, ON, P0C 1A0, attended the meeting. Ms. Grady indicated she concurred with Ms. Cormack’s request that the by-law be available for public review for 90 days. She felt the document was complex and the public required adequate time for review.

Mr. Blair indicated he objected to the provision that prohibits sundecks on the roof of a single storey boathouse in a restricted waterbody.

Chair Burgess requested Mr. Pink to review written submissions received since release of the 2nd draft.

Mr. Pink indicated a number of submissions were received from Windermere area residents regarding the Aitken property requesting that the property be rezoned to residential. Copies of those submissions are attached.

Following a discussion regarding this request, it was the consensus of Committee not to rezone the Aitken property.

Mr. Pink reviewed the letter from the District Municipality of Muskoka (DMM), a copy of which is attached.

Committee discussed the submission and recommendations. In response to Committee’s questions regarding the Provincially Significant Wetland and adjacent lands, Mr. Pink indicated the District’s concerns could be largely addressed through mapping.

It was the consensus of Committee that the identification of the Provincially Significant Wetlands and adjacent lands be identified through mapping and placed on the next Planning Committee of the Whole agenda for further review, but not made part of the draft zoning by-law at this time.

In regard to the DMM’s comments to permit limited development in Minett prior to municipal services, Committee agreed not to make any changes at this time.

Mr. Pink reviewed a submission received from Al Moran, a copy of which is attached.
Committee discussed each concern raised. It was the consensus of Committee that the last paragraph in Section 1.3 be removed, the appendix illustration be corrected for accuracy and that Waterfront Residential (WR) uses be put in a table similar to other zones.

Mr. Pink advised Committee that the lot coverage along the waterfront in Urban Centres without municipal services was reduced to 15% at the direction of Planning Committee of the Whole however, the maximum permitted lot coverage along the Waterfront in unserviced communities remains at 20%.

Committee directed that lot coverage on waterfront properties in Communities be reduced to 15%. Committee also discussed front yard setbacks for lots abutting the water in Urban Centres. It was the consensus of Committee to maintain the currently proposed setback of 20.1 metres (66 feet).

Chair Burgess requested each Committee member to indicate concerns/comments they had with the document.

Committee members noted several grammatical errors and consistency suggestions in Sections 1 & 2 and of the Explanatory Note requesting they be addressed. Committee also discussed provisions regarding loading areas. Committee agreed to loading space requirements based on equal intervals of 1,000 square metres and improved rounding figures.

Committee held a discussion regarding the schedule for approval of Comprehensive Zoning By-law 2014-14 and agreed that the next draft would be discussed at the September 15, 2014 Planning Committee of the Whole meeting. Committee requested the draft by-law and schedules be placed on the Township’s website as soon as possible to allow the public adequate time for review. The draft by-law could then proceed to the October 17, 2014 Council meeting for consideration of first and second reading. The by-law could then be given consideration of third reading at the November 14, 2014 Council meeting.

Committee requested staff circulate the final draft to lake associations, the Muskoka Lakes Chamber of Commerce, the Muskoka Builder’s Association and all those that requested notification.

6. Closed Session

a. Special Planning Committee of the Whole in Closed Session was held for a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; pursuant to Section 239(2) of the Municipal Act, 2001.

Resolution Number: SPCOW-02-25/08/14

Councillor Edwards – Councillor Brent: Be it resolved that Closed Session convene at 3:33 p.m. for a proposed or pending acquisition or disposition of land by the municipality or local board, and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose pursuant to Section 239(2) of the Municipal Act, 2001.

Carried.

Councillor Brent left the Council Chambers at 4:35 pm and returned at 4:36 pm.
Resolution Number: SPCOW-03-25/08/14

Councillor Brent – Councillor Edwards: Be it resolved that Planning Committee of the Whole reconvene at 4:45 p.m. to report on matters arising from Closed Session.

Carried.

There was no report to Committee upon arising from Closed Session.

7. Adjournment

a. Consideration of a resolution to adjourn.

Resolution Number: SPCOW-04-25/08/14

Councillor Brent – Councillor Edwards: Be it resolved that Special Planning Committee of the Whole adjourn at 4:46 p.m., and the next regular meeting of the Planning Committee of the Whole will be held on Monday, September 15, 2014 at 9:00 a.m. or at the call of the Chair in the Council Chambers, of the Municipal Offices, Port Carling, Ontario.

Carried.

Councillor Brad Burgess, Chair

Cheryl Mortimer, Clerk
ZBA-30/14

POIRIER
TO: Chair Burgess and Members of Planning Committee of the Whole

MEETING DATE: September 15, 2014

SUBJECT: ZBA-30/14, Poirier, Part of Lot 4, Concession 14, (Medora), Part 3, Plan BR-572, Part 2, Plan BR-655, Roll #’s: 4-8-060, 4-8-061

RECOMMENDATION: That ZBA-30/14 (Poirier) be approved for circulation, subject to the receipt of a satisfactory fish habitat assessment.

APPROVALS: | Date | Signature |
---|---|---|
Submitted By: D. Pink, Director of Planning | 05/09/14 Original signed by D. Pink |
Acknowledged: C. Harris, Interim CAO | 08/09/14 Original signed by C. Harris |

ORIGIN

BACKGROUND

Particulars of Properties: 4-8-060

| Lot Frontage: 125 feet (assessed) |
| Lot Area: 0.48 acres |

4-8-061

| Lot Frontage: 185 feet (assessed) |
| Lot Area: 0.62 acres |

Combined

| Lot Frontage: 311 feet (by-law) |
| Lot Area: 1.1 acres |
Proposed Rezoning:

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
<th>Permitted Uses in Proposed Zone</th>
<th>Proposal</th>
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</thead>
<tbody>
<tr>
<td>Waterfront Residential (WR5)</td>
<td>Waterfront</td>
<td>No change</td>
<td>Hold zone in place until lots are merged</td>
</tr>
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<td>Residential –</td>
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<td>Holding (WR5-H)</td>
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Proposed Exemptions:

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<th>Section</th>
<th>Description</th>
<th>Requirement</th>
<th>Proposed Exemption</th>
<th>Proposal</th>
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<tr>
<td>3.1.2.c, 3.1.2.d.iii), 7.28,</td>
<td>Number of Dwellings on a Lot</td>
<td>One Dwelling per Lot, No Sleeping Cabin permitted</td>
<td>Two Dwellings</td>
<td>To Permit two Dwellings</td>
</tr>
<tr>
<td>3.1.2.d.iii) 7.28, 7.28B</td>
<td></td>
<td>with two Dwellings</td>
<td></td>
<td>on one Lot and the</td>
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<td></td>
<td></td>
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<td>Sleeping Cabin</td>
</tr>
<tr>
<td>3.1.2.a</td>
<td>Lot Coverage</td>
<td>10% (4,487 sq. ft.)</td>
<td>11% (4,927 sq. ft.)</td>
<td>Construct a two storey</td>
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<tr>
<td></td>
<td></td>
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<td>boathouse</td>
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</table>

BACKGROUND

PLANNING DATA

Official Plan Designation: Waterfront
By-law 87-87 Zoning: Waterfront Residential (WR5)
Schedule No.: 19
Access: Murphy Road
Neighbouring Uses: Waterfront Residential
Original Shore Road Allowance: Not Applicable
Fisheries Resource: Type I Significant and Type II General Fish Habitat
Civic Address: 1068 & 1072 Murphy Road

PLANNING CONSIDERATIONS

1. Background

The applicants own two adjacent properties, each of which contain a dwelling and accessory structures. They wish to merge the properties in order to obtain more than 300 feet of lot frontage and construct a two storey boathouse with sleeping cabin above. As two dwellings would exist on one lot, a sleeping cabin is not permitted. The development also exceeds lot coverage. The
applicants also do not wish to merge the properties unless the application is approved, and have therefore also requested a Hold be placed on the zoning.

2. **Provincial Policy Statement**

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The proposal is consistent with the policy direction provided by the Provincial Policy Statement.

3. **District of Muskoka Lakes Official Plan**

The subject site is designated Waterfront in the District Official Plan. Generally within the Waterfront Area recreation and the protection and enhancement of the environment are important policy issues. What follows are some policy excerpts from the District Official Plan that relate to the application.

Sections D.18, 19, 20 and 24 of the District Official Plan state,

*D.18 The Waterfront is a major recreation resource area that should be made accessible to both public and private users.*

*D.19 The Area Municipalities will establish a variety of lot sizes and frontages reflective of environmental constraints. In particular, waterfront lots should be of sufficient size to accommodate the use proposed, related structural requirements and private individual services. In addition, waterfront lots should be sized and designed to recognize environmental, man-made or other influences including soil, terrain, water quality, fish habitat and waterbody constraints among others.*

*D.20 The maintenance of the shoreline of lakes and rivers is key to preserving the quality of the natural and cultural heritage of Muskoka within the Waterfront designation. Tree cover, vegetation and other natural features are encouraged to be retained to uphold the visual and environmental integrity of the Waterfront. Where development is proposed, a natural, substantially undisturbed buffer is recommended at the water’s edge to generally meet a target of 8 metres (26 feet) in width for three-quarters of the water frontage.*

*D.24 Shoreline development consists of single unit dwellings and accessory buildings and structures located on individual lots which are situated in a linear fashion along the shoreline.*

Section K.60 of the District Official Plan states,

*K.60 Buildings, structures, or works extending beyond the normal or controlled high water mark or located at the shoreline shall be designed and located in a manner which:
   a) does not have a significant detrimental effect on critical fish and wildlife habitat;
   b) does not have a significant detrimental effect on property by facilitating erosion;
   c) minimizes the obstruction to the natural flow of water;
   d) minimizes potential damage from flood and ice heaving; and
   e) implements shoreline and resource development and environmental policies of the affected agency.*

4. **Township of Muskoka Lakes Official Plan**

The subject site is designated Waterfront in the Township Official Plan. Generally the Waterfront policies encourage the protection of waterfront character, and the environment. One of the main
objectives of the Waterfront designation is to ensure built form does not dominate the natural shoreline.

Section B.5.2 of the Official Plan states,

_Natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses. Shorelines shall be encouraged to be maintained in a predominantly natural state with tree cover and ground vegetation retained as development occurs._

Section B.5.8 of the Official Plan states,

_Waterfront lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and services within acceptable standards. As such, variety of lot sizes, water frontages, setbacks, and structural limitations are expected in recognition of the natural and built influences in the Waterfront._

Section B.5.11 of the Official Plan states that, in part,

_In recognition of the character of Lake Joseph, minimum lot requirements on Lake Joseph shall be 2 acres and 300 feet._

Section B.5.18 of the Official Plan states,

_Redevelopment of existing properties shall be encouraged to follow current development standards, as closely as possible, to be compatible with and consistent with sound planning principles including environmental considerations. In addition, encouragement shall be given to restoring and preserving natural shorelines._

Section B.5.51 of the Official Plan states that,

_The retention of trees and native vegetation shall be encouraged through site plan control to uphold the visual and environmental integrity of the Waterfront._

Section B.9.2 of the Official Plan states, in part, that,

_The following special polices apply to Category 1 (Large) lakes:_

_a) two storey boathouses are permitted subject to all other provisions relating to them in this Plan (Section B.13.7);_
b) the maximum lot coverage shall be 10% based on that portion of the area of the lot within 60 metres (200 feet) of the normal water’s edge;..._

Section B.9.6 of the Official Plan states that,

_Coverage is the means by which density is controlled, therefore, strict compliance is required. However, no Official Plan Amendment is required for:_

_a) Variation not exceeding 1/10 of the permitted coverage; or,_
b) Variation to recognize coverage of existing structures._
Section B. 10.1 of the Official Plan states that,

*Development on the waterfront must be carefully controlled and monitored to maintain the character of the Waterfront area. Character of the Waterfront is not only a result of built size and form but also the number of habitable buildings, setbacks, shoreline vegetative cover, height, shoreline structures, and historical lake development.*

Section B.10.3 of the Official Plan states that,

*One dwelling and one sleeping cabin shall be permitted per residential property where the lot dimensions are appropriate.*

Section B.10.6 of the Official Plan states that,

*More specifically, the density shall be controlled by limiting lot coverage to a maximum percentage of that portion of the lot area within 60 metres (200 feet) of the normal water’s edge.*

Section B.10.8 of the Official Plan states that,

*The maximum permitted development on the lakes depends on the category of lake and must comply with Sections B.9.2 to B.9.5.*

Section B.10.9 of the Official Plan states that,

*The policies and implementing zoning by-law provisions regarding density shall be strictly adhered to in accordance with Section F.1.6 of the Official Plan.*

The shoreline structures section of the Official Plan (Section B.13) states that standards regulating shoreline structures shall be detailed in the implementing comprehensive zoning by-law (Section B13.2).

*Section B.13.3 provides that buildings, structures, or works extending beyond the normal or controlled high water mark or located at the shoreline shall be designed and located in a suitable manner so as to have regard for the following matters:*
  
  a) critical fish and wildlife habitat;
  b) the natural flow of water;
  c) potential damage from flood and ice heaving;
  d) privacy; and
  e) other shoreline, resource development, and environmental policies.

*Section B13.7 also goes on to state that new two storey boathouses shall generally meet the following requirements:*
  
  a) located on Category 1 Lakes, provided it is not on a narrow waterbody and fish habitat is protected;
  b) located on a lot with a minimum water frontage of 90 metres (300 feet);
  c) may include a second storey of up to 650 sq. ft.;
  d) may include a covered deck of up to 250 sq. ft.; and,
  e) an increased setback from the projected side lot line.
5. **Zoning By-law**

The required exemptions are outlined in the introductory section of this report. The proposed development complies with all other provisions of the Zoning By-law.

6. **Site Characteristics**

Staff inspected the subject property on September 3, 2014. Both lots share similar topography and vegetation, with fairly steep slopes to the water and substantial tree cover including the shoreline buffer. A dwelling, single storey boathouse and single storey garage are located at 1068 Murphy Road and a dwelling and single storey boathouse are located at 1070 Murphy Road.

To the west, a single storey boathouse and dock are located in fairly close proximity to the subject boathouse, approximately 50 feet away. To the east, the neighbouring single storey boathouse encroaches slightly over the projected side lot line. At least nine two storey boathouses are visible in the bay from the subject properties.

7. **Lot Merger/Two Dwellings**

The applicants wish to merge the subject properties in order to result in a lot with over 300 feet of ‘by-law frontage’ and construct a two storey boathouse with sleeping cabin above. Both lots contain existing dwellings; 2,400 and 1,083 square feet in size, both single storey. Although the resultant configuration would not comply with the Zoning By-law with respect to the number of dwellings per lot (maximum of one permitted), the lots could merge without Township involvement. A transfer of ownership would most likely be all that is required to result in a merger.

Once merged, the resultant property would exceed 300 feet of lot frontage on a Category 1 Lake, however, the Zoning By-law also prohibits the construction of a sleeping cabin (Section 3.1.2.d.iii) where two or more dwellings exist. Exemptions from these sections have therefore been applied for and are required.

Although at first glance it would appear that what is proposed would be contrary to Official Plan policy direction, it would actually provide greater control to the municipality and lessen overall development rights currently in place (with respect to the number of habitable structures). Currently, both lots are ‘building lots’ and sleeping cabins would be permitted on each, as of right. Additions to both dwellings, in compliance with Zoning By-law provisions, would also be permitted, as of right. Through merger of the properties, only one sleeping cabin is proposed and only one would be permitted. Any additions to either dwelling, will also now require further Council approval.

8. **Hold Zone**

The applicants, understandably, are hesitant to formally merge the properties prior to receiving Council approval for the construction of the boathouse. To resolve this concern they have proposed a Holding Zone, which would not be lifted until such time as the lots are merged. Staff have no concerns with this approach.

Alternatively, Council could give the by-law two readings and withhold third reading until the merger, if this agreeable to the applicants.
9. **Lot Coverage**

The application also proposes an exemption for lot coverage of 11%. The two dwellings are to remain and a 224 sq. ft. single storey garage and 365 sq. ft. and 468 sq. ft. single storey boathouses are to be removed. Although staff is not generally supportive of lot coverage applications both properties are very well treed and the proposal does not result in an overly large increase; 387 sq. ft. The proposal also removes three separate buildings and proposes one.

10. **Fish Habitat**

The properties front onto both Type I Significant and Type II General fish habitat according to Ministry of Natural Resources mapping. It appears the proposed boathouse and at least one of the existing boathouses are located in significant habitat. Given that two boathouses/docks are to be removed, and a third boathouse is to be constructed in a new location, staff recommends that a satisfactory fish habitat assessment be submitted as part of the application. This can be conducted prior to the Public Meeting.

11. **Second Storey Length**

On a 300 to 399 foot lot on a Category 1 Lake, a two storey boathouse is permitted, subject to a number of provisions, including a maximum second storey length of 35 feet. It is unclear on the drawings as to the length of the second storey, with the first storey extending approximately 48 feet in length. The applicants should confirm compliance with this design aspect or an added exemption to the application is required.

12. **Existing Shoreline Structures**

It should also be noted that the single storey boathouse on the westerly lot contains a sundeck above and is located partially over the side lot line projection, where the by-law currently requires a minimum of 45 feet. Its removal is an improvement. The single storey boathouse on the easterly lot also contains a sundeck above and is to be removed.

13. **Site Plan Control**

By-law 2006-100 provides that lots zoned WR5 are subject to site plan control, however, boathouses are exempt from approval. Given the well treed properties, staff does not recommend site plan control in this instance.

14. **Complete Application**

Bill 51 amended the Planning Act and requires planning approval authorities to determine if an application is complete. The application is accompanied with appropriate scaled drawings. Staff would recommend receipt of a satisfactory fish habitat assessment.
TO: Chair Burgess and Members of the Committee of the Whole

MEETING DATE: September 15, 2014

SUBJECT: SPA-54/14, 1377135 Ontario Inc. (Bala Bay Marine), Part of Lot 15, Concession A, (Bala), Parts 1 to 4, Plan 35R-12683, Roll # 7-12-049

RECOMMENDATION: That SPA-54/14 (1377135 Ontario Inc.) be approved, subject to the receipt of securities. This approval will expire on April 17, 2015, unless the corresponding Site Plan Agreement has been registered on title of the lands.

APPROVALS:

Submitted By: D. Pink, Director of Planning 09/09/14 Original signed by D. Pink

Acknowledged: C. Harris, Interim CAO 09/09/14 Original signed by C. Harris

ORIGIN

PROPOSAL:

To construct a 10,800 square foot boat storage building.

Particulars of Property:

Lot Frontage: 117 feet Lake Muskoka (by-law)
Lot Area: 2.179 acres

BACKGROUND:

PLANNING DATA:

Official Plan Designation: Urban Centre (Core Commercial)
By-law 87-87 Zoning: Community Commercial (C2)
Schedule Numbers: 56
Access: Gordon Street
Neighbouring Uses: Residential, Industrial
Original Shore Road Allowance: Not Applicable
PLANNING CONSIDERATIONS:

1. **Official Plan Policies**

   The property falls within the Urban Centre (Core Commercial) Designation. Goals within the Urban Centre designation include encouraging the redevelopment and expansion of commercial business along the waterfront such as marinas and resorts and to recognize their important economic function.

   Commercial policies state that marina services along the waterfront are important uses in the Urban Centres. Long term boat storage uses should be located away from the waterfront, to encourage more intensive use of the properties and the integration of these properties with surrounding commercial uses.

   Lands designated Core Commercial are intended to function as the primary retail and service commercial centre as well as the focus for administrative, cultural and recreational activity for the community.

   Policy C.12.6.2 states that marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities.

2. **Zoning By-law Provisions**

   The subject property is currently zoned Community Commercial – Marina (C2). The proposed boat storage building complies with the Zoning By-law in all respects. The structure of 10,800 sq. ft. results in a lot coverage of 22.2% where the Zoning By-law permits 35%.

   It should be noted that the structure is proposed within 10 feet of a previously existing right-of-way. According to the surveyor, the right-of-way no longer exists on title and the Zoning By-law, therefore, does not require a 10 foot setback.

3. **Site Characteristics**

   Staff inspected the subject property on September 3, 2014. The property is relatively level with a gentle slope to the lake. Extensive open storage and buildings are scattered throughout the lot.

   The proposed boat storage building is located in an area with three existing buildings that is level and open. Superior Propane is located to the north while a thick forested buffer is located to the south which separates the use from residential lots. The proposed building would appear to require the reduction of a portion of this existing buffer.

4. **Open Storage/Landscaped Buffer**

   As stated above, the proposed boat storage building will result in the reduction of a heavily forested buffer between residential lots to the south. Although staff would prefer to retain as much a buffer as possible, the Zoning By-law requires a minimum buffer of 10 feet and approximately 25 feet will remain. It should also be noted that the current site contains several
dilapidated buildings and extensive open storage, and consolidation into an enclosed new structure may be viewed as an improvement.

5. **Servicing**

The property is serviced by municipal water and sewer although it is not anticipated the storage structure will require hook-up.

6. **Lighting**

The Site Plan Agreement and Dark Sky By-law will ensure that any lighting, if necessary, on the proposed boat storage building will be dark sky compliant.

7. **Architecture**

Architectural drawings have been submitted, which depict a basic steel structure design with a gently sloping roof, approximately 27 feet in height.

8. **Emergency Services**

The Emergency Services Department were circulated for comments on the Site Plan and they have noted that adequate water supply and access routes as per the Ontario Building Code will be required for fire service use.

9. **Stormwater Management**

Pinestone Engineering has submitted a Drainage and Stormwater Management Report. The report concludes that the proposed works will result in small increases in peak flows and run-off volumes and recommends lot level controls such as roof leaders and enhanced swales to route drainage and match existing drainage patterns. Erosion and sediment control measures are also outlined.

10. **Securities**

Securities are only required for stormwater management measures. An estimate on the value of this work has yet to be submitted.
Area of Proposed Boat Storage Building
SPA-61/14

STILLS BAY LANDING CORPORATION
TO: Chair Burgess and Members of the Committee of the Whole

MEETING DATE: September 15, 2014

SUBJECT: SPA-61/14, Stills Bay Landing Corporation, Part of Lot 8, Concession 8, (Medora), Parts 1, 3, 4, 5 & 8, Plan 35R-10754, Roll # 4-5-067

RECOMMENDATION: That SPA-61/14 (Stills Bay Landing Corporation) be approved, subject to the receipt of satisfactory elevation drawings, a satisfactory landscaping plan which depicts a minimum 20 foot landscaped buffer abutting residential zones and planting locations, the inclusion of a satisfactory garbage enclosure, and securities. This approval will expire on April 17, 2015, unless the corresponding Site Plan Agreement has been registered on title of the lands

APPROVALS:

<table>
<thead>
<tr>
<th>Submitted By:</th>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Pink, Director of Planning</td>
<td>09/09/14</td>
<td>Original signed by D. Pink</td>
</tr>
<tr>
<td>C. Harris, Interim CAO</td>
<td>10/09/14</td>
<td>Original signed by C. Harris</td>
</tr>
</tbody>
</table>

ORIGIN

PROPOSAL:

The removal of boat storage and maintenance buildings and construction of a 10,500 square foot boat storage building and expanded parking facilities.

Particulars of Property:

- Lot Frontage: 370 feet (Roberts Bay Road)
- Lot Area: 3.354 acres

BACKGROUND:

PLANNING DATA:

- Official Plan Designation: Waterfront
- By-law 87-87 Zoning: Waterfront Commercial (WC2)
- Schedule Numbers: 27
- Access: Hamills Point Road
Neighbouring Uses: Waterfront Residential
Original Shore Road Allowance: Not Applicable
Fisheries Resource: Not Applicable
Civic Address: 1045 Hamills Point Road

PLANNING CONSIDERATIONS:

1. **Official Plan Policies**

   The property falls within the Waterfront Designation. Generally the policies of this Section encourage the protection of waterfront character and the environment. One of the main objectives of the Waterfront designation is to ensure built form does not dominate the natural shoreline.

   Waterfront policies for commercial development state that limited expansion, enlargement, or redevelopment of existing commercial establishments shall be permitted to approved limits detailed in the implementing Comprehensive Zoning By-law.

   Policy B.11.21 specifically regarding marinas, states that marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities. Valet service in lieu of dock expansion is encouraged.

2. **Zoning By-law Provisions**

   The subject property is currently zoned Waterfront Commercial – Marina (WC2). The proposed boat storage building complies with the Zoning By-law in all respects. The structure of 10,500 sq. ft. results in a lot coverage of 8.6% where the Zoning By-law permits 20%.

3. **Site Characteristics**

   Staff inspected the subject property on September 3, 2014. The property is level with a thick forested buffer around the perimeter of the lot, with minimal vegetation within. A large parking area exists along with several older buildings.

   The proposed boat storage building is located in an open area in the same general location of an existing boat storage building that is to be removed. The area of the proposed expanded parking lot is currently forested. Across Hamills Point Road a small waterfront lot provides access to Lake Joseph for the property.

