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TOWNSHIP OF WOOLWICH

ENGINEERING & PLANNING SERVICES

REPORT: E96-2011

MEETING DATE: December 13, 2011

TITLE: West Montrose Cultural Heritage
Landscape Official Plan Amendment

MEETING TIME: 7:00 p.m.

FILE ID: D 09

LOCATION: Council Chambers
24 Church Street West, Elmira

PREPARED BY: Jeremy Vink/ Dan Kennaley

REVIEWED BY: Dan Kennaley

DATE REVIEWED BY MANAGEMENT TEAM: December 5, 2011

C.A.O.: _____ (signature not required if reviewed by SMT)

RECOMMENDATION

THAT the Council of the Township of Woolwich adopt the Official Plan Amendment attached as Appendix B to Report E96-2011 concerning Official Plan Amendment Application 3/2011, to amend the Official Plan with policies to designate and protect the West Montrose Cultural Heritage Landscape, and that the Amendment be forwarded to the Region of Waterloo for final approval.

BACKGROUND

The Provincial Policy Statement requires that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved". Two earlier studies, one completed on behalf of the Region of Waterloo and the other completed by Dr. Robert Shipley at the University of Waterloo, indicated that there is a significant cultural heritage landscape in the vicinity of West Montrose and recommended its formal identification and protection.

In January of 2010 staff recommended the commencement of a further study (report E09-2010) of the CHL issue and Council endorsed this recommendation. This was followed with the implementation of the Interim Control Bylaw passed in February of 2010 for a one year period in order to provide an opportunity for the cultural heritage landscape study to take place which was followed by a work plan presented to Council in March of 2010 (E26-2010). The interim control by-law was extended on February 7, 2011 for another year to allow the implementation of the work being done on the CHL.

On February 1, 2011, by way of Report E14-2011 staff concluded that there was a CHL in the vicinity of West Montrose that should be conserved and recommended that the Township proceed with an official plan amendment that would formally indentify this CHL and propose policies that would ensure its conservation. These recommendations were endorsed by Council. The draft official plan amendment was the subject of public meetings on June 21, 2011 (E48-2011) and on November 22, 2011.

COMMENTS

At the two public meetings various issues were raised and these issues are addressed as follows:

Boundary

The boundary reflects the area surrounding the character defining attributes of the West Montrose Cultural Heritage Landscape.

The northerly boundary is defined in part by Line 86 but wraps around the older part of West Montrose. Land uses such as an existing gravel pit, new subdivision and much of the trailer park are more recent land uses that do not contribute to the historic themes of the CHL and actually detract from the CHL.

The westerly boundary extends out to include the character defining attributes of the farms surrounding the other character defining attributes of Hill Street, the former school site on Hill Street the older structures in the area, which then includes everything up to Northfield Drive East.

To the south, the boundary uses the environmental feature, the river and then the bridge (character defining attribute) up to Katherine Street. The Old Order Mennonite church and cemetery also fall within this section, which are also identified as character defining attributes. This area has long been associated with West Montrose, while areas to the south have been more associated with Winterbourne.

To the east, Katherine Street is the boundary as it includes the lands of the earlier settlers associated with the community. The question of including the parochial school on Katherine Street North has been raised a number of times in the process but has not been included at this time because the school is newer and services an area larger than the proposed West Montrose CHL.

Establishing a boundary does not mean that development outside of, yet in proximity to the CHL boundary, is not affected by the CHL policies. There is potential that a development application outside of the CHL boundary would be subject to the requirements of a cultural heritage impact heritage study, especially if it impacted views or a character defining attribute.

Furthermore, although some properties and areas may fall within the CHL boundaries but not contain character attributes does not mean they can be excluded from the CHL. These areas form part of the landscape.

Other Issues

A question about providing general Cultural Heritage Policies was raised during the process of preparing the West Montrose CHL Official Plan Amendment. Staff did not consider them in this case as the direction to staff was to specifically deal with the West Montrose area, but such policies may be applied as part of the scoped Official Plan review which is part of a separate process.

Suggestions and comments were made around using report E14-2011 which contained the background report, in connection to this Official Plan Amendment and the conservation plan. It was intended that the information from E14-2010 be used as the basis for a conservation plan to set the context for the character defining attributes and their protection. The amendment will look to add this information as reference material.

