Region of Waterloo

Regional Implementation Guideline

Cultural Heritage Landscape Conservation

2018

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Contents

A.	**INTRODUCTION**	**3**
1.0	What are Cultural Heritage Landscapes?	**4**
2.0	Rationale for Cultural Heritage Landscape Conservation	**4**
3.0	Impacts of Undertaking a Cultural Heritage Landscape Conservation Process	**5**
4.0	Policy Context – Provincial Legislation	**6**
B.	**REGIONAL APPROACH**	**9**
1.0	Cultural Heritage Landscape Conservation Under the Ontario Heritage Act	**9**
2.0	Cultural Heritage Landscape Conservation Under the Planning Act	**9**
3.0	Regional Policy	**10**
4.0	Area Municipal Policy	**11**
5.0	Expectations and Outcomes for ROP Policies and Implementation Guidelines	**12**
C.	**CONSERVATION PROCESS**	**13**
D.	**GUIDELINES**	
I.	**Identification and Evaluation of Cultural Heritage Landscapes**	**16**
II.	**Preparation of a Cultural Heritage Landscape Technical Study**	**22**
III.	**Designating Cultural Heritage Landscapes in an Official Plan**	**27**
IV.	**Conservation of a Cultural Heritage Landscape through a Cultural Heritage Impact Assessment**	**30**
E.	**GLOSSARY OF DEFINITIONS**	**36**
F.	**REFERENCE LIST**	**39**
Appendix A – Resource to Assist with Cultural Heritage Landscape Identification		**40**
Appendix B – Criteria for Cultural Heritage Value or Interest		**42**
Appendix C – Indicators of Historical Integrity		**44**
Appendix D – Indicators of Community Value		**46**
Appendix E – Criteria for Regional Significance		**48**
Appendix F – Cultural Heritage Landscape Conservation Tools Comparison		**49**
Appendix G – Region of Waterloo Official Plan Amendment Review Process		**52**

A. INTRODUCTION

The purpose of the Region of Waterloo Implementation Guideline for Cultural Heritage Landscape Conservation is to provide guidance to applicants, Area Municipal Heritage Advisory Committees (MHACs) and Regional and Area Municipal staff on the implementation of the *cultural heritage landscape* policies of the Regional Official Plan (ROP), for the identification of *cultural heritage resources*, the preparation and review of *development applications*, and for the undertaking of heritage review during the *Environmental Assessment (EA)* process.

This document outlines the existing policy context and *Cultural Heritage Landscape (CHL) conservation* process for the Region of Waterloo, and provides further detail for the implementation of ROP policies 3.G.5, 3.G.6 and 3.G.7 through the following sections:

- Identification and Evaluation of Cultural Heritage Landscapes;
- Preparation of a Cultural Heritage Landscape Technical Study;
- Designating Cultural Heritage Landscapes in an Official Plan; and
- Conservation of a Cultural Heritage Landscape through a Cultural Heritage Impact Assessment.

The ROP relies on implementation guidelines in a number of subject areas to provide additional technical guidance in the application of certain policies. Implementation guidelines elaborate upon ROP policy, but may not be used as a means of introducing "new policy provisions that could be the basis for denying *development applications* or for interfering with the natural justice rights of landowners and the public" (Policy 10.B.10).

The content and scope of Regional Implementation Guidelines is determined through a full, open, and transparent consultation and engagement process with Area Municipalities, other agencies, interested organizations and citizens. Implementation guidelines represent statements adopted by Regional Council that detail the manner in which ROP Policy should be implemented. As relevant ROP policies are updated, added, or deleted, the Implementation guidelines must also be revised to ensure conformity with the provisions of the ROP.

As stated in the ROP, through the planned *conservation* of the region's *cultural heritage* r*esources* including *CHLs*, Waterloo Region will realize the benefits of: a higher quality of life; a stronger and more defined regional identity; a wealth of social, environmental and economic opportunities; and a broader foundational understanding of the people and places of our past.

1.0 What are Cultural Heritage Landscapes?

A *Cultural Heritage Landscape (CHL)* is a location where the influence and/or activity of humans on the natural landscape has resulted in a place with distinctive character and cultural importance. These historically *significant* landscapes are valued for the important contribution they make to our understanding of the history of a place, an event, an individual and/or a community.

*CHL*s are typically characterized by:

- A concentration of *cultural heritage resources*, such as buildings, structures and landforms;
- A concentration of supporting structural elements such as vegetation, fences or roads;
- A sense of visual coherence; and,
- A distinctiveness which enables the area to be recognized from neighbouring areas.

A **Cultural Heritage Landscape** *is defined in the Provincial Policy Statement (2014) as* a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Examples may include, but are not limited to, heritage conservation districts *designated* under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage *significance*; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

There are three types of *CHL*s:

- Designed landscapes, which have been intentionally designed;
- Organically evolved landscapes, which have evolved through human use, and are now either relics of the past or are continuing to evolve; and,
- Associative landscapes, which have powerful religious, artistic or cultural associations, some of which may have primarily natural elements and limited material cultural evidence.

2.0 Rationale for Cultural Heritage Landscape Conservation

Conserving a *CHL* means identifying, protecting, managing and using a *CHL* in such a way that the heritage value, *attribute*s and integrity of the *CHL* are retained.

CHL conservation provides a means to *conserve* groupings of *cultural heritage resources* that together have greater heritage *significance* than their constituent elements or parts. A *CHL* has both property-based *cultural heritage resources* and *attributes* that may not be linked to real property (i.e. views of and vantage points, circulation and/or street networks, land use patterns, architectural details, natural features, vegetation). The *attributes* of a *CHL* help to contextualize, cluster and connect the individual *cultural heritage recourses.* As a result, the *conserved CHL* is more valuable than the sum of its parts.

Conservation of *CHL*s, like other *cultural heritage resources*, provides the following benefits:

- Sense of Place - The region's tangible *cultural heritage resources*, combined with stories of the past, provide a physical and psychological foundation for our Regional identity. *CHLs* provide important information about, and opportunities for, understanding the events, processes and activities that have shaped, and are continuing to shape, our region;

- Authenticity - *CHLs* often support ongoing traditions and routines and reflect particular ways of life. *CHLs* allow people to participate in our region's cultural heritage continuum: learning from the multilayered past; enjoying the vibrancy of the present; and creating meaningful linkages for the future; and,

- Quality of Life - *CHLs* provide economic, environmental, social and cultural benefits through aesthetic, ecological, recreational and educational opportunities. Conserving *CHLs* will make our region a better place to live, work, play and visit.

3.0 Impacts of Undertaking a Cultural Heritage Landscape Conservation Process

Undertaking a *CHL conservation* process ensures that *cultural heritage resources* are proactively identified and that the necessary information is available to effectively consider cultural heritage *conservation* at a landscape scale during the land use and *infrastructure* planning process.

Priority-based Planning – The *CHL conservation* process is a tool to manage change. The process will be used to better inform land use and *infrastructure* planning decisions and is not meant to negatively impact permitted land uses. *Conservation* of *cultural heritage resources* is very often one of many planning priorities (i.e. increasing land-use density, economic development, encouraging tourism or recreation, environmental conservation, increasing transportation choice, providing affordable housing). Full consideration of all priorities, including *CHL conservation*, during the land use and *infrastructure* planning process will result in the best possible *development* or construction/rehabilitation solution that meets as many priorities as possible. Note*: Normal farming practices* are protected under the Farming and Food Protection Act and will not be impacted by *CHL conservation*.

Increased Transparency - The *CHL conservation* process requires Area Municipalities to proactively identify and document *CHL*s. Designating *CHL*s within an Official Plan or designation under the Ontario Heritage Act is (OHA) a means to making Regional and Area Municipal staff, developers, property owners and the public aware of the historically *significant* landscapes within the community that are to be *conserved*.

Informed Decision Making – Identified *CHL*s are supported by documentation which

includes a Statement of Significance for the *CHL*, and inventories and maps the *cultural heritage resources* and *attributes* associated with the *CHL*. This research provides the foundation of information on which proposed *development*, *site alteration* and *infrastructure* projects will be reviewed.

Effective Heritage Protection - Identifying an area as a *CHL* does not provide automatic protection to the individual *cultural heritage resources* and *attributes* associated with the *CHL*. The *CHL conservation* process documents the *cultural heritage resources* and *attributes* that must be protected in order to *conserve* the *CHL*, lists appropriate *conservation* measures, and ensures that proposed *development, site alteration* and *infrastructure* projects undergo heritage review.

Individual *cultural heritage resources* and *attributes* located within a *CHL* continue to be protected through existing and new OHA designations, conservation easements, Area Municipal Heritage Register listings, secondary plans, neighbourhood design guidelines and through the implementation of recommendations made within *Cultural Heritage Impact Assessments (CHIA)*.

4.0 Policy Context – Provincial Legislation

The Province requires municipalities to conserve significant CHLs and provides a variety of legislative planning and financing tools, primarily under the Ontario OHA, Provincial Policy Statement and Planning Act, to municipalities for use in the conservation of cultural heritage resources, including CHLs.

4.1 Ontario Heritage Act

The OHA provides three key tools for CHL conservation.