4. **Landscaping**

   As stated above, the property is well vegetated around the perimeter, which would meet the Zoning By-law requirement of a 20 foot landscaped buffer, save for two areas where a drainage swale is proposed along the lot line. A landscape plan was submitted which proposes the planting of 10 trees and four shrubs, however, does not clearly depict where they will be planted. Staff would recommend that a revised plan be submitted which more clearly depicts landscaping and demonstrates how the landscaped buffer will be provided in all locations abutting residential zones.
The proposed expanded parking area will result in the reduction of a forested buffer in that location, however, the plan appears to maintain a 20 foot buffer.

5. **Lighting**

The landscaping plan illustrates the location of four proposed dark sky compliant light fixtures spread throughout the parking lot. The Site Plan Agreement and Dark Sky By-law will ensure that any lighting on the property will be dark sky compliant.

6. **Architecture**

Architectural drawings have not been submitted. Staff presumes a basic boat storage building design, but does recommend drawings be received.

7. **Emergency Services**

The Emergency Services Department were circulated for comments on the Site Plan and they have noted that adequate water supply and access routes as per the Ontario Building Code will be required for fire service use.

8. **Parking**

The application form indicates that 144 parking spaces are proposed, however, the plan depicts 132 spaces. It is difficult to ascertain the precise increase from the existing situation, as spaces are not currently marked on site. The majority of the proposed increase is in the northern corner of the lot, where the lot fabric is somewhat irregular. Approximately 25 spaces are proposed in this area. Gravel is to remain the surface treatment.

9. **Access**

The Public Works Department were circulated for comments as the parking lot expansion will lead to an increased number of users, and no concerns were noted.

10. **Garbage Enclosure**

The proposed garbage and recycling location is generally the same as existing. Although it is a large lot and well removed from the road and public eye, a fenced enclosure may be beneficial. During the recent zoning process, neighbouring residents expressed concern with the state of the garbage facility and the potential for bear attraction.

11. **Previous Site Plan Agreements**

A Site Plan Agreement was entered into in 1997 which included 136 parking spaces largely in the same location/layout as currently proposed, together with three main boat storage buildings and several other outbuildings. The current application proposes to amend this agreement.

More recently, an agreement was entered into on the waterfront lot to implement the Zoning By-law Amendment approved by the Ontario Municipal Board to expand docking facilities.

12. **Stormwater Management**

Pinestone Engineering has submitted a Stormwater Management and Construction Mitigation Plan. The plan concludes that the proposed works will result in an increase in peak flows and recommends the construction of a wetland type stormwater management pond facility. Quality
control will be achieved through a “treatment train” of methods, such as extended storage detention and enhanced swales. Erosion and sediment control measures are also outlined.

During the recent zoning process, neighbouring residents expressed concern with drainage on the site and resultant impacts to neighbouring properties. This stormwater management plan should address those concerns.

13. **Securities**

Securities are required for stormwater management and landscaping works. An estimate on the value of these works has yet to be submitted.
SITE AND LANDSCAPING PLAN

1045 HAMILLS POINT ROAD

GEORGIA TOWNSHIP OF MECORA

TOWNSHIP OF MUSKOKA LAKES

DISTRICT OF MUSKOKA

STILS BAY LANDING CORPORATION

AUGUST 8, 2014
REVISED AUGUST 18, 2014
REVISED AUGUST 21, 2014

NOT TO SCALE

DARK SKY COMPLIANT LIGHTING

PLANT LIST
To enhance existing vegetation

Tsuga Canadensis: Eastern Hemlock
3 specimens @ 6 ft height

Acer rubrum: Red Maple
3 specimens @ 55mm caliper

Populus tremuolo: Trembling Aspen
4 specimens @ 55mm caliper

Spiraea latifolia: Broad-leaved Meadowweet
4 specimens

PLANSCAPE
BUILDING COMMUNITY THROUGH PLANNING

SOURCE:
PINESTONE ENGINEERING
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Appendix D – Drawing
1.0 INTRODUCTION

1.1 General

Mr. Domenic Gesualdi is the agent for a client group which own Still’s Bay Landing Marina, located at 1045 Hamills Point Road in the Township of Muskoka Lakes. The subject property is 1.53 hectares and is legally described as Part of Lot 8, Concessions 8, Township of Medora, now in the Township of Muskoka Lakes. The property consists of a waterfront parcel fronting Lake Joseph and a backlot parcel separated by the Township maintained Hamill’s Point Road.

The existing development on the waterfront parcel includes an existing outbuilding, a boat launch, docking facilities for approximately 40 boats and landscape areas. Development on the backlot parcel currently includes a residential dwelling, a maintenance building, boat storage building, gravel parking area for marina patrons and outdoor boat storage areas.

The proposed re-development of the property includes the removal of the existing boat storage and maintenance buildings on the backlot, and the construction of a new 10,500 sq. ft. boat storage building. The existing gravel surface parking facility will be expanded to provide parking for 141 vehicles, with access to the property controlled by an electronic gate. Garbage and recycling facilities will be relocated to the rear of the property.

The site lies approximately 3.5 kilometres south-east of the community of Foots Bay, in the Township of Muskoka Lakes, District Municipality of Muskoka (see Figure 1).

1.2 Purpose and Scope

Pinestone Engineering Ltd has been retained to prepare a storm water management and construction mitigation plan for the development of the property in support of the site plan approval.

This report has been prepared to satisfy the requirements of the Township of Muskoka Lakes, District Municipality of Muskoka, and Ministry of the Environment.

The following objectives have been identified in the preparation of this report:

- Determine the appropriate storm water management (SWM) criteria for the subject property.
- Assess impact on surface water quantity and quality on adjacent lands and receiving water bodies.
- Detail the proposed methods of quality and quantity control of post development run-off required to address the identified SWM criteria.
- Detail methods to control sedimentation and erosion during construction and in the long term.
2.0 EXISTING SITE CONDITIONS

2.1 Property Description

The property is located at the south-west end of Lake Joseph. Access to the site is provided via two existing gravel driveways which extend from Hamill’s Point Road. Existing development on the backlot parcel includes a 2,300 sq. ft. boat storage building, a maintenance building, residential dwelling and a gravel parking / boat storage area. The waterfront parcel includes approximately 40 boat slips, a boat launch, a small outbuilding and landscape areas.

2.2 Site Topography and Drainage Characteristics

The developed backlot property parcel currently slopes gently towards the Hamill’s Point Road drainage ditch at an average gradient of 1.5%. The south-east forested portion of the site rises up over the development area at an approximate 20% gradient. The waterfront parcel slopes directly to Lake Joseph.

There is an existing drainage swale which enters the property along the north property limit. An existing 375mm dia. HDPE culvert conveys this drainage through the site to the Hamill’s Point Road drainage ditch. A topographic low spot exists along the east property limit, which discharges to an existing drainage swale traversing the site from east to west. Overland flow from the south-east portion of the site is intercepted by drainage swales along the south limit of the gravel parking/storage area. The swales are conveyed to the main swale through the center of the property via existing 300mm dia. CSP culverts.

All site drainage discharges to an existing 450mm dia. CSP culvert under Hamill’s Point Road. The culvert runs through the waterfront property parcel and discharges directly to Lake Joseph. Elevations within the site range from 235.0m ASL along the south property limit to 225.89m ASL at the water’s edge.

The south-east portion of the site and the perimeter area around the development is vegetated with primarily deciduous tree stands. The existing drainage swale through the central portion of the site is vegetated with long grass.

The topography and drainage features are illustrated on the Existing Conditions Plan, appended to this report.

2.3 Site Geology

Based on our review of the Quaternary Geology Map of the Lake Joseph-Sans Soucci Area prepared by the Ministry of Northern Development and Mines and our site observations, the geology in the area of the subject property is described as bedrock drift complex: thin, discontinues drift with overlying till.

Based on our review of the MTO Drainage Manual Chart H2-2 a Type C Soil Conservation Service hydrologic group has been selected.
The soils mapping is included in Appendix A.

2.4 Fish Habitat

Lake Joseph is a ‘highly sensitive’ lake as determined by the District of Muskoka’s recreational water quality monitoring program and is regarded as a lake trout lake.

Accordingly, the storm water management plan should consider Lake Joseph a “sensitive” water body, requiring an “enhanced” level of protection as defined by the Ministry of the Environment (MOE).

A copy of the lake data sheet for South Lake Joseph is included in Appendix A.

3.0 HYDROLOGY

A hydrologic model has been prepared for the site. The intent of the model was to provide quantitative estimates of runoff rates under both existing and proposed development conditions. These estimates can then be compared to determine the impact of the proposed development on the study area.

3.1 Model Selection

The rainfall runoff event simulation model MIDUSS (Microcomputer Interactive Design of Urban Storm water Management Systems) was used to simulate watershed response to design rainfall events.

3.2 Design Storms

The following design storms were modelled as part of the evaluation:

- 5 year design storm
- 10 year design storm
- 25 year design storm
- 100 year design storm

The selected storm water management criteria is discussed further in Section 5.0 of this report.

Rainfall intensity - duration frequency (IDF) values for the Muskoka area were entered into an equation that expresses the time relationship intensity for specific frequency, in the form of:

\[ i = \frac{a}{(t+b)^c} \]

where:
- \( i \) = intensity, mm/hr.
- \( t \) = Time of concentration, minutes
- \( a, b, c \) = constants developed to fit IDF curve
The storm events were applied to the hydrologic model. Derivation of the design storm hyetographs were based on the "Chicago" 3 hour distribution using Muskoka Area intensity, duration, frequency (IDF) data.

The design storm parameters are outlined in Table 1, below:

### Table 1
Design Storm Parameters
Chicago Rainfall Distribution

<table>
<thead>
<tr>
<th>Rainfall Event</th>
<th>Parameter A</th>
<th>Parameter B</th>
<th>Parameter C</th>
<th>Duration (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Yr</td>
<td>950.0</td>
<td>6.75</td>
<td>0.820</td>
<td>180</td>
</tr>
<tr>
<td>10Yr</td>
<td>1221.0</td>
<td>7.38</td>
<td>0.843</td>
<td>180</td>
</tr>
<tr>
<td>25Yr</td>
<td>1452.0</td>
<td>7.30</td>
<td>0.848</td>
<td>180</td>
</tr>
<tr>
<td>100Yr</td>
<td>1499.0</td>
<td>5.81</td>
<td>0.825</td>
<td>180</td>
</tr>
</tbody>
</table>

#### 3.3 Drainage Catchments

Two (2) pre-development and three (3) post development catchments have been delineated for the site in order to estimate the peak runoff rate exiting the site. The pre-development catchment represents the existing developed condition of the property (back lot parcel). Post development catchments represent the proposed development and grading concept for the site.

The pre-development and post development catchment parameters are listed in Table 2. The pre-development and post development drainage catchment boundaries are illustrated on Figure 2 and 3 respectively.

### Table 2
Subcatchment Parameters

<table>
<thead>
<tr>
<th>Catchments</th>
<th>Area (ha)</th>
<th>% Impervious</th>
<th>Slope</th>
<th>SCS Curve #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>1.12</td>
<td>5.4</td>
<td>3.3%</td>
<td>75</td>
</tr>
<tr>
<td>102</td>
<td>1.28</td>
<td>40.3</td>
<td>1.5%</td>
<td>75</td>
</tr>
<tr>
<td>Post Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>1.40</td>
<td>43.6</td>
<td>1.8%</td>
<td>75</td>
</tr>
<tr>
<td>202</td>
<td>0.75</td>
<td>4.0</td>
<td>5.5%</td>
<td>75</td>
</tr>
<tr>
<td>203</td>
<td>0.25</td>
<td>10.1</td>
<td>20.0%</td>
<td>75</td>
</tr>
</tbody>
</table>

Table 3, below outlines the calculated pre-development and post development peak run-off rates (without SWM) during the 5-year and 100-year storm events.
STILLS BAY LANDING MARINA
LAKE JOSEPH
POST-DEVELOPMENT DRAINAGE

DIRECTION OF OVERLAND FLOW
POST-DEVELOPMENT CATCHMENT BOUNDARY
POST-DEVELOPMENT CATCHMENT NUMBER
POST-DEVELOPMENT CATCHMENT AREA (Ha.)

PROJECT NO. 13-11080
SCALE: 1:750
DATE: 14.06.23

FIGURE 3

110 Kimberley Avenue
Bracebridge, ON  P1L 1Z8
T: (705) 645-8853
F: (705) 645-7260
E: pinestone@pel.ca
Based on the results of the hydrological modelling, an increase (12%) in storm water runoff rates can be expected during all major storm events.

MIDUSS input/output calculations are shown in Appendix B.

4.0 SITE DEVELOPMENT

The marina group is proposing to remove the existing boat storage and maintenance buildings and construct a new 10,500 sq. ft. boat storage facility in the south east portion of the property. The existing gravel parking / boat storage area will be expanded to provide parking for 141 vehicles. The two existing gravel entrances extending from Hamill’s Point Road will continue to be utilized. The northernmost entrance will be the main access and will be controlled by an electronic access gate. The southern entrance will be utilized for access when the other gate is unavailable and will be closed off via a fence gate. A farm fence will extend along the west property limit bordering the parking area and terminating at the electronic gate.

The proposed grading will generally follow the existing topography. The south-east forested portion of the property will remain undisturbed, with the exception of minor tree trimming to construct a drainage swale along the upgradient side of the new building. A minimum 3m landscape buffer will be retained along the north and east property limits, which border residential zoned land.

Drainage from the surface parking facility will be directed to the existing swale through the central portion of the property. The swale will be re-graded as an ‘enhanced’ swale and will provide positive flow to a proposed wetland type storm water management facility. The facility will attenuate peak flows and promote settling of particulates, improving water quality. The SWM facility will discharge to the Hamill’s Point Road drainage ditch.

Based on the total combined building footprint size of 1,161 square meters (12,497 sq. ft.) and the construction of an expanded surface parking facility, the maximum imperviousness expected on the backlot property parcel is approximately 49%.

The proposed development is illustrated on the Storm water Management, Grading and Construction Mitigation Plan appended to this report.
5.0 STORM WATER MANAGEMENT

5.1 Reference Reports

The following reports and studies have been used for reference in the preparation of this Storm Water Management Plan:


ii) Sediment Control Planning Central Region Group, prepared by the Ministry of Natural Resources

iii) Storm Water Management & Planning Process developed by the Inter Agency Storm Water Management Committee for Muskoka

5.2 Design Criteria

For site plan developments within the Township of Muskoka Lakes, both quality and quantity control of post development storm run-off is required. As well, the Municipality requires development proponents to identify the mitigation measures that will be put in place during construction to address erosion and sediment control. The design criteria for this site is as follows:

• Peak flow attenuation to pre-development levels for storm events up to and including the 100 year storm event based on District of Muskoka IDF parameters. The grading design of the site should ensure that post development flows from storm events in excess of the 100 year event are safely conveyed from the site.

• Water quality enhancement through the use of accepted control techniques such as detention storage, enhanced grass swales, level spreaders, infiltration facilities, and oil / grit removers.

• Preparation of a detailed erosion and sediment control and construction mitigation plan to be implemented as part of the construction program. The storm water management requirements for the property development are as follows:

5.3 Storm Water Management Plan

5.3.1 Quantity Control

To satisfy the selected design criteria, peak flow attenuation of post development flows to pre-development levels for all storm events up to and including the 100-year storm event will be provided by using extended detention storage in a constructed wetland type SWM pond facility.

Drainage generated in catchment 201 will be directed to the existing swale traversing through the centre of the site. The swale will discharge to the proposed wetland type SWM facility adjacent to the west property boundary.
Drainage from catchment 202, which includes the west landscape portion of the site and an external drainage catchment, will be directed to the SWM facility via an existing 375mm dia. HDPE culvert.

The proposed constructed wetland SWM facility will be constructed within the existing low lying area adjacent to the west property boundary. The pond will have a 0.30m deep permanent pool, a 0.70m deep extended detention portion and will be constructed with 5:1 average side slopes.

A storm sewer will discharge drainage from the facility. A 70mm diameter orifice restriction will be installed on the storm sewer outlet pipe to control flows exiting the pond. A 1.0m overflow weir will be constructed at the pond outlet location to provide conveyance of run-off generated during storms in excess of the 100 year event.

The storage requirements for wet-land type SWM facilities according to receiving water body sensitivity are outlined in Table 3.2 of the MOE SWM Planning and Design Manual.

Based on the contributing drainage area of 2.15 ha and 30.0% imperviousness, the total storage volume required in the SWM pond is 118 cubic meters (2.15 ha x 55 cu.m / ha), with 32 cu.m of permanent pond storage required, and 86 cu.m of extended detention storage required (which is to drain over 24 hours). The pond as designed provides approximately 40.5 cu.m of permanent pool storage and 352.7 cu.m of live detention storage. The extra live storage volume will attenuate peak flows to pre-development levels for up to the 100 year storm event. The stage-storage-discharge characteristics for the SWM pond are outlined in Table 4, below. Sizing calculations are included in Appendix C.

<table>
<thead>
<tr>
<th>Elevation (m)</th>
<th>Discharge Rate (m³/s)</th>
<th>Dead Storage (m³)</th>
<th>Live Storage (m³)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>226.60</td>
<td>0.0000</td>
<td>0.0</td>
<td>0.0</td>
<td>Bottom of Wetland</td>
</tr>
<tr>
<td>226.90</td>
<td>0.0000</td>
<td>38.0</td>
<td>0.0</td>
<td>Top of Permanent Pool / Outlet</td>
</tr>
<tr>
<td>227.08</td>
<td>0.0042</td>
<td>38.0</td>
<td>38.0</td>
<td></td>
</tr>
<tr>
<td>227.60</td>
<td>0.0085</td>
<td>38.0</td>
<td>196.4</td>
<td></td>
</tr>
<tr>
<td>227.80</td>
<td>0.2750</td>
<td>38.0</td>
<td>269.9</td>
<td>Overflow (227.60)</td>
</tr>
<tr>
<td>228.00</td>
<td>1.082</td>
<td>38.0</td>
<td>352.7</td>
<td>Top of Berm</td>
</tr>
</tbody>
</table>

The location of the storm water management facility and details are identified on Drawing Sheet SWM1

The control sizing and overflow calculations are shown in Appendix C.
The input/output files are listed in Appendix B.

Run-off generated in catchment 203 (south-east forested portion of site), will continue to drain overland northerly to a proposed interceptor swale along the south limit of the parking lot. A new 450mm dia. HDPE culvert will convey drainage to the Hamill’s Point Road ditch.

5.4 Quality Control Plan

The MOE Storm Water Management Planning and Design Manual (MOE, 2003) provides guidance on various lot level and “end-of-pipe” controls that are appropriate for small scale developments (less than 5.0 ha).

In order to provide water quality enhancement to an “enhanced” level of protection (80% TSS removal) for this particular development, we have incorporated a “treatment train” approach consisting of the following elements:

- Provision of over 118 cubic meters of storage in the SWM facility (55 cubic meters per ha x 2.15 ha), including over 32 cubic meters of permanent pool storage and 86 cubic meters of extended detention storage in the SWM facility in accordance with MOE guidelines for ‘normal' water quality protection.

- The use of an enhanced grass swale for the conveyance of site generated run-off to promote cleansing, infiltration, attenuate flows and prevent erosion of the downstream SWM facility and municipal ditch.

- Lot grading using minimal surface slopes.

- Suitable construction mitigation measures to be utilized during the site development.

The recommended quality control plan elements are described in more detail below, and are illustrated on the Storm Water Management and Construction Mitigation Plan enclosed in the rear of this report.

5.4.1. Enhanced Swales

The existing swale which traverses the central portion of the site will be re-graded and reshaped as an enhanced swale. Runoff from the parking lot and building rooftop will be directed to the swale via sheet flow and an interceptor swale along the back of the building.

The swale is to be constructed with a grassed surface and will generally have a 0.50m bottom, 2:1 side slopes, and maintain a longitudinal gradient of approximately 0.6%.

The swale configuration should be based on providing enhanced water quality control and a typical swale design would consist of:
- 0.50m width base
- Sodded grass surface
- 2:1 side slopes
- minimum 0.6 metre depth

A typical detail of the swale is shown on Drawing SWM1.

A capacity analysis of the proposed collector swale was performed. Calculations have shown a 0.6m deep swale with 2:1 side slopes and 0.5m base width has approximately 2.0 times the capacity to convey the 100 year post development storm event. The swale was also evaluated at the 100 year design flow of 0.631m³/s, for its susceptibility to erosion. Based on calculations, the proposed swale can accommodate a maximum slope of 0.9%.

Where grades exceed 0.9%, the swale will require rip-rap lining consisting of 150mm diameter stone with Terrafix 270R filter fabric beneath. The rip-rap should extend a minimum 300mm above the swale invert along the side slope.

The swale calculations are included in Appendix C.

**5.4.2. Drainage Culverts**

A new culvert has been proposed to convey runoff from the south-east forested portion of the site to Hamill’s Point Road. An existing 375mm dia. culvert on Roberts Bay Road discharges runoff from the Township road to an existing drainage ditch which migrates through the property to the south parking area limit. The rational method was used to calculate the peak run-off rates for the culvert catchment. The rational method is generally considered to provide a more conservative (ie. higher) estimate of peak flow rates than other hydrological simulation models.

The total 10 year design flow calculated using the Rational Formula was 0.180 m³/sec for this catchment (203 + external culvert catchment). HY-8 culvert design software was used to size a culvert to convey the calculated 10 year design flow rate. The modelling results conclude that a 450mm dia. smooth wall HDPE culvert at 1.0% is adequate to carry the flow. Therefore, it is recommended that the existing 300mm dia. CSP culvert be removed and upgraded as per the design. Rip-rap treatment should be provided at culvert inlets and outlets as per OPSD 810.010.

The technical calculations for the required culvert conveyance facility, sized to accommodate the calculated 10 year peak flow, is included in Appendix C.

The location and sizing of the proposed culverts is shown on Drawing SWM1.

**6.0 SWM MODEL RESULTS**

Using the MIDUSS hydrologic model, pre-development, post development and post development with SWM run-off hydrographs were generated for the site in response to the 5,
10, 25, and 100 year design storm events. Modelling results are shown in Table 5. The MIDUSS files are included in Appendix B.

Table 5
Model Results

<table>
<thead>
<tr>
<th></th>
<th>5 Yr Storm Event</th>
<th>10 Yr Storm Event</th>
<th>25 Yr Storm Event</th>
<th>100 Yr Storm Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-development Runoff Rate (cms)</td>
<td>0.146</td>
<td>0.177</td>
<td>0.218</td>
<td>0.275</td>
</tr>
<tr>
<td>Post Development Runoff Rate without SWM (cms)</td>
<td>0.162</td>
<td>0.198</td>
<td>0.245</td>
<td>0.309</td>
</tr>
<tr>
<td>Post Development Runoff Rate with SWM (cms)</td>
<td>0.033</td>
<td>0.062</td>
<td>0.103</td>
<td>0.162</td>
</tr>
<tr>
<td>Pond Maximum Storage Volume (m³)</td>
<td>202.0</td>
<td>210.0</td>
<td>220.0</td>
<td>234.0</td>
</tr>
<tr>
<td>Pond Maximum Storage Elevation (m)</td>
<td>227.617</td>
<td>227.637</td>
<td>227.665</td>
<td>227.702</td>
</tr>
</tbody>
</table>

7.0 EROSION AND SEDIMENT CONTROL

Sedimentation and erosion control measures are required during construction and until such a time that site development has been completed, the parking area has been graded and surfaced with gravel and vegetation has been established in landscape areas and the SWM pond.

Site disruption will be extensive in the expanded parking lot areas and the storm water management facility area.

The use of various siltation control measures will be implemented to protect the adjacent properties and receiving waterbodies from migrating sediments.

These works include but may not be limited to:

- Installation of siltation fencing along down gradient portion of the development area.
- Installation of straw bales along the length of the enhanced swale at intervals of 40m.

The location of the siltation control measures and typical details are shown on the Storm Water Management and Erosion and Sediment Control Plan, appended in an envelope at the rear of this report.

7.1 During Construction
Prior to carrying out site grading the siltation barriers noted above shall be in place.

Construction of the storm water pond should be completed during dry weather so flows directed to the pond will be at a minimum. The pond should be stabilized with topsoil and grass upon completion of grading.

Other temporary installations of silt fence or other appropriate measures may be required during grading to minimize silt migration from the site. The measures will need to be removed, replaced and relocated as required during the construction period until the site works have been completed and vegetation established.

During construction all stockpiled material will be placed up-gradient of the siltation controls.

If site works are to continue through the winter and spring seasons the engineer shall be notified by the owner, so that he can review the measures in place on a regular basis to ensure that they are in good working order.

All reasonable methods to control erosion and sedimentation are to be taken during construction.

7.2 Monitoring and Maintenance

It is the responsibility of the contractor and owner to maintain the siltation control devices until suitable grass cover has been established.

A regular review of the facilities by the contractor shall be carried out during the construction period to ensure that the facilities are being properly maintained, and if necessary replaced.

The contractor should inspect the siltation devices immediately after each rainfall. Damaged devices should be repaired immediately and additional devices installed if necessary.

Silt should be removed from the fencing when deposits reach approximately 250mm above original ground.

7.3 Contingency Plan

Should the erosion control measures fail and sediment migrate beyond the limits of the control works, the following tasks are required to be completed:

- The Township of Muskoka Lakes and District Municipality of Muskoka should be notified of the event. The area will be assessed and cleaned up to the satisfaction of the agencies.

