

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 4, 2019

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**FROM:** Planning Services Department

**DATE:** October 25, 2019

**SUBJECT:** Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

**LOCATION:** Town wide and 8 Navy Street and 110-114 King Street

**WARD:** Town wide

Page 1

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#### RECOMMENDATION:

1. That By-law 2019-057, a by-law to designate the Erchless Estate at 8 Navy Street and 110-114 King Street, as a property of cultural heritage value or interest, be passed;
2. That the draft cultural heritage landscape conservation plan for the Erchless Estate, as attached in Appendix A to the report dated October 25, 2019, be approved;
3. That the proposed town-initiated official plan and zoning by-law amendments (File Nos. 42.24.22, OPA.1714.27 and Z.1714.27; Cultural Heritage Special Policy Areas including Erchless Estate) be approved;
4. That By-law 2019-107, a by-law to adopt Official Plan Amendment Number 32 (OPA 32) to the Livable Oakville Plan be passed; and
5. That By-law 2019-108, a by-law to amend Zoning By-law 2014-014 be passed.

#### KEY FACTS:

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

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Page 2

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- This report provides the basis and rationale for the heritage conservation measures proposed as a consequence of the completion of the town's Cultural Heritage Landscape Strategy Implementation and cultural heritage landscape assessment relating to the town-owned Erchless Estate.
  - On September 12, 2019, the Notice of Intention to Designate the Erchless Estate as a significant cultural heritage landscape was issued following the resolution of Council on September 9, 2019. No objections were received to the Notice of Intention to Designate and heritage designation By-law 2019-057 has been prepared for Council's consideration.
  - The purpose of the proposed conservation plan is to provide clear and consistent guidance on how to ensure that future alterations to the Erchless Estate property conserve the significant cultural heritage landscape of Erchless Estate, including descriptions of what is exempt from heritage permit approval and what would require heritage permit approval. Its objective is to retain the cultural heritage value and interest and heritage attributes of the cultural heritage landscape.
  - The purpose of the proposed official plan amendment (OPA) to the Livable Oakville Plan is to:
    - identify the Erchless Estate as one of the "Heritage Conservation Districts/Cultural Heritage Landscapes" on the town's urban structure (Schedule A1 of OPA 15 to the Livable Oakville Plan);
    - provide the framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes; and,
    - provide land use designations and policies to support the protection, management and use of the Erchless Estate cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes, as established by By-law 2019-057 designating the property under section 29, Part IV, of the *Ontario Heritage Act*, are retained.
  - The purpose and effect of the proposed zoning by-law amendment is to regulate the use of the Erchless Estate property, and the erection, location and use of buildings and structures thereon, in a manner that implements the site-specific provisions for the Erchless Estate property in the proposed official plan amendment. It will also replace the existing definition of

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Page 3

“museum” in Zoning By-law 2014-014 to recognize multiple types of museums.

- The proposed amendments will recognize and continue to permit the existing uses occurring on the Erchless Estate, which are collectively described as a museum, community centre and library (i.e., Oakville Museum and Oakville Historical Society). The existing buildings and structures will also be permitted, and new buildings will not be allowed.

## **BACKGROUND:**

The proposed heritage conservation measures described and analyzed in this report have been developed in the context of the following interrelated local land use planning matters and initiatives, which are discussed later in more detail:

- the requirement for conservation of the town’s cultural heritage resources, including cultural heritage landscapes, in accordance with provincial policies (i.e., 2014 Provincial Policy Statement, 2019 Growth Plan for the Greater Golden Horseshoe), the Region of Halton Official Plan, and the Livable Oakville Plan;
- the town’s Cultural Heritage Landscape Strategy Implementation, ongoing since 2014, through which research and evaluation by town staff and independent experts demonstrated that the Erchless Estate meets provincial criteria for municipal designation of cultural heritage value and significance, and Council recognized the property as a significant cultural heritage landscape on December 10, 2018;
- OPA 15 to the Livable Oakville Plan to delete and replace Section 3, Urban Structure, and Schedule A1, Urban Structure, through which, among other changes, “Heritage Conservation Districts/Cultural Heritage Landscapes” are identified as defining elements of the town’s urban structure (subject to one appeal); and,
- OPA 16 to the Livable Oakville Plan to update the town’s cultural heritage policies and associated definitions (partially in effect; subject to one appeal), which provides direction to conserve significant cultural heritage landscapes, consistent with Provincial policy, including through the use of conservation plans and area-specific land use designations and policies.

The town’s Notice of Intention to Designate the Erchless Estate property under section 29, Part IV, of the *Ontario Heritage Act* was issued on September 12, 2019.

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Page 4

The Notice of Intention to Designation (NOID) includes a description of the property, a statement of cultural heritage value or interest, and a description of heritage attributes. This information is repeated in heritage designation By-law 2019-057, which is recommended for passage, as there were no objections received in response to the NOID. The last date to file a notice of objection to the NOID was October 15, 2019.

Further to the recommended heritage designation, the proposed conservation measures for the Erchless Estate cultural heritage landscape include a conservation plan, official plan amendment and zoning by-law amendment.

The purpose of the proposed conservation plan is to guide decision-making related to alterations to the Erchless Estate cultural heritage landscape that are likely to affect its cultural heritage value or interest, and/or its heritage attributes.

While the proposed town-initiated OPA will provide a general town-wide framework to establish special policy areas for heritage conservation districts and cultural heritage landscapes<sup>1</sup>, it also provides, in the context of the general town-wide policy framework, land use designations and policies to support the protection, management and use of the Erchless Estate cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained.

As part of the town's ongoing implementation of provincial and local cultural heritage conservation policies, as well as the Cultural Heritage Landscape Strategy Implementation (Phase Three), it is anticipated that additional OPAs will be brought forward – within the general town-wide framework provided by the proposed OPA – to establish special policy areas and associated policies for designated heritage conservation districts and other designated cultural heritage landscapes within the town.

The proposed ZBA will regulate the use of the Erchless Estate, and the erection, location and use of buildings and structures thereon, to ensure that the cultural heritage value or interest and heritage attributes, as established through the designation of the property under the *Ontario Heritage Act*, are retained. It will also replace the existing definition of “museum” in Zoning By-law 2014-014 to recognize multiple types of museums.

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<sup>1</sup> It is noted that this was first proposed through Official Plan Amendment Number 24 (OPA 24) to the Livable Oakville Plan, which was adopted by Council on January 30, 2018, but is subject to an appeal that has yet to be adjudicated. The general policy framework has to be in place in order to establish site-specific policies for the Erchless Estate special policy area, so it is being reintroduced through OPA 32.

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### **Erchless Estate**

Erchless Estate, municipally known as 8 Navy Street and 110-114 King Street, is located at the south end of Navy Street between the mouth of Oakville Harbour and Lakeside Park. It is approximately 1.6 hectares (4 acres) in size, and is surrounded by the Old Oakville Heritage Conservation District.

Erchless is the historic residence of Oakville's founding family, the Chisholms, which was joined together with the former Custom House and Bank of Toronto building. The grounds of the estate also include picturesque natural and landscaped areas, a coach house/gardener's cottage and another cottage that also have cultural heritage value.

The property is owned by the Town of Oakville and is home to both the Oakville Museum and Oakville Historical Society.

#### ***Statement of Cultural Heritage Value or Interest from By-law 2019-057***

Erchless Estate is a designed cultural heritage landscape. The property has significance as a rare and representative example of an early 19th century lakefront estate; because it is historically linked to the founding of Oakville and with Oakville's founding family, the Chisholms; as a public park that is physically, functionally, visually and historically linked to its surroundings; and, as a location important to the Mississaugas of the Credit First Nation.

The entire property is protected by an Ontario Heritage Trust Easement Agreement and is the location of multiple publicly known archaeological sites.

