

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARDS 12 and 14 |
| COMMITTEE DATE: September 18, 2012 | |
| SUBJECT/REPORT NO: Request to Designate the Mineral Springs Road Area as a Heritage Conservation District (Outstanding Business Item) (Ancaster) (PED12149) (Wards 12 and 14) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Michelle Sergi (905) 546-2424 Ext. 1281 Meghan House (905) 546-2424 Ext. 1202 |
| SIGNATURE: | |

RECOMMENDATION:

- (a) That the Mineral Springs Road area not be considered for designation as a Heritage Conservation District at this time and, alternatively, that staff be directed to refer the Mineral Springs Road area of the Dundas Valley, as shown on Appendix "A" to Report PED12149, to the Heritage Landscape Study for consideration as a cultural heritage landscape.
- (b) That Outstanding Business Item, Mineral Springs Road, be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

On April 19, 2011, Planning Committee received a delegation request concerning the Mineral Springs Road area (see Appendix "A"). Committee directed staff to report back on the potential designation of Mineral Springs as a Heritage Conservation District. The subject lands are within the Rural Area of the City of Hamilton, fall within the Niagara Escarpment Plan area, and are within the Development Permit Area of the Niagara Escarpment Commission. Staff has reviewed this request, along with the existing legislation and policy influencing the subject lands.

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The built form and age of the housing stock is varied, and the area does not have a cohesive character traditionally associated with a Heritage Conservation District. The essential rural character of the Mineral Springs Road area is protected as part of the escarpment cultural heritage landscape under the existing Niagara Escarpment Plan policy framework. With the existing protection of the landscape and current resource and work plan constraints, initiation of a Heritage Conservation District under Part V of the Ontario Heritage Act is not recommended. However, given that the area is part of the Dundas Valley and Niagara Escarpment landscapes and an area of early settlement, it is recommended that a review of the Mineral Springs Road area be included in the City of Hamilton Heritage Landscape Study.

Alternatives for Consideration - See Page 8.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The Heritage Landscape Study is a capital project, and funding has been assigned. The study is City Wide, and the Mineral Springs Road area is within the scope of the project.

On average, the cost of a Heritage Conservation District Study is \$100,000.00.

Staffing: A contract employee or consultant will be retained to complete the Heritage Landscape Study as part of the 2013 work program and an existing capital budget allocation. No additional staff is required to review this area as part of this Heritage Landscape Study.

Given current staff resources, there is no existing capacity to absorb the study and potential designation of a Heritage Conservation District as part of staff's work program without a realignment of priorities.

Legal: There are no legal implications associated with completing the Heritage Landscape Study.

The designation of a Heritage Conservation District would be required to follow the process set out under Part V of the Ontario Heritage Act.

HISTORICAL BACKGROUND (Chronology of events)

On April 19, 2011, Planning Committee received a delegation request respecting the Mineral Springs Road area of the Dundas Valley (see Appendix "A"). Committee considered the matter and passed the following motion directing staff to:

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- "(a) Report back to Committee respecting the potential designation of Mineral Springs as a Cultural Heritage District.
- (b) To consider and report back on what further controls can be put in place to protect established residential areas from monster homes."

This Report addresses the potential designation of Mineral Springs as a Heritage Conservation District (HCD) under the Ontario Heritage Act.

POLICY IMPLICATIONS

With respect to the subject lands (see Appendix "A"), there are three streams of legislation and policy that can be used in isolation or in combination for the protection of Cultural Heritage Resources: the Niagara Escarpment Plan, the Ontario Heritage Act and the Planning Act (the Provincial Policy Statement and the Rural Hamilton Official Plan).

The Niagara Escarpment Plan:

The subject lands are located within the Rural Area of the City of Hamilton. Development in this area is regulated by the Niagara Escarpment Plan. The land is predominately designated "Escarpment Protection Area", with a limited area to the east and west designated "Escarpment Natural Area" (see Appendix "B" - Niagara Escarpment Plan Designations). The Escarpment Protection Area permits a limited number of uses including agricultural operations and associated uses, existing uses, single detached dwellings, recreational uses, and other passive uses. Opportunities for lot creation are limited. Development permits are required for any development in this area.

