

Heritage Grimsby Advisory Committee – December 8, 2020

D. Bothwell – Speaking Notes

I appreciate staff's effort in putting together this report. Council, at the Nov 2 meeting, referred the HGAC Council Endorsement Package and the draft by-law, back to Heritage Committee in resolution:

C-20-396 Moved by Councillor Bothwell; Seconded by Councillor Freake; Resolved that the Heritage Grimsby Advisory Committee Council Endorsement Package dated October 19, 2020 be referred back to the Grimsby Heritage Advisory Committee, in consultation with legal and staff; and That it be brought back to Council at the December 21, 2020 meeting.

What was referred back to Committee in this resolution, is the draft by-law for an HCD Study for refinement and clarification. The draft by-law, and recommendations from this Committee, is expected to be brought back to Council at the Dec 21 meeting.

I have a few comments with respect to the report.

An Area in Need of Attention (p. 2) page 218

It's interesting that the original version of this report posted publically included the full quote from the January 2019 planning report with this sentence, "...The parcels in this area are relatively large and would likely be rather inexpensive to redevelop since building footprints are generally small."

This sentence has been removed from the current version posted. I am unclear why as this further illustrates and supports the critical importance of identifying and protecting the valuable heritage resources and associated CHL's in this area through a HCD study and implementation of an HCD Plan.

Provincial Policy Statement 2020

What is not included in the report is one of the most important statements of the PPS, that has consistently been included up to the current version:

Part IV: Vision for Ontario's Land Use Planning System

The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. **The wise use and management of these resources over the long term is a key provincial interest.**

This is the only place in the PPS where a "key" provincial interest is identified.

1.7.1 Long-term economic prosperity should be supported by:

e) 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;

2.6 Cultural Heritage and Archaeology

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

2.6.4 **Planning authorities should consider** and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

The widely referenced and highly regarded 2009 report, “Heritage Districts Work!” states, “Many people now consider the Heritage Conservation District to be one of the most effective tools not only for historic conservation but for good urban design and sound planning.”

<https://uwaterloo.ca/heritage-resources-centre/sites/ca.heritage-resources-centre/files/uploads/files/HCDStudySUMMARYREPORT.pdf>

And,

“Heritage Conservation District designation is not intended to prevent development. It enables the council to manage and guide future change. This kind of guidance over 1/10th of one percent of the Province in the promotion of a "key provincial interest" is not an onerous burden on the land use planning process. The Province does not intend that a Heritage Conservation District Plan will preserve each detailed aspect within a district, as if it were a museum. But it does intend that a District Plan will control change so that it contributes to and does not detract from the district's special character. The law intends that Heritage Conservation District Plans **will conserve that character, forever, or until Council de-designates the District, whichever comes first.** The Province does not intend that conservation comes with a sunset clause to be invoked when a developer sees the potential for profit.”

No other tool proposed will do that.

Niagara Region Official Plan

I’m also not sure why the report includes references to sections 4.A.1.3 and 4.C.2.1 c) and i) as all of these references are specifically related to policy direction for municipally designated intensification areas (<https://www.niagararegion.ca/living/icp/pdf/2015/Chapter-4-Managing-Growth.pdf>).

Main Street East is not a municipally designated intensification area (like the Downtown and Winston Road neighbourhood), so these references are not relevant or applicable.

The Region OP does make reference to the importance of cultural heritage in another section, which was not included in this report and is relevant:

<https://www.niagararegion.ca/living/icp/pdf/2015/Chapter-10-Creative-Niagara.pdf>

10.C Creative Places

10.C.2.1 Built Heritage Resources, Cultural Heritage Landscapes and Archaeological Resources

Policy 10.C.2.1.1 Significant built heritage resources and cultural heritage landscapes **shall be conserved using the provisions of the Heritage Act**, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremations Act and the Municipal Act.

Policy 10.C.2.1.2 The Region shares an interest in the protection and conservation of significant built heritage resources and encourages local municipalities to develop policies to protect and conserve locally significant built heritage resources **and to utilize its authority under the Ontario Heritage Act to designate individual properties, cultural heritage landscapes and heritage conservation districts** that are of cultural heritage value or interest.

Development Permit System/Community Planning Permit System

The government introduced DPS in 2007 to change the way municipalities do planning. This report does not note that the DPS was revoked and replaced with the CPPS in 2016.

<https://www.ontario.ca/laws/regulation/160173>

They rolled ZBA, minor variances and site plan approval all into one permitting system. The intent was to speed up the development process. What it did was take away the rights of the public to be informed and provide input on specific developments in their neighbourhood once the DPS By-law was in place. Most often, all planning decisions and permit approvals are delegated to Planning staff, so very little would even come forward to Council for review or approval. No further public engagement would be required for new development/redevelopment. There is no ability for the public to appeal a decision at LPAT.

Understandably, DPS/CPPS has not been widely embraced ... only three small municipalities have adopted them, and the City of Brampton, which Antonietta I'm sure, is very familiar with. Lake of Bays, Carleton Place and Gananoque have used the DPS mainly for their shoreline development management and in place of a comprehensive zoning by-law. And, Bill 108 now gives the Minister the power to draw lines on a map indicating where municipalities would have to establish a CPPS, similar to the Ministerial Zoning Orders now happening more frequently than ever.

<https://www.tv.org/article/the-part-of-the-tories-housing-plan-that-no-ones-talking-about>

It's noticeable that only four municipalities have enacted DPS/CPPS out of 444 municipalities since 2007, while 134 Heritage Conservation Districts have been put in place and continue to grow. Many municipalities have multiple HCD's due to their success. The same cannot be said for the DPS/CPPS.

Do we need to have a Heritage Master Plan in place before we commence an HCD study – no. Often, a Master Plan evolves from a number of initiatives – and an HCD study can feed into a Master Plan in tandem. It's not an option to delay moving forward on this study further.

What will it cost? Searches online provide a comparison that does indicate the initial \$100K is within range. Beeton's HCD Study 50K/51K Plan; Whitby 150K Study/Plan; Bradford HCD Study 40K/55K Plan. Whitby provides an excellent example as well of a Terms of Reference for the Scope of the Study that includes significant public engagement. This would be a helpful model to use for our proposed Study Terms of Reference for an RFP.

It is also interesting that many municipalities use capital funds or reserves to pay for these studies, or have applied for, and been successful in getting grants. I would hope that staff will explore these avenues for potential recovery of costs as well.

When it comes to comparing the proposed tools in the arsenal, it's evident that the strongest and most effective tool is an HCD. Some may say this is "weaponizing heritage"... when our heritage is at risk under Bill 108 and with constant changes to the Planning Act and other legislation, it is critical that we do use the means necessary to do what this community has asked us to do – protect the small town feel, heritage and character of our Town.

I am not comfortable with either of the recommendations put forward in the report. I would respectfully like to put forward an amendment to the draft by-law to remove the interim control by-law and recommend to Council to proceed with the process to commence an HCD Study. I will provide the draft wording to the Clerk.