- Additional sedimentation facilities be installed in the area of the migration and down gradient to contain the sediment.
The Ministry of Natural Resources should be contacted in the event that sediment reaches any water bodies.

8.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions are based on the information and analysis presented in this report:

1) The comparison of pre-development and post development flows indicate that peak flows will increase during all the major storm events as a result of the increase in impervious area.

2) Attenuation of post development peak flows to pre-development levels for storm events up to and including the 100 year event will be achieved through the construction of a wetland type SWM facility as described in this report.

3) Storm water quality enhancement can be achieved using a "treatment train" of quality control methods including permanent and extended detention storage in the wetland type SWM facility and construction of an enhanced swale with a gentle gradient for conveyance to promote infiltration and cleansing of run-off.

4) Suitable construction mitigation measures will need to be implemented prior to construction and maintained until the site has been developed and grass established.

It is recommended that:

1) This report and drawings be submitted to the Township of Muskoka Lakes for review and approval.

2) The storm water management facility shall be constructed in accordance with the design details presented in this report.

3) The construction mitigation measures outlined in this report are utilized as a guideline for construction mitigation management on this site.

All of which is respectfully submitted,

PINESTONE ENGINEERING LTD.

Brigitte Vandertas C.E.T. Tim Harvey P.Eng.
BALA HERITAGE CONSERVATION DISTRICT
TO: Chair Burgess and Members of Planning Committee of the Whole

MEETING DATE: September 15, 2014

SUBJECT: Bala Heritage Conservation District

<table>
<thead>
<tr>
<th>RECOMMENDATION:</th>
<th>That the Bala Heritage Conservation District Plan be advertised for a statutory Public Meeting.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>APPROVALS:</th>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted By: D. Pink, Director of Planning</td>
<td>10/09/14 Original signed by D. Pink</td>
<td></td>
</tr>
<tr>
<td>Acknowledged: C. Harris, Interim CAO</td>
<td>10/09/14 Original signed by C. Harris</td>
<td></td>
</tr>
</tbody>
</table>

ORIGIN

There are good reasons and strategies to conserve cultural heritage resources. As the roots of the community, cultural heritage resources (buildings, structures, and/or landscapes) help to paint the history of the area. The Ontario Heritage Act along with the Provincial Policy Statement and Township’s Official Plan encourage the use of Heritage Conservation Districts (HCD) and their accompanying policies and guidelines as a tool to identify and designate such resources. The HCD as a strategy for heritage conservation has become widely used in Ontario with at least 113 approved HCD Plans in place.

A HCD is an area that is protected through a By-law passed by Council. District designation enables Council to manage and guide future change in the HCD, through adoption of a Plan that includes policies and guidelines for conservation, protection and enhancement of the area’s special character.

Both the Township’s Strategic Plan and Official Plan recognize heritage as of importance to the Municipality and identify the ability of Council to consider the designation of a HCD.

BACKGROUND

Funds were set aside in both the 2013 and 2014 Township Budgets and the consulting firm of MHBC was retained to initiate the process of establishing a HCD in the Urban Centre of Bala. In late 2013, the consultants produced a Draft Preliminary Findings Report based on extensive background research into the area. A Bala Heritage Conservation District Study was then produced in June 2014 which was followed more recently in August 2014 with a Preliminary Draft of the Bala Heritage Conservation District Plan. ThePlan will be advertised for a statutory Public Meeting.
District Plan. More details on these documents are provided below and both are attached to the current agenda for review by Committee members.

**ANALYSIS**

1. Official Plan

The following are a number of applicable Official Plan policies within the Section C – Urban Centres designation:

4.4.2 Council may consider the designation of a Heritage Conservation District. Prior to the designation of a Heritage Conservation District or Districts, Council shall:

i) pass a by-law defining an area or areas to be examined for future designation as a Heritage Conservation District(s).

ii) prepare a study for the area or areas to determine the feasibility of designation, the delineation of the Heritage District boundaries and an evaluation of the area's historic character.

iii) the study will be prepared in accordance with Ontario's Heritage Conservation District Guidelines prepared by the Ministry of Culture.

iv) public participation will be encouraged in the preparation of the study.

v) Heritage District Planning Guidelines may be prepared after the approval of the designation of the Heritage Conservation District by the Ontario Municipal Board. The guidelines can include policies to guide Council in the approval of permit applications for new development and alterations to properties located within the Heritage Conservation District.

4.4.3 Locally significant buildings, places, and attractions, should be identified as being important to the character of the municipality. Although these areas may not be designated, every effort should be made to protect and preserve them as they are important to the residents and visitors of Muskoka Lakes.

4.4.4 The Township may exercise any powers granted to it pursuant to the Ontario Heritage Act to recognize and protect historically significant buildings, structures, or areas. This could include the passing of a by-law by Council to prevent demolition of significant built heritage resources or cultural heritage landscapes.

4.4.5 Significant built heritage resources and significant cultural heritage landscapes shall be conserved. Consideration shall be given to restoration, documentation, and maintenance in its original context. Development should be compatible with these built heritage resources and cultural heritage landscapes.

4.4.6 Development and site alteration may be permitted on adjacent lands to protected heritage property 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.
Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

4.4.7 Residential infill in areas of historic architectural or landscape merit shall be sensitive to the existing scale and pattern of those areas and consistent with existing landscape and streetscape qualities.

4.4.8 Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

2. **Ontario Heritage Act Process**

Similar to Policy C.4.4.2 of the Official Plan noted above, the *Ontario Heritage Act* lays out the framework for the establishment of a HCD under Part V of the *Act*. Generally summarizing the process, the first step is to undertake a Study of an identified area. Further details on this step are provided in the section below. Council has the opportunity to designate a study area by By-law for up to one year, which can include prohibitions and limitations on development within. Council did not pass such a By-law. Following the Study, what is referred to as the ‘Plan’ phase is initiated. Further details on this step are outlined in Section 4 below. Once a statutory Public Meeting is held on the Plan, the Plan and an accompanying By-law may be passed by Council establishing the HCD. This By-law can be appealed to the Ontario Municipal Board and unlike the Conservation Review Board process, the municipality is bound by the Board’s decision.

3. **District Study**

As outlined above, the District Study is an initial step in the HCD process. The purpose of the Study is to:

- Examine the character and appearance of the area,
- Identify appropriate boundaries of the HCD,
- Make recommendations as to the objectives of the designation, and
- Make recommendations as to any required changes to the Official Plan and Zoning By-law in effect.

The District Study is attached to the current agenda.

4. **District Plan**

As outlined above, the next step in the HCD process is the District Plan. The purpose of the Plan is to:

- State objectives to be achieved by the HCD,
- State the cultural heritage value or interest of the HCD,
- Describe heritage attributes of the HCD and properties within it,
- Provide policy statements, guidelines and procedures for achieving the stated objectives and managing change in the HCD, and
- Provide a description of alterations that are minor in nature that may be carried out without obtaining a permit.

The District Plan is attached to the current agenda.
5. Public Consultation

Extensive public consultation, above and beyond Ontario Heritage Act requirements, was carried out in preparation of the Study and Plan. A Public Meeting was held in May 2014 in the Bala Community Centre to present the initial draft of the District Study. Comments at the meeting and following were utilized in formulating a final version. A Public Workshop was then held in July 24, 2014 at the Bala Community Centre prior to preparation of the District Plan in order to gain public input into appropriate guidelines and objectives for the Plan. Each meeting was advertised by:

- Distribution of flyers into each mailbox in Bala
- Formal correspondence to each property owner and known tenants within the HCD boundary and adjacent property owners
- Formal correspondence to a number of provincial and municipal agencies
- Email to all known lake associations and ratepayer groups
- Press Release
- Township website

6. Next Steps and Notification

In addition to above, a further statutory Public Meeting is still required. After the Public Meeting, Council can consider passage of a By-law which would establish the HCD and adopt the Plan.

In accordance with Section 41.1(7) of the Ontario Heritage Act, Council shall determine the manner in which notice is to be provided. Committee members may wish to use the methods previously used and outlined in the above section or a general circulation similar to a Zoning By-law Amendment Application. A minimum 20 day notice period is required by the Act. The Township’s general practice is to conduct Public Meetings at Council meetings, and the next scheduled Council meeting is October 17, 2014, however, Committee members may wish to direct staff as to an alternative location and date of the Public Meeting.
Bala Heritage Conservation District Study

June 2014
PROJECT #: 121748E
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1.0 Introduction
1.1 Background

The Bala Heritage Conservation District Study was initiated by the Township of Muskoka Lakes (one of six lower tier municipalities in the upper tier municipality of the District of Muskoka Lakes) who issued a Request for Proposal to engage a consultant to prepare a Heritage Conservation District Study for Bala, in accordance with the requirements of the Ontario Heritage Act.

The Township of Muskoka Lakes retained MHBC in August, 2013 to undertake a Heritage Conservation District Study for an area located within the community of Bala. Specifically, MHBC was retained to undertake the following tasks:

- Attend project start-up, and attend project initiation meeting with Director of Planning and Steering Committee.
- Complete historical and documentary research of the study area, identify approved or pending plans that would affect study area.
- Identify and inventory all built features, structures and cultural heritage landscapes within the study area.
- Evaluate the integrity of the study area resources.
- Prepare documentation of heritage resources within study area, including information sheets, complete with photographs of property.

The study area examined for this Heritage Conservation District study consists of primarily publicly owned land, including lands owned by the Township and the District of Muskoka; Crown properties as well as lands owned by the Canadian Pacific Railway and one private property. The key descriptors for the proposed boundary of the study area are as follows:

- The eastern boundary is the eastern side of Bala Falls Road from the southern intersection with the District Highway to the south-east corner of South Bala Falls Bridge, and then the northward view line towards the north-east corner of the Steamship Wharf Bridge (aka Access Bridge).
- The northern boundary is from the north-east corner of the Steamship Wharf Bridge to the north-west corner of Mill Stream Bridge.
• The western boundary is on the west side of the District Highway from the north-west corner to the south-west corner of the Mill Stream Bridge, east to the south-west corner of the CP railway bridge, south along the western side of the CP railway line to the north-east corner of the Township parking lot, west to the western side of the District Highway, south to the north-east corner of Margaret Burgess Park, westward along the northern side of Margaret Burgess Park to the Moon River, and then the southward view line towards the southern intersection of the District Highway and Bala Falls Road.

The study area contains the north and south falls, all of Portage Island, and part of Burgess Island which also includes Margaret Burgess Park.

A Preliminary Findings Report was prepared in December 2013, which provided historical and documentary research of the study area. In February 2014, after review of the Preliminary Findings Report, the Township authorized MHBC to continue with the preparation of the Heritage Conservation District Study. This report represents the Heritage Conservation District Study. The conclusion is that the study area proposed by the Municipality has merit as a Heritage Conservation District.

It is important to note that the Heritage Conservation District Study does not contain any guidelines, policies or restrictions for property owners. These matters would be reflected in a Heritage Conservation District Plan and Guidelines. A Heritage Conservation District Plan and Guidelines would be the next step.

1.2 Provisions of the *Ontario Heritage Act* and provincial guidance

The *Ontario Heritage Act* is the key provincial legislation that enables municipalities to conserve, protect and manage heritage properties and areas. There are two parts to the Act that concern cultural heritage:

• Part IV enables a municipality to designate individual properties that are of cultural heritage value or interest and Part V enables a municipality to designate groups or areas of properties that demonstrate cultural heritage value. The Township of Muskoka Lakes has designated four (4) properties under Part IV within the current study area (Burgess Memorial Church, Township Dock on Lake Muskoka, Portage Landing on Moon River and the Shield Park and Parking Lot). Currently there are no Heritage Conservation Districts designated under Part V in the municipality.

• Part V of the *Ontario Heritage Act* enables a municipality to designate by by-law all or any part of a municipality as a Heritage Conservation District. Prior to designating a district it has become conventional practice to study an area in order to identify the cultural
heritage values and character of a prospective district. Sometimes this is formally undertaken by defining an area by by-law.

Guidance on what constitutes a Heritage Conservation District is provided by a number of sources. The Ontario Ministry of Tourism, Culture and Sport in its published guidelines *(Heritage Conservation Districts, A Guide to District Designation under the Ontario Heritage Act)* note that a Heritage Conservation District:

“...may comprise an area with a group or complex of buildings, or a larger area with many buildings and properties. It may also comprise an entire municipality with a concentration of heritage resources with special character or historical association that distinguishes it from its surroundings.”

Designating a Heritage Conservation District involves identifying groups of heritage properties that together with other distinguishing features or attributes form a distinctive place worthy of informed protection and management. The Ontario Ministry of Tourism, Culture and Sport has also noted in its published guidelines “Heritage Conservation Districts: A Guide to District Designation under the Ontario Heritage Act” that a Heritage Conservation District typically displays a number of characteristics including:

- “A concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use.

- A framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges.

- A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place.

- A distinctiveness which enables districts to be recognised and distinguishable from their surroundings or from neighbouring areas.”

The Township of Muskoka Lake’s current Official Plan contains the following guidance with regards to Heritage Conservation Districts in Urban Centres (of which Bala is included):

4.4.2 Council may consider the designation of a Heritage Conservation District. Prior to the designation of a Heritage Conservation District or Districts, Council shall:
1.3 Purpose of the Heritage Conservation District Study

This Study is the first part of a two-part process that may culminate in a Heritage Conservation District in Bala. This first phase includes the heritage assessment component that describes and evaluates the cultural heritage value of the Bala study area. This includes approximately 34 different features or properties, such as two buildings, 10 bridges or overpass/underpass structures, highways and roadways, pathways, a cenotaph, waterfront areas, water features (including two waterfalls), two dams, public park areas, and parking lots, as well as topography, vegetation and views. During the Study Phase, it is the intent to assess the identified study area and its features order to determine whether a concentration of heritage resources are present, and then to establish a boundary that contains a majority of heritage resources, without regard to property ownership. A map of the study area is shown on Figure 1 and a listing of study area features is shown on Figure 2.

If, as a result of the Heritage Conservation District Study report, it is determined that it is feasible to proceed with potential designation, the second phase of the work would begin. The second phase of the process would create a Heritage Conservation District Plan and Guidelines that would provide the basis for management and protection of the area's heritage character, including built features and landscapes.
Figure 2
Bala Heritage Conservation District - Resources

LEGEND
- Study Area

Resources
1. Lake Muskoka
2. Moon River
3. North Bala Falls/North Channel
4. South Bala Falls/South Channel
5. Mill Stream
6. Burgess Island
7. Portage Island
8. Steamboat Wharf
9. Former location of the Summer Station
10. Margaret Burgess Park
11. Purks Place
12. Burgess Memorial Church
13. Centennial
14. Shield Parking Lot
15. North Muskoka
16. North Portage Island
17. Portage Island at Moon River
18. Canadian Pacific Railway
19. Diver's Point/Legis Park
20. CPR Bridge over South Falls
21. Bala Falls Road bridge over South Falls
22. South dam
23. CPR Bridge over Lake Muskoka
24. Muskoka Road 169 Bridge over North Falls
25. North dam
26. Muskoka Road 169 Bridge over Mill Stream
27. CPR Bridge over Mill Stream
28. Steamship wharf bridge
29. Bala Falls Road underpass
30. Muskoka Road 169 Bridge over South Falls
31. Muskoka Road 169 underpasses
32. White Pine grove
33. Muskoka Road 169
34. Bala Falls Road

Source: Aerial - Find Bala Solutions, 2006

DATE: April 2014
SCALE: 1:4,000
FILE: 12174BE
DRN: CAC

Report from the Director of Planning Re: Bala Heritage
The terms of reference provided by the municipality and the requirements of the *Ontario Heritage Act* guided the scope of this Heritage Conservation District Study. The *Ontario Heritage Act* section guiding the approach required that a study shall:

a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a Heritage Conservation District;
b) examine and make recommendations as to the geographic boundaries of the area to be designated;
c) consider and make recommendations as to the objectives of the designation and the content of the Heritage Conservation District plan required under section 41.1;
d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

Accordingly, the heritage study report specifically examines the following aspects of the prospective district:

- Historical growth and development of Bala (Section 2),
- The character of the study area and its integrity (Sections 3 and 4),
- Land use character (Section 5),
- Geographic boundaries of the area to be potentially designated (Section 6),
- Objectives of the designation and the content of the Heritage Conservation District plan (Section 7), and;
- Potential changes that will be required to the Township of Muskoka Lake’s Official Plan and to any municipal by-laws (Section 8).
2.0  Character and appearance of the study area

2.1  Introduction

This section of the Bala Heritage Conservation District Study examines the character and appearance of the study area as required under the Ontario Heritage Act. The various report sections that follow contain summaries and conclusions from survey work and research analysis, including the heritage resource inventory (See Appendix A). Together the findings and conclusions of this section provide the rationale for the boundary delineation that is found in Section 6. Historical background research was conducted to gain an understanding of the study area and its place within the development of the municipality and wider area. Historical research identifies the themes, forces and events that shaped the history of Bala and helps to understand the land patterns, appearance and character of the study area.

The research has focused on four main components: historical settlement and context; study area resources and character; integrity and policy review. The information was compiled through a combination of site visits, research, and consultation with members of the Heritage Committee. Information provided by the Heritage Committee was reviewed, as well as various historic maps, photos, local histories and existing reports. Various Regional and Municipal policies were consulted when completing the policy review exercise. The project team members conducted a site visit to examine the study area and its resources.

2.2  Historical settlement and context

The following sections contain a summary of the background history of Bala, and in particular, the study area proposed for a Heritage Conservation District. This background history is not intended to be an exhaustive history of day-to-day life in the community, but rather provides the historical context and the summary of human activity that has shaped the evolution of the study area to present day.

2.2.1  Location and study area

The study area selected by the Township of Muskoka Lakes for a Heritage Conservation District Study is located in Bala, Ontario. The study area comprises municipal (Township and District) lands located in the core of the community, crown lands, Canadian Pacific Rail Lands, and private property (see map following this page).

The study area is located between Lake Muskoka and the Moon River. The study area contains two islands, Burgess Island and Portage Island, located between the two water features.
2.2.2 Physiographic context

Bala is located within the physiographic region known as the Georgian Bay Fringe (Chapman and Putnam 214, 1984). This region characterizes a broad band of rocky knobs and ridges around Georgian Bay, with shallow soil. It generally covers the Parry Sound and Muskoka areas, extending eastward in patches towards the Kawartha Lakes. The area's vegetation generally consists of red oak, white pine, jack pine, hemlock and other soft and hardwood species, generally suited to the rocky and shallow soil conditions (Chapman and Putnam 214, 1984).

An Archaeological and Historic Sites Board of Canada plaque is located in the parking lot off Highway 169, in Bala, and describes the rock formation visible from the parking lot, and pervasive in the surrounding landscape, covering two thirds of the surface area of Ontario. The rock formation is part of the Precambrian Shield, which is one of the oldest rock formations of the earth’s crust, formed between one and two billion years ago. The hard rocky surface and shallow soils of the shield prevented substantial agricultural development, but contains valuable mineral resources, and supports the growth of tree species suitable for timber and pulp industries. The last glacial period resulted in ice sheets covering the shield and creating thousands of lakes evident in the land today. Since the late 19th century, these lakes, rocky scenery and forest land have been an attractive setting for thousands of cottagers and tourists, and this seasonal population and related industry has become a defining characteristic of the area.

The town of Bala is located between the Moon River and Lake Muskoka. The Moon River sub watershed flows from Lake Muskoka, westerly through Moon River and Musquash River. Less than 5% of the 71,434 hectare sub watershed is developed, with 96% of the area in natural cover and 49% of the area consisting of Crown lands and protected as Crown Nature Reserves. The Moon River is a branch of the sub watershed approximately 35 km in length, flowing from Bala Bay on Lake Muskoka and emptying into Georgian Bay. There is one dam on Moon River that does not generate power.

Lake Muskoka is located in the Township of Muskoka Lakes and has an approximate surface area of 12,100 hectares and mean depth of 18 meters. Bala Bay, the part of the lake located at the study area, has a surface area of 4.25 kilometres squared and a maximum depth of 38 meters.

Several rivers drain westward from Lake Muskoka, including Moon River, which forms a path north westwards by bare rock ridges. The lake is part of a series of lakes and rivers in the Muskoka area that flow into each other to reach Georgian Bay. Lake Muskoka is fed by Lake Rosseau and the Muskoka River (Muskoka Water Web, 2013).

The unique combination of the topography, water and vegetation of the area created the setting for human activities related to transportation, industry, water power and settlement.
2.2.3 Aboriginal History and Settlement

At the time of European contact, Anishinaabeg groups were living between Georgian Bay and the present-day Parry Sound area. It is thought that Iroquoian groups may have previously occupied lands nearing what is now the Muskoka area, and there were some Iroquoian groups located to the south in present-day Simcoe County. The Anishinaabeg groups were responsible for surrendering lands that were to become the Muskoka region to the Crown in the Robinson-Huron Treaty in 1850 (Holmes 6, 2000). The name Muskoka is thought to have come from an Anishinaabeg chief Musquakie (spellings vary) also known to the British as William Yellowhead (Dictionary of Canadian Biography, 1976). After surrendering land, the Anishinaabeg groups may have continued to use land in the Muskoka region for hunting and fishing.

Other aboriginal groups have a history in the Bala and Muskoka area. In 1881, a group of Mohawks, descendents of the Mohawks of the Five Nations (later Six Nations) confederacy, arrived in Gibson Township, west of Bala. The group left their previous location in Kaestake, Oka, due to increasing conflict amongst other Mohawk, Iroquoian, Algonquian and missionary groups at Oka, over land and timber rights, and religious conversion (Holmes 7, 2000). In June 1881, the Executive Council of Ontario authorized the sale of 25,582 acres of land in Gibson Township to the seminary of St. Sulpice, for lands to be given to those willing to move from Oka. Heads of families would receive 100 acres each, and would be compensated for their improvements at Oka, and travel and expenses to Gibson Township (though they received less compensation that originally intended). In October 1881, 70 adults, 30 children between the ages of 5 and 15, and 33 children under 5 years of age relocated to Gibson Township. The group travelled through Bala on their way to the new lands (Holmes 11, 2000). Descendents of this group became known as the Wahta Mohawks, and many still reside in Gibson Township, on the Wahta Mohawk Reserve.

2.2.4 Euro-Canadian Settlement

Euro-Canadian presence in the Muskoka area began in the early 1800s, with the exploration and mapping of the Muskoka Lakes and other northern Ontario watercourses and land areas. Explorer Alexander Sheriff made mention of the falls at Moon River (then called the Musquash River) in 1829, and by 1830, cartographer David Thompson has embarked on mapping the area now known as Muskoka.

In 1850, the Honorable John B. Robinson, chief Justice of Upper Canada, and later Lieutenant Governor, signed a treaty with the chiefs of the Ojibwa Nation for a parcel of land extending between Penetanguishene, Sault Saint Marie, and the Ottawa River.
After exploration and mapping had begun, interest in the area’s timber resources began to grow, and in the mid 1850s, timber licenses were issued for the wider area between the Severn River, Musquash River (Moon River) and the Segwun River south of Parry Sound, and logging companies arrived.

The creation of the Free Grant and Homestead Act in 1868 resulted in the creation of the Muskoka District, and the encouragement of settlement in the area. Under the Free Grant and Homestead Act, settlers would receive land grants of 100 or 200 acres in return for clearing and cultivating the land (Muskoka Genealogy Group, 2013). A number of Townships within the Muskoka District were surveyed in the late 1860s and 1870s, including Medora and Wood Townships, where Bala would come to be located. This era also saw the survey of the road from Gravenhurst to Bala (Petry 6, 1998).

Even prior to the survey of Wood Township, travelers and tourists were arriving in the Muskoka area, arriving by boat in Washago (at the northern tip of Lake Couchiching) from Belle Ewart (Innisfill, Simcoe County) and then travelling by stage coach or on foot to Gravenhurst (Petry 6, 1998).

One early traveller, Thomas Burgess, took this route and then travelled by boat to the Bala area, where he stopped at an abandoned lumber camp. Burgess obtained a crown grant for 1000 acres, and settled on the land between what is now known as Bala Bay and Lake Muskoka (Petry 6, 1998). Burgess constructed a sawmill located on what is now known as the Mill Stream shortly after arriving in Bala (Sutton 3, 1967).

Over time, Burgess and his family established a number of the early amenities of the community, including a general store, blacksmith shop, bakery, and ran a supply boat. Burgess also donated land for the community’s first church, and provided accommodation for the first school (Petry 8, 1998). Burgess named the community Bala, after a town in Wales that he has visited. The word Bala was a Welsh term for the place of river out-flowing to a Lake (Petry 1, 1998).
Other settlers joined Burgess in the Bala area, including Henry Guy and family, William Knifton, E.B. Sutton, the Hamill family, George Clements, Ernest Goltz, Richard Moore and family, Henry Hurling, Sam Hurling. Thomas Wilson, Nathaniel John Orchard, Robert Cope, Edwin Huggett, Thomas Renshaw, William Carr, William McDevitt, John Board, and Henry Weismeiller, and others (Petry 8-10, 1998). More detailed information on these early settlers and their livelihoods can be found in local history texts, and will not be provided in this report unless related to resources contained within the study area.

