



# City of Yorkton

<b>POLICY TITLE</b> <b>MUNICIPAL HERITAGE PROPERTY</b>		<b>ADOPTED BY</b> City Council	<b>POLICY NO.</b> 10.300
<b>ORIGIN/AUTHORITY</b> Municipal Heritage Advisory Sub-Committee	<b>JURISDICTION</b> City of Yorkton	<b>EFFECTIVE DATE</b> September 10, 1990 Reviewed April 2009 Amended Feb. 23, 2015	<b>PAGE #</b> 1 of 4

1. **PURPOSE**

To advise and assist Council on any matter arising out of the *Heritage Property Act*.

2. **DEFINITIONS**

2.1 **Heritage Property**

Any property, whether a work of nature or of man, that is of interest for its architectural, historical, cultural, environmental, aesthetic or scientific value and includes a site where architectural, historical, cultural or scientific property is or may be reasonably expected to be found.

2.2 **Designated Heritage Property**

Heritage property which has been so designated pursuant to the provisions of the *Heritage Property Act*.

3. **GENERAL POLICY**

3.1 **Municipal Interest**

The City may designate any property within the City boundaries as heritage property pursuant to provisions of the *Heritage Property Act*. If the property is of clear significance to the broad pattern of Saskatchewan's or Canada's history and development, the City shall encourage the Provincial Government to designate the property. If the property is deemed to reflect crucial parts of the developmental history of the locality, the City shall consider designation of the property.

3.2 **Municipal Heritage Advisory Sub-Committee**

The City shall maintain a municipal Heritage Advisory Sub-Committee to advise and assist Council on any matters pursuant to the *Heritage Property Act* or the regulations thereunder. For the purposes of this policy, the City shall, among other things:

- a) Consider the advice of the Municipal Heritage Advisory Sub-Committee regarding properties to be designated, criteria for designation, means of conserving heritage properties and areas, and any other matters pertaining to heritage property.
- b) Provide such funding or other resources as the City deems necessary for the maintenance and functioning of the Municipal Heritage Advisory Sub-Committee.
- c) Set, evaluate and review the terms of reference and the functioning of the Municipal Heritage Advisory Sub-Committee as appropriate. Review should be conducted at least annually in conjunction with the budget presentation of the Sub-Committee.

3.3 **Precedent**

The City shall consider designation, alternatives to designation, compensation to owners, and all other matters pertaining to heritage property on the merits of each individual case and shall not consider that treatment accorded to any particular property represents a precedent for future decisions.

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### 3.4 Factors to Consider

The City shall take into account the following factors when considering whether to designate a particular property as municipal heritage property under the *Saskatchewan Heritage Property Act*.

a) Heritage Value

The City shall take into account the advice of the Municipal Heritage Advisory Sub-Committee on the degree of heritage value the site has to the community.

b) Location

The following questions regarding location shall be considered when deciding whether to designate a property:

- i) Is the property and its potential uses compatible with the adjacent land uses, both present and future, in the area?
- ii) Would the continued existence or rehabilitation of the property come into conflict with the City's building code and zoning regulations?
- iii) Does the value of the property lie with the land itself or the structure situated on the property? Would moving a structure destroy or substantially weaken its historic value?

c) Approval/Opposition

The following should also receive some consideration:

- i) Does the owner approve/disapprove of the designation?
- ii) Do the owners of neighboring property approve/disapprove of the designation?
- iii) Does the general public approve/disapprove of the designation?

d) Cost/Benefit

The following costs and benefits should be considered:

- i) What revenues for rehabilitation and maintenance are available for the property from the Provincial Government, the owner, the public or business?
- ii) What is the potential gain/loss of tax revenue by rehabilitating the property and/or restricting uses to those compatible with the heritage value of the site?
- iii) What are the potential uses for the property?
- iv) What costs would the City incur if the City decides to acquire and/or maintain a property?
- v) What tourist value would the property have for the community if it was preserved?
- vi) What effect would the preservation of the designated structure have on the property values of the surrounding property?

