

Staff Report 2024-0149

Meeting Date: March 4, 2024

Subject: Notice of Intention to Designate - 12542 Airport Road, Ward 3

Submitted By: Cassandra Jasinski, Heritage Planner; Sally Drummond, Senior Heritage Planner; Rob Hughes, Senior Planner, Strategic Policy Planning

RECOMMENDATION

That a Notice of Intention to Designate the property at 12542 Airport Road under Part IV, Section 29 of the Ontario Heritage Act be issued;

That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 12542 Airport Road pursuant to the Ontario Heritage Act;

That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and,

That Staff be authorized and directed to do all things necessary to give effect to this recommendation.

REPORT HIGHLIGHTS

- The rural property at 12542 Airport Road (“the Property”) is listed as a non-designated property on the Town of Caledon’s Heritage Register.
- The Property is identified in Phase 2 of the Town’s Bill 23 Heritage Designation Prioritization Strategy.
- The Property contains a c.1840s Neoclassical brick farmhouse known as the Robinson Farmhouse.
- In September 2021, the Planning Department received Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment applications for lands that included the Property that proposed industrial development.
- On September 9, 2022, the Minister of Municipal Affairs and Housing issued a Ministerial Zoning Order that prescribed zoning for the lands. Statutory public meetings were conducted by the Town for the planning applications on January 17, 2022, and on June 13, 2023.
- On January 26, 2024, the applicant provided Town staff with revised submission materials, including a Cultural Heritage Evaluation Report for the Property. The report determined that the Property merits designation under Section 29 of the *Ontario Heritage Act* (the “Act”).
- Heritage staff subsequently prepared a heritage designation report further describing the significance and heritage attributes of the Property (Schedule B).

- Heritage staff recommend that Council issue a Notice of Intention to Designate for the Property at 12542 Airport Road under Section 29 of the Act.
- The applicant is aware, and supportive of, the proposed heritage designation.
- This report serves as consultation with Heritage Caledon as required by Section 29 (2) of the Act.

DISCUSSION

Current Heritage Status – 12542 Airport Road

The Property, known municipally as 12542 Airport Road, is located on the west side of Airport Road mid-way between Mayfield Road and Old School Road (Schedule A).

Under Section 27(3) of the Act, Council may list non-designated properties that it believes to be of cultural heritage value or interest on the municipal Heritage Register. Council listed the Property by means of Council resolution 2020-91. More specifically:

- 12542 Airport Road: a 14.1 ha property described on the Heritage Register as a Neoclassical style farmhouse with a newer addition on the west side, built c. 1875-1899.

The evaluation process for ‘listing’ purposes was preliminary in nature. The cultural heritage value of a property may be evaluated in greater depth in response to a proposed development or demolition/removal application.

Bill 23 Implications for the Conservation of Properties “listed” on Municipal Heritage Registers

Introduced by the Province on October 25, 2022, Bill 23, the *More Homes Built Faster Act*, included a wide range of changes to the *Ontario Heritage Act*, most of which came into force and effect on January 1, 2023. Changes to the Act included a two-year time limit for listed, non-designated properties to remain on the Heritage Register and automatic removal of all currently listed properties on January 1, 2025, unless the designation process for a property has been started.

Properties removed from the Heritage Register cannot be “re-listed” for five years. Further, municipalities will not be permitted to designate a property through certain types of development processes (Official Plan amendment, Zoning By-Law amendment and/or Draft Plan of Subdivision) unless it is already listed on the municipal Heritage Register. As such, the Town will have no ability to deny a demolition request for a property removed from the Heritage Register on January 1, 2025, or to designate a property that is not listed at the time a Notice of Complete application is issued for the types of *Planning Act* applications noted above.

The Property is identified in Phase 2 of the Bill 23 Heritage Designation Prioritization Strategy (the “Strategy”), based upon the development pressure experienced by the property and the heritage significance of the property.

Official Plan, Subdivision and Rezoning Planning Applications - Background

In September 2021, Rice Commercial Group on behalf of Tullamore Industrial GP Limited filed Official Plan Amendment (file POPA 2021-0007), Draft Plan of Subdivision (file 21T-002C) and Zoning By-law Amendment (file RZ 2021-0013) applications for 12245 Torbram Road to permit the development of the lands for an industrial park consisting of warehousing, distribution centres, and industrial uses. A public meeting was conducted for these applications on January 17, 2022.

The Minister of Municipal Affairs and Housing subsequently issued a Ministerial Zoning Order (Ontario Regulation 483/22) on September 9, 2022. This Order included additional lands which were not contemplated by the original development applications, including the Property. With this change, another public meeting was conducted on June 13, 2023, that considered the additional land area and other revisions. With the issuance of the above referenced MZO, the associated Zoning By-law Amendment application is no longer required. To date, the Town of Caledon Council has not made a decision on the applications.