The Niagara Escarpment Plan includes policies that speak to the protection of cultural heritage resources. Section 1.4, Escarpment Protection Area, of the NEP indicates that "...The policy aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and the lands in its vicinity". Objective 1 is "to maintain and enhance the open landscape character of the Escarpment features", and Objective 3 is "to maintain natural areas of regional significance and cultural heritage features".

General Development Criteria 2.2.1 indicates that permitted uses may be allowed provided that the long term capacity of the site can support the use without a substantial negative impact on Escarpment environmental features including cultural heritage features (2.2.1 a) and that the cumulative impact of development will not have serious detrimental effects on the Escarpment Environment including the landscape (2.2.1 b). In addition, 2.2.4 indicates that "any development permitted should be designed and

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located in such a manner as to preserve the natural, visual, and cultural characteristics of the area".

The objective of development Criterion 2.12, Heritage, is to inventory, interpret, evaluate, maintain, and conserve the cultural heritage features of the Niagara Escarpment Plan Area. Sub-section 2 indicates that, where feasible, heritage features, areas, and properties should be retained and reused; and Sub-section 3 indicates that new development should be in harmony with the area's character and the existing heritage features and buildings.

Ontario Heritage Act:

Under the Ontario Heritage Act, properties can be individually designated under Part IV of the Act or as part of a Heritage Conservation District (HCD) under Part V of the Act.

Three properties within the subject lands are individually designated under Part IV of the Ontario Heritage Act (733 Mineral Springs Road - Griffin House; 838 Mineral Springs Road - Woodend, office of the Hamilton Conservation Authority; and 739 Sulphur Springs Road - The Hermitage).

The delegation to Planning Committee requested a Heritage Conservation District under Part V of the Act for the Mineral Springs area. Generally, an HCD includes multiple properties comprising a group of buildings or properties. In the Hamilton experience, HCDs are generally in the urban area; however, districts can include rural areas such as the Mineral Spring area. In most cases, the significance of the HCD extends beyond its built heritage and streets and includes the landscape features. The process for designating an HCD is set out in Part V of the Ontario Heritage Act. The steps are listed in Appendix "C" - Heritage Conservation District Designation Process.

The district designation enables Council to describe the character of the District, and manage and guide future change in the District through the adoption of a District Plan containing policies and guidelines to protect the area's character. Alterations and development within an HCD is subject to the Heritage Permit process.

Provincial Policy Statement:

The Provincial Policy Statement (PPS), Policy 2.6.1, states that: "significant built heritage resources and significant cultural heritage landscapes shall be conserved." Significant, with respect to cultural heritage resources, is defined as resources "that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people". Built heritage "may be identified through designation or conservation easement under the Ontario Heritage Act". Cultural heritage landscape is defined as "a geographic area of heritage significance which has been modified by human activities and is valued by a community". The definition also provides examples

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of cultural heritage landscapes that may include designated HCDs, villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, and industrial complexes of cultural heritage value.

In addition, the PPS defines "conserved" as the identification, protection, use, and management of cultural heritage resources so that their values, attributes, and integrity are retained. Possible conservation tools include conservation plans and heritage impact assessment.

Policy 2.6.3 speaks to development on lands adjacent to protected heritage properties; in this case, designated properties. It provides for evaluation and demonstration that the adjacent development will conserve the heritage attributes of the designated properties through mitigative measures and alternative development approaches, where required.

Rural Hamilton Official Plan:

The Rural Hamilton Official Plan will be amended to include cultural heritage policies that mirror those included in the Urban Hamilton Official Plan, which is currently before the Ontario Municipal Board. The cultural heritage policies for the Rural OP have been drafted and have been the subject of Public Information Centres. The draft policies call for the identification, protection, and management of built heritage resources and cultural heritage landscapes. Policies include a variety of tools to be used for protection of these resources, including inventories of built heritage and cultural heritage landscapes, individual property designations, heritage conservation districts, identification of special character roads, and the preparation of conservation plan statements. The amendment is scheduled to be brought forward this year.

With the varied legislative framework, including the Niagara Escarpment Plan, the Ontario Heritage Act and the Provincial Policy Statement, available to protect cultural heritage resources, there are also a variety of tools available for their protection. The tools include Development Permits (NEP), the Municipal Register of property of Cultural Heritage Value or Interest, individual heritage designations, HCDs and their associated plans and guidelines, inventories and lists, including the identification of cultural heritage landscapes and special character roads, Conservation Plan Statements, and site or area specific Official Plan policies.

