

REPORT

REPORT TO: Mayor Rick Bonnette & Members of Council

REPORT FROM: Bruce D. MacLean, Director of Planning & Development

DATE: August 25th, 2006

REPORT NO.: PD-2006-0054

RE: Update on the Status of the Heritage Designation – Barber Mill - Addendum to Report PD-2006-0037

RECOMMENDATION:

THAT Report No. PD-2006-0054, regarding an Update on the Status of the Heritage Designation – Barber Mill – Addendum to Report PD-2006-00037, and Report No. PD-2006-0037 be received;

AND FURTHER THAT recommendation two of Report PD-2006-0037 be deleted and replaced as follows:

AND FURTHER THAT Council proceed with designation under Part IV of the Ontario Heritage Act, and that notice of the intent of Council to designate be given pursuant to Section 29(3) of the Ontario Heritage Act, on the basis of the following:

1. The Owner in a meeting with Town representatives on August 8th, 2006 advised of his recent uncertainty/concerns regarding the conditions of the current structures and his ability to restore and preserve these structures, and;
2. The Town, in response to this uncertainty, deems it prudent to designate the property for heritage purposes, pending continuing discussions with the property owner regarding his plan to preserve, protect and restore heritage elements.

AND FURTHER THAT recommendation 3 of Report PD-2006-0037 be deleted in its entirety.

AND FURTHER THAT recommendation 4 of Report PD-2006-0037 be modified as follows:

AND FURTHER THAT the applicant, 879662 Ontario Ltd., be requested to submit to the Town both an updated Engineering Assessment Report prepared by a qualified professional consultant which reviews the current conditions of the buildings and structures on the property and any mitigation measure which may be undertaken to protect and preserve these structures, and a Heritage Impact Assessment prepared by a qualified heritage consultant, describing the impacts of the proposed development on the significant heritage resources situated on the subject property, and detailing the mitigative measures or alternative development approaches to be pursued to ensure that the significant heritage resources on the property are conserved, with both reports being submitted to the Town by December 31st, 2006;

AND FURTHER THAT an additional recommendation be added to Report PD-2006-0037, which states as follows:

AND FURTHER THAT Council requests that Heritage Halton Hills comment on the draft terms of reference provided by Town staff for the Heritage Impact Assessment of the proposed development of the Barber Mill property.

AND FURTHER THAT an additional recommendation be added to Report PD-2006-0037, which states:

AND FURTHER THAT 879662 Ontario Limited, be advised that, upon receipt and review of the Updated Engineering Assessment report and the Heritage Impact Assessment, Council will consider a further review of the status of the heritage designation on the property, to assess the merit of any modifications to the designation on the property.

BACKGROUND:

On July 10th, 2006, Council considered Report PD-2006-0037, which assessed the merits of the designation of the Barber Mill as a heritage property under the provisions of Part IV of the Ontario Heritage Act. That report is attached as Schedule 1 to this report, and it should be read in concert with the new information available in this report. Staff prepared Report PD-2006-0037 based on known information and, at that time, staff advised Council not to proceed with the designation as the property owner has been committed to a program that would see the heritage value of the property realized in a cooperative fashion. In the past, the applicant sought and obtained support from Heritage Halton Hills as to the heritage significance of the subject property. The applicant was also proceeding to stabilize the structures from further deterioration; he has a site plan application filed with the Town for review, which supported the intent to retain and refurbish known heritage structures; and he had also submitted an application requesting approval of an apartment condominium which he intends to integrate into the fabric of the heritage component.

Recently, at the request of Mr. Peter Orphanos, both Ward 3 representatives and Town staff met with area residents and Mr. Orphanos to discuss the public's concern in response to General Committee's position to not proceed to designate the site as a heritage property, and a request that the Town reconsider the value to the Town of adopting an approach to designate the property for heritage purposes. The main argument was that the Town is in a stronger position to ensure the protection of the heritage significance of the site. Ward representatives and Town staff understood the position but, as part of the discussion, it was noted that, by designating the site, it didn't ensure a commitment by a property owner to restore the structures, which if left unattended could crumble and be lost without the commitment of the property owner.

