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HERITAGE AND LAND USE PLANNING

In Manitoba, planning districts and municipal councils are the local planning authorities responsible for administering the development of land and resources in their designated planning areas. These local authorities prepare development plans to chart future land use and development activity for their communities. Development plans contain statements that set out goals, objectives and policies in a number of policy areas, including heritage resource management.

Development plans are reviewed and renewed regularly (usually every five years). During review, a public consultation is held and municipal officials (perhaps using advice provided by their Municipal Heritage Advisory Committee), the public, or organizations (including local heritage organizations) have an opportunity to comment on the heritage policy statement for their municipality/planning district. This is an important opportunity because the development plan and its policy statements will guide what kind of development happens and where it happens in the planning area, including changes that could pose opportunities or challenges for heritage resources.

When reviewing a heritage policy statement that is part of a development plan, in addition to ensuring that the overall statement represents the values of the community or communities in the municipality or planning district, specific consideration should be given to the following:

- Does the heritage policy statement accurately reflect knowledge of existing heritage resources? For example, does it reference any local research projects or heritage inventories (see Section 4-4)?
- Does the heritage policy statement reference any local sources of history or heritage expertise? For example, does it mention any Municipal Heritage Advisory Committees (see Section 2-2)?
- Does the heritage policy statement reference the Standards and Guidelines for the Conservation of Historic Places in Canada? The use of this tool is strongly encouraged; it represents best practice for heritage conservation and is a benchmark used by many granting agencies (see Section 4-1).

For more information about the planning process, planning districts, development plans, or heritage policy statements, contact your Municipal or Planning District office or Community Planning Services Regional Office.

- Contact information for Planning Districts: www.manitoba.ca/cgi-bin/iaf/contact_pd.pl
- Contact information for Community Planning Services Regional Offices: www.manitoba.ca/cgi-bin/iaf/contact_cps.pl



REPEALING A MUNICIPAL HERITAGE SITE DESIGNATION

Although heritage designation is undertaken with the idea that a place is significant to the entire community and deserving of long-term conservation, if, at some future time, heritage designation is no longer appropriate for the site (such as in the case of a disaster which substantially destroys a building's heritage value), a municipality may repeal the designation by-law through a process known as de-designation.

Before deciding to repeal a municipal heritage site designation, municipal councils are strongly encouraged to consult with their Municipal Heritage Advisory Committee (where one exists) and/or with the Manitoba Historic Resources Branch to determine if options other than de-designation exist.

Note that s. 147(2) of The Municipal Act specifies that the requirements that apply to passing the original by-law also apply when it is amended or repealed. Therefore, if a designation by-law is being repealed, the following actions must happen:

- notice must be served to the owner, the appropriate land titles office, and the Minister of Culture, Heritage, Tourism and Sport
- a public hearing must be held
- notice of the public hearing must be published in two newspapers or two editions of the same newspaper



CEMETERIES AS HERITAGE RESOURCES

Older cemeteries are visible, tangible links with people who made history -- ordinary individuals, as well as famous people. Whether they are simple open-space with unmarked graves or a large collection of ornate and symbolic markers, cemeteries are important places in the community that can provide places of reflection and solace, and opportunities for students of all ages to learn about previous generations. Cemeteries may also be of interest to genealogical tourists from outside the community who are searching for relatives and links to family history.

Cemetery Designation

Municipalities may designate cemeteries as municipal heritage sites using the provisions of the *Heritage Resources Act* (see sections 3-1 and 3-4). As with any heritage site, it is important that the reasons for the site's significance be understood prior to designation, in order that they can be managed and protected. Cemeteries selected for designation as municipal heritage sites typically have significant heritage value. For example, they may be associated with:

- a historically important person/family (ex. Greenway Cemetery, associated with former Manitoba Premier and the founder of Crystal City, Thomas Greenway and his family)
- an important or distinct group of people (ex. Fredensthal Cemeteries, associated with early Mennonite settlers)
- an important event that profoundly affected local history (ex. Ukrainian Pioneer Mass Grave, associated with an epidemic of scarlet fever which afflicted recent immigrants)

One of the purposes of heritage site designation is to protect a place from insensitive or harmful alterations. Generally speaking, new burials in a designated cemetery do not constitute an alteration. However, other types of work within a designated cemetery may constitute an alteration requiring consultation with the designating municipality. Well-worded descriptions of the cemetery and its built and landscape features are essential in order to provide a clear understanding of the heritage significance of these features so they can be protected from inappropriate alteration.

