



Managing Historic Places



Designating Municipal Historic Resources



Municipal Heritage
Partnership Program



Canada's
Historic Places

Lieux patrimoniaux
du Canada

Government
of Alberta

Preface

Whether it's the corner coffee shop that has always served as a local gathering place or the ornate church at the centre of town with a soaring steeple, historic places are vitally important to defining a community's sense of itself. This series of publications is designed to help Alberta's municipalities create and implement local heritage programs to protect the historic places they value and wish to preserve. The following manuals describe the steps involved in establishing a municipal heritage program, and in identifying, evaluating and developing municipal historic places. It is intended to be used by municipal staff members; elected officials and heritage advisory committees; local heritage organizations and historical societies; volunteers and business organizations; heritage conservation professionals such as planners and architects; and the owners of historic properties.

This guide, comprised of the publications listed below, have been prepared as part of the Government of Alberta's Municipal Heritage Partnership Program, which supports municipal contributions to the Alberta Register of Historic Places and the Canadian Register of Historic Places. Each publication in the series describes the processes involved in identifying, evaluating and managing locally significant historic places in Alberta.

The Historic Places Initiative, a Pan-Canadian partnership of all the Provinces and Territories together with the Federal Government, has developed tools to assist communities in achieving their goals. Alberta, as a partner in the Historic Places Initiative, gratefully recognizes the support of the Government of Canada in the production of these manuals.



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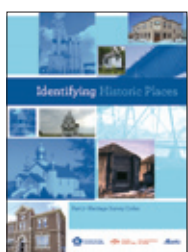
Creating a Future for Alberta's Historic Places: Identifying, Evaluating, Managing



*Identifying
Historic Places:
Part 1—Conducting
A Municipal
Heritage Survey*



*Identifying
Historic Places:
Part 2—Heritage
Survey Field Guide*



*Identifying
Historic Places:
Part 3—Heritage
Survey Codes*



*Evaluating
Historic Places:
Eligibility,
Significance
and Integrity*



*Managing
Historic Places:
Protection and
Stewardship
of Your Local
Heritage*

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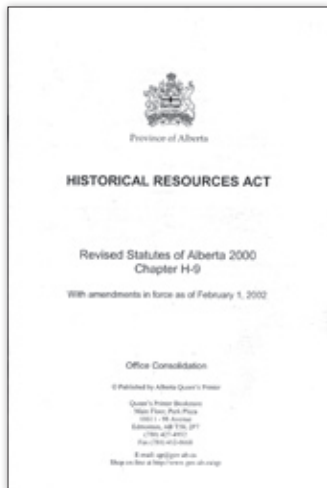
Communities across Alberta have significant historic places that citizens would like to recognize and conserve. Municipal Historic Resources are significant places designated by bylaw that are protected from unsympathetic alteration or destruction. Designation is not expropriation—it is a tool municipalities use to ensure significant places are preserved. This guide explains how to designate a Municipal Historic Resource under Alberta’s *Historical Resources Act*. It also describes the implications of designation, particularly how alteration permits are issued.



