



Brant Heritage Committee Report

To: The Chair and Members of the Brant Heritage Committee
From: Brandon Kortleve, Policy Planner
& Kayla Cicman, Arts, Culture and Heritage Officer
Date: July 4th, 2024
Report #: RPT-0346-24
Subject: Heritage Planning – Arts, Culture & Heritage Strategy Implementation

Purpose: For Information and Direction

Recommendation

THAT the following recommendations and directions, as further outlined in this report, be sent to the Administration and Operations Committee and Council for approval, including:

- a. That the heritage planning duties outlined in this report be formalized under the Policy Planning Division as part of the forthcoming review of staff's operational duties and that consideration for a consultant to undertake heritage designations be referred to the 2025 Budget process.
- b. That staff prepare a report on heritage incentives to be considered in the 2025 Budget process.
- c. That user-friendly resources be prepared and made available for property owners related to heritage designations, and that the County's heritage register be included on the updated Arts, Culture and Heritage webpage before September 2024.
- d. That a standard heritage designation by-law template be created to meet legislative requirements and that the attached submission guideline for heritage studies be endorsed by Council for use in the development application process.
- e. That the focus for heritage conservation in downtown Paris be on pursuing individual designations and not a heritage conservation district.
- f. That the forthcoming report on implementation tools includes consideration and implications of a community planning permit system, building by-law requirements and demolition control to benefit heritage conservation.

AND THAT RPT-0346-24, recommending implementation of the Arts, Culture and Heritage Strategy regarding Heritage Planning in the County of Brant, be endorsed by the Brant Heritage Committee and received as information by Council.

Executive Summary

As recommended by the recently approved Arts, Culture, and Heritage Strategy, several actions are proposed to improve the heritage planning practices of the County of Brant and ultimately meet the objectives of the strategy.

Heritage Planning in Ontario is a multi-faceted planning process that is governed by legislative directions in the *Ontario Heritage Act*, *Municipal Act*, and *Planning Act*, with the overall objective of helping communities conserve and manage heritage value at the local level. These laws ultimately create the framework and tools available for the County of Brant to undertake heritage planning (Attachment 1).

This report provides additional information on the tools available and presents proposed directions to improve the County's heritage planning practices moving forward. The report outlines municipal best practices for heritage conservation and provides suggestions on how to best manage the natural changes that occur in historic areas while balancing other municipal objectives. The directions recommended by this report will address the ongoing and immediate term actions of the strategy and ultimately propose made-in-Brant solutions that will see the success of our heritage planning portfolio over the long term.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 3 - Economic Resilience

Strategic Priority 6 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

The culture of a place plays a critical role in improved social well-being, physical and mental health, and a sense of connection and community inclusion. By planning in a way that proactively manages and protects our historic places, we can provide opportunities for unique experiences, educational opportunities, and foster a more widespread sense of pride in community development.

Environmental Impacts

In Ontario, demolition of buildings accounts for 20-30% of municipal landfill waste, with most of this waste being attributed to wood, concrete, brick and other masonry. Adaptive reuse of historic buildings and the salvage of heritage materials can help divert waste from landfills and reduce greenhouse gas emissions.

Economic Impacts

Investing in the preservation, rehabilitation, and ongoing use of heritage buildings has economic benefits for individuals and communities alike. Unique cultural spaces provide an economic benefit through tourism opportunities. Heritage conservation helps support local construction jobs. Heritage properties retain a higher property value, remain stable in fluctuating markets, increase in value at a faster rate than newly constructed areas, provide flexible space for new business attraction and overall generate higher tax revenues. This report's recommendations have cost implications for the municipality to obtain additional heritage expertise, which are proposed to be referred to the 2025 capital budget process.