Like any heritage site designation, the legal owner (which may be a regional church office not located in the municipality) of the cemetery must be served notice of the intent to designate and notice of the completed designation. It is always advisable to seek the legal owner's permission and support for heritage designation.



Cemetery Improvement and Conservation

The character of a cemetery changes with the passage of time. There are active cemeteries, which accept interments, and there are inactive cemeteries - some still maintained, though closed, and others abandoned. Time also inevitably alters the landscape within and around a cemetery.

Weathering can damage monuments and structures, as can accidents, vandalism, and neglect. Well-intentioned interventions may obliterate the original relationships among carefully laid out parts of the cemetery. Maintenance costs, changing surroundings and context, and public liability are pressures facing all cemeteries. These pressures can have a negative impact on those elements that give a cemetery its value as a cultural resource. They may also result in loss of social and family history, which would be of special value to those connected to the people interred.

Because of the importance of historic cemeteries and the pressures affecting them, conservation work is sometimes needed and maintenance work occurs regularly. Conservation and maintenance work in historic cemeteries should strive to enhance the heritage values associated with the place. Good cemetery conservation projects start with a plan and use only non-destructive cleaning and repair techniques. The Manitoba Historic Resources Branch can connect individuals or organizations working on cemetery conservation with information about best practices. Planning of larger historic cemetery conservation projects may be assisted by reviewing the *Standards and Guidelines for the Conservation of Historic Places in Canada*, available through the Historic Resources Branch or from the Parks Canada Library at: www.pc.gc.ca. **Note that cemetery conservation projects must also conform to *The Cemeteries Act*.** A limited range of cemetery research and conservation projects may be eligible for provincial heritage grant funding assistance. Consult individual program guidelines or contact the Historic Resources Branch for more information.



FUNDRAISING AND GRANTS

Attracting the financial resources needed to complete projects is critical to success in the heritage field. For many municipalities and heritage organizations, grants support heritage projects that may not otherwise be feasible. Generally, grants provide a maximum of 50 per cent of eligible project budgets, so fundraising for the other 50 per cent is still necessary. In some cases, grants may not be available for your type of work or project (ex: ongoing operating costs for some facilities, for example). In these cases, the financial sustainability of a site/project may require ongoing fundraising.

Realistic thinking about budgets and possible sources are important parts of a successful business plan. Think about what you need, who can help you get it and what you might be able to give in exchange. Are there partnerships that can be formed?

For example, if what you need are building materials, is there a local business that might be able to provide them? Would they be more inclined to do so if you acknowledged their support in your brochure? Could you encourage the local media to run a good news story about them helping your project out? You can also offer a framed, formal letter of thanks to display in their business. Building partnerships where there are benefits to all takes time, but can have long-term benefits.

In addition to more traditional methods of fundraising (ex: asking for donations from individuals and businesses), bake and rummage sales, cookbook sales, etc. are creative approaches that can help differentiate your fundraising appeal from the many others out there. Some general examples include:

- corporate sponsorship or adopt-a-building
- philanthropic support
- special events such as house tours, garden tours, museum sleepovers for kids, heritage-themed dances/teas/suppers
- creation and sale of a traditional local product using traditional methods
- heritage art auction

Staff from the Historic Resources Branch can consult on fundraising strategies and provide planning resources that can help you.



Manitoba Heritage Grant List:

To help you find grant resources and determine your eligibility, consult the following Manitoba Heritage Grant List. **Contact program officials before an application, because program criteria and deadlines can change.**

Sources of Grant Information:

- The Province of Manitoba maintains a list of culture and heritage grants: www.manitoba.ca/chc/grants/ and a grant database: <http://db.cht.gov.mb.ca/GrantsDir.nsf/TableContents?OpenPage>
- Additional grant information, as well as project planning advice, may be available through Manitoba Culture, Heritage, Tourism & Sport Recreation and Regional Services Offices. Contact information: www.manitoba.ca/chc/rrs/contacts.html

General Advice for Planning and Writing Grant Applications:

- As program guidelines, eligibility and deadlines may change, always check with program staff to ensure you have the most up-to-date and correct information.
- It is always advisable to contact program staff prior to applying to discuss your project and get answers to any questions you may have. Staff may have helpful information about project planning or how to avoid common pitfalls.
- For heritage projects involving conservation or construction work, it may be helpful to review the Community Places Program's tip sheet called *Planning and Tendering Successful Building Projects*: www.manitoba.ca/chc/grants/tipsheets/planning_and_tendering_projects.pdf



SAMPLE BY-LAW DESIGNATING A MUNICIPAL HERITAGE SITE (2008 UPDATE)

Municipality of _____ By-law # ____/____

Being a By-law of the Municipality to designate the property commonly known as _____, situated in the Municipality of _____, Manitoba as being a site of architectural or historic value.

WHEREAS Section 25 of The Heritage Resources Act authorizes the council of a municipality to enact by-laws to designate a municipal site as a municipal heritage site;

AND WHEREAS the site is significant because it: [selected appropriate phrase(s)]

- Represents (information about landmark status, architectural style, building material, etc.)
- Has associations with (name of person, group, development, event, etc.)
- Is considered by the community to be (explain community importance) ;

AND WHEREAS the site has important character defining elements that should be conserved, including: (list character defining elements)

Note: See sections 3-1, 4-2 and 5-10/11 for information about assessing the significance of heritage sites and character defining elements

AND WHEREAS the council of the Municipality of _____ is therefore satisfied that the municipal site is of sufficient architectural, heritage or natural value or interest;

AND WHEREAS Section 34(1) of The Heritage Resources Act provides in part as follows:

A municipality may, by by-law, provide for:

- (a) the protection of any municipal heritage site designated or proposed to be designated under this Part, by prohibiting any or all of the things set out in clauses 12(1)(a), (b) and (c), except pursuant to a municipal heritage permit issued by the municipality or by such other means as the municipality deems advisable;
- (b) the issue, suspension and cancellation of municipal heritage permits for the purposes of clause (a);

Note: See sections 3-11, 5-8 and 5-9 for information what municipal heritage permits are and how they protect the public interest in municipal heritage sites

AND WHEREAS the council of the Municipality of _____ has caused to be served upon the minister of Culture, Heritage, Tourism and Sport, c/o Heritage Designation Officer, Historic Resources Branch, Main Floor, 213 Notre Dame Avenue, Winnipeg, Manitoba, R3B 1N3, and upon the owners and lessees of the lands and premises commonly known as _____, located at _____, a Municipal Notice of Intent to so designate the aforesaid municipal site and has caused such Notice of Intent, stating the date,



time and place for a hearing, not earlier than twenty-one (21) days after the last date of the service so prescribed in the act was made, to be held by the municipality to receive objections and other representations with respect to the proposed by-law, and has caused such Notice of Intent to be published in at least two (2) issues of a newspaper having general circulation in the municipality and having filed a copy of the Notice of Intent in the proper Land Titles or Registry Office.

AND WHEREAS no objection to the proposed designation has been served on the clerk of the Municipality.

THEREFORE, the Council of the Municipality of _____ enacts as follows:

1. The municipal site, commonly known as _____ and legally described in certificate of title no. _____ as: _____, is hereby designated as a Municipal Heritage Site pursuant to The Heritage Resources Act of Manitoba;
2. The chief administrative officer is hereby authorized to cause a copy of the Manitoba Heritage Notice in respect hereto to be served upon the minister of Culture, Heritage, Tourism and Sport, in c/o Heritage Designation Officer, and upon the owners and lessees of the said municipal site, and to cause a copy of the Municipal Heritage Notice in respect hereto to be published in at least one (1) issue of a newspaper having general circulation in the municipality.
3. The municipal site, commonly known as _____, is hereby protected by prohibiting any or all of the things set out in clauses 12(1)(a), (b) and (c) of The Heritage Resources Act except pursuant to a municipal heritage permit issued by the municipality.
4. The chief administrative officer is hereby authorized to cause a copy of this bylaw to be registered against the property legally described above hereto in the proper land registry office.

DONE AND PASSED in open council assembled at the municipal office at _____ in the Province of Manitoba this ____ day of _____, A.D. _____.