From: Planning Services Department

Date: October 25, 2019

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Figure 1: Air photo of the Erchless Estate on the east side of Oakville Harbour





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## **POLICY AND REGULATORY FRAMEWORK:**

The following policy and regulatory framework provides the basis for the proposed heritage designation by-law, conservation plan, OPA and ZBA as detailed on the following pages:

- **2014 Provincial Policy Statement (PPS)**
  - PPS Cultural Heritage Policies and Definitions
- **2019 Growth Plan for the Greater Golden Horseshoe**
  - Growth Plan Cultural Heritage Policies and Definitions
- ***Ontario Heritage Act***
  - 1976 Heritage Designation of the Erchless Estate by the Town
  - 1983 Ontario Heritage Trust Easement Agreement
  - Ontario Heritage Toolkit: Heritage Property Evaluation (2006)
  - Cultural Heritage Landscape Strategy Implementation
- **Halton Region Official Plan**
  - Regional Plan Definitions
  - Landscapes
  - Regional Structure
- **Livable Oakville Plan**
  - Urban Structure
  - Local Cultural Heritage Policies and Definitions
  - Land Uses
- **Zoning By-law 2014-014**

### **2014 Provincial Policy Statement**

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) under Section 3 of the *Planning Act*. The new PPS replaced the 2005 statement and came into effect April 30, 2014. All planning decisions must be consistent with the PPS.

The 2014 PPS is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. Through Section 1, the PPS promotes efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form. However, through Sections 2 and 3,

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the PPS places constraints on development and growth to ensure the wise use and management of resources and the protection of public health and safety.

### ***PPS Cultural Heritage Policies and Definitions***

Sections 1, 2 and 6 of the 2014 Provincial Policy Statement (PPS) set out cultural heritage policies and related definitions with which the town's planning documents and all planning decisions must be consistent.

For example, section 1.7.1(d) of the PPS states that long-term economic prosperity should be supported by “encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*”. The most detailed policies on cultural heritage arise in Section 2, emphasizing that cultural heritage is a “resource” to be protected. Section 2.6 of the PPS states that:

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.

It is noted that section 2.6.1 of the 2014 PPS is identical to section 2.6.1 of the 2005 PPS, which first defined “cultural heritage landscapes” and required their conservation.

The cultural heritage policies in the 2014 PPS are supported by section 6.0, Definitions, of the PPS, which includes updated definitions for the terms “built heritage resource”, “conserved”, “cultural heritage landscape”, “heritage attributes”, “protected heritage property”, and “significant”. These definitions are provided in Appendix B, which also indicates any proposed changes to the definitions through the Province’s ongoing review of the 2014 PPS.

### **2019 Growth Plan for the Greater Golden Horseshoe**

A Place to Grow, the 2019 Growth Plan for the Greater Golden Horseshoe (“2019 Growth Plan”) came into effect on May 16, 2019, replacing the 2017 Growth Plan for the Greater Golden Horseshoe (“2017 Growth Plan”) that took effect on July 1, 2017.



From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

Page 9

The Growth Plan is a long-term plan that works together with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter are required to conform to the 2019 Growth Plan.

### ***Growth Plan Cultural Heritage Policies and Definitions***

The 2019 Growth Plan sets out additional cultural heritage policies and related definitions with which the town's planning documents and all planning decisions must conform. For example, section 7, Definitions, of the 2019 Growth Plan provides a definition of “cultural heritage resources” that includes built heritage resources, cultural heritage landscapes and archaeological resources:

#### **Cultural Heritage Resources**

*Built heritage resources, cultural heritage landscapes and archaeological 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. While some *cultural heritage resources* may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

The 2019 Growth Plan includes the same definitions of “built heritage resource”, “conserved” and “cultural heritage landscape” as the 2014 PPS (Appendix B).

Section 1.1, The Greater Golden Horseshoe (GGH), of the 2019 Growth Plan includes the statements that:

As the *GGH* grows and changes, we must continue to value what makes this region unique to ensure the sustained prosperity of Ontario, its people, and future generations. While growth is an important part of vibrant, diversified urban and rural communities and economies, the magnitude of growth that is expected over the coming decades for the *GGH* presents several challenges:

...

- Unmanaged growth can degrade the region's air quality; water resources; natural heritage resources, such as rivers, lakes, *woodlands*, and *wetlands*; and *cultural heritage resources*.

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Further, section 1.2, Vision for the GGH, includes the statement that, “Our *cultural heritage resources* and open spaces in our cities, towns, and countryside will provide people with a sense of place.” One of the guiding principles in section 1.2.1 is: “Conserve and promote *cultural heritage resources* to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.”

Section 4, Protecting What is Valuable, of the 2019 Growth Plan, section 4.1, Context, states that:

The *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable *cultural heritage resources*, and valuable renewable and non-renewable resources. These lands, features and resources are essential for the long-term quality of life, economic prosperity, environmental health, and *ecological integrity* of the region. They collectively provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change.

These valuable assets must be wisely protected and managed as part of planning for future growth...

...A balanced approach to the wise use and management of all resources, including those related to water, natural heritage, agriculture, cultural heritage, and mineral aggregates, will be implemented in the *GGH*.

This Plan recognizes and supports the role of municipal policy in providing leadership and innovation in developing a culture of conservation and addressing climate change. As the *GGH* grows, so will the overall demand for water, energy, air, and land. The ongoing availability of these natural resources is essential for the sustainability of all communities...

The *GGH* also contains important *cultural heritage resources* that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through *development* and *site alteration*. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live...

Section 4.2.7, Cultural Heritage Resources, of the 2019 Growth Plan states that:

From: Planning Services Department

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1. *Cultural heritage resources* will be *conserved* in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of *cultural heritage resources*.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

### **Ontario Heritage Act**

The *Ontario Heritage Act* (hereinafter ‘OHA’) came into force in 1975 and it provides municipalities and the provincial government with powers to conserve, protect and preserve the heritage of Ontario. In the context of the *Ontario Heritage Act*, regard should also be had to the 1976 heritage designation of the Erchless Estate property, the 1983 Ontario Heritage Trust easement agreement, the Ontario Heritage Toolkit (2006), and the town’s Cultural Heritage Landscape Strategy Implementation.

#### ***1976 Heritage Designation of the Erchless Estate by the Town***

While Town of Oakville By-law 1976-87 designated the Erchless Estate (Chisholm Estate) as a property of historic and architectural value and interest pursuant to the *Ontario Heritage Act*, a reassessment of the property as a cultural heritage landscape was warranted. The original designation was of its time, focused on built heritage. It was intended only to recognize the custom house and residence of R. K. Chisholm, which he named “Erchless”.

#### ***1983 Ontario Heritage Trust Easement Agreement***

As noted in the Draft Conservation Plan for the Cultural Heritage Landscape of the Erchless Estate (September 2019):

The property is subject to an Easement Agreement (“EA”) held by the Ontario Heritage Trust (“Trust” or “OHT”). Instrument No. 213676 was registered on 28 October, 1983. The EA protects the historical, architectural, aesthetic and scenic character and condition of the exterior of the buildings on the property as it was at the time the agreement was made. It is the property owner/applicant’s responsibility to obtain approval from the Trust, as well as the

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Town, prior to making any alterations and/or repairs to the heritage attributes and to maintain the property.

### ***Ontario Heritage Toolkit: Heritage Property Evaluation (2006)***

The Ontario Heritage Toolkit: Heritage Property Evaluation (2006) provides further guidance with respect to cultural heritage landscapes. It states:

A cultural heritage landscape can be designated as a unit under section 29 or protected as part of a larger heritage conservation district under Part V. (See Heritage Conservation Districts, A Guide to District Designation Under the Ontario Heritage Act) These are geographical areas that involve a grouping of features such as buildings, spaces, archaeological sites and natural elements, which collectively form a significant type of cultural heritage resource. Examples might include villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways and industrial complexes.