How and when the CHL will impact a property of an applicant remains a concern to many. Development in the CHL will require a Cultural Heritage Landscape Impact Assessment. Development, using the definition in the Planning Act, refers and means those applications needing a planning approval. This then includes Official Plan Amendments, Zone Change applications, Severances, Minor Variances, and Site Plan development. Development does not apply to applications for a building permit for a use, building or structure that conforms to zoning.

The CHL Impact Assessment is required for any development application in the CHL boundaries, however, the impact assessment can be scoped or waived at the discretion of the Director of Engineering and Planning Services based on the likely impact of a proposal.

It was also suggested that specific distances from boundary or character defining attributes of the CHL should be used to determine when a CHL Impact Assessment is required. However, distance is not necessarily the sole determining factor in all cases.

The lack of mapping of significant views and significant viewsheds has been raised. Significant views and viewsheds are not mapped in the background report given their complexity. The challenge with mapping the views is related to the complexity of peripheral views, slopes, and other features associated with the character defining attributes. All of the significant heritage features all have context, and part of that context is the views. These views and viewsheds are made up of views from and views to each of the attributes. Therefore the views will be required to be identified and conserved by the applicant as part of their heritage landscape impact assessment as it pertains to the identified attributes and the impact of the application on the these views from and to the attribute.

Questions were raised about the proposed OPA in regard to the section on further investigations and the conservation plan as these items left ambiguity. The wording of the policies in the OPA have been revised to address these issues and now indicate that any changes to the OPA flowing from further investigations or the preparation of the conservation plan will require a public process with amendments to the OPA.

An issue was also raised about changes that were made with respect to roads and environmental features included as character defining attributes. There were changes made

late in the process of finalizing the West Montrose CHL study, but these changes were all included in the report to Council (E14-2011).

The amendment was also modified between June and November to include a list of the character defining attributes. The list adds clarity as to the attributes that are to be protected.

CONCLUSION

That Council approve the Official Plan Amendment to designate a Cultural Heritage Landscape in the vicinity of West Montrose in accordance with Appendix C.

OTHER DEPARTMENT IMPLICATIONS

None

LIST OF ATTACHMENTS

Appendix A – Minutes of Public Meeting
Appendix B – Official Plan Amendment

- b) *the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.*

Councillor Herteis declared the public meeting to be open and asked staff to review the first application.

E47-2011: Zone Change 9/2011 – Joan Kron

Dan Kennaley, Director of Engineering & Planning Services presented the report and explained the purpose of the report is to amend the Agricultural zoning with a site-specific amendment through a Temporary Use By-law to allow a mobile home (garden suite) to be located on the property for a ten year period. Mr. Kennaley advised that comments have been received and staff will prepare a recommendation for Council's consideration once all representations have been known and considered. In response to an inquiry by Councillor Poffenroth, Mr. Kennaley advised that there are provisions in the Official Plan to ensure that should Mrs. Kron vacate the mobile home, the homeowner's could not rent the home to anyone other than immediate family.

Karen Kron

Ms. Kron addressed Council and advised that she is the daughter in law of Joan Kron and that the purpose of this application is to give independence without taking her away from her family.

Since there was nothing further, Councillor Herteis declared this portion of the public meeting to be closed.

E48-2011: Official Plan Amendment 3/2011 – Township of Woolwich

Dan Kennaley, Director of Engineering and Planning Services presented and summarized the report. Mr. Kennaley advised that a recommendation report will be submitted for Council's consideration once all representations have been known and considered.

Councillor Bryant referred to section 12.7.3.1 'Review of Development Applications' and asked that the word 'may' be amended to ensure that all applications will require the proponent to provide a Cultural Heritage Landscape Impact Assessment. Mr. Kennaley advised that there are certain development applications that may be of minor development nature and requiring this assessment could be unnecessary.

Councillor Bauman noted that he would like to see the boundary of the CHL extended, and Mr. Kennaley advised that this perspective will be taken into account when an Official Plan Amendment is recommended. In response to an inquiry by Mayor Cowan, Mr. Kennaley advised that there have been discussions on the need for additional detail to be added to the Cultural Heritage Landscape.

Richard Siebel, Vice President of The Murray Group Limited

Mr. Seibel referred to correspondence received from legal counsel representing The Murray Group Limited noting conflicting information in regards to the West Montrose Cultural Heritage Landscape Study report that was posted online at different times in early 2011. Due to these inconsistencies, Mr. Seibel questioned the ability to rely on the report.

Hans Pottkamper

Mr. Pottkamper, resident of River's Edge Drive encouraged Council to reinforce the direction to staff to utilize all resources to ensure that the proposed CHL is as robust as possible.