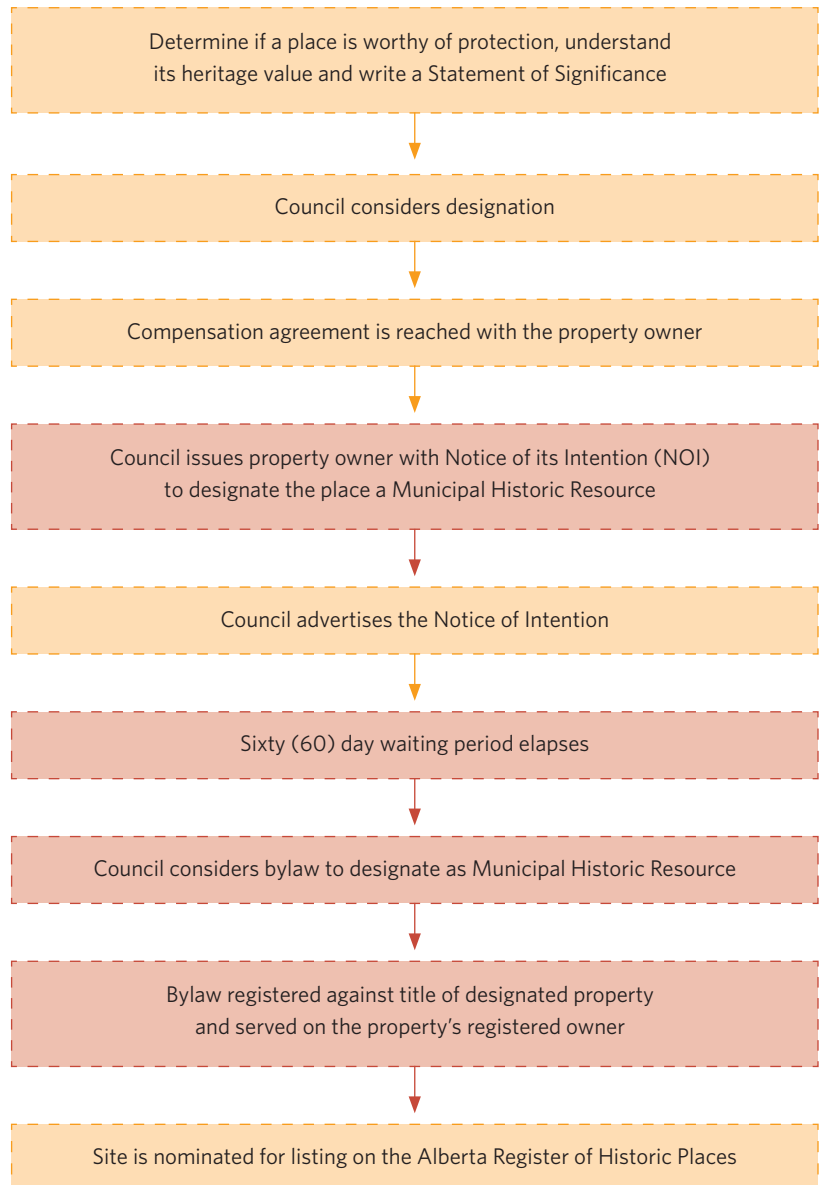
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This guide is one of a series of booklets in *Creating a Future for Alberta’s Historic Places: Identifying, Evaluating, Managing*. The *Creating a Future* series explains how municipalities identify, preserve and protect locally significant historic places. For more information, please contact the Municipal Heritage Partnership Program of the Historic Resources Management Branch of the Government of Alberta.

Designation at a Glance



- Required by the *Historical Resources Act*.
- Strongly recommended by the Municipal Heritage Partnership Program.



This guide explains:

- how municipalities designate Municipal Historic Resources;
- how designations can be amended or repealed; and
- how to review requests for permission to alter a designated place.

Overview

The *Historical Resources Act* (Revised Statutes of Alberta, 2000, Chapter H-9) empowers Alberta's municipalities to protect and conserve historic places. Municipalities are best able to identify and understand the importance of many historic places before other levels of government because they are the level of government closest to the community. Municipal Historic Resource designation protects these significant places, ensuring that they are not altered haphazardly or destroyed.

Once designated, a Municipal Historic Resource remains the property of the registered owner. Municipal Historic Resource designation does not change how a property can be used, although municipalities may re-zone the land if they wish. Law prohibits physically altering (or demolishing) a Municipal Historic Resource without the municipality's written permission. The designation is registered against the title for the property, ensuring that future owners and interest holders understand that the place is designated a Municipal Historic Resource.



Before Designation



FOR MORE INFORMATION ON WRITING
STATEMENTS OF SIGNIFICANCE,
PLEASE CONTACT THE MUNICIPAL
HERITAGE PARTNERSHIP PROGRAM AT
MHPP@gov.ab.ca.

Preserving a historic place through designation requires a long-term partnership between the property's owner and the municipality; a partnership based upon understanding the heritage value of the place.

A municipality should discuss designation with the property's owner (and any long-term lessee) before starting the designation process. Although a municipality can designate a Municipal Historic Resource against the owner's wishes, it is difficult to conserve a historic place without the owner's cooperation.

Municipalities should write a Statement of Significance (SoS) for a site before designating it. A Statement of Significance briefly explains what is being protected, why the place is valued and lists the physical, character-defining elements that must be preserved for it to retain significance.

Finalising a Statement of Significance and sharing it with the community before designating also helps prevent misunderstanding about what is being protected and why.