As settlers continued obtaining crown grants of land along the Moon River in the late 19th and early 20th century, cottagers began purchasing land along the waterfront from settlers, establishing an early history of seasonal, tourist or recreational use of the area (Petry 11, 1998).

The community of Bala was incorporated as a town in 1914, but had not previously been identified as a village – the only community in Muskoka to reach village status without having done so (Sutton 17, 1967).

2.2.5 The falls, the mill stream, and hydroelectric power

The falls at Bala are the result on human intervention on the landscape. Prior to human intervention, the rocky shield formed a natural dam between Lake Muskoka and Moon River. What is now known as the South Channel was a much shallower cut in the rocky ridge, and carried water only during periods of high runoff (Andreae and Letourneau 6, 2013).

Beginning in the 1870s, shortly after Euro-Canadian settlement in Bala, dams were constructed to regulate the water level of Lake Muskoka, which could vary as much as 2.7 metres or nine feet per year. High levels of lake water in the spring and flooding along the shoreline, and lower levels in the summer and fall were a hindrance to early steam navigation (Andreae and Letourneau 6, 2013; Pryke 39, 1987).

A dam was constructed at the North Channel in 1873, but the dam kept the lake level too high (Pryke 6, 1987). Following this, in 1875 a channel was blasted to the south of the dam, where seasonal runoff usually occurred. The blasting resulted in the creation of the human made island, known as Burgess Island. By 1878, a regulating dam was constructed at this new channel, meant to work with the previous dam at the North Channel to regulate the lake level, by allowing increased flood water discharge (Pryke 6, 1987; Andreae and Letourneau 7, 2013). Over time, both the North and South Channels have been widened.

What is known as the Mill Stream was once part of the original channel of the Moon River. After his arrival in Bala, Thomas Burgess constructed a saw mill and dam along the watercourse. The mill and waterwheel operated until the early 20th century (Jewitt 5, 2005).
Use of the water for hydroelectric power has occurred in Bala since 1917, when D. Sandy Burgess established the Bala Electric Light and Power Plant to serve the town of Bala, and other nearby communities. The 245 Kilowatt generating station was located where the previous Burgess dam and sawmill had been constructed, on the Mill Stream (Jewitt 51, 2005).

In 1924, another generating plant was constructed in Bala, beside the North Falls on Burgess Island. This new plant worked in conjunction with the one on the Mill Stream, supplying power to Bala and surrounding communities. In 1929, Ontario Hydro purchased the Bala Light and Power Company. A larger generating station, constructed by Ontario Hydro in 1938, would eventually lead to the closure of the Bala generating stations. The generating station at the North Channel operated until 1957 and was demolished in 1972 during dam repairs (Jewitt 52, 2005).

Plates 3 and 4: Views of the hydroelectric plant constructed at the north falls in 1924. The generating station was removed in 1972. Source: Petry, Bala, an early settlement history.

2.2.6 Resorts and tourism

Travellers, tourists and cottagers began arriving in the Muskoka area nearly at the same time early settlers did. This section provides an overview of some of the key elements of the cottage, tourist and recreational history associated with Bala. Much of this history is similar to, or related to the wider Muskoka area. Numerous books describe the history of the wider Muskoka area, and have been consulted for further reference. For the purposes of this report, only information relating to Bala has been included, but it is important to note that Bala’s history of tourism, cottages and recreation is part of a much wider pattern and context that is apparent in the broader Muskoka area.
Boats and steamships

A number of steamboats travelled across Muskoka Lake in the late 19th and early 20th centuries, bringing people to and from Bala. Boats were also responsible for driving log booms to the numerous saw mills on Lake Muskoka and the Musquash River (Petry 79, 1998).

The first steamship on Muskoka Lake was called the Wenonah, an aboriginal term for “first daughter”. It is thought that early settler Thomas Burgess would have arrived in Bala via the Wenonah. The Wenonah travelled between Gravenhurst, Bala and Torrence, transporting people, supplies, grain and farm animals for settlers. The boat reportedly once was caught in the falls at Bala, perhaps on a log drive. The boat was a wood-burning steamship, 80 feet five inches long, fifteen feet and nine inches wide. The Wenonah operated between 1866 and 1871 on Lake Muskoka, and after 1871 traveled between Bracebridge and Bala on a tow tug run (Petry 79, 1998; Jewitt 9, 2005).

Numerous other steamboats served Bala, including the Amic, Cherokee, the Islander, the S.S. Gypsy, the S.S. City of Bala, the Oriole, the R.M.S Medora, R.M.S Seguin, the Rosseau, the S.S. Mildred, the Pickerel, and likely many others. Many of these boats were passenger boats that also carried supplies, travelling between communities on Lake Muskoka. The steamships docked at a wharf constructed at Bala, located northeast of the North Channel. Others docked outside the Bala Falls Hotel, south of the South Channel.

Steamboats continued operating in Bala into the 1950s. Likely by this time, the increase in automobile traffic led to their decline.

Railways

The railway was the second key mode of transporting people to and from Bala. Surveys for the railway began in the late 19th and early 20th century, and by 1904 construction of the Canadian Northern Railway line was underway. Initially, a small wooden hut, serving as a station, was constructed a few kilometres north of Bala near the community of Dudley. The stop was not a regularly serviced one, and passengers reportedly had to flag the train down. The line crossed
between Bala Bay and Lake Muskoka over a swing bridge. The line came under ownership of the Canadian National Railway (C.N.R.) company then the Canadian Northern Railway went bankrupt. The Canadian Pacific Railway Company (C.P.R.) also constructed a railway line in the Muskoka area, originally terminating at the Severn River. It was extended northward in the following years, reaching Bala in 1906-1907. By 1909, new bridges were constructed to improve/eliminate the grade crossings near Burgess Island. A second station was constructed closer to Lake Muskoka and the steam boat wharves. This station was demolished in 1957, and the earlier station was demolished in 1968. The decline in railway traffic, like the decline of steamboat travel, was likely due to increasing use of automobiles.

Plates 6 (top): Rock blasting for the construction of the railway, early 20th century. Source: Petry, Bala, an early settlement history.

Plate 7 (bottom): The Bala ‘summer station’, located on Burgess Island. Source: Petry, Bala, an early settlement history.

Hotels and cottages

The first hotels in Bala were constructed in the late 19th century. The Temperance Hotel (later named the Bala Falls Hotel), constructed in 1889 was the first, followed shortly after by the Clifton House, built in 1890 by John Board Sr. The Bala Bay Wharf Inn was constructed in 1895. These hotels were located near the study area. William McDivitt purchased the Clifton House in 1900 and renamed it the Windsor Hotel. In 1907, the Windsor hotel burnt, and the Bala Falls Hotel burnt in 1910. Both were rebuilt shortly after (Jewitt 152-154, 2005).

The Roselawn Lodge was built for Thomas Burgess Jr. and his wife Isabelle in 1903. The family operated a popular tourist resort with main house and 15 guest cottages. The main building was destroyed by fire in 1940, but reconstructed. The resort was managed by the Nation family after the Burgesses (Jewitt 152-154, 2005).

The Swastika Hotel was the first brick hotel, constructed between 1910-1913 by E.B. Sutton and his son Fred. The name Swastika comes from the ancient good luck symbol. The name of the hotel changed several times to Sutton Manor, Bala Bay Lodge, Cranberry House, and to its present name, the Bala Bay Inn. The hotel still exists, and is located south of the study area (Jewitt 152-154, 2005).
From the late 1800s onwards, cottages have been constructed in Bala, on the lakeshore and river bank, islands, and inland. There are no cottages within the study area, but many are present in the views from the study area of Lake Muskoka and the Moon River. The population of Bala increases by thousands in the summer months, with seasonal residents and visitors to the area.

Plates 8 and 9: Views of the New Windsor Hotel. The image on the right shows the hotel after considerable modifications, and the addition of a boat house and bath house. The Medora steamship is pictured at its stop in front of the hotel. Source: Petry, *Bala, an early settlement history*.

**Recreation**

Recreation tied to the outdoors and natural features in the area has been an important part of Bala (and wider Muskoka) life since the late 19th century. Visitors and seasonal residents have engaged in several outdoor activities in the area such as hiking, boating, canoeing or portaging, swimming, and observing the scenery of the area. These continuing activities from an important part of the historical associations and community value of the study area. Recreational activities in the area have been and continue to be closely tied to hotels and cottages in the area, as well as day-trippers passing through.

Other non-outdoor activities have also been a part of Bala’s history, such as dance halls. One of the earliest dance halls was located just outside the southeast end of the study area, where the
Kee to Bala is now located. It began operating during the construction of the railway (c 1905) and was an open air pavilion.

A second dance hall was established in the early 20th century, when a second storey was added to William Carr’s 1910 ice cream parlor beside the North Falls. The building was demolished in 1953 to make room for the new road bridge. Another ice cream parlour/dance pavilion was located on the Main Street.

Dunn’s Pavilion, operated by Gerry Patrick Dunn, was constructed just southeast of the study area, facing the waterfront, in 1942. The pavilion attracted many big name musicians and bands, such as Louis Armstrong, Tommy Dorsey, Glenn Miller, Les Brown, Duke Ellington, Woody Herman, Mart Kenny and others. The pavilion could hold as many as 1,500 people and was frequently filled in the summer months. The building is now called the Kee to Bala, and still serves as a dance/entertainment venue (Jewitt 36-38, 2005).

2.3 Summary of historical themes

Settlement

The study area is associated with the theme of Aboriginal and Euro-Canadian Settlement, as it is located on lands once occupied by aboriginal groups, and was traveled by the Wahta Mohawk group during their relocation to Gibson Township. The land was also owned by Thomas Burgess, Bala’s first Euro-Canadian settler who arrived in 1868. Burgess and his family established many of the community’s earliest businesses and industries. A number of other settlers and seasonal residents arrived in Bala shortly after, laying the foundations for the community that exists today.

Logging

Logging was one of the earliest industries in Bala and the Muskoka area, due to the vast amounts of land containing hardwood tree species that were sparsely populated in the 19th century. Even during the early 20th century, when population in the Muskoka district had increased, logging was still common. Numerous saw mills were located on Lake Muskoka and the Musquash River, and beginning in the 1860s, steam boats helped drive logs across the lake and down river. Some

Plate 12: A steamship driving logs on Lake Muskoka.
Source: Petry, Bala, an early settlement history.
of the boats that drove log booms through Bala included the Wenonah, Wabamic, Nipissing, and Alporto.

**Transportation**

The theme of transportation in the study area has been recorded since the visit of David Thompson in 1837. Thompson, a cartographer, was mapping the Muskoka district and portaged along the Moon River at what would later become Bala. His account states that he traveled upstream from Georgian Bay to Muskoka, coming to a set of falls at what is now Bala. Entries from his journal note that the portage route was 100 yards to the right of the falls, where he and his crew camped for the night. Several theories have been put forth debating the precise route Thompson took to cross what is now the study area, and where he and the entered Lake Muskoka.

Some 30 years after Thompson’s arrival in the area, passenger boats began carrying travellers and settlers to the Muskoka area, including steam boats like those mentioned in Section 2.4. Numerous steamboats traveled across Lake Muskoka from the late 19th century to the mid 20th century, connecting Bala and other lakeside communities for tourists and cottagers.

In addition to transporting settlers, tourists and cottagers, boats played a key role in local industries like logging, by tugging, driving log jams or bringing food and supplies to the many logging camps located along Lake Muskoka and the Moon/Musquash River.

Canoe portaging, from Thompson’s early journey to present, remains an important cultural activity in Bala and the Muskoka area. Portagers frequently cross the study area to travel between Lake Muskoka and the Moon River.

The construction of the railway in the early 20th century resulted in further changes to the landscape of the study area, as additional
bridges were constructed to provide rail and road access. At present eight bridges are located within the study area. The arrival of the railway in Bala between 1904 and 1906 also brought tourists, cottagers and supplies to the area. The second station built in Bala was constructed near the lake (on a ridge between the tracks and the steamboat wharf), and connected to the steamboat dock by ramp.

Both the steamboat and railway methods of transportation were in decline in Bala by the mid 20th century, due to the increase in personal automobile travel. Today, most residents, cottagers and visitors access Bala from Highway 169.

Dams and hydroelectric power

Dams of some form or another have been located at the study area since shortly after the arrival of Euro-Canadian settlers in the late 1860s. After arriving at Bala, Thomas Burgess constructed a dam and sawmill on a channel of the Moon River, which is now known as the Mill Stream. The mill was removed in 1910, but was replaced with the Bala Light and Hydro Electric Power Plant was constructed there in 1917. Another generating station was constructed beside the North Channel in 1924, and operated until the 1950s. It was removed in the 1970s.

Dams were constructed at the North and South Channels beginning in the 1870s, including blasting to widen the South Channel. Dam replacements and reconstruction occurred in 1909, 1913 and 1958. Since the beginning of Euro-Canadian settlement in Bala, these dams and the associated falls have been key features of the landscape of the study area.

Cottaging, tourism and recreation

The theme of cottaging and tourism has been a part of Bala (and the wider Muskoka area) for nearly as long as permanent Euro-Canadian Settlement. Regular steamship travel brought people to the area in the late 19th century, to stay at hotels or seasonal cottages. The influx of seasonal residents to Bala continues to this day.

Recreation, particularly seasonal recreation for cottagers and visitors has been part of Bala since the early arrival of tourists. Lake Muskoka and the Moon River provide ample opportunity for water sports including swimming, diving, boating, canoeing/portaging and fishing. Dance halls (initially part of other businesses, like ice cream parlors) were constructed beginning in the early 1900s to provide a different type of recreational activity for Bala residents and visitors. Dunn’s
Pavilion, located adjacent to the study area, is still in use as the ‘Kee to Bala’ a dance and entertainment venue.

**Human intervention in the landscape**

While many visitors and seasonal residents come to Bala and the Muskoka area for its natural scenery of water, rock and forest, the landscape within the study area is defined by human interventions in the landscape, from 1868 onwards. Human interventions have modified the original channel of the Moon River to form the Mill Stream, created dams and widened the North and South Channels to create the two sets of falls visible today, and constructed roads, rail lines and eight bridges that form a complex transportation network within the small area.

The human interventions of the dams and the resultant falls at the North and South Channels has become part of a cultural landscape that had been demonstrated to be significant cultural heritage value by the community.

Plates 17 and 18: Showing construction of dams and bridges at the falls. Petry, *Bala, an early settlement history.*
3.0 Study area resources and character

3.1 Introduction

This section provides descriptions of the resource types of the study area that were identified during fieldwork and consultation with the Municipality and Steering Committee. The locations of the resources within the study area are identified on Figure 2. A table containing more detailed descriptions of the individual resources is contained in Appendix A.

There are several different types of resources within the study area, including buildings, bridges, dams, roads, railways, public park areas and open space areas, water bodies, waterfalls and waterfront features. The character of the resource types is described in the following sections.

3.1.1 Built Heritage Character

The majority of built heritage features in the study area are bridges and water-control related structures.

There are 10 bridges within the study area. Some carry roads and railways across the north and south channels or the Mill Stream, others are road or rail overpass or underpass structures on the District Highway and Bala Falls Road. Many of the existing bridges have replaced previous bridge crossings at, or near the present sites. The older bridges in the study area date back to the turn of the 20th century while others were constructed in the last few decades. The complex network of bridge crossings provides access for trains, vehicles and pedestrians across the islands and lands within the study area. The continuation of the complex network of bridge, underpass and overpass structures is part of the ongoing theme of transportation evident within the study area.

The bridge structures within the study area are examples of different vernacular designs and different materials, such as steel girders, timber piles, concrete abutments, and stone piers. The bridges are functionally designed, and have little to no decorative embellishments. From the road bridges, views are available to the east and west of the lake and river, and to the falls below.

There are two dams, constructed at the north and south falls. A concrete dam was constructed at the North Channel in 1958, replacing an earlier 1909 structure. The concrete dam contains metal elements (railings and beams) at the top. The South Channel contains a 1958 concrete dam with metal railing and beam elements (similar in appearance to the North Channel Dam). Similar to the bridges, the dams are functionally designed with no architectural or decorative embellishments.

There are two buildings located in the study area: the Burgess Memorial Church and structure now known as Purk’s Place, a boat rental and retail location. Purk’s Place was constructed around the turn of the 20th century as a boat livery and ice cream parlour, and is of vernacular design, constructed to suit its function with no decorative architectural embellishments. The Burgess
Memorial Church, constructed in 1926, demonstrates influence of Gothic Revival architectural style, a style particularly popular for churches. The decorative elements of the church are understated, and its granite fieldstone construction suits the character and rocky surroundings of the area. Both structures have a relatively low profile (2-3 stories in height) and feature front gable roof features.

A number of structures are adjacent to the eastern boundary of the study area, including residential and commercial buildings (such as the Kee to Bala and former Dunn’s Station) at 1000-1024 Bala Falls Road, the Bala United Church and commercial establishments along 3115-3119 Muskoka Road 169, and a residential property at 1006 Muskoka Road 38.

### 3.1.2 Waterfront and Water Feature Character

Waterfront and water features are dominant in the study area, and surround the study area on the north, east and west sides. Waterfront features or views of the water are visible from many points or other features within the study area.

The main water features in the study area are Bala Bay on Lake Muskoka and the Moon River. Bala Bay is a relatively calm body of water, with a rocky and vegetated shoreline, dotted with cottages and boat houses. The Bay once housed a steamship wharf that brought in numerous steamships and large numbers of seasonal residents, visitors and tourists.

The Moon River, located on the west side of the study area, flows from Lake Muskoka to Georgian Bay. The rocky and vegetated banks of the river are dotted with cottages, boat houses and docks. The moderate flow of the river (particularly at the study area) makes it a suitable and popular watercourse for recreational boating (particularly canoeing and kayaking).

Dams controlling the water flow from Lake Muskoka to the Moon River, and blasting to enlarge or create the North and South Channels results two sets of falls at Bala. Both channels have relatively shallow drops, but produce churning falls that are visible from bridges and Margaret Burgess Park. The rocky outcrop at Margaret Burgess Park is a popular location for locals, seasonal residents and visitors to experience the sights and sounds of the falls and surroundings.

The Mill Stream, located towards the southern end of the study area, is a relatively narrow stream exiting Lake Muskoka to the Moon River. The Mill Stream is named so because Thomas Burgess constructed a dam and sawmill on it after settling in Bala. The Mill Stream later fed the first hydroelectric plant in Bala.

Many of the public park or open space areas of the study area are located at the waterfront, including Portage Landing, Divers Point/Legris Park, Steamboat Wharf, and Margaret Burgess Park.
Some of these locations are named specifically in reference to their relationship to the water, such as Steamboat Wharf, Divers Point and Portage Landing, which are discussed in the following section.

### 3.1.3 Streetscape, Landscape, Park and Open Space Character

Human interventions to the landscape beginning in the 19th century and continuing to present day, combined with elements of the natural landscape, have resulted in a distinct setting with different streetscape, landscape, park and open space areas within (or immediately adjacent to) its boundaries.

The study area is distinct from many other landscapes that have become Heritage Conservation Districts. Unlike rural hamlets, towns or cities with a recognizable street grid and building setback pattern, the study area demonstrates the adaptation to a challenging landscape, with rocky topography and water features. The few structures within the study area are configured less in relation to the road than to the topography or natural features or function they serve. The study area features a more organic pattern than a geometric pattern that allows for a variety of views. Many views within the study area are foreshortened by curving roads, topography and vegetation, other and those that overlook the falls, lake or river, making views down the water to a more distant horizon very important.

The small number of buildings within the study area results in a large concentration of open space areas and areas with a naturalized quality. Public park areas, such as Margaret Burgess Park, Legris Park, and the Steamboat Wharf Dock all contain areas of open lawn. Margaret Burgess Park contains groves of 15 mature White Pine trees on the grassy lawn area, and a rocky outcrop of the river bank looking out to the North Falls. The mature White Pines are estimated to be over 100 years old and are iconic of the environment that made the area desirable for lumber and settlement (Radecki, 2011). The cenotaph area contains shrub plantings and boulders. Most of these areas are bordered by naturalized vegetation, particularly those adjacent to the railway line, which is bordered by shrub vegetation and some evergreens. The park areas also offer views of the surrounding landscape, with rocky shores of the river and bay, vegetation, and the water, and are popular viewing and recreational locations.

### 3.1.4 Transportation and Circulation Network Character

Within the small study area, much of the land is defined by transportation and circulation related elements, such as roads, bridges, parking areas and the railway. The roads and railway intersect or cross over one another at various points, aided by overpass/underpass structures. The nature of transportation in the study area has changed over time, from exploratory and settlement portaging, rail and steamship to primarily motor vehicles. Local transportation, in the form of
recreational boating and portaging remains a popular pursuit, and utilizes several of the open space/park areas, demonstrating the interrelatedness of the character elements in the study area. Parking lots areas provide spaces for residents and visitors to stop and experience the community.

### 3.1.5 Summary of Cultural Heritage Value

The combination of built features, streetscape, open space and natural landscape elements within the study area is the result of human intervention on, and cohabitation with, the Muskoka landscape. Elements within the study area are physical remnants or reminders of the various developments and themes in Bala’s history, including aboriginal use, early settlement, the timber industry, tourism and seasonal residency, and transportation. There are a relatively small number of built features in the study area, and the types are limited to vernacular structures and bridges.

The built features and streetscape/landscape/open space character of the area is interrelated to the natural environment, having been shaped by it, and also by having shaped it. Views of Muskoka Lake, the Moon River, the North and South Falls, rocky shorelines and vegetation are available from several locations within the study area. The character of the area is representative of the Muskoka Area, but also unique to the community of Bala in the precise location and configuration of water, land, and human-made elements.

The character of the study area has already been recognized by the community in Bala for having cultural heritage value or interest. Four sites within the study area have been designated under Part IV of the Ontario Heritage Act (portage landing on Moon River, the Shield Parking Lot, the Township Dock on Lake Muskoka and the Burgess Memorial Church) for their physical or design values, historical or associative values, and contextual values. The twin stem Silver Maple Tree on Burgess Island and the White Pine grove in Margaret Burgess Park have been nominated for designation as Heritage Trees under Part IV of the Ontario Heritage Act.

Physical elements of the study area have changed and will continue to change over time. Many built resources from Bala’s early history have been removed or modified, but have been commemorated and continue to be valued by the community. The associative values of the study area, experienced by views to the lake, river and falls are an important component in maintaining the character of Bala. Human desire to experience the landscape (both natural and human-made) has been well articulated since the Romantic era, where elements of the ‘sublime’ and ‘picturesque’ in the landscape captivated the human spirit, and provided outlets for contemplation, spirituality, recreation and relaxation. These values became translated to the Canadian ‘wilderness’ in the 19th and 20th centuries, where the experience of nature and naturalized features was valued for its beauty and restorative power, and the northern landscape became a symbolic interpretation of the Canadian frontier. These elements contributed to the historical development of Bala as a tourist and recreational location, and continue to characterize the study area for present-day residents and visitors.
4.0 Integrity of study area resources

The resources of the area demonstrate varying levels of integrity, as the study area (and the town) has evolved over time. The study area is comprised of the collection of resources previously described. This section describes the integrity of the study area as a whole. Integrity refers to the degree that a heritage resource is intact, meaning whether it continues to contain heritage fabric or attributes. Integrity is not the same as condition, which refers to the physical state the resource is in. Something can be of high integrity but in poor condition, and vice versa.

The study area has evolved over time from a natural landscape with little evidence of human intervention, to a cultural landscape that demonstrates nearly a century and a half of human activity. From the late 1860s onwards, human activity has modified the landscape to create dams and falls, widen channels, and construct roads, railways, bridges, buildings, docks and parks. Over time the community has ascribed meaning to many of the resources within the study area. Most of the original features in the area, such as dams, bridges and roads and buildings have been replaced or modified since they were first built. However, the patterns and forms of many of these early modifications to the landscape, particularly the dams, road and rail alignments and bridges still remain, even if original heritage fabric is missing or has been modified. The dams and falls are physical remnants of more than a century of human intervention and water harnessing, and are associated with the theme of hydroelectric power generating that took place at the north falls from the 1920s to 1950s. These patterns and forms, and some intact resources, are physical reminders of several historical themes that define the study area and have been demonstrated to have cultural heritage value to the community.

The theme of transportation is still evident in the landscape today. The transportation network to Bala was first defined by water transport, by portage or steamboat, then by rail, and dominated by automobile from the mid 20th century onwards. While original fabric of the steamship wharf no longer exists, smaller recreational boating and portaging (associated with seasonal recreation and cottaging which came to define Bala in the late 19th century) is still evident and remains an important recreational activity within the area.

The two buildings in the study area have a high level of integrity, with original fabric (timber construction and cladding, vernacular design, stone, arched windows, decorative elements) still evident. Purk’s place is still associated with recreation in the study area, continuing to operate as it originally intended – as a boat rental and supply store. The Burgess Memorial Church no longer serves as a church, but reflects the continued community development in Bala that began with the arrival of the Burgess family, for whom it is named. The mature vegetation in some parts of the study speaks to a long established settling.

