



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 23, 2020

FROM: Planning Services Department

DATE: November 18, 2020

SUBJECT: **St. Jude's Cemetery - Cultural Heritage Landscape Heritage Designation By-law 2020-041 and Conservation Plan**

LOCATION: 258 Lakeshore Road West

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RECOMMENDATION:

1. That By-law 2020-041, a by-law to designate St. Jude's Cemetery, as property of cultural heritage value or interest, be passed; and,
2. That the draft cultural heritage landscape conservation plan for St. Jude's Cemetery, as attached in Appendix B to the report dated November 18, 2020, be approved.

KEY FACTS:

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

- On February 27, 2020 the Notice of Intention to Designate St. Jude's Cemetery as a significant cultural heritage landscape was issued following the resolution of Council on February 10, 2020. The Notice was reissued in September 2020 due to the COVID-19 pandemic.
- No objections were received to the Notice of Intention to Designate and By-law 2020-041 has been prepared for Council's consideration;
- On September 26, 2017, Council adopted official plan amendment 15 (Urban Structure Review) and 16 (Cultural Heritage Updates) (appealed, pending LPAT hearing) to the Livable Oakville Plan, which identify cultural heritage landscapes as structural elements of the town's updated urban structure and provide direction on how the town ensures that significant cultural heritage landscapes are to be conserved; including through cultural heritage landscape conservation plans. The Town of Oakville has also adopted By-law 2018-019 which sets out the requirements for conservation plans for cultural heritage landscapes.
- Town staff prepared a cultural heritage landscape conservation plan to provide clear and consistent guidance on how to ensure that future alterations to St. Jude's Cemetery conserves the significant cultural heritage

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landscape of St. Jude's Cemetery including descriptions of what is exempt from heritage permit approval and what would require heritage permit approval.

- The objective of this cultural heritage landscape conservation plan is to retain the cultural heritage value and interest and heritage attributes of the cultural heritage landscape.

BACKGROUND:

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation to identify, inventory and assess candidate cultural heritage landscapes and to conserve significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville. The Strategy is being implemented in three phases: Phase One: Inventory; Phase Two: Research and Assessment; and, Phase Three: Implementation of Protection Measures.

On February 16, 2016, Oakville Town Council endorsed the recommendations of the Phase One Cultural Heritage Landscape Strategy inventory and directed that those properties identified as 'high priority' within the inventory proceed immediately to Phase Two: Research and Assessment. When all high priority assessments were completed, work began on areas identified as 'medium priority'.

St. Jude's Cemetery was initially identified as a property for which no further action was recommended. This was because the property was already designated under Part IV of the *Ontario Heritage Act* by By-law 2009-075 and this protection was considered sufficient at the time. However, staff identified a concern that not all of the property was included in the 2009 heritage designation. Staff therefore began a Phase Two assessment of the property in November 2018 to evaluate the whole of the property as a potential cultural heritage landscape.

On September 9, 2019, Council approved the Cultural Heritage Evaluation Report for St. Jude's Cemetery, recognized the area as a significant cultural heritage landscape (CHL) and directed staff to move into Phase Three: Implementation of Protection Measures.

On February 10, 2020, Council approved a Notice of Intention to Designate under s. 29, Part IV of the *Ontario Heritage Act* for St. Jude's Cemetery. This Notice included a description of the property, a statement of cultural heritage value or interest, and a description of heritage attributes.

The Notice of Intention to Designate was issued on February 27, 2020 with the last day for filing an objection being March 30, 2020. In response to the COVID-19 Global Pandemic the Province declared an Emergency under the *Emergency*

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Management and Civil Protection Act, and on March 20, 2020 filed Ontario Regulation 73/20 which suspended various legislative timelines including the 30 day timeline for objecting to Notices of Intention to Designate under the *Ontario Heritage Act* until the Emergency was terminated and Ontario Regulation 73/20 was repealed.