### ***Cultural Heritage Landscape Strategy Implementation***

In January 2014, Council adopted the Cultural Heritage Landscape Strategy, which set the foundation for the primary identification of candidate cultural heritage landscapes and the further inventory and evaluation of 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 town's Cultural Heritage Landscape Strategy is based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act* and the *Ontario Heritage Act*.

The implementation of the town's Cultural Heritage Landscape Strategy has proceeded in three phases:

- **Phase One** – the Inventory of Public and Private Potential Cultural Heritage Landscapes – was endorsed by Council on February 26, 2016.
  - In 2015, a town-wide inventory of properties was undertaken to identify every property that had the potential to be deemed a cultural heritage landscape.

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- The Inventory identified the Erchless Estate property at 8 Navy Street and 110-114 King Street as one of 63 properties across town with this potential. It was subsequently identified as a ‘medium-priority’ for Phase Two evaluation.
  - **Phase Two** consists of detailed assessments of the potential cultural heritage landscapes identified in Phase One.
    - The cultural heritage landscape evaluation identified Erchless Estate as a significant designed cultural heritage landscape, which displays the recognizable imprint of human settlement and activities on land over time.
    - On November 27, 2018, the Heritage Oakville Advisory Committee reviewed and endorsed the draft cultural heritage evaluation report for Erchless Estate.
    - On December 10, 2018, Council endorsed the cultural heritage evaluation report, formally recognized Erchless Estate as a significant cultural heritage landscape, and directed staff to move into Phase Three: Implementation of Protection Measures. The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved (i.e., including protection, management and use).
    - The phase two evaluation of the Erchless Estate provided the evidentiary basis to identify the Erchless Estate as meeting provincial *Ontario Heritage Act* criteria for heritage value, and thus also meeting 2014 PPS criteria for heritage significance. As noted previously, the 2014 PPS defines ‘significant’ in regard to cultural heritage 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.

The 2017 Growth Plan – and now the 2019 Growth Plan – also requires the conservation of cultural heritage landscapes that meet the above definition of “significant.”
  - **Phase Three** includes additional research and evaluation, as well as the consideration and recommendation of appropriate implementation

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measures for the conservation of significant cultural heritage landscapes recognized by Council.

- On September 9, 2019, on staff's recommendation, Council directed staff to issue a Notice of Intention to Designate under Section 29, Part IV, of the *Ontario Heritage Act*, which was published on September 12, 2019.
- Staff is recommending passage of By-law 2019-057 to designate Erchless Estate under section 29, Part IV, of the *Ontario Heritage Act* to recognize its cultural heritage value or interest and heritage attributes as a designed cultural heritage landscape.
- Staff is also recommending a conservation plan, official plan amendment and zoning by-law amendment to support the conservation of the Erchless Estate cultural heritage landscape, as described in this report.

### **Region of Halton Official Plan**

The OMB has issued a series of decisions regarding the partial approval of Regional Official Plan Amendment 38 (ROPA 38) to the Halton Region Official Plan (Regional Plan). The policies of ROPA 38 to the Regional Plan are in force with the exception of site-specific and policy-specific matters unrelated to the proposed OPA and ZBA.

### ***Regional Plan Definitions***

The Regional Plan defines “cultural heritage resources” and “cultural heritage landscapes” as follows:

CULTURAL HERITAGE RESOURCES means elements of the Regional landscape which, by themselves, or together with the associated environment, are unique or representative of past human activities or events. Such elements may include *built heritage resources*, *cultural heritage landscapes*, and *archaeological resources*.

CULTURAL HERITAGE LANDSCAPES means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form,

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Page 15

distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.

### ***Landscapes***

The Regional Plan attaches broad importance to landscapes as set out in Part II, Basic Position, Halton's Planning Vision:

26. Halton expects further urbanization and changes to its landscape within the planning period between now and 2031. In this regard, Halton will undertake the necessary steps to ensure that growth will be accommodated in a fashion that is orderly, manageable, yet sensitive to its natural environment, heritage and culture. To maintain Halton as a desirable and identifiable place for this and future generations, certain landscapes within Halton must be preserved permanently. This concept of "landscape permanence" represents Halton's fundamental value in land use planning and will guide its decisions and actions on proposed land use changes accordingly.

The same part of the Regional Plan addresses the role of other governments and legislation on landscapes:

29. The concept of landscape permanence will be reflected in the goals, objectives, and policies of this Plan. In pursuit of this concept, Regional Council will exercise its powers and authority, as permitted by legislation, and deploy its resources accordingly. Other government agencies, as well as individuals or corporations, making decisions affecting Halton's landscape are also encouraged to incorporate this concept.

Under Part IV, Healthy Communities Policies, of the Regional Plan, it is an objective of the Region to "preserve certain landscapes as part of *Halton's Cultural Heritage Resources*" (s. 146(3)). The subsequent section on Cultural Heritage Resources includes the following goal and objectives:

165. The *goal* for *Cultural Heritage Resources* is to protect the material, cultural and built heritage of *Halton* for present and future generations.
166. The *objectives* of the *Region* are:



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- 166(1) To promote awareness and appreciation of *Halton's* heritage.
- 166(2) To promote and facilitate public and private stewardship of *Halton's* heritage.

### ***Regional Structure***

The Erchless Estate is designated Natural Heritage System and Urban Area on Map 1, Regional Structure, of the Regional Plan.

The Natural Heritage System designation applies to the portions of the Erchless Estate within the “significant valleylands” of Sixteen Mile Creek. Section 117.1(3) of the Regional Plan provides that existing uses may be permitted within the Natural Heritage System. The objectives of the Natural Heritage System include:

- 114.1(10) To protect significant scenic and heritage resources.
- 114.1(18) To provide opportunities, where appropriate, for passive outdoor recreational activities.

The Urban Area designation applies to the upland portion of the Erchless Estate. Part III, Land Stewardship Policies, Official Plan Designations, section 75, of the Regional Plan states that, the Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. One of the objectives of the Urban Area (s. 72(1)) is to “accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently”. Further, section 76 of the Regional states, “The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.”

### **Livable Oakville**

The Livable Oakville Plan (2009 Town of Oakville Official Plan) was prepared to conform to the province’s 2006 Growth Plan, as required by the *Places to Grow Act, 2005*. It replaced the policies contained in the 1984 Town of Oakville Official Plan, and applies to all lands within the town except the North Oakville East and West Secondary Plan areas.

From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

Page 17

The Livable Oakville Plan was adopted by Council on June 22, 2009, through By-law 2009-112. It was approved by Halton Region on November 30, 2009, with modifications, as it was determined to conform to the 2006 Growth Plan and the Regional Plan, as amended, and to be consistent with the 2005 PPS.

### ***Urban Structure***

Schedule A1, Urban Structure, of the Livable Oakville Plan provides a high-level organization of the basic structural elements of the Plan Area by identifying Residential Areas, Employment Areas, Growth Areas, Major Commercial Areas, and Parkway Belt (i.e., lands subject to the province's Parkway Belt West Plan). The Erchless Estate is within the area identified as "Residential Areas".

At its meeting of September 26-27, 2017, Council adopted OPA 15 to the Livable Oakville Plan to delete and replace Schedule A1, Urban Structure, as well as the policies in Part C, Section 3, Urban Structure. OPA 15 was approved by Halton Region, and is partially in effect, but certain portions remain subject to one appeal.

- In Schedule A1, Urban Structure, of OPA 15, the "Residential Areas" structural element applies to the Erchless Estate. Section 3.9, Residential Areas, of OPA 15 states:

Residential Areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

Some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the town is upheld. The character of the Residential Areas will be significantly influenced by their relationship to the Natural Heritage System, parks and open space areas.

- The Erchless Estate fits within the Residential Areas as a compatible and supporting recreational use. As explicitly noted on the existing and adopted (OPA 15) Schedule A1, Urban Structure, the schedule does not represent land use designations. The Residential Areas element of the urban structure does not predetermine any particular land use designation, as there are several land uses that are required and appropriate within the Residential Areas urban structure element.