In summary, the study area is defined by several historical themes: settlement, logging, transportation, dams and hydroelectric power, cottaging tourism and recreation. These themes
are all characterized under the umbrella of a primary theme: human intervention on the landscape.

While the integrity of individual resources within the study area vary, and changes to the landscape have continued over time, the integrity of the forms, patterns, and activities in the area continue to represent a number of historical themes that are important to the community.
5.0 Land use character and policy review

5.1 Introduction

The character of a Heritage Conservation District derives largely from the heritage attributes of the physical environment: buildings, structures, surrounding spaces, and distinctive plantings such as tree lines and tree canopies. The designation of a Heritage Conservation District is intended to assist in the protection and conservation of these features and their attributes by maintaining heritage elements free from any adverse physical changes, and ensuring that new development complements and is compatible with the existing heritage resources within the area.

The control of physical change to properties, buildings and structures within a Heritage Conservation District falls under the purview of the Ontario Heritage Act. The use of lands and property, the configuration and placement of buildings on lots, and a variety of other provisions relating to physical development is governed by a number of provisions under the Planning Act, such as Official Plans, Zoning By-laws, and Site Plan Control.

Accordingly, a number of planning policies and control mechanisms are examined in this section, including the District of Muskoka Official Plan, Township of Muskoka Lakes Official Plan, Township of Muskoka Lakes Zoning By-law, Site Plan Control, Property Standards By-laws, and Sign By-laws. The purpose of this review is to ensure that there is no conflict with conservation initiatives, as well as to identify opportunities to encourage sound heritage conservation planning by advocating complementary changes to planning policies and guidelines.

5.2 Study area resources and land uses

The study area primarily consists of open space land uses. The area contains several water bodies, bridges, transportation routes and parks that provide recreational activities to the area. A detailed inventory is included in Appendix A of the report.

The study area contains two built heritage resources: Purk’s Place, constructed as a boat livery which now supplies canoe rentals and fishing equipment, and the former Burgess Memorial Church.

A more detailed discussion of land uses can be found in section 5.3.3, Township of Muskoka Lakes Zoning by-law.
5.3 Study area policy review

Municipal planning policies typically set the context for the broader pattern of development in any community, and are usually implemented by an array of more specific policy initiatives under the Planning Act and the Municipal Act, such as zoning by-laws, site plan control by-law, and property standards by-laws. The following subsections identify some key policies and tools, and examine either potential for conflict with heritage conservation management, or opportunities for change. Other municipal policies and guidelines, such as management and master plan documents relating to capital and other physical improvements will be more specifically reviewed as part of the Heritage Conservation District plan should it proceed.

5.3.1 District of Muskoka Official Plan

The Official Plan of the Muskoka District Area, which was recently consolidated in March 2014, contains objectives and policies pertaining to the management and direction of physical change and decisions affecting the use of land, implements Provincial legislation, and provides a broad policy framework for local Official Plans and By-laws. The Muskoka Official Plan does not have a specific terminal year as its horizon and the goals, objectives and policies will be subject to continuing review.

The community of Bala is designated as an Urban Centre on Schedule A of the Official Plan. The Urban Centre designation applies to rural, urban and waterfront service centres which are expected to grow in both population and physical size. Local Official Plans address specific development issues, particularly the scale and function of development within Urban Centres.
With regards to heritage, broad policies pertaining to the protection of significant natural and cultural heritage areas are found within the District Official Plan. These policies outline that the quality of natural and cultural heritage found in areas must be preserved.

### 5.3.2 Township of Muskoka Lakes Official Plan

The Official Plan for the Township of Muskoka Lakes underwent a planning review in 2007-2009. The Official Plan is meant to guide land use planning decisions for a planning period of 20 years.

The Bala Settlement Area is designated in the Township of Muskoka Lakes Official Plan as an 'Urban Centre'. the Urban Centre designation identifies that Bala (and Port Carling – the other designated Urban Centre) will be the location for the majority of growth and development within the Township. The policies of the Official Plan set out a policy framework whereby the accommodation of future growth and development will be managed to ensure growth complements and sustains the natural environment and character of the community.

Section C.4 of the Official Plan identifies that ‘character’ is a key distinguishing factor and that character provides a sense of identity that distinguishes Bala from other urban centres. The policies of the Official Plan are intended to protect and promote the indentifying character of Bala while at the same time encouraging innovative development. The conservation of cultural heritage resources is a component of maintaining the community’s character. The policies in the
Official Plan provides for the establishment of Heritage Conservation Districts and set out a process for the development of a Heritage Conservation District, consistent with the *Ontario Heritage Act*.

The Township of Muskoka Lake’s Official Plan contains the following criteria to be met when preparing a Heritage Conservation District study:

1. Pass a by-law defining an area or areas to be examined for future designation as a Heritage Conservation District(s).
2. Prepare a study for the area or areas to determine the feasibility of designation, the delineation of the Heritage District boundaries and an evaluation of the area’s historic character.
3. The study will be prepared in accordance with Ontario’s Heritage Conservation District Guidelines prepared by the Ministry of Culture (Ministry of Tourism, Culture and Sport).
4. Public participation will be encouraged in the preparation of the study.
5. Heritage District Planning Guidelines may be prepared after the approval of the designation of the Heritage Conservation District by the Ontario Municipal Board. The guidelines can include policies to guide council in the approval of permit applications for new development and alterations to properties located within the Heritage Conservation District.

The policies of the Official Plan also identify that development and site alteration on lands adjacent to heritage property must demonstrate that the heritage attributes of the protected heritage property will be conserved.

The land use policies that apply to Bala are sections C.1 through C.18 and C.20 of the Official Plan.

The majority of the study area is designated Core Commercial, as identified below, with a small section of the northern portion of the study area designated Institutional.
The Core Commercial designation is intended to function as the primary retail and service commercial centre and provide administrative, cultural and recreational activity for the community. The Core Commercial designation permits retail and general commercial activities, including offices, dining establishments, and places of entertainment. This designation also recognizes resort commercial uses, hotels and motels, and marinas.

Uses within the Institutional designation may include municipal facilities, churches, schools and service clubs.

### 5.3.3 Township of Muskoka Lakes Zoning by-law

The lands within the study area are zoned for commercial (C3 – Community Commercial), open space (OS1 – Open Space-Public), and institutional (I – Institutional) uses.
Permitted uses within the C3 zone include: clinics, convenience stores, offices, personal service shops, places of amusement, restaurants, retail stores and taverns. Multiple residential dwellings are also permitted. The maximum building height permitted is 30 feet (approximately 3 storeys). Lands within the C3 zone are limited to the property known and Purk’s Place and a Township owned piece of land that functions as a parking lot.

The OS1 zone permits a broad range of recreational and institutional uses including agricultural uses, conservation, forestry operation, hunt camps, museums, open space recreation and wayside pits or quarries. The OS1 zone in the study area includes open space lands owned by the Township and the Province.
The I zone permits a broad range of institutional uses including nursing homes (or retirement homes or homes for the aged), arenas, curling club or service clubs, churches, places of worship, educational institutions, nursery schools and residential use (in the form of a dwelling) as accessory to any of the previously listed uses. The maximum height permitted is 40 feet. The lands within the I zone in the study area are limited to the property known as the Burgess Memorial Church.

5.3.4 Site Plan Control

In some Heritage Conservation Districts, it has become a standard practice to use Site Plan Control provisions authorized under the Planning Act to complement the development review mechanisms of the Ontario Heritage Act.

In some municipalities, any property designated under the provisions of the Ontario Heritage Act is subject to Site Plan Control pursuant to Section 41 of the Planning Act. Development which involves new construction, or making alterations or additions to an existing building or structure to allow a substantial increase in size or usability requires the approval of municipal Council (unless authority has been delegated).

Site Plan Controls allows the municipality to require facilities or improvements to the subject site, and in particular address matters such as landscaping and some architectural details (such as elevations) in the review of the proposed development of a property.

Whereas the provisions of the Ontario Heritage Act are concerned primarily with the details of changes to properties as a means to conserve the character of the property, Site Plan Control seeks to ensure that an acceptable standard of site amenity and maintenance is achieved. Site Plan Control and Heritage Conservation District permits have considerable potential to complement each other, although procedures and differing time spans for processing applications may be considered cumbersome.

Site Plan Control within the Township of Muskoka Lakes is governed through the Site Plan Control By-law (By-law 2006-100). The whole of the Township is designated as a Site Plan Control Area for the Municipality; however certain types of zones and development are exempt from site plan control. Given that the majority of properties within the potential future Heritage Conservation District would be public property, there would be limited application of site plan control. However, the opportunity to implement the goals and policies of the future Heritage Conservation District Plan through site plan control should be further evaluated during the development of the plan.
5.3.5 Property Standards By-Law

The Township of Muskoka Lakes currently has a Property Standards By-law (99-34), which provides for general direction related to the maintenance and occupancy of residential property within the Municipality. The By-law covers various matters related to the interior and exterior of buildings, such as outdoor maintenance, structural, electrical, plumbing, heating, and elements such as porches, windows, egress, and chimneys.

Some municipalities have specific property standards related to heritage buildings to ensure that heritage buildings meet a minimum standard of maintenance. Given that there is limited opportunity for residential development within the proposed Conservation District Plan area, there is little value in identifying specific standards for heritage buildings as a means of implementing the future Heritage Conservation District. However, this should be evaluated further during the Heritage Conservation District planning process.

5.3.6 Tree Preservation

District designation under Part V of the Ontario Heritage Act extends potential protection to trees as part of the definition of ‘property’ contained in the Act. They are often significant features within the landscape, and as worthy of conservation and management as they built environment.

The Municipal Act enables Councils to pass by-laws for the preservation of trees and the Township of Muskoka Lakes has a Tree Preservation By-law (2008-55). The Tree Preservation By-law provides for protection of trees within 200 ft of a navigable waterway in the waterfront designation and all lands zoned Scenic Corridor or Scenic Area in the Zoning By-law, amongst others. Exemptions are provided for circumstances such as the removal of diseased or dying trees, trees that are part of orchard, nursery or Christmas tree farm plantations, and trees measuring less than 25 mm (1 in) DBH, as well as when removal of trees is required in order to erect any building, or structure for which a building permit is issued.

5.3.7 Sign By-Law

The Township of Muskoka Lakes has a Sign By-law (By-law 99-100), which contains information and regulations related to the installation of signs. The Sign By-law addresses regulations with
respect to sign size, type and location. The By-law permits signs only on lands zoned or regulated for commercial or industrial uses, unless otherwise permitted.

### 5.4 Heritage conservation and financial incentives

Currently the Township of Muskoka Lakes has no regular funding initiatives in place that can assist in the implementation of its heritage conservation programs for properties designated under Parts IV and V of the *Ontario Heritage Act*.

The authority to provide financial incentives to heritage resource conservation is established under both the *Ontario Heritage Act* and the *Municipal Act*. Sections 39 and 45 of the *Ontario Heritage Act* provide that municipalities may establish by-laws to make grants or loans to other owners of designated heritage properties and Section 365.2 of the *Municipal Act* makes provisions for enabling municipal tax rebates to such properties.

Financial incentives for heritage conservation efforts include municipal tax incentives, loans and grants. Municipal tax incentives allow municipalities the ability to provide property tax relief to heritage buildings. Grants and loans may be granted to heritage property owners to assist in the restoration and conservation of heritage resources.

The Heritage Conservation District plan (if prepared) will provide clearer direction on a successful strategy of financial incentive through a system of heritage grants.
6.0 Heritage Conservation District Delineation: A recommended boundary

6.1 Introduction

The purpose of the Heritage Conservation District Study is to determine whether an area has merit and to recommend a boundary. The Ontario Ministry of Tourism, Culture and Sport (MCTS) has noted in its published guidelines “Heritage Conservation Districts: A Guide to District Designation Under the Ontario Heritage Act” that areas that merit consideration as a Heritage Conservation District typically display a number of characteristics:

- “A concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use.
- A framework of structured elements including major natural features such as topography, landform, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges.
- A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place.
- A distinctiveness which enables districts to be recognised and distinguishable from their surroundings or from neighbouring areas.”

These characteristics are also useful in identifying a recommended boundary.

In addition to the MCTS guidelines, the Township of Muskoka Lakes Official Plan contains the following provision for identifying the merit of an area for designation and identifying a boundary:

ii) Prepare a study for the area or areas to determine the feasibility of designation, the delineation of the Heritage District boundaries and an evaluation of the area’s historic character.

The following section summarizes the key characteristics of the study area based on the inventory undertaken, and provides a discussion of boundary delineation and rationale.

6.2 Summary of the Bala study area character

The study area contains a number of distinctive cultural heritage features and attributes, as described in sections 2 and 3 of this report. The significance of the study area is an evolved dynamic environment, containing a combination of natural and cultural features, and is the result of over a century of human intervention on the landscape. The study area contains portions of Bala Bay on Lake Muskoka, the Moon River, North and South Falls, the Mill Stream, eight bridges or overpass/underpass structures, two dams, public park and open space areas, two buildings, two roads and two parking lots. The area contains, and is surrounded by distinctive Muskoka scenery including pine (and other evergreen) and deciduous vegetation, rocky granite from the
Precambrian Shield, and watercourses. Harnessing the waters for energy and utilizing other natural resources in the area has also shaped the evolution and character of the study area.

Views are an important part of the visual character of the study area. Significant views from within the study area include views of the north and south falls, views of Bala Bay, views of the Moon River, and views of the curvilinear Bala Falls Road (including the view of the road through the underpass at the railway). Views of the water features within the study area are available from Steamship Wharf, road bridges, the Cenotaph, The Shield Parking Lot, Diver’s Point and Margaret Burgess Park. Views outside looking towards the study area, of the falls (from the public dock on the Moon River) and the rocky outcrop at Margaret Burgess Park, and of the Bala Bay shore are available from the surrounding shorelines.

Early use of the area by aboriginals, explorers and the timber resource industry have left few marks on the landscape (other than the Silver Maple native marker tree, and the White Pine Groves in Margaret Burgess Park), but are important associative values that contribute to the character of the study area. The area was historically, and continues to be today, a popular location for local and seasonal residents, visitors and tourists to enjoy the scenery and recreational activities such as boating, swimming and portaging. The study area was once a hub of transportation for steamships, railway transport, and recreational boating, though many of the remnants from the late 19th and early 20th century have been removed, such as the railway station, steamship wharf, and early hotels and resorts. Those that do remain are important in defining and maintaining the character of Bala’s special past.

The rich history of Bala extends beyond the borders of the study area, to include aboriginal settlements, cottages and hotels, stores, churches, and the iconic scenery. Other areas in Bala that contribute to the story of its development may merit future study or consideration as extensions of the proposed study area Heritage Conservation District, or as additional Heritage Conservation Districts.

6.3 District boundary delineation

The Ontario Heritage Toolkit produced by the Ministry of Tourism, Culture and Sport provides guidance on what may characterize Heritage Conservation Districts. The identification of these characteristics can help to define appropriate boundaries for a Heritage Conservation District. Sections 6.3.1 to 6.3.4 discuss the Ministry of Tourism, Culture and Sport characteristics that are evident in the study area for Bala. Section 6.3.5 discussed potential development issues within or adjacent to the study area that were also considered when determining a recommended boundary for the proposed Heritage Conservation District.
6.3.1 Framework of structuring elements

The framework of structured elements in the study area includes the rocky topography, islands, shorelines, vegetation, Lake Muskoka and the Moon River, and the transportation road and railway and bridge networks. The framework of structuring elements in the study area contributes to defining its character, and provides visual indicators of the study area history and development.

6.3.2 Concentration of heritage resources

The concentration of resources within the site include both natural landscapes (lake, river, shoreline, rocky shield) and designed or human-made landscapes (the falls, the parks, location of former steamship wharf, former summer station, Shield parking lot, portage landings, Cenotaph). The relatively small size of the study area contains a high concentration of heritage resources, including eight bridges, two buildings, multiple open space or park sites that are remnants of the history of Bala, and significant vegetation. These are all linked by historical and socio-cultural context and uses such as settlement, tourism and seasonal recreation. There is also a concentration of resources adjacent to the study area, including lake shore and river bank, main street commercial features, cottages and vegetation.

6.3.3 Visual coherence of the study area

The study area has a sense of visual coherence due to the presence of water, rock and vegetation combined with human-made or modified elements such as dams, falls, roads, railways and bridges that have developed a patina of age over time. These elements are visible in views within and from the study area. The general absence of buildings (other than Purk's Place and the former Burgess Memorial Church) also provides a sense of visual coherence within the study area.

6.3.4 Distinctive character

The attributes previously described come together to create an environment and landscape that is distinct in its heritage character from the surrounding environment. The study area is distinct due to its rocky land forms located between lake and river, the vegetation, the dense transportation network of roads, railway and bridges in the small area, and the falls at the north and south channels. It is also distinct for the associative values of many of the sites within the study area that represent the historical development of Bala.
6.3.5 Proposed Boundary

Based on the discussions in the previous sections identifying the heritage character of the Bala Study area and the presence of elements identified by the MCTS that characterize Heritage Conservation Districts, it is concluded that the proposed study area boundary is appropriate for consideration as a Heritage Conservation District. The key descriptors for the proposed boundary of the study are as follows (refer to Figure 1):

- The eastern boundary is the eastern side of Bala Falls Road from the southern intersection with the District Highway to the south-east corner of South Bala Falls Bridge, and then the northward view line towards the north-east corner of the Steamship Wharf Bridge (aka Access Bridge).

- The northern boundary is from north-east corner of the Steamship Wharf Bridge to the north-west corner of Mill Stream Bridge.

- The western boundary is on the west side of the District Highway from the north-west corner to the south-west corner of the Mill Stream Bridge, east to the south-west corner of the CP railway bridge, south along the western side of CP railway line to the north-east corner of the Township parking lot, west to the western side of the CP railway line to the north-east corner of Margaret Burgess Park, westward along the northern side of Margaret Burgess Park to the Moon River, and then the southward view line towards the southern intersection of the District Highway and Bala Falls Road.

- The study area contains the north and south falls, all of Portage Island, and part of Burgess Island which also includes Margaret Burgess Park, and part of the Moon River and Bala Bay at Lake Muskoka.

The proposed Heritage Conservation District boundary contains lands owned by the Province, Township of Muskoka Lakes, the District of Muskoka, and private properties, including lands owned by the Canadian Pacific Railways. However, while the Crown lands within the study area may be contained within the Heritage Conservation District the *Ontario Heritage Act* states Part V of *The Act* does not apply to lands owned by the Crown or prescribed public bodies. It is recommended that the Crown lands remain within the proposed Heritage Conservation District Boundary, notwithstanding that the policies and guidelines of the HCD Plan will not apply to lands owned by the province, so that if in the future the lands are no longer owned by the Crown, the policies and guidelines of the HCD would apply.

6.3.6 Potential Development Issues

The study area consists of Township and District owned lands, some Crown property, property owned by the Canadian Pacific Railway, and an additional private property (the Burgess Memorial Report from the Director of Planning Re: Bala Heritage}
Church). The study area is characterized primarily by open space areas, with some institutional and commercial land uses. The study area is located within an Urban Centre where there may be anticipated growth and development. The Community of Bala is located on moderate and high sensitivity water bodies and the surrounding water bodies contribute to the character of Bala.

Development within the Heritage Conservation District study area can be characterised by four broad categories: development on publically or privately owned lands, upgrades or expansions to transportation networks, renewable energy (namely hydroelectric power) infrastructure, and development on adjacent public or private properties. The intent of a Heritage Conservation District is to manage and guide change within applicable lands of the study area in order to minimize impacts to significant cultural heritage resources and attributes, including (but not limited to) built features, streetscapes, the falls, water levels, vegetation, natural and naturalized features, open space features, and views.

Development adjacent to a Heritage Conservation District can be as important as development within a district. In the context of a Heritage Conservation District, the definition of “adjacent” is derived from the Provincial Policy Statement (PPS), and means properties contiguous to the boundary of a Heritage Conservation District. Properties not contiguous to the boundary such as those along the Bay or River would not be considered adjacent Heritage Conservation District.

Development of lands adjacent to a Heritage Conservation District could affect the character and heritage attributes of the district. Height, building type, form, and the impact on public views and vistas are important potential considerations. The Heritage Conservation District plan (if prepared) will examine this aspect further and may make appropriate recommendations to refine existing policies that guide the preparation of heritage impact assessments as well as the requirements of the Provincial Policy Statement.

### 6.4 Public Consultation

Public consultation for the Bala Heritage Conservation District Study was undertaken to gain feedback regarding the draft Heritage Conservation District Study and the proposed boundary. A community consultation meeting was held on Friday May 16th at the Bala Community Centre, between 4 and 8 pm. Notification regarding the community consultation meeting was provided by the Township to property owners and tenants within the study area. Newsletters were sent to the broader community by Canada Post mailbox in Bala. Several ratepayer associations were notified, including the Muskoka Lakes Association, Muskoka Ratepayers Association, and Moon River Property Owners Association. A press release was provided to the local media, and mention was made in the muskokaregion.com media newspapers on May 1, 2014 (page 3) and May 15 (page 3). The Muskoka Lakes Museum and the Muskoka Branch of the Architectural Conservancy...
of Ontario were also notified. The Draft Study document and newsletter were posted on the Township of Muskoka Lakes website.

At the meeting, the community was invited to view panels and ask questions or provide comments during open house periods of the meeting, and following formal presentations that provided information about the Heritage Conservation District process, historical background of the study area, and its features. Feedback forms were made available to the public at the consultation meeting and on the Township website, asking respondents for their input on whether the study area boundary was appropriate as a Heritage Conservation District, what they thought were important things to consider in the Heritage Conservation District Study, and any other comments. Over 70 comments were received and have been considered in finalizing this report. The majority of comments indicated that the boundary for the proposed Heritage Conservation District was appropriate. A number of other comments identified the potential to include a larger area, containing historic commercial, residential and institutional properties along Bala Falls Road and Muskoka Road 169. A small number of comments did not see the proposed boundary as appropriate given land ownership/jurisdictions or pre-existing heritage designations.

A number of questions and comments at the public meeting related to the Heritage Conservation District process, namely how the implementation of a Heritage Conservation District would impact alterations or developments on private property within or adjacent to the district boundary. These questions and concerns will be addressed, and opportunity for public input will be provided, during additional public consultation that will be held as part of the Heritage Conservation District Plan and Guidelines process.

### 6.5 Conclusions on the Boundary

The proposed boundary appropriately contains a collection of properties of cultural heritage value, including buildings, structures, streetscapes and open spaces, natural features and views of the falls, river and lake that together provide a rationale for the designation of this area as a Heritage Conservation District under Part V of the *Ontario Heritage Act*. There are approximately 34 inventoried features within the study area that contribute to its character and significance as the core of Bala (See Appendix A, and the descriptions of heritage character in section 3.0). It is evident through historical research, evaluation and consultation with the Steering Committee and community that the study area and the features contained within demonstrate cultural heritage value for the community, noted in the local histories that have been prepared, commemorative interpretive material, and designation under Part IV of the Ontario Heritage Act of Portage Landing on the Moon River, the Shield Parking Lot, the Township Dock on Lake Muskoka, and the Burgess Memorial Church.
It is concluded that there is merit in proceeding to the second phase of the Heritage Conservation District study, namely the preparation of a Heritage Conservation District plan containing guidance on the management of the district’s character and attributes.
7.0  Recommended objectives of the proposed HCD designation and plan content

7.1  Introduction

As prescribed in the *Ontario Heritage Act* the planning and management of a Heritage Conservation District involves two stages: the preparation of a study followed by preparation of a plan. The key aim of the Heritage Conservation District Study is to detail the heritage character and attributes of an area and provide a rationale for designating the area as a Heritage Conservation District.

The Heritage Conservation District Plan is intended to provide the basis for the sensitive conservation, management and protection of the district’s identified heritage features, notably the area’s water bodies, bridges, transportation routes, parks, open spaces, buildings and cenotaph. The plan would provide a series of tailored guidelines for change both within the public and private realms of the proposed Heritage Conservation District.

The Heritage Conservation District Plan is also intended to provide guidance on a variety of other matters including changes to planning, development and policy matters as well as other municipal activities such as financial incentives, public works, and streetscape improvements.

At the core of designating any district is the implicit assumption that much of the conservation implementation related to managing physical change within the area will be undertaken in reviewing and making decisions about heritage permit applications under Part V of the *Ontario Heritage Act*. It is important that all potential participants in the decision-making process be aware of all those who will be using the Heritage Conservation District plan. The conservation district plan should be used and consulted by the following people, agencies and authorities:

- Property owners;
- Municipal Council;
- Municipal staff; and
- Local utilities.

