



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2019-107

Official Plan Amendment 32

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)

WHEREAS the Livable Oakville Official Plan, which applies to the lands south of Dundas Street and the lands north of Highway 407, was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011; and,

WHEREAS subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that a council of a municipality that is within a planning area may initiate an amendment to any official plan that applies to the municipality, and section 17 applies to any such amendment; and,

WHEREAS it is deemed necessary to pass an amendment to the Livable Oakville Plan to provide the framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes protected under the *Ontario Heritage Act*, and to 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 are retained.

COUNCIL ENACTS AS FOLLOWS:

1. The attached Amendment Number 32 to the Livable Oakville Official Plan is hereby adopted.
2. Pursuant to subsection 17(27) of the Planning Act, R.S.O. 1990, c.P.13, as amended, this Official Plan Amendment comes into effect upon the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsection 17(24). Where one or more appeals have been filed under subsection 17(24) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of.

3. In the event that the Regional Municipality of Halton, being the Approval Authority, declares this Official Plan Amendment to be not exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number 32 to the Livable Oakville Official Plan.

PASSED this __ day of _____, 2019.

MAYOR

CLERK

Official Plan Amendment Number 32 to the Town of Oakville's Livable Oakville Plan

Constitutional Statement

The details of the Amendment, as contained in Part 2 of this text, constitute Amendment Number 32 to the Livable Oakville Plan.

Part 1: Preamble

A. Purpose and Effect

The purpose and effect of the proposed official plan amendment 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 of the *Ontario Heritage Act*, are retained.

B. Background

- The conservation of cultural heritage resources is an integral part of the Town of Oakville’s planning and decision making.

Cultural Heritage Landscapes Strategy

- In January 2014, the Council of the Town of Oakville adopted the Cultural Heritage Landscapes 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 Town's Cultural Heritage Landscape Strategy Implementation has proceeded in three phases:
 - Phase One – Inventory of Public and Private Potential Cultural Heritage Landscapes – was endorsed by the Council of the Town of Oakville on February 26, 2016.
 - Phase Two consists of detailed assessments of the potential cultural heritage landscapes identified in Phase One.
 - Phase Three consists of the consideration and recommendation of appropriate measures for the conservation of significant cultural heritage landscapes recognized by the Council of the Town of Oakville.
- 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".
- The cultural heritage landscape evaluation of the Erchless Estate was completed as part of Phase Two of the Town's Cultural Heritage Landscape Strategy Implementation. It 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, 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).
- 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.

Description of Property

- Erchless Estate is known municipally as 8 Navy Street and 110-114 King Street. Located on the west side of Navy Street, south of King Street and north of Lake Ontario, the property is adjacent to Oakville Harbour and Sixteen Mile Creek on the west, and Old Oakville Heritage Conservation District on the east. The 1.6 hectare (4.0 acre) estate includes a variety of 19th, 20th and 21st century buildings and structures and carefully designed gardens.

Statement of Cultural Heritage Value or Interest

- 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.

Design and Physical Value

- Erchless Estate has design and physical value as a representative example of a designed cultural heritage landscape. The property is notable for its elevated natural embankment; its views; its natural heritage attributes; its structures; and, its landscaping and hardscaping features. As the principal structure on the property, Erchless was deliberately placed at the apex of the elevated natural embankment overlooking Lake Ontario, the mouth of Oakville Harbour, and Sixteen Mile Creek. Just as deliberately, the property's lesser, functional outbuildings were relegated to the less visually prominent part of the property. The placement of the various structures resulted in significant views and vistas to, from, and between the buildings, the lake, the harbour, and the creek. The property's early 20th century rock garden is a representative and early example of the work of renowned Canadian landscape architects, Dunington-Grubb and Stensson. The rock garden, combined with the property's variety of mature trees, shrubs, and gardens displays a high degree of craftsmanship and artistic merit.
- The placement and design of the buildings, stone walls, pathways, and plantings result in significant views and represent a successful integration of architecture and landscape. Collectively, the result is a relationship between site and structures which demonstrates a high degree of craftsmanship and artistic merit and represents significant design value.

- Architecturally significant structures on the property include Erchless and the Coach House and Gardener's Cottage. Erchless is comprised of the Italianate style 1828 brick Store, the c.1839 and 1858 residential additions, the 1856 Classical Revival style Custom House, and the c.1861 brick garden wall which links the residential and commercial portions of the structure. The late 19th century Coach House and Gardener's Cottage was constructed in the Shingle style of architecture. Collectively, these structures display a high degree of craftsmanship and artistic merit. Also on the property is the 1952 Cottage structure, which is an amalgamation of two separate residential buildings, and is an example of mid-20th century vernacular style construction.

Historical and Associative Value

- Erchless Estate has historical and associative value because of its direct associations with early 19th century commercial development and town building. In 1834, when Oakville was declared a Port of Entry, the first Customs House was opened on the property, and in the process it became the location of the first permanent government presence in Oakville.
- The property has historical and associative value through its direct associations with Oakville's founding family, the Chisholms. Various members of the Chisholm family lived at Erchless for many years, including Colonel William Chisholm (1788-1842) the founder of Oakville; William's son, Robert Kerr Chisholm (1819-1899) businessman, and politician; and, Hazel Elizabeth (Chisholm) Hart Mathews (1897-1978), author and founder of Oakville Historical Society.
- The property yields, or has the potential to yield, information that contributes to an understanding of the Mississaugas of the Credit First Nation (MCFN) who, as the area's pre-contact Indigenous inhabitants, have identified the property as an area of interest; and, to early 19th century lakefront estate development activities in Oakville. Further, Erchless Estate demonstrates or reflects the work of Canadian Architects Dick and Wickson; and, of Landscape Architects Dunington-Grubb and Stensson, who defined the early years of the Canada's landscape and horticulture industry.

Contextual Value

- Erchless Estate has contextual value as a publicly accessible property which defines, maintains, and supports the character of the area. As the location of Oakville Museum, Oakville Historical Society, and a public park, the property remains physically, functionally, visually, and historically linked to its surroundings including Oakville Harbour, Sixteen Mile Creek, Lakeside Park,

and Old Oakville Heritage Conservation District. The property is a landmark within the Town of Oakville.

Current Official Plan Designation

- The Erchless Estate is currently designated Waterfront Open Space on Schedule G, South East Land Use, of the Livable Oakville Plan. 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.

C. Basis

- The 2014 Provincial Policy Statement (“2014 PPS”) sets out cultural heritage policies and related definitions with which the Town’s cultural heritage policies, definitions and decisions must be consistent.
- The 2019 Growth Plan for the Greater Golden Horseshoe (“2019 Growth Plan”) sets out cultural heritage policies and related definitions to which the Town’s cultural heritage policies, definitions and decisions must conform.
- Both the 2014 PPS and the 2019 Growth Plan require that significant cultural heritage landscapes be conserved. The definition of “conserved” in both the PPS and the Growth Plan is as follows:

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

- On September 26, 2017, Council adopted two official plan amendments (OPAs) to the Livable Oakville Plan:
 - OPA 15 (Urban Structure), which is subject to one appeal, deletes and replaces Section 3, Urban Structure, and Schedule A1, Urban Structure, where, among other things “Heritage Conservation

Districts/Cultural Heritage Landscapes” are identified as structural elements.

- OPA 16 (Cultural Heritage Policy Updates), which is partially in effect while certain sections remain subject to one appeal, updates the Plan’s cultural heritage policies and associated definitions.
- Section 5.2.1, Cultural Heritage Resources, of the Livable Oakville Plan 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, Heritage Conservation, of the Livable Oakville Plan states that:

The Town shall *conserve cultural heritage landscapes* in accordance with the Cultural Heritage Landscape Strategy.
- Section 5.3.4 of OPA 16, which is subject to one appeal, states that:

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.
- On January 30, 2018, Council adopted OPA 24 (Cultural Heritage Special Policy Areas including Glen Abbey Golf Course), which is also 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 this OPA.
- On October 10, 2019, notice of the proposed official plan amendment was published in the local newspaper.

- On October 10, 2019, notice of the proposed official plan amendment was also mailed to owners of property within 120 m of the Erchless Estate.
- On October 22, 2019, the Heritage Oakville Advisory Committee endorsed the draft conservation plan for the Erchless Estate cultural heritage landscape as well as this official plan amendment and the related zoning by-law amendment.
- The draft proposed amendment, dated October 8, 2019, was available for public review in the Planning Services department, and on the Town's website (www.oakville.ca) as of October 10, 2019, being 25 days prior to its consideration by Council on November 4, 2019.
- On November 4, 2019, it is intended that Council's passage of By-law 2019-057, the designation for the significant cultural heritage landscape of the Erchless Estate, and approval of the related conservation plan, will immediately precede the passage of By-law 2019-107 to adopt OPA 32.

Part 2: The Amendment

A. Text Changes

The amendment includes the changes to the text of the Livable Oakville Plan listed in the following table. Text that is bolded and underlined is new text to be inserted into the Livable Oakville Plan. Text that is crossed out (“strikethrough”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	26 SPECIAL POLICY AREAS (Introductory paragraph)	Revise as follows: <i>Special Policy Areas</i> provide for those areas in the Town that are subject to further study under this Plan and/or areas for which additional policies apply beyond the underlying land use designations. The <i>Special Policy Areas</i> include specifically identified lands, as shown on the accompanying schedules, for which there are corresponding policies, including Low Density Residential Lands (RL1/RL1-0 zones), and the Trafalgar Road Corridor, <u>Heritage Conservation Districts and cultural heritage landscapes</u> . There are also general areas for which <i>Special Policy Areas</i> are identified, including other corridors and areas for potential future <i>development</i> , and lands subject to the <i>Greenbelt Plan</i> .
2.	26.6 [New] SPECIAL POLICY AREAS, Heritage Conservation Districts and Cultural Heritage Landscapes	Insert a new section 26.6 as follows, and renumber the remaining policies in section 26 accordingly. <u>Heritage Conservation Districts and Cultural Heritage Landscapes</u> <u>A Special Policy Area applicable to a Heritage Conservation District or cultural heritage landscape is intended to provide specific policies beyond the general policies and underlying land use designations and associated policies of this Plan to support the conservation of these areas.</u>

Item No.	Section	Description of Change
3.	26.6.1 [New] SPECIAL POLICY AREAS, Heritage Conservation Districts and Cultural Heritage Landscapes	Insert a new policy as s. 26.6.1 as follows: <u>Erchless Estate Special Policy Area</u> <u>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.</u>
4.	26.6.1(a) [New] SPECIAL POLICY AREAS, Heritage Conservation Districts and Cultural Heritage Landscapes	Insert a new policy as s. 26.6.1(a) as follows: <u>Within the Erchless Estate Special Policy Area, only the following uses shall be permitted:</u> <u>i) museum;</u> <u>ii) community centre;</u> <u>iii) library;</u> <u>iv) park; and,</u> <u>v) conservation uses.</u>
5.	26.6.1(b) [New] SPECIAL POLICY AREAS, Heritage Conservation Districts and Cultural Heritage Landscapes	Insert a new policy as s. 26.6.1(b) as follows: <u>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.</u>

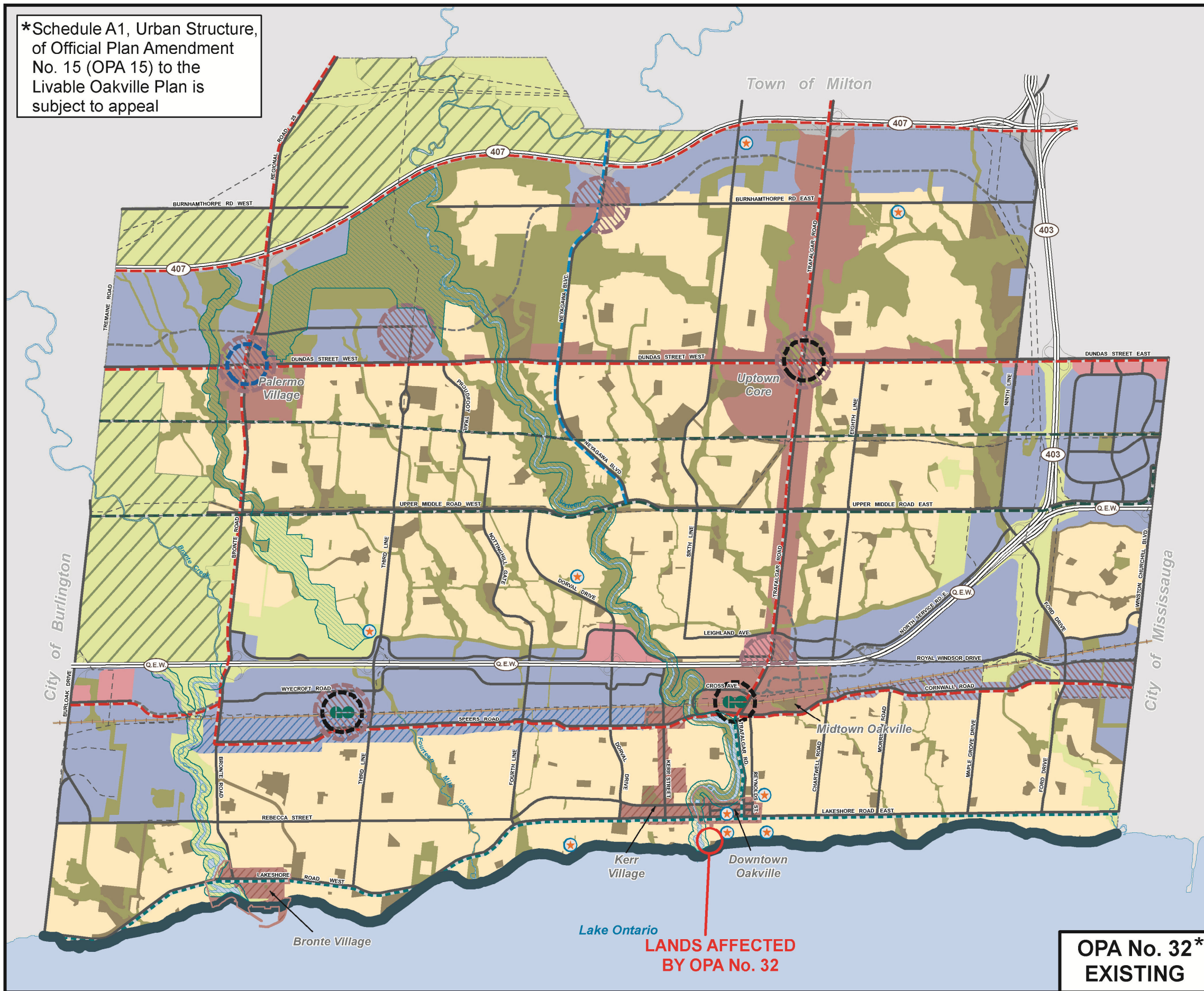
B. Schedule Changes

The amendment includes the changes to the schedules to the Livable Oakville Plan listed in the following table, and shown in Appendix 1.

Item No.	Schedule	Description of Change
6.	Schedule A1 URBAN STRUCTURE	Amend the proposed Schedule A1, Urban Structure, of OPA 15 (Urban Structure) to the Livable Oakville Plan, as shown in Appendix 1 to: <ul style="list-style-type: none">- 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)
7.	Schedule G SOUTH EAST LAND USE	Amend Schedule G, as it applies to the Erchless Estate, as shown in Appendix 1 to: <ul style="list-style-type: none">- identify a new Special Policy Area applying to the Erchless Estate (municipally known as 8 Navy Street and 110-114 King Street)

APPENDIX 1
Changes to Schedules
to the Livable Oakville Plan

*Schedule A1, Urban Structure, of Official Plan Amendment No. 15 (OPA 15) to the Livable Oakville Plan is subject to appeal