Pat Cosgrove

Mr. Cosgrove, a resident of Jigs Hollow Road asked for a copy of the letter provided to Council by the legal representation of The Murray Group. CAO David Brenneman advised that it is not unusual for the municipality to receive correspondence regarding a particular report on the day of the meeting for circulation.

Tony Dowling

Mr. Dowling, a resident of River's Edge Drive commended the Township on the work that has been done to date on the Cultural Heritage Landscape and provided the recommendations as follows for inclusion in the Official Plan Amendment (OPA) that have been provided on the advice of legal and planning consultants for the Bridgekeepers:

- More time and resources dedicated to producing in more detail the OPA
- OPA should include more extensive discussion on the cultural heritage qualities of the landscape that provides the basis of the significant features identified
- OPA should include more developed policy regarding conservation
- OPA should include identification of significant features through mapping
- OPA should include that a Cultural Heritage Landscape Impact Assessment be mandatory for all development within 120m of significant features in the Cultural Heritage Landscape

Lynne Hare

Ms. Hare, a resident of Tallwood Drive addressed Council and expressed her support the CHL designation and the recommendations previously mentioned. Ms. Hare raised concerns that in section 12.7.1 of the OPA draft, under Transportation she believes the terminology 'rural roads and trailways' should be added, she noted that specifically she believes Jigs Hollow Road and Letson Drive should be identified as roads that need to be preserved. Ms. Hare also asked that Council allocate funds to have the draft OPA properly reviewed by a legal advisor to confirm that the correct additions and language are used to ensure it will withstand any legal challenges.

Kim Cuddington

Ms. Cuddington, a resident of Letson Drive advised that she believes the woodlands and wetlands contribute to the Cultural Heritage Landscape and should be included in the list of significant features as to not see these recognized is to probably ensure their disappearance. Ms. Cuddington also voiced concerns over the phrasing that impact assessments "may" be required" and suggested the implementation of riders to describe the type of development that would require an assessment.

In response to an inquiry by Mayor Cowan, Mr. Kennaley advised it was planned to have the Cultural Heritage Landscape reviewed by legal counsel. Councillor Bryant advised that the items listed through the CHL study have been handed to the Region to be catalogued for protection.

NOTICE REGARDING CLOSED MEETINGS

None.

PLANNING PUBLIC

Councillor Bauman read the following introduction:

This meeting constitutes the formal public meeting required under Section 17 of the Planning Act. The meeting is for information purposes only and no decisions will be made at this time. The applications will be brought forward at a future meeting of the Committee of the Whole when staff has had an opportunity to review all submissions and prepare recommendations. All those in attendance will be given an opportunity to speak. Interested parties are invited to sign the appropriate sign up sheet in the lobby, if they wish further notification with respect to the applications. Individuals are requested to submit a written outline of any oral submissions made at the Public Meeting to the Township Clerk.

Official Plan Amendment

If a person or public body that files a notice of appeal of a decision of the Council of the Regional Municipality of Waterloo in respect of the proposed Official Plan Amendment, does not make oral submissions at a public meeting or make written submissions to the Council of the Township of Woolwich before the proposed Official Plan Amendment is adopted:

- a) *the person or public body is not entitled to appeal the decision of the Regional Municipality of Waterloo to the Ontario Municipal Board; and*
- b) *the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.*

Councillor Bauman then declared the public meeting to be open and asked staff to review the applications.

E93-2011: Official Plan Amendment 3/2011 (Township of Woolwich – Cultural Heritage Landscape Study in the vicinity of West Montrose)

Dan Kennaley, Director of Engineering and Planning Services introduced and summarized the report.

Hans Pottkamper, Rivers Edge Drive

Mr. Pottkamper addressed Council in support of the Cultural Heritage Landscape (CHL) work being undertaken by the Township.

Tony Dowling, Rivers Edge Drive

Mr. Dowling addressed Council on behalf of the Bridgekeepers (West Montrose Resident's Association) in support of the CHL work and provided background information of the work completed since 2005.

Les Bauman, Tallwood Drive

Mr. Bauman addressed Council with concerns related to the newer subdivision area of West Montrose being included in the Cultural Heritage Landscape. Mr. Bauman advised that he does not believe this area contributes to the cultural heritage landscape and is concerned that policies could be applied unnecessarily to these properties.