Given the various diverse interests and values that may exist within the Heritage Conservation District plan area, it is important to recognize in a formal statement of intent the assumptions and objectives that are to be sought in conserving, protecting and managing the Heritage Conservation District. These are contained in the following sections and would form the part of the Heritage Conservation District plan if a decision is made to proceed with that phase of the district designation process.
7.2 Objectives of the proposed designation for the Bala Heritage Conservation District

Based on the research and evaluation undertaken as part of this Heritage Conservation District Study a number of key objectives would be further clarified and expanded through the Heritage Conservation District Plan process, including:

- To protect and enhance heritage property and views in both the public and private realm including existing heritage commercial buildings, institutional structures, road bridges, parks and open spaces, river corridors and associated trees and vegetations, and shoreline areas.
- To avoid the loss or removal of heritage buildings, structures and landscape fabric and encourage only those changes that are undertaken in a manner that if such alterations were removed in the future, the essential form and integrity of the heritage property, materials and fabric would remain unimpaired.
- To encourage property owners to make continuing repairs and undertake maintenance of property in order to conserve or enhance the overall character and appearance of the District.
- To support the continuing care, conservation and maintenance of heritage properties wherever appropriate by providing guidance on sound conservation practice and encouraging applications to funding sources for eligible work.
- To encourage the maintenance and protection of the public realm of the District, as well as avoiding or minimizing adverse effects of public undertakings.
- To manage trees, tree lines and grass boulevards that contribute to the cultural heritage value of the District.
- To protect, maintain and enhance parkland and open space by encouraging changes that respect the open space and the vegetative character of the public realm.
- To prevent the establishment of those land uses and associated built forms and features which would be out of keeping with or have detrimental effects upon the character of the District.
- To permit new development only when it respects or otherwise complements the prevailing character of the existing heritage buildings and landscapes within the District.
- To encourage public realm improvements that respect the historical associations and attributes of the area as well as promote a pedestrian friendly environment that links Bala to adjacent areas.
- To promote an appropriate gateway feature, such as a landscaped open space, public art or other devices at the northern entrance to the district that respects the heritage character of this important entranceway into the district.
• To examine funding sources and adopt appropriate funding programs within the Township of Muskoka Lakes' capability to provide ongoing support to District property owners.

7.3 Bala Heritage Conservation Plan Content

It is expected that the Bala Heritage Conservation District Plan and Guidelines will contain a number of provisions that satisfy the requirements of Subsection 41.1(5) of the Ontario Heritage Act. Content that should be addressed in the Heritage Conservation District Plan includes:

• A statement of the objectives to be achieved in designating the area as a Heritage Conservation District.
• A statement explaining the cultural heritage value or interest of the Heritage Conservation District.
• A description of the heritage attributes of the Heritage Conservation District and of the heritage resources within the district.
• Design guidelines for alterations and additions to heritage buildings and structures, including facades and signage.
• Guidelines on new construction as infill development.
• Guidelines on demolition and removal of buildings and structures.
• Landscape conservation guidelines for both public and private property.
• Funding initiatives.
• Changes to municipal planning and administrative procedures.
• Descriptions of alterations or classes of alterations that can be carried out without obtaining a heritage permit under section 42 of the Ontario Heritage Act.
8.0 Conclusions

Based on site visits, historical research, evaluation of the study area features and community consultation, it is determined that the Bala Heritage Conservation District study area demonstrates significant cultural heritage value. The study area is a dynamic evolved landscape that has been altered by human activity in many ways throughout the last century and a half. These interventions have culminated in the distinct area evident today, containing cultural heritage features such as buildings, structures, roadways, railways, water features, open spaces, streetscapes and landscapes. In addition to the physical resources of the study area, there are strong associative values to the historical development of Bala and its many historical themes that are connected to the study area and its features.

The study area, particularly the falls, the surrounding landscape and use of the watercourses also have intangible value for the community. These intangible values include experiential values that residents and visitors gain from the falls as a place of relaxation, recreation or enjoyment. The physical elements that can be observed in the study area (described previously) create a setting for the intangible values.

The Ministry of Tourism, Culture and Sport outlines a common set of characteristics that may define a district, including:

“A concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use."

“A framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges."

“A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place."

“A distinctiveness which enables districts to be recognised and distinguishable from their surroundings or from neighbouring areas.”

The work undertaken for the Heritage Conservation District Study process finds that the study area meets all these criteria, supporting the proposed boundary delineation. It is recommended that a Heritage Conservation District Plan be prepared to identify policies and guidelines for managing change within the study area in order to conserve and enhance the cultural heritage value of the core of Bala.

It is acknowledged that there are potential cultural heritage resources (concentrations of built features, streetscapes and landscapes) outside of the study area that are directly related to the
historical themes, character and cultural heritage value of the study area. It is recommended that these areas could be considered in the future as extensions of a Bala Heritage Conservation District, or as additional Heritage Conservation Districts.
9.0 References


## APPENDIX A: Study Area Resource Inventory

<table>
<thead>
<tr>
<th>Lake Muskoka</th>
<th>Moon River</th>
<th>North Bala Falls/North channel</th>
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<tbody>
<tr>
<td><img src="image" alt="View of Lake Muskoka (Bala Bay) looking west. MHBC, 2013." /></td>
<td><img src="image" alt="View of Moon River, looking west. MHBC, 2013." /></td>
<td><img src="image" alt="View looking east of the North falls. MHBC, 2013." /></td>
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<tr>
<td>Lake Muskoka is located in the northeast portion of the study area. The portion of the Lake in the study area is known as Bala Bay. Views of the lake are visible from many points on the eastern side of the study area. The lakeshore is lined with cottages and docks. The northern part of the bay, where a boardwalk path that includes a Township dock is now located, was the location of a steamship wharf from the late 19th to mid 20th century that brought many visitors and seasonal residents to the town.</td>
<td>Moon River is located on the west side of the study area. It flows outward from Lake Muskoka, at the two sets of falls in the Study Area, to Georgian Bay. Views of the river, lined with rocky shores, forest, and cottages are available from the western side of the study area, particularly the sidewalk along Muskoka Road 169 and the rocky outcrop of the park, just northwest of the north falls. The frothy waters of the falls define the beginnings of the riverscape in the study area.</td>
<td>The area known as the North Channel is located between Burgess Island and Portage Island. It once was the outlet of seasonal runoff of Lake Muskoka, prior to the construction of dams after Euro-Canadian settlement to regulate the variable lake levels. The construction of a dam at the site results in falls flowing into the Moon River. Bridges carrying the railway line and Muskoka Road 169 cross over the North Channel, east of the falls. The road bridge offers views of the falls and Moon River to the west, and Bala Bay to the east.</td>
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</table>
### North Dam

The enlargement of the North Channel and construction of the North Channel Dam commenced in 1873 and was completed in 1874. The original structure is assumed to be constructed of timber crib piers with wooden stoplogs. Modifications to the dam were completed in 1886 and 1909. The current concrete dam with abutments was constructed in 1958.

### South Bala Falls/South Channel

The South Channel is located between Burgess Island and the mainland. The channel was previously a much smaller cut that carried water only during high lake levels. In the 1870s, a wider channel was blasted for the construction of a regulating dam to work in conjunction with the previous dam constructed just a few years prior at the North Channel. The widened channel and dam have created a second set of roaring falls in the study area. A combined dam and road bridge was constructed to replace the earlier structure (Andreae and Letourneau 13, 2005). These are most visible from the road bridges of Muskoka Road 169 and Bala Falls Road, lands north of the cenotaph, and from Diver’s Point. The railway bridge also crosses the South Channel, between the two road bridges.

### South Dam

The North Channel Dam did not provide adequate discharge capacity during floods and as a result a second dam was constructed further south down the channel. In 1876 a stop-log dam was constructed. By 1899, the timber dam was replaced with one constructed of timber cribs. In 1913, the South Channel timber dam was rebuilt and redesigned as a combined dam and highway bridge.
## Mill Stream

Prior to the construction of the dam at the North Channel and the creation of the South Channel, what is known as the Mill Stream formed part of the natural condition of the Moon River as it provides an exit for the water flow from Lake Muskoka. The construction of a dam and sawmill by early settler Thomas Burgess, and later construction of a small hydro-electric plant in 1917, likely altered the condition of the watercourse. Only a small portion of the Mill Stream is located in the study area. Views to the western section of the Mill Stream are available from the road bridge at the northernmost tip of the study area, as are views to the east where the watercourse flows from Lake Muskoka.

## Burgess Island

The landform known as Burgess Island is located in the centre of the study area. It was formed as an island by the opening of the South Channel in the 1870s. The island is named for the Burgess family, the first Euro-Canadian settlers in Bala, and who played an important role in the continued development of the town. The island is crisscrossed by Muskoka Road 169, Bala Falls Road and the Railway tracks. It contains the former Presbyterian Church, Purk’s Place, an area known as Diver’s Point, and what the community refers to as Portage Landings. Views from Burgess Island are of the North Channel and Portage Island to the north, Bala Bay to the east, the South Channel and the mainland to the south, and Moon River to the west.
Portage Island

Portage Island is located north of Burgess Island. A portion of the island east of Muskoka Road 169 (including Steamboat Wharf), and Margaret Burgess Park beside the North Channel are included in the study area. The views to the east are of Bala Bay and the shoreline with forest and cottages, and the views on the west are of Moon River. The western portion of Portage Island within the study area is a popular viewing place of the North Falls.

Portage Landing on the Moon River and Portage Landing at the North Channel on Lake Muskoka

These two areas, located on Burgess Island, were identified by Heritage Committee members as being locations frequently used by portagers. The portage landing at Moon River is located on the west side of Burgess Island, between the two sets of falls. The landing on Lake Muskoka is located just west of Purks Place, on the northern side of Burgess Island. A portion of landing on the Moon River, being the landing on the northwestern side, is located on Ministry of Natural Resources Land and recently placed signs (2013) state that public use of the property is prohibited. Floats at the Lake Muskoka side prevent boaters from travelling westward, towards the dam.

Portage Landing on Moon River was designated under Part IV of the Ontario Heritage Act in April, 2013. This property is owned by the Township.
### Steamboat Wharf on Lake Muskoka, a Township Dock

The lakeshore in the northeastern part of the study area once served as a wharf for steamships that made regular visits to Bala, bringing seasonal residents, visitors and supplies. The wharf consisted of a dock and C.P.R. freight shed, and after the construction of the railway, a ramp connecting the wharf to the train station on Portage Island. Steamship travel ceased in the 1950s, and the wharf area now contains a boardwalk trail that leads along the lakeshore and across an access bridge over Mill Stream to the mainland. Views from the boardwalk to the west are terminated by vegetation and Portage Island, while views to the east are open and of Bala Bay. Steamboat Wharf on Lake Muskoka was designated under Part IV of the Ontario Heritage Act in April, 2013.

### C.P.R. Bridge over Lake Muskoka

The C.P.R. Bridge was constructed in 1991. During the replacement of the previous bridge c.1907 with this structure, the temporary support posts failed and the bridge collapsed. It was retrieved with cranes and reinstalled.

### C.P.R Bridge over South Bala Falls

The bridge was constructed c. 1907. The railway line was constructed through Bala in the early 20th century. It crosses Burgess Island and Portage Island on their east side. Views of the railway line are visible particularly from the highway bridge.
### South Bala Falls Bridge (Bala Falls Road)

The road bridge is built atop remnants of the 1913 combined highway bridge and dam. The masonry piers are visible beneath the concrete. When constructed, the bridge deck was originally made of reinforced concrete supported by steel beam, but was replaced with a timber deck (date unknown).

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### Bala Falls Road Underpass at Railway

The underpass was constructed in 1909 after the Township took the CPR to court, due to the frustrations of a level crossing over 11 metre high railway embankments. The narrow underpass presented its own transportation challenges as vehicular traffic increased, until the new Highway 169 was constructed in 1965.

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### Steamship Wharf Bridge (pedestrian)

The bridge was constructed c. 1907 and provides pedestrian access across the Mill Stream and Bala Bay from the Township Docks at Steamship Wharf.

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### Mill Stream Railway Bridge

The bridge was constructed c. 1907. The railway line was constructed through Bala in the early 20th century. It crosses the Mill Stream where Lake Muskoka water flows into the Mill Stream.
<table>
<thead>
<tr>
<th><strong>Mill Stream Bridge Highway 169</strong></th>
<th>View looking northward across the Highway 169 Bridge over the Mill Stream. Source: Tom Millar.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The present bridge over the Mill Stream was completed in 1967. The history of the original roadway bridge over the Mill Stream is related to the Musquash Colonization Road, constructed between Gravenhurst and Bala in 1872.</td>
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<thead>
<tr>
<th><strong>Highway 169 Bridge over North Bala Falls</strong></th>
<th>Highway 169 Bridge over North Falls Source: Tom Millar.</th>
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<tbody>
<tr>
<td>The bridge was constructed in the 1965 when the new highway alignment was constructed. The original bridge was formerly part of the Musquash Colonization Road, constructed between Gravenhurst and Bala in 1872.</td>
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<tr>
<th><strong>Highway 169 Bridge over South Bala Falls</strong></th>
<th>Highway 169 Bridge over the South Falls. MHBC, 2013.</th>
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<td>The bridge was constructed in the 1965 when the new highway alignment was constructed.</td>
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<tr>
<th><strong>Highway 169 Underpass</strong></th>
<th>Highway 169 underpass. Source: Tom Millar.</th>
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<tr>
<td>The original railway crossing was constructed in 1907. Original plans consisted of ramps built up to carry the road to a level crossing over the tracks. These ramps were too steep and the underpass was constructed in 1965.</td>
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</tbody>
</table>
Muskoka Road 169

Muskoka Road 169 was formerly part of the Musquash Colonization Road, constructed between Gravenhurst and Bala in 1872. The alignment of Muskoka Road 169, between the two points of Bala Falls Road, was constructed in 1965, and is not part of the historic Colonization Road alignment (Andreae and Letourneau, 2013).

Bala Falls Road

Bala Falls Road is the alignment of the historic Colonization Road constructed between Gravenhurst and Bala in 1872. Historically, the road followed the natural contours of the land, but over time portions of the road were raised, as seen from the high elevation of the road in front of the former Burgess Memorial Church (Andreae and Letourneau, 2013).

Railway tracks

The railway line was constructed through Bala in the early 20th century. It crosses Burgess Island and Portage Island on their east sides, and crosses the Mill Stream where the water flow from Lake Muskoka enters the stream. Construction of the railway line involved erecting steep embankments, altering the topography of the landscape. Views of the railway line are visible particularly from the road bridges.
**Former location of the Summer Station**

The second C.P.R. station in Bala was constructed within the study area, east of what is now a parking lot on Portage Island, between the railway line and the lake. The summer station, as it was known, was a frame structure that connected to the steamboat wharf by a wooden ramp. What is now a parking lot was a landscaped park area beside the station. Use of the station was discontinued in the 1950s, and it was demolished in 1957. The site, now vegetated strip of land, is accessible from a parking lot east of Muskoka Road 169. Views to the east of the location of the summer station are available from the Parking lot. Views from the former location of the summer station to the west are terminated by main street buildings.

**Margaret Burgess Park**

Margaret Burgess Park is located in the study area on Portage Island, north of the North Channel/North Falls and west of Muskoka Road 169. The park previously held an ice cream parlour and dance pavilion, but this was removed for construction of the Muskoka Road 169 Bridge. The park now contains picnic benches, mature pines, and a historical plaque detailing the settlement of Bala. The rocky outcrop near the North Channel is accessible from the park, for those able to climb down the rocks. From this rocky area, views of the dam and north falls are available, and the area is a popular place for local residents and visitors to enjoy the sights and sounds of the falls, or for swimming/sunbathing, and fishing. Views are of the falls and river, terminated by the dam and rocky riverbank, with vegetation and cottages.
### Purk’s Place

The building known as Purk’s Place is one of two structures located within the study area. The building was constructed c.1900-1906 as a boat livery that rented canoes and row boats. The structure was previously located on Bala Bay where the C.P.R. Bridge crosses the North Channel. It was relocated shortly after construction with the arrival of the railway. Now known as Purks Place, it supplies canoe rentals and fishing equipment.

The building is a frame structure with clapboard cladding. It is built into the slope of the lakeshore, and is a single storey facing Bala Falls Road and two storeys facing the bay. The building features a front gable roof. The front facade contains a double door and a square window, and a single storey shed structure attached to the east side.

The ear facade, facing the bay, features two sets of double doors leading to the dock.

The building is accessible from Bala Falls Road, and the docks located on Bala Bay beside the C.P.R. Bridge. Views to the north and east are of Bala Bay and the bridges between which the building is situated. Views to the west are of the intersection of Muskoka Road 169 and Bala Falls Road, and views to the south are of the Burgess Memorial Church. Views in several directions are terminated by vegetation.

### Burgess Memorial Church (1035 Bala Falls Road)

The Burgess Memorial Church (now a residence and retail store) was constructed in 1926 as a Presbyterian Church, after a portion of the congregation declined to join the United Church, which merged Presbyterian and Methodist congregations. The church was named in honor of the Town’s founder, Thomas Burgess.

The one and one half story church is constructed of unshaped granite stones. It has a front gable roof, with front gable vestibule with double doors. The building contains multi-paned pointed arch windows on either side of the vestibule, and regularly spaced along the sides of the structure. The basement level of the church is above ground, and features rectangular windows with
decorative window hoods. The property known as the Burgess Memorial Church was designated under Part IV of the Ontario Heritage Act in March, 2002.

Cenotaph

The Bala Cenotaph was constructed in 1965 by the Bala Branch of the Royal Canadian Legion, which has formed in 1946. The Cenotaph honours those who served and perished in the First and Second World Wars. The inscription reads “In Memory of the Men of this area who made the Supreme Sacrifice”, and lists the names of Alfred Jackson Jr,(WWI), Alfred Edwards, Keith McDivitt and Allan McDonald (WWII).

The Cenotaph is accessible from Bala Falls Road, and features a flagstone area, large decorative granite bounders, and park benches. Views to the west are primarily terminated by vegetation, but gaps in the vegetation allow for views of Moon River.

Shield parking lot

The parking lot located between Muskoka Road 169 and the railway line, in the southern end of the study area, contains a historical plaque describing the Precambrian shield that is visible at the site. The parking lot is accessible from Muskoka Road 169. Views to the east are terminated by the shield. Views to the west are of the highway and the river beyond. Views to the north and south are terminated in vegetation and the shield. In the summer months the parking lot hosts the weekend market and outdoor concerts.

The property known as the Shield Parking Lot was designated under Part IV of the Ontario Heritage Act in April, 2013.
<table>
<thead>
<tr>
<th><strong>Heritage Maple Tree</strong></th>
<th><strong>Diver's Point/ Legris Park</strong></th>
<th><strong>White Pine Grove</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A twin stem Silver Maple tree on Burgess Island, south of the North Falls, has been nominated for Heritage Tree Designation. The tree is considered significant due to its age, and that it has grown on a rock outcrop with challenging growth conditions, and estimated by a certified arborist to be approximately 150 years old, and because it is considered to be a Native Marker Tree. The tree is primarily visible from the rocky area at the base of Margaret Burgess Park.</td>
<td>Diver's point, also known as Legris Park, is located on the east side of Burgess Island, facing Lake Muskoka. The property has been noted as for its recreational use by seasonal residents and tourists, for boating and scenic views and since the 1960s, scuba diving (hence the moniker Driver's Point). The name Legris Park honours Margaret and Garth Legris, founders of Communities in Bloom. Views from the park to the north and east are of Lake Muskoka and the shoreline. Views to the west are terminated by the railway embankment. Views to the south are terminated by Bala Falls Road. The park is accessed from Bala Falls Road.</td>
<td>The symbolic White Pine Grove in Margaret Burgess Park has been nominated for Heritage Tree Designation. The White Pine Grove is considered to be significant because of its contribution to the founding and settling of Bala by Thomas Burgess in 1868. The 15 trees in the White Pine Grove are a dominant feature within the park and are vital to the experience of the park setting and the “complete Muskoka experience”.</td>
</tr>
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1.0 Introduction

1.1 Background

The Bala Heritage Conservation District Study project was initiated by the Township of Muskoka Lakes (one of six lower-tier municipalities in the upper-tier municipality of the District of Muskoka Lakes) who issued a Request for Proposal to engage a consultant to prepare a Heritage Conservation District Study for Bala, in accordance with the requirements of the *Ontario Heritage Act*. The Township of Muskoka Lakes retained MHBC in August 2013 to undertake a Heritage Conservation District Study for an area located within the community of Bala. The study area examined for this Heritage Conservation District study consists of primarily publicly owned land, including lands owned by the Township and the District of Muskoka; Crown properties as well as lands owned by the Canadian Pacific Railway and one private property. The study area is shown in Figure 1. The key descriptors for the proposed boundary of the study area are as follows:

- The eastern boundary is the eastern side of Bala Falls Road from the southern intersection with Muskoka Road 169 to the south-east corner of South Bala Falls Bridge, and then northward towards the north-east corner of the Steamship Wharf Bridge (aka Access Bridge).
- The northern boundary is from the north-east corner of the Steamship Wharf Bridge to the north-west corner of Mill Stream Bridge.
- The western boundary is on the west side of the District Highway from the north-west corner to the south-west corner of the Mill Stream Bridge, east to the south-west corner of the CP railway bridge, south along the western side of the CP railway line to the north-east corner of the Township parking lot, west to the western side of the District Highway, south to the north-east corner of Margaret Burgess Park, westward along the northern side of Margaret Burgess Park to the Moon River, and then the southward view line towards the southern intersection of the District Highway and Bala Falls Road.

The study area contains the north and south falls, all of Burgess Island, and part of Portage Island which also includes Margaret Burgess Park.

A *Preliminary Findings Report* was prepared in December 2013, and provided historical and documentary research of the study area. In February 2014, after review of the Preliminary Findings Report, the Township of Muskoka Lakes authorized MHBC to continue with the preparation of the Heritage Conservation District Study.

The *Heritage Conservation District Study* was prepared in June 2014 and released for public review. This report included historical research, inventory of study area features and identification of the heritage value and significance of the study area. The Heritage Conservation District Study also provided more detailed rationale and assessment of the study area, and provided a recommendation regarding the creation of a Heritage Conservation District within Bala. The report concluded that there was merit in creating a Heritage Conservation District for Bala, and recommended that a Heritage Conservation District Plan be prepared. The following Figure 1 depicts the recommended District boundary.
MHBC began work on the Bala Heritage Conservation District Plan in early summer 2014, and held a community workshop meeting on July 24th, 2014. The meeting provided an opportunity to present the findings of the first phase of work, and introduce the work being undertaken to prepare a draft Heritage Conservation District Plan. A workshop portion of the meeting provided an opportunity for the community to provide input into the development of the Heritage Conservation District Plan. Attendees of the workshop were asked to direct their input towards the following topics:

- If new construction or alterations were to occur within the district, what aspects should guide the development?
- What are the important considerations for the conservation of public open space areas within the district?
• How should the transportation infrastructure be addressed in the Heritage Conservation District Plan?

This document represents the culmination of the input received to date, and is presented to the public and agencies for review and consideration based on our professional expertise and consideration of the input provided by the community and municipality.

1.2 Purpose of the Heritage Conservation District Plan

The purpose of the Bala Heritage Conservation District Plan is to provide guidance in the management, care and protection of the heritage character of the District, notably the distinctive rocky landforms located between lake and river, the vegetation, the dense transportation network of roads, railway and bridges, as well as the falls at the north and south channels. The area is also distinct for the associative values of many of the sites within the study area that represent the historical development of Bala. A component of the District Plan also provides recommendations for action by the Township of Muskoka Lakes to consider in the future. These actions are related to refinements to the Official Plan, Zoning By-law, other Municipal By-laws, financial incentives, and management of a heritage permit system.

The Bala Heritage Conservation District Plan consists of the following sections:

- **Section 1** explains the provisions of the *Ontario Heritage Act* and contains those provisions that are legally required to be fulfilled, notably a statement of objectives, a statement of cultural heritage value and a description of the District’s heritage attributes.

- **Section 2** provides a statement of intent for the Heritage Conservation District and recognizes roles and responsibilities in the management of the District.

- **Section 3** provides the key guidelines for managing change to property within the District.

- **Section 4** provides a description of those alterations and classes of alterations that are exempt from regulation under Part V of the *Ontario Heritage Act*.

- **Section 5** provides recommendations regarding a regular review process for the Bala Heritage Conservation District Plan.

- **Section 6** provides recommendations regarding implementation of the Bala Heritage Conservation District Plan for consideration by the Township of Muskoka Lakes.

- **Appendix A** contains a glossary of terms and definitions.

It is worth emphasizing that the District Plan is intended to provide a minimum level of guidelines for physical change within the district over the coming years. Specific design solutions for each property are left to the property owner, their builders, architects, landscape designers, planners and engineers, as advised by Township staff and committees reporting to Council in the implementation of these guidelines.
1.3 Provisions of the Ontario Heritage Act

The Ontario Heritage Act provides clear requirements for the content of Heritage Conservation District plans. Subsection 41.1 (5) of the Act provides that a Heritage Conservation District Plan shall include:

“(a) a statement of the objectives to be achieved in designating the area as a Heritage Conservation District;
(b) a statement explaining the cultural heritage value or interest of the Heritage Conservation District;
(c) a description of the heritage attributes of the Heritage Conservation District and of properties in the district;
(d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the Heritage Conservation District; and
(e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the Heritage Conservation District may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42.2005, c.6,s.31.”

The following subsections 1.4 and 1.5 contain the required Plan components provided for in (a), (b) and (c). The requirements set out in (d) are found in Sections 3 and 4 and those in (e) are described in Section 5.