RELEVANT CONSULTATION

Staff met with the individuals requesting the HCD, as well as discussed the matter with Niagara Escarpment Commission (NEC) staff, and Hamilton Conservation Authority (HCA) staff.

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Previous Development Permit applications in the area and Niagara Escarpment Plan policies were discussed with Niagara Escarpment Commission staff. In addition, NEC staff is preparing a report that addresses the issue of large-scale residential built form within the Escarpment Environment. It is anticipated that this report will be completed in the Fall of 2012.

The Dundas Valley 50-Year Vision and Strategy, prepared by the HCA, includes two strategic directions that speak to the Valley as a cultural heritage resource. Strategic Direction 1, "recognize the rich history of Aboriginal people and early settlers within the Valley", includes among several actions "develop heritage conservation guidelines". Strategic Direction 2, "Maintain and protect local architectural and natural heritage", among several action items, includes:

- Undertake an evaluation of properties/buildings for consideration of designation under the Ontario Heritage Act;
- Identify and ensure the long-term sustainability of historic buildings and resources (e.g. Hermitage ruins, Gatehouse, Darnley Mill Ruins, Griffin House); and,
- Utilize area heritage designation to preserve local heritage. Maintain and protect local heritage sites and buildings.

HCA staff clarified that the Dundas Valley 50-Year Vision and Strategy does seek to address cultural heritage preservation, but not to the extent of a Heritage Conservation District. The Vision seeks to be localized and focused on HCA-owned cultural properties and, therefore, not a Valley-wide initiative that takes into consideration other properties, as almost all of the Valley is subject to the Niagara Escarpment Plan. Over the past years, the HCA has been ensuring the protection of selected heritage sites such as the Griffin House and Hermitage Ruins, and hope to continue this work within the Vision's mandate.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Mineral Springs Road is an area of early human occupation and settlement. Early maps of the area depict a trail from the Head-of-the-Lake through the Dundas Valley to the Mohawk Village on the Grand River that may have crossed through the Mineral Springs area. Ancaster Township was first surveyed in 1793, and the area defined by the delegation, comprises the southerly portions of Lots 37 to 41, Concession 1. Lot 39 was granted to John Aikman in 1789, and his son, John Aikman Jr., purchased Lot 38 in 1818. John Aikman Jr. later purchased Lot 39, and constructed a grist mill on Cold Springs Creek on the boundary between Lots 38 and 39. The road through Mineral

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Springs was aligned to wrap around the mill so that wagon deliveries could be made at the upper level and the ground grain could be picked up at the lower level.

By the late 1800s, the Mineral Springs settlement comprised a grist mill, a woolen mill, a school, a post office, and several houses. The Toronto, Hamilton & Buffalo Railway (TH&B) was built through the settlement in 1895, and there was a station at Mineral Springs. The railway line was abandoned in 1954, and the right-of-way has been converted to the Hamilton to Brantford Rail Trail.

Three properties in the Mineral Springs Road area are designated under Part IV of the Ontario Heritage Act:

- The stone house, known as “Woodend”, currently used as the offices of the Hamilton Conservation Authority, was built circa 1862 for John Heslop, Ancaster’s first Reeve and Warden of the County;
- “Griffin House”, a frame house built circa 1828 by Eneals Griffin, an escaped slave from Virginia; and,
- The estate known as the “Hermitage” was constructed circa 1855 for George Gordon Brown Leith. The estate was extensively landscaped with a stone mansion house and several other buildings. Members of the Leith family lived in the mansion house until 1934, when it was destroyed by fire. The stone gatehouse and the ruins of the house remain today.

These properties are protected under the Ontario Heritage Act and through the Provincial Policy Statement and the Official Plan Policies.

There are approximately 55 properties in whole or in part located within the area of the request. The properties range in size from less than 0.3 acres to approximately 58 acres. The buildings in the area vary greatly in terms of time of construction and the architectural style represented. It is also observed that some of the older buildings have been significantly altered from their original construction.