1. If a CHL is contained on a single property (i.e. farmstead, park, garden, estate, cemetery), a municipality can designate the CHL as an individual property under Part IV of the OHA.

2. If the CHL includes a grouping of properties, a municipality can designate the area as a Heritage Conservation District (HCD) under Part V of the OHA.

An OHA designation provides the strongest heritage protection available for conserving a CHL. It allows the municipality to deny demolition permits, to guide change through *development* review on and adjacent to the protected property(ies) and to control property alterations through a heritage permit system. Within the Region, there are currently eight CHLs designated as HCDs under Part V, and several other single property CHLs designated under Part IV of the OHA.

3. A municipality may list a CHL as an individual or grouping of non-OHA-designated property(ies) of heritage value or interest on their Area Municipal Heritage Register.

Under the OHA municipalities are required to maintain an Area Municipal Heritage Register that lists all designated and non-designated cultural heritage resources of heritage value or interest. The list is meant to provide easily accessible information about cultural heritage value for municipal staff, land-use planners, property owners, developers, the tourism industry, educators and the general public. Owners of listed properties must provide 60 days notice prior to demolition or removal of a building or structure, and the property may be subject to a *CHIA* or Conservation Plan during the heritage review process.

4.2 Planning Act and Provincial Policy Statement

The Province has identified the conservation of cultural heritage resources including CHLs, as an area of Provincial Interest to be considered under the Planning Act and through the Provincial Policy Statement (2014) (PPS).

The PPS, policy 2.6.1 states that “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.” Conserved is defined as “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the OHA. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

Conservation of cultural heritage resources, can take place under the OHA, as noted in the previous section, and/or in Official Plans or other planning documents prescribed under the Planning Act, such as Council adopted inventories, plans or studies.

Cultural heritage resources are conserved through the requirement of *CHIAs* and/or Conservation Plans to support proposed *development*, *site alteration* or *infrastructure* projects that have the potential to directly or indirectly impact the cultural heritage resource.

4.3 Provincial Resource Documents

The Ministry of Tourism, Culture and Sport (MTCS) provides additional non-legislative resources to assist communities in the conservation of cultural heritage resources, such as toolkits and guides. The MTCS outlines in the Ontario Heritage Toolkit, that cultural heritage resources should be identified, listed, researched, evaluated and protected. It is up to municipalities to use the most effective and appropriate tools available at each step of this process in order to ensure the ongoing conservation of the CHLs within their jurisdiction.

4.4 Environmental Assessment Act

The *EA* Act requires an *EA* of any major public sector undertaking that has the potential for significant environmental effects. *EAs* are a key part of the *infrastructure* planning process and must be completed before decisions are made to proceed on a project. *EAs* determine the ecological, cultural, economic and social impact of the *infrastructure* project and are informed through the undertaking of a variety of studies including *CHIAs*.

B. REGIONAL APPROACH

As stated in the previous section, the Province of Ontario requires that *significant CHL*s be *conserved* through the land use and *infrastructure* planning process using complementary policy provisions at the Provincial, Regional and Area Municipal level. The Province has provided a variety of *CHL conservation* tools, but a uniform province-wide approach to *CHL conservation* has not been established. The Region has therefore, in discussions with the Provincial and Area Municipal staff, developed the following Regional approach to *CHL conservation*.

The Regional *CHL conservation* approach incorporates the full spectrum of provincially legislated tools for *CHL conservation* and allows Area Municipalities to choose the most appropriate *conservation* tool for each *CHL*. The chosen *CHL conservation* tool will be a reflection of the combined level of heritage *conservation* and change management desired by the Area Municipality, public and property owners.

1.0 Cultural Heritage Landscape Conservation under the Ontario Heritage Act

Currently, Area Municipalities have three tools to *conserve CHLs* under the OHA:

- Part IV designation of an individual property;
- Part V designation of an Heritage *Conservation* District; and,
- Listing of a *CHL* on the Area Municipal Heritage Register as an individual or grouping of non-*designated* property(ies) of heritage value or interest accompanied by a map or description of the *CHL*.

In order for an Area Municipal Heritage Register listing to effectively *conserve* a *CHL*, the listing process must include:

- A full evaluation and documentation of the *CHL*;
- An opportunity for public consultation and engagement;
- Council approval; and,
- Area Municipal authority to *conserve* the *CHL* during the land use and *infrastructure* planning processes.

These three *CHL conservation* tools under the OHA will continue to be used by Area Municipalities in the Region. The complete processes used for designating or listing a *CHL* under the OHA are not addressed as part of this implementation guideline as they are a well entrenched practice. However, portions of this implementation guideline may prove useful in the preliminary identification, evaluation and documentation of *CHLs* being *conserved* under the OHA.

2.0 Cultural Heritage Landscape *Conservation* under the Planning Act

CHL conservation tools under the OHA have been available for many years, and have resulted in a small number of *CHLs* within the region being identified and protected

under the OHA. In recent years, Area Municipalities have been working to identify candidate *CHLs* and a variety of landscape level *conservation* measures are now being proposed or are in place.

In order to assist with the *conservation* of the full range of *CHL*s within the region, the Region has developed policies in the Regional Official Plan which enable and require Area Municipalities to *conserve CHL*s under the Planning Act by designating *CHL*s in their Official Plans.

Note: *CHL*s that have already been or are planned to be *conserved* under the OHA as outlined above may also be, but are not required to be, designated in Area Municipal Official Plans.

Conserving *CHL*s under the Planning Act – the *CHL conservation* process outlined in this Regional Implementation Guideline, should be used when:

- There are multiple *CHL*s that a community needs to *conserve* within a short time frame, using limited resources;
- OHA designation cannot currently be achieved and interim *conservation* is required;
- OHA Part IV and/or V designations are in place to protect individual property-based *cultural heritage resources* within a *CHL*, but the OHA designations do not *conserve* the larger context of the resources (e.g. the *attribute*s of the *CHL*);
- Future impacts to the *CHL* can be addressed through requirements for *CHIAs*, Conservation Plans, and/or through implementing planning and financial tools that support the *conservation* of the *CHL* (i.e. design guidelines, site specific zoning, financial incentives); and/or,
- There are opportunities for proposed *development*, *site alterations and infrastructure* projects to enhance the existing character of the area and/or *conserve* the grouping of *cultural heritage resources*.

A comparison of the above mentioned *CHL conservation* tools can be found in Appendix F.

3.0 Regional Policy

The Regional Official Plan (ROP) contains the following policies specifically related to the *conservation* of *CHLs*.

<u>Cultural Heritage Landscapes</u>

3.G.5 The Region will prepare and update a Regional Implementation Guideline for Cultural Heritage Landscape Conservation. This guideline will outline the framework for identifying *Cultural Heritage Landscapes,* including *Cultural Heritage Landscapes* of Regional interest, and for documenting each individual landscape through a Cultural Heritage Landscape Conservation Plan (an

amendment may be made to change this to *CHL* Technical Study) that includes:

(a) a statement of significance;
(b) a listing of the *cultural heritage resources* and *attributes* being *conserved* within the *Cultural Heritage Landscape* through the use of existing planning tools, such as Heritage Act designations, listings on the Area Municipal Heritage Register, official plan policies, secondary plans and zoning bylaws; and
(c) recommendations for additional *conservation* measures.

3.G.6 Area Municipalities will designate *Cultural Heritage Landscapes* in their official plans and establish associated policies to *conserve* these areas. The purpose of this designation is to *conserve* groupings of *cultural heritage resources* that together have greater heritage significance than their constituent elements or parts.

Designating a *CHL* in an Area Municipal Official Plan means formally recognizing a *CHL* on a list and map or schedule contained in or appended to the Official Plan.

3.G.7 The Region will assist Area Municipalities with the preparation of Cultural Heritage Landscape Conservation Plans (an amendment may be made to change this to *CHL* Technical Study) for *Cultural Heritage Landscapes* of Regional interest.

3.G.13 Area Municipalities will establish policies in their official plans to require the submission of a *Cultural Heritage Impact Assessment* in support of a proposed *development* that includes or is *adjacent* to a *designated* property, or includes a non-*designated* resource of cultural heritage value or interest listed on the Area Municipal Heritage Register. (An amendment may be made in order to clarify that this includes the consideration of *CHIAs* within or *adjacent* to a *CHL).*

A *CHL* evaluated and identified as a *cultural heritage resource* of Regional interest is also subject to ROP policies 3.G.2, 3.G.14, 3.G.15, 3.G.17, 3.G.18, 3.G.19 and 3.G.20.

4.0 Area Municipal Policy

General policies for the *conservation* of *CHLs* must be included in an Area Municipal Official Plan (OP) in order for the plan to be consistent with the ROP and the PPS.

The Region recommends that the general *CHL conservation* policies include, but not be limited to, a commitment by the Area Municipality to:

1. Identify and document individual *CHLs* through a Cultural Heritage Landscape Technical Study as outlined in ROP 3.G.5;
2. Designate individual *CHLs* in the Area Municipal Official Plan; and,

3. Review *development, site alteration* and *infrastructure* projects within or *adjacent* to *designated CHLs* to ensure that the *cultural heritage resources* and *attributes* of the *CHL* will be *conserved*. A *CHIA* may be required to assist the Area Municipality in making this determination.