1.4 Who should use this Plan?

There may be a number of interests within the Bala Heritage Conservation District. The contents of this Plan are intended for use by:

- Property owners within the Heritage Conservation District
- Municipal Planning staff
- Municipal Heritage Committee
- Council

Property owners in the district are considered to be the primary custodians of the Bala Heritage Conservation District. The Municipal Heritage Committee, Planning Staff and Council shall be involved in the approval of Heritage Permits for managing change within the District. All residents and property owners within the Bala Heritage Conservation District shall be afforded fair and equitable consideration in the determination of heritage permit applications within the District. Adjacent property owners are encouraged to consult the Plan when making major changes to the property to determine how their property can continue to contribute to, or enhance, the Heritage Conservation District.
The actions and directions of this Plan are directly applicable to the lands in the study area owned by the public and private landowners. However, some of the lands within or adjacent to the Bala Heritage Conservation District are owned and/or operated by others such as the Provincial Crown (Ministry of Natural Resources and Ministry of Transportation) and private landowners. It is recognized and understood that the Heritage Conservation District does not apply to provincially owned properties. It is hoped that these lands will be managed in a compatible manner and that these guiding principles may be considered during planning of future work.
2.0 Intent of the Heritage Conservation District Plan

2.1 Bala Heritage Conservation District Statement of Cultural Heritage Value: Why is Bala important?

The combination of built features, streetscape, open space and natural landscape elements within the study area is the result of human intervention on the Muskoka landscape. Elements within the study area are physical remnants or reminders of the various developments and themes in Bala’s history, including aboriginal use, early settlement, the timber industry, tourism and seasonal residency, and transportation. There are a relatively small number of built features in the study area, and the types are limited to vernacular structures and bridges.

The built features and streetscape/landscape/open space character of the area is interrelated to the natural environment, having been shaped by it, and also by having shaped it. Views of Muskoka Lake, the Moon River, the North and South Falls, rocky shorelines and vegetation are available from several locations within the study area. The character of the area is representative of the Muskoka Area, but also unique to the community of Bala in the precise location and configuration of water, land, and human-made elements.

The character of the study area has already been recognized for having cultural heritage value or interest. Four properties within the study area have been designated under Part IV of the Ontario Heritage Act (Portage Landing [Burgess Island] on the Moon River, the Shield Parking Lot, the Township Dock on Lake Muskoka and the Burgess Memorial Church) for their physical or design values, historical or associative values, and contextual values. The twin stem Silver Maple Tree on Burgess Island and the White Pine grove in Margaret Burgess Park have been nominated for designation as Heritage Trees under Part IV of the Ontario Heritage Act.

Physical elements of the study area have changed and will continue to change over time. Many built resources from Bala’s early history have been removed or modified, but have been commemorated and continue to be valued by the community. The associative values of the study area, experienced by views to the lake, river and falls are an important component in maintaining the character of Bala. Human desire to experience the landscape (both natural and human-made) has been well articulated since the Romantic
era, where elements of the ‘sublime’ and ‘picturesque’ in the landscape captivated the human spirit, and provided outlets for contemplation, spirituality, recreation and relaxation. These values became translated to the Canadian ‘wilderness’ in the 19th and 20th centuries, where the experience of nature and naturalized features was valued for its beauty and restorative power, and the northern landscape became a symbolic interpretation of the Canadian frontier. These elements contributed to the historical development of Bala as a tourist and recreational location, and continue to characterize the study area for present-day residents and visitors.

2.1.1 Description of heritage attributes

- Open space character of the cultural landscape with few buildings but significant landscape features.
- Low profile built structures
- Transportation network of roads, railways and bridges
- Water features (Bala Bay, the Moon River, north and south falls, the Mill Stream)
- Rocky shorelines and vegetation alongside the water features
- Properties designated under Part IV of the *Ontario Heritage Act* (Burgess Memorial Church, Portage Landing on the Moon River, the Township Dock on Lake Muskoka and the Shield Parking Lot)
- Views from vantage points within the boundary of the water features

There are a number of different values and interests in any given Heritage Conservation District, and these values and interests often vary greatly amongst different districts, making each Heritage Conservation District a unique area that requires its own tailored management approach. The following sections describe the overall intent of the Bala Heritage Conservation District Plan and how it is intended to be used.
2.2 Overall intent

At its most basic level, the Heritage Conservation District Plan is intended to provide clear guidance on how change should be managed within the Bala Heritage Conservation District. More specifically, the intent of the plan is to provide guidance on:

- Decisions about applications for alterations, new construction and demolition within the Heritage Conservation District;
- Implementation of this Plan, including initiatives to conserve the character of the Bala Heritage Conservation District;
- Initiating appropriate public works, improvements within the District to enhance the character of the Bala Heritage Conservation District;
- Complementing these actions by making appropriate amendments of Official Plan policies and Municipal by-laws.

The intent of this Plan is not to prohibit change within the district, or to freeze it in time. In fact, many types of change are encouraged, such as restoration and in some cases, alteration or new construction. The intent of this Plan is to provide a framework for the management of change so that when changes do occur within or adjacent to the district, they are appropriate in enhancing or contributing to the character of the district.

2.3 Conservation management approach

The intent of this Plan is to manage change within the Bala Heritage Conservation District. District designation under Part V of the Ontario Heritage Act does not prohibit change within a Heritage Conservation District, nor does it require that all properties must be restored or transformed to a certain historical period. District designation provides the mechanism for the municipal review and approval or rejection of heritage permit applications for changes to public and private properties within the District. Owners of heritage properties designated under Part V are not required to restore their property as part of becoming a Heritage Conservation District. However, applications to alter, restore or otherwise modify a property are subject to approval of a heritage permit that may require changes to be in keeping with the character of the District.

A number of guiding principles have been identified to inform the management policies of the Bala Heritage Conservation District. The guiding principles are drawn from current best practices and will help address the management of change in a continually evolving area. The guiding principles are:

- Conservation
  - Study area resources should be preserved whenever possible.
  - Study area resources should be restored whenever possible.
Study area resources should be rehabilitated whenever possible, or new and compatible uses should be found whenever possible.

- **Accessibility**
  
  - Study area resources should be physically accessible, including barrier free access or design, wherever possible. Increased linkage between suitable sites and resources to allow visitor access will be encouraged.
  
  - Information about the wealth of natural and historical resources in the study area should be made accessible to the community, including interpretive material and linkage to the various sites and resources.

- **Sustainability**
  
  - Existing or proposed activities in the study area should be environmentally sustainable.
  
  - Existing or proposed activities in the study area should be economically sustainable.
  
  - Existing or proposed activities in the study area should be socially sustainable, meaning that effort should be made to ensure the area and its resources are continually relevant to present and future generations to ensure interest and use of the site.

It is recognized that there are properties within and/or adjacent to the study area that are owned by the Federal or Provincial government and therefore are not subject to the guidance and direction of a Heritage Conservation District Plan. Notwithstanding that these lands are not subject to Heritage Conservation District Policies, they contribute to the character of the heart of Bala. Heritage conservation on these lands may be managed by different systems, including Environmental Assessments and standards and guidelines for provincial heritage properties. While Heritage Conservation District guidelines are not applicable or cannot be enforced for these lands, it is the intent of this Plan to encourage that changes to these lands should be consistent with the character of the Bala Heritage Conservation District. The guidelines will also be useful in the event that any currently provincially-owned lands are transferred into Municipal or private ownership.

### 2.4 Objectives of the proposed designation of the Bala Heritage Conservation District

In addition to the intent of the Plan as described previously, there are a number of specific objectives that are sought in designating the Bala Heritage Conservation District:

- To conserve and enhance the cultural heritage value of the district to ensure that future generations will have the opportunity to experience this continuing and evolving cultural landscape of the District.

- To conserve the links to the historical associations of the district’s past to remain present and well articulated in the built form, landscape, streetscape and views in the district.
• To allow for the continuation of a variety of forms of access and transportation to the District and within the District (pedestrian, cyclist, motor vehicle, watercraft, railway) to encourage continued use and vitality of the district.

• To support the continuing care, conservation and maintenance of heritage properties by providing guidance on sound conservation practice.

• To encourage the maintenance and protection of the open spaces within the District and avoid adverse impacts of public undertakings.

• To permit new development that respects or otherwise complements the character of the existing heritage features and landscapes within the District.

• To encourage improvements that respect the historical associations and attributes of the area as well as promote a pedestrian friendly environment that links the District to adjacent areas.

• To promote appropriate gateway features at the northern or southern entrances to the district that respects the heritage character of these important entranceways into the district.
3.0 Guidelines for managing change to properties

This section provides the guidelines to be applied when changes are considered within the Bala Heritage Conservation District. In order to conserve the character of the district, the guidelines in this section have been created in response to the following questions regarding changes in the district:

- Does the alteration negatively impact the character or heritage attributes of the Bala Heritage Conservation District?
- If it does not detract from the character or heritage attributes, then the remaining matters to be addressed may be simply a matter of design or “good fit” and a heritage permit may be approved or approved with conditions.
- If the alteration involves only the minor loss of character elements, heritage materials or attributes (and is considered to be a lesser matter in the overall scheme of alterations) and which would generally benefit the district by supporting a new or adaptive re-use or contribute to an improved building form or addition to the streetscape or open space areas, then again a heritage permit may be reasonably approved or approved with conditions.
- Where the alteration involves the substantial loss of character or heritage attributes, i.e., it is so overwhelming or flagrant that it would be considered to have adverse effects upon the property and District then it is reasonable to either refuse such proposed change or advise on a more appropriate and acceptable form of alteration.

Decisions may be guided by 8 principles which lay out a straightforward approach to planning for the conservation of historic structures. These guidelines are written primarily for the conservation of buildings, but in some cases are also appropriate for the conservation of streetscape, landscape and open space areas. These principles are contained in a Ministry of Culture Information Sheet published in 2007:

1) **Respect for documentary evidence**: Do not base restoration on conjecture. Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.

2) **Respect for the original location**: Do not move buildings unless there is no other means to save them. Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.

3) **Respect for historic material**: Repair/conserve rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the heritage content of the built resource.

4) **Respect for original fabric**: Repair with like materials. Repair to return the resource to its prior condition, without altering its integrity.
5) **Respect for the building’s history:** Do not restore to one period at the expense of another period. Do not destroy later additions to a building or structure solely to restore to a single time period.

6) **Reversibility:** Alterations should be able to be returned to original conditions. This conserves earlier building design and technique, e.g. when a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

7) **Legibility:** New work should be distinguishable from old. Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

8) **Maintenance:** With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

### 3.1 Built features

#### 3.1.1 Buildings

There are two buildings within the Bala Heritage Conservation District: The former Burgess Memorial Church (now privately owned) and the retail and boat rental Purk’s Place (privately owned, but located on land owned by Canadian Pacific Railway).

The Burgess Memorial Church is designated under Part IV of the *Ontario Heritage Act*. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for this Part IV structure should continue to be followed if alterations are proposed to the structure; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit. The general guidelines outlined below shall also apply.
The structure known as Purk’s Place is privately owned and located on land owned by the Canadian Pacific Railway. The following general guidelines are provided to encourage that changes to the building continue to contribute to the heritage character of the area and respect the building’s history.

3.1.1.1 Alterations

a) There will be a presumption in favour of keeping the distinguishing heritage characteristics of a heritage property intact. The loss or removal of historical building materials, architectural detailing and landscaping will be considered as the least appropriate form of alterations, and shall be avoided. Design features of the heritage property, including buildings and surrounding lands should be maintained and enhanced with repair being preferable to replacement.

b) In considering alterations that involve the repair, replacement or restoration of missing heritage features, work shall be guided by historical, physical, graphic or documentary evidence. Guesswork, conjecture and speculation should be avoided and the use of new materials should match the existing composition, texture, size and level of craftwork as closely as possible.

c) Contemporary design of alterations may be permitted where they:
   • do not harm, damage or remove valued heritage property, features and other distinguishing historical, architectural, streetscape or cultural features, and
   • are of size, location and material that is compatible with the character of the property, building, landscape or streetscape.

d) Alterations and changes that have occurred in the past may be of heritage value in their own right and add to the cumulative history and architectural value of a property and should be conserved.

e) Proposed changes should be based on conservative or minimalist approaches that avoid the removal or loss of too much material, cleaning too vigorously or making buildings look inappropriately “historical”.

3.1.1.2 Additions and new construction

a) New construction should be a product of its own time and not pretend to be historic by incorporating detail that is inappropriate in contemporary construction. Contemporary design is permitted. New design may be a contemporary interpretation of historic forms and styles, but attempts at replicating historic buildings are discouraged.

b) New construction within the Bala Heritage Conservation District may build to the acceptable limits of the Township of Muskoka Lakes Zoning By-law. Building heights within the I and C3 zones of the Heritage Conservation District are permitted to a maximum of 30 feet or three storeys (C3) and 40 feet or four storeys (I). New construction must be compatible with massing, scale, and general
character of buildings in the District. The Township is working to update the Zoning By-law, and the maximum building height within the C3 zone will increase to 40 feet.

c) Exterior additions are encouraged to be located in an unobtrusive manner, set back from the primary building façade where possible, and of a size and scale that complements the existing building.

3.1.1.3 Demolitions

a) The demolition and relocation of heritage buildings in the Heritage Conservation District is discouraged.

b) Demolition will be permitted in situations where:

   o The building has been damaged by a natural disaster (fire, flood, earthquake, etc).

   o Public health and safety is considered to be compromised and the Township of Muskoka Lakes Chief Building Official has received structural assessment advising that a building or structure is beyond repair and has been determined to be unsafe. The economic feasibility of repair may also be considered. The assessment must be prepared by a professional engineer with expertise and experience in heritage buildings and structures.

c) If a building is proposed to be demolished or relocated for reasons under (b) above, the requirements for a heritage permit may be waived but it will be expected that in lieu of a heritage permit, the property owner shall retain an appropriately qualified heritage professional to record the building or the remains of the building through photography and/or measured drawings. Such recording shall be guided by existing structural conditions and the level of access that is considered by the Chief Building Official (or appropriate Emergency Responders) to be safe.

d) If buildings within the Heritage Conservation District are to be considered for demolition or relocation other than the reasons listed in (b) above, approval of a heritage permit will be required. Buildings shall be recorded prior to their demolition.
3.1.2 Bridges

There are a number of bridges within the Bala Heritage Conservation District that provide road, rail, and pedestrian transportation. The concentration of bridge structures in close proximity to each other contributes to both the visual character of the area, and its historical use as a transportation hub.

It is the presence of crossings and the opportunities they provide that are of primary value to the Heritage Conservation District. As such, the following guidelines shall apply.

a) The demolition of existing bridge structures without replacement is strongly discouraged. If, in the future, bridges are no longer required to serve their intended purpose (e.g. road and rail bridges), opportunities should be explored to retain or convert them for pedestrian or trail usage.

b) The replacement of bridges, major modifications (e.g. by widening or twinning) to existing bridge structures or new bridges, typically requires an environmental assessment. A Cultural Heritage Evaluation Report and/or a Heritage Impact Assessment will be required as part of the Environmental Assessment Process. Unless noted otherwise through a Heritage Impact Assessment, changes to bridges are permitted within the Heritage Conservation District.

c) If the construction of entirely new bridge crossings is required within the study area at some point in the future, an environmental assessment will likely be required. This process shall be adhered to.

d) Sidewalks for pedestrian use are encouraged on any redevelopment of existing bridges to enhance pedestrian connectivity throughout the Heritage Conservation District.

e) Minor alterations for the ongoing maintenance of bridges are permitted.

f) The existing road bridges in the Heritage Conservation District have open railing systems that allow for views of the water and scenery. Open railing systems on bridges should be maintained or, when necessary, replaced with similar open rail systems that continue to allow views.
3.1.3 Water control features

Dams of some form have been located at the study area since shortly after the arrival of Euro-Canadian settlers in the late 1860’s, and have remained key features of the landscape. Dams provided the water-power necessary for early mills, and later for hydroelectric power generation. They also created a way of regulating lake water to allow for steamships to enter Bala, bringing settlers, tourists and supplies. Water control features (dams) in Bala are owned by the Provincial Crown and are not subject to the guidance of a Heritage Conservation District Plan. Notwithstanding ownership, the water control features and their function in creating the two sets of falls contribute greatly to the character of the Bala Heritage Conservation District.

If, in the future, ownership of the water control features is transferred to a public or private landowner, the following guidelines shall apply:

a) The demolition of water control features (without replacement) is strongly discouraged.

b) When water control features are to be replaced, opportunities to enhance public accessibility, connectivity, and views though viewing platforms will be encouraged where possible.

c) When necessary, replacement of water control features with new structures of similar size and scale and with similar flow control options is encouraged.

d) Alterations for the ongoing operation of the water control features are permitted and do not require a heritage permit.
3.1.4 Roads

There are two roads within the Bala Heritage Conservation District: Bala Falls Road, and Muskoka Road 169. Bala Falls Road began as the 19th century Colonization Road, linking early communities in Muskoka. Highway 169 was constructed in the 20th century to relieve traffic congestion and provide a more direct route for automobiles. Both roads contribute to Bala's character and history as a popular summer destination. They are part of the important transportation network that is centered in the heart of Bala. Within the District, roads are owned by both the Township of Muskoka Lakes and the District of Muskoka. Both are subject to the policies of this Plan.

The following guidelines shall apply:

a) Minor alterations for the ongoing maintenance of roads are encouraged.

b) Major alterations, such as realignment or widening will typically require a Cultural Heritage Evaluation Report and/or a Heritage Impact Assessment as part of the Environmental Assessment Process. The potential adverse impacts of proposed development would be assessed through this process.

c) On-street parking for local businesses and open space areas on Bala Falls Road is an important factor in contributing to the vitality of the area. On-street parking should be maintained and landscape improvements to enhance the pedestrian environment in these areas should be considered by the municipality as part of capital improvement projects.

3.1.4.1 Traffic calming measures

There is increasing interest in municipal traffic management practices to provide for better pedestrian safety. Traffic calming features in the streetscape have dual purposes: one purpose is to introduce features or devices that require the motorist to reduce speed, and the second purpose is to provide improved landings, bump-outs, medians, or cross walks that increase safety for pedestrians wishing to cross the
street. These features did not traditionally form part of the historical streetscape but their addition is compatible with enhancing the connectiveness and is considered reversible.

If traffic calming initiatives are considered in the future, the following guidelines apply:

a) Pedestrian crossing opportunities shall be permitted, particularly to promote safe crossings for canoeists, portagers or other boaters travelling between the Moon River and Lake Muskoka, for pedestrians crossing between the Portage Landing parking lot and local businesses, or for pedestrians crossing from Muskoka Road 169 to Bala Falls Road.

b) Traffic calming measures for Muskoka Road 169 are permitted.

3.1.5 Railways

The construction of the railway in the early 20th century resulted in further changes to the landscape of the study area, as additional bridges were constructed to provide rail and road access. At present eight bridges are located within the study area. The arrival of the railway in Bala between 1904 and 1906 also brought tourists, cottagers and supplies to the area. The second station built in Bala was constructed near the lake (on a ridge between the tracks and the steamboat wharf), and connected to the steamboat dock by ramp. The railway stations no longer exist, and the railway line no longer carries passengers. However, presence of the railway in the Heritage Conservation District is an important contribution to the visual character and historical associations to Bala’s past, and continued operation of the railway consistent with the character of the Heritage Conservation District. This Plan supports the continued operation of the railway.

a) Minor alterations for the ongoing operation of the railway are permitted.

b) Major alterations, such as realignment or widening of a railway will typically require initiation of an Environmental Assessment. Heritage Impact Assessments prepared as part of an Environmental Assessment should consider the historical importance of the rail line to the community of Bala, and ways in which the major alteration can continue to contribute to the character of Bala.

c) This Plan supports and encourages the expansion of the railway to include passenger travel. Platforms and stations associated with passenger travel would be acceptable additions to the Heritage Conservation District.

d) If at some time in the future the railway corridor and associated lands are no longer used for railway transportation and there is an opportunity for public ownership, the Municipality should consider obtaining the lands for the purposes of a pedestrian trail to enhance connectivity and open space use in the Heritage Conservation District.
3.2 Open space areas, Landscape and Streetscape

3.2.1 Parkland and open space

There are several parks and open space areas in the core of Bala: Margaret Burgess Park, Legris Park (Diver’s point), the Township Docks on Lake Muskoka and the open space area that includes the cenotaph, the south falls, and Bala Falls Road. These park and open space areas are an important part of Bala, providing opportunities for recreational activities, views of the water, and a setting for vegetation, rocky shield and other landscape features. Margaret Burgess Park and Legris Park are owned by the Provincial Crown, and guidelines of the Heritage Conservation District Plan are not applicable to these lands. The cenotaph lands are partially owned by Canadian Pacific Railway and partially owned by the Township of Muskoka Lakes.

The Township Dock on Lake Muskoka and Portage Landing on the Moon River are designated under Part IV of the Ontario Heritage Act. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for these Part IV properties should continue to be followed if alterations are proposed to the property; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit. The general guidelines outlined below shall also apply.

The following general guidelines apply to appropriate areas. Land owners not subject to the Heritage Conservation District Plan are encouraged to follow the guidelines to enhance the local community.

a) Park areas should be retained and maintained as required. Where they currently do so, parks should continue to provide viewing areas of the Lake Muskoka, Bala Bay, the Moon River and the north and south falls. Opportunities to enhance views from these areas are permitted.

b) Street furniture (benches, waste disposal, bicycle racks, etc) is permitted and encouraged in park and open space areas. Installation of street furniture in public parks does not require a heritage permit.
c) Park areas are defined by open space, vegetation or rock formations and a lack of built features. Built features shall be discouraged in park areas, unless they contribute to the public use and of the site (e.g. picnic pavilions). Any built features constructed in parks should be small in scale and complementary to the character of the district and surrounding area. Built features should enhance, not obstruct, views of water features.

d) Where safe and possible, access to Lake Muskoka and the Moon River from public parks should be maintained. Where they do not currently exist, opportunities to provide safe access to the water for recreational uses from park areas is encouraged, such as boat launch areas, docks, stairs or ramps.

3.2.2 Public realm

The public realm within the district has undergone considerable change from the earliest period of settlement. As a result, there are no substantial above-ground remains of previous landscape and street features. The road rights-of-way have accommodated sidewalks, providing a pedestrian focus and allowing pedestrians access to adjacent properties. The sidewalks have also served to separate pedestrians from vehicles using the travelled portion of the road.

It is important that any alterations or additions to the streetscape ensure that there is accommodation and safety for pedestrians, as well as for other users including portagers, cyclists, and people with mobility limitations and visual challenges.

Notwithstanding this strategic approach, there are potential improvements and enhancements that are reversible and could be included within the public realm with little challenge, such as the addition of bike racks, and improved medians with planting and defined by curbs and additional turning lanes. All of these are designed to ensure safety for the pedestrian, as well as accommodate through traffic.
3.2.2.1 Connectivity and Accessibility

The Bala Heritage Conservation District is located in the core of Bala. Since the 19th century, people have traveled to and traveled within, the core in various ways. The transportation network within Bala has changed over time, but continues to play an important role in bringing people to the gathering places, commercial establishments, and recreational opportunities available at Bala’s core. It is important that connectivity between the features of the Bala Heritage Conservation District be maintained and enhanced so that the district and surrounding area remain a vibrant place for residents and visitors.

Traditional road building and sidewalk materials used in the nineteenth century included plank construction for sidewalks and macadamised gravel and stone surfaces for road surfaces. These are clearly unsuitable and inappropriate for today’s traffic. For accessibility and maintenance reasons, the use of concrete is appropriate for pedestrian areas and asphalt is appropriate in the travelled portion of the road. Streetscape features such as lighting standards, signage and street furniture may be added to District streets.

Improved separation between vehicles and pedestrians can be accommodated with the addition of crosswalks and bump-outs or islands that have a distinctive texture and colour and some amount of low contrast paving to assist visually challenged visitors and those in wheelchairs and scooters with crossing the street in safety.

The intention of any additions or alterations to the streetscape is to support the pedestrian environment and not compete with the visual character of the Heritage Conservation District core. The following guidelines apply.

a) Changes in the District associated with improving accessibility are consistent with the Plan, and are permitted and encouraged.

b) Urban design changes should ensure pedestrian comfort and interest through the provision of safe transition areas between the street and the sidewalk;

c) Accommodation for pedestrians, portagers, vehicles, snowmobiles, and cyclists should continue to be balanced so that each use is provided for;

d) Street parking should continue to be provided;

e) Connectivity between publicly owned lands should be encouraged and/or enhanced.

f) Demolition of bridge structures, without replacement, is strongly discouraged. Connectivity within the Heritage Conservation District provided by these structures should be encouraged. If in the future existing bridges are no longer to be used for their original purpose, the municipality should consider retaining these structures for pedestrian use.
g) Changes associated with accessibility and connectivity do not require heritage permits, unless the changes involve road realignment, new construction, or demolition of existing bridges and structures. These changes require heritage permits.

### 3.2.2.2 Sidewalks

The underlying principle for additions and alterations to sidewalks is that they should sustain accessibility and barrier free travel for pedestrians with a variety of needs. Intersections may be altered with the addition of low contrast surface textures.

