



REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Laura Loney, Senior Heritage Planner

DATE: 15 May 2020

REPORT NO.: PD-2020-0022

RE: Heritage Halton Hills By-law, HIA Terms of Reference, and Heritage Delegation By-law

RECOMMENDATION:

THAT Report PD-2020-0022 dated 15 May 2020, titled "Heritage Halton Hills By-law, Heritage Impact Assessment (HIA) Terms of Reference, and Heritage Delegation By-law" be received;

AND FURTHER THAT Council pass the Heritage Halton Hills Committee By-law as contained within Appendix A of Report PD-2020-0022, including the Halton Hills Terms of Reference contained within Schedule A of the draft By-law;

AND FURTHER THAT Council repeal By-law No 93-075, as amended by By-law 01-026;

AND FURTHER THAT Council endorse the Heritage Impact Assessment Terms of Reference as contained within Appendix B of Report PD-2020-0022;

AND FURTHER THAT Council pass the Heritage Delegation By-law as contained within Appendix C of Report PD-2020-0022.

BACKGROUND:

Report Purpose

As part of an ongoing review of the existing heritage policy framework for the Town of Halton Hills, staff has prepared updates to the existing Heritage Halton Hills By-law and Terms of Reference and the Cultural Heritage Impact Statement Terms of Reference to ensure these documents reflect best practice and current policies and procedures. Additionally, staff has reviewed the existing approvals framework for applications under Parts IV and V of the *Ontario Heritage Act* and has prepared a draft By-law to delegate minor approvals to the Commissioner of Planning and Development. The purpose of

this report is to briefly summarize these recommended enhancements and seek Council's approval of the same.

Context

In 1989, the Town of Halton Hills enacted By-law No. 89-0036 to establish a Local Architectural Conservation Advisory Committee under Section 28 of the Ontario Heritage Act. This By-law was subsequently repealed and replaced with By-law No. 93-075 to reflect the re-naming of LACAC to "Heritage Halton Hills". By-law No. 93-075 was then amended through By-law No. 95-187 to revise Committee terms and membership. By-law No. 01-026 further amended By-law No. 93-075 with details of Committee terms and membership and By-law 95-187 was repealed.

Section F5.1.2 of the Town of Halton Hills' Official Plan speaks to the requirement of Cultural Heritage Impact Statements ("CHIS") to support applications for development on identified or significant cultural heritage resources or on lands in close proximity or adjacent to a significant cultural heritage resource. Section F5.1.2 also outlines the required format and general sections of a CHIS, but does not go into greater detail regarding what is expected within each section. The existing CHIS Terms of Reference was last updated in 2010, and does not reflect current provincial or municipal policy.

The *Ontario Heritage Act* permits the delegation of authority from a municipal Council to staff where a By-law has been passed. This can assist in streamlining the process for routine matters. To date, no by-law delegating authority from Council to staff has been passed within the Town of Halton Hills.

COMMENTS:

Heritage Halton Hills By-law

The Heritage Halton Hills Committee (the "Committee") was established in 1989 by the Town of Halton Hills' Council, in accordance with Section 28 of the *Ontario Heritage Act*, which provides that a Council of a municipality may, by By-law, establish a Local Advisory Committee to advise and assist Council on all matters related to Parts IV and V of the *Ontario Heritage Act*. Since the Committee's establishment in 1989, several By-laws have been both amended and repealed to reflect the re-naming of the Committee, as well as minor changes in committee terms and membership.

In January 2020, staff consulted with the Committee on a draft Terms of Reference that both updated and clarified the Committee's mandate goals, objectives, and procedures, as part of ongoing administrative updates to existing heritage policies, procedures and programs within the Town of Halton Hills. The final Terms of Reference were approved by the Committee at its meeting of February 19, 2020, with minor amendments that have been incorporated by staff.

In order to provide clarity in terms of process and applicable law, staff has prepared the Heritage Halton Hills Committee By-law to replace previously amended By-laws, with the Heritage Halton Hills Committee Terms of Reference attached as Schedule A to that

By-law within Appendix A of this report. Should Council pass this By-law, By-law 93-075 as amended by By-law 01-026 would be repealed and replaced.

Heritage Impact Assessment Terms of Reference

As part of an ongoing review of the existing policy framework, staff has prepared an update to the 2010 CHIS Terms of Reference for the Town of Halton Hills, included in Appendix B of this report and entitled “Heritage Impact Assessment Terms of Reference. The use of “Heritage Impact Assessment” versus “Cultural Heritage Impact Statement” will ensure consistency with language used in the current Provincial Policy Statement as well as the Ontario Heritage Toolkit which provides guidance for municipalities for the conservation of heritage properties in Ontario. The use of “Heritage Impact Assessment”, or “HIA”, is widely used for municipalities across Ontario. This revised nomenclature will provide further clarity for both applicants and consultants as to what is required as part of a development application or application under Part IV or Part V of the Ontario Heritage Act.

The HIA Terms of Reference have been revised to reflect generally-accepted requirements for the content of an HIA across the Province. Additionally, the Terms of Reference reflect guidance provided by the Ministry of Tourism, Culture and Sport in “Infosheet #5: Heritage Impact Assessments and Conservation Plans” within the Ontario Heritage Toolkit. Providing detailed guidance for the preparation and content of HIAs will ensure expectations for applicants and consultants are clear and to ensure consistency in these reports received and reviewed by Town Staff and Council. The HIA Terms of Reference will be uploaded to the Town’s website following formatting to ensure compliance with AODA guidelines.

