

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-22-127

Date of Report: June 1, 2022

Date of Meeting: June 6, 2022

Subject: Process to Designate a Heritage Conservation District under
Part V of the Ontario Heritage Act in the Community of
Columbus

Ward: Ward 1

File: 12-04

1.0 Purpose

On February 23, 2022, Oshawa City Council adopted DS-22-42 and passed the following motion:

- “1. That, Development Services staff be authorized to initiate the process to investigate a potential Heritage Conservation District for the community of Columbus with respect to matters generally relating to timing, cost and scope, and to obtain input from Heritage Oshawa, the Columbus Community Advisory Committee and property owners in the Columbus Special Policy Area on whether the City should advance a Heritage Conservation District Study.
2. That, staff be directed to report back to the Development Services Committee with the results of the above noted investigation.”

The purpose of this Report is to:

1. Provide the Development Services Committee and Council with the results of staff’s investigation with respect to timing, cost and scope of a potential Heritage Conservation District (“H.C.D.”) within the community of Columbus;
2. Provide the Development Services Committee and Council with the results of staff’s consultation with Heritage Oshawa, the Columbus Community Advisory Committee (“Columbus C.A.C.”) and property owners in the Columbus Special Policy Area (“Columbus S.P.A.”); and,

3. Provide the Development Services Committee and Council with options concerning whether the City should advance a Heritage Conservation District Study (hereinafter referred to as an “H.C.D. Study”) for the community of Columbus, at this time.

Attachment 1 is a map showing the location of the Columbus Part II Planning Area and the Columbus S.P.A.

Attachment 2 is a map showing the location of the 62 properties identified by A.S.I., a qualified heritage consultant, as cultural heritage resources within the study area for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study.

Attachment 3 is a table summarizing the public and stakeholder comments received to date concerning the H.C.D. investigation, and providing a staff response.

Attachment 4 is a flow chart prepared by the Provincial government illustrating the process to designate a property under Section 41, Part V of the Ontario Heritage Act, R.S.O. 1990, c. O.13 (“Heritage Act”).

2.0 Recommendation

That the Development Services Committee select an appropriate option as set out in Section 5.10 of Report DS-22-127 dated June 1, 2022.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Finance Services
- City Solicitor
- Heritage Oshawa
- Columbus Community Advisory Committee

Staff also contacted several municipalities that have undertaken H.C.D. Studies and H.C.D. Plans, including the Towns of Oakville, Whitby, Ajax, Whitchurch-Stouffville, Bradford West Gwillimbury and the City of Peterborough. The surveyed municipalities provided the following precedents for cost:

- Town of Ajax: H.C.D. Study and H.C.D. Plan for Pickering Village: \$37,000 for a study area including 58 properties and comprising approximately 10 hectares (25 ac.) in area.
- Town of Bradford West Gwillimbury: H.C.D. Study for Bond Head: \$40,000 for a study area including ±240 properties and comprising approximately 375 hectares (927 ac.) in area. The cost of the associated H.C.D. Plan is not yet available.

- Town of Oakville: Cultural Heritage Landscape Background Study and H.C.D. Plan for Oakville Harbour: \$90,000 for a study area including several harbour/lakefront properties and comprising approximately 12 hectares (30 ac.) in area.
- Town of Whitby: H.C.D. Study and three H.C.D. Plans in Downtown Whitby for Perry's Plan, Werden's Plan, and Four Corners Area: between \$125,000 and \$140,000 for a study area including ±700 properties and comprising approximately 420 hectares (1,038 ac.) in area.
- City of Peterborough: H.C.D. Study for the core area of Peterborough: \$100,000 for a study area including approximately 200 properties and comprising approximately 40 hectares (99 ac.) in area.
- Town of Whitchurch-Stouffville: H.C.D. Study for core area of Whitchurch-Stouffville: \$75,000 for a study area including approximately 730 properties and comprising approximately 90 hectares (222 ac.) in area.

Pursuant to Council direction given on February 23, 2022, staff mailed notice of the H.C.D. investigation and request for public comments to each property owner within the Columbus S.P.A. on April 6, 2022. The notice provided the deadline for comments as well as a link to a designated webpage. The public consultation process, including the results of the consultation, is further described in Section 5.8 and Attachment 3 of this Report.

5.0 Analysis

5.1 Background

On February 23, 2022, Oshawa City Council adopted DS-22-42 and directed Development Services staff to initiate the process to investigate a potential H.C.D. for the community of Columbus with respect to matters generally relating to timing, cost and scope. DS-22-42 also required staff to obtain input from Heritage Oshawa, the Columbus C.A.C. and property owners in the Columbus S.P.A. on whether the City should advance an H.C.D. Study.

In 2019, A.S.I., a heritage consulting firm, completed a Cultural Heritage Resource Assessment for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study (the "Columbus Part II Plan Study").

The purpose of this assessment was to describe the existing conditions, present an inventory of potential cultural heritage resources, and propose appropriate mitigation measures and recommendations for minimizing and avoiding possible negative impacts on identified potential cultural heritage resources.