Mayor

Chief Administrative Officer

Read a FIRST time this ____ day of _____, A.D. _____

Read a SECOND time this ____ day of _____, A.D. _____

Read a THIRD time this ____ day of _____, A.D. _____

Certified a true and correct copy of bylaw No. ____/____ of the Municipality of _____.

Chief Administrative Officer



NOMINATION OF MUNICIPAL HERITAGE SITE

TEMPLATE

(Available as an electronic form by request from the Historic Resources Branch)

Complete this form to the best of your ability and submit it to your municipal office. Help in completing this form may be available from a local heritage advisory committee in your area. Check with your municipal office.

If you are completing this form electronically, to check off the yes/no boxes, left double-click on the box, then click on 'checked' and 'okay' in the pop-up window.

Note: THIS FORM IS A TEMPLATE. Your municipality may have additional requirements or use a different form. Again, check with your municipal office.

1. Applicant Information

Name _____

Address _____

Postal Code _____

Phone Res. _____ Phone Bus. _____

E-mail _____

Do you represent an organization? Yes No

Name of Organization _____

Your Title _____

Address _____

Postal Code _____

Phone _____

2. Site Information

Name of Site _____

Type of site: Building Engineering work (bridge, dam, etc.)

Archaeological Site Heritage District Cultural Landscape Other

If other, specify: _____

Address (if rural, give 1/4 section, township, range) _____

Legal Address (Lot, Block, Plan) _____



Who owns the site? _____

Name(s) _____

Address _____

Postal Code _____

Phone Res. _____ Phone Bus. _____

E-mail _____

Is the owner aware that you are requesting the building be considered for municipal heritage site designation? Yes No

It's always a good idea to discuss designation with the property owner before you send in the nomination.

3. Occupant Information

The site is: occupied unoccupied

Name of Occupant(s) _____

Phone Res. _____

Phone Bus. _____

4. Construction Information

Date of Construction: Unknown Estimated: _____ Exact: _____

Source of Construction Date _____

Previous Name(s) of Site _____

Original Owner _____

Original Architect/Firm _____

Original Contractor/Builder _____

Area of Building or Site (square footage/metres, acres, hectares, etc.) _____

5. Construction Materials (Structures Only)

Foundation: _____

Roof: _____

Exterior Materials: _____



6. Site Significance

How does this site help define the community's past?

Following are some questions to consider when developing your answer. (Most sites will only relate to one or two of these question areas.)

- **Is the site associated with an important person, family or group?** (ex: original pioneers; notable leaders like politicians, teachers, clergy or presidents of organizations; major financial figures including large merchants, factory owners and bankers; figures of authority such as judges, lawyers, doctors, school principals)

If so, how did that person or group affect the community?

- **Is the site associated with an important event?** (Events are usually defined as significant moments in time — like the signing of a document, a battle or altercation, or a disease epidemic — whose momentary impact affected history.)

If there were such an event, how did it affect the development of the community?

Did it change how people lived and worked? Did it bring special attention to the community?

- **If the designation is a building, does it represent a specific architectural style, or, contain features and qualities of a style?** If it's determined this building is a good example of a specific architectural style, can it be considered the best local example of the style?

- **If the designation is a building, does it represent traditional techniques or advances in construction, design or materials?** Was it the first local example, or the earliest remaining local example, to contain these qualities? Is it an example of traditional construction/design where the historic qualities have been preserved and/or restored and are shown off to their best effect?

- **Is the site an example of a unique place/structure that is not seen elsewhere in the community?** For example, is it a place with a specific function such as a fox farm tower, a mortuary or fairgrounds?

- **Is the site the best example of a kind of place that's common in the community?** For example, in a community where modest, 19th century, working-class houses still stand, what does the specific house you've chosen have that makes it more worthy of designation? Is the one you've chosen in the best condition, or does it display the most heritage features?

- **Does the site relate to an important phase or change in the history of the community?** For example, does it illustrate phases or changes in local commerce, government, education or religion?



Are there other ways the site relates to current community life?

Following are some questions to consider when developing your answer. (Most sites will only relate to one or two of these question areas.)

