

## OFFICIAL PLAN REVIEW by Paul R. King

Members of municipal heritage committees can provide very useful advisory input when their municipality is reviewing and revising its official plan. Ontario's *Planning Act* requires municipalities to conduct an official plan review every five years to ensure it: (i) conforms with or does not conflict with provincial plans; (ii) has regard to matters of provincial interest; and (iii) is consistent with the Provincial Policy Statement, the current version of which is PPS 2014. The matters of provincial interest are set out in Section 2 of the *Planning Act* and they include:

- the protection of ecological systems, including natural areas, features and functions;
- the conservation and management of natural resources;
- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the supply, efficient use and conservation of energy and water;
- the minimization of waste;
- the orderly development of safe and healthy communities;
- the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- the adequate provision of a full range of housing, including affordable housing;
- the resolution of planning conflicts involving public and private interests;
- the protection of public health and safety;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
- the mitigation of greenhouse gas emissions and adaptation to a changing climate.

A number of these matters of provincial interest are relevant for municipal heritage committees in fulfilling their mandate, hence the input of municipal heritage committees in revising official plans is important.

What is an official plan you might well ask? An official plan is a statement of municipal goals, objectives and policies intended to provide a framework and guide for the future of the municipality. The policies of the official plan are designed to:

- Identify and promote a vision and character for the community;
- Direct the future orderly and efficient growth of the municipality;
- Identify where municipal services and infrastructure are required;
- Reflect the collective aspirations of residents and business owners;
- Identify how natural, cultural and other resources should be protected;
- Support healthy and sustainable community principles; and
- Provide a basis for zoning by-laws and other land use controls.

Many official plans have not been updated for many years (in spite of the requirements in the *Planning Act*) and sometimes contain out-of-date concepts. For example, they may pit heritage against “progress” which I presume means growth and new development. Progress today does not just mean expansion and development. What about air and soil quality, adequate and safe water supply, preparation for climate change, design guidelines to preserve existing neighbourhoods and streetscapes, installing bike lanes, improving public transportation, or improving the quality of life in a community? Also many official plans emphasize growth and development as if growth is the only way to have economic well-being.

The Kingston and Stratford Official Plans include concepts to protect established areas of the communities. This is not the same as a heritage conservation district. Most of central Stratford is included in their heritage area and the main roads in that area are heritage corridors. The reason for including the concept of a heritage area or heritage corridor in an official plan is set out in Section 3.5.8 of the Stratford Official Plan:

*Infilling in Heritage Areas: In the ‘Heritage Areas’ and the ‘Heritage Corridors’ ..., the City will ensure that, where infilling is proposed or municipal services are being installed or upgraded, the inherent heritage qualities of the area or corridor will be retained, restored and ideally enhanced unless overriding conditions of public health and safety warrant otherwise.*

The Kingston Official Plan has a similar concept to infilling heritage areas, called “*Stable Areas*”. Section 2.6 of that Official Plan includes provisions to protect these areas.

Section 4.5.3.1 of the Stratford Official Plan has an additional concept called “*Stable Residential Areas*” with the following provisions:

*Stable residential areas are residential areas where potential new development or redevelopment is limited. Any intensification will be modest and incremental occurring through changes such as development of vacant lots, accessory apartments, or other forms of residential housing that meet the criteria below. Applications for new development in such areas shall be evaluated based on their ability to generally maintain the ... elements of the structure and character of the immediate surrounding residential area... (These elements of the surrounding area are listed in the Stratford Official Plan.)*

The provisions of official plans must be consistent with the PPS 2014. In particular, Section 2.6 of the PPS 2014 deals with the protection of heritage properties. Also there is a new policy (section 1.7.1) stating that long-term economic prosperity should be supported by encouraging a sense of place by

conserving features that help define character, including built heritage resources and cultural heritage landscapes. The Ministry of Tourism, Culture and Sport is working on a guide called *A Guide To Cultural Heritage Resources In The Land Use Planning Process* which is currently in draft form. This guide, which includes a number of useful suggestions for official plan provisions, sets out aspects of a community that might contribute to a sense of place. In other words, the economic prosperity of a community is not a competing interest with heritage preservation. Official plans should not include statements pitting cultural heritage against development.

Section 2.6.3 of the PPS 2014 states the following: *Planning authorities shall not permit development and site alteration on adjacent land 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 conserved.* “Adjacent land” in the PPS 2014 is defined as land that is contiguous to (i.e. sharing a common property line with) a protected heritage property. A municipal official plan might also define adjacency using other considerations to include “adjacent” property that does not necessarily touch the boundaries of the parcel of a protected heritage property. This could include adjacent properties in Heritage Areas or Stable Residential Areas. Adding a more inclusive definition of “*adjacent land*” and a more inclusive definition of “*protected heritage property*” to include “listed” properties on the municipal register should be considered when preparing revised official plans.

If your community has one or more heritage conservation districts, the language and goals in the official plan should be consistent with the provisions in any heritage conservation district plan. If there is the potential to establish new heritage conservation districts, this should be mentioned in the official plan.

In order to properly encompass the cultural heritage features of a municipality, the official plan should contain a brief history of the municipality and its cultural heritage defining elements to give the official plan an underlying context. It is instructive to review pages (i) and (ii) of the Kingston Official Plan which set the context of that municipality.

Does your municipality have urban design and landscape guidelines? Creativity and excellence in architectural, landscaping and urban design should be encouraged. Stratford's Urban Design and Landscape Guidelines are helpful in setting out the role of such guidelines:

*The City of Stratford Urban and Landscape Design Guidelines have been developed to provide a comprehensive tool for the City to review and assess development proposals in both the public and private realm; to ensure that they promote the highest quality of urban design; are well integrated with Stratford's unique context; and conform to the Official Plan. (Underlining here and below is the author's emphasis.)*

*The Guidelines provide a series of comprehensive recommendations that support the scale, cultural heritage, natural environment and public open spaces that define the City. They provide recommendations that represent important design goals and are expected to be interpreted by the City, residents and development professionals with a degree of flexibility, to encourage creativity and excellence in design.*

*Structure of the Guidelines*

*The Urban and Landscape Design Guidelines are intended to provide detailed direction with respect to the design of the community and to ensure the Official Plan vision is achieved. The Guidelines are*

*structured into the following sections:*

*1.0 Introduction: describes Stratford's context and the purpose and structure of the Guidelines;*

*2.0 City of Stratford Vision and Guiding Principles: outlines the Vision Statement in the City of Stratford Official Plan and the corresponding guiding principles;*

*3.0 Public Realm Guidelines: provides detailed guidelines for streets, parks and open spaces, including sustainability, parking, stormwater management and streets and streetscapes. This section does not specifically consider the design of buildings, but provides guidance on the relationship between buildings and the public realm components (i.e. building location, orientation). Guidelines for the design of buildings are provided in the private realm guidelines; and,*

*4.0 Private Realm Guidelines: provides detailed guidelines for privately owned land, including sustainability, land use and site design and building typologies and design.*

Most official plans emphasize growth and development with very little emphasis on the maintenance and renovation of existing buildings. As Marc Denhez has pointed out, the maintenance, renovation and restoration of existing buildings and other structures are important elements of the local economy and this should be reflected in official plans. Across Canada, the improvement of existing buildings produces about 40% more GDP than new construction. In some communities there are contractors with expertise regarding the repair, restoration, rehabilitation, maintenance and adaptive reuse of heritage buildings and, given the large stock of existing buildings, these contractors are regularly employed and often over-booked. Their expertise extends to trades such as stone and brick work, masonry work, plaster work, metal work, wood work, painting, plumbing, heating, and wiring. From an environmental perspective, an existing building is the greenest building. For a sustainable future, we cannot continue tearing down and throwing existing buildings into landfill sites. As stated in Toronto's official plan, cultural heritage is an important component of sustainable development and place making. Used construction materials currently make up about a fifth of landfill deposits. Official plans should include a policy of extending the functional life of buildings, other structures and infrastructure (such as bridges) as much as possible. The preservation of our cultural heritage is essential to the character of a municipality that can contribute to other social, cultural, economic and environmental goals of a municipality. In order to encourage retention rather than destruction, consideration should be given to extending grants and the heritage property tax relief program to all properties designated under Parts IV and V of the *Ontario Heritage Act*.

Official plans should refer to the need for the municipal register for heritage properties to be kept up to date and to be publicly accessible. Many of the designation statements currently in municipal registers across the province for properties designated under Part IV of the *Ontario Heritage Act* are lacking in detail and should be updated to reflect the revised criteria stipulated in the *Ontario Heritage Act* and regulations. This work should be specifically referenced in the official plan.

There are a number of municipalities in Ontario (e.g. Kingston, Toronto, and Ottawa) that protect viewscales. Are there viewscales in your community that also need to be protected? It is important to identify vantage points, viewing areas and/or viewing cones that must be kept intact to maintain the relationship between the viewed structures, streetscapes or natural elements and their surrounding context. In order to protect the viewscales mentioned in the official plan, height limitations need to be specifically included in zoning bylaws and a Heritage Impact Assessment may be required where a development application may have an impact on an identified viewscale.

Does your community have a cultural plan? Any good policy recommendations contained in your plan

concerning land use planning should be referenced in the official plan.

Many municipalities across Canada use the *Standards and Guidelines for the Conservation of Historic Places in Canada* as a resource to direct how to manage change. Reference to these standards and guidelines should be incorporated in the official plan. There are, however, differences between these standards and guidelines and Ontario's heritage policies. Where this is the case, Ontario's legislation, and policies and guidelines issued under its authority, take precedence. In addition, the property standards bylaw for your municipality should be enforced to ensure that properties (including those on the municipal register) do not deteriorate through neglect.

The official plan should contain policies for the identification, evaluation and conservation of significant cultural heritage landscapes. I understand that the Ministry has developed a checklist to help determine if a property has the potential to be part of a cultural heritage landscape.

Official plans needs to contain or refer to the development of policies for the well-being of natural areas and the protection of trees. Any such policies should be followed up with appropriate bylaws. The natural areas and tree cover are important elements of the cultural heritage character of communities.

There should be policies about the municipality demonstrating excellence/leading by example in the protection of municipally-owned heritage properties, including things like:

- The municipality should develop and keep up-to-date a maintenance repair schedule with budgetary provisions so that buildings and other structures do not deteriorate through neglect or deferred maintenance.
- When a municipally-owned property is no longer required for its current use, the municipality will seek a compatible adaptive reuse of it.
- When a municipally-owned property is sold or leased, the municipality will ensure that heritage features are adequately protected. Protection should include designation under Part IV of the *Ontario Heritage Act* (if the property is not in a heritage conservation district) and may also include a heritage easement agreement.

Being involved in the process of revising official plans can be a daunting and time-consuming task for a municipal heritage committee but it can be very beneficial for the long-term well-being of a community.