Based on the results of the assessment, A.S.I. identified a total of 62 recognized and potential cultural heritage resources within the Study Area for the Columbus Part II Plan Study, and recommended that:

- The Part II Plan incorporate policies that promote the conservation of any properties that have been determined to merit heritage recognition, and,

- Given that many of the properties identified form a contiguous stretch of recognized or potential cultural heritage resources, an investigation into the merits of an H.C.D. is warranted.

5.2 Heritage Oshawa Inventory of City of Oshawa Heritage Properties

The Heritage Oshawa Inventory of City of Oshawa Heritage Properties (the “Inventory”) identifies properties of cultural heritage value or interest within the City of Oshawa. The Inventory includes all properties on the City of Oshawa Registers of Part IV and Part V Properties of Cultural Heritage Value or Interest as well as properties identified as ‘Class A’ or ‘Class B’.

‘Class A’ properties are properties that have been evaluated by Heritage Oshawa and are determined to have the highest potential for designation.

‘Class B’ properties are properties that have been evaluated by Heritage Oshawa and are determined to have good potential for designation.

Of the 62 properties identified by A.S.I., a qualified heritage consultant, as recognized and potential cultural heritage resources in the Study Area for the Columbus Part II Plan Study, 11 are identified as ‘Class A’ properties and 31 are identified as ‘Class B’ properties in the Inventory. The remaining 20 properties are currently not included in the Inventory.

5.3 The City of Oshawa’s Registers of Part IV and Part V Properties of Cultural Heritage Value or Interest

The City’s Part IV Register is the list of properties from the Inventory that have been formally recognized by Council, pursuant to Section 27 under Part IV of the Ontario Heritage Act, as being properties within the City of Oshawa having cultural heritage value or interest. The City’s Part V Register contains the list of all designated Heritage Conservation Districts, pursuant to Section 39.2 under Part V of the Ontario Heritage Act.

The Part IV Register includes “designated” and “listed, non-designated” properties.

A property is automatically added to the Part IV Register as a designated property once it is designated in accordance with the process established in the Ontario Heritage Act.

A property is added to the Part IV Register as a listed, non-designated property by resolution of Council.

Any alteration to the identified heritage attributes of a designated property, or demolition of a structure containing heritage attributes, must be considered by Council in consultation with Heritage Oshawa. Only the owner of the property can appeal Council’s decision on a request to alter or demolish heritage attributes of a designated property.

Of the 62 properties identified by A.S.I., a qualified heritage consultant, as recognized and potential cultural heritage resources in the Study Area for the Columbus Part II Plan Study, the following four (4) are in the Part IV Register:

- The Columbus Methodist Cemetery at 65 Columbus Road East;

- The Bible Christian Cemetery at 39 Columbus Road West;
- The Columbus Community Centre at 3265 Simcoe Street North; and,
- 3860 Simcoe Street North.

There are no properties in the Study Area for the Columbus Part II Plan Study identified in the Part V Register. If an H.C.D. were designated in Columbus, properties within the H.C.D. would be included in the Part V Register.

5.4 The Provincial Policy Statement

The Provincial Policy Statement (“P.P.S.”) provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Planning Act.

Section 2.6 of the P.P.S. addresses Cultural Heritage and Archaeology and in particular states that (among other things):

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conversed.”

This Section of the P.P.S. applies to properties which are part of an H.C.D., and also properties designated under Part IV of the Ontario Heritage Act.

5.5 Heritage Designation Process

On July 1, 2021, the Provincial government implemented changes to the Ontario Heritage Act proposed under Bill 108, the “More Homes, More Choice Act”, 2019, S.O. 2009, c.9. As a result, some procedures have changed with respect to the designation process, including the appeal process for heritage designation.

The Ontario Heritage Act provides the framework for identification, conservation and protection of cultural heritage resources, and empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest in order to protect the property’s cultural heritage value.

The designation of an H.C.D. within the community of Columbus would be governed by Part V, Section 41 of the Ontario Heritage Act. Attachment 4 generally illustrates the new process to designate a property under Part V, Section 41 of the Ontario Heritage Act.

5.5.1 Heritage Conservation District Study

An H.C.D. Study is undertaken for the purpose of providing the appropriate background information and research in order to designate an H.C.D. An H.C.D. Study would:

- Examine the area’s character and appearance, including buildings, structures and other property features, to determine if the area should be preserved as an H.C.D.;

- Examine and make recommendations as to the geographic boundaries of the area to be designated;
- Consider and make recommendations as to the objectives of the designation and the content of the Heritage Conservation District Plan ("H.C.D. Plan"); and,
- Make recommendations as to any appropriate changes to the municipality's Official Plan and relevant by-laws.