- Does the site continue to be used in everyday life? Has the historical use been maintained, or has it attained new community status as a museum or gathering place?
- Is the site considered a landmark or a beloved community feature? Some examples might be a park, or a place well known for traditional activities.
- Does the site contribute to the community's cultural, spiritual or economic well-being? For example, has the site assumed new status as a place of reflection or recreation?
- Is the site appreciated for its picturesque qualities? Other aesthetic qualities?
- Is the site a part of the community's identity? For instance, would members of the community feel a sense of loss if the building was demolished or the site eradicated?
- Is the site appreciated for its natural environment or characteristics? For example, is it a rare green space in an urban setting?

Is there anything else about the site that should be known?

Using the questions above as a guide, please describe how the site is significant.

7. Site Sustainability

Use/Re-use

Is there a current use for the site? Yes No Describe:

Is the site open to the public for visiting? Yes No

Is interpretation (ex: sign, plaque, pamphlet) available or planned at the site? Yes No

Can the public view the exterior of the site? Yes No

Condition / Integrity

What is the general condition of the site? Excellent Good Fair Poor

If the site is a structure, has it been moved from its original site? If so, where was it originally and when was it moved? _____

Has the structure been renovated or added to? If so, please describe briefly and give dates, if known.



Are there any current threats to the condition/integrity of this site? Yes No

If yes, check the appropriate box, provide details and give dates, if applicable.

demolition

vandalism

deterioration

alterations to structure

encroachment by new development

other:

Details: _____

Does the site undergo regular (ex: annual) maintenance? Yes No

Are major repairs or upgrades anticipated to be needed in the next three years? Yes No

If your project requires renovations/repairs, have you made plans to cover the associated costs?

Financial Viability

To maintain a long-term commitment to conservation, a heritage site needs to be financial viable. How will the costs associated with maintaining and conserving this site be covered? (ex: business revenue, fundraising, personal, grants)

8. Other Knowledgeable People

Please identify other knowledgeable individuals who may offer assistance in researching this site.

Name _____

Phone _____

E-mail _____

Name _____

Phone _____

E-mail _____

Please identify any known references related to your site (ex: local history book, newspaper articles, website, etc.)

9. Photos

Please attach copies of any relevant photographs (historic or contemporary) in either print or digital format.



MUNICIPAL HERITAGE SITE DESIGNATION EVALUATION

(Available as an electronic form by request from the Historic Resources Branch)

TEMPLATE

SITE NAME: _____

DATE: _____

EVALUATOR'S INITIALS: _____

PART 1: SIGNIFICANCE (11 points total)

	SCORE
1. Based on the information provided, how significant is the site? (max. 4 points) <ul style="list-style-type: none">• 4 = exceptionally significant• 3 = very significant• 2 = significant• 1 = limited significance	_____
2. Would the community agree with the reasons stated for the site's significance? (max. 3 points) <ul style="list-style-type: none">• 3 = significant to most people in community• 2 = significant to some people in community• 1 = only significant to an individual or small group	_____
SUBTOTAL "A"	_____

If you are completing this form electronically, to check off the yes/no boxes, left double-click on the box, then click on 'checked' and 'okay' in the pop-up window.

	YES	NO
3. Are the reasons for the site's significance to the community clear and understood?	<input type="radio"/>	<input type="radio"/>
4. Is there a plan to convey the site's significance to residents/visitors (perhaps by a plaque, sign, pamphlet, tour, etc.)?	<input type="radio"/>	<input type="radio"/>
5. Is the site the only/best example of its type in the community?	<input type="radio"/>	<input type="radio"/>
6. Can specific claims for significance (ex: associations with important people) be substantiated?	<input type="radio"/>	<input type="radio"/>
(1 point per "yes" answer)	SUBTOTAL "B"	<input type="radio"/>



PART 2: SUSTAINABILITY (9 points total, 1 point per “yes” answer)

	YES	NO
7. Is the site’s condition either ‘good’ or ‘excellent’?	<input type="radio"/>	<input type="radio"/>
8. Is the site occupied/used regularly?	<input type="radio"/>	<input type="radio"/>
9. Does the site have a use that is compatible with its heritage character?	<input type="radio"/>	<input type="radio"/>
10. Does the owner, or collaborating partners, have the capacity and financial resources for anticipated major repairs or upgrades?	<input type="radio"/>	<input type="radio"/>
11. Has a long-term plan for maintaining the site been developed?	<input type="radio"/>	<input type="radio"/>
12. Are there people (owner(s), volunteers) who will care for the site?	<input type="radio"/>	<input type="radio"/>
13. Is the property title free from any complications (ownership disputes, liens, caveats, encumbrances)?	<input type="radio"/>	<input type="radio"/>
14. Is the site able to be viewed by the public?	<input type="radio"/>	<input type="radio"/>
15. Are you satisfied that there aren’t other serious sustainability concerns?	<input type="radio"/>	<input type="radio"/>
SUBTOTAL “C”	—	