Report

Background

The County of Brant's Arts, Culture, and Heritage Strategy ("ACH Strategy") was approved by Council in March 2024. The ACH Strategy provides directions on how to improve the County's heritage conservation portfolio, a portfolio that is split between the Policy Planning Division (regulatory protection of tangible heritage resources) and the Economic Development and Tourism Division (investments in the cultural sector to improve quality of life, sense of place and tourism opportunities). During the development of the ACH Strategy, it was identified that the lack of a formalized heritage planning portfolio, the limited resources available, and various competing priorities continue to present challenges for the municipality. These challenges are negatively impacting the land use planning process and undermine the opportunities to use heritage conservation as a tool for local economic development.

Several of the recommended actions of the ACH Strategy focus on the regulatory protection of heritage resources, including the opportunities to:

- Delineate the scope of County staff roles involved in managing the heritage conservation portfolio
- Standardize a heritage planning process for Brant Heritage Register properties (designated) and Heritage Inventory properties that kicks in from the moment a development is proposed.
- Guide the Municipal Heritage Committee through formal recommendations to Council at key moments in development processes, as required by the Ontario Heritage Act.
- Provide support to Committee(s) and Council regarding the statutory roles and timelines associated with the Ontario Heritage Act, including updates on legislative changes.
- Develop and publicize Terms of Reference for Cultural Heritage Impact Assessments
- Invest in support for Policy Planning Staff to support administration of the heritage planning portfolio, including designating landmark heritage resources under Part IV of the Ontario Heritage Act.

This report provides recommendations on how to tackle these actions to improve the heritage planning portfolio and equip the County with a more proactive framework for planning and decision-making. It is important to understand and implement best practices that align with industry standards, practices that will ultimately prevent the loss of historic resources, more effectively manage change and development pressure, provide opportunities for investment in heritage, and help us develop clear long-range direction and support for heritage conservation.

Heritage planning duties have existed in the County since its inception but have not been formalized or updated in some time. The climate surrounding heritage planning has changed drastically since the enactment of the *Ontario Heritage Act* in 1975. The Provincial government has made several recent changes to heritage planning tools, and the current push to develop more homes at a faster pace has placed additional stress on the heritage planning portfolio. The introduction of the Arts, Culture and Heritage Officer and the completion of the ACH Strategy have been crucial and successful steps in improving the County's heritage conservation efforts, and improvements to the heritage planning portfolio are an important next step toward further success.

This report outlines several components of a fulsome heritage planning portfolio. Several pieces of background information used to help inform the directions contained herein are included as attachments. The sections below summarize the three key changes proposed by this report to improve the heritage planning portfolio. This report ultimately recommends proposed directions to be taken by Council to move forward with the six actions of the ACH Strategy as identified above.

Requirements and Benefits of a Fulsome Heritage Conservation Portfolio

A fulsome heritage conservation portfolio in the County of Brant is intended create a responsive framework for managing change and provide opportunities to invest in cultural heritage. In Ontario's land use planning framework, municipal decision-making is legislatively required to consider matters of Provincial interest, including the conservation of features of cultural and heritage significance. The framework for heritage planning in Ontario legislates four key actions to be undertaken by the municipality, including the identification, protection, management, and use of heritage resources. Heritage resources like old buildings are recognized for the role they play in defining the identity of a community, which can be said about many of the landmark buildings around the County of Brant.

The ACH strategy provided recommendations for maintaining a fulsome heritage conservation portfolio, which included determining a clear delineation of the roles of staff, providing adequate resources, and creating standardized heritage evaluation, designation, and conservation practices.

Staff Roles

As identified by the ACH Strategy, delineating the scope of the roles of County staff in managing the heritage conservation portfolio has been an important first step to improve the heritage conservation portfolio. The role of heritage planning is undertaken by the Policy Planning Division and includes:

- Providing professional planning advice on heritage conservation matters, including matters related to the identification, protection, management, and use of built heritage resources.
- Managing the activities of staff and consultants carrying out work related to heritage protection, alteration, planning, and conservation
- Reviewing and providing professional heritage planning analysis and commentary on development applications, heritage planning legislative changes, and municipal heritage conservation initiatives to provide recommended directions that align with corporate strategy.