5.6 Heritage Conservation District Plan

Following the completion of an H.C.D. Study, a municipality is required to prepare an H.C.D. Plan if it intends to designate an H.C.D. In preparing the H.C.D. Plan, the Council shall make information available to the public, hold at least one public meeting and consult with its municipal heritage committee, in accordance with Section 41.1(6) of the Ontario Heritage Act.

The H.C.D. Plan must include the following contents as per Section 41.1(5) of the Ontario Heritage Act:

- A statement of the objectives to be achieved in designating the area as an H.C.D.;
- A statement explaining the cultural heritage value or interest of the H.C.D.;
- A description of the heritage attributes of the H.C.D. and of properties in the H.C.D.;
- Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the H.C.D.; and,
- A description of the alterations or classes of alterations that are minor in nature and that the owner of property may carry out or permit to be carried out without obtaining a permit. The interior of buildings or structures is excluded.

5.6.1 Designating a Heritage Conservation District via By-Law

Upon the completion of the H.C.D. Plan, Council may pass a by-law to designate a defined area as an H.C.D. The H.C.D. boundaries may not necessarily be the same as the Study Area boundaries in the H.C.D. Study. The by-law designating the H.C.D. would also adopt the H.C.D. Plan.

Notice of the passing of a by-law to designate an H.C.D. is given to each owner in the district and to the Ontario Heritage Trust, and is published in the local newspapers. Any person may appeal the designation of an H.C.D. to the Ontario Land Tribunal (O.L.T.) within 30 days after publication in the newspaper.

If no objections are filed with the municipality within 30 days after the date of publication of this notice in the newspaper, the by-law designating the H.C.D. comes into force.

If an objection to the H.C.D. designation is filed with the municipality within the 30 day period, Council must refer the objection to the O.L.T. for a hearing. The O.L.T. shall then

hold a hearing open to the public and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the O.L.T. may determine. After holding the hearing, the O.L.T. shall:

- (a) Dismiss the appeal; or,
- (b) Allow the appeal in whole or in part and,
 - I. Repeal the by-law,
 - II. Amend the by-law in such manner as the O.L.T. may determine,
 - III. Direct the council of the municipality to repeal the by-law, or,
 - IV. Direct the council of the municipality to amend the by-law in accordance with the O.L.T.'s order.

Once a by-law designating the H.C.D. has been passed, no property owner in the H.C.D. may alter or demolish any building unless a heritage permit is obtained from the municipality. Minor alterations and certain classes of alterations can be carried out without a heritage permit provided they are described in the H.C.D. Plan. An owner may appeal Council's refusal to issue a heritage permit to the O.L.T.

Where a heritage permit has been deemed to be required in accordance with the H.C.D. Plan, Council must first consult with its municipal heritage committee (Heritage Oshawa) prior to making a decision on the heritage permit.

Within 90 days after the notice of receipt of the heritage permit is served on the applicant, Council may give the applicant one of the following:

- (a) The permit applied for;
- (b) Notice that the council is refusing the application for the permit; or,
- (c) The permit applied for, with terms and conditions attached.

If Council refuses the permit applied for, or gives the permit with terms and conditions attached, the owner of the property may appeal to the O.L.T. within thirty (30) days of receipt of the refusal / return with conditions. Only the property owner can appeal Council's decision regarding an alteration or demolition permit. The O.L.T. shall hear the appeal and either:

- (a) Dismiss the appeal; or,
- (b) Direct that the permit be issued without terms and conditions or with such terms and conditions as the O.L.T. by its order may direct.

The Council of a municipality may delegate via by-law its power to grant permits for the alteration of property situated in an H.C.D. to an employee or official of the municipality if the council has established a municipal heritage committee and consulted with it before the delegation.

5.7 Process Outline

If Council chooses to have an H.C.D. Study prepared by choosing Option 1 as set out in Section 5.10.1 of this Report, the process to designate an H.C.D. within the community of Columbus would proceed in three phases.

Phase 1 would involve the preparation of an H.C.D. Study.

Once Phase 1 is complete, staff would report back to Council for direction as to whether or not to continue with the designation of an H.C.D. If Phase 1 identifies that an H.C.D. is appropriate for the community of Columbus, then Phase 2 would include the preparation of an H.C.D. Plan.

Phase 3 involves designating the H.C.D. via by-law, and the adoption of the H.C.D. Plan by Council as part of the designation.

The following provides an outline of the basic steps for each phase of the H.C.D. process, and could provide the framework to form the basis of future Terms of Reference in the event a consultant is engaged.

5.7.1 Phase 1 – H.C.D. Study

Step 1: Consult with Heritage Oshawa

Input would be obtained from Heritage Oshawa concerning the preparation of an H.C.D. Study, prior to the initiation of the Study.

Step 2: Complete Study

This step involves the collection of background information and research relevant to the study area. The following factors would be examined:

- History;
- Land use;
- Buildings and sites;
- Visual environment;
- Socio-economic environment;
- Contribution to tourism and promotion;
- Municipal commitments and activities (i.e. approved or pending plans/policies, specific projects);
- Development activity;
- Any other factors recommended by Heritage Oshawa, where appropriate.