Given that the built form of the area is so varied, staff is of the opinion that the importance or value of the area is vested in its overarching rural character and setting. Therefore, the area is generally more representative of a cultural heritage landscape as a landscape unit, than as a candidate for an HCD.

The existing policies and development permit process under the NEP, in combination with the individual Part IV designations under the Ontario Heritage Act, provide protection to the area as a cultural heritage landscape resource. This protection could be augmented by reviewing the area through the Heritage Landscape Study.

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The City has initiated a heritage landscapes capital project. The Heritage Landscape Study is intended to identify and describe cultural heritage landscapes across the City. The project has been on hold, but is scheduled to be restarted as part of next year's work plan. The inventoried landscapes will be the subject of further work to manage these resources, which could include specific policies in the Official Plan, a conservation plan statement, or other area specific plans. It is recommended that the Mineral Springs Road area be referred for further consideration as part of this project.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

As an alternative, Council could direct staff to initiate a Heritage Conservation District for the Mineral Springs Road area. The requested Heritage District Study and Plan would need to be completed by external consultants. The cost to complete and adopt a Heritage District Study and Plan under Part V of the Ontario Heritage Act is estimated to be \$100,000.00, with the potential for additional costs related to appeals to the Ontario Municipal Board. Capital funding would need to be assigned to the project. Given the existing protection under the Niagara Escarpment Plan and the City's Heritage Landscape Study, this alternative is not recommended.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative, and Respectful Organization

- ◆ Council and SMT are recognized for their leadership and integrity.

Staff Comment: The approval of the recommendations of this Report demonstrates Council's commitment to preserving cultural heritage resources.

Healthy Community

- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.

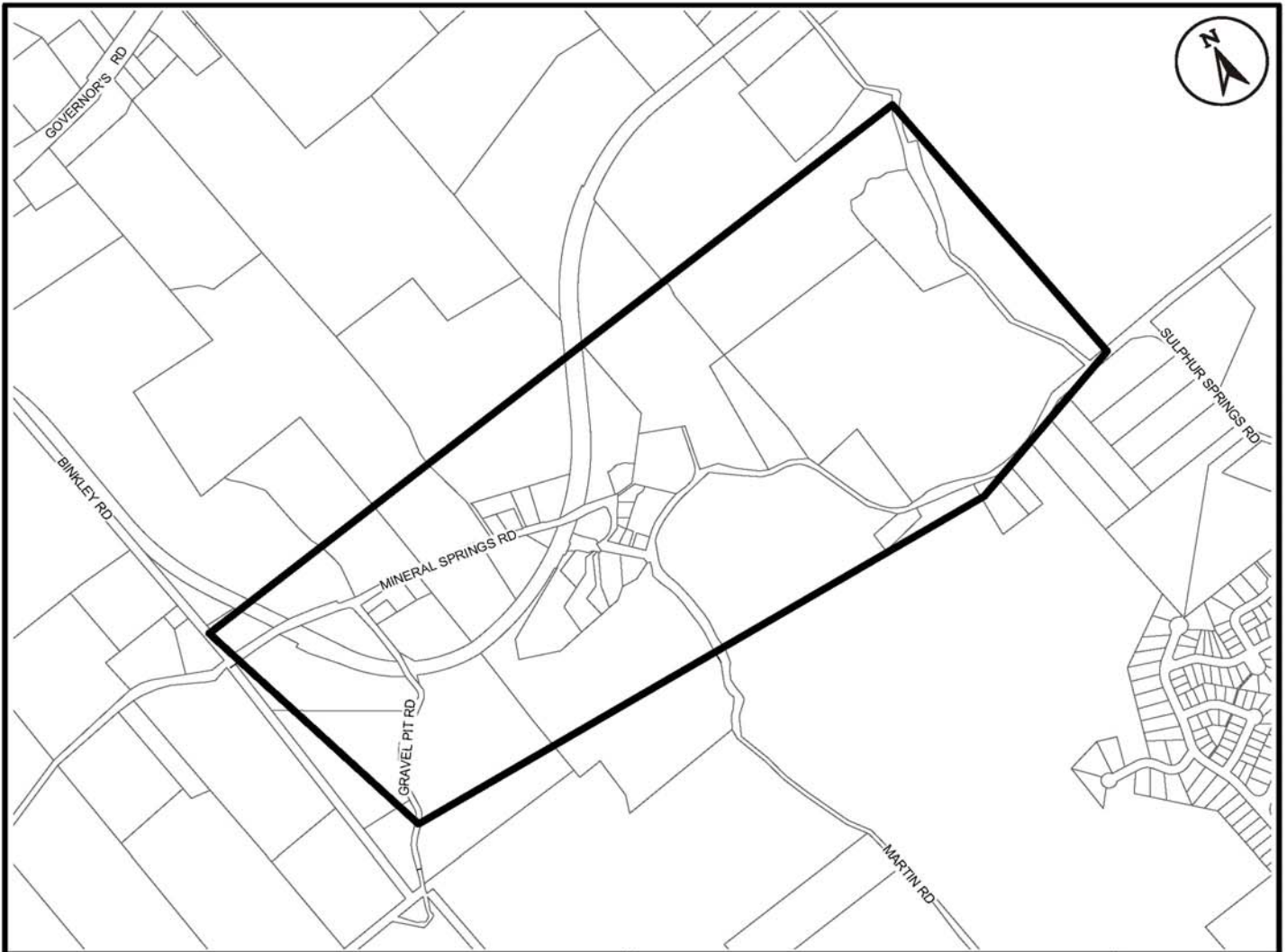
Staff Comment: There is demonstrated public interest in the protection of cultural heritage resources. The Report is in response to a request from the public.