Brian Heckendorn

Mr. Heckendorn addressed Council on behalf of his mother who owns property on Letson Drive and noted that he believes the CHL vicinity needs to be clarified and asked what input the landowner has regarding the character defining buildings and structures to be included in the Heritage Act. Mr. Heckendorn also raised concerns about placing restrictions on agricultural properties and the affect those restrictions may have on the success of agriculture.

Larry Hoffer

Mr. Hoffer addressed Council and advised that a portion of the pit property, along with a portion of the Sittler's pit are included included in the CHL boundary.

Since there was nothing further with respect to this matter, Councillor Bauman declared the meeting to be closed.

ADJOURNMENT

MOVED BY Councillor Bryant
SECONDED BY Councillor Herteis
THAT the meeting be adjourned.

...CARRIED

Submitted by,
Mark Bauman
Chair

OFFICIAL PLAN AMENDMENT

PART A – The Preamble

Purpose of the Amendment

To include a site-specific Special Policy Area concerning the lands in and around West Montrose which form the West Montrose Cultural Heritage Landscape (WM-CHL)

Location

The area is generally bounded by Katherine St S to the east, an area south of Line 86, west of Northfield Dr, and north of the Canagagigue Creek and along the Letson Drive. A map of the area forms part of this amendment.

Basis

The area includes Character Defining Attributes which meet the definition of a Cultural Heritage Landscape under the Provincial Policy. The proposed additional policies amend and add to the Heritage Policies by adding site-specific policies and are appropriate for the following reasons:

- The area exhibits the historic themes of a:
 - Pioneer Settlement – Scottish and Mennonite settlement of Woolwich Township;
 - Transportation – Bridges; and
 - Lifeways – Old Order Mennonite Culture;
- A list of Character Defining Attributes has been identified;
- Is consistent and in conformity with the Provincial Policy Statements; and
- The area has significance, maintains its integrity.

The amendment identifies and protects the Character Defining Attributes and establishes directions for future development and additional works.

PART B - The Amendment

This part of the document entitled "Part B – The Amendment" and consisting of the following text constitutes Amendment No. ____ to the Township of Woolwich Official Plan.

Details of the Amendment:

The Township of Woolwich Official Plan is amended as follows:

12.7 WEST MONTROSE CULTURAL HERITAGE LANDSCAPE POLICY AREA

12.7.1 Introduction

The Township recognizes that Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. It is the intent of this Section of the Official Plan to provide the basis for conserving the cultural heritage resources of the West Montrose Cultural Heritage Landscape ("West Montrose CHL"). In this regard, this Official Plan Amendment recognizes that the West Montrose CHL as shown on Schedule WM-CHL is significant because it is valued for the important contribution it makes to our understanding of the history of a place, a series of events, and a people.

The recognition and conservation of significant cultural heritage landscapes shall take place in accordance with the Provincial Policy Statement and the Regional Official Policies Plan.

The West Montrose CHL is a defined geographical area of heritage significance which has been modified by human activities and is valued by the community. It is made up of a grouping of individual heritage features that together form a significant type of heritage form, distinctive from that of its constituent attributes or parts. In this regard, the West Montrose CHL recognizes the following historic themes:

- Pioneer Settlement – Scottish and Mennonite settlement of Woolwich Township
- Transportation – Bridges; and,
- Lifeways – Old Order Mennonite Culture.

The detailed and specific boundaries of the West Montrose CHL are shown on Figure immediately following this Section.

The Character Defining Attributes of the West Montrose CHL consist of:

- The West Montrose Covered Bridge;
- 19th century stone cottages (245 Hill Street, 1238 and 1242 Rivers Edge Drive);
- The three school locations including the first location at 245 Hill Street, the location in the floodplain next to the bridge, and the two room stone schoolhouse c. 1874 (1060 Rivers Edge Drive);
- Swope House, old stone house (52 Hill Street);
- Former Blacksmith shop, gas station, and 19th century Victorian house, former B&B (5 Covered Bridge Drive);

- West Montrose United Church and Cemetery, c. 1907;
- Winterbourne Mennonite Meeting House and Cemetery (Letson Drive);
- Gole Park (former blacksmith shop, 15 Covered Bridge Dr.);
- Grand River, its valley and floodplain;
- Canagagigue Creek and valley;
- Views of the river valley and Covered Bridge from Regional Road 86, views of the river valley and Covered Bridge from Jigs Hollow Road, views of the village from Letson Dr (at Rivers Edge), Hill Street, Rivers Edge Drive and Covered Bridge Drive, views of the rural area from Letson Drive, Hill Street and Jigs Hollow Road;
- Lotting pattern in rural area associated with German Company Tracts;
- Organic lotting pattern within the village;
- The private buggy bridge;
- River's Edge Drive, Hill Street, Covered Bridge Drive, Letson Drive and Buggy Lane in terms of the transportation theme;
- The General Store (12 Covered Bridge Drive);
- The storage sheds on the east side of the river just north of the Covered Bridge;
- Farming on the rural lands (such as the farm building clusters, open fields);
- Views and viewsheds associated with these identified Character Defining Attributes.

