



Town of East Gwillimbury

DEVELOPMENT SERVICES REPORT P2011-86

To: Committee of the Whole Council
Date: December 5, 2011
Subject: Draft Register of Cultural Heritage Properties – Public Consultation
Origin: Development Services – Planning Branch

RECOMMENDATIONS

1. **THAT** Development Services, Planning Branch Report P2011-86, dated December 5, 2011, regarding the Draft Register of Cultural Heritage Properties – Public Consultation be received; and
2. **THAT** Committee choose Option 1 or Option 2, as outlined in the report, pertaining to notification of and consultation on the Register of Cultural Heritage Properties.

PURPOSE

The purpose of this report is to provide information pertaining to the proposed consultation process for the Register of Cultural Heritage Properties. Compiling information for the Properties of Heritage and Historical Significance and review of possible revisions to the October 2006 approved list has been an ongoing project of the Town's Historical Archivist/Heritage Advisor. On November 7, 2011, staff presented a report which included a revised draft list and outlined a consultation program. This report discusses the merits of and makes recommendations concerning notification and role out of the consultation program as requested by Council at a workshop on November 14th.

BACKGROUND

“Listing” is a step in the direction of preserving our heritage.

The Heritage Register includes those properties which have not been designated but have been identified as potentially being of cultural heritage value or interest. Listing properties which have not been designated is the first step in the identification and evaluation of a property that may warrant some form of heritage conservation, recognition and/or long-term protection such as designation. Very simply, the listing of a property only identifies its potential heritage significance and provides opportunities for consultation with and review prior to proposed alterations, changes of use, redevelopment or demolition. Through this process, staff and the heritage advisor/heritage committee has an opportunity to review plans, discuss the proposal with the proponent, make suggestions with regard to modifications and/or specific design details, or, if deemed appropriate, forward specific recommendations to Council for its consideration.

The Historical Archivist/Heritage Advisor and staff have been working on updates to the October 2006 approved list. At its meeting of November 7, 2011 Committee received report P2011-8675 which provided a draft of the updated list. This draft was also the topic of the Council Workshop held on November 14, 2011.

The Register is always a work-in-progress.

As outlined in the November 7th report and as discussed at the November 14th Council Workshop, the Register is a dynamic document that is revised and updated regularly. The Register should continue to change as the cultural heritage values and interests of the community change. Individual property information continues to be compiled for those properties identified including: history of the property, its ownership and significance; photographs (current and historical if available); identification of building(s) of significance, architectural elements, etc.

Workshop raised questions of when and how to carry out consultation.

The presentation provided by staff at the November 14th Council Workshop included an outline of the next steps in this process. Two specific questions were brought forward for Council's consideration:

- Should affected property owners be notified before and/or after Council approval of the List; and
- Should resident consultation take place before and/or after Council approval of the List.

It should be noted that there are no statutory requirements for any notice to property owners or public consultation. There are advantages and disadvantages to both approaches, as summarized in the table below.

OPTION	
OPTION 1	
NOTIFY AND CONSULT PRIOR TO APPROVAL OF THE LIST	
PROS	<ul style="list-style-type: none"> ▪ Helps to foster feelings of inclusivity ▪ Supports transparent government ▪ Lessens potential comments/criticism that stakeholders were not consulted
CONS	<ul style="list-style-type: none"> ▪ May lead individuals to believe that a property will be removed simply because it is requested ▪ Risk of demolition, alteration, etc. during the time period between notification/consultation and approval of the List ▪ May cause delays in the approval of an updated List

OPTION 2 NOTIFY AND CONSULT AFTER APPROVAL OF THE LIST	
PROS	<ul style="list-style-type: none"> ▪ Helps to ensure effective, unbiased protection of heritage resources ▪ Effectively manages comments and requests from property owners while still pursuing heritage conservation ▪ Ensures that proper process is in place for review of permits (demolition, renovation, alteration) based on a current, rather than outdated List
CONS	<ul style="list-style-type: none"> ▪ May give residents feelings that decisions have been made without their input ▪ Will require more emphasis on public education of what "Listing" really means and how it may or may not affect them

During the workshop these two options for owner notification and consultation and the need for transparency, weighed against heritage preservation priorities were discussed. While it is for council to decide, Planning staff are of the opinion that notification and consultation subsequent to approval would be a wiser course of action in the roll-out of the updated heritage list. This in no way suggests that the process of communicating and implementing the List would not benefit from notification/consultation. Rather, it sets this notification/consultation within a framework which is both practical and effective. Staff recognize that there are benefits to both options, as outlined above. It should be noted that other municipalities were contacted to determine their protocol with regard to the giving of notice and consultation. While the details varied between municipalities, it was the general consensus that notification prior to approval of a register is potentially problematic, however, information sessions to provide education to landowners would be considered beneficial.

The Register is an important educational and promotional tool.