Associated *CHL conservation* policies may include a commitment by the Area Municipality to:

- List and/or *designate* under the OHA individual *cultural heritage resources* and *attributes* inventoried within a *CHL*;
- Consider the impact of lot creation and/or reconstruction within the *CHL*;
- Further investigate *CHLs* to identify additional and/or evolving *cultural heritage resources* and *attributes*; and,
- Promote the awareness, appreciation and enjoyment of *CHLs*.

5.0 Expectations and Outcomes of ROP Policies and the Implementation Guideline

Implementation of the ROP *CHL conservation* policies using this Implementation Guideline will result in:

1. Comprehensive region-wide identification and evaluation of *CHL*s;
2. Documentation of individual *CHLs* in Technical Studies, to include but not be limited to:
    - An official name;
    - A Statement of Significance; and,
    - An inventory and map of *cultural heritage resources* and *attributes*, with references to existing and recommended *conservation* measures;
3. Individually *designated CHLs* in Area Municipal Official Plans; and
4. Area Municipal authority to require a *CHIA* to support proposed *development, site alteration* and *infrastructure* projects within or *adjacent* to an identified *CHL*.

C. CONSERVATION PROCESS

The following process for conserving *CHL*s under the Planning Act has been developed to ensure that *CHL*s are recognized early in the land use and *infrastructure* planning process, and that comprehensive information on the *cultural heritage resources* and *attributes* of the *CHL* are available when making planning decisions.

The *CHL conservation* process includes:

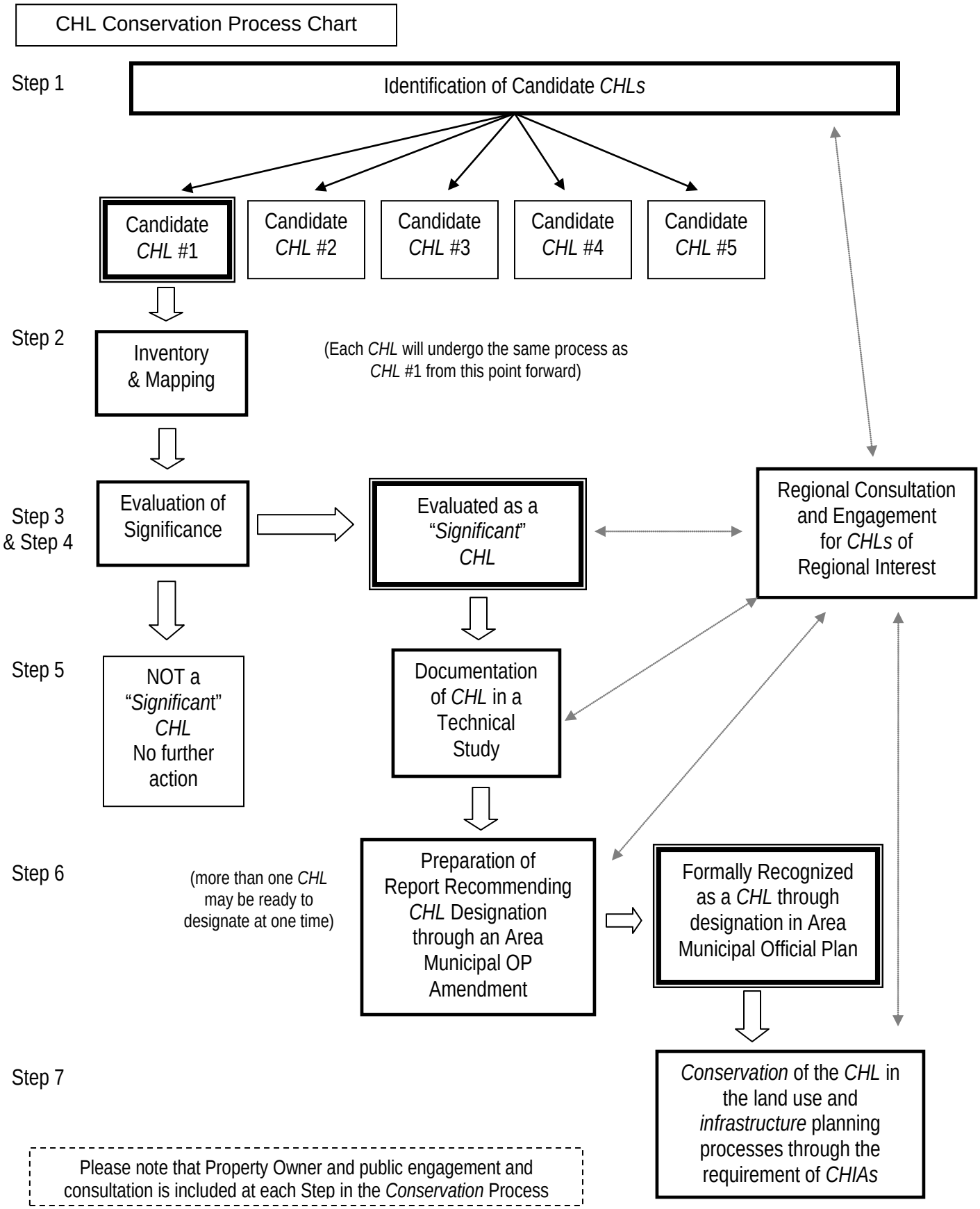
- Identifying and documenting individual *CHL*s in a Technical Study that evaluates, inventories and maps the *cultural heritage resources* and *attributes* associated with the *CHL* and documents current and proposed *conservation* measures for the *CHL*;
- Designating of *CHL*s in Area Municipal Official Plans, excluding *CHL*s currently *conserved* under the OHA; and,
- Reviewing *proposed development*, *site alteration* and *infrastructure* projects within or *adjacent* to *designated CHL*s to determine whether the *cultural heritage resources* and *attributes* associated with the *CHL* will be *conserved*.

Area Municipalities will incorporate general policies for the *conservation* of *CHLs* in their Official Plans to allow for the designating of any individual *CHLs* using the process outlined below. Information on general policies for *CHL conservation* at the Area Municipal level can be found in Section B (4.0).

The *CHL conservation* process has seven key steps to be undertaken through this Implementation Guidelines. The following chart outlines the connection of each key step to the associated section. A process chart is included on the following page.

Key Steps	Associated Section of the Guideline
1 Identify Candidate *CHL*s	Identification and Evaluation of Cultural Heritage Landscapes (Section I)
2 Inventory and Map individual Candidate *CHL*s	
3 Evaluate the Candidate *CHL*'s Significance	
4 Determine Regional interest in the Candidate *CHL*	
5 Document the Candidate *CHL* in a Technical Study	Preparation of a Cultural Heritage Landscape Technical Study (Section II)
6 Designate the *CHL* in the Official Plan using the	Designating Cultural Heritage

	Official Plan Amendment process under the Planning Act	Landscapes in an Official Plan (Section III)
7	*Conserve* the *CHL* through the land use and *infrastructure* planning processes	Conservation of a Cultural Heritage Landscape through a Cultural Heritage Impact Assessment (Section IV)


CHL Conservation Process Chart
Step 1
Identification of Candidate CHLs
Candidate CHL #1
Candidate CHL #2
Candidate CHL #3
Candidate CHL #4
Candidate CHL #5
Step 2
Inventory & Mapping
(Each CHL will undergo the same process as CHL #1 from this point forward)
Step 3 & Step 4
Evaluation of Significance
Evaluated as a "Significant" CHL
Regional Consultation and Engagement for CHLs of Regional Interest
Step 5
NOT a "Significant" CHL No further action
Documentation of CHL in a Technical Study
Step 6
(more than one CHL may be ready to designate at one time)
Preparation of Report Recommending CHL Designation through an Area Municipal OP Amendment
Formally Recognized as a CHL through designation in Area Municipal Official Plan
Step 7
Conservation of the CHL in the land use and infrastructure planning processes through the requirement of CHIAs
Please note that Property Owner and public engagement and consultation is included at each Step in the Conservation Process

D. GUIDELINES

I. Identification and Evaluation of Cultural Heritage Landscapes

Regional Official Plan

3.G.5 The Region will prepare and update a *Regional Implementation Guideline for Cultural Heritage Landscape Conservation*. This guideline will outline the framework for identifying Cultural Heritage Landscapes, including Cultural Heritage Landscapes of Regional interest, and for documenting each individual landscape through a Cultural Heritage Landscape Conservation Plan (an amendment may be made to change this to *CHL* Technical Study) that includes:

a) a statement of significan*ce*;
b) a listing of the *cultural heritage resources* and *attribute*s being *conserved* within the Cultural Heritage Landscape through the use of existing planning tools, such as Heritage Act designations, listings on the Municipal Register, official plan policies, secondary plans and zoning bylaws; and
c) recommendations for additional *conservation* measures.

Application

In accordance with policy 3.G.5 of the Regional Official Plan (ROP), this section of the guideline will apply when Area Municipal staff and Municipal Heritage Advisory Committees are identifying and evaluating the *significanc*e of the candidate *Cultural Heritage Landscapes (CHL).* A *CHL* that is determined to be a *cultural heritage resource* of Regional interest is also subject to policies 3.G.2, 3.G.14 and 3.G.15.