This work would be used to develop a clear, defensible rationale for the appropriateness of an H.C.D., and the establishment of the study area boundary. This work would also provide the required historical information needed for the creation of an H.C.D. Plan.

Step 3: Host Public Open House and consult further with Heritage Oshawa

The draft H.C.D Study findings would be presented at a public open house. Input would also again be obtained from Heritage Oshawa on the draft H.C.D. Study.

Step 4: Report to Development Services Committee and Council

Staff would report back to the Development Services Committee and Council on the study findings and public input, and make a recommendation with respect to the establishment and boundaries of a potential H.C.D. and any changes to the City's Official Plan and relevant by-laws. The general objectives and content of an H.C.D. Plan would also be presented to Committee and Council for consideration, if designation as an H.C.D. under Part V of the Ontario Heritage Act is determined to be appropriate.

Staff would seek Council direction as to whether or not to continue with Phases 2 and 3 of the designation process, which respectively involve the creation of an H.C.D. Plan and the designation as an H.C.D. under the Ontario Heritage Act.

5.7.2 Phase 2 - H.C.D. Plan

Step 5: Prepare H.C.D. Plan

Step 5 involves the preparation of policy, guidelines and recommendations in terms of alterations and additions, recommendations on landscaping, land use, building design and visual environment. The H.C.D. Plan would contain policies and guidelines for use by Council and property owners within the H.C.D. boundary to assist with the maintenance and protection of the H.C.D. and of properties within the district.

The H.C.D. Plan would include provisions with respect to:

- Defining the roles and responsibilities of various parties in implementing the H.C.D. Plan including the role and responsibility of Council, staff, property owners and Heritage Oshawa;
- Implementation of the H.C.D. Plan's recommendations and proposals; and,
- Developing a strategy for maintaining the H.C.D. Plan and monitoring its effectiveness.

Step 6: Host Public Meeting

Section 41.1(6) of the Ontario Heritage Act requires that before a by-law adopting an H.C.D. Plan is passed by Council, Council shall ensure that information relating to the H.C.D. Plan is made available to the public, that at least one public meeting is held, and that Heritage Oshawa is consulted. The intent of the public meeting is to provide the opportunity for the public to review and provide comments on the H.C.D. Plan prior to being adopted by Council. Through consideration of the staff report in Step 4, the intent would be for Council to delegate the public meeting under Section 41.1(6) of the Ontario Heritage Act to the Development Services Committee.

5.7.3 Phase 3: Designation as a Heritage Conservation District

Step 7: Report to Development Services Committee and Council

Step 7 involves the preparation of a final report with recommendations for designating the community of Columbus as an H.C.D., and the adoption of an H.C.D. Plan, which would be presented to the Development Services Committee and Council.

Step 8: Approve Designation, Pass Designation By-Law and Adopt H.C.D. Plan

Upon review of the final recommendation report described in Step 7, Council would pass a by-law to designate an H.C.D. under the Ontario Heritage Act within the community of Columbus. Council would also adopt the H.C.D. Plan via by-law at this stage.

The designation by-law would be subject to specific notice requirements as per the process described in Section 5.6.1 of this Report. A Part V designation by-law (and associated H.C.D. Plan) would also be subject to an appeal period as described in Section 5.6.1 of this Report.

5.8 Results of Public and Stakeholder Consultation Process

The Columbus C.A.C. was consulted on April 26, 2022 and was in support of the advancement of an H.C.D. Study for the community of Columbus.

Heritage Oshawa was consulted on April 28, 2022 and made a motion in support of the advancement of an H.C.D. Study for the community of Columbus.

City staff also launched a designated webpage for the investigation on April 11, 2022, asking for public comments by May 16, 2022. This webpage is available at the following link: www.Oshawa.ca/ColumbusHCD.

Finally, staff mailed notice of the H.C.D. investigation and request for public comments to each property owner within the Columbus S.P.A. on April 6, 2022. The notice provided the deadline for comments as well as a link to the designated webpage.

Attachment 3 to this Report provides a table summarizing the public and stakeholder comments received to date concerning the H.C.D. investigation, and providing a staff response.

Of the 16 comment submissions received by staff, staff note that 12 indicated support for an H.C.D. or an H.C.D Study being initiated, whereas three (3) indicated they were not in support of an H.C.D. or an H.C.D. Study, and one (1) indicated that it would be premature to initiate an H.C.D. Study at this time. Further, staff note that the majority of comment submissions were submitted by individuals who indicated they were either residents or property owners in the community of Columbus.

5.9 Part IV versus Part V Heritage Designation

There are four properties within the community of Columbus designated under Part IV of the Ontario Heritage Act:

- The Columbus Methodist Cemetery at 65 Columbus Road East;
- The Bible Christian Cemetery at 39 Columbus Road West;
- The Columbus Community Centre at 3265 Simcoe Street North; and,
- 3860 Simcoe Street North.