Past practice has been that these duties were performed by Development Services planning staff. However, the heritage planning portfolio would benefit from being run by dedicated policy planning staff with heritage expertise. Consolidating these duties under Policy Planning fits with the legislative planning framework and is a common approach in other municipalities. This approach applies a long-range planning lens that considers how the municipality can avoid and mitigate potential negative impacts on the historic fabric of the County at all stages of the development process. It is intended that these legislated heritage planning duties be formally recognized in a forthcoming review of the staff's operational duties.

As recommended by the ACH Strategy, the clear delineation of the heritage-related roles of staff will ensure that a more proactive approach to heritage conservation can be taken.

Protecting the County's heritage and proactively managing change have both been identified by residents as key long-term objectives for the municipality. Heritage planning remains only a portion of the duties of Policy Planning staff, and there has been an identified need for additional resources and expertise to support the heritage planning portfolio.

Heritage evaluations and designations have been identified by the ACH Strategy as a crucial next step in the success of the heritage planning portfolio. Apart from owning a property, the most effective way to manage the change of a property's heritage value is to designate it under the *Ontario Heritage Act*. The amount and scope of requests for heritage evaluations and designations tend to vary throughout the year. This can present difficulties for integration into staff workplans, which are developed to help organize different priorities across multiple portfolios.

It is proposed that a consultant be retained to focus on the identification and protection of heritage properties and that budget consideration for this approach be referred to the 2025 capital budget process. The proposed approach will provide more certainty for responsive timelines based on the number of requests and fluctuating development pressures. With the evaluation work being done by qualified third-party heritage professionals, this approach will also support the municipality in case challenges arise, such as LPAT implications. With this approach, Policy Planning staff will be able to maintain a broad focus on the protection and management of tangible heritage resources (heritage buildings and properties) to implement the policies of the County's Official Plan through the development process. This will also enable staff the opportunity to continue to standardize and improve heritage-related processes so that they are more proactive, transparent, effective, and truly beneficial to meeting the municipality's objectives.

Another component of heritage designations is ensuring that there is a clear benefit for the property owner. Many municipalities offer incentives for heritage designated properties, including opportunities for grants and tax reductions. With the establishment of these benefits, educational materials also need to be developed and made available for the public. As part of the consideration for designating more properties in the County of Brant, developing incentives and educational materials is recommended as best practice for the heritage conservation portfolio. Attachment 4 of this report provides additional information on the heritage incentives of surrounding municipalities.

With respect to moving forward with heritage designations at this time, there are several properties awaiting evaluation, and staff have created a list of properties that would meet the criteria for designation and the objectives of the ACH Strategy, examples include:

- **Penman Textile Mill:** An evaluation has been requested by owners and approved by Heritage Committee to be undertaken. This property is Nationally recognized (which offers no protection but identifies importance of national heritage by Park's Canada)
- **Oakland Pioneer Cemetery:** The Cemetery Committee has requested an evaluation of this cemetery.
- **Cobblestone Buildings:** These buildings have been identified as unique to Canada, and this example of architectural style is an important part of community identity. Several cobblestone buildings have already been designated, but several remain unprotected and deserving of evaluation and protection.

The evaluation of the Penman Textile Mill will be underway this summer, and the heritage designation is intended to align with the County's participation in the Ontario Culture Days celebrations in September/October 2024. Once completed, staff will commence the evaluation and designation of the Oakland Pioneer Cemetery. Pending the decision for additional resources related to designations through the 2025 budget, the prioritization of properties on the County's inventory of properties with potential heritage value is to be undertaken and a report will be presented at that time for additional direction.