Purpose

The purpose of this section of the guideline is to ensure an efficient, consistent, comprehensive and defensible process is used to identify *CHLs* worthy of *conservation* within the region.

Identification and Evaluation of Cultural Heritage Landscapes

A *CHL i*s a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act (OHA); villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage *significance*; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site). (Provincial Policy Statement, 2014).

Significant CHLs are to be *conserved* as required by the PPS section 2.6.1. All *CHLs* that are evaluated as *significant* using the process below, which is based on Ontario Heritage Act (OHA) Regulation 9/06, shall be *conserved*. Candidate *CHLs* that are evaluated and found to be *significant* will be referred to throughout the remainder of the *conservation* process as *CHL*s; those evaluated and found to not be *significant* will not be taken any further through the process and should no longer be referred to as *CHL*s.

1.0 Area Municipal staff and Municipal Heritage Advisory Committees will develop a list of candidate *CHL*s for their municipality.

1.1 The list of candidate *CHL*s will include, but not be limited to:

a) areas that correspond to the historic themes and associations important to the development of the municipality;
b) areas that contain a grouping of *cultural heritage resources* identified through a visual survey; and,
c) landscapes valued by a community suggested by the public through engagement and consultation or in written documents such as local histories, planning documents, listings of important landscapes, etc.

1.2 Undertaking public and property owner engagement and consultation is strongly encouraged during the development of the list of candidate *CHL*s to establish general feed back and specifically to: establish or determine community value of candidate landscapes; learn of associated and anecdotal history of the area; and, garner additional evidence of historical integrity. Consultation and engagement is encouraged at every stage in the Conservation Process, examples of engagement may include:

a) Solicitation of feedback from the public, Area Municipalities, Agencies and property owners in Newspaper notices, notices on

Regional and Area Municipal websites, email blasts and posted mail;

b) One-on-one discussions, or group discussions and presentations with property owners and effected or interested parties;
c) Focus groups and open houses; and
d) Web-based engagement tools.

1.3 Upon request, the Region will assist with the preliminary identification of candidate *CHL*s.

1.4 Area Municipalities and the Region will work together to develop shared or complementary *conservation* processes for cross jurisdictional *CHL*s such as those related to rivers, valleylands or agricultural practices.

1.5 Municipalities may use the additional information and resources for identifying candidate *CHLs* included in Appendix A.

2.0 The Region will review the list of candidate *CHLs* and indicate if any of the candidate *CHLs* are of Regional interest, and/or provide a list of *CHLs* of Regional interest to the Area Municipality to be considered for *conservation.*

2.1 Identification of *CHLs* of Regional interest will take place in accordance with the Regional Implementation Guideline for Conserving Regionally Significant Cultural Heritage Resources based on the Criteria for Regionally Significant Cultural Heritage Resources (RSCHR) adopted by Regional Council in 2002 (P-02-083) (see Appendix E).

3.0 An inventory of *cultural heritage resources* and *attributes* will be developed for each candidate *CHL*.

3.1 The inventory of *cultural heritage resources* and *attributes* may include but not be limited to:

- Built features (buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history),
- Ecological features (ecosystems within the landscape),
- Vegetation (natural or introduced),
- Landforms (natural or human made),
- Water features (natural or designed),
- Archaeological resources,
- Evidence of traditional practices,
- Views, vistas and visual relationships,
- Spatial organization and landmarks,
- Land-use patterns,
- Circulation networks, paths, road patterns,
- Boundary/linear features, hedgerows, lanes, walls,
- Public access, and,

- Open space, garden features.

3.2 The inventory should include as detailed information as possible on each individual *cultural heritage resource* and *attribute* i.e. architectural or engineering details, historical associations, etc.,

3.3 The inventory of *cultural heritage resources* and *attributes* will be used during the evaluation of *significance* for the candidate *CHL*.

3.4 For *CHL*s found to be *significant*, the inventory of *cultural heritage resources* and *attributes* will be documented in the *CHL* Technical Study.

4.0 Each candidate *CHL* will be geographically defined through detailed mapping of the *cultural heritage resources* and *attributes* listed in the inventory.

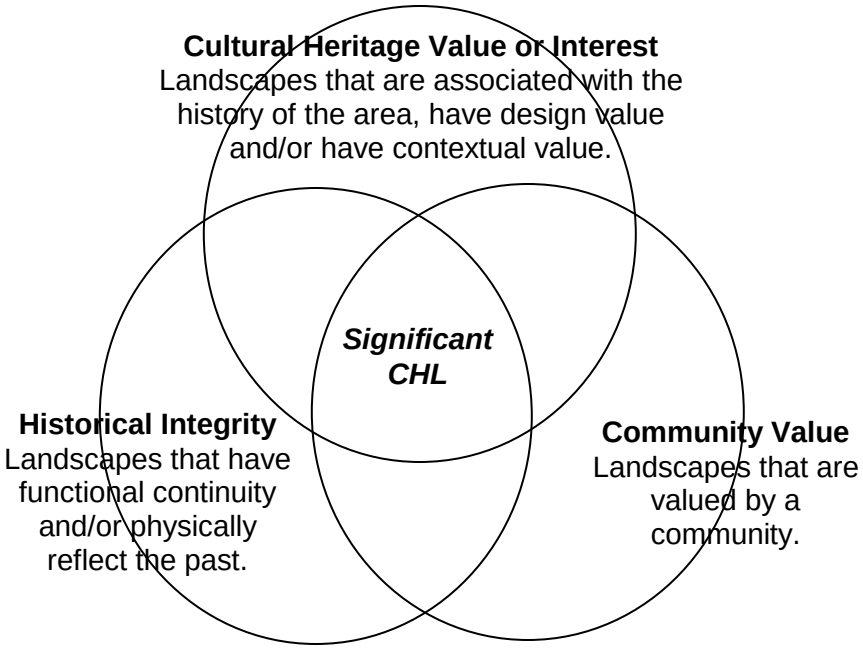
4.1 The detailed mapping of the *cultural heritage resources* and *attributes* (as listed above) will be used during the evaluation of *significance* for the candidate *CHL*.

4.2 Mapped boundaries and/or buffer zone(s) should be included if they aid in the *conservation* of the *CHL*. Demarcating a firm boundary for an evolved landscape that continues to evolve is not required.

a) Defining the boundaries of a *CHL* can involve a range of considerations including, but not limited to the use of: roadways; rights-of-way; river corridors; fences; edges of tree lines and hedge rows; property lines; landforms; and lakeshores (MOTCS Info Sheet #2).

4.3 For *CHL*s found to be *significant*, the detailed mapping of the *cultural heritage resources* and *attributes* identified in the inventory will be documented in the *CHL* Technical Study.

5.0 The *significance* of each candidate *CHL* will be evaluated based on a three pronged approach, related to the PPS definition of a *CHL*, to include the: cultural heritage value or interest; historical integrity; and community value of the landscape.



5.1 Criteria for determining cultural heritage value or interest of a *CHL* is based on the criteria used to evaluate the cultural heritage value or interest of other forms of *cultural heritage resources* provided by the Province of Ontario in Regulation 09/06. Area Municipalities will evaluate the cultural heritage value or interest of each candidate *CHL*, using the chart in Appendix B, and will summarize their findings in a *CHL* Statement of Cultural Heritage Value or Interest.

5.2 Historical integrity is a measure of: how well the existing landscape physically reflects the landscape of the past; and the functional continuity of the landscape over time. In order to measure integrity, the historic context of the landscape in terms of use, relationships, views, circulation networks, boundaries, etc. must be understood. Area Municipalities will evaluate the historic integrity of each candidate *CHL*, using the chart in Appendix C to gather information, and will summarize their findings in a *CHL* Statement of Historical Integrity.

5.3. Community value can be evaluated by determining the presence of indicators of community value. Area Municipalities will evaluate the community value of each candidate *CHL*, using the chart in appendix D to gather information and will summarize their findings in a CHL Statement of Community Value.

5.4 An overall Statement of Significance which combines the cultural heritage value or interest, historical integrity and community value of the candidate *CHL* will be developed.

6.0 For evolved landscapes, the inventory, mapping and measures of *significance* must illustrate and evaluate the evolution of the landscape over time.

7.0 A candidate *CHL* that has been evaluated and found to have cultural heritage value or interest, historical integrity and community value is *significant.* Candidate *CHLs* that are evaluated and found not to be *significant* will not be taken any further through the process and should no longer be referred to as *CHLs*.

8.0 Each *significant CHL* will be documented in a CHL Technical Study and recommended for being designated in the Area Municipal Official Plan.

9.0 Communication with the public and affected property owners within the *significant CHL* will take place through mail and or email notification as well as by postings to Area Municipal and/or Regional websites.