A Part IV, Section 29 designation can protect both interior and exterior heritage attributes while a Part V, Section 41 designation solely protects exterior heritage attributes of buildings and structures. Pursuant to Subsection 41 (2.3) of the Ontario Heritage Act, where overlap exists between Part IV and Part V designations, the Part V protection would prevail. A Part IV designation requires that the land must be legally described as part of a designation by-law, whereas a Part V designation can be defined via a map registered on title as part of the required H.C.D. Plan.

No property designated under Part IV in the community of Columbus is identified as having interior heritage attributes. The properties' identified exterior heritage attributes are protected under the Part IV designation. Therefore, the protection offered by a Part V designation would run parallel to the existing protection for the four (4) existing Part IV designated properties in the community of Columbus.

5.10 Go Forward Options

5.10.1 Recommended Option 1: Funding for External Consultant Referred to 2023 Budget

Option 1 represents staff's recommended option. In the event that the Development Services Committee considers it appropriate to undertake an H.C.D. Study for the community of Columbus, staff recommend that a qualified consultant be retained to advance the H.C.D. Study. This recommendation is based in consideration of current staff resources, capacity constraints and competing projects, including currently assigned tasks related to other heritage-related items. More importantly, this recommendation is also based on staff's lack of qualification to prepare an H.C.D. Study or H.C.D. Plan for an area with the size and complexity of the community of Columbus. The size and complexity of the required study is dramatically different than the South Field H.C.D. at the Oshawa Executive Airport which was prepared by City staff but involved property owned entirely by the City of Oshawa with related studies already prepared.

The Commissioner of Finance Services advises that there are no reserves dedicated to the preparation of heritage studies. Accordingly, it is recommended that the funding for the completion of the Columbus H.C.D. Study be referred to the 2023 Operating Budget.

Should the Development Services Committee wish for Council to advance an H.C.D. Study for the community of Columbus, to advance the potential designation of the community of

Columbus under the Ontario Heritage Act as an H.C.D., the Development Services Committee may wish to recommend to Council the following:

“That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-22-127 dated June 1, 2022, funding to retain a consultant to prepare a Heritage Conservation District Study for the community of Columbus, in order to advance the potential designation under Part V of the Ontario Heritage Act, be referred to the 2023 Operating Budget.”

5.10.2 Option 2: Status Quo – Do Nothing

If the Development Services Committee wishes to continue with the status quo, rather than proceed with an H.C.D. designation for the community of Columbus under Part V of the Ontario Heritage Act at this time, the Development Services Committee may wish to recommend to Council the following:

“That the Development Services Committee recommend to City Council that, pursuant to Report DS-22-127 dated June 1, 2022, City staff be directed not to proceed with a Heritage Conservation District Study for the community of Columbus at this time.”

6.0 Financial Implications

If the Development Services Committee selects the option as set out in Section 5.10.1 of this Report, the cost associated with the completion of an H.C.D. Study by an external consultant is unknown at this time. It is also important to note that if, based on the results of the H.C.D. Study, Council chooses to proceed with designation of an H.C.D., an H.C.D. Plan will be required. The cost associated with the preparation of an H.C.D. Plan by an external consultant is also unknown at this time.

Based on consultation with other municipalities, staff have concluded that an approximate cost to perform such studies could range anywhere between \$37,000 to \$140,000 or more. Surveyed municipalities include the Town of Oakville, the Town of Ajax, the Town of Whitby, the Town of Bradford West Gwillimbury, the City of Peterborough, and the Town of Whitchurch-Stouffville (see Section 4.0 of this Report).


There is no cost associated with this Report in the event that the Development Services Committee selects the status quo option as set out in Section 5.10.2 of this Report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this Report advances the Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read 'Tom Goodeve', with a stylized, flowing script.

Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services

A handwritten signature in blue ink, appearing to read 'Warren Munro', with a stylized, flowing script.

Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Subject: Process to Designate a Heritage Conservation District under Part V of the Ontario Heritage Act in the Community of Columbus

