



The County™

PRINCE EDWARD COUNTY + ONTARIO

Heritage Impact Assessment Terms of Reference

Introduction

A *Heritage Impact Assessment* (HIA) is a study that evaluates the impact of a proposed *development*, building alteration or *site alteration* on a built heritage resource(s) or a cultural heritage landscape(s) and recommends mitigative measures or alternative *development* approaches to conserve the *heritage attributes* of that resource/landscape. HIA's are an important planning tool to ensure that the heritage values, attributes and integrity of cultural heritage resources are given full consideration in the land *development* process.

Policy Context

The Ontario Heritage Act (O.Reg. 9/06)

Part IV Section 27 of the Ontario Heritage Act requires that the County keep a heritage register as a record of properties within the municipality that are "of cultural heritage value or interest." This register can contain properties that are both designated under the provisions of the Ontario Heritage Act (Part IV or Part V) as well as other properties that "the council of the municipality believes to be of cultural heritage value or interest."

An application to alter or demolish a heritage resource shall be accompanied by the required plans as per Section 27 (5), Section 33 (2), Section 34 (1.1), and Section 42 (2.2) of the Ontario Heritage Act.

If the owner of a property that is included on the heritage register proposes the demolition of a building or structure on that property, they must notify the municipality in writing. In addition, if the owner of a property that is designated under the provisions of the Ontario Heritage Act (Part IV or V) proposes alterations or additions, they may be required to apply for a heritage permit. That heritage permit may require additional studies, such as an HIA.

The Provincial Policy Statement (PPS 2020)

Section 2.6.1 of the Provincial Policy Statement states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved" and the mechanisms defined for conservation include the implementation of recommendations, mitigative measures and alternative *development* approaches set out in a Conservation Plan, Archaeological Assessment, and/or *Heritage Impact Assessment*.

The Ontario Planning Act (R.S.O. 1990)

Part 1, Section 2 of the Planning Act states that, amongst other matters, the council of a municipality shall have regard to the "conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest" when carrying out its responsibilities under the Planning Act. Municipalities are enabled by the Provincial Policy Statement (PPS 2020) under the Ontario Planning Act (R.S.O. 1990) to use HIAs in the planning process.

The County of Prince Edward Official Plan (2021)

The County's Official Plan (2021) requires an HIA for applications for *development* and/or *site alteration* of a designated heritage property, having known cultural *heritage attributes*, or *development adjacent* to a designated property (Section 3.3.4 (14)).

The HIA must demonstrate how the *heritage attributes* and integrity of the designated heritage property are to be conserved and how any impacts may be mitigated.

When is a Heritage Impact Assessment required?

A *Heritage Impact Assessment* (HIA) is required for certain applications or developments involving the following types of properties:

- Property designated under Part IV of the Ontario Heritage Act (individual designation);
- Property designated under Part V of the Ontario Heritage Act (located within a Heritage Conservation District);
- Property having recognized cultural *heritage value*, such as those listed on the Municipal Heritage Register and/or included in the Heritage Architectural Survey of Prince Edward (HASPE) files at the County of Prince Edward Archives; and/or
- Property that is *adjacent* to individually designated properties.

The types of Planning Act Applications or Ontario Heritage Act Applications that may trigger the need for an HIA for the above properties include (but are not limited to) the following:

- Site Plan Control;
- Zoning By-law Amendment;
- Official Plan Amendment;
- Draft Plan (Subdivision and Condominium);
- Consent;
- Minor Variance;
- Building or Demolition Permit; or
- Heritage Permit.

At staff's discretion an HIA may be scoped to reflect anticipated impacts on a heritage resource, or waived if there is sufficient information to suggest there will be no impacts on a heritage resource (e.g. erection of a temporary structure).

Notification

An HIA is most effective when it is conducted early in the *development* application process and forms part of a complete application if appropriate depending on the proposal. The findings, conclusions and recommendations of the HIA should be reflected in the final *development* concept advanced to the County. Staff will inform property owners and/or their representative of the need for an HIA at the pre-consultation stage of the *development* approval process. Please note, the Municipality reserves the right to ask for additional materials if other requirements arise through the application process or through agency/committee/public concerns. Anyone considering *development*, building or *site alterations* are encouraged to contact heritage@pecounty.on.ca early in their project planning process to determine if an HIA is required and they will be provided a copy of this HIA Terms of Reference.