Writing Statements of Significance for several sites can be part of a larger inventory project, which seeks to identify and understand all potential historic places in a pre-selected area. For more information on inventories, please see the "Evaluating Historic Places" guide in the *Creating a Future for Alberta's Historic Places* manual.

Compensation



Many owners of Municipal Historic Resources have waived compensation because they are eligible to apply to the Alberta Historical Resources Foundation for financial assistance to support approved conservation work if the resource is listed on the Alberta Register of Historic Places.

The *Historical Resources Act* empowers owners to seek compensation from the municipality for any "decrease in economic value" resulting from the designation of their property. A municipality should discuss compensation with the owner before starting the designation process. If the owner and municipality cannot agree on compensation once the site is designated, the owner may refer the matter to the Land Compensation Board for a binding decision.

Owners can be compensated for a decrease in economic value by grant, tax abatement, or any other mutually agreed upon means. Municipalities have offered non-fiscal compensation, such as zoning relaxations, fee waivers and parking allowances. The only requirement is that the municipality and owner agree to the compensation, and that the agreement be in writing.

The Designation Process



This guide is not a substitute for the legislation itself, which you should consult. You may also wish to speak with your lawyer before designating a Municipal Historic Resource. He or she will be able to offer advice tailored to your particular situation.



Section 26 of the *Historical Resources Act* describes the legal framework that covers Municipal Historic Resources. Section 27 of the Act defines Municipal Historic Area designation. Municipal Historic Resources and Municipal Historic Areas are both designated through a special bylaw process. Section 28 discusses how compensation agreements are negotiated.

Municipal councils designate Municipal Historic Resources through a special bylaw process described in the *Historical Resources Act*. The council gives the owner written notice of its intention to designate their historic place. The council must then wait at least 60 days before considering the designation bylaw. When it is passed, the bylaw is registered against the title to the designated property and served on the owner.

It is important that the owners of the property, and any long-term lessee, understand the implications of Municipal Historic Resource designation before council proceeds with a bylaw. Municipalities should provide these stakeholders with a single point of contact, ideally someone who is able to answer questions about the designation process, the implications of designation and what the municipality hopes to accomplish through designation.



Step 1: The Notice of Intention

The formal designation process begins when council considers the proposed designation. If a majority wish to proceed, council passes a motion directing that written notice of its intention to designate be served on the property's registered owner. This must occur at least sixty days before council considers a designation bylaw.

The *Historical Resources Act* does not provide a template for the notice of intention, although the law does require that notice be in written form and include:

- the legal land description of the area included in the proposed designation; and
- a declaration stating council's intention to consider a bylaw to designate the property as a Municipal Historic Resource pursuant to the *Historical Resources Act*.

Although not required by law, it is strongly recommend that the Notice of Intention also include:

- the name by which the place is commonly known;
- a copy of the Statement of Significance;
- the name of a municipal official who can answer questions; and
- an invitation to address council on the proposed designation.

Many municipalities choose to advertise the notice. Although not required, advertising helps to ensure that a designation has informed public support.

Once the Notice of Intention has been served on the property's owner, the site cannot be altered without council's permission for the next one hundred twenty days. This ensures that the property is protected during the designation process.





Step 2: Designation Bylaw

Designation occurs when council passes a bylaw declaring the site a Municipal Historic Resource pursuant to the *Historical Resources Act*. A council may not consider a bylaw until the sixty day notice period has elapsed.

A designation bylaw under the *Historical Resources Act* must include:

- the legal description of the property, which must be within the municipality and cannot include any property not mentioned in the notice of intention; and
- a declaration that the property is being designated a Municipal Historic Resource pursuant to the *Historical Resources Act*.



Although not legally required, it is recommended that the bylaw also include:

- the name by which the place is known;
- the heritage value and character-defining elements sections from the Statement of Significance;
- a statement that proposed changes to the property need to be approved by the municipality before work proceeds;
- a statement that proposed alterations will be evaluated by the municipality using the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Once the sixty day notice period has expired, the council can proceed with the designation bylaw, which is considered in the same manner as a regular bylaw.

Step 3: After the Bylaw is Passed

A designation bylaw must be registered in the appropriate land titles office against the title for the designated property, as soon as possible, after the bylaw is passed. This ensures that anyone with an interest in the property understands that it is a Municipal Historic Resource. The law also requires that a certified copy of the bylaw be served on the registered owner of the property. If the Statement of Significance is incorporated into the bylaