



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 8, 2020

FROM: Planning Services Department

DATE: August 26, 2020

SUBJECT: **Removal of Cultural Heritage Landscape Status - 2031 North Service Road West**

LOCATION: 2031 North Service Road West

WARD: 4

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RECOMMENDATION:

That the recognition of the property at 2031 North Service Road West as a significant cultural heritage landscape be removed and also that the property be removed from further Cultural Heritage Landscape Strategy Implementation.

KEY FACTS:

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

- On May 15, 2017, Oakville Town Council endorsed the Phase Two Cultural Heritage Evaluation Report for the Hilton Farm at 2031 North Service Road West and recognized the property as a significant cultural heritage landscape and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy: Implementation of Protection Measures. At that time, it was noted that the property evaluation was completed from the public right of way as access to the property had not been granted.
- In March 2020, the property owner provided full access to the property to town staff and their heritage consultants. With the new information available to them, the consultants have completed a new analysis and evaluation of the cultural heritage landscape.
- It is the professional opinion of the town's heritage consultants, and Heritage Planning staff agree, that the property at 2031 North Service Road West does not meet the criteria of Ontario Regulation 9/06 in regards to the cultural heritage landscape on the property and that the cultural heritage landscape does not merit protection under Section 29, Part IV of the *Ontario Heritage Act*. Therefore, the cultural heritage landscape is not considered significant.
- The property at 2031 North Service Road West is already designated under the *Ontario Heritage Act* by By-law 1994-047 which was upheld by the Ontario Municipal Board following appeal in 1994. The town's heritage

consultants and Heritage Planning staff note that the historic residence on the property does retain cultural heritage value and that designation by-law 1994-074 should remain in place, or alternatively, be updated to meet the requirements of the updated *Ontario Heritage Act* (2005).

- The Heritage Oakville Advisory Committee reviewed the memo and staff report at their meeting on August 18, 2020 and supported to staff recommendation.

BACKGROUND:

Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act* (2005), *Planning Act* (1990, as amended), Provincial Policy Statement (2014, updated 2020), and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (2019).

Section 2.6 of the Provincial Policy Statement (PPS) 2020 relating to Cultural Heritage and Archaeology states:

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

The PPS (2020) defines “significant”, in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Further, the PPS (2020) and *Growth Plan* (2019) both define "conserved" as:

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...

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2020) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage.

The PPS (2020) definition of a cultural heritage landscape is the following:

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“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 Indigenous community. The area may involve features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”

The PPS (2020) and *Growth Plan* (2019) function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

Cultural Heritage Landscapes Strategy

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation to identify, inventory and assess candidate cultural heritage landscapes and to conserve significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

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

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

Phases One and Two of the Cultural Heritage Landscape Strategy

On February 16, 2016, Oakville Town Council endorsed the recommendations of the Phase One inventory and directed that those properties identified as ‘high priority’ within the inventory proceed immediately to Phase Two: Research and Assessment. The property at 2031 North Service Road West was included in the ‘high priority’ category.

The Phase Two: Research and Assessment of 2031 North Service Road West was undertaken by Letourneau Heritage Consulting in 2017. At that time, access to the

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site was not granted and therefore the site evaluation was completed from the public right of way. Historic research and mapping of the property was also undertaken. On April 25, 2017, the Heritage Oakville Advisory Committee endorsed the draft Cultural Heritage Evaluation Report for the Hilton Farm at 2031 North Service Road West recommending that the property be recognized as a significant cultural heritage landscape.

On May 25, 2017 Council received and endorsed the Phase Two Cultural Heritage Evaluation Report for 2031 North Service Road West and recognized the property as a significant cultural heritage landscape and directed that the property be moved into Phase Three: Implementation of Protection Measures.

Phase Three: Implementation of Protection Measures

The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved. The term conserved, as shown in the PPS (2020) and Growth Plan (2019) definition earlier in this report, includes protection of significant cultural heritage resources, and also the management and use of these resources.

In early 2020, town staff were contacted by the property owner with an invitation to complete a site visit to gain more accurate and up to date information about the site conditions and existing resources. A site visit was held on March 12, 2020 and attended by the town's heritage consultants, Letourneau Heritage Consulting, and Susan Schappert, Heritage Planner, along with the representatives of the property owners.

For Phase Three, a technical memorandum has been completed by the town's consultants to provide the new information, analysis and evaluation of the cultural heritage landscape gleaned from the site visit in March 2020, which is attached as Appendix A.

COMMENT/OPTIONS:

Technical Memorandum – March 2020

The technical memorandum (the memo) provides contextual background information about the 2017 Phase Two Research and Assessment report (the 2017 report). The memo provides a description of the current conditions of the site as observed in March 2020 and outlines the changes and new information gleaned from the site visit. This is compared to the 2017 report, which was based on observations from the public right of way as the property owner had not given permission for a site visit at that time.

The March 2020 site visit allowed members of the project team to review the existing conditions of the property and its components in greater detail and from a

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variety of vantage points across the property. This resulted in a greater understanding of each of the components, previously viewed only from the public right of way and through the analysis of mapping and aerial imagery, as well as the visual, functional, and physical relationships of those components.

The memo states that, based on the March 2020 site visit, the property is not representative of a historic Southern Ontario farm layout. Features that are typical of this historic layout, such as silos, smoke-houses, wells, corn cribs, sheds, driveways, utility lines, windmills, and tree-line windbreaks, as well as a well and pump, cistern, and privy, are either no longer in existence or only remain as remnants. The orchard grid, which was thought to be representative of Oakville's historic fruit growing industry, is no longer discernable due to the cumulative loss of apple trees over the past sixty years or more.

The memo provides a new Ontario Regulation 9/06 evaluation of the property to determine its cultural heritage value. The result of this assessment is that the 1858 historic residence is shown to retain its cultural heritage value as a rare and representative example of local rubblestone construction and in its citing on a prominence overlooking a branch of the Fourteen Mile Creek and as a representative of mid-19th century farmstead design; however, the cultural heritage landscape does not retain sufficient historic fabric to be considered representative and is not worthy of designation under s.29, Part IV of the *Ontario Heritage Act*. Therefore, the cultural heritage landscape is not considered 'significant' according to the PPS (2020) and does not require conservation.

The Heritage Oakville Advisory Committee reviewed the memo and staff report at their meeting on August 18, 2020 and supported the staff recommendation.

Conclusion

The new information made available through the March 2020 site visit has resulted in a new analysis and recommendation for the property at 2031 North Service Road West. Heritage planning staff support the conclusion of Letourneau Heritage Consulting that the property should no longer be identified as a significant cultural heritage landscape and recommend that the property be removed from further implementation of the Cultural Heritage Landscape Strategy.

Heritage planning staff also concur with Letourneau Heritage Consulting regarding the 1858 historic residence that should remain designated under the *Ontario Heritage Act*. An update to the existing by-law is not presently required, but should the town proceed to amend the by-law to align its contents with the 2005 amendments to the *Ontario Heritage Act* (or as superseded), it is recommended that a Reference Plan be prepared to define the boundaries of the heritage attributes of the property to guide any future plans for development.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal Department has reviewed this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- provide outstanding service to our residents and businesses
- be accountable in everything we do
- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

This report generally complies with the sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A – Draft Technical Memorandum by Letourneau Heritage Consulting

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