There is a balance to be made between the smooth surface required by wheelchairs and the identification of landings at intersections for those with visual challenges. It is important that the choice of materials for alterations or additions complements those now found within the District. Concrete continues to be well-suited for the continuation for sidewalks, curbs, landings and other features in the streetscape accented with decorative pavers.

Changes to sidewalk materials and location within the District do not require heritage permits.

### 3.2.2.3 Street furniture

Some street furniture is found within the pedestrian environment, including benches, waste / recycling receptacles, bicycle racks, and information or interpretive signage. Street furniture is important to the pedestrian environment within the Bala Heritage Conservation District. It is expected that street furniture will continue to change in the future as streetscape plans are revisited and further developed.

a) As part of the ongoing management of the streetscape and in the absence of a streetscape management plan, alterations and additions of contemporary street furniture should aim at creating a cohesive pedestrian environment using similar materials and colours in the choice of street furniture.

b) The placement of street furniture should not impede pedestrian movement.

c) Street furniture of a historic design is not required within the Heritage Conservation District.

d) The addition or removal of street furniture within the District does not require a heritage permit.
3.2.2.4 Signage

Signage within the Heritage Conservation District is generally limited to regulatory signs, banners, and interpretive or commemorative signage.

a) Pylon signs shall be discouraged within the District as they are visually intrusive and may limit the pedestrian space.

b) Regulatory safety and directional signs such as traffic control signs will be permitted within the District, and are not required to be altered as a result of the designation of the District.

c) It is important that existing visitor parking areas within the District continue to be identified with appropriate signage.

d) Additional signage that distinguishes the area as a Heritage Conservation District is encouraged.

3.2.3 Vegetation

The vegetation in Bala is predominantly natural or naturalized, and is representative of plant species found in the Muskoka area. Specimen trees, open lawn, and perennial plantings are located in some parts of the District. The following guidelines shall apply with respect to vegetation in the Heritage Conservation District.

a) Naturalized vegetation is an important contributor to the character of Bala as part of the Muskoka area and the “wilderness” experience that has been sought there since the late 19th century. While it is acknowledged that Bala has been settled and developed upon since that time, some remnants of naturalized vegetation within the study area shall be retained to continue supporting the district character.

b) New tree plantings within the Heritage Conservation District should be contextually appropriate species, such as those found within the wider Muskoka area or are appropriate with the Muskoka vegetative character.

c) New vegetation should be planted in such locations that it will not obstruct important views of the Moon River or Lake Muskoka.

d) Perennial plantings in the public realm (e.g. in planters on sidewalks, bridge railings and light standards) are acceptable as they contribute to an attractive setting for the District.

e) Unless otherwise specified in Section 4.2 (Exemptions) the addition or removal of vegetation within the District requires a heritage permit. The municipal Tree Preservation Bylaw shall be followed.
3.2.4 Parking Lots

There are two parking lots within the Bala Heritage Conservation District: the Portage Landing parking lot, and the Shield Parking Lot. The Shield Parking Lot is designated under Part IV of the *Ontario Heritage Act*. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for this Part IV structure should continue to be followed if alterations are proposed to the parking lot; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit.

Both parking lots provide an important function in the Heritage Conservation District by providing a gathering place at the core of Bala. For example, the Shield Parking Lot provides a location for the Bala Farmers Market and Cranberry festival events. While the parking lots and these uses may not have longstanding historical ties to the area, they are part of the continual evolution of the cultural landscape and contribute to Bala’s dynamic quality as a popular place of residence and tourist destination.

The general guidelines outlined below shall apply to parking lot areas:

a) The parking lots support ongoing use of the Heritage Conservation District and should be retained and maintained as necessary.

b) Opportunities to improve or provide safe pedestrian connectivity from parking lots to other areas of the Heritage Conservation District are permitted.

c) Opportunities for streetscaping and landscaping improvements to parking lots may be considered and encouraged where they do not adversely impact heritage attributes of the designated lot, or the attributes and surrounding character of the Heritage Conservation District.

d) Opportunities for public signage, wayfinding, local points of interest, interpretive or commemorative devices shall be encouraged where they do not adversely impact heritage attributes of the designated lot, or the attributes and surrounding character of the Heritage Conservation District.

e) Should plans to develop the parking lots be considered, new construction shall abide by the guidelines identified in Section 4.1.1.2.
3.3 Water features

Lake Muskoka, the Moon River, the north and south falls and the Mill Stream are an integral component in the heritage character of Bala. It was through watercourses that the lands were first accessed by aboriginal peoples, cartographers, settlers, and early tourists. The regulation of water levels and the harnessing of waterpower were early human interventions on the landscape. Water both frames, and passes through the Heritage Conservation District, and has been the source of human transportation, industry and recreation. It is this confluence of land, water and human infrastructure that is one of the defining characteristics of Bala and gives it a sense of place.

It is understood that the north and south falls are regulated by dams controlled by the Provincial Crown, and that portions of the north and south falls, the bed of the Moon River, the bed of Lake Muskoka and the bed of the Mill Stream are Provincial Crown lands and not subject to the guidance of a Heritage Conservation District Plan. The following guidelines are provided to encourage conservation of the water resources that are important to the character of the Heritage Conservation District, the core of Bala, and the community.

In the event that ownership of these lands is transferred to public or private owners that are subject to the Heritage Conservation District Plan, the following shall apply.

a) The north and south channels shall be retained.

b) Regulation of the lake levels by water control features creating two sets of falls should be continued.

c) Water flow from Lake Muskoka to the Moon River via the Mill Stream should continue.
3.4 Views and vantage points

The intent of this Plan with regards to views is to maintain the broader views from the District towards the horizon. These views contribute significantly to the character of the Heritage Conservation District, and have been valued since the late 19th century when the area became a popular summer tourist location. Protection of the views is specifically directed to ensuring that inappropriate changes that obstruct views do not occur on lands subject to the Heritage Conservation District Plan.

Protection and enhancement of views across the Moon River, the north and south falls, Lake Muskoka, and Bala Falls Road are important elements of the Bala Heritage Conservation District Plan (see Figure 2 on the following page, outlining significant views and vantage points in the District). Views of the Lake and River are not concerned with the individual properties (including cottages, boathouses, docks) that line the Bay and River. These properties are not part of the Heritage Conservation District and are not subject to the Plan. These properties and their associated elements are part of the views, but they can and should continue to change and evolve over time as they have in the past. The following guidance is provided related to views:

a) Any changes related to roads or open space that impact the ability to access vantage points on publically accessible lands within the District is discouraged.

b) The view of Lake Muskoka terminates the view corridors to the east from the Township dock area, Legris Park, and the municipal road bridge. These views allow for a strong visual connection between Lake Muskoka and these areas. The views should be retained and not obstructed with any structures on lands subject to the Heritage Conservation District Plan.

c) The view of the Moon River terminates the view corridors to the west from Margaret Burgess Park and Muskoka Road 169. These views allow for a strong visual connection between the Moon River and components of the transportation network. The views should be retained and not obstructed with any structures on lands subject to the Heritage Conservation District Plan.
Figure 2: Significant views within the proposed Heritage Conservation District.
d) The addition of trees and other vegetation both on private and public property may be an acceptable enhancement in certain locations if there is potential to frame the views and enhance the streetscape character.

e) In some locations, pruning or removing vegetation may be encouraged to maintain or enhance significant views.

f) Views of the North and South falls are available from within the Heritage Conservation District from public property. These views allow for a strong visual connection between the falls and the Heritage Conservation District. The views should be retained and not obstructed with any structures, fixtures or inappropriate alterations on lands subject to the Heritage Conservation District Plan.

3.5 Adjacent lands

Lands adjacent to a Heritage Conservation District are not subject to the guidelines contained within a Heritage Conservation District Plan. Lands that fall within the definition of adjacent are shown on Figure 3 on the following page.

The Provincial Policy Statement (PPS) provides direction for the development of properties adjacent to a protected heritage property. Section 2.6.3 of the Provincial Policy Statement, 2014, (PPS) prepared pursuant to the Planning Act states that:

“2.6.3 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.”

Part C, Section 4.4 of the Township of Muskoka Lakes Official Plan contains policies related to cultural heritage resources. Section 4.4.6 addresses lands adjacent to protected heritage property, and notes that development and site alteration may be permitted where the proposed development has been evaluated and demonstrated that the heritage attributes of the protected heritage property will be conserved. The section goes on to note that mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected property.
Figure 3: Lands adjacent to the Bala Heritage Conservation District.
3.5.1 Definition of adjacent lands

The Provincial Policy Statement and Township of Muskoka Lakes Official Plan set the framework for addressing the potential impacts associated with development on lands adjacent to protected heritage properties. The designation of the Bala Heritage Conservation District means that properties within the boundaries of the District would be protected heritage properties.

If development or site alteration is proposed on lands adjacent to the Heritage Conservation District, the proponent may be required to undertake the preparation of a Heritage Impact Assessment. Development and site alteration are defined terms in the Provincial Policy Statement, as follows:

"Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

a) activities that create or maintain infrastructure authorized under an environmental assessment process;

b) works subject to the Drainage Act; or

c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a)."

"Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a)."

The requirement to conduct a Heritage Impact Assessment would be determined at the pre-submission consultation stage when meeting with Township staff.

3.5.2 Management of adjacent lands

The actions and directions of this Plan are directly applicable to the lands in the study area owned by the public and private landowners. However, some of the lands within or adjacent to the Bala Heritage Conservation District are owned and/or operated by others such as the Provincial Crown (Ministry of Natural Resources and Ministry of Transportation) and private landowners. It is hoped that adjacent lands will be managed in a compatible manner and that these guiding principles may be considered during planning of future work.
The following actions are recommended for the management of adjacent lands:

a. Copies of the Heritage Conservation District Plan be made available to adjacent landowners.

b. The Municipality should develop a working relationship with the adjacent landowners to encourage them to manage their lands in ways that are consistent with the objectives and actions in the management framework.

c. The Municipality should participate in processes initiated by adjacent landowners (such as Environmental Assessments) to ensure that proposed changes on adjacent lands do not negatively impact the Bala Heritage Conservation District.

d. Policies in the Township of Muskoka Lakes Official Plan identify that development and site alteration on lands adjacent to heritage property must demonstrate that the heritage attributes of the protected heritage property will be conserved.
4.0 Exemptions from heritage permit requirements

4.1 Introduction

Under Section 42 of the *Ontario Heritage Act*, a permit is required for the erection, demolition, removal or external alteration of a building or structure within a designated Heritage Conservation District. The Act defines the term “alter” as meaning to change in any manner and includes to restore, renovate, repair or disturb. “Alteration” has a corresponding meaning.

While the need to require a permit for demolition or the construction of a new building or structure is clear, the requirement for a permit for an alteration to an existing building may be less clear. Typically, alterations or changes for which a Section 42 permit is required are those types of alterations that would materially affect the character or external appearance of a building. Those types of physical alterations, additions and conservation work that generally require a permit are described in the body of the Plan.

Subsection 41.1 (5) of the Act also makes provisions for exempting some forms of alterations from regulation by providing that a Heritage Conservation District Plan shall include:

“(e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the Heritage Conservation District may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42. 2005, c. 6, s. 31.”

The following constitutes a description of those alterations that are considered to be “minor in nature” and that may be carried out without obtaining a permit under section 42 of the Act. In some instances and for the purposes of clarification, a note is included on exceptions where a heritage permit would be required. Regardless of exemption from regulation, the guidelines provided elsewhere in this Plan should still be consulted for direction on carrying out changes and using methods that are the least destructive or have the least impact on building fabric or valued heritage attributes. The exempted minor alterations have been guided generally by the principles of either being undertaken within a small area, confined to areas that are generally out of sight from public view, constitute routine maintenance, or are easily reversible.

If there is any doubt about whether a heritage permit is required consultation with staff of the Township of Muskoka Lakes is recommended.
4.2 Exemptions for buildings

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

a) **Interior modifications**: The interiors of buildings or structures are not subject to regulation within the Heritage Conservation District, and no permit is required.

   *Exceptions:*
   Those interior features designated under Part IV of the *Ontario Heritage Act* or interior features that have an exterior presence, including but not restricted to windows and doors in building façades.

b) **Roof materials**: Replacement of existing roof materials in kind does not require a permit (for the purposes of this Plan, asphalt and metal roofing are considered to be in kind).

c) **Solar panels**: The installation of solar panels located in the same plane as the roof (e.g., on the slope of a roof or on a flat or low pitched roof) would not require a permit.

   *Exceptions:*
   Freestanding panels on poles or those requiring removal of historic materials or construction of a structural frame for support, require a permit if located within view of the public realm.

d) **Security lighting and alarm systems**: The installation of security lighting and/or alarm systems does not require a permit.

e) **Amenity lighting**: The installation of amenity or seasonal lighting does not require a permit.

f) **Eavestrough and downspouts**: The removal and/or installation of new eavestroughs and downspouts in the same material as the previously existing do not require a permit.

g) **Landscaping, soft**: The removal and/or installation of vegetative landscaping, such as planting beds, shrubs and small ornamental trees and the pruning and maintenance of trees or the removal of dead branches or limbs (in compliance with the Township of Muskoka Lake’s Tree Preservation By-law) do not require a permit.

h) **Landscaping, hard**: The removal and installation of hard landscaping, such as driveways, entranceways, paths and parking areas of the same area and dimension do not require a permit.

i) **Stairs or steps**: The removal of stairs or steps and replacement in kind (same dimensions and materials) do not require a permit.
j) **Maintenance or small repairs:** Ongoing maintenance or small repairs to buildings, structures or small areas of paving that do not significantly affect the appearance of the outside of the property and do not involve the permanent removal or loss of heritage attributes do not require a permit.

k) **Painting:** The painting of doors, windows, trim, eavestroughs, downspouts and minor architectural detailing does not require a permit.

**Exceptions:**
The painting of any masonry materials requires a permit (not recommended).

As with any modifications being contemplated, it is beneficial to contact Township of Muskoka Lakes Planning staff to discuss proposals before commencing work. Some of the above modifications may also require a Building Permit, and appropriate staff should be consulted.

### 4.3 Exemptions for bridges, water control features, roadways and railways

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

a) **Maintenance or minor repairs:** Ongoing maintenance or minor repairs to structures and areas of paving that do not significantly affect the appearance of the structure and that are exempt from review or approval under Municipal Class Environmental Assessment do not require a permit.

As with any modifications being contemplated, it is beneficial to contact municipal staff to discuss proposals before commencing work.

### 4.4 Exemptions for open space areas

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

a) **Maintenance or minor repairs:** Ongoing maintenance or minor repairs to road or sidewalks surfaces and areas of paving that do not significantly affect the appearance of the surface and that are exempt from review or approval under the Municipal Class Environmental Assessment do not require a permit. Regular maintenance related to park facilities, does not require a permit.

b) **Installation and/or repair of underground utilities or services:** Subsurface excavation for the installation and repair of utilities (water, sewage, gas, etc) does not require a permit.

c) **Repair of above-ground utilities or services:** Work undertaken for the repair of above-ground utilities (hydro, communications and lighting), including conduits, poles and associated boxes or covers and installation of non-permanent or non-fixed street furniture including but not restricted
to seating, planters, tree grates, banners, hanging baskets, garbage receptacles and bike racks do not require a permit.

d) *Landscaping, soft:* The installation of any soft or vegetative landscaping confined to boulevard installation and/or planting beds do not require a permit.

e) *Landscaping, hard:* The removal and installation of hard landscaping, such as driveways, entranceways, paths and parking areas of the same area and dimension do not require a permit.

As with any modifications being contemplated, it is beneficial to contact municipal staff to discuss proposals before commencing work.

### 4.5 Emergency work

In some instances, emergency work may have to be carried out to public or private property without the benefit of a heritage permit or ascertaining whether such work is exempt from regulation.

Required emergency work may be permitted where the timing of repairs makes it impossible to consult with municipal staff regarding a heritage permit. Notwithstanding this provision, all work should be undertaken in a manner that does not destroy valued heritage building fabric. Photographs of ‘before and after’ should be taken to confirm the condition of the building or property and the nature of the finished repairs, and supplied to municipal staff as a record of the work.
5.0 Heritage Conservation District Plan Review Process

5.1 Introduction

It is not unusual for municipal plans and guidelines to be reviewed from time to time. Some reviews are required by statute, while others are more informal and undertaken as good municipal housekeeping. The Ontario Heritage Act makes no specific requirements for formal review and update. For the Bala Heritage Conservation District, it is considered appropriate that a formal review be undertaken for this district in order to assess performance of the Plan and make potential revisions.

5.2 Direction related to Heritage Conservation District Plan review

It is expected that over the next five years Township staff will monitor activity within the District. In particular, the following should be subject to review:

- The number and type of heritage permit applications submitted, approved, and denied;
- The types of alterations that are occurring within the District; and
- The number, type and value of funding applications for eligible conservation work.

At the end of the monitoring period, the Township should embark on a review of the Bala Heritage Conservation District Plan, related heritage permit activity and other associated initiatives.

It is advised that the following activities should form part of the review:

- Formal engagement and dialogue with the property owners, community and all interested parties;
- Development of a “score card” to check on what objectives have been achieved and those that have not been fulfilled; and
- Recommendations for any potential revisions to the District Plan, based on past activities and heritage planning best practices.

It is recommended that the Township of Muskoka Lakes implement a 5-10 year review process related to the Heritage Conservation District Plan, in order to help ensure that the document remains up to date with current heritage planning best practices, and that it reflects the needs of the community.
6.0 Municipal implementation

The Heritage Conservation District Study identified the following potential areas of interest to pursue related to direction for municipal implementation:

- Site Plan Control;
- Property Standards By-law;
- Financial incentives;
- Changes to municipal planning and other administrative procedures.

Given the property ownership within the Bala Heritage Conservation District, and that there were no major conflicts identified with current municipal planning policies, no further recommendations are made at this time related to municipal implementation. It is recommended that as part of the Heritage Conservation District Plan review process, potential implementation be examined again to determine if any revisions are required based on development trends or community needs.

The Township of Muskoka Lakes currently has a municipal heritage committee, who advises Council on matters related to heritage. Heritage permit applications would be submitted to Township staff, circulated to the heritage committee for comment, and then considered by staff and Council as appropriate. This existing permit application and review process should be used when implementing this Heritage Conservation District Plan. During the Heritage Conservation District Plan review process, the heritage permit process can be examined further to understand if changes to the process are warranted.

The majority of the Heritage Conservation District includes publically owned land. Typical financial incentives for Heritage Conservation District, such as grants or tax incentives, would not be applicable. The township is encouraged to investigate funding from other levels of government to help implement the Heritage Conservation District Plan. In the event that federal or provincial funding is available, they should be explored.

As much of the Heritage Conservation District is publically owned land, much of the implementation of this plan will come from municipal improvements. Capital projects within the district should be consistent with the intent and policies of this Plan.

It is recommended that when the time comes to review municipal by-laws, particularly the Official Plan and Zoning Bylaws, that the reviews and amendments to the bylaws consider the Heritage Conservation District and its policies.
Appendix A

Terms and definitions

The following comprises a list of some of the more commonly used terms and definitions in this District Plan. Sources are sometimes indicated to show where the term has been derived.

**Adverse effects** include those conditions resulting in the attrition of heritage properties and include: the destruction, loss, removal or incompatible alteration of all or part of a heritage property; the isolation of a heritage property from its surrounding streetscape or setting; or the introduction of physical, visual, audible or atmospheric elements that are not in character with a heritage property and/or its setting.

**Alter** means to change in any manner and includes to restore, renovate, repair or disturb and “**alteration**” has a corresponding meaning (*Ontario Heritage Act*).

**Beneficial effects** include those conditions resulting in: the protection of heritage properties from demolition or removal; the retention of a heritage property in situ in a structurally stable and sound condition or state of repair; accurate restoration of a heritage property; the sympathetic alteration or repair of a heritage property to permit an existing or new use; enhancement of a heritage property by accommodating compatible new development; or maintenance of a heritage property through the repair and replacement of worn-out components and using compatible materials and techniques.

**Character** means the collective qualities and characteristics that distinguish a particular area or neighbourhood.

**Compatible** when used together with any building, use alteration or any other form of change means consistent with the heritage attributes value of a property, and which has little or no adverse impact on its appearance, heritage attributes, and integrity.

**Cultural heritage landscape** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological site and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts.

**Cultural heritage resources** include buildings, structures and properties designated or listed under the *Ontario Heritage Act*, significant built heritage resources, and significant cultural heritage landscapes as defined and interpreted by the applicable Provincial Policy Statement.

**Conserved, (also conserve)** means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained.
**Heritage attributes** means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest (*Ontario Heritage Act*).

**Heritage building fabric** means all those historical physical building, landscaping, and construction materials of the heritage property.

**Property** means real property and includes all buildings and structures thereon (*Ontario Heritage Act*).

**Restoration** means to return a heritage property to a known earlier form, by reassembly and reinstatement of lost features or attributes, and/or by the removal of features that detract from its heritage values, attributes and integrity.
TO: Chair Burgess and Members of Planning Committee of the Whole

MEETING DATE: September 15, 2014

SUBJECT: Monthly Planning Department Activity Report

RECOMMENDATION: None. For Committee’s discussion and information only.

APPROVALS:

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<tr>
<th>Submitted By:</th>
<th>Date</th>
<th>Signature</th>
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<tr>
<td>D. Pink, Director of Planning</td>
<td>10/09/14</td>
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<tr>
<td>C. Harris, Interim CAO</td>
<td>10/09/14</td>
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ORIGIN

This monthly report provides an update and overview of departmental activity. It is not a comprehensive list of all activities but does contain information that may be of interest to members of Planning Committee of the Whole.

ANALYSIS

Planning Applications

The Planning Department has received to date; no Official Plan Amendment, one Zoning By-law Amendment, nine Minor Variance, six Consent, two Deeming By-law and nine Site Plan Applications since the previous monthly departmental report. Thirty three Municipal Record Search requests were also received.

Also on the current agenda are reports on; proposed draft Comprehensive Zoning By-law 2014-14 and the Bala Heritage Conservation District, for Committee’s consideration and direction.
Ontario Municipal Board

No appeals to the Ontario Municipal Board were received since the previous monthly department report and two decisions have been received. A decision in the name of Meredith allowed the appeal to a refusal of the Committee of Adjustment on a Minor Variance Application. The full decision is on the Committee of Adjustment agenda package. A decision was also received in the name of PJD Properties Inc., which permits the modification of a Zoning By-law Amendment Council had approved. The Township reached a settlement with both other Parties prior to the Hearing.

One Hearing was held on an appeal to a Minor Variance decision of Committee of Adjustment in the name of Stone. A settlement was reached with the other Party prior to the Hearing and a verbal decision was given by the chair to allow the appeal and permit the Minor Variance. We are still awaiting the written decision/Order.

A Pre-Hearing was also held on the YMCA’s application to amend the Zoning By-law. A five day Hearing has now been scheduled commencing on April 27, 2015.

Commercial Building Permit Review

Planning Department staff provide a zoning analysis/plans review function for all Building Permits received on commercial and industrial zoned property. At this time of year, the number of reviews begins to pick up and these detailed drawings can take considerable time to review.
**Comprehensive Zoning By-law Review**

A number of regular and special Planning Committee meetings have been held on the proposed new by-law since the November 2013 Public Meeting date. Committee has worked its way through major changes in each section of the by-law, public comments, and site specific comments.

The latest draft, number 3, has been included on the current agenda for further review. Included with this item is mapping of the three provincially significant wetlands located within the boundaries of the Township. With the draft’s inclusion on the website, including zoning schedules, Council is now in a position to consider final passage. A ‘transitioned’ approval approach was envisioned at the last Planning Committee of the Whole meeting. It may be appropriate to consider scheduling a special Council meeting solely to consider final passage, rather than a regular scheduled Council meeting with a substantial amount of regular business.

**Heritage Committee/Heritage Conservation District**

Since the public workshop on the proposed Heritage Conservation District in Bala was held at the Bala Community Centre on July 24, 2014 the consultants have continued to work on the Plan document of this project and a draft was recently sent to staff for comments. The initial Study completed earlier this year and the finalized Plan are on the current agenda for Committee members’ review. Consideration can now be given to advertising for the statutory Public Meeting, after which Council can consider approval of the Heritage District.

**Tree Cutting/Site Alteration**

During this time of year the number of tree cutting and site alteration complaints ramp up considerably. With the recent departure of the By-law Enforcement Officer, it will be very difficult to respond to all complaints, particularly in a timely manner. Site visits, discussions with both property owners and complainants, preparation of Orders, etc. can consume a significant amount of staff time.

**Brandy Lake Association Annual General Meeting**

I had the opportunity to be a guest speaker at the Brandy Lake Association Annual General Meeting on the weekend of August 23, 2014 to provide an update on the ongoing Comprehensive Zoning By-law Review process. Many questions were posed from those in attendance and I am hopeful the presentation was of assistance and helped spread the word of this ongoing process.

**Rooming House Licensing By-law**

As directed at the last Planning Committee of the Whole meeting, the draft Rooming House Licensing By-law has been sent to the Township’s solicitor for review. Staff have yet to receive a response. At which time it is received, staff will have the By-law on the next available Council agenda for consideration.

**Senior Planner**

Recruitment for the Senior Planner position is underway with interviews currently ongoing.