



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 9, 2018

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**FROM:** Planning Services Department

**DATE:** June 27, 2018

**SUBJECT:** Notice of Intention to Designate - 1086 Burnhamthorpe Road East - Cultural Heritage Landscape

**LOCATION:** 1086 Burnhamthorpe Road East

**WARD:** 6

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### RECOMMENDATION:

That a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the cultural heritage landscape of 1086 Burnhamthorpe Road East, as identified as Part 1 on the reference plan attached as Appendix B to this report, be issued.

### KEY FACTS:

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

- On May 15, 2017, Oakville Town Council recognized the property at 1086 Burnhamthorpe Road East as having a significant cultural heritage landscape and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy Implementation.
- The Province has provided guidance on the framework to assess cultural heritage value or interest. The evolved cultural heritage landscape of the Joshua Creek Heritage Art Centre property meets the criteria of Ontario Regulation 9/06 and merits protection under Section 29, Part IV of the *Ontario Heritage Act*. Should Council consider designation, issuing a Notice of Intention to Designate would be the next step.
- The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate: a description of the property; a statement of cultural heritage value; and, a description of its heritage attributes.
- The Draft Notice of Intention to Designate includes the legal description for the portion of the property proposed to be designated as a cultural heritage landscape. This report and appendices refer to the property as the “Joshua Creek Heritage Art Centre”, previously described as the “Bowbeer Farmstead”.

- The Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, at their meeting on June 27, 2018.

**BACKGROUND:**Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act (2005)*, *Planning Act (1990, as amended)*, Provincial Policy Statement (2014), the *Growth Plan for the Greater Golden Horseshoe (2017)*.

Section 2.6 of the Provincial Policy Statement (PPS) 2014 on Cultural Heritage and Archaeology states:

*2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

The PPS (2014) defines “significant”, in regard to cultural heritage and archaeology, as:

*...resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.*

Further, the PPS (2014) and *Growth Plan (2017)* both define "conserved" as:  
*means the identification, protection, management and use of . . . cultural heritage landscapes . . . in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.*

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2014) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage. The PPS (2014) definition of a cultural heritage landscape is the following:

*“a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”*

The PPS (2014) and *Growth Plan (2017)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The

*Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

#### Cultural Heritage Landscapes Strategy

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 based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act*, Provincial Policy Statement and the *Ontario Heritage Act*. Section One of the Strategy provides an introduction to cultural heritage landscapes and the applicable legislation, including a discussion of the international and national context of cultural heritage landscape conservation. Section Two defines what cultural heritage landscapes are and how to identify and evaluate them. Section Three outlines the legislation and tools that are available to preserve and protect cultural heritage landscapes and Section Four provides the conservation strategies to preserve and commemorate cultural heritage landscapes.

The Strategy is being implemented in three phases: One: Inventory; Two: Research and Assessment; and, Three: Implementation of Protection Measures.

#### Phases One and Two of the Strategy

On February 16, 2016, Oakville Town Council endorsed the recommendations of Phase One: Inventory and directed the properties identified as 'high priority' within the Inventory to proceed immediately to Phase Two: Research and Assessment. The property at 1086 Burnhamthorpe Road East as a 'high priority' property.

The Phase Two: Research and Assessment was led by Letourneau Heritage Consulting (LHC), who assembled a team of experts to provide a thorough review of the property's history, existing site conditions and potential cultural heritage value. On April 25, 2017, the Heritage Oakville Advisory Committee endorsed the draft Cultural Heritage Landscape Assessment (CHLA) for the Bowbeer Farmstead at 1086 Burnhamthorpe Road East.

On May 15, 2017, Council received and endorsed the Phase Two: Research and Assessment reports for six of the high priority properties. Specifically, the staff report stated in relation to the property at 1086 Burnhamthorpe Road East:

*1086 Burnhamthorpe Road East – Bowbeer Farmstead*

*This property has been evaluated and found to have local significance using the tools described in Appendix B. While the existing protection for this property requires updating to recognize and protect a significant cultural heritage landscape, there are currently no identified threats to the property. Staff recommend that the property proceed to Phase Three – Implementation of Protection Measures.*

The final Council resolution of May 15, 2017 included the following recommendations in regards to 1086 Burnhamthorpe Road East:

*That the property at 1086 Burnhamthorpe Road East be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures;*

Phase Three: Implementation of Protection Measures

The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved. The term conserved, as shown in the PPS (2014) and Growth Plan (2017) definition earlier in this report, includes protection of significant cultural heritage resources, and also the management and use of these resources. For Phase Three, the Town seeks to ensure that the proposed designation, description of heritage attributes and any proposed conservation measures reflect and accommodate the Joshua Creek Heritage Art Centre.

**COMMENT/OPTIONS:**

The CHLA report from Phase Two of the Strategy implementation provided the evidentiary basis to identify the Joshua Creek Heritage Art Centre as a significant cultural heritage landscape.

For the Joshua Creek Heritage Art Centre property, the first step of Phase Three is the consideration of heritage protection under the *Ontario Heritage Act*. While the property is already designated by By-law 1991-074, the only feature recognized on the property for its historic or architectural value is the residential building, as was the standard for heritage designation under the *Ontario Heritage Act* in the early 1990s. The Joshua Creek Heritage Art Centre has now been assessed and recognized as a significant cultural heritage landscape, which includes the residential building. Should Council proceed with designation under Section 29, Part IV of the *Ontario Heritage Act*, they are required to issue a Notice of Intention to Designate to the property owner(s), the Ontario Heritage Trust and to publish the Notice in a newspaper having general circulation in the municipality.