At the request of the Ward 3 representatives, the property owner was recently asked to meet with Town officials and staff to discuss and reconfirm his previous commitment to restore and enhance the heritage value of the property. Subsequent to a recent site visit, the property owner advised that he could no longer provide any assurance that the current structures could be saved and restored. An engineering evaluation is necessary and the time frame may be between three weeks to six months to complete. Failing the ability of the owner to save and restore the structures, the owner has indicated he may pursue a program, which would see demolition of the structures and reuse of the stone materials in a manner so as to replicate the structures in accordance with a future plan.

As well, the owner indicated his concern as to the lengthy and difficult process he is going through in seeking a commitment from the Town and other public agencies on the proposed condominium apartment project. This commitment is significant in order that the whole integrated project is financially viable. Although the applicant has a right to proceed to obtain a site plan approval on the northern portion of the site where the heritage buildings are, in reality, he advised that the design of the condominium apartment building blends somewhat into these northern structures in such a manner so as to prevent the approval of the site plan, and to require a decision first on the condominium apartment building.

COMMENTS:

As result of the meeting with the property owner, there is now uncertainty with staff as to the property owner's detailed plans and level of commitment to continue to restore the existing structures/buildings. We now deem it prudent for the municipality to proceed with the designation of the property under the Ontario Heritage Act, until such time as the applicant can complete and submit to the Town, as information, an Engineering evaluation of the structures/building undertaken by a Professional Engineer. In addition, staff still see it appropriate for the submission and review of a heritage impact assessment, consistent with the information presented in Report PD-2006-0037.

We believe this step to now designate the property for heritage purposes should be seen as the Town acting in a prudent manner given our recent August 8th, 2006 discussions with the owner and it should not be construed as being tied to any

reluctance of the owner to recognize and invest in the heritage attributes of the property. What it provides to the Town is a period in which the applicant can sort out his plans to the site and convey those to the Town and public.

Appropriate recommendations have been incorporated within this report, and result in changes to the staff's position in our previous report PD-2006-0037.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates to the Town's desire to preserve and enhance our Natural and Cultural Heritage.

FINANCIAL IMPACT:

This report has no financial impact on the Town's Operating or Capital Budget.

COMMUNICATIONS IMPACT:

Council at its August 14th, 2006 meeting, deferred approval of the General Committee's recommendation, and advised that the recommendation would be considered on September 5th, 2006 in concert with a report from the Director of Planning. Some residents were in attendance at the August 14th, 2006 meeting and are aware that this matter will be re-discussed on September 5th, 2006. The owner's representative was in attendance at the August 14th, 2006 meeting, where the deferral took place and has been advised that this matter will be discussed at the upcoming meeting noted above, in conjunction with this report.

CONSULTATION:

Heritage Halton Hills was advised of the contents of this report, and was consulted earlier in the process with respect to the designation of the subject property, pursuant to Section 29(2) of the Ontario Heritage Act. In fact as noted previously, Heritage Halton Hills was the author of the Designation Report (March 2004). The Town Clerk, and the CAO, have been made aware of this report and the scope of its contents.

CONCLUSION:

Staff is recommending that our previous report be revised by changing the recommendation to not proceed with a heritage designation to one, which recommends Council proceed with designating the property under Part IV of the Ontario Heritage Act. We recommend this change on the basis of our uncertainty with the owner's detailed plans to save and restore the heritage structure. This change is being recommended

based on recent discussions with the owner and his concern regarding his ability to restore the structures given their current condition. We believe that it is prudent for the Town to take this approach until the applicant can undertake an updated Engineering Assessment, which would allow the property owner and the Town to discuss options and the owner's plan for the property. We continue to recommend that the owner provide the Town with a heritage impact assessment for the reasons contained in our previous report PD-2006-0037.