Heritage Delegation Authority By-law

In accordance with the *Ontario Heritage Act*, Council is required to consider applications to alter or to demolish properties designated under Part IV of the Act and give notice of its decision within ninety days after a notice of receipt of the application has been served on the applicant. If Council fails to respond within the ninety day period, Council is deemed to have consented to the application. The Town of Halton Hills’ Heritage Register currently contains 30 properties individually designated under Part IV of the *Ontario Heritage Act*.

In accordance with Part V of the *Ontario Heritage Act* which speaks to Heritage Conservation Districts (HCDs), if an application to alter a property designated under Part V does not conform to the district guidelines, or if an application to demolish, remove or erect a building or structure is submitted, Council must give notice of its decision within ninety days after notice of receipt of the application has been served on the applicant. If Council fails to respond within the ninety-day period, Council is deemed to have consented to the application. The Town of Halton Hills’ Heritage Register currently contains one Heritage Conservation District, known as the Syndicate Housing Heritage Conservation District, which contains 10 individual properties.

In addition to designating properties under Parts IV and V of the *Ontario Heritage Act*, Council has expressed its interest in properties of cultural heritage value or interest by listing them on the Town's Inventory of Heritage Properties. Owners of properties that are listed on the Town's inventory of heritage properties must give sixty (60) days' notice in writing of an intention to demolish or remove any building or structure on the property. If Council does not express its intention to designate the property under the Act within 60 days of receiving the owner's notice of intention to demolish or remove the building or structure, provided that all other conditions are met, the Chief Building Official is required to issue a demolition permit. The Town of Halton Hills' Heritage Register currently contains approximately 800 listed properties.

To satisfy the requirements of the *Ontario Heritage Act*, Council must consult with Heritage Halton Hills about all of the above matters. Although the current number of properties designated by the Town of Halton Hills under Parts IV and V of the *Ontario Heritage Act* is relatively low, should additional properties be designated in future, delegated authority under the *Ontario Heritage Act* will allow staff to continue to expeditiously approve minor matters, in consultation with Heritage Halton Hills, which will contribute to ensuring a more efficient and timely planning approval process.

As outlined within the By-law, types of minor matters that could be delegated include such alterations as re-painting of previously-painted surfaces, basement window replacements, or minor rear additions. Any alterations not identified within the By-law as minor, such as significant additions to a designated heritage property, alterations to identified heritage attributes, or proposed alterations not in accordance with Heritage Conservation Districts Guidelines, will continue to require Council approval.

In addition to ensuring the expeditious approval of minor matters, this By-law provides for a safeguard in the unlikely event that Council is unable to make a decision within legislated timelines in order to avoid the deemed approval of applications under the *Ontario Heritage Act* due to the expiry of a 90-day timeline. To implement any delegated authority for the above matters, consultation with Heritage Halton Hills is required by Sections 33(15) and 42(16) of the *Ontario Heritage Act*.

The draft Heritage Delegation By-law was circulated electronically to members of Heritage Halton Hills (the "Committee") on May 8, 2020. On May 12, 2020, the draft Heritage Delegation By-law was discussed with members of the Committee during a video call, and was accompanied by a presentation by the Senior Heritage Planner and Director of Planning Policy. Comments from the Committee were subsequently integrated into the draft By-law, attached in Appendix C of this report. No additional concerns were identified by the Committee prior to the finalization of this report.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates to the implementation of the Strategic Direction D. to Preserve, Protect, and Promote Our Distinctive History, the goal of which is to preserve the historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources. This report directly relates to the following Strategic Objectives:

D.1. To require and develop a planning framework for the conservation of significant built heritage, cultural landscapes and archaeological resources.

D.2. To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas.

FINANCIAL IMPACT:

There is no financial impact associated with this particular report.

CONSULTATION:

Staff from the Planning and Development Department and the Heritage Halton Hills Committee were consulted in the preparation of this report.

PUBLIC ENGAGEMENT:

No public consultation was required as part of the preparation of this report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report advances the Strategy's implementation. This report supports the Cultural Vibrancy pillar(s) of Sustainability and the theme of Valued Heritage Legacy. In summary the alignment of this report with the Community Sustainability Strategy is Good.

COMMUNICATIONS:

The Heritage Halton Hills Committee By-law and Terms of Reference, Heritage Impact Assessment Terms of Reference, and Heritage Delegation By-law will be made available on the Town's municipal website.

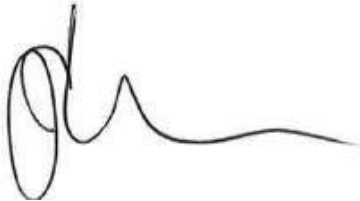
CONCLUSION:

This report has briefly summarized and provided recommendations on proposed enhancements to the Town's heritage by-laws and processes. It is recommended that Council pass the Heritage Halton Hills Committee By-law and Heritage Delegation By-law in accordance with the *Ontario Heritage Act*. In addition, it is recommended that Council endorse updated HIA Terms of Reference.

Reviewed and Approved by,

A handwritten signature in cursive script that reads "Bronwyn Parker".

Bronwyn Parker, Director of Planning Policy

A handwritten signature in cursive script, appearing to be "John Linhardt".

John Linhardt, Commissioner of Planning and Development

A handwritten signature in cursive script that reads "Brent Marshall".

Brent Marshall, Chief Administrative Officer