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Page 18

- Schedule A1, Urban Structure, of OPA 15 also identifies “Heritage Conservation Districts/Cultural Heritage Landscapes” as structural elements. The proposed OPA 32 will add a symbol to identify the Erchless Estate as “Heritage Conservation Districts/Cultural Heritage Landscapes.” Section 3.10, Cultural Heritage Resources, of OPA 15, states:

The Town has a long tradition of identifying and conserving *cultural heritage resources*, and is required to do so under Provincial Policy.

Heritage Conservation Districts and *cultural heritage landscapes* are elements of the urban structure and are shown on Schedule A1, Urban Structure. Other *cultural heritage resources* are important features of the Town but due to their size are not identifiable at the scale of the urban structure.

As additional Heritage Conservation Districts *and cultural heritage landscapes* are protected and registered under the *Ontario Heritage Act*, they shall be added to Schedule A1, Urban Structure.

- It is noted that the “Greenbelt – Urban River Valley” structural element on Schedule A1, Urban Structure, of OPA 15, as it applies to the Erchless Estate, is consistent with Schedule 4: Natural Heritage System of the 2017 Greenbelt Plan and Schedule B, Natural Features and Hazard Lands, of the Livable Oakville Plan.
  - The 2017 Greenbelt Plan states that the Urban River Valley designation only applies to publicly owned lands. It also recognizes that, “The lands in this designation comprise river valleys and associated lands and are generally characterized by being... lands designated in official plans for uses such as parks, open space, recreation, conservation and environmental protection.”
  - The valleylands and floodplain identified in the area of the Erchless Estate on Schedule B, Natural Features and Hazard Lands, of the Livable Oakville Plan, are addressed through the Waterfront Open Space land use designation.

From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

Page 19

### ***Local Cultural Heritage Policies and Definitions***

At its meeting of September 26-27, 2017, Council adopted OPA 16 to the Livable Oakville Plan to update the town's cultural heritage policies and associated definitions in the Livable Oakville Plan to:

- be consistent with the 2014 PPS and in conformity with the 2017 Growth Plan; and,
- support the implementation of the *Ontario Heritage Act* and the town's Cultural Heritage Landscape Strategy.

OPA 16 was approved by Halton Region and is partially in effect, but certain portions remain subject to one appeal.

OPA 16 amended section 29, Interpretation, of the Livable Oakville Plan, by replacing the definition of the terms “conserved” (or “conserve”) and “cultural heritage resources” to ensure consistency and conformity with provincial policies. The definition of “conserved” is from the 2014 PPS and 2017 Growth Plan, and the definition of “cultural heritage resources” is from the 2017 Growth Plan (now 2019 Growth Plan) and 2017 Greenbelt Plan.

The definition of “cultural heritage landscape” from the 2014 PPS and 2017 Growth Plan was included in OPA 16, with additional examples from the 2006 Ontario Heritage Toolkit: Heritage Property Evaluation (i.e., other streets of special interest, golf courses, farmscapes, historic roads) as shown below. It remains subject to appeal.

***Cultural heritage landscape*** means 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. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

The policies of section 5, Cultural Heritage, of the Livable Oakville Plan support the conservation of cultural heritage resources, including cultural heritage landscapes. Select policies are provided below:

- Section 5.1.2, Powers and Tools, states that:

The Town will exercise the powers and apply the tools provided by legislation, particularly the *Ontario Heritage Act*, the *Planning Act*, the *Environmental Assessment Act*, the *Building Code Act*, and the *Municipal Act* in implementing and enforcing the cultural heritage policies of the Town.

- Section 5.2.1, Cultural Heritage Resources, states that:

To *conserve cultural heritage resources* in accordance with applicable legislation and recognized heritage protocols, the Town: ...

- b) may recognize and/or designate *cultural heritage resources*; ...
- d) may, consistent with provincial standards, establish policies, procedures, plans, and guidelines to support the identification, assessment, evaluation, management, use, registration, designation, alteration, removal, and demolition of *cultural heritage resources* or changes to their heritage status;

- Section 5.3.3 states that:

The Town shall *conserve cultural heritage landscapes* in accordance with the Cultural Heritage Landscape Strategy.

OPA 16, Cultural Heritage Policy Updates, proposed a new policy and a revision to an existing policy, as shown below, which remain subject to appeal.

Where protected or registered under the *Ontario Heritage Act*, a Heritage Conservation District or *cultural heritage landscape*:

- a) shall be identified on Schedule A1, Urban Structure;
- b) shall be subject to applicable powers and tools for their conservation; and,
- c) may be subject to an area-specific land use designation and policies consistent with the applicable Heritage Conservation District plan or *cultural heritage landscape* conservation plan.

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Page 21

~~The character of~~ Heritage Conservation Districts and cultural heritage landscapes (as identified in Appendix 1 on Schedule A1) shall be ~~preserved, maintained and enhanced~~ conserved through the careful consideration of ~~plans~~ any proposals for change within their boundaries, on adjacent lands, or in their immediate vicinity ~~district~~. In reviewing proposals for ~~the~~ construction, demolition, relocation, or removal of buildings and structures, or for alteration ~~s~~, additions, renovation or restoration of existing buildings or structures within, adjacent to, or in the immediate vicinity of a ~~designated~~ Heritage Conservation District or cultural heritage landscape identified on Schedule A1, the Town will be guided by the applicable Heritage Conservation District plan or cultural heritage landscape conservation plan.

It is also noted that, as the location of multiple archaeological sites, the Erchless Estate are protected by Section 5.4, Archaeological Resources, of the Livable Oakville Plan.

### **Land Uses**

The Livable Oakville Plan's land use schedules provide specific land use designations that are intended to align with the Urban Structure. The Erchless Estate is currently designated Waterfront Open Space on Schedule G, South East Land Use, of the Livable Oakville Plan (Figure 2). Section 17.3.1 of the Plan states that:

Uses permitted within the Waterfront Open Space designation may include: parks, parkettes, squares and open space linkages; active or passive outdoor recreational uses; minor structures related to recreational uses; trails; cultural heritage uses; conservation uses including fish, *wildlife* and forest management; essential public works including transportation, *utility*, watershed management and *flood* and *erosion hazard* control facilities; harbours; and, legally existing uses, buildings and structures.

### **Zoning By-law 2014-014**

Zoning By-law 2014-014, as amended, is the town's comprehensive zoning by-law for the lands south of Dundas Street and north of Highway 407. The Erchless Estate is zoned O1 - Park (Figure 3). Permitted uses in the O1 Zone include community centre, conservation use, and public park.

The existing outdoor landscaped and natural areas are considered to be park and conservation uses, as defined by Zoning By-law 2014-014, and are permitted in the O1 Zone.

From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

The existing buildings on the Erchless Estate are occupied by the Oakville Museum and Oakville Historical Society and are collectively used as a museum, community centre and library, as defined by Zoning By-law 2014-014. The uses pre-date Zoning By-law 2014-014 and are considered to be legal uses.

Although the existing buildings obviously pre-date Zoning By-law 2014-014, it is staff's position that they conform to the O1 Zone regulations (Table 1). If a non-conformity with the O1 Zone regulations were identified, it would also pre-date Zoning By-law 2014-014 and be considered to be legal.