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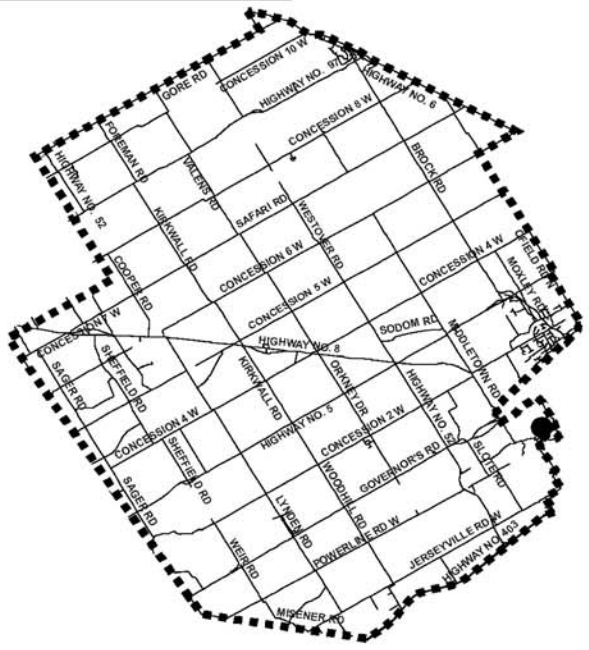
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": NEP Designations
- Appendix "C": Heritage Conservation District Designation Process

:MS/MH
Attachs. (3)