Qualified Heritage Conservation Professional

An HIA must be prepared by a qualified heritage conservation professional, such as a heritage planner, heritage architect and/or heritage landscape architect, with demonstrated knowledge of accepted heritage conservation standards, and experience with historical research and identification or evaluation of cultural heritage value. The professional shall be registered with the Canadian Association of Heritage Professionals and in good standing. Only licensed, professional archaeologists may carry out archaeological assessments using specific provincial standards and guidelines.

The qualifications and background of the professional completing the HIA must be included in the report. The qualifications and background of the professional completing the HIA must support, and be appropriate for, the HIA's scope, recommendations and comments.

Principles

Content and recommendations of the HIA should be based on accepted conservation principles and guidelines, including those outlined in:

- Ontario Ministry of Culture, Tourism and Sport's (now the Ministry of Heritage, Sport, Tourism, and Culture Industries) *Eight Guiding Principles in the Conservation of Historic Properties*;
- Ontario Ministry of Culture, Tourism and Sport's (now the Ministry of Heritage, Sport, Tourism, and Culture Industries)'s *Ontario Heritage Tool Kit*; and
- Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Minimum Content Requirements

The HIA will include, but is not limited to the information below. County staff may scope or expand the HIA, in consultation with the applicant and the Prince Edward Heritage Advisory Committee (PEHAC), if appropriate, to develop a modified terms of reference specific to the needs of the project. A pre-consultation with PEHAC may assist the qualified heritage conservation professional with the evaluation of heritage resources and the identification of heritage attributes (items 2 and 3 below).

1. Background Information

- Present owner contact information for the lands and buildings proposed for *development and/or site alteration*; and
- Name, qualifications and background of the qualified heritage conservation professional completing the HIA.

2. Historical research, analysis and evaluation of built heritage resource/cultural heritage landscape

- A location plan indicating the subject property (map and aerial photo);
- A site plan showing the lot dimensions and the location/setbacks of all existing buildings, drawn at an appropriate scale (metric) to demonstrate the context of the buildings and site details;
- A written and visual description of the site identifying significant features, buildings, landscape and vistas;
- A chronological history of the subject property's *development*, including original construction dates, additions and alterations;
- A chain of title, listing successive owners of the property and associated dates; and
- Relevant historic maps and atlases, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, etc.

3. Identification of the significant heritage attributes of the built heritage resource/cultural heritage landscape

- Comprehensive written research and analysis and graphical information related to the cultural heritage value or interest (physical or design, historical or associative, and contextual – see Regulation 9/06 of the Ontario Heritage Act) of the site, to include attributes that are already recognized and any that are newly identified through the analysis. Significant heritage attributes may include any significant features, characteristics, context, and appearance of buildings, landscapes or vistas;
- Identification of any heritage recognition of the property and/or buildings/structures thereon, including descriptions of significant features or values as available.

Heritage recognitions could include:

- Designation under Part IV or Part V of the Ontario Heritage Act;
 - Listing as a non-designated property on the Municipal Heritage Register;
 - Inclusion in the HASPE files;
 - Inclusion in Parks Canada National Historic Sites of Canada; and
 - Inclusion on any Provincial or Federal heritage registries.
- Current digital images documenting all building elevations and identified heritage attributes; and
 - Recommendation as to whether the subject property, buildings/structures, landscape(s), and/or view(s) if not already recognized, meet the criteria under Ontario Regulation 9/06 for listing or designation under the Ontario Heritage Act. If not, the rationale as to why the criteria for designation or listing are not met.

4. Description of the proposed *development* or *site alteration*

- A written description of the proposed *development* or *site alteration*, detailing the rationale and purpose of the *development* or works, a graphical layout, and how the *development* fits with municipal planning objectives set forth in the County's Official Plan, such as the Cultural Heritage Policies in Section 3.3.4, or other relevant planning policy documents (i.e. Secondary Plan).

5. Assessment of *development* or *site alteration* impacts

- An assessment identifying both (a) direct and/or indirect positive effects, and (b) direct and indirect adverse impacts resulting from the proposed *development* relative to the heritage value(s) of the built heritage resource(s) or cultural heritage landscape(s).

Positive impacts may include, but are not limited to:

- Restoration of building, including replacement of missing attributes;
- Restoration of a historic streetscape or enhancement of the quality of the setting;
- Adaptive re-use of a built heritage resource to ensure its ongoing viability; and
- Access to new sources of funds to allow for the ongoing protection and restoration of the heritage resource.