*Table 1: Regulations for the O1 (Park) Zone*

Regulation	O1 Zone
Minimum lot area	n/a
Minimum lot frontage	n/a
Minimum front yard	0.0 m
Minimum flankage yard	0.0 m
Minimum interior side yard	4.5 m
Minimum rear yard	4.5 m
Maximum height	14.0 m
Maximum lot coverage	25%



From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Figure 2: Existing Official Plan Land Use Designation, Erchless Estate

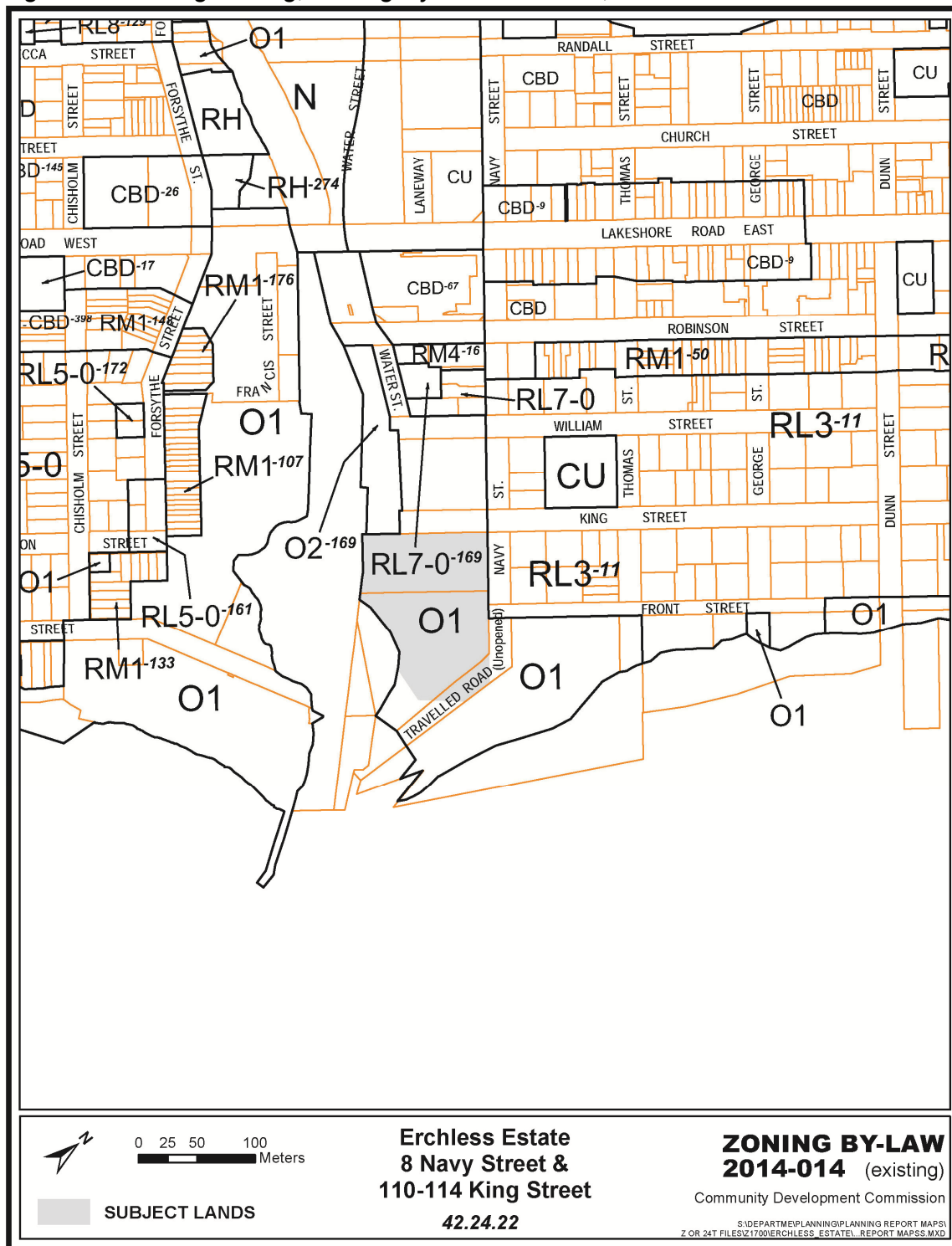


From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Figure 3: Existing Zoning, Zoning By-law 2014-014, Erchless Estate



From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

## COMMENT/OPTIONS:

The heritage designation by-law, conservation plan, OPA and ZBA proposed are a consequence of the completion of the town's Cultural Heritage Landscape Strategy Implementation and the cultural heritage landscape assessment relating to the town-owned Erchless Estate.

As described in detail above, it was determined through the assessments of the Erchless Estate by town staff and independent heritage experts undertaken in the context of Phase Two and Phase Three of the town's Cultural Heritage Landscape Strategy Implementation that the property met the provincial criteria for significance and for municipal designation under the *Ontario Heritage Act* as a designed cultural heritage landscape.

On staff's recommendation, Council proceeded with a Notice of Intention to Designate (NOID), and as there were no objections filed, staff is recommending the heritage designation of the Erchless Estate through the passage of By-law 2019-057.

### **Requirement to Conserve Significant Cultural Heritage Landscapes**

Provincial, regional and town policies address the conservation of significant cultural heritage landscapes. The provincial policies, which apply to all planning decisions, are directive and require conservation.

- Section 2.6 of the 2014 PPS states that, "*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*"
- Section 4.2.7.1 of the 2019 Growth Plan states that, "*Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*"
- The 2014 PPS, the 2019 Growth Plan, and the Livable Oakville Plan rely on the same definition of "conserved":

**Conserved:** means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes and archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment,

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Page 26

and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

- The 2014 PPS, the 2019 Growth Plan, and OPA 16<sup>2</sup> to the Livable Oakville Plan rely on the same core definition of “cultural heritage landscape”:

**Cultural heritage landscape:** means 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 above definition of “conserved” requires “the identification, protection, management and use” of cultural heritage landscapes in a manner that ensures the cultural heritage value or interest is retained under the *Ontario Heritage Act*. The 2014 PPS defines “heritage attributes” as the principal features and or elements that contribute to a protected heritage property’s cultural heritage value or interest. Accordingly, retaining the heritage attributes is important to retaining the cultural heritage value or interest of a property.
- The 2014 PPS does not include a definition of “cultural heritage resources”, but the 2019 Growth Plan and the Livable Oakville Plan rely on the same definition of “cultural heritage resources”:

**Cultural heritage resources:** Built heritage resources, cultural heritage landscapes and archaeological 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. While some *cultural heritage resources* may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

- The definition of “cultural heritage resources” incorporates a description of each type of heritage resource that must be “conserved” under the policies of the 2019 Growth Plan. Its approach produces the same outcome as the 2014 PPS, but in a different manner. In particular, like the

<sup>2</sup> The definition of “cultural heritage landscape” in OPA 16 (Cultural Heritage Policy Updates) to the Livable Oakville Plan, which includes examples of cultural heritage landscapes from the Ontario Heritage Toolkit (2006) is subject to appeal.

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Page 27

2014 PPS, the 2019 Growth Plan requires the conservation of cultural heritage resources that have “been determined to have cultural heritage value or interest.” Any heritage resource that is significant under the 2014 PPS must also be conserved under the 2019 Growth Plan.

- The Regional Plan contains the goal “to protect the material, cultural and built heritage of *Halton* for future generations” (Cultural Heritage, s. 165), and objectives to “...retain local community identity... and preserve certain landscapes permanently” (Urban Area, s. 72(1)), as well as “preserve certain landscapes as part of Halton’s Cultural Heritage Resources” (Healthy Communities, s. 146(3)).
- Section 5.3.3 of the Livable Oakville Plan states that, “The Town shall conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy.”
- OPA 16 (Cultural Heritage Policy Updates) to the Livable Oakville Plan also included the following policy, which – though subject to one appeal – remains reflective of staff’s position and ongoing approach to the Cultural Heritage Landscape Strategy Implementation:

Where protected or registered under the *Ontario Heritage Act*, a Heritage Conservation District or cultural heritage landscape:

- a) shall be identified on Schedule A1, Urban Structure, of the Livable Oakville Plan;
- b) shall be subject to applicable powers and tools for their conservation; and,
- c) may be subject to an area-specific land use designation and policies consistent with the applicable Heritage Conservation District Plan or cultural heritage landscape conservation plan.