LANDS AFFECTED
BY OPA No. 32

OPA No. 32*
EXISTING

SCHEDULE A1 URBAN STRUCTURE

LEGEND¹

- PARKWAY BELT
- GREENBELT
- GREENBELT - URBAN RIVER VALLEY
- NATURAL HERITAGE SYSTEM
- PARKS, OPEN SPACE & CEMETERIES
- WATERFRONT OPEN SPACE
- NODES AND CORRIDORS
- EMPLOYMENT AREAS
- MAJOR COMMERCIAL AREAS
- RESIDENTIAL AREAS
- MAIN STREET AREA
- EMPLOYMENT MIXED USE CORRIDOR
- REGIONAL TRANSIT NODE
- PROPOSED REGIONAL TRANSIT NODE
- NODES AND CORRIDORS² FOR FURTHER STUDY
- MAJOR TRANSPORTATION CORRIDOR³
- PROPOSED MAJOR TRANSPORTATION CORRIDOR
- REGIONAL TRANSIT PRIORITY CORRIDOR
- MOBILITY LINK
- MAJOR ACTIVE TRANSPORTATION CONNECTIONS
- SCENIC CORRIDOR
- UTILITY CORRIDOR
- PROVINCIAL PRIORITY TRANSIT CORRIDOR
- MAJOR TRANSIT STATION
- HERITAGE CONSERVATION DISTRICTS/⁴ CULTURAL HERITAGE LANDSCAPES

- NOTE 1: This Schedule does not represent land use designations
- NOTE 2: In addition, the south side of Dundas is recognized as having the potential for intensification subject further study to more precisely delineate the extent of such areas
- NOTE 3: Transportation corridors, with the exception of Provincial highways, permit all transportation modes including transit, pedestrian and bicycle facilities
- NOTE 4: Heritage Conservation Districts and cultural heritage landscapes are elements 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

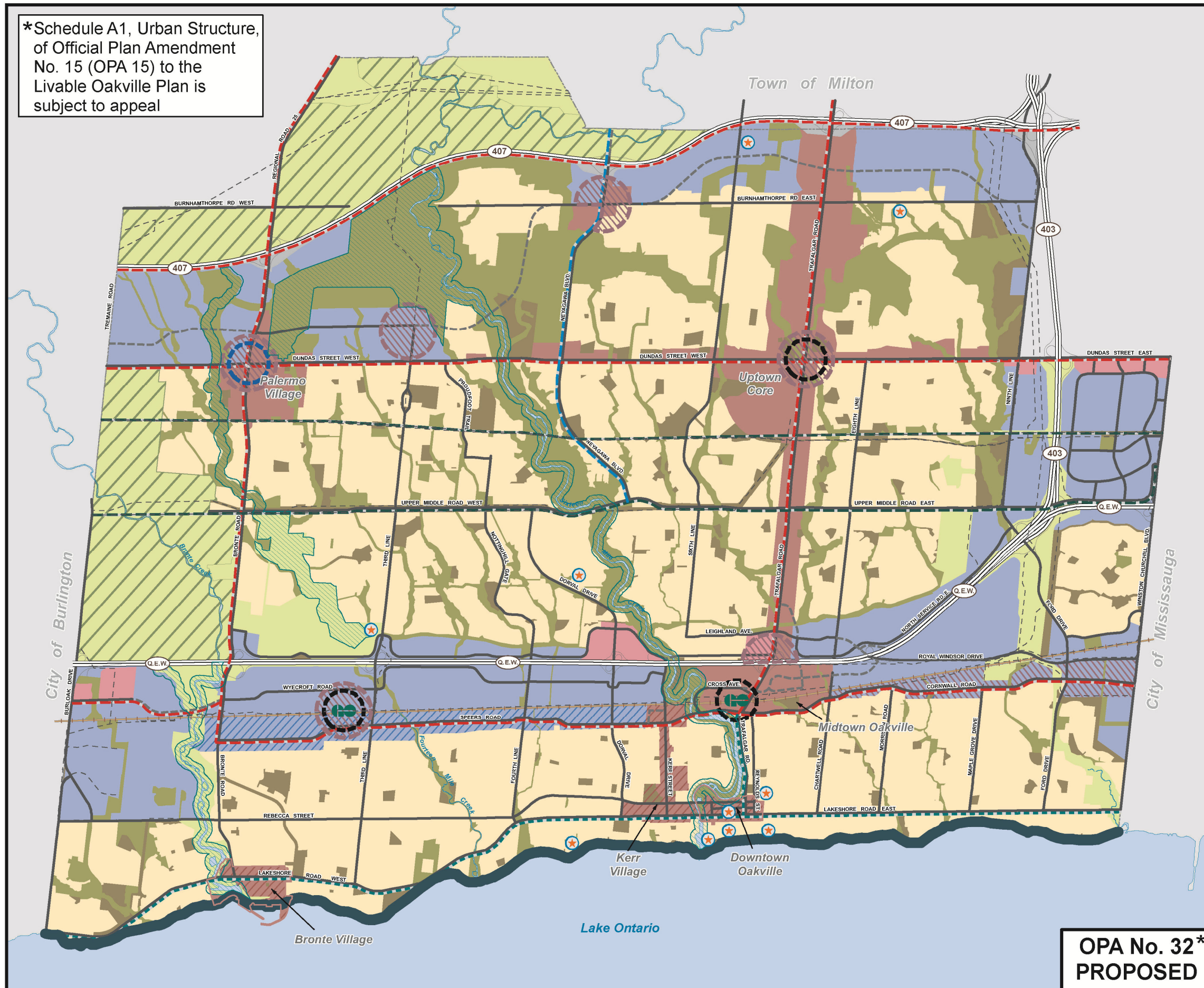
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April 17, 2018