Ward: Ward 1

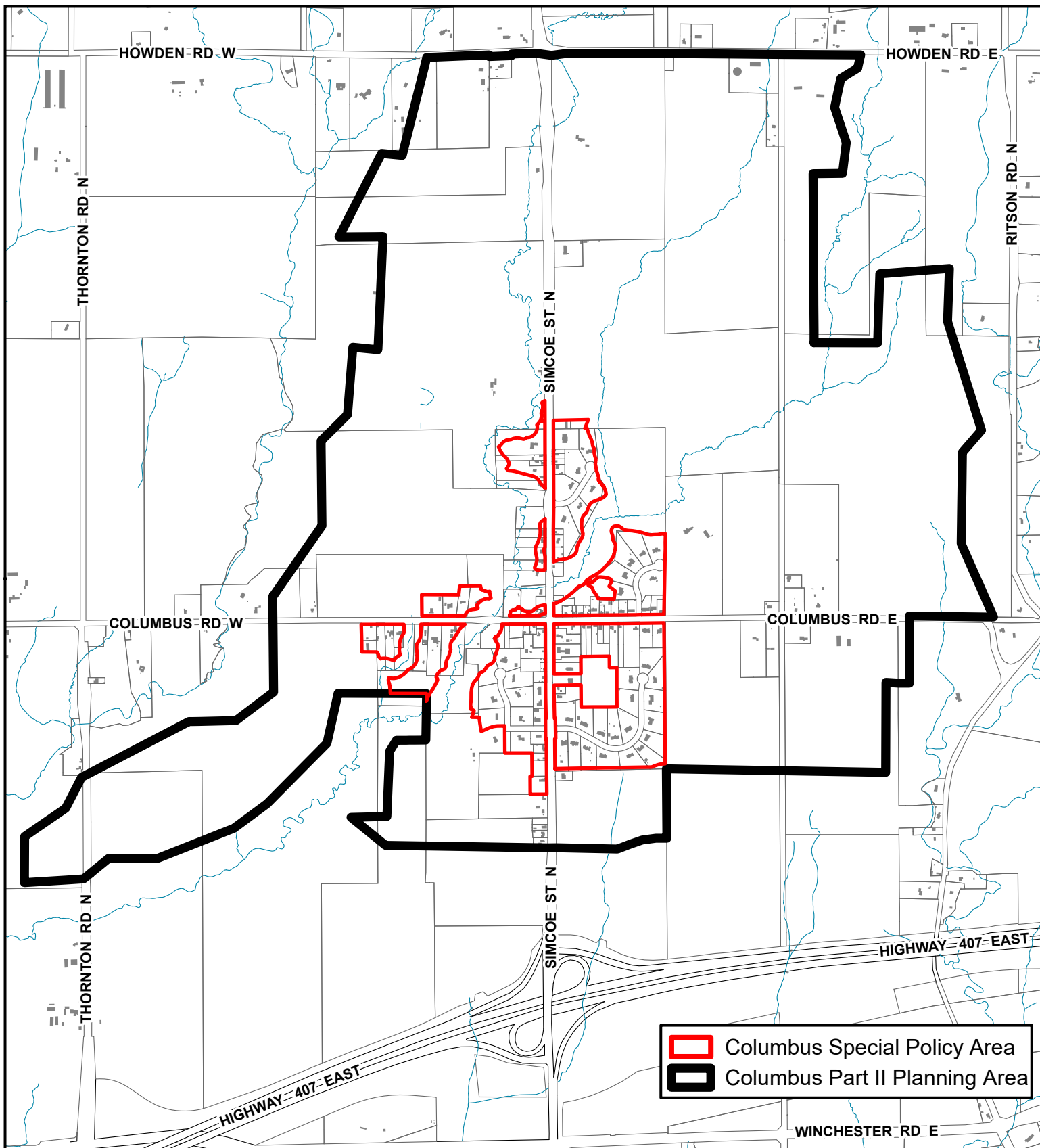
File: 12-04

Item: DS-22-127

Attachment 1



City of Oshawa
Development Services Department



Subject: Process to Designate a Heritage Conservation District under Part V of the Ontario Heritage Act in the Community of Columbus