The Livable Oakville Plan states that the town will exercise the power and tools provided by legislation – including the *Ontario Heritage Act*, *Planning Act* and *Municipal Act* – to implement and enforce the cultural heritage policies of the town. As such, the town is proposing a number of measures to support and ensure the conservation of the Erchless Estate cultural heritage landscape. The tools available under the *Planning Act* include the adoption of official plan policies and the passage of zoning by-laws to address land use. It is staff’s opinion that the proposed OPA and ZBA described below provide appropriate land uses.

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

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### **Proposed Conservation Plan**

Heritage Planning staff worked with staff from various departments, including Parks and Open Space and Facilities and Construction Management, to prepare the draft conservation plan for the Erchless Estate property (Appendix A).

The purpose of the conservation plan is to guide those alterations to the Erchless Estate cultural heritage landscape (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 Erchless Estate as a significant CHL. This will help to ensure that Erchless Estate's 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 Erchless Estate 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 Erchless Estate'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.

### **Proposed Official Plan Amendment**

The proposed OPA 32 includes general (town-wide / Plan-wide) and site-specific changes to the Livable Oakville Plan.

#### ***General changes***

OPA 32 proposes to:

- Amend the proposed Schedule A1, Urban Structure, of OPA 15 (Urban Structure) to the Livable Oakville Plan, to add a "Heritage Conservation Districts/Cultural Heritage Landscapes" symbol in the location of the Erchless Estate (municipally known as 8 Navy Street and 110-114 King Street).

From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

- Update Section 26, Special Policy Areas, of the Livable Oakville Plan to provide a policy framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes protected under the *Ontario Heritage Act*<sup>3</sup>. Such special policy areas are intended to provide specific policies beyond the general policies and underlying land use designations and associated policies of the Plan to support the conservation of heritage conservation districts and cultural heritage landscapes.

### ***Site-specific Changes Applying to the Erchless Estate***

OPA 32 proposes to:

- Amend Schedule G, South East Land Use, of the Livable Oakville Plan to identify a new Special Policy Area applying to the Erchless Estate (municipally known as 8 Navy Street and 110-114 King Street), on top of the existing Waterfront Open Space land use designation (Figure 4).
- Provide the following land use policies to support the protection, management and use of the Erchless Estate cultural heritage

landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained.

#### **26.6.1 Erchless Estate Special Policy Area**

*A Special Policy Area applies to the lands municipally known as 8 Navy Street and 100-114 King Street, as shown on Schedules G, which contain the Erchless Estate and are a cultural heritage landscape protected by the Town under the Ontario Heritage Act. The following additional policies support the protection, management and use of the cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained.*

<sup>3</sup> On January 30, 2018, Council adopted OPA 24 (Cultural Heritage Special Policy Areas including Glen Abbey Golf Course), which is subject to one appeal. OPA 24 includes the framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes protected under the *Ontario Heritage Act*, which is proposed again through OPA 32. The general policy framework must be in place to establish site-specific policies for the Erchless Estate special policy area.



From: Planning Services Department

Date: October 25, 2019

Subject: **Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

Page 30

26.6.1(a) Within the Erchless Estate *Special Policy Area*, only the following uses shall be permitted:

- i) museum;
- ii) community centre;
- iii) library;
- iv) park; and,
- v) conservation uses.

26.6.1(b) Notwithstanding 26.6.1(a), within the Erchless Estate *Special Policy Area*, no new buildings shall be permitted, and additions to existing buildings may be permitted only where the Town is satisfied that the alteration of the lands to permit such addition has met the applicable requirements of section 33 of the *Ontario Heritage Act* and will *conserve* the *cultural heritage landscape*.

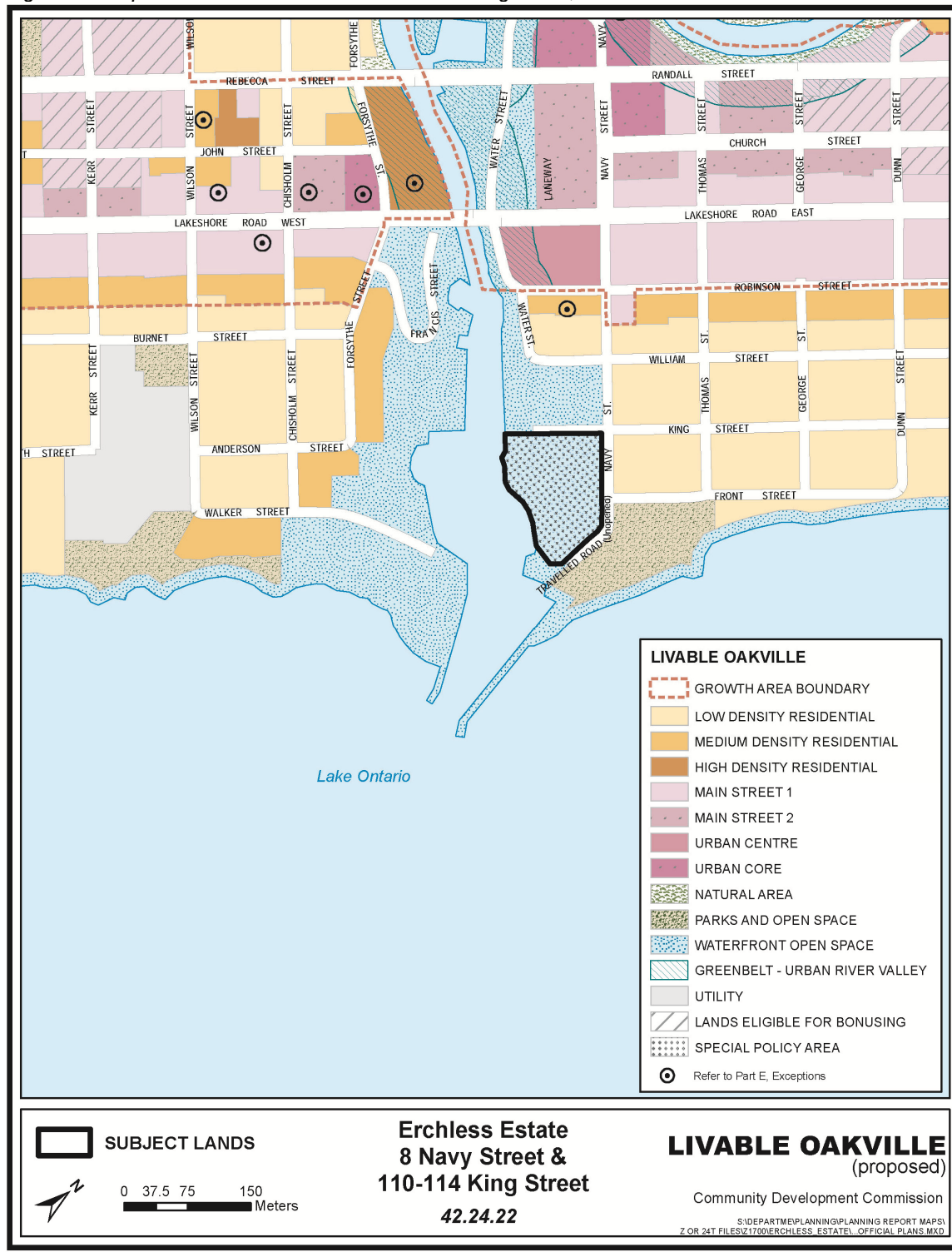
As discussed above, the significance of the Erchless Estate cultural heritage landscape was determined through detailed assessments by heritage experts as part of the Cultural Heritage Landscape Strategy Implementation, and the Notice of Intention to Designate. On November 4, 2019, Council will be considering the passage of By-law 2019-057 to designate the property under section 29 of the *Ontario Heritage Act*, as well as the approval of the related conservation plan. The proposed identification of the Erchless Estate cultural heritage landscape on Schedule A1, Urban Structure, of OPA 15 to Livable Oakville Plan, and the proposed special policy area designation and policies are intended to support the conservation of the cultural heritage landscape

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Figure 4: Proposed Erchless Estate Land Use Designation, OPA 32 to the Livable Oakville Plan



From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

## **Proposed Zoning By-law Amendment**

The proposed zoning by-law amendment includes general and site-specific changes to Zoning By-law 2014-014.