Respectfully submitted,

Bruce D. MacLean, MCIP, RPP
Director of Planning & Development

Dennis Y. Perlin
Chief Administrative Officer



REPORT

REPORT TO: Mayor Rick Bonnette & Members of Council

REPORT FROM: Robert M. White – Manager of Development Review
Steve Burke, Senior Planner-Policy

DATE: June 27, 2006

REPORT NO.: PD-2006-0037

RE: Update on the Status of the Heritage Designation of the Barber Mill Property

RECOMMENDATION:

THAT REPORT PD-2006-0037, Update on the Status of the Heritage Designation of the Barber Mill Property, be received;

AND FURTHER THAT Council not proceed with designation under Part IV of the Ontario Heritage Act at this time;

AND FURTHER THAT Council requests Heritage Halton Hills to list the Barber Mill property on the register (currently under development) of significant heritage resources, to be maintained by the Town pursuant to Section 27 of the Ontario Heritage Act, thereby identifying the subject property as a priority candidate for future designation under Part IV of the Ontario Heritage Act;

AND FURTHER THAT the applicant, 879662 Ontario Ltd., be requested to prepare and submit to the Town, a heritage impact assessment, prepared by a qualified heritage consultant, describing the impacts of the proposed development on the significant heritage resources situated on the subject property, and detailing the mitigative measures or alternative development approaches to be pursued to ensure that the significant heritage resources on the property are conserved.

BACKGROUND:

In late 2003 and early 2004, Town of Halton Hills, Region of Halton and Credit Valley Conservation staffs met with several consultants acting on behalf of Victor Boutin, the then new owner of #99 River Drive (better known as the Barber Mill site). These initial

preconsultation meetings explored Mr. Boutin's desire to re-develop the Barber Mill property as a mixed use commercial – tourist and residential area. During the course of these meetings Mr. Boutin advised that he intended to restore many of the damaged Barber Mill buildings so as retain their heritage features.

Development Applications:

In February of 2004, Ms. Jennifer Bozzo, Planner with the firm Gagnon Law Bozzo, submitted, to the Town of Halton Hills Planning Department, a proposed Official Plan and Zoning By-law amendment application for the Barber Mill property. This application, filed on behalf of 879662 Ontario Ltd. (Victor Boutin), included a:

- Topographic Survey;
- Perspective Rendering of the Development proposal by Archicon Canada Inc.;
- Planning Justification letter;
- Draft OPA and Draft ZBA;
- Phase I Environmental Site Assessment (March 31, 2003) prepared by CPG-Franz Environmental Inc., and
- Proposed Concept Plan showing a Mixed Use Commercial/Residential Re-development.

The above applications and supporting information were circulated to the required agencies and departments. Staff discussions, meetings and site visits were conducted on the proposal throughout 2004. The applicant subsequently revised his initial ZBA application to reflect a new Site Plan that would see development occurring in two (2) phases, as now shown on the 2004 Revised Site Plan, **see Schedule 1 – 2004 Revised Barber Mill Site Plan.**

The Revised 2004 Site Plan includes:

- approximately 50,000 sq ft. of commercial uses located with the refurbished Barber Mill building fronting along the Credit River including a restaurant, art gallery, studio, commercial uses, and banquet hall;
- a new 42-unit 4-storey hotel backing onto Maple Avenue; and
- a new 14-storey 240 residential unit apartment building, with underground parking and new direct access fronting onto Maple Avenue.

Heritage Designation:

On May 31st, 2004, the Town Clerk presented a Report (CL-2004-0015) summarizing the Heritage Value of the Barber Mill property. The heritage value of the buildings on

the subject property had been assessed by Heritage Halton Hills, at the request of the applicant, in a Designation Report prepared in March 2004. This Clerk's Report was in response to Mr. Boutin's request that the property be designated a heritage site, under Part IV of the Heritage Act, **see Schedule 2 – Clerks Department Heritage Report CL-2004-0015.**

In June 4th, 2004, Jennifer Bozzo, Planning consultant acting on behalf of the owner, submitted a letter to the Town Clerk requesting that the Heritage designation "by-law be held in abeyance and not be brought forward for Council's consideration until further notice." The reason stated was that the applicant needed additional time to complete the planning of the development, including any revisions to the Site Plan. **See Schedule 3 – Jennifer Bozzo Heritage Designation Letter June 2004.**

In October 2004 Council considered PD Report 2004-0058 – Barber Mill Public Meeting. The Minutes of that Public Meeting is attached, **see Schedule 4 – October 2004 Barber Mill Public Meeting Minutes.**