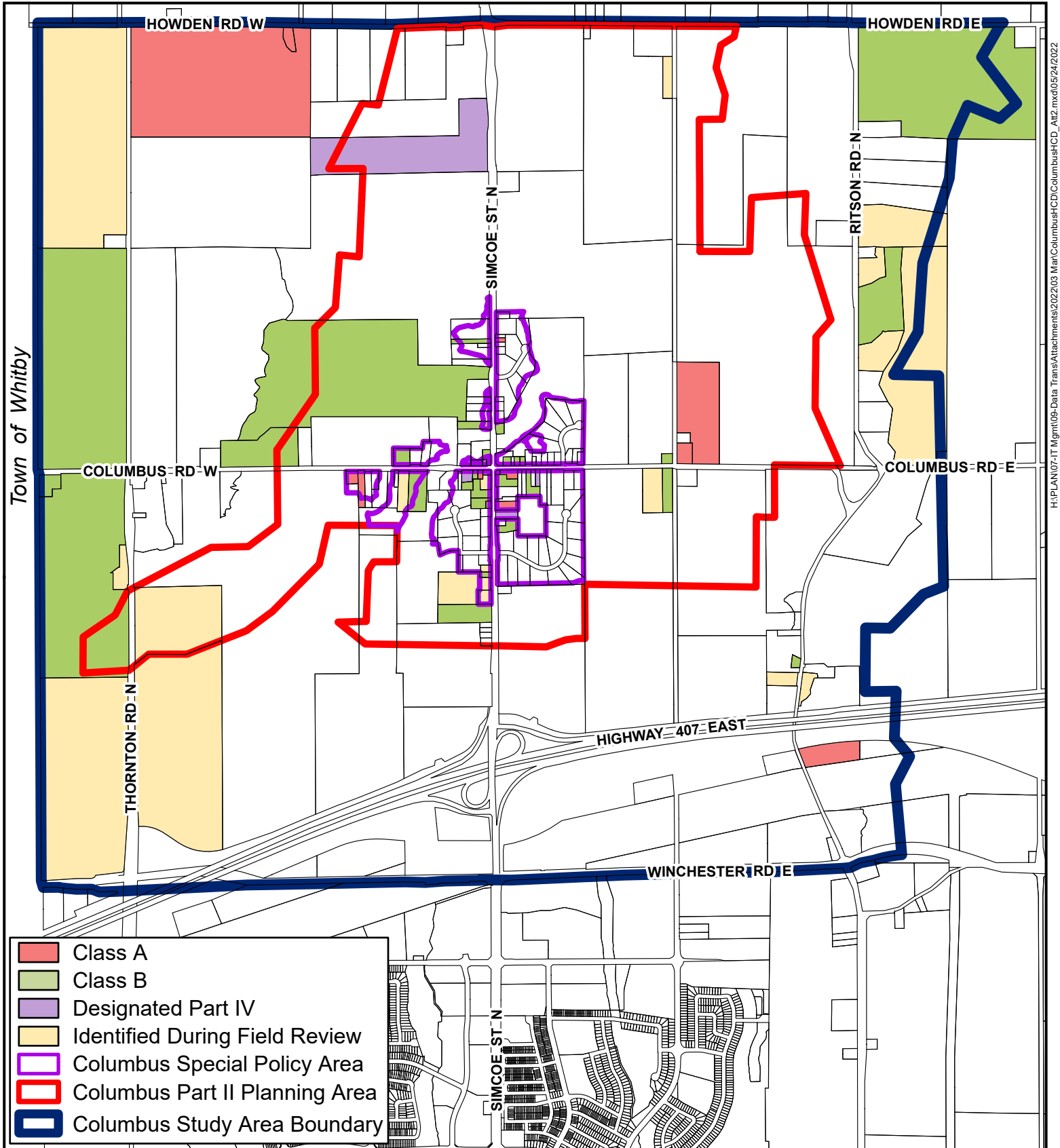
Ward: Ward 1

File: 12-04

Item: DS-22-127
Attachment 2



City of Oshawa
Development Services Department



Investigation of a Heritage Conservation District for the Community of Columbus: Public Comment and Staff Response Chart

Subject/Theme	Comment	Staff Response
Cultural Heritage Value of Columbus	The community of Columbus is deserving of being designated as a Heritage Conservation District.	Noted.
Cultural Heritage Value of Columbus	The community of Columbus needs to be designated as a Heritage Conservation District ("H.C.D.") to protect it from development.	Noted. If designated, the Heritage Conservation District Plan for an H.C.D. would include policy statements, guidelines and procedures for achieving the stated objectives and managing change in the H.C.D.
Boundaries	The H.C.D. should include any properties in between Highway 407 to Raglan Road and Thornton Road North to Ritson Road North.	Noted. A Heritage Conservation District Study ("H.C.D. Study") is undertaken for the purpose of providing the appropriate background information and research in order to designate a Heritage Conservation District. An H.C.D. Study would examine and make recommendations as to the geographic boundaries of the area to be designated.
Boundaries	The H.C.D. should not be restricted to only the Special Policy Area (as identified in the draft land use alternative for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study).	Noted. An H.C.D. Study is undertaken for the purpose of providing the appropriate background information and research in order to designate an H.C.D. An H.C.D. Study would examine and make recommendations as to the geographic boundaries of the area to be designated.

Subject/Theme	Comment	Staff Response
Categorizing properties	Is it possible to designate an area based on its historic value, but limit restrictions to home owners?	<p>Yes, this is possible. This would be identified within the Heritage Conservation District Plan (“H.C.D. Plan”) and would be considered a guideline/procedure for achieving the stated objectives and managing change in the district.</p> <p>For example, a property identified as having strong cultural heritage value could require Council approval for demolition and all alterations (excluding minor alterations exempted by the H.C.D. Plan). In contrast, a property identified as having minimal cultural heritage value could only require Council approval for demolition and major alterations (i.e. building additions).</p>

Subject/Theme	Comment	Staff Response
Cultural Heritage Value of Columbus	<p>The community of Columbus does not meet the criteria for an H.C.D. outlined in the Provincial heritage tool kit for the following reasons:</p> <ul style="list-style-type: none"> It does not represent a concentration of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use; It does not show a distinctiveness which enables districts to be recognized and distinguishable from their surroundings or from neighbouring areas, and is similar to other hamlet settlements; It does not represent a framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges; and, It does not represent a sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place. 	<p>Noted. In 2019, A.S.I., a heritage consulting firm, completed a Cultural Heritage Resource Assessment for the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study ("Columbus Part II Plan Study").</p> <p>Based on the results of the assessment, A.S.I. identified a total of 62 recognized and potential cultural heritage resources within the study area for the Columbus Part II Plan Study, and recommended that given that many of the properties identified form a contiguous stretch of recognized or potential cultural heritage resources, an investigation into the merits of an H.C.D. is warranted.</p>
Development process	An H.C.D. designation for Columbus would allow the community to shape input into development plans to ensure development occurs in a responsible manner and is sensitive to the needs of the existing community.	If designated, the Heritage Conservation District Plan for an H.C.D. would include policy statements, guidelines and procedures for achieving the stated objectives and managing change in the H.C.D., including through the review of development applications.
Demolition control	The City should enact a demolition control order on those identified properties for the duration of the Study.	The Ontario Heritage Act does allow for an Interim Control By-law to be enacted for a one-year period during the completion of an H.C.D. Study to limit demolition and alteration.