II. Preparation of a Cultural Heritage Landscape Technical Study

Regional Official Plan

3.G.5 The Region will prepare and update a Regional Implementation Guideline for Cultural Heritage Landscape Conservation. This guideline will outline the framework for identifying Cultural Heritage Landscapes, including Cultural Heritage Landscapes of Regional interest, and for documenting each individual landscape through a Cultural Heritage Landscape Conservation Plan (an amendment will be made to change this to *CHL* Technical Study) that includes:

a) a statement of significance;
b) a listing of *the cultural heritage resources* and *attribute*s being *conserved* within the Cultural Heritage Landscape through the use of existing planning tools, such as Heritage Act designations, listings on the Municipal Register, official plan policies, secondary plans and zoning bylaws; and
c) recommendations for additional *conservation* measures.

3.G.7 The Region will assist Area Municipalities with the preparation of Cultural Heritage Landscape Conservation Plans (an amendment will be made to change this to *CHL* Technical Studies) for Cultural Heritage Landscapes of Regional Interest.

Application

In accordance with policies 3.G.5 and 3.G.7 of the Regional Official Plan (ROP), this section of the guideline will apply when a Cultural Heritage Landscape Technical Study is being developed for a candidate *Cultural Heritage Landscape (CHL*) being recommended for *conservation*.

Purpose

The purpose of this section of the guideline is to ensure appropriate and consistent methods and report formats are applied in the preparation of *CHL* Technical Studies.

Compliance with this section of the guideline will:

- Enable the documentation of the *CHL's cultural heritage resources* and *attributes*, with references to existing and recommended *conservation* measures;
- Provide the base research needed by consultants to undertake an effective *Cultural Heritage Impact Assessment (CHIA)*; and,
- Help to minimize the time required to prepare a CHL Technical Study.

Preparation of a Cultural Heritage Landscape Technical Study

The CHL Technical Study is an important source document developed and maintained by the Area Municipality, in engagement and consultation with Municipal Heritage Advisory Committees and/or community stakeholders. A CHL Technical Study is prepared for each *CHL* found to be *significant* and worthy of *conservation*.

The CHL Technical Study builds on the information gathered during the *CHL* identification and evaluation process. The document includes all of the information gathered during the identification and evaluation of the candidate *CHL* as well as information on the current and future heritage *conservation* measures associated with the *CHL*.

1.0 The CHL Technical Study will be completed by Area Municipalities and will include, but is not limited to:

Existing Information from the Identification and Evaluation of the Candidate *CHL*

1.1 A Statement of Significance: A brief summary of the cultural heritage value or interest, historical integrity and community value of the *CHL* as developed during the identification and evaluation of *significance* of the candidate *CHL*. The Statement of Significance is an important tool as it provides justification for conserving the *CHL*.

1.2 A comprehensive inventory and map of *cultural heritage resources* and *attributes* includes, but is not limited to: buildings and structures; architectural details; landmarks; views; natural features; vegetation; archaeological resources; land-use patterns; circulation networks; boundary/linear features; public access; and/or open space as developed for the candidate *CHL*.

1.3 A summary of the input from property owners, the public and interested parties which was used to inform the evaluation and establish community value in Guideline.

Additional Information

1.4 The analytical listing of Conservation Measures for the *cultural heritage resources* and *attributes* of the *CHL* includes, but is not limited to:

- A comprehensive listing of existing *conservation* measures;
- A thorough evaluation of the ability of the existing *conservation* measures to *conserve* the inventoried heritage features and their context; and,
- Recommendations for additional *conservation* measures where needed.

1.4.1 *CHL conservation* may include a variety of measures requiring very little intervention, to requiring a great deal of intervention and management. Most *conservation* measures are not mutually exclusive and can be implemented in combination, or be built upon over time as resources permit. Some measures may only be undertaken by a municipality, where others can be undertaken by the community with municipal support. These measures include, but are not limited to the following tools:

Ontario Heritage Act (OHA)

- Protection of individual properties under the OHA through designation or conservation easements;
- Protection of specific areas within the *CHL* as Heritage Conservation Districts (HCD) under the OHA and through related HCD policies, guidelines, studies and plans;
- Listing of individual or groupings of non-designated property(ies) on the Area Municipal Heritage Register;

Planning Act and Building Code Act

- Official Plan policies (i.e. settlement boundaries, land designations, identification of defined “character areas” or *CHLs* and specific policies attributed to them);
- Secondary or Community Plans;
- Community Improvement Plans;
- Area design guidelines;
- Corridor management plans or scenic corridor designations;
- Park management plans;
- Height, massing and setback restrictions that maintain the character of an area, implemented through zoning and/or *site plan* control;
- Demolition control;
- Subdivision Development Agreements;
- Condominium Declarations;

Incentives

- Financial incentives for OHA designated properties or within Community Improvement Plan areas;
- Heritage property tax grants;

Celebration

- Themed signage and streetscaping;
- Community led projects that aim to maintain and enhance the significance of the *CHL*
- Place naming;
- Commemoration and interpretation; and,
- Public education, etc.

1.4.2 The analytical listing of *conservation* measures will assist in highlighting vulnerable *cultural heritage resources* and *attributes* and will result in recommendations for improved *conservation* measures.

Additional Recommended Information

1.5 It is strongly recommended that an implementation/management plan for the recommended *conservation* measures be developed assigning responsibilities and a schedule for the conservation work. The implementation plan should also include a monitoring and reporting structure, thereby evaluating the effectiveness of the conservation measures and providing for the ability to introduce new *conservation* measures, should the recommended approach fail to achieve the desired outcome.

2.0 The Region will assist Area Municipalities in the preparation of CHL Technical Studies for *CHLs* of Regional interest.

3.0 The Technical Study will be made available to consultants preparing *CHIAs* for proposed *development, site alteration* and *infrastructure* projects within and *adjacent* to the *CHL*.

4.0 CHL Technical Studies are evolving documents which will require updating as land use and policy changes are made. Similarly, the method by which the content of Technical Studies is presented may vary dependent upon the type of *CHL* and other formal and informal planning documents governing an area in which a *CHL* is located. For example, if a *CHL* is located entirely within an area subject to a Secondary Plan, all the required information of a CHL Technical Study may already be addressed within the Secondary Plan, and an additional stand alone document may not be needed.

5.0 According to Provincial Guidance (Heritage Resources in the Land Use Planning Process – Info Sheet No. 5), a CHL Technical Study that includes all of the following may be referred to as a CHL Conservation Plan:

- Identification of the *conservation* principles appropriate for the type of *cultural heritage resource* being *conserved;*
- Analysis of the *cultural heritage resource*, including documentation of the resource, descriptions of cultural heritage value or interest, assessment of the resource conditions and deficiencies, discussion of historical, current and proposed use;
- Recommendations for *conservation* measures, treatments and interventions, short or long term maintenance programs, implementation, including guidelines on martials and implementing methods;
- The qualifications required for anyone responsible for the *conservation* work;

- Schedule for *conservation* work, inspection, maintenance, costing, and phases of the rehabilitation or restoration work;
- Monitoring of the *cultural heritage resource* and the development of a long term reporting structure; and,
- A time period for the review and updating of the Conservation Plan itself.

6.0 A scoped Conservation Plan may be required as a condition of approval by the approval authority for a proposed *development, site alteration* or *infrastructure* project in order to *conserve* a specific *cultural heritage resource* or *attribute* that is within a larger *CHL* and is impacted by the proposed *development, site alteration* or *infrastructure* project (see Section IV of the Implementation Guideline). Financial assurances (e.g. letter of credit or certified cheque) may be required as part of the *development* approval process to ensure the conservation plan is implemented.

7.0 When a *CHL* is identified during the land use or *infrastructure* planning process, rather than proactively identified using the process outlined in this implementation guideline, the information usually contained in the CHL Technical Study must be gathered and included in the inventory phase of a required *CHIA* see Section IV of the Implementation Guideline) undertaken by the proponent of the project.

III. Designating Cultural Heritage Landscapes in an Official Plan

Regional Official Plan

3.G.6 Area Municipalities will designate *Cultural Heritage Landscapes* in their official plans and establish associated policies to *conserve* these areas. The purpose of this designation is to *conserve* groupings of *cultural heritage resources* that together have greater heritage significance than their constituent elements or parts.

Designation of a *CHL* in an Area Municipal Official Plan means to identify each individual *CHL* on a list and map or schedule contained in or appended to the Area Municipal Official Plan.

Application

In accordance with policy 3.G.6 of the Regional Official Plan (ROP), this section of the guideline will apply when Area Municipalities designate a *Cultural Heritage Landscape (CHL*) in their Official Plan.

Purpose

The purpose of this section of the guideline is to ensure appropriate and consistent methods and approaches are applied when designating *CHLs* in Area Municipal Official Plans.

Designating a *CHL* within an Official Plan:

- enables a community to proactively identify a valued *cultural heritage resource*;
- provides an opportunity for public engagement and consultation and Council approval;
- results in an accessible public record of identified *CHLs*; and
- allows Area Municipalities to require *Cultural Heritage Impact Assessments (CHIAs)* to ensure that proposed *development*, *site alteration* and *infrastructure* projects *conserve* the *cultural heritage resources* and *attributes* of the *CHL*.