In support of the applications as filed, a Cultural Heritage Impact Assessment was submitted, prepared by Goldsmith Borgal & Company Ltd, Architects (GBCA Architects) and dated July 16, 2021, which concluded the Property may merit designation under the Act and required further assessment. The Town subsequently received a Cultural Heritage Evaluation Report (GBCA Architects, January 2024), which assessed the Property against prescribed criteria in *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest* (“O. Reg. 9/06”) and determined that it met the minimum criteria for meriting designation under Part IV, Section 29 of the Act. The applicant is aware, and supportive of, the proposed heritage designation

Designation Process

The Act enables municipalities to pass by-laws to designate properties of cultural heritage value or interest. Designation of individual properties under Section 29 of the Act is a way of publicly acknowledging a property’s value to a community and ensures the conservation of important places for the benefit and enjoyment of present and future generations. It also allows municipalities to conserve and manage properties through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

In determining whether a property is of cultural heritage value or interest, the municipality is required to evaluate the property against *Ontario Regulation 9/06 “Criteria for*

Determining Cultural Heritage Value or Interest, prescribed under Section 29(1)(a) of the Act. A property may be designated if it meets two or more of the following criteria:

1. The property has *design value* or *physical value* because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has *design value* or *physical value* because it displays a high degree of craftsmanship or artistic merit.
3. The property has *design value* or *physical value* because it demonstrates a high degree of technical or scientific achievement.
4. The property has *historical value* or *associative value* because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has *historical value* or *associative value* because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has *historical value* or *associative value* because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has *contextual value* because it is important in defining, maintaining or supporting the character of an area.
8. The property has *contextual value* because it is physically, functionally, visually or historically linked to its surroundings, or
9. The property has *contextual value* because it is a landmark.

Assessment of a property against the above criteria commonly takes the form of a heritage designation report or Heritage Impact Assessment report, where provided as part of a development application.

Designating a property under Part IV, Section 29 of the Act requires Council to issue a Notice of Intention to Designate (the “Notice”), which is served on the owner and the Ontario Heritage Trust and published in a local newspaper. As prescribed by the Act, the Notice served on the owner and the Ontario Heritage Trust include a brief description of the property and a Statement of Cultural Heritage Value or Interest; an abbreviated version of the Notice is published in the local newspapers.

The Statements of Cultural Heritage Value or Interest must include an explanation of the cultural heritage value or interest of the property and a description of the heritage attributes that embody this significance. This provides clarity to both the Town and the property owner as to which elements of the property should be conserved. Note that designation does not prevent future alterations to a property, but rather provides a guide to determine if alterations would adversely impact the heritage significance of the property.

Heritage Evaluations of the Subject Property

Using information from the Cultural Heritage Evaluation Report, staff prepared a Heritage Designation Report for the Property (Schedule B). Evaluation against O. Reg 9/06 determined that the Property meets six (6) criteria (Criteria 1, 2, 4, 5, 7 and 8), thereby meriting designation.

12542 Airport Road - The Robinson House

Statement of Cultural Heritage Value or Interest

The property's design value or physical value relates to the Robinson Farmhouse, a rare and early example of a pre-1851 brick dwelling, representative of a vernacular farmhouse with Neoclassical influences. The farmhouse is one-and-a-half storeys in height, rectangular in plan, with a medium pitched, side gable roof with pediment and end chimneys. It has a symmetrical three-bay front façade with a centre doorway flanked by two windows. Of note, the centre doorway is embellished with a molded wood jamb, a rectangular transom with extant tracery, and sidelights. Although other vernacular examples of similarly styled buildings are present along Airport Road and elsewhere in Chinguacousy Township, the Robinson Farmhouse appears to be the earliest known brick example of this type; as evidenced by the 1851 Census records, at that time the other houses in the vicinity were of log, frame or stone construction. The use of Flemish bond brick patterning on the front and side façades displays a high degree of craftsmanship.

The property has historical value and associative value for the longevity of its association with the Townrow and Robinson families, who settled in Chinguacousy Township in the 1830s-40s. The property represents one of the earliest farmsteads in the area and remained in the ownership of these two related families from 1833 to 1920. The Robinson Farmhouse was built for James and Mary Robinson sometime in the 1840s. The dwelling's unique, south-facing orientation and intact landscape setting demarcated by Salt Creek contributes to the understanding of early farmsteads that were arranged to take advantage of natural landscape features.

