



<b>Subject:</b>	Section 29, Part IV Notice of Intention to Designate – Ball's Falls Conservation Area
<b>To:</b>	Committee of the Whole – Planning & Economic Development
<b>From:</b>	Planning and Development Department

<b>Report Number:</b>	PD-12-24
<b>Wards Affected:</b>	Ward 3
<b>Date to Committee:</b>	April 2, 2024
<b>Date to Council:</b>	April 15, 2024

### **Recommendation:**

That Committee receive and file for information Report PD-12-24 regarding Section 29, Part IV of the *Ontario Heritage Act*, Notice of Intention to Designate Ball's Falls Conservation Area at 3292 Sixth Avenue; and

That staff be directed to serve the Notice of Intention to Designate attached as Appendix "B" for Ball's Falls Conservation Area, as a property of cultural heritage value or interest following the requirements of Section 29, Part IV of the *Ontario Heritage Act*.

### **Purpose:**

The purpose of this report is to obtain Committee's approval to serve a Notice of Intention to Designate for Ball's Falls Conservation Area municipally located at 3292 Sixth Avenue, as a property of cultural heritage value or interest following the requirements of Part IV Section 29 of the *Ontario Heritage Act* ("OHA"), as recommended by the Municipal Heritage Advisory Committee.

### **Background:**

A Cultural Heritage Evaluation was completed by the Chair of the Municipal Heritage Advisory Committee ("MHAC") for Ball's Falls Conservation Area.

On September 14, 2023, the MHAC reviewed the Cultural Heritage Evaluation and directed staff to notify the property owner and advise that the MHAC will be considering designation at their following meeting on November 9, 2023.

The property owner reviewed the Cultural Heritage Evaluation and attended the November MHAC meeting and spoke in support of designating Ball's Falls Conservation Area.

The MHAC discussed including an interpretive plaque in addition to the designation plaque.

At the November 2023 meeting, the MHAC endorsed the designation of Ball's Falls Conservation Area at 3292 Sixth Avenue under Section 29, Part IV of the *Ontario Heritage Act*.

Following endorsement, the property owner provided the Cultural Heritage Evaluation to their legal team for review, who in turn provided the following key recommendations:

- Revisions to the wording of the proposed heritage attributes for inclusion in the By-law; and
- Removal of the Centre for Conservation, Blacksmith Shop, Upper Falls, and Lower Falls from the listed heritage attributes.

The MHAC received the recommendations at their meeting on March 14, 2023, and generally agreed with the recommendations while also providing the following feedback:

- Encourages the installation of authentic wooden windows, rather than "a style consistent with" wooden sash windows and/or provide justification as to why authentic wooden windows cannot be used.

The MHAC then re-endorsed designation of Ball's Falls Conservation Area at 3292 Sixth Avenue under Section 29, Part IV of the *Ontario Heritage Act*. The above recommendations will be reflected in the Statement of Significance.

## **Report:**

Ball's Falls Conservation Area is located between Victoria Avenue and Glen Road on Sixth Avenue between the downtown core of Vineland, Jordan, and Campden. Ball's Falls Conservation Area has become a notable landmark in the area for its beautiful waterfalls and landscapes, as well as being a wedding and event hotspot.

The property is owned by the Niagara Peninsula Conservation Authority and is currently listed on the heritage register as a non-designated property under Section 27 of the *Ontario Heritage Act*.

The property contains the remnant residential, agricultural, and industrial buildings of the Ball family. The property contains a large brick residential building (Ball Home), a large wooden industrial structure (Grist Mill), a small brick building (Fruit Drying Shed), two log cabins (Fairchild & Furry Cabins), a small board and batten church (St. George Anglican Church), a two storey residence (Field Centre), a single storey barn with stone foundation and timber frame (Big Barn), a single storey, LEED certified, office/venue/conservation centre (Centre for Conservation), a 11 meters (36 feet) high curtain fall (Upper Falls), a 27 meters (88 feet) high classical fall (Lower Falls), a wooden barn (Display Barn), a wooden reproduction industrial building (Blacksmith Shop), the ruins of the foundation of an industrial building (Woolen Mill), a Lime Kiln and five outbuildings around the Ball Home.

The Chair of the MHAC prepared the following O'Reg. 9/06 evaluation of the property. An evaluation against these criteria is required to designate a property under the provisions of Part IV, Section 29 of *OHA*. The fulsome Cultural Heritage Evaluation Report is attached as Appendix A to this report.