The Province terminated the provincial Emergency July 24, 2020 and announced that Regulation 73/20 would be repealed effective September 14, 2020, thereby reinstating after that date the remainder of the time period during which objections to Notices of Intention to Designate may be filed with the Town Clerk. The Notice was reissued with a new deadline for objections of September 28, 2020 and no objections were received by the Town. By-law 2020-041 is attached as Appendix A.

As part of the ongoing implementation of the Cultural Heritage Landscape Strategy, on September 26, 2017, Council adopted an official plan amendment (OPA) to the Livable Oakville Plan updating the cultural heritage policies, including policies regarding cultural heritage landscapes. It also provided direction on how the Town would proceed to ensure that significant CHLs are conserved. Consistent with provincial policy direction, the OPA recognized that conservation plans could be an important tool to protect significant cultural heritage landscapes. The Town of Oakville has also adopted By-law 2018-019 which sets out the requirements for conservation plans for cultural heritage landscapes.

The Heritage Oakville Advisory Committee reviewed the draft conservation plan for the cultural heritage landscape of St. Jude's Cemetery at their meeting on November 17, 2020. The Committee endorsed the document and have recommended its approval to Council.

COMMENT/OPTIONS:

Should Council pass By-law 2020-041 to designate St. Jude's Cemetery and choose to proceed with a conservation plan for the St. Jude's Cemetery CHL, a CHL conservation plan has been prepared by Heritage Planning staff. The document is attached as Appendix B.

Contents of the Conservation Plan

The purpose of the conservation plan is to guide those alterations to the St. Jude's Cemetery CHL 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 cemetery as a significant CHL. This will help to ensure that St. Jude's Cemetery's stated cultural heritage value or interest is retained through the protection of its heritage attributes.

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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 St. Jude's Cemetery 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 exempt from heritage review because they would not affect the St. Jude's Cemetery's heritage attributes.

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.

Consultation

Heritage Planning and town staff in various departments, including Legal and Parks and Open Space, were invited to review and provide feedback on the draft CHL conservation plan. Consultation with St. Jude's Church, local historical societies and the Mississaugas of the Credit First Nation was also undertaken by Heritage Planning staff.

Official Plan Amendments and Zoning By-law Amendments

The Livable Oakville Plan requires the conservation of cultural heritage landscapes in accordance with the town's Cultural Heritage Landscape Strategy (s. 5.3.12 of Livable Oakville; s. 5.3.3 of OPA 16). An official plan amendment (OPA) or zoning by-law amendment (ZBA) may be required to ensure the town's conservation goals match the town's planning policies.

Town staff are prepared to proceed with an OPA/ZBA for this CHL. However, this would require the same town wide policy framework as OPA 24, which remains under appeal to the LPAT. Given prior objections by the OPA 24 appellant to the town proceeding with an OPA/ZBA for the Erchless Estate CHL, town staff will await the LPAT's adjudication on OPA 24 before bringing forward any recommendations.

Conclusion

The objection period for the Notice of Intention to Designate for St. Jude's Cemetery has passed and no objections to the proposed designation have been received. Therefore, By-law 2020-041 is presented to Planning and Development Council for passage.

In preparation for the conservation plan, Heritage Planning staff have engaged with town staff from Parks and Open Space and Legal departments, as well as First Nations communities.

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Town staff have sought feedback from the Heritage Oakville Advisory Committee on the draft conservation plan and on November 17, 2020, the Committee endorsed the conservation plan. Should Council pass By-law 2020-041 this evening, Heritage Planning staff recommend the approval of the conservation plan attached as Appendix B.

CONSIDERATIONS:

(A) PUBLIC

Members of the public are welcome to provide feedback on the draft conservation plan through the Heritage Oakville Advisory Committee or Town Council.

(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 Parks and Open Space and Legal departments to review the conservation plan.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our cultural environment
- be valued/celebrated for outstanding service
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The designation of St. Jude's Cemetery 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 therefore supports the town's climate initiatives.

APPENDICES:

Appendix A – By-law 2020-041

Appendix B – Draft Cultural Heritage Landscape Conservation Plan for St. Jude's Cemetery

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