e) Assistance to the Owner

The *Saskatchewan Heritage Act* allows the municipality designating heritage property to assist the owner of the designated property if the City so wishes. Actual financial loss and actual benefits to the property owner and the owner's ability to maintain the property shall be taken into account when considering assistance. Assistance for designated property may be in the form of any one or more of the following:

- i) Provincial Grants as provided under the *Saskatchewan Heritage Property Act*.
- ii) The passage of a municipal bylaw to provide grants, loans, tax relief, or any other form of assistance to the owner.
- iii) The City may request the Province to exempt the property from any provision contained in any fire or building code regulation.

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- iv) The passage of a municipal zoning bylaw to accommodate the proposed use of the site or structure.

3.5 Right to Appeal

Owners of property considered for designation shall be advised by the City of their right to appeal under the *Heritage Property Act*.

3.6 Maintenance

- a) In accordance with the *Heritage Property Act*, the City may order the owner of designated property to undertake such repairs as deemed necessary to preserve the property.
- b) In accordance with the *Heritage Property Act*, if the owner fails to comply with this order, the City may undertake the work itself and file a caveat against the property, claiming an interest for the amount of the monies spent. The City can recover these costs when the property is sold.
- c) The City may erect and maintain a plaque or other interpretive device at City expense.

3.7 Easements and Covenants

The *Saskatchewan Heritage Act* provides municipalities the power to enter into easements or covenants with property owners.

3.8 Public Register

The Director of Legislation & Procedures (City Clerk) shall maintain a public register of all designated Municipal Heritage Property.

3.9 Heritage Fund

The City shall maintain a Heritage Fund by an annual provision of a sum to be set by Council to be administered by the Municipal Heritage Advisory Sub-Committee under the direction of City Council. This fund shall be used for:

- a) Assisting in the conservation of privately-owned, designated heritage properties within the City;
- b) Acquiring and cataloguing heritage property within the city, and;
- c) Promoting heritage awareness in the City.

3.10 Heritage Week

One week of each year shall be known as "Heritage Week" to reflect upon and promote an interest in the City's heritage.

3.11 Heritage Foundation

The City may establish, maintain and administer a Heritage Foundation to which the public would be invited to make donations both financial and in the nature of historic artifacts.

3.12 Feasibility Studies

The Municipal Heritage Advisory Sub-Committee, upon direction of City Council shall initiate studies with assistance from appropriate departments on the feasibility of designating property as Municipal Heritage Property and shall make appropriate recommendations. Such studies shall, among other things, take into account:

- a) the factors identified in 3.4 (above);
- b) compensation to owner;
- c) alternatives to designation.

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4. **RESPONSIBILITIES**

The following responsibilities are in addition to those already delineated in this policy:

4.1 Municipal Heritage Advisory Sub-Committee

- a) Advise and assist Council on any matters arising out of the *Heritage Property Act*, these regulations thereunder, and any other matters pertaining to heritage property.
- b) Establish criteria for evaluation of properties of architectural or historical value or interest. Periodically review the relevance of such criteria.
- c) Prepare and maintain a list of properties and areas worthy of conservation and prioritize the properties, sites and building on the historical list.
- d) Recommend to Council: buildings, properties and artifacts to be designated under the *Heritage Property Act*.
- e) Advise Council on means of conserving heritage properties and areas.
- f) Advise Council on current heritage conservation legislation, assist Council in preparation of municipal legislation to conserve heritage properties and areas.
- g) Advise Council on properties and artifacts owned by the City.
- h) Prepare before the first day of December of each year, a report of the previous year's activities, expenditures and projected budget for the succeeding year.
- i) Implement programs and activities to increase public awareness and knowledge of heritage conservation issues.

4.2 The Director of Community Development, Parks & Recreation is responsible for the review and update of this policy.