TOTAL (A+B+C)	—
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PART 3: ANALYZING THE RESULTS

This evaluation is designed to help you assess the suitability of a nominated site for municipal heritage designation. **Because every site and every situation is unique, this should serve as a general guide, to be supported by more detailed consideration.**

Beyond being a practical decision, municipal heritage designation is a legal recognition by a municipality that a site has significance to the community; a commitment by the owner(s)/users of the site to consider its importance in future decisions; and an awareness by both the owner and the municipality that places like this often have specific, physical characteristics (such as the location of buildings or original materials) that deserve to be protected.

Heritage site sustainability is a critical concern because it means the place, and its importance, will endure. Places with financial, human resources or physical condition challenges may benefit from further planning. Contact the Historic Resources Branch for more information.



The decision to proceed with a municipal heritage site designation is solely at the discretion of council. Heritage designation should not be taken lightly. It represents an ongoing commitment to steward the community's heritage.

Sites scoring more than 15 points	Sites scoring 10-15 points	Sites scoring less than 10 points
<p>points <i>are</i> typically good candidates for designation.</p> <ul style="list-style-type: none">• A score of more than 15 indicates that the site is of some significance, and the community appreciates, or will have the opportunity to appreciate, the site's heritage value.• In addition to being significant, the site has some measure of sustainability.	<p>may be good candidates for designation.</p> <ul style="list-style-type: none">• Major sustainability concerns should be resolved prior to designation (ex: title should be clear; if appropriate, a plan for ongoing maintenance should be in place).• If a site is considered significant (#1), but this significance is not shared by the community (#2), interpretation, communication or promotion of the site may build support for conservation.	<p>points <i>may not</i> be appropriate for designation</p> <ul style="list-style-type: none">• If a site has very serious sustainability problems, it's unlikely that it will be saved by designation alone. However, designation may form part of a larger sustainability strategy.• If a site is of limited significance, a community may not be selecting its "best" heritage site.

PART 4: RECOMMENDATION (circle one or delete those that do not apply)

- a) Proceed with designation (see the Municipal Heritage Resource Guide for a sample Council Resolution).
- b) More information is needed before an accurate evaluation can be completed (detailed explanation below).
- c) Specific concerns need to be addressed before a recommendation to proceed with designation can be made (detailed explanation below).
- d) Do not proceed with designation.

COMMENTS: _____

CONTACT: Historic Resources Branch
Manitoba Culture, Heritage, Tourism and Sport
Main Floor, 213 Notre Dame Avenue
Winnipeg, MB R3B 1N3
Phone: 1-204-945-2118 or toll free: 1-800-282-8069, ext. 2118
Fax: 1-204-948-2384
Website: www.manitoba.ca/heritage



RESOLUTION TO ADOPT THE *STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA*

Note: For more information on the *Standards and Guidelines*, contact the Manitoba Historic Resources Branch or visit: www.historicplaces.ca.

Draft Resolution for Municipal Adoption of the *Standards and Guidelines for the Conservation of Historic Places in Canada*

WHEREAS the Municipality of _____ recognizes the cultural, environmental, and economic value of historic resources located within the municipality,

AND WHEREAS conservation of these resources represents a benefit to the all citizens of the municipality,

AND WHEREAS the *Standards and Guidelines for the Conservation of Historic Places in Canada* is a pan-Canadian conservation tool which provides information on the most-up-to date approaches to conservation of historic resources,

AND WHEREAS adherence to the *Standards and Guidelines for the Conservation of Historic Places in Canada* may be a consideration for eligibility for some financial incentive programs,

NOW THEREFORE BE IT RESOLVED that the Municipality of _____ adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* for consideration during management of heritage resources owned by the municipality, and encourage other owners of heritage resources in the municipality to use them.