On April 24th, 2006 Council received a letter from the Chair of the Heritage Halton Hills Committee (John Mark Rowe) asking Council to investigate why Council had not proceeded with the heritage designation as recommended by his Committee. Mr. Rowe's letter also encouraged Council to immediately proceed with the heritage designation. As a result of Mr. Rowe's letter, Council asked staff to report back on the current status of the heritage designation and the process, **See Schedule 5 – Mark John Rowe April 2006 Letter.**

COMMENTS:

Since the holding of the Public Meeting in October 2004, Planning staff has been in regular contact with the owner, his agents and circulates agencies regarding the status of this project. In response to several questions and concerns raised by the public, Town staff, and outside agency staffs, the owner's consultants have undertaken and submitted several new and/or revised studies. Most of the new and/or revised studies concern the environmental conditions of the site and/or the health and safety of the site as it pertains to the new proposed residential and commercial uses. Some of these studies have been submitted to the Ministry of Environment and the Credit Valley Conservation Authority for their approval.

Town Staff has advised the owner's agents of Council's request for a report on the heritage designation and the process. Staff has also requested the owner to provide an update to the Town Clerk on his progress in finalizing certain required planning application studies and the future heritage designation of the site.

Attached for Council's consideration is a letter from Mr. Boutin, re-iterating his desire to designate the property as a Heritage site. Mr. Boutin and his agents have also verbally expressed their concern with the continued vandalism of Mr. Boutin's property, **see Schedule 6 – Victor Boutin May 2006 Letter.**

Building, Zoning and By-law Enforcement staff has investigated several complaints about the current state of the Barber Mill Property. Although Mr. Boutin has erected a fence around the Barber Mill Building site, some vandalism has continued to occur, **see Schedule 7 – Barber Mill Security Fence.**

On April 27th, 2006 By-law Enforcement staff again inspected the Barber Mill site to review the current status of an open Building Permit 03-102682. The inspector later conveyed the following information to various Town staff:

“The work proposed under this permit included the installation of shoring to stabilize some of the existing structures and to complete interior structural renovations to some of the damaged buildings. The buildings itemized below are addressed as noted on the reviewed permit drawings (key plan) - copy available.

- *Building H - 1st, 2nd & 3rd floors - steel columns & beams have been installed as per the permit drawings. (Roof framing not installed.)*
- *Building K - Ground Floor - all work on the ground floor level is complete. 2nd Floor repair work at the front section of the building is complete. repair work at the rear section of the building is not complete. 3rd Floor - work is not complete.*
- *Buildings L & M - the work has not been completed (shoring of walls).*

“The remainder of the buildings remain as existing. The Engineer involved with the project has confirmed the shoring members have been installed in conformity with the drawings prepared by Brenik Engineering.

Attached for Council's information is a map prepared by Building staff of above mention buildings, see **Schedule 8 – By-law Enforcement Staff Building Map.**

The Ontario Heritage Act, as recently amended by Bill 60, strengthens the authority of the municipality regarding the protection of significant heritage resources. Council can now refuse to issue a permit to demolish buildings or structures designated under Part IV of the Act. For significant heritage resources **not** designated under the Act, Council can issue a notice of intent to designate and thereby render void any permit allowing for the alteration or demolition of buildings or structures on the property for which the notice of intent to designate has been issued. Once designated, the landowner can appeal the designation by-law to the Ontario Municipal Board.

Mr. Boutin has not requested permission from the Town to demolish any of the historic Barber Mill buildings. In fact, Open Building Permit # 03-102682, reported by Town By-law Enforcement staff, deals with the owner's attempts to save certain buildings previously damaged by fire, weather, or other natural or man-made causes.

Mr. Boutin is not disputing the future heritage designation of this site. Mr. Boutin has also asked Council's support for a heritage designation at the provincial and federal government levels. Town staff believes Mr. Boutin has recognized the social and

economic importance of retaining as many of the Barber Mill heritage buildings still on this site. This recognition is now reflected in his attempt to retain and incorporate most of the current Barber Mill buildings into his new Revised Site Plan as shown on Schedule 1.

Given the above situation, it is the opinion of staff that there is no immediate need to proceed with Part IV designation of the subject property against the wishes of the landowner. It is recommended that staff continue to work cooperatively with the landowner in processing the various planning applications before the Town in the interest of addressing all outstanding land use and environmental planning issues.

In addition, in order to assist the Town and other agencies in assessing the merits of the development applications in terms of their ability to ensure the conservation of the significant heritage resources on the subject property, it is recommended that staff be directed to request the applicant to prepare and submit a heritage impact assessment prepared by a qualified heritage consultant. This study would describe the impacts of the proposed development on the significant heritage resources situated on the subject property, and detail the mitigative measures or alternative development approaches to be pursued to ensure that the significant heritage resources on the property are conserved.

Planning staff continues to review studies and reports on the owner's proposed plan and hope to have a final report for Council consideration early in 2007. Staff also intends to hold a second public meeting on this proposed development once it is clear where the Ministry of Environment and Credit Valley Conservation Authority stand on this matter.

Finally, staff recommends that Council request Heritage Halton Hills to list the Barber Mill property on the register of priority heritage resources, to be maintained by the Town pursuant to Section 27 of the Ontario Heritage Act. This register, currently under development by Heritage Halton Hills, is a new requirement resulting from the Bill 60 changes to the Ontario Heritage Act, and allows a municipality to list significant heritage resources, which in essence are then identified as priority candidates for future designation under Part IV of the Act. The register also contains properties designated under Part IV of the Act. It is important to note that the register is still under development, and will be the subject of a future report to Council.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates to the Town's desire to preserve and enhance our Natural Environment and Cultural Heritage.

FINANCIAL IMPACT:

This report has no financial impact on Town Operating or Capital Budgets.

COMMUNICATIONS IMPACT:

Both the owner and the Chair of Heritage Halton Hills Committee has been advised that a report on this matter will be considered by Council at its meeting of July 10, 2006.

CONSULTATION:

Town Clerks and Building Department staff has been consulted in the preparation of this report.

CONCLUSION:

Staff recommends that:

- Council not proceed with Part IV designation of the subject property at this time,
- Heritage Halton Hills be requested to list the Barber Mill property on the register (currently under development) of significant heritage resources, to be maintained by the Town pursuant to Section 27 of the Ontario Heritage Act, thereby identifying the subject property as a priority candidate for future designation under Part IV of the Ontario Heritage Act; and,
- The applicant be requested to submit a heritage impact assessment, prepared by a qualified heritage consultant, to assess the merits of the development applications with respect to the ability to conserve the significant heritage resources on the subject property.

Respectfully submitted,

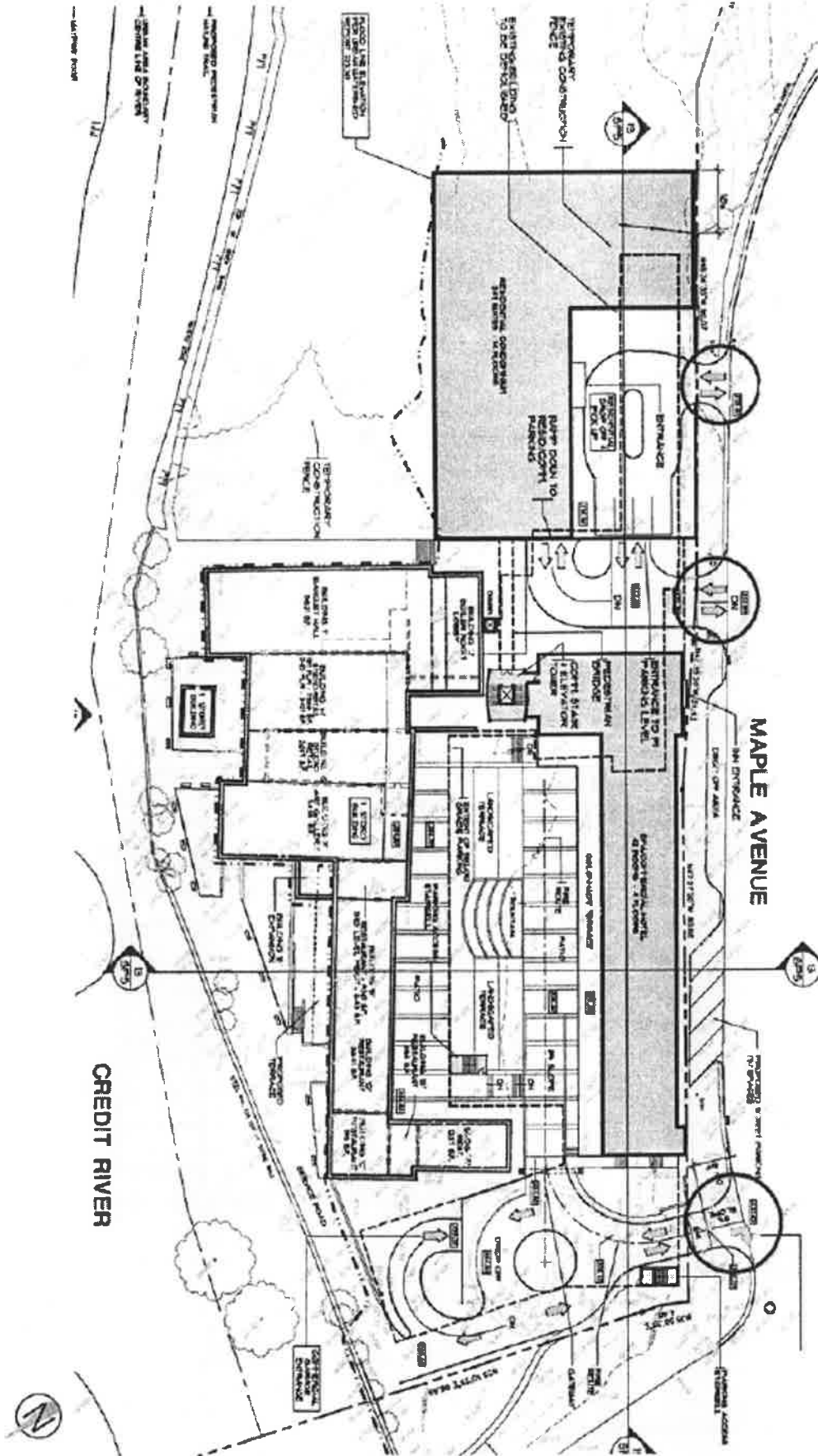
Robert M. White MCIP RPP
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Steve Burke MA (Pl.), MCIP, RPP
Senior Planner-Policy

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Chief Administrative Officer

Schedule 1 – Barber Mill 2004 Revised Site Plan





REPORT

REPORT TO: Mayor Richard Bonnette and Members of Council

REPORT FROM: Debbie Edmonds, Manager of Licensing and Legislative Services

DATE: May 14, 2004

REPORT NO.: CL-2004-0015

RE: Ontario Heritage Act Designation of Barber Paper Mill

RECOMMENDATION:

THAT Report No. CL-2004-0015 regarding the designation of Barber Mill property municipally known as 99 River Drive be received.

THAT staff proceed with the notification requirements as set out in the Ontario Heritage Act.

AND FURTHER THAT staff bring forward a by-law to designate the Barber Mill property located at 99 River Drive pending the expiry of a 30-day appeal period.

BACKGROUND:

In 1992, Heritage Halton Hills toured the site and prepared a preliminary designation report, which went no further. In 1993, a Public Advisory committee made recommendations resulting in the draining of the millpond and opening of the dam. Over the next ten years, the property was subjected to neglect, vandalism, and squatters resulting in a large fire in 2003, which gutted the 1869 building. The other three buildings (closest to the river) are all structurally sound and worth preserving as an excellent example of heritage industrial architecture within the setting of an industrial complex of the 19th century.

On March 2nd, 2004, Mark Rowe, Chair of the Heritage Halton Hills Committee presented a report entitled, "Barber Paper Mill Heritage Halton Hills Designation Report" as a delegation to Council.

At that meeting of March 2nd, 2004, Council passed Resolution No. 2004-0055 which directed staff to prepare a report regarding the designation of the Barber Paper Mill located at 99 River Drive, Halton Hills, in accordance with the Ontario Heritage Act.