The Brant Heritage Committee

A key part of the heritage conservation portfolio is the function of the Brant Heritage Committee, which was established in June 2000 under the authority of the Ontario Heritage Act (known at that time as the Local Architectural Conservation Advisory Committee – LACAC). By establishing a Heritage Committee, the County of Brant Council has created an advisory body required to comment on matters pertaining to the Ontario Heritage Act before Council decides on such matters. The legislated role of the Brant Heritage Committee consists namely of making recommendations to Council with respect to heritage designations and alterations to designated properties.

The terms of reference for the Brant Heritage Committee also provides an expanded (non-legislative) mandate whereby the committee is responsible to advise and assist council with a proactive approach to heritage conservation, including recommending opportunities to create, support and promote the cultural heritage of the community. Oversight of these non-legislative items is undertaken by Economic Development and Tourism division.

A review of the County's advisory committees is currently underway until September 2024, including the Brant Heritage Committee. Through the review process, there will be a chance to focus on directions and next steps related to the heritage committee's duties. An environmental scan of municipal heritage committees has also been undertaken (Attachment 2) to inform the review.

Standardizing Evaluation, Designation, and Conservation Practices

The County has two general streams whereby heritage evaluations would be undertaken: preemptive evaluations – being those requested by a property owner outside of the development process, and responsive evaluations – being those required by municipal policy as a response to requested development. The *Ontario Heritage Act* provides the criteria for evaluating properties to determine the cultural heritage value or interest under [Ontario Regulation 9/06](#), and it is up to a municipality to determine when these evaluations will be triggered.

Regarding the preemptive evaluations, the County's currently designated properties (properties that make up the municipal heritage register, included as Attachment 3) are all designated by municipal by-law but have not used a standard by-law template. A designating by-law must list the specific features that are protected to provide clear directions as to what changes on the property would require a heritage permit and what changes would not. Many of the County's older By-Laws have no listed features, which creates difficulties for property owners and for staff when requests for work on the property are made. Under Section 30.1(2) of the *Ontario Heritage Act*, a municipality can revise any existing By-Laws to ensure they are accurate, clear, and meet legislative requirements. It is therefore recommended that the County develop a standard By-Law template to ensure that legislative requirements are met and the protections and exemptions are clearly listed and illustrated for future property

owners and staff. It is also recommended that the standard by-law template be used to undertake revisions to the existing by-laws in the next several years, in collaboration with the property owners, to improve the current heritage designations and future implementation.

Regarding responsive evaluations, there is a desire from the community to ensure we can be proactive about managing changes to the County's heritage character. This can sometimes come at odds with a property owner's vision for developing their property, and in these cases the municipality benefits from clear directions in its planning policies. The intention of a heritage evaluation is not necessarily to force a property owner to designate a property, but instead to focus on how change to the property can be managed in a way that considers the owner's personal objectives and meets the overall heritage objectives of the municipality.

There are inconsistencies between the County's planning policies in the Official Plan (2012) and implementation through the Zoning By-Law and other mechanisms, and there have been for some time. For example, the "heritage area" in the County's Official Plan (2012) and the "heritage area overlay" in the Zoning By-Law do not align. These inconsistencies make it difficult for the County to undertake a standardized approach to responsive evaluations and direction. The County's new Official Plan will help fix these issues, but an important next step is to establish clear direction with respect to what triggers a responsive heritage evaluation, what the possible outcomes are, how the public should be involved, and what thresholds exist so that the study requirements may be scaled. These steps will ultimately ensure the County has the authority to manage change for the benefit of the greater community.

The standard process and requirements are being developed for the building/demolition permit stage and for applications made under the Planning Act. These two processes will be scaled appropriately to the scale of development proposed by the applications. For applications made under the Planning Act, it is recommended that the attached submission guidelines (Attachment 5) be endorsed as the minimum standard for heritage studies submitted through this process. These studies are submitted to the municipality for review and acceptance by staff before they would be included as part of the development application submission. The findings and recommendations of these studies are an important factor influencing how a development is to be designed and what will be required of the applicant as they move forward (zoning standards, design recommendations, site plan conditions etc.) and it is crucial to understand them in advance of the development application.