As discussed in the previous planning report and highlighted at the Council Workshop, it is important that the list be used appropriately and effectively. It is a tool for screening of candidate properties for designation as well as a tool to build the Town's heritage database and educate and promote heritage conservation in general. It is proposed that public education/outreach sessions be held to:

- share information about what listing and designation means to individual properties;
- illustrate in written and map form those properties included in the Register;
- provide glimpses of our past to promote and encourage interest in East Gwillimbury's history; and
- encourage the submission of any historical information from residents to augment our database.

Staff are recommending that five education/outreach sessions be scheduled for (Mount Albert, Queensville, Sharon, and Holland Landing – River Drive Park and the rural area). This would allow staff to provide information to the public regarding such matters as the listing and/or designation of properties under the Ontario Heritage Act, and what these processes mean to a property owner as far as building/demolition etc. These sessions would also provide staff with opportunities to receive comments and answer questions from the public.

The sessions are planned to include an informal/open house component as well as the formal presentation of information. The sessions will be held from 6 p.m. to 9 p.m. Displays will be available for review and staff available to field questions. A formal presentation will take place at 7 p.m. to outline general Ontario Heritage Act information (i.e. the difference between listing and designation, what each means to a property owner, how they can be involved). Staff will include only a short formal question/answer period as part of that presentation to address general questions. It is our opinion that providing the greatest time and opportunity for individuals to ask specific questions on a one-to-one basis would be most beneficial.

What are our next steps after the register is approved?

The November 14th Council Workshop identified additional next steps including:

- Re-establishment of the Heritage Advisory Committee – The re-establishment of the Heritage Advisory Committee will be of benefit in pursuing heritage conservation projects such as prioritizing properties for future designation and reviewing incentives for designation. A future report(s) will be submitted for Committee's consideration with recommendations concerning: qualifications/expertise required for committee members; the Committee mandate; terms of reference and work program.
- Work with the Heritage Advisory Committee, as part of the 2012 work program, to review structures on the approved list which are located on lands identified for future development and begin to formulate policies for procedures for determining the long term future of those structures.
- Identification of Heritage Conservation District Study Area(s) - As part of the 2012 Work Program, Development Services have proposed undertaking the Town's 1st heritage conservation district study & plan in the Community of Sharon. This will be subject to all necessary budget discussions and approvals.
- Maintenance of the Heritage Database - The maintenance of the heritage database is an ongoing process. Staff will continue to collect and update records and information and, at minimum refresh the database/list on an annual basis. We anticipate future report(s) will be submitted for Committee's consideration on an as required basis.

As part of the Workshop discussions, issues were raised regarding those heritage resources which are at higher risk due to ownership by developer interests. As requested by Council, staff will compile documentation concerning these higher risk properties and report further to Council.

PROPERTY STANDARDS FOR HERITAGE STRUCTURES

Staff were also requested to advise Council of its ability under the Ontario Heritage Act, to apply higher property standards to heritage structures. Only a few Ontario municipalities have passed By-laws to implement enhanced property standards (Burlington, Kitchener, Oakville, Hamilton and Toronto). Staff will take a closer look at these by-laws at a later date. Directing staff resources and the heritage program in this direction at this time is not considered appropriate as enhanced property standards only apply to designated properties (individual or district). As East Gwillimbury currently has only seven designated properties, efforts are best directed toward finalizing the register re-establishing the Heritage Advisory Committee and beginning our first Heritage Conservation District Study.

NEED FOR PUBLIC CONSULTATION

There are no specific public notification or consultation requirements in the Ontario Heritage Act related to including a property on the Register as a “listed”. This report includes information and options relating to the provision of notification as well as the conducting of public information sessions.

FINANCIAL IMPLICATIONS

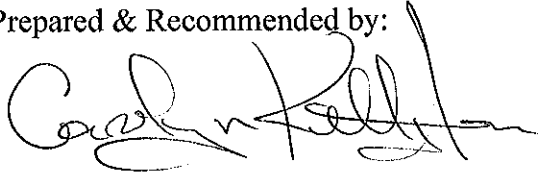
There will be some in-house costs associated with the holding of information sessions, uploading the data to the Town’s website and possible public notification. Costs would be determined subsequent to and based on Council’s decision(s) relating to all next steps.

ALIGNMENT WITH STRATEGIC PLAN

On October 3rd, 2011 Committee endorsed a new Strategic Plan. This Strategic Plan represents Council’s vision of the future direction of the Corporation and establishes the framework for all projects and plans to be undertaken by the Town. Implementing tools, such as the Register of Cultural Heritage Properties, assist with initiatives to manage growth and support leisure, tourism and cultural initiatives in the Town. The Register of Cultural Heritage Properties is a tool to be used in the review of development/construction activities and the managing of growth as well as in cultivating a livable community which supports local community efforts to retain cultural heritage, pride of place and enhance community spirit.

This report has been reviewed by the Senior Management Team.

Prepared & Recommended by:



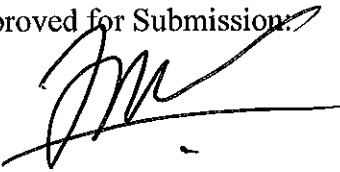
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