

# Memorandum

Date: November 19, 2019

To: Members of Council

From: Douglas McGlynn, Heritage | Urban Design Planner, Policy and Sustainability

Subject: 17923 Shaws Creek Road, (The Pinkney House)

## Background

The property, 17923 Shaws Creek Road known as the Pinkney House, was placed on the Built Heritage Resource Inventory (BHRI) in 2008 and Council passed Resolution 345-2009 to list the Pinkney House as a non-designated property on the Town's Heritage Register in 2009.

An application was received by the Town from Lafarge for the demolition of the residence and barn buildings at 17923 Shaws Creek Road in August 2009. Subsequently, a heritage research report was written by Su Murdoch in September 2009 to evaluate the property for designation under s.29 of the *Ontario Heritage Act*, which guided the recommendations for designation of the property. There were numerous meetings through 2009 to 2012 between Town and Lafarge staff to find a resolution for designating the property at 17923 Shaws Creek Road.

In 2012 a pit extraction application was submitted to the Town by Lafarge that impacted the property at 17923 Shaws Creek Road. Further consultation between the Town and Lafarge did not result in a resolution to the designation of the Pinkney House. A further application for extraction was received by the Town from Lafarge in 2014 after which there was no further discussion on the file until 2016.

A Notice of Intention to Designate the Pinkney House at 17923 Shaws Creek Road was supported by Council in September of 2016 (Staff Report 2016-98), which was subsequently appealed by Lafarge. The Town then forwarded the appeal to the Conservation Review Board (CRB) in October 2016. The Town and Lafarge strived to come to an agreement surrounding the Pinkney House with subsequent deferrals to the CRB. Communication continued and in late 2018 and early 2019 steps were made to bring the appeal process to a satisfactory conclusion.

In a meeting between the Town and Lafarge discussions continued for the designation of the property, the associated lands, the heritage by-law, and a Conservation Easement Agreement (CEA). The CEA was proposed to promote continued maintenance of the property and allow staff access to the building to document the state of repair. The Town proposed a settlement which included a specified area of land surrounding the building and the CEA on April 23<sup>rd</sup>, 2019 contained in a closed Staff Report 2019-16 at the Planning Committee Meeting.

Lafarge submitted an offer on April 29<sup>th</sup> which excluded the CEA. Following Lafarge's rejection of the Town's without prejudice offer to settle in May, the Conservation Review Board scheduled a Prehearing Conference of the matter via teleconference for August 8, 2019

## **Outcome**

### *August 8, 2019 – Prehearing Conference #1*

Two options came out of the Pre-hearing Conference: Option 1 would allow the Town to pursue full designation of the property with the hope that a condition assessment of the property would be provided, and Option 2 would allow the Town to settle on a reduced parcel and avoid further pre-hearings/hearings on merit. The Town pursued Option 1 in an attempt to derive a condition assessment of the property to create a baseline for maintenance. Lafarge did not provide any information concerning the maintenance of the building therefore during that teleconference, the Board directed Lafarge and the Town to have further discussions before delineating an issues list in preparation for a hearing. A second Pre-hearing was established for October 22<sup>nd</sup>, 2019.

### *October 22, 2019 – Prehearing Conference #2*

A subsequent Prehearing Conference via telephone was held October 22, 2019. Lafarge indicated to the Board that they had no issues with the designation as presented in the Notice of Intention to Designate and therefore Lafarge would withdraw their appeal of the designation. However, Lafarge were also not open to discussing any type of assessment or maintenance of the property as part of the resolution. Town's Legal Counsel received the letter of withdrawal of appeal from Lafarge on October 22<sup>nd</sup>, 2019, see Schedule A to this memo.

There are two important outcomes from this decision that will impact the property's future as they relate to the maintenance and development applications.

Should Lafarge submit an application for the development of the property then the property will be required to undergo a Heritage review. A Heritage Impact Assessment would be requested to evaluate the proposed extraction limits of the proposed pit in relation to the house and an R-Plan would be created to help delineate the property boundary that would be appropriate to the contextual and associative attributes that define the heritage designation.

Any issues to the property itself related to the exterior of the building can be enforced by Property Standards if needed.

Subsequently, the Town is now moving ahead with the designation Bylaw for the property known as 17923 Shaws Creek Road, the Pinkney House, and a By-law is before Council for ratification.

Schedule A: Notice of Withdrawal (Lafarge)

Schedule B: Orthographic Map of 17923 Shaws Creek Road

Schedule C: Images of 17923 Shaws Creek Road (2019)