Adverse impacts may include, but are not limited to (refer to Ontario Ministry of Culture, Tourism and Sport's (now the Ministry of Heritage, Sport, Tourism, and Culture Industries) *Ontario Heritage Toolkit*):

- Destruction of any, or part of any, significant heritage attributes;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance of the heritage resource;

- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
- A change in land use that affects the property's heritage value; and
- Land disturbances such as a change in grade that alters soils and drainage patterns that adversely affect a heritage resource.

6. Consideration of alternatives, mitigation and conservation methods

- Methods to prevent and minimize adverse impacts on a heritage resource(s), including, but not limited to:
 - Alternative *development* approaches or designs that result in compatible *development* and limit adverse impacts;
 - Isolating new *development*/works from significant cultural heritage resources to conserve heritage attributes including, but not limited to, their settings and identified views and vistas;
 - Limiting height and density or locating higher/denser components of a *development* in a manner that respects the existing heritage resources or the heritage conservation district;
 - Including reversible interventions to heritage resources; and
 - Relocation of a heritage resource, to be employed only as a last resort, if conservation cannot be achieved by any other means.

7. Schedule and reporting structure for implementation and monitoring

- A schedule and reporting structure for implementing the recommended conservation / mitigative/avoidance measures, and monitoring the heritage resource as the *development* or *site alteration* is undertaken.

8. A summary statement and conservation recommendations

- The summary statement should provide a full description of:
 - The significance and *heritage attributes* of the built heritage resource/cultural heritage landscape;
 - The identification of any impacts the proposed *development*/works will have on the *heritage attributes* of the resource/landscape;
 - An explanation of recommended conservation or mitigative measures, and alternative *development/site alteration* approaches;
 - Clarification as to why specific conservation or mitigative measures, or alternative *development/site alteration* approaches are not appropriate; and
 - For *development* proposals that could result or will result in the demolition of a designated or listed property, an HIA must also recommend that the applicant provide to the Municipality documentation of the heritage resource for archival purposes, including at minimum land use history, photographs, and dimensioned drawings.

Review Process

1. Notification to Applicant

Staff will notify the property owner(s) and/or their representative in writing that an HIA is required. The HIA Terms of Reference will be included with the notice. Staff will provide the property owner(s) and/or their representative with clear instructions regarding any additional information or analysis required before an HIA is considered complete.

2. Submission

The submitted HIA will be reviewed by staff to determine whether all the requirements of this Terms of Reference have been met. To be accepted, the HIAs must demonstrate, to the satisfaction of the Director of Development Services, that significant impacts have been evaluated and mitigated. Staff may request to meet with the owner/applicant to discuss the HIA and its recommendations for clarification.

4. Review

Complete HIAs will be reviewed by Staff and will be circulated to the Prince Edward Heritage Committee (PEHAC) for information and comments.

5. Peer Review

In certain cases, the County may seek a peer review of the HIA by a qualified heritage conservation professional. The peer review will be carried out by a consultant retained by the County, at the expense of the applicant.

6. Revisions

A submitted HIA may need to be revised to reflect any changes that have been recommended during the review process. The applicant will be notified of Staff's comments and acceptance or rejection of the HIA.

7. Decision

An accepted HIA will become part of the further processing of a *development* application. If the development application is approved, the HIA's recommendations may be secured through *development*-related legal agreements and regulations at the discretion of the County or authority having jurisdiction.

Glossary

Adjacent Lands: For the purposes of cultural heritage, adjacent lands shall refer to those lands adjoining a property that is designated under Part IV of the Ontario Heritage Act or a property on the Heritage Register or in a Heritage Conservation District, and lands that are separated from a property that is designated under Part IV of the Ontario Heritage Act or a property on the Heritage Register or in a Heritage Conservation District by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, landscapes and/or easement, or an intersection of any of these.

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.

Heritage attributes: The principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).

Heritage Impact Assessment: Heritage impact Assessment is a study to determine the impacts to known and potential cultural heritage resources within an area proposed for future *development*. The study would include an inventory of all cultural heritage resources onsite and adjacent to the planning application area. The study would also include an evaluation of the significance of the identified cultural heritage resources and would provide an overview of how the proposed *development* will impact the identified cultural heritage resources and neighbouring properties. The study would assess alternative *development* options, conservation measures, *site alteration* approaches and mitigation measures to conserve the cultural heritage resources. The study must also include an evaluation of potential cultural heritage resources identified, including a recommendation as to whether or not the subject property is of cultural heritage value or significance and therefore is eligible for heritage designation. These Terms of Reference set out the specific requirements for HIAs submitted to the County of Prince Edward.

Site Alteration: Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site