● Site of the Application



Ward 14 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Mineral Springs

Date:
May 8, 2012

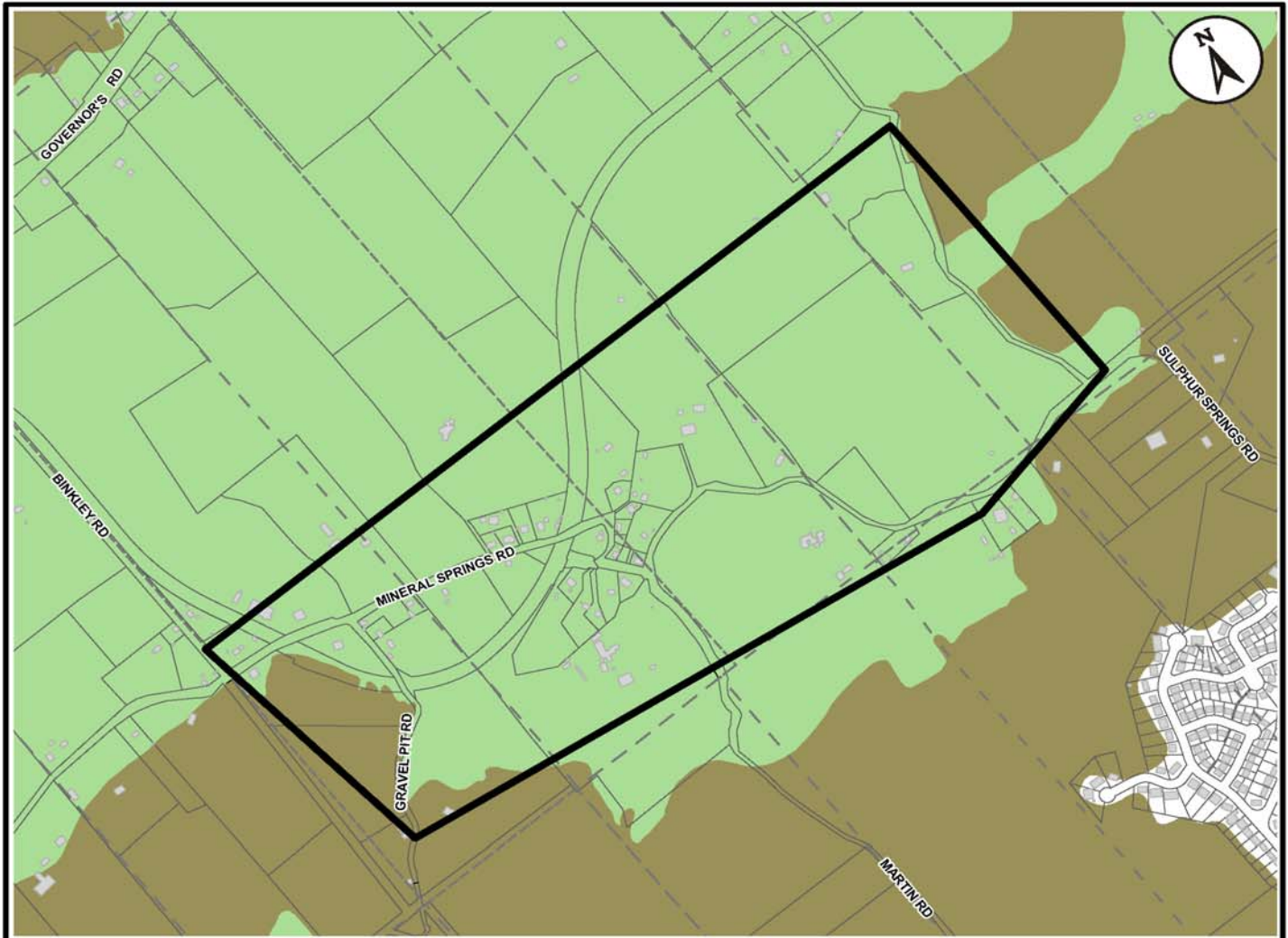
Appendix "A"

Scale:
N.T.S.

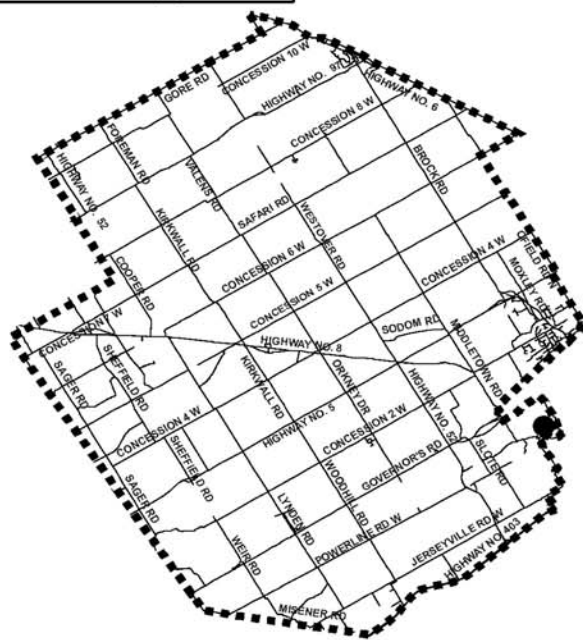
Planner/Technician:
LA / MB

Subject Lands

Subject Lands



● Site of the Application



Ward 14 Key Map

N.T.S.



Niagara Escarpment Plan Designations



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File Name/Number:
Mineral Springs




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May 8, 2012

Appendix "B"

Scale:
N.T.S.