### ***General change***

The existing definition of “museum” in Zoning By-law 2014-014 is outdated and only recognizes certain types of museums, so a new definition is proposed as follows:

*Table 2: Existing and Proposed Definitions of “Museum”*

Existing / Zoning By-law 2014-014	Proposed / By-law 2019-108
Museum means a <i>premises</i> for the preservation of a collection of any combination of paintings, other works of art, objects of natural history, mechanical, scientific or philosophical inventions, instruments, models, or designs.	Museum means <i>premises</i> used for the exhibition, collection or preservation of objects of cultural, historical, natural or scientific interest.

### ***Site-specific change***

The proposed zoning by-law amendment, By-law 2019-108, will regulate the use of the Erchless Estate property, and the erection, location and use of buildings and structures thereon, in a manner that implements the site-specific provisions for the Erchless Estate property in the proposed official plan amendment.

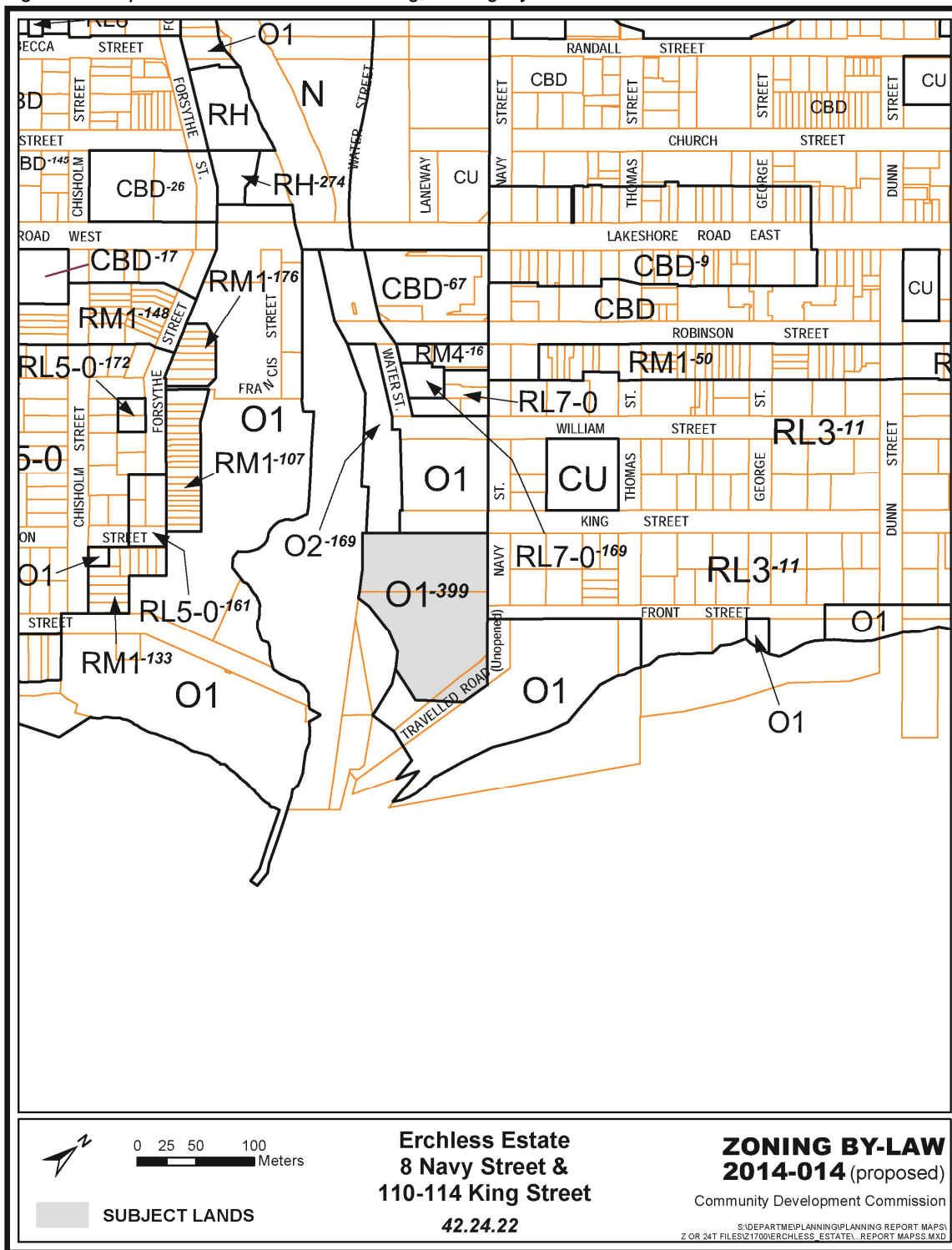
A new site-specific Zone symbol “O1<sup>-399</sup>” is proposed to be applied to the Erchless Estate (Figure 5), which corresponds to the proposed Special Provision 399, to be added to Section 15, Special Provisions, of Zoning By-law 2014-014 as follows:

From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Figure 5: Proposed Erchless Estate Zoning, Zoning By-law 2019-108



From: Planning Services Department

Date: October 25, 2019

Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108

Table 3: Proposed Site-specific Special Provision to be added to Zoning By-law 2014-014

<b>399</b>	<b>Erchless Estate, 8 Navy Street and 110-114 King Street</b>	Parent Zone: O1
Map 19(8)		(2019-108)
<b>15.399.1 Only Permitted Uses</b>		
The following <i>uses</i> are the only <i>uses</i> permitted:		
a)	<i>Museum</i>	
b)	<i>Community Centre</i>	
c)	<i>Library</i>	
d)	<i>Public Park</i>	
e)	<i>Conservation Use</i>	
<b>15.399.2 Zone Provisions</b>		
The following additional regulations apply to all lands identified as subject to this Special Provision:		
a)	Only the <i>buildings</i> , <i>structures</i> and associated <i>parking areas</i> legally existing on the date of the passage of By-law 2019-108 are permitted.	
b)	Notwithstanding section 15.399.2(a), the enlargement or extension of unenclosed barrier-free ramp <i>structures</i> is permitted.	

In addition to the new definition of “museum” above, the following existing use definitions from Zoning By-law 2014-014 apply to the proposed Special Provision 399 for the Erchless Estate.

Table 4: Zoning By-law 2014-014 Definitions

Term	Definition
Community Centre	means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature and, where the facility is owned and operated by the <i>Town</i> , other <i>uses</i> authorized through an agreement with the <i>Town</i> .
Conservation Use	means a <i>use</i> dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.
Library	means a <i>premises</i> for the collection of printed, electronic, and pictorial material for public <i>use</i> for the purposes of study, reference, and recreation, and which may include meeting rooms for community <i>use</i> , activity areas, cafeteria, and space for recreational <i>uses</i> .

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Term	Definition
Public Park	means an area of land under the jurisdiction of a <i>public authority</i> that is designed or maintained for active or passive recreational purposes and other <i>uses</i> authorized through an agreement with the <i>Town</i> .

The only uses permitted in the existing buildings will be a museum, community centre and library as defined by Zoning By-law 2014-014, as amended. The intent is to continue to permit the uses operated by the Oakville Museum and Oakville Historical Society, as well as the existing buildings and structures and (outdoor) park and conservation uses, but not allow any new buildings, in order to conserve the cultural heritage landscape.

### **Planning Analysis**

The 2014 PPS, 2019 Growth Plan, Regional Plan and Livable Oakville Plan require the conservation of significant cultural heritage landscapes such as the Erchless Estate property. The proposed by-law to designate the property under Section 29, Part IV of the *Ontario Heritage Act* establishes the property's cultural heritage value or interest, and its heritage attributes.