Criteria	Building	Meets Criteria (Yes/No)	Rationale
1) The property has design or physical value because it:			
i) Is a rare, unique, representative or early example of a style, type, expression, material or construction method.	Ball Home	Yes	The house is a brick two-storey Georgian style house that is in excellent shape. The interior of the building has been restored to how it would have looked like in 1927. All the décor in the building is from the 1920s with most pieces belonging to the Ball family.
	Grist Mill	Yes	The building is a three-storey flour mill that was built in 1809 and still operates to this day. The structure has pretty much unchanged since 1880 when 29-feet of the mill was removed because of structural weakness. While the exterior wood has been replaced it was using wood and techniques used in the original construction of the building. One of only a few flour mills in the area do to the combustible nature of the flour that was being milled.
	Fruit Drying Shed	Yes	The brick fruit drying shed is representative of early fruit drying shed's in the area.
	Fairchild Cabin	Yes	The Fairchild cabin is a good example of an early 1800's log cabin.
	Furry Cabin	Yes	The Furry cabin is an example of an old log cabin.
	St. George Anglican Church	Yes	St. George Anglican Church is a small board and batten church with neo-gothic pointed six leaded glass windows and is a typical example of what small

			community churches looked like.
	Field Centre	Yes	The Field Centre is representative of circa 1850 agricultural farm building.
	Big Barn	Yes	The Big Barn is a excellent condition 1882 barn.
	Centre For Conservation	Yes	The Centre For Conservation building is the first LEED (Leadership in Energy and Environmental Design) building in Lincoln and received a gold certification. The building's design and the materials used were specially chosen to mimic the land and to reduce the impact of the building.
	Upper Falls	Yes	The Upper Falls is a unique curtain falls that flows over the top few layers of the escarpment.
	Lower Falls	Yes	The Lower Falls is a unique high classical fall that flows over the bottom few layers of the escarpment.
	Display Barn	Yes	The display barn is representative of early barns in the area, it is comprised of beams from an original barn.
	Blacksmith Shop	Yes	The reproduction blacksmith shop is a representation of a blacksmith shop like the one that use to sit on the property.
	Woollen Mill Ruin	Yes	The ruins of the Woollen mill help represent the Woollen mill and the foundation that it once sat upon/
	Lime Kiln	Yes	The Lime Kiln is representative of early Lime Kilns in the area.
	Gardening Shed	Yes	The Outbuildings surrounding the Ball Home are all representative of industrial, commercial, and residential buildings of the time.
	Outhouse	Yes	
	Smokehouse	Yes	
	Wood Burning Stove	Yes	

	Carriage Shed	Yes	
ii) Displays a high degree of craftsmanship or artistic merit.	Ball Home	Yes	The Ball home shows a high degree of craftsmanship for the Georgian style building and its many roles that it played over the years from industrial/commercial store to primary residence of the Ball family. The building itself is still in excellent condition and the interior is decorated to how it would have looked in the 1920s.
	Grist Mill	Yes	The Grist Mill and all of its internal machinery show off a high degree of craftsmanship and the various changes it has undergone over the last 200 years.
	Fruit Drying Shed	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Fairchild Cabin	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Furry Cabin	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	St. George Anglican Church	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Field Centre	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Big Barn	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Centre For Conservation	Yes	The Centre For Conservation displays a high degree of craftsmanship and artistic merit as the building was designed to mimic the land that it was built on and provide less of a disturbance to the area. Also all the details that went into the

			building to earn its gold LEED certification required though, planning, and skilled craftsmanship.
	Upper Falls	No	The Waterfall does not demonstrate a high degree of craftsmanship or artistic merit as it was formed in nature.
	Lower Falls	No	The Waterfall does not demonstrate a high degree of craftsmanship or artistic merit as it was formed in nature.
	Display Barn	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Blacksmith Shop	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Woollen Mill Ruin	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Lime Kiln	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Gardening Shed	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Outhouse	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Smokehouse	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Wood Burning Stove	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
	Carriage Shed	No	The building does not demonstrate a high degree of craftsmanship or artistic merit
iii) Demonstrates a high degree of technical or scientific achievement.	Ball Home	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Grist Mill	Yes	The building (especially the still functioning interior) demonstrates a high degree of

			technical and scientific achievement and also helps tell the story of the change in mill over 200 years.
	Fruit Drying Shed	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Fairchild Cabin	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Furry Cabin	No	The building does not demonstrate a high degree of technical or scientific achievement.
	St. George Anglican Church	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Field Centre	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Big Barn	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Centre For Conservation	Yes	<p>The Centre For Conservation demonstrates a high degree of technical and scientific achievement in every aspect and design of the building.</p> <p>Designed to mimic the land it was built on. Windows positioned to take advantage of natural light. Design sensitive to natural environment and includes three 44m<sup>3</sup> cisterns, onsite sewage treatment, extensive landscaping using local plant species, ground source heat pump systems for heating and cooling, and nonpolluting materials, finishes,</p>