Designating CHLs in an Official Plan

1.0 Area Municipal Official Plans will include general policies for the *conservation* of *significant CHLs*.

1.1 These policies will include a commitment by the Area Municipality to: identify and document individual *CHLs* through a Cultural Heritage Landscape Technical Study; designate individual *CHLs* in the Area Municipal Official Plan; and review *development, site alteration* and *infrastructure* projects within or *adjacent* to designated *CHLs* to ensure that the *cultural heritage resources* and *attributes* of the *CHL* will be *conserved*.

2.0 Area Municipal Official Plans will designate *CHLs*.

2.1 The Official Plan will identify the designated *CHL* using an official name, a statement of *significance* and a general location map of the *CHL* using a simple location marker such as an unbounded shape or asterisk, and will reference to the detailed documentation within the CHL Technical Study.

2.2 Additional *CHL conservation* policies and/or a detailed map may be included.

3.0 A report that recommends designating a *CHL* through an amendment to the Official Plan will be prepared to include:

- Official *CHL* Name;
- Reason for Designating - Statement of Significance; and,
- Impacts of Designating, including but not limited to the potential requirement of a *CHIA* for proposed *development, site alteration* and *infrastructure* projects within and *adjacent* to the *CHL*.

It may be appropriate to engage again with affected property owners and interested parties at this point in the conservation process, to inform them of the formal recommendation of the candidate *CHL* and outlining the ways they can continue to be involved through the Planning Act Official Plan Amendment process.

3.1 The CHL Technical Study shall be provided to support the recommendation.

4.0 Standard procedures for Official Plan Amendments under the Planning Act will be followed with respect to giving *notice*, providing information and public engagement and consultation. See Appendix G for a flow chart illustrating the Region's ROP Amendment process.

5.0 Area Municipalities may have additional processes and methods for identifying and conserving *CHL*s so long as they result in:

- Comprehensive identification and evaluation of *CHL*s;
- Documentation of each *CHL*, that includes but is not limited to: an official name; a Statement of Significance; and an inventory and map of *cultural heritage resources* and *attributes*, with references to existing and recommended *conservation* measures; and,
- Area Municipal authority to require a *CHIA* to support proposed *development, site alteration* and *infrastructure* projects within and *adjacent* to identified *CHL*s.

IV. Conservation of a Cultural Heritage Landscape through a Cultural Heritage Impact Assessment

Regional Official Plan

3.G.6 Area Municipalities will designate *Cultural Heritage Landscapes* in their official plans and establish associated policies to *conserve* these areas. The purpose of this designation is to *conserve* groupings of *cultural heritage resources* that together have greater heritage significance than their constituent elements or parts.

Conserve: The identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, *attribute*s and integrity are retained. This may be addressed through a *conservation* plan or heritage impact assessment.

3.G.13 Area Municipalities will establish policies in their official plans to require the submission of a *Cultural Heritage Impact Assessment* in support of a proposed *development* that includes or is *adjacent* to a designated property, or includes a non-designated resource of cultural heritage value or interest listed on the Municipal Heritage Register (an amendment may be made in order to clarify that this includes the consideration of CHIAs within or *adjacent* to a *Cultural Heritage Landscape).*

Adjacent will be defined as lands that are situated in sufficiently close proximity such that *development*, *site alteration* or an *infrastructure* project could reasonably be expected to produce a negative impact on an identified *cultural heritage resource*.

Application

In accordance with policies 3.G.6 and 3.G.13 of the Regional Official Plan (ROP), this section of the Guideline will apply when *development*, *site alteration* or an *infrastructure* project is proposed within or *adjacent* to a designated *Cultural Heritage Landscape (CHL).*

Purpose

The purpose of this section of the guideline is to ensure that *Cultural Heritage Impact Assessments* (*CHIA*) are required when appropriate and completed effectively, in order to facilitate the *conservation* of the *cultural heritage resources* and *attributes* associated with a *CHL* during the land use and *infrastructure* planning process. The majority of *CHL*s are expected to be identified in areas where heritage review is already required due to the presence of individual *cultural heritage resources*. The number of *CHIAs* required is not expected to significantly increase. Where *CHL*s are identified, additional landscape scale assessment will be required. This section of the guideline outlines how heritage review at a landscape scale will be incorporated into the existing heritage review process.

Conservation of a Cultural Heritage Landscape through a Cultural Heritage Impact Assessment

1.0 During *development application* or *site plan* review, *infrastructure* planning and *Environmental Assessment* processes, an Area Municipality may require the submission of a *CHIA* if the proposed *development*, *infrastructure* or *site alteration* results in any of the following list of negative impacts to a *CHL*:

- **Destruction** of any, or part of any, *cultural heritage resource* or *attribute* of the *CHL;*
- **Alteration** that is not sympathetic to, or is incompatible with, the historic fabric and appearance of the *CHL* (the term alteration is synonymous with renovation or restoration);
- Creation of **shadows or obstructions** that alter the appearance of a *cultural heritage resource* or *attribute*, or change the viability of an *attribute* within the *CHL* (e.g. blocking sunlight to natural features or plantings that have been identified as heritage *attributes*);
- **Isolation** of a *cultural heritage resource* or *attribute* from its surrounding environments, context or *significant* relationship;
- **Direct or indirect obstruction** of a *significant* view or vista within, from or of built and natural features;
- **Change in land use**, where the change in land use negates the cultural heritage value of the *CHL* (for example, the change introduces new *development* or *site alteration* into a previously open space that was identified as a *heritage attribute* – such as infill on a battlefield, parkland or similar);
- **Land disturbance or *site alteration*** such as change in grade that alter soils and drainage patterns, or vibrations that occur from construction activity that may adversely affect a *cultural heritage resource* or *attribute;* and/or,
- Increase in **other disturbances** such as noise and/or traffic in or near the *CHL* that impacts the property's cultural heritage value or interest.

2.0 Where it is determined that a *CHIA* is required, it will be prepared by an accredited qualified professional, with individual expertise, recent experience and knowledge relevant to the type of *cultural heritage resource* within their professional discipline as well as the nature of the *development* or *infrastructure* improvement being proposed. This qualified professional may be an architectural or landscape consultant with knowledge of accepted

standards of historical research, identification, evaluation and methods of *conservation* and mitigation. The expertise of more than one qualified professional may be required. For example, a complex property with more than one type of *cultural heritage resource* may require an historian, a professional engineer, an architect, a consultant archaeologist, a landscape architect, and/or heritage planner, etc. Consideration for combining technical assessments should be given so that duplication is minimized and information may be shared readily.

2.1 The *CHIA* should outline the professional's:

- Credentials, qualifications and experience gained through having worked directly on the type of *RSCHR* being addressed by the *CHIA;*
- Demonstrated expertise with *CHLs* and type of *cultural heritage resources* within the *CHL* as well as the nature of the *development* or *infrastructure* improvement being considered;
- Recent and relevant professional experience in *conservation* (i.e. within the last three to five years);
- Experience giving expert testimony on cultural heritage before a provincial tribunal (e.g. the Conservation Review Board, Ontario Municipal Board or Environmental Review Tribunal); and,
- Ability to ensure Indigenous Communities will be engaged.

3.0 The *CHIA* may contain, but not be limited to, the following items in accordance with ROP policy 3.G.13, any approved Area Municipal guidelines and the draft guidance recently released (Oct. 2017) by the Ministry of Tourism, Culture and Sport, "A Guide to Cultural Heritage Resources in the Land Use Planning Processes":

3.1 **Introduction**

- A legal description of the property;
- Name of the proponent;
- A site plan of existing conditions, to include buildings, structures, roadways, driveways, drainage features, trees and tree canopy, fencing, and topographical features;
- Legislation or process under which the *development* is being undertaken;

- Responses to all applicable Provincial, Regional and Area Municipal cultural heritage policies and guidance; and
- A detailed description of the proposed *development* and any *site alteration.*

3.2 **Historic background of the Resource**

- Historical research, site analysis and evaluation of the associated *CHL*, if not previously undertaken by the Area Municipality (see Section II of the Implementation Guideline);
- A written and visual inventory (photographs) of all elements of the property(ies) that contribute to the cultural heritage value of the associated *CHL*, to include: overall site views, views to *adjacent* properties and views of the site from within the *CHL*; and internal photographs and floor plans for onsite *cultural heritage resources*; and,
- Identification and description of the *significance* of *cultural heritage resources* and *attributes* of the associated *CHL*.
- Include a recommendation as to whether any *cultural heritage resources* on the subject property are worthy of heritage designation in accordance with Regulation 9/06, Ontario Heritage Act (OHA);

3.3 **An assessment of the impacts of the proposed *development* or *site alteration* on the *CHL* and *attributes***

- There may be negative impacts on the *CHL* and *cultural heritage resources* and *attributes* before, during or after work has been completed. These impacts may be direct or indirect, temporary or permanent. Negative impacts should be described in terms of their effect on specific heritage *attributes*, as well as their effect on the entire property, even if the proposed *development* or *site alteration* only affects a portion of it.