For requirements at the building and demolition permit stage, the formal process to manage changes being made to properties that are identified on the County's inventory of prospective heritage properties (endorsed by Council in April of 2022 as part of [Report RPT-22-95](#)) will need to be improved. The County's Zoning By-Law indicates that feedback from the Heritage Committee may be sought for redevelopment, but no consideration is given to an evaluation process. Currently, there is an informal process undertaken between the Building Department and Policy Planning to screen construction permit applications to address this zoning requirement. The purpose of a Zoning By-Law is to implement the objectives and policies of the Official Plan, which has been the basis for this approach. However, a Zoning By-Law is intended to control the use of land by creating standards and provisions, and this approach uses the by-law to create a procedure and review mechanism, something that would be better suited as part of another tool (e.g. The Building By-Law). It is recommended that staff investigate the appropriate mechanisms for triggering a heritage review as well as the best use of zoning for heritage purposes, both as part of the review of the County's

Comprehensive Zoning By-Law and implementation of the new Official Plan expected in 2025.

Section 7 of the *Building Code Act* provides Council the authority to enact a By-Law with specific requirements for a permit application to be made and processed. A by-law of this nature, like the County's Building By-Law ([By-Law 4-22](#)), provides the opportunity to apply a proactive set of requirements prior to the demolition of buildings. It is therefore recommended that as part of the investigation of heritage implementation tools and proper mechanisms for triggering a heritage review, the Building By-Law should be considered as a tool to formalize a standard process for heritage documentation and evaluations prior to the building permit stage, ensuring a transparent and timely process.

Further, the County should also investigate the use of demolition control as a tool that ensures integrated planning (including heritage planning) can be done prior to a demolition being undertaken for residential redevelopment. This tool, enabled by Section 33 of the *Planning Act*, can be used for community improvement purposes and to manage the change of a residential area. This tool is common in other municipalities and is used to avoid premature demolition of older buildings and prevent the removal of residential units from the market before it is certain through a development approval that the units will be replaced. There are several implications to demolition control that will need to be better understood as part of the forthcoming reporting on alternative preservation and implementation tools.

Recommendations and Moving Forward

- a. **Staff Resources:** Further to the directions of the Arts, Culture and Heritage Strategy, a clear delineation of the roles involved in managing the heritage conservation portfolio has been determined. This portfolio's policy planning component will be formalized as part of a forthcoming operational review, including retaining a consultant to undertake heritage designations on the municipality's behalf. These considerations will be considered to provide recommendations for the 2025 Budget.
- b. **Incentivization:** Most municipalities provide incentives to owners of heritage properties through tax credits and grants to assist with maintenance, protection and offset insurance costs. (Attachment 4 provides examples of other municipal incentive programs). In the future, once the best methods of support have been explored, there will be a staff report speaking specifically about recommended incentives and the budget required to implement them. This report will be prepared in time to provide recommendations for the 2025 Budget.
- c. **Education:** User-friendly information about heritage resources for property owners, preservation and benefits are being created and will be available on the Arts Culture and Heritage webpage being updated. The webpage will also include a publicly accessible heritage register, which is required by recent legislative changes to the *Ontario Heritage Act*. These updates will be completed before the end of 2024.
- d. **Standardizing Evaluations and Processes:** As outlined in this report, several actions are proposed to standardize and improve the heritage evaluation process. Regarding preemptive evaluations, this includes creating a standard designating by-law template. For responsive evaluations, this involves the approval of the County's new Official Plan and formalizing standard procedures for building permit review and planning application review. As part of this, it is recommended to investigate updating the County's Building By-Law, to endorse the use of a submission guideline for heritage