Subject/Theme	Comment	Staff Response
Timing	<p>An H.C.D. designation for Columbus is premature given the ongoing Part II Planning Study for the Columbus Part II Planning Area has not been completed. Will the H.C.D. process influence the timing of the Part II Plan process?</p>	<p>The process to designate an H.C.D. is separate and distinct from the process currently being undertaken to advance a Part II Planning Study for the Columbus Part II Planning Area. In addition, the formation of an H.C.D. is guided and bound by the Ontario Heritage Act, whereas a Part II Planning study is guided and bound by the Planning Act.</p> <p>H.C.D. plans can recommend changes to Official Plan and Zoning By-law provisions which could be implemented once the H.C.D. is in place. One of the specific objectives of the Columbus Part II Planning Study is to advance development that is sensitive to the historical community of Columbus.</p>

Title: Process to Designate a Property Under Section 29 (Part IV) of the Ontario Heritage Act as of July 1, 2021

Subject: Process to Designate a Heritage Conservation District under Part V of the Ontario Heritage Act in the Community of Columbus

Ward: Ward 1

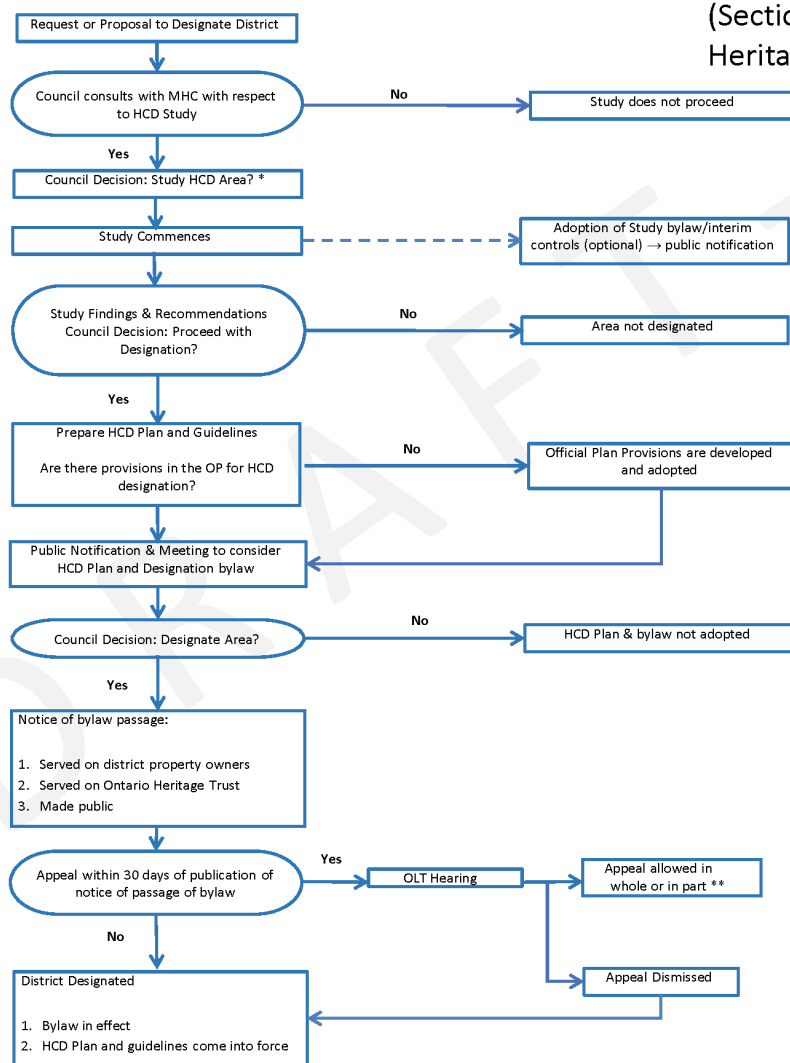
File: 12-04

Item: DS-22-127
Attachment 4

City of Oshawa
Development Services Department



Heritage Conservation District Designation Process (Sections 40, 40.1, 41, 41.1 of the Ontario Heritage Act)



* The Ontario Heritage Act does not require a study in order to designate a heritage conservation district

** The HCD bylaw may need to be amended for an appeal allowed "in part"