			<p>and furnishings. Also, measures were taken to reduce the impact of surrounding area including exterior lights not spilling into natural areas, reflective metal roof, gravel parking lot, and reduction of storm water runoff via the cisterns. Adjustable air inlets allow for individual control over workplace air temperature and volume, and over light levels (from natural and artificial lighting). The Centre has abundant natural lighting through large windows that also provide wide-angle views of beautiful landscaping. Light levels are controlled by both occupancy and daylighting sensors. During the summer, excess heat from the building will be exhausted to the underground heat pump tubing instead of to the outdoors. This eliminates much of the need for a mechanical air conditioning system. Ground source heat pumps use the latent warmth of the earth in winter to heat the building. There are many times when the air in one section of the Centre will be warmed by sunlight entering through large windows. At these times, the heat pump system will move this warmed air to cool parts of the building, and this eliminates the need for mechanical heating. All wastewater is treated by an innovative sewage treatment system called a Waterloo Biofilter. The environmental impacts of the system are significantly less than those associated with</p>
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		<p>conventional septic systems. The resulting effluent is of higher quality, requires less space, and does not require a sand bed. The system contains tanks with live bacteria in them which breaks down the waste. Solar panelled sinks – batteries recharge from the lighting. 73% of material and resources were sourced within a 800km radius of the site. Stone from the building is from the escarpment and specifically is sourced from Wiarton. Concrete blocks used in construction are made of slag, an excess component in steel mills. The slag was recycled and used in the blocks. Glass used throughout the building was recycled. Use of Glulam beams. Glulam is a stress-rated engineered wood product comprised of wood laminations, or “lams,” that are bonded together with strong, waterproof adhesives. Glulam components can be a variety of species, and individual “lams” are typically two inches or less in thickness. Ceiling of the building is made of SIP (structural insulated panels). SIPs are high performance thermal efficient panels for walls, roofs and floors that maximize energy-efficiency, structural strength and decrease the cost of heating, cooling and venting. The panels are typically made by sandwiching a core of rigid foam plastic insulation between two structural skins or oriented strand board. In terms of water consumption, the Centre uses</p>
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			87% less than a non-LEED building of similar size and usage. Geothermal heating from coils buried six feet under the parking lot.
	Upper Falls	No	The waterfall does not demonstrate a high degree of technical or scientific achievement.
	Lower Falls	No	The waterfall does not demonstrate a high degree of technical or scientific achievement.
	Display Barn	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Blacksmith Shop	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Woollen Mill Ruin	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Lime Kiln	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Gardening Shed	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Outhouse	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Smokehouse	No	The building does not demonstrate a high degree of technical or scientific achievement.
	Wood Burning Stove	No	The building does not demonstrate a high degree of technical or scientific achievement.

	Carriage Shed	No	The building does not demonstrate a high degree of technical or scientific achievement.
2) The property has historic value or associate value because it:			
i) Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community.	Yes		<p>The property was associated with the Ball Family were among the earliest settlers in the area and were members of the Butler's Rangers. The property has a 160-year association with the Ball family who were industrialist that tried to establish the village of Glen Elgin. The Grist Mill on the property also was significant to British troops during the War of 1812. Members of the Ball family were Reeves for the Township of Louth, helped in the establishment of the Louth and Jordan Harbour Companies, the building of St. John's Anglican Church, provided grain to many of the long-standing members of the community (see Appendix B for a list of names), and Mortimer Ball was a lawyer to many of the influential and long-standing families in the area.</p> <p>The Butler family of the Butler's Rangers also was the original owners of the property before selling it to the Ball family.</p> <p>The Niagara Peninsula Conservation Authority now owns the park and runs many events like the Thanksgiving Festival (which just celebrated its 49<sup>th</sup> year), education programs, and weddings just to name a few things.</p>

ii) Yields or has the potential to yield information that contributes to an understanding of a community or culture.	Yes	The property can yield information about the early period of settlement in the Louth area, the rise of industry, and the effect of technology and advancements on a community (the establishment of the railroad and highway that had a hand in the downfall of Glen Elgin).
iii) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community	Yes	The Ball family designed and built most of the original properties on the land. They also laid out plans for the creation of Glen Elgin and mapped out how the community would unfold. Even with nature retaking much of the area you can still see the glimpses in old wells, paths, or ruins on the hiking trails that was originally planned by George Peter Mann Ball.
3) The property has contextual value because it:		
i) Is important in defining, maintaining or supporting the character of an area	Yes	This property is important in defining the character of the area. The river, waterfalls, and the escarpment helped shape the land into the industrial village it would become. It also helped in the establishment of other communities in the area like Campden, Jordan, and Vineland.
ii) Is physically, functionally, visually or historically linked to its surroundings.	Yes	The Grist Mill, Ball Home, Big Barn, Field Centre, Outhouse, Meat Smoking Shed, Woollen Mill ruins, and Gardening Shed on the property have stood in their location, in some instances, for over 200 years. While some elements of these buildings have changed over