The details in regard to these significant Character Defining Attributes are contained in the Township study and report, including the appendices (Report E14-2011).

12.7.2 Objectives

- a) To conserve the West Montrose CHL in such a way its heritage values, attributes and integrity are retained.
- b) To promote the awareness, appreciation and enjoyment of the West Montrose CHL.

12.7.3 Policies

12.7.3.1 The West Montrose CHL shall be conserved.

12.7.3.2 Development in the West Montrose CHL shall not be permitted unless it has been demonstrated that the heritage values, attributes and integrity of the West Montrose CHL will be retained.

12.7.3.3 Review of Development Applications

All development proposed within and in the vicinity of the West Montrose CHL will be reviewed to determine whether the heritage values, attributes and integrity of the CHL will be retained. What constitutes "vicinity" is recognized to be a function of the type of development being proposed, the size of the development, its distance from the CHL and the likelihood that it will have impacts on the CHL. In order for the Township to determine whether the heritage values, attributes and integrity of the

CHL will be retained the Township may require a proponent to provide a Cultural Heritage Landscape Impact Assessment.

- a) Where it is determined that a CHL Impact Assessment should be prepared, the Impact Assessment shall be prepared by a qualified professional with expertise in cultural heritage landscape studies, shall demonstrate how the significant cultural heritage landscape shall be conserved in such a way that its heritage values, attributes and integrity are retained, and shall contain the following:
 - (i) a description of the proposed development;
 - (ii) a description of the cultural heritage landscape attributes that will be affected by the development. In this regard reference should be had to, but not necessarily limited to, the Township of Woolwich's West Montrose Cultural Heritage Landscape Study and other heritage investigations undertaken by the Town. An applicant is encouraged to consult with the Town concerning available information;
 - (iii) a description of the impact the proposed development will have on the cultural heritage landscape attributes of the CHL;
 - (iv) a description of the extent to which mitigation may reduce the adverse impacts of the proposed development on the attributes of the CHL;
 - (v) a description of the extent of impact after mitigation of the proposed development on the attributes of the CHL.

12.7.3.4 Definition of Development

For the purposes of Section 12.7 "development" shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

12.7.3.5 Lot Creation

Lot creation shall ensure conservation of the CHL and refusal of an application may be necessary in order to provide for this conservation. Lot size, configuration and location, building envelopes and building massing, setbacks, height restrictions, and similar aspects will also be considered in order to ensure conservation of the Cultural Heritage Landscape.

12.7.3.6 Property Listing and Designation

Buildings and structures that constitute Character Defining Attributes of the West Montrose CHL will be listed in the Municipal Register under the Heritage Act and landowners will be encouraged to co-operate in the designation of these building and structures under the Heritage Act.

12.7.3.7 Consideration of Reduction of Setbacks and Similar Regulations

Where significant Character Defining Attributes or designated heritage properties must be replaced due to age, fire or forces of nature, relief from building setbacks, height restrictions or other conditions that would otherwise change the new structure's location or historic form will be considered to allow reconstruction on the original building footprint and in the original building form.

12.7.3.8 Awareness, Appreciation and Enjoyment

The Township will encourage the awareness, appreciation and enjoyment of the West Montrose CHL through such activities as signage programs, tours, brochures and electronic media, and will seek opportunities to partner with local community groups in these activities.

12.7.3.9 Future Investigations

The Township will continue to investigate the West Montrose CHL to identify any additional attributes that may exist in the Policy Area. The recognition of additional attributes within the CHL will require an amendment to the Official Plan.

12.7.3.10 Conservation Plan

As time and resources allow, the Township will prepare a Conservation Plan for the West Montrose CHL that will contain a more detailed description of attributes and that will propose more detailed methods for the protection of these attributes.

12.7.3.11 Zoning Overlay

The lands within the CHL may be zoned with an overlay to recognize the area as significant, and if deemed appropriate, contain provisions regulating development so as not to impact the area.

SCHEDULE WM-CHL