Planner/Technician:
LA / MB

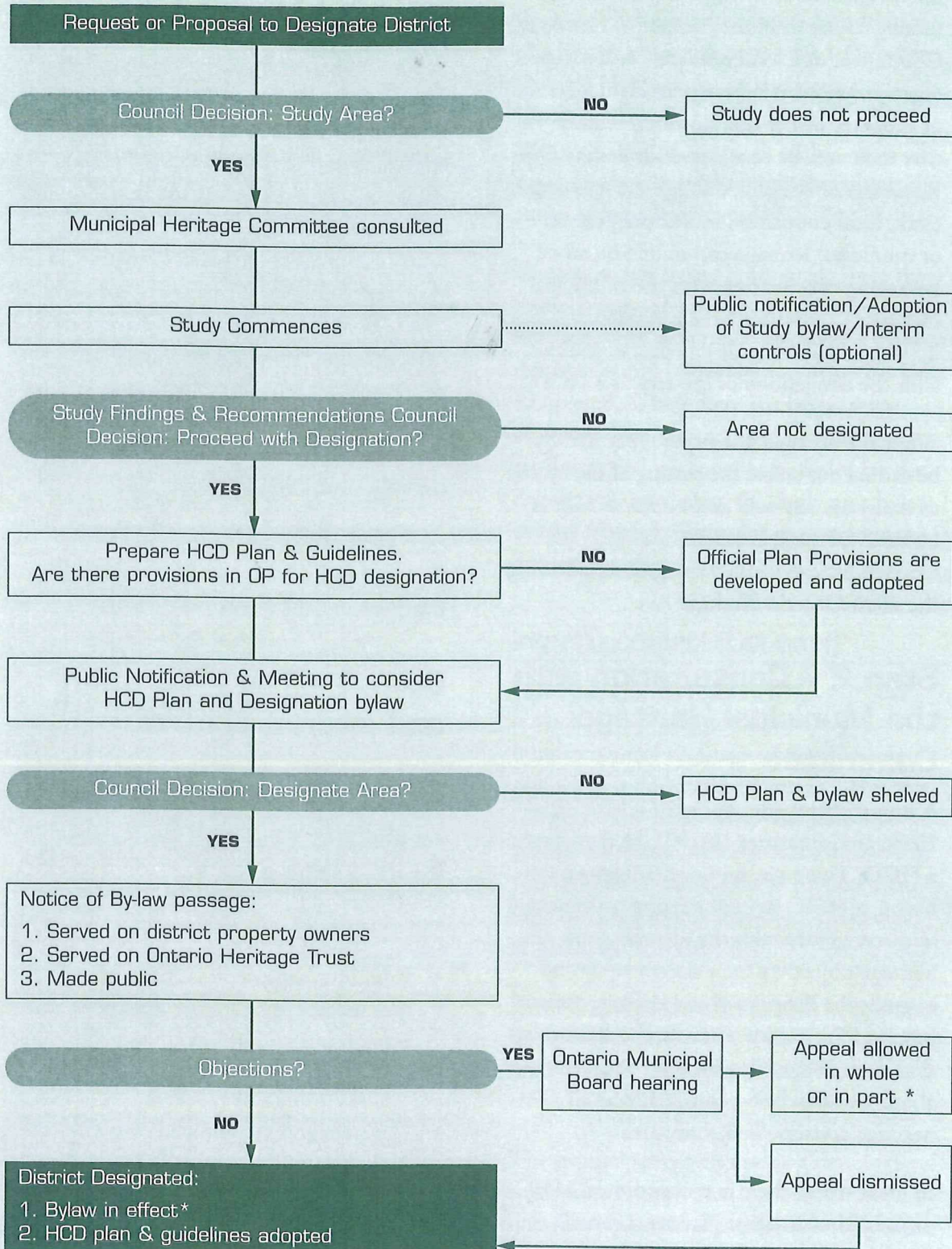
Subject Lands

-  Subject Lands
-  Lot / Concession
-  Buildings

NEC Designations

-  Escarpment Natural Area
-  Escarpment Protected Area

HERITAGE CONSERVATION DISTRICT DESIGNATION PROCESS



*NB. Bylaw may need to be amended for an appeal allowed "in part"