3.4 **Identification and evaluation of *development* alternatives, mitigation and *conservation* measures that may reduce the adverse impacts of the proposed *development, site alteration* or *infrastructure* project on the Resource**

- Evaluation must be completed on the basis of established principals, standards and guidelines for heritage *conservation*, and alternatives must describe how these standards and guidelines have been applied;

- Evaluation must address all applicable heritage *conservation* policies in the Area Municipal, Secondary Plans and other planning documents;

- Evaluation must also consider the findings of any archaeological assessment(s) and other relevant technical studies that have been separately undertaken; and,

- Avoidance or not proceeding with the *development* should always be a considered alternative.

NOTE: Commemoration and/or interpretation signage are not mitigation strategies

3.5 Summaries of Community and Indigenous engagement

- A description of who was engaged and how. The *CHIA* should take into account the opinions of property owners and interested persons, communities and organizations; and,

- A description of how comments were incorporated into the recommended approach.

3.6 Recommendations

- A summary statement of the preferred *conservation* recommendations;

- If there is going to be an impact on the *CHL*, there should be a detailed explanation as to why the impact can not be avoided;

- If other *site alteration* or *development* approaches were evaluated an explanation as to why they were not appropriate, should be included; and,

- A schedule and reporting structure for implementing the recommended *conservation* or mitigative or avoidance measures and for monitoring the *CHL* as the proposed *development* progresses.

3.7 Appendices

- The project personnel's curriculum vitae and qualifications for undertaking the *CHIA* as described in Section 2.0 above;

- Bibliography; and

- Other relevant documents, maps or photographs.

4.0 *CHIAs* may be scoped or waived based on the potential negative impacts of the proposed work.

5.0 An approval authority should strongly consider requiring a Conservation Plan as a condition of approval for a proposed *development, site alteration* or *infrastructure* project in order to *conserve* a *cultural heritage resource* or *attribute* that contributes to the *significance* of the associated *CHL* and is impacted by the proposed *development, site alteration* or *infrastructure* project. (Section II, 5.0) Financial assurances (e.g. a letter of credit or certified cheque) may also be required as part of the development approval process to ensure the Conservation Plan is implemented.

6.0 Where an Area Municipality has required the submission of a *CHIA*, and where the impacts would affect a *RSCHR*, the *CHIA* will also be submitted to the satisfaction of the Region as part of the heritage review process. Where a *development application* includes or is *adjacent* to a *RSCHR* which is not listed on a Municipal Heritage Register or otherwise designated by an Area Municipality, the applicant will be required to submit a *CHIA* to the satisfaction of the Region.

7.0 If the proposed *development* or *site alteration* is changed throughout the *development* review process and impacts to the *CHL* change, the *CHIA* will need to be amended to reflect any new impacts.

8.0 *Development* proponents and Area Municipal staff are encouraged to consult with Area Municipal planning staff and cultural heritage professionals early in the planning process. Early consultation will provide access to any available background information, ensure that *cultural heritage resources* are appropriately identified, and enable opportunities for project design to maximize enhancement of and minimize negative impacts to the *CHL*.

E. GLOSSARY OF DEFINITIONS

Adjacent - means lands that are situated in sufficiently close proximity such that *development, site alteration* or an *infrastructure* project could reasonably be expected to produce a negative impact on an identified *cultural heritage resource*.

Attribute - A quality or characteristic inherent in or ascribed to a *cultural heritage landscape* that contribute to their cultural heritage value or interest. Attributes of a *CHL* include, but are not limited to: architectural details; land-use patterns; circulation networks; relationships between built and natural heritage resources; public access; and/or open space.

Built heritage resource - one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, regional, provincial or federal jurisdictions.

Conserve/conserved - the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, *attribute*s and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural Heritage Impact Assessment (CHIA) - a study to determine if *cultural heritage resources* will be negatively impacted by a proposed *development, site alteration* or *infrastructure* project. It can also demonstrate how the *cultural heritage resource* will be *conserved* in the context of redevelopment, *site alteration* or *infrastructure* improvement. Mitigative or avoidance measures or alternative *development* approaches may also be recommended

Cultural heritage landscape (CHL) - a defined geographical area of heritage *significance* which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a *significant* type of heritage form, distinctive from that of its constituent elements or parts.

Cultural heritage resources - the physical remains and the intangible cultural traditions of past human activities. These include, but are not limited to:

- buildings (residential, commercial, institutional, industrial and agricultural);
- *cultural heritage landscapes* (designed, organic/evolved);
- structures (water tower, bridge, fence and dam);
- monuments (cenotaph, statue and cairn);

- archaeological resources;
- cemeteries;
- scenic roads;
- vistas/viewsheds;
- culturally *significant* natural features (tree and landform);
- movable objects (archival records and artifacts); and
- cultural traditions (language, stories, music, dance, food, celebrations, art and crafts).

Development - the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.

Development application - an application for approval under the Planning Act. *Development applications* may include applications for approval of the following: Plans of Subdivision; Plans of Condominium; Consent; Part Lot Control Exemption By–laws; Official Plan Amendments; and Zone Change Applications. *Development applications* do not include *site plans*.

Environmental Assessment (EA) - a process for the authorization of an undertaking under legislation such as the Environmental Assessment Act, and the Ontario Energy Board Act.

Infrastructure - physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: municipal drinking-water supply systems, municipal wastewater systems, septage treatment systems, storm water management systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit systems and corridors, the Regional Road system, *Provincial Highways*, railways, oil and gas pipelines and associated facilities.

Normal farm practices - a practice, as defined in the Farming and Food Production Protection Act, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the Nutrient Management Act, and regulations made under that Act.

Significant/Significance - means in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Site alteration - activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Site plan - a plan prepared under Section 41 of the Planning Act which details building location and design as well as other site specific considerations such as

walkways, landscaping, lighting and storage areas.

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Appendix A – Resource to Assist with Cultural Heritage Landscape Identification

1) Defining Community

Cultural Heritage Landscapes (CHL)s by definition are "valued by a community". A good first step in *CHL* identification is to broadly define the community(ies) that are part of your municipality e.g. those who reside in or regularly visit an area; historians or heritage advocates; tourists; artists; researchers; cultural groups; etc.

2) Develop a list of historic themes and associations important to the development of your municipality and list the corresponding landscapes within your municipality.

The historical context of your municipality provides a solid foundation for identifying *significant cultural heritage resources* including candidate *CHLs*. Cultural Heritage Landscapes in Waterloo Region (2004) lists regional Themes and Associations based on the 'Topical Organization of Ontario's History' developed by the Ontario Ministry of Natural Resources in 1972. *The Grand Strategy* (1994) collaborative management plan for the Grand River, a nationally designated Canadian Heritage River, contains information on watershed-wide *cultural heritage resources* and river-based cultural landscapes.

Similar listings may already exist or could be developed for your municipality. The consultant's report above contains a short history of each municipality that could be used as a starting point. The list of historic themes and associations will aid in both the identification and evaluation of candidate *CHLs*.

3) Undertake a visual survey of your municipality and list areas that contain grouping of *cultural heritage resources*.

In addition to visually surveying the landscape, you can consult land records, maps, photographs, works of art, tourism information and undertake site visits to aid in the identification of areas within the municipality that may have the physical qualities of a candidate *CHL*. Landscapes may be agricultural areas, historic settlements, industrial sites, institutional districts, natural areas, residential neighbourhoods, etc.

4) Ask the public to make suggestions of landscapes or "outdoor places" that they value. Be sure to engage and consult the public in a way that would seek input from the variety of communities present in the municipality. In addition, consult the listings of important landscapes that have been developed for various reasons in the past.

Sample Questions to Ask Your Community

Which landscapes or outdoor places in your community…

… help to tell the history of your community?

… are notable due to their design or physical form?

… create a sense of place?
… are continuing to shape the character and identity of your community?

Potential Source Documents

- local histories
- planning documents
- listings of important landscapes

Appendix B – Criteria for Heritage Value or Interest

The following chart can be used as a framework to record information about the cultural heritage value or interest of a landscape. These criteria are based on the criteria provided by the Ministry of Tourism, Culture and Sport in Regulation 9/06 under the Ontario Heritage Act. The cultural heritage value and interest of the individual *cultural heritage resources* within the landscape will add to the overall value and interest of the landscape as a whole.

Cultural Heritage Value or Interest Criteria		√	**Description**
The landscape has **design value or physical value** because it,	is rare, unique, representative or an early example of a landscape (style, trend, movement, school of theory, type, expression, material use or construction method, settlement pattern, time period or lifeway)		
	displays a high degree of design or aesthetic appeal		
	demonstrates a high degree of technical or scientific achievement		
The landscape has **historical value or associative value** because it,	has direct associations with a theme, event, belief, person, activity, organization or institution that is *significant* to a community		
	yields, or has the potential to yield, information that contributes to an understanding of a community or culture		
	demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is *significant* to a community		
The landscape has **contextual value** because it,	is important in defining, maintaining or supporting the character of an area		
	is physically, functionally,		

	visually or historically linked to its surroundings		
	is a landmark		

Appendix C – Attributes and Indicators of Historical Integrity

The following chart can be used as a framework to record information that would indicate that a landscape has historical integrity. These examples are not exclusive and may not be appropriate for all *Cultural Heritage Landscapes (CHL*).