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*Schedule A1, Urban Structure, of Official Plan Amendment No. 15 (OPA 15) to the Livable Oakville Plan is subject to appeal



SCHEDULE A1 URBAN STRUCTURE

LEGEND¹

- PARKWAY BELT
- GREENBELT
- GREENBELT - URBAN RIVER VALLEY
- NATURAL HERITAGE SYSTEM
- PARKS, OPEN SPACE & CEMETERIES
- WATERFRONT OPEN SPACE
- NODES AND CORRIDORS
- EMPLOYMENT AREAS
- MAJOR COMMERCIAL AREAS
- RESIDENTIAL AREAS
- MAIN STREET AREA
- EMPLOYMENT MIXED USE CORRIDOR
- REGIONAL TRANSIT NODE
- PROPOSED REGIONAL TRANSIT NODE
- NODES AND CORRIDORS² FOR FURTHER STUDY
- MAJOR TRANSPORTATION CORRIDOR³
- PROPOSED MAJOR TRANSPORTATION CORRIDOR
- REGIONAL TRANSIT PRIORITY CORRIDOR
- MOBILITY LINK
- MAJOR ACTIVE TRANSPORTATION CONNECTIONS
- SCENIC CORRIDOR
- UTILITY CORRIDOR
- PROVINCIAL PRIORITY TRANSIT CORRIDOR
- MAJOR TRANSIT STATION
- HERITAGE CONSERVATION DISTRICTS/⁴ CULTURAL HERITAGE LANDSCAPES

