

REPORT

Planning and Development Council

Meeting Date: October 4, 2021

FROM: Planning Services Department

DATE: September 28, 2021

SUBJECT: Cultural Heritage Landscape Conservation Plan – 1042 Sixth Line

LOCATION: 1042 Sixth Line

WARD: Ward 5

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RECOMMENDATION:

That the draft cultural heritage landscape conservation plan for 1042 Sixth Line, as attached in Appendix A to the report dated September 28, 2021, be approved.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Notice of Intention to Designate the cultural heritage landscape at 1042 Sixth Line was issued on October 1, 2018. The property owners appealed the designation and the matter was referred to the Conservation Review Board.
- The Town of Oakville and the property owner reached a settlement and agreed to Minutes of Settlement and the property owner withdrew their objection to the proposed designation on March 9, 2020.
- On May 25, 2020, in accordance with the Minutes of Settlement, the Town of Oakville passed By-law 2020-047 designating the significant cultural heritage landscape at 1042 Sixth Line.
- In accordance with By-law 2018-019, a Conservation Plan for a Cultural Heritage Landscape is required for 1042 Sixth Line. In the summer of 2020, the property owner agreed to prepare the Conservation Plan with their own consultants. Heritage Planning staff participated in meetings with the consultants and property owners to assist this process.
- In January 2021, the property owners indicated to the Town of Oakville that they were no longer preparing the Conservation Plan. The Town of Oakville retained Letourneau Heritage Consulting (LHC) to prepare the Conservation Plan for the property.

- The property owners have been provided with the draft Conservation Plan for review and feedback. To date, they have provided no comments on the draft Conservation Plan.
- On September 21, 2021, the Heritage Oakville Advisory Committee endorsed the draft Conservation Plan for the cultural heritage landscape of 1042 Sixth Line.

BACKGROUND:

The property at 1042 Sixth Line was subject to a Notice of Intention to Designate for the cultural heritage landscape at 1042 Sixth Line, which was issued on October 1, 2018. The property owners appealed the designation and the matter was referred to the Conservation Review Board. The Town of Oakville and the property owner reached a settlement and agreed to Minutes of Settlement and the property owner withdrew their objection to the proposed designation on March 9, 2020. On May 25, 2020, in accordance with the Minutes of Settlement, the Town passed By-law 2020-047 designating the significant cultural heritage landscape at 1042 Sixth Line.

As per By-law 2018-019, a conservation plan is required for all protected cultural heritage landscapes in the Town of Oakville. By-law 2018-019 recognizes that significant cultural heritage landscapes should be conserved such that their cultural heritage value or interest pursuant to the *Ontario Heritage Act* is retained, and recognizes conservation plans as a means of achieving conservation.

Conservation plans for cultural heritage landscapes are not intended to be a management plan for a property or guidance tool for a specific development. The conservation plan provides staff, Council and the property owner with information on how to evaluate the impact of proposed changes to the property on the cultural heritage value or interest and the heritage attributes.

Conservation plans for cultural heritage landscapes may be completed by the property owner or the Town of Oakville (or a qualified consultant acting on behalf of either the property owner or the Town of Oakville). In the case of 1042 Sixth Line, the property owner accepted the responsibility of creating the conservation plan and had retained consultants who had several meetings with Heritage Planning staff in 2020 before informing the Town that they would no longer be preparing the conservation plan. In January 2021, the Town retained LHC to complete the conservation plan for the cultural heritage landscape.

TECHNICAL & PUBLIC COMMENTS:

The conservation plan has been prepared by LHC, the firm that prepared a peer review and cultural heritage evaluation report for this property during the review of the development application and notice of intention to designate in 2018. LHC completed another site visit to the property to ensure their information was current and worked with Heritage Planning staff to draft the conservation plan.

Contents of the Conservation Plan

The purpose of the conservation plan is to guide those alterations to 1042 Sixth Line that are likely to affect its cultural heritage value or interest, and/or its heritage attributes. The conservation plan provides direction ensuring that alterations can be made while conserving the property as a significant CHL. This will help to ensure that the stated cultural heritage value or interest is retained through the protection of its heritage attributes.

The conservation plan includes descriptions of the alterations that are exempt from heritage permit approval (Category A) and those that would require heritage permit approval (Category B and C). The conservation plan is not a maintenance plan, nor is it an operational or business management plan. Maintenance, meaning routine non-destructive actions that preserve the existing form, and operations are exempt from Town heritage review and have been listed in Category A. Other activities may also be exempt from heritage review because they would not affect the heritage attributes of 1042 Sixth Line.

The conservation plan describes the heritage permit application process and provides direction on how to manage future changes to the property while conserving the cultural heritage value of the CHL.

The draft conservation plan was shared with the property owners in May 2021 for their review and feedback. As of the writing of this report, they have declined to provide comments on the conservation plan.

Summary of Development Application

The development application that included 1042 Sixth Line (as well as 1020, 1024, 1028 and 1032 Sixth Line) was appealed to the LPAT in 2018 and the decision from the Tribunal recognized that some development could be appropriate, but that revisions were required to the development proposal, which could be re-submitted. A revised application was submitted but was not supported by the Town. As a result, the application was returned to the LPAT in March 2021. The Tribunal (now the Ontario Land Tribunal) released its decision on August 17, 2021, denying the appeal of the development application.

The guidance provided by the conservation plan would assist in processing any future applications for alteration or demolition that may be received in the context of a future development application.

CONSIDERATIONS:

(A) PUBLIC

Members of the public are welcome to provide feedback on the draft conservation plan.

(B) FINANCIAL

There are no new costs associated with the draft conservation plan.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Planning Services staff has worked with staff in the Legal department to review the conservation plan.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be accountable
- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The conservation of 1042 Sixth Line as a cultural heritage landscape protects a valuable natural space that includes mature trees and vegetation and a habitat for wildlife. The protection of this significant area through the cultural heritage landscape conservation plan therefore supports the town's climate initiatives.

CONCLUSION:

The Heritage Oakville Advisory Committee endorsed the conservation plan at their meeting on September 21, 2021. Heritage Planning staff recommend that the conservation plan for the cultural heritage landscape at 1042 Sixth Line be approved.

APPENDICES:

Appendix A – Draft Cultural Heritage Landscape Conservation Plan for 1042 Sixth Line

Prepared by:

Susan Schappert, CAHP, MCIP, RPP
Heritage Planner

Recommended by:

Diane Childs, MCIP, RPP
Manager, Policy Planning and Heritage

Submitted by:

Gabe Charles, MCIP, RPP
Director, Planning Services