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The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate. These are a description of the property, a statement of cultural heritage value, and a description of its heritage attributes. Heritage Planning staff recommend the draft statement of cultural heritage value and description of heritage attributes, which is attached as Appendix A.

Should Council issue a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Joshua Creek Heritage Art Centre property now, additional protection measures under Phase Three could still be brought forward at a later date. These protection measures could include amendment(s) to the Town's Livable Oakville Plan, Zoning By-law 2014-014 or other tools as deemed appropriate and necessary by the Town, including Conservation Plans for Cultural Heritage Landscapes.

Official Plan Amendment (OPA) 15 to the Livable Oakville Plan, adopted by Council on September 26, 2017 and approved by Halton Region on April 26, 2018 (subject to two appeals), among other changes, identifies heritage conservation districts and cultural heritage landscapes as elements of the town's urban structure. OPA 16 to the Livable Oakville Plan, also adopted by Council on September 26, 2017 and approved by Halton Region on April 26, 2018 (subject to one appeal), updates the town's cultural heritage policies and associated definitions. Additionally, OPA 24 to the Livable Oakville Plan, adopted by Council on January 30, 2018 (subject to one appeal), provides a town-wide framework to establish special policy areas for heritage conservation districts and cultural heritage landscapes, which are intended to provide specific policies beyond the general policies and underlying land use designations and associated policies to support the conservation of these areas.

#### Further Assessment and Delineation of the Cultural Heritage Landscape Boundary

As part of the implementation of Phase Three, Heritage Planning staff have worked with the current property owner, Coscorp, and the previous property owners, Sybil and Leo Rampen (who maintain an interest in the property through the residence and operation of the Joshua Creek Heritage Art Centre), to determine the cultural heritage value and heritage attributes and define the boundary of the cultural heritage landscape. Through additional site visits and consideration of the Phase Two research assessment report, Heritage Planning staff recommend that the boundary of this cultural heritage landscape be defined by the areas currently used by the Joshua Creek Heritage Art Centre and by the natural features associated with the Joshua Creek.

A draft reference plan, attached as Appendix B, has been prepared to show the boundary of the significant cultural heritage landscape as Part 1. Part 2 is a buffer area that includes meadow and the labyrinth. Part 3 is currently used for agricultural

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purposes but has been identified in the North East Oakville Secondary Plan as a future residential development.

The recommendation to designate Part 1 of the draft reference plan would exclude the agricultural fields and a portion of the meadow from the heritage attributes of the cultural heritage landscape. The agricultural fields are not operated by, or directly associated with, the Joshua Creek Heritage Art Centre and have not been operated by the Rampens for many years, as the site evolved from a family farm to its current cultural uses. The labyrinth, which is mowed into the long grasses of the meadow, is not considered to be a heritage attribute due to its recent introduction to the landscape. It is located within the meadow that currently buffers the Joshua Creek Heritage Art Centre and the agricultural fields to the south. A portion of the meadow that borders the Joshua Creek and the bank barn are included within the boundaries of the cultural heritage landscape in Part 1. The remainder of the meadow is indicated as Part 2 on the draft reference plan and would be maintained as naturalized land.

Heritage Planning staff have visited the site with members of the Heritage Oakville Advisory Committee to discuss the cultural heritage value and heritage attributes of the site and review them in context with the proposed boundary to determine if the lines on the map corresponds with the physical understanding of the cultural heritage landscape. The property owner has revised the draft reference plan according to guidance provided by staff to ensure that the heritage attributes of the cultural heritage landscape are contained within the proposed boundary. Staff are satisfied that the proposed boundary will conserve the cultural heritage value of the landscape.

On their meeting of June 26, 2018, the Heritage Oakville Advisory Committee endorsed the staff recommendation to designate the Joshua Creek Heritage Art Centre cultural heritage landscape as identified as Part 1 on the attached reference plan under Section 29, Part IV of the *Ontario Heritage Act*.

### Conclusion

Each phase of the implementation of the Cultural Heritage Landscape Strategy has advanced the Town's understanding of the significant cultural heritage landscape of the Joshua Creek Heritage Art Centre. Heritage Planning staff are satisfied that the Heritage Oakville Advisory Committee has before it sufficient additional information to initiate the designation of the property under Section 29, Part IV of the *Ontario Heritage Act*. Staff request that the Heritage Oakville Advisory Committee endorse the staff recommendation to issue a Notice of Intention to Designate for the Joshua Creek Heritage Art Centre cultural heritage landscape as identified as Part 1 on the attached reference plan under Section 29, Part IV of the *Ontario Heritage Act*.

**CONSIDERATIONS:**

**(A) PUBLIC**

Should Council issue a Notice of Intention to Designate, the property owner and the Ontario Heritage Trust will be notified. The Notice will also be published in the local newspaper.

**(B) FINANCIAL**

None

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Legal Department has reviewed this report.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

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

**(E) COMMUNITY SUSTAINABILITY**

The proposed designation generally complies with the sustainability objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix A – Draft Notice of Intention to Designate

Appendix B – Reference Plan

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