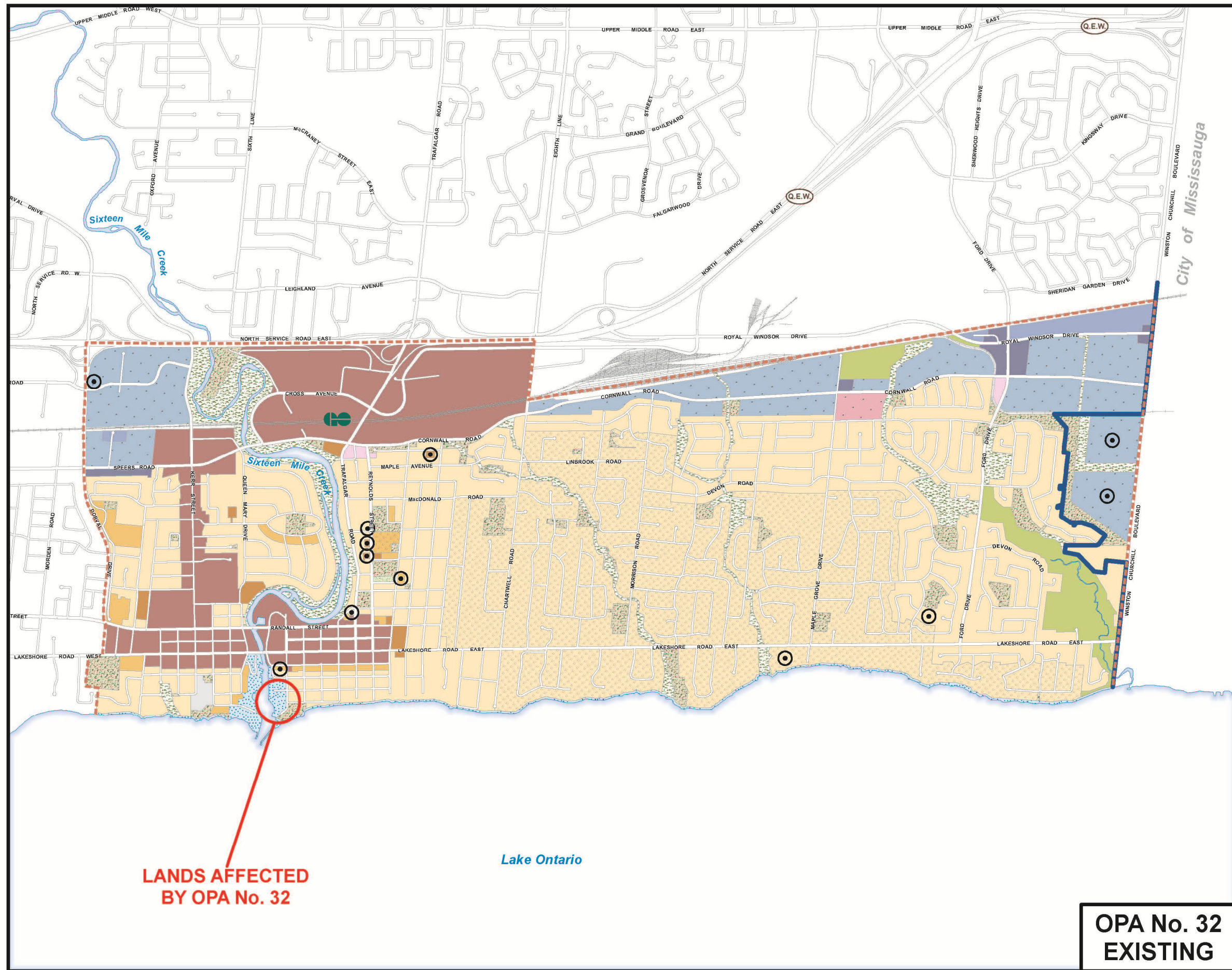
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- NOTE 2: In addition, the south side of Dundas is recognized as having the potential for intensification subject further study to more precisely delineate the extent of such areas
- NOTE 3: Transportation corridors, with the exception of Provincial highways, permit all transportation modes including transit, pedestrian and bicycle facilities
- NOTE 4: Heritage Conservation Districts and cultural heritage landscapes are elements 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

OPA No. 32*
PROPOSED

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April 17, 2018



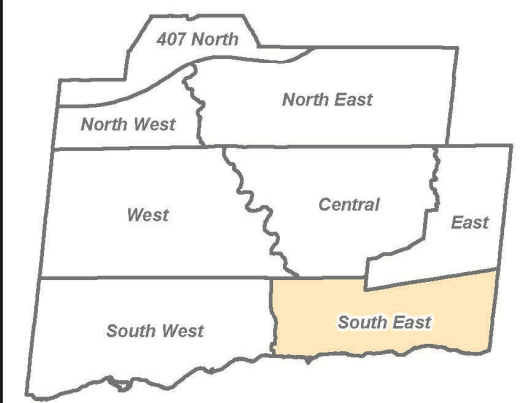
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LANDS AFFECTED
BY OPA No. 32

OPA No. 32
EXISTING

SCHEDULE G SOUTH EAST LAND USE



- BUILT BOUNDARY
 - SCHEDULE AREA BOUNDARY
 - LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - HIGH DENSITY RESIDENTIAL
 - NEIGHBOURHOOD COMMERCIAL
 - COMMUNITY COMMERCIAL
 - CENTRAL BUSINESS DISTRICT
 - OFFICE EMPLOYMENT
 - BUSINESS EMPLOYMENT
 - INDUSTRIAL
 - BUSINESS COMMERCIAL
 - INSTITUTIONAL
 - NATURAL AREA
 - PARKWAY BELT
 - PARKS AND OPEN SPACE
 - PRIVATE OPEN SPACE
 - WATERFRONT OPEN SPACE
 - UTILITY
 - GROWTH AREA*
 - SPECIAL POLICY AREA
 - RAILWAY
- * Refer to Part E, Growth Area Policies
- ⊙ Refer to Part E, Exceptions



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August 28, 2018