- studies, to consider the use of demolition control, and to evaluate the effectiveness of implementation tools like a community planning permit system.
- e. **Conservation Districts:** Alternative preservation tools will be the focus in the immediate future as Conservation Districts are not the only tool to achieve district-wide conservation of heritage attributes. For example, after several years of coordinated planning and studies, downtown Paris will be undergoing extensive updates over the next few years. In this instance, considering a heritage conservation district for downtown Paris is not recommended. Focusing on individual designations would be the best use of resources and best way to coordinate with the studies that have already been undertaken and are ready to be implemented. For conservation districts in other areas of the County, these studies would require additional monetary and staffing investments in the coming years.
 - f. **Alternative Preservation Tools:** With the need to implement the County's new Official Plan upon its Provincial Approval, Policy Planning staff have been considering how to best modernize the County's approach to its implementation tools. There are many tools available to help reach not only heritage-related objectives, but many of the County's other land-use objectives and directions. A Community Planning Permit System is one tool enabled by the Planning Act that combines many other tools like the Zoning By-Law, minor variances, Site Plan Control, site alteration, tree removal, front-ended public and stakeholder consultation, and inclusionary zoning, creating one comprehensive and streamlined review/approval process for development (one application, one review, one approval). There are several benefits to this tool, including the opportunity for regulating the preservation of heritage character, greater control over landscaping requirements, enacting urban design criteria, and requiring developments provide clear community benefits (like public art and public space). It is recommended that a Community Planning Permit System be considered a priority for the implementation of the County's new Official Plan given its broad approach that would combine several potential projects into one investment. A forthcoming staff report about the implementation of *A Simply Grand Plan* will address the benefits and challenges of this tool before it is considered for Council direction. It is also recommended that as part of the implementation of the new Official Plan, staff similarly address the opportunity for demolition control for Council direction. The report to Council on these future implementation tools is expected in September/October 2024 but is dependent on the timing of the new Official Plan.
 - g. **Managing the Look and Feel of a Community:** While the County considers implementation of the new Official Plan, there is the opportunity to consider how Design Guidelines can be used to provide guidance to developments across the municipality. A Comprehensive Design Manual will be developed as an implementation tool of The County's new Official Plan, and the already established design guidelines, developed for the County's Community Improvement Plans, could be leveraged as existing guidance for downtown developments.
 - h. **Community Improvement Plans (CIPs):** CIPs are in place for Downtown Paris, St. George, and Burford are meant to encourage private investment in buildings to improve the look and aesthetics of the exterior of buildings. Each program comes with its own design guidelines meant to create a more uniform aesthetic, one taking its cues from the appealing historic character of the downtown core. Utilizing traditional materials found in the existing built resources such as stone, brick, and wood, and recognizing certain common architectural elements (e.g. paying attention to existing

parapets, cornices, pilasters, sign bands, etc.) will stand to re-enforce the overall desired effect even in modern facades if they demonstrate attention to scale, massing, and proportion in keeping with existing heritage buildings. While acknowledging that all buildings within the prescribed area are not of “heritage significance” the objective is to find the best possible solutions to integrate them as much as possible into the visionary plan. While there are no recommendations related to the CIP at this time, this remains an important tool for the County to manage change in line with the heritage character of our downtown areas.

- i. **The Brant Heritage Committee:** There are no recommendations related to the committee structure as part of this report. A committee review is on-going with the Communications Division until September 2024 and will provide more insight into how to provide expertise to Council on heritage matters and about the overall committee structure.

Attachments

- 1. Heritage Planning Tools
- 2. Heritage Committee Environmental Scan
- 3. County of Brant Heritage Register
- 4. Heritage Incentives of Surrounding Municipalities
- 5. Submission Guideline for Heritage Studies

Reviewed By

- 1. Alysha Dyjach, Acting General Manager of Development Services
- 2. Melissa Connor, General Manager of Strategic Initiatives

Copied To

- 1. Dan Namisniak, Acting Director of Development Planning
- 2. Adam Rosebrugh, Deputy Chief Building Official

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No