		<p>time the property tells the story of an industrial village in the area as well as the Ball family who is fundamentally connected to the area. St. George Anglican Church, the Blacksmith shop, the Lime Kiln, Display Barn, Carriage Shed, Furry Cabin, Fairchild Cabin, Bake Oven, and Fruit Drying Shed while not original to the property also help demonstrate the story of the Ball family and early settlers more generally in the area which help to tell the story of early agriculture, industry, and community in the area. The Centre for Conservation also helps show the change the property has gone through from industrial powerhouse to Conservation Area with its unique LEED certified design telling the new chapter of the property.</p> <p>The waterfalls also are fundamental to the story of the area. Without them and the Twenty Mile Creek the land would never have been an industrial area.</p>
iii) Is a landmark.	Yes	<p>Ball's Falls Conservation Area is a landmark in the Town of Lincoln. It's waterfalls and the historical former industrial buildings attract many people every year to the park. The Conservation Area also attracts many people for their annual events like the Thanksgiving Festival (which just had its 49<sup>th</sup> year), Children's Water Festival, and Holiday Trail. The park also attracts people for weddings, school trips, hiking</p>

		trails, demonstrations, camps, nature school, and many more activities in the park.
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### **Next Steps in the Heritage Designation Process**

1. If the Municipal Clerk does not receive a Notice of Objection within 30-days from the publication of the Notice of Intention to Designate, then Council may approve a Designation By-law for the Property.
2. Staff will provide a draft Designation By-law following the completion of the 30-day objection period.
3. Council must pass the Designation By-law within 120 days of Issuing the Notice of Intention to Designate. After the 30-day appeal period, 90 days remain for Council to pass the By-law.
4. A copy of the By-law and notice of appeal rights must be served on the Property Owner, anyone who objected (if any) and the Ontario Heritage Trust.
5. Notice of appeal rights must also be published in a newspaper with circulation in the municipality.
6. If no one appeals the Designation By-law within 30 days, it comes into force.
7. The By-law is then registered on title for the property and provided to the Ontario Heritage Trust.

If anyone objects to this heritage designation, staff will prepare a report outlining steps to be followed.

### **Financial, Legal, Staff Considerations:**

#### **Financial:**

There are marginal costs associated with the process of designating a property including various expenses related to providing notice through newspaper advertising and registered postage. These costs are within the 2024 Heritage budget allocation. Once the property is designated there is a further expense related to the production of a heritage plaque installed at the designated property. Each plaque currently costs approximately \$500.00, and these funds are paid from the 2024 Heritage budget allocation.

#### **Staffing:**

N/A

#### **Legal:**

In the event that Committee's decision regarding the designation is appealed to the Ontario Land Tribunal (OLT), legal costs could be incurred by the Town.

## **Public Engagement Matters:**

Under Part IV Section 29 (3) of the *Ontario Heritage Act*, Committee must serve a Notice of Intention to Designate with the property owner and the Ontario Heritage Trust and publish the Notice of Intention to Designate in a newspaper having general circulation in the Municipality.

## **Conclusion:**

Ball's Falls Conservation Area has a rich history in the Town and the Ball family helped to shape the area and surrounding communities. Even today, it stands as a fundamental landmark for Lincoln with its waterfalls, trails, program opportunities, events, and a site for tourists from all over to enjoy. Based on the assessment of cultural heritage value or interest, the Cultural Heritage Evaluation Report concludes that the property at 3292 Sixth Avenue meets all the designation criteria and recommends that the property be designated under Part IV, Section 29 of the *Ontario Heritage Act*. Staff would like to thank Scott Foster, Chair of the Municipal Heritage Advisory Committee for his extensive work on this project.

Respectfully submitted,

Monika Cocchiara  
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## **Appendices:**

Appendix A Cultural Heritage Evaluation Report  
Appendix B Draft Notice of Intention to Designate – Ball's Falls Conservation Area

## **Notification:**

In addition to the public engagement requirements outlined above, the Municipal Heritage Advisory Committee will be informed of the Committee's decision.

## **Report Approval:**

Report has been approved by the Director of Planning and Development. Final approval is by the Chief Administrative Officer.