Historical Integrity Criteria	√	Description
Land Use and Land Use Patterns The landscape has had continuity in use and/or a compatible use (agricultural, commercial, residential or institutional).		
Ownership There has been a continuity of ownership, association with a specific group, or occupation of the site, dating to a historic period.		
Built Elements The buildings and other built elements (fences, walls, paths, bridges, corrals, pens, garden features, lighting, sidewalks, fountains, piers, etc.) have survived in their historic form and in relatively sound condition.		
Vegetative Elements Plantings (hedgerows, windrows, gardens, shade trees, etc.) are still evident and their traditional relationship to buildings, lanes, roadways, walks and fields are still discernible.		
Cultural Relationships The relationships between historic buildings and other built and designed elements (yards, fields, paths, circulation networks and road patterns, parks, gardens, etc.) are intact.		
Natural Features Prominent natural features (cliff, stream, vegetation, etc.) remain intact.		
Natural Relationships The historical relationships to prominent natural features still exist both for the site as a whole and within the site.		
Views The existing views of and within the site can be closely compared to the same view in the past (certain views may have been captured in historic photos).		

Ruins Ruins and overgrown elements still convey a clear ‘message’ about the site’s history.		
Designed Landscapes Changes to a designed landscape can be corrected so that the property retains integrity versus being irrevocable.		

Appendix D – Indicators of Community Value

The following chart can be used as a starting point to record information that may indicate that a landscape is valued by a community. A community can be broadly defined to include any grouping of people, such as: those who regularly visit or reside in an area; historians or heritage advocates; tourists; artists; researchers; cultural groups; etc. The listed indicators of Community Value below are examples and may not be appropriate for all *Cultural Heritage Landscapes (CHL*).

Indicators that a *CHL* is valued by a community	√	**Description**
Community Identity The landscape contributes to the community's identity and is used to tell the story of the community		
Landmark The area is widely recognized as a landmark		
Pride and Stewardship The community demonstrates a high degree of pride and stewardship in the area (heritage designations, plaques, voluntary upkeep)		
Commemoration The area or elements within the area are named to celebrate or commemorate someone or something		
Public Space The area is a site of frequent or longstanding public gatherings or events		
Cultural Traditions People use the area to express their cultural traditions		
Quality of Life Aspects of the landscape are valued for their impact on day to day living		
Local History The place is written about in local histories or spoken about through local stories or lore		
Visual Depiction The location is widely photographed or depicted in works of art (visual, literary, etc.)		
Genius Loci People refer to the area as having a distinctive atmosphere or pervading 'sense of place'		
Community Image The area is identified with the community image		

(e.g. appearing in promotions or marketing material)		
Tourism The area is promoted as a tourist destination		
Planning The area has been identified through another planning process as being unique		

Appendix E – Criteria for Regional Significance

CRITERIA FOR IDENTIFYING
A REGIONALLY SIGNIFICANT CULTURAL HERITAGE RESOURCE

The Region will identify *cultural heritage resources* of Regional interest.

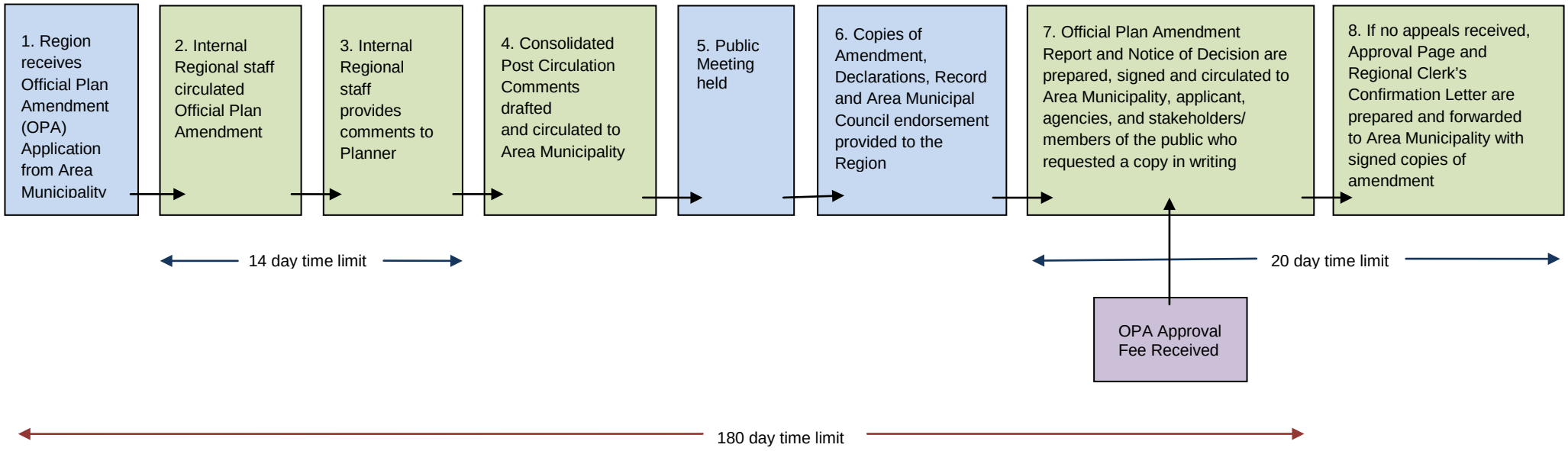
To be identified as being of Regional interest a *cultural heritage resource* must meet four (4) or more of the following criteria:

Recognized/ Protected	1. It is, or it contains element(s) that are, recognized on a Area Municipal, Regional, provincial or national heritage list;
Old/Rare	2. It dates from a prehistoric or early historical period in the development of the region, province or nation;
Outstanding Design	3. It is, or contains element(s) that are, a representative example of the work of an outstanding regional, national or international architect, engineer, builder, designer, landscape architect, interior designer or sculptor;
Associated with a Key Person	4. It is associated with a person(s) who is recognized as having made a significant contribution to the social, cultural, political, economic, technological or physical development or as having materially influenced the course of regional, provincial, national or international events;
Associated with a Key Event	5. It is directly associated with an historic event which is recognized as having regional, provincial, national or international importance;
Illustrates Community's Development	6. It is a *significant* example and illustration of the region's prehistoric or historic social, cultural, political, economic or technological development;
Provides Context	7. It contributes to the effectiveness of the urban and rural composition, streetscape, viewshed, or landscape of which it may form a part;
Economic Resource	8. It has the potential for contributing to commercial tourist or other development that is based on heritage and/or culture;
Regional Character	9. It is, or contains elements that are, a good example of vernacular architecture or part of a group of similar bridges/ structures/landscapes which contribute to the particular "look" of the area or region;
Part of a Collection	10. It is part of a group of historically associated structures which may be totally within the region or which may be part of a larger area within the context of the Grand River and its main tributaries as a recognized Canadian Heritage Rivers System

Appendix F – Cultural Heritage Landscapes Conservation Tools Comparison

	Designation in an Official Plan	OHA Area Municipal Heritage Register Listing	OHA Part IV Designation	OHA Part V Designation
Identifies the area as a *cultural heritage resource.*	Yes, in Official Plan	Yes, on the Register	Yes, on title and on the Register	Yes, on title (post-2005) and on the Register
Requires the documentation of the landscape.	Yes, through a *Cultural Heritage Landscape* (*CHL*) Technical Study, to include: (a) a Statement of Significance; (b) a listing (and map) of the *cultural heritage resources* and *attributes* being *conserved* within the *CHL* through the use of existing planning tools; and (c) recommendations for additional *conservation* measures.	Yes, evaluation form and Statement of Significance including location	Yes, evaluation form, Statement of Significance and Designating By-law, including location	Yes, through an HCD Study and then an HCD Conservation Plan, to include: a) objectives to be achieved through the designation; b) a Statement of Significance for the district; c) an inventory of heritage *attributes*; d) policies for enhancing the district; e) guidelines which describe the type of work or *development* that council would find acceptable; and f) a description of external alterations that would not require a heritage permit.
Takes precedence in the event of a conflict with existing Area Municipal zoning and other bylaws that were in place prior to the designation.	No	No	No	Yes

Enables the Area Municipality to require a *Cultural Heritage Impact Assessment (CHIA)* on proposed *development* and *site alteration* within or *adjacent* to the *CHL.*	Yes	Within – Yes *Adjacent* – No	Yes	Yes
	Designation in an Official Plan	**OHA Area Municipal Register Listing**	**OHA Part IV Designation**	**OHA Part V Designation**
Allows the Area Municipality to make financial grants or incentives available to heritage property owners.	Only for OHA protected properties or if the *CHL* is part of an approved Community Improvement Plan.	No	Yes	Yes
Provides the Area Municipality with the power to decide whether alterations, new construction or demolition can take place within the *CHL*.	No	Alterations and new construction – yes if associated with a *development application* Demolition – yes through delay of demolition and opportunity to *designate* under the	Yes	Yes.

		OHA		
Allows the Area Municipality to develop and enforce heritage property standards.	No	No	Yes	Yes
Designation process is appealable to the Ontario Municipal Board	Yes	No	No – But can be objected to, and referred to the Conservation Review Board for a non-binding recommendation	Yes

Appendix G – Region of Waterloo Official Plan Amendment Review Process