The other proposed conservation measures are intended to ensure that the cultural heritage value or interest and heritage attributes of the Erchless Estate, will be retained in accordance with the *Ontario Heritage Act*:

- The conservation plan identifies the types of alterations that may impact the cultural heritage value or interest and heritage attributes of the property and requires heritage approval before they can be made.
- The proposed OPA and ZBA permit the continuation of the existing land uses and buildings on the property, and do not permit new buildings.

Any significant physical change to the Erchless Estate could impact the cultural heritage value or interest of the property as a designed cultural heritage landscape. The conservation measures are intended to support the maintenance of the property in its current designed state.

### ***Technical Review Comments***

To prepare the conservation plan, Heritage Planning staff worked with staff from the Oakville Museum, and the Parks and Open Space and Facilities and Construction Management departments, as well as the Oakville Historical

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Society. The recommended conservation plan was a collaborative effort that reflects the input and objectives of all of those stakeholders.

No concerns were identified by the departments and agencies notified of the proposed OPA and ZBA.

### ***Public Comments***

As of the writing of this report, the only public concerns identified have been as outlined in the letter to Heritage Oakville from legal counsel to ClubLink Corporation ULC and ClubLink Holdings Limited (collectively, “ClubLink”), dated October 21, 2019 (Appendix C).

It is staff’s position that the proposed conservation plan, OPA and ZBA describe in this report are appropriate and will support the conservation of the Erchless Estate property’s cultural heritage landscape.

With respect to the OPA, in particular:

- It is noted that the proposed OPA 32 has been modified to indicate on the “Proposed Schedule A1, Urban Structure” that Schedule A1, Urban Structure, of OPA 15 is subject to appeal, as indicated on the “Existing Schedule A1, Urban Structure” (see By-law 2019-107, Appendix 1, Changes to Schedules to the Livable Oakville Plan). This clarifies that Schedule A1, Urban Structure, of OPA 15 is not in effect. Staff is recommending, through OPA 32, that Council identify the town-owned Erchless Estate as “Heritage Conservation Districts/Cultural Heritage Landscapes” on Schedule A1, Urban Structure, of the Livable Oakville Plan, as amended by OPA 15, once OPA 15 is in effect.
- Further, as indicated previously, a general policy framework has to be in place in order to establish – or “house” – site-specific policies related to a cultural heritage special policy area (i.e., heritage conservation district or cultural heritage landscape) in Section 26, Special Policy Areas, of the Livable Oakville Plan. This was first proposed through OPA 24 (Cultural Heritage Special Policy Areas including Glen Abbey Golf Course) to the Livable Oakville Plan, which was adopted by Council on January 30, 2018, but is subject to an appeal by ClubLink that has yet to be adjudicated. As indicated in the January 22, 2018 staff report that recommended the approval of OPA 24:



From: Planning Services Department

Date: October 25, 2019

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Page 37

The proposed OPA provides the general town-wide framework to establish special policy areas for heritage conservation districts and cultural heritage landscapes, which is consistent with the town's ongoing implementation of provincial and local heritage conservation policies, as well as the Cultural Heritage Landscape Strategy Implementation. It is anticipated that additional OPAs will be brought forward – within the new local policy framework – to establish special policy areas and associated policies for the town's designated heritage conservation districts and other cultural heritage landscapes. This approach reinforces the importance of these elements of the town's updated urban structure, as provided by OPA 15 to the Livable Oakville Plan, and the obligation to conserve them.

Currently, staff is proceeding with the Cultural Heritage Landscape Strategy Implementation with as it relates to the Erchless Estate.

### ***Heritage Oakville***

Town staff sought feedback from the Heritage Oakville Advisory Committee on the heritage conservation measures described above. On October 22, 2019, the Committee endorsed the draft conservation plan, OPA and ZBA.

### **CONCLUSION:**

Considering the foregoing, it is staff's opinion that the proposed heritage designation by-law, conservation plan, OPA and ZBA represent good planning, are consistent with the 2014 PPS and in conformity with the 2019 Growth Plan, the Regional Plan and the Livable Oakville Plan (in force and as amended by OPA 15 and OPA 16). Further, approval of the proposed heritage designation by-law, conservation plan, OPA and ZBA would be in the public interest.

Accordingly, it is recommended:

1. That By-law 2019-057, a by-law to designate the Erchless Estate at 8 Navy Street and 110-114 King Street, as a property of cultural heritage value or interest, be passed;
2. That the draft cultural heritage landscape conservation plan for the Erchless Estate, as attached in Appendix A to the report dated October 25, 2019, be approved;

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Page 38

3. That the proposed town-initiated official plan and zoning by-law amendments (File Nos. 42.24.22, OPA.1714.27 and Z.1714.27; Cultural Heritage Special Policy Areas including Erchless Estate) be approved;
4. That By-law 2019-107, a by-law to adopt Official Plan Amendment Number 32 (OPA 32) to the Livable Oakville Plan be passed; and,
5. That By-law 2019-108, a by-law to amend Zoning By-law 2014-014 be passed.

## CONSIDERATIONS:

### (A) PUBLIC

The town's Notice of Intention to Designate the Erchless Estate property under section 29, Part IV, of the *Ontario Heritage Act* was issued on September 12, 2019, including publication in the local newspaper. No objections were received.

Notice of the proposed official plan and zoning by-law amendments was published in the local newspaper on October 10, 2019. It was also sent by mail to owners of property within 120 metres of the Erchless Estate, and by email to residents associations and legislated review agencies, as well as the Oakville Museum and Oakville Historical Society.

Members of the public may provide feedback on the contents of this report by making written submissions to Council (via the Town Clerk) on or before noon on November 4, 2019, or by making oral submissions at the Planning and Development Council meeting at 7 p.m. on November 4, 2019.

### (B) FINANCIAL

No financial implications arise from this report.

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

In preparing the draft conservation plan, Heritage Planning staff engaged with staff from the Oakville Museum, and the Parks and Open Space and Facilities and Construction Management departments, as well as the Oakville Historical Society.

The draft proposed OPA and ZBA were also circulated to other departments, the Oakville Museum and the Oakville Historical Society for technical review and feedback. No concerns were identified at the time of the writing of this report.

From: Planning Services Department

Date: October 25, 2019

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

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- be accountable in everything we do
- enhance our cultural environment
- be the most livable town in Canada

#### **(E) COMMUNITY SUSTAINABILITY**

The recommended official plan and zoning by-law amendments comply with the sustainability objectives of the Livable Oakville Plan.

#### **APPENDICES:**

- Appendix A Draft Cultural Heritage Landscape Conservation Plan for the Erchless Estate, October 2019
- Appendix B Provincial Cultural Heritage Definitions
- Appendix C Letter from ClubLink to Heritage Oakville, October 21, 2019

#### **BY-LAWS:**

The following by-laws, recommended for passage by this report, are listed separately on the November 4, 2019 Planning and Development Council agenda:

- 2019-057 A by-law to designate the Erchless Estate at 8 Navy Street and 110-114 King Street as a property of cultural heritage value or interest.
- 2019-107 A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 32 (Town of Oakville; Cultural Heritage Special Policy Areas including Erchless Estate; File Nos. 42.24.22 & OPA Z.1714.27)
- 2018-108 A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the existing museum/community centre/library at 8 Navy Street and 110-114 King Street – Erchless Estate (Town of Oakville; File Nos. 42.24.22 & Z.1714.27)

PLANNING AND DEVELOPMENT COUNCIL MEETING

From: Planning Services Department

Date: October 25, 2019

**Subject: Cultural Heritage Landscape Strategy Implementation – Erchless Estate – Heritage Designation and Conservation Plan, Plus Public Meeting and Recommendation Report for Official Plan and Zoning By-law Amendments (Cultural Heritage Special Policy Areas, including Erchless Estate) – File Nos. 42.24.22, OPA.1714.27 and Z.1714.27 – By-law 2019-057, By-law 2019-107 (OPA 32) and By-law 2019-108**

Page 40

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