The property has contextual value for its contribution in defining, maintaining and visually supporting the rural character Chinguacousy Township. The setting of the Robinson Farmhouse at the east end of the property, buffered by mature vegetation and the natural features of Salt Creek, continues to reflect the rural character that once predominated the area. The property is also physically, functionally, visually, and historically linked to its immediate surroundings and other nearby historic properties. The Robinson Farmhouse faces south towards Salt Creek, a unique orientation reactive to the natural landscape rather than the more common placement facing the road. The contextual landscape of the Property is intact, including large, mature coniferous trees, mature vegetation along the Salt Creek watercourse, and the remnant historic orchard, still extant to the south and

northeast of the house. The setting of the Robinson Farmhouse is virtually unchanged from how it appears in the 1877 Peel County Atlas. It is also historically linked, through genealogical ties and construction materials, to other nearby heritage resources, including the adjacent stone dwelling at 12620 Airport Road.

Description of Heritage Attributes

Heritage attributes that convey the property's design value and physical value as a rare, early and representative example of Neoclassical architecture:

Robinson House

- Rectangular form of dwelling
- One-and-a-half storey massing
- Red brick construction
- Stone foundation
- Medium-pitched gable roof with wood soffits and fascia molding
- 3-bay front (south) façade with a centre doorway flanked by ground floor window openings on each side
- All original window and door trim and detailing, including molded wood jamb around the front centre entrance, sidelights and transom with tracery
- 3-bay rear (north) façade with evenly spaced window openings
- All original door and window openings
- Original six-over-six wood sash windows
- Wood lug windowsills
- Jack arch brick voussoirs
- End gable red brick chimneys
- Basement windows with arched brick voussoirs

Heritage attributes that convey the property's contextual value in defining, maintaining and supporting the character of the area, and linking it physically, visually and historically to its surroundings:

- Scale and massing as a single detached, one-and-a-half storey vernacular farmhouse with Neoclassical influences
- South-facing orientation of the dwelling overlooking Salt Creek
- Remnant orchard to the south and northeast of the farmhouse
- Tree-lined access laneway from Airport Road south of the farmhouse

Attributes of the property that are not considered to be of cultural heritage value or interest, or are otherwise not included in the Statement of Significance:

- One-storey contemporary frame addition with below-grade garage on the west façade
- Replacement of the original front threshold with concrete

- Modern outbuildings located to the west of the farmhouse in the cleared portion of the property

Recommendation to Issue Notice of Intention to Designate

Given the significance of the Property as outlined in the above Statement of Cultural Heritage Value or Interest and described further in Schedule B to this report, Heritage staff recommend that Council issue a Notice of Intention to Designate for 12542 Airport Road under Part IV, Section 29 of the Act. The owner of the Property is aware, and supportive of, the proposed designation.

The area to be designated by by-law will be further defined through the creation of a reference plan for the east quarter of the Property.

This report serves as consultation with Heritage Caledon as required by the Act before Council issues notice of its intention to designate a property.

Provisions for Public Objection During the Designation Process

The Act includes a mandatory 30-day public objection period following publication of the Notice of Intention to Designate. Should no objections be received during this period, Council may pass a by-law designating the Property. If objections are received, the matter is referred back to Council for a decision to either withdraw the Notice of Intention to Designate or proceed with the designation bylaw.

Amendments to the Act proclaimed July 1, 2021, require that the designating by-law be passed within 120 days of the publication of the Notice of Intention to Designate, and further that a mandatory 30-day public appeal period follow public notice of the passing of the designating by-law. If an appeal to the designating by-law is received, the matter is referred to the Ontario Land Tribunal. Should no appeals of the by-law be received, the by-law will be registered on title to the Property.

FINANCIAL IMPLICATIONS

If Council proceeds with designating the Property, the Notice of Intention to Designate and the subsequent Notice of Passing of By-law will be advertised in local newspapers and on the Town website.

The advertising costs will be funded under the Corporate Services' advertising operating budget. Costs associated with the registration of the designation by-law will be funded by Corporate Services' legal operating budget.

If a designation by-law is registered on the title of the Property, the owner will be eligible to apply for the annual Designated Heritage Property Grant (DHPG) program, which offers

Staff Report 2024-0149

matching grants of up to \$6,000 for General Conservation projects and up to \$15,000 for Priority Stream projects subject to available funding.

COUNCIL WORK PLAN

Strategic Plan 2023-2035

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Community Vitality and Livability

ATTACHMENTS

Schedule A: Location Map for 12542 Airport Road, Ward 3

Schedule B: Heritage Designation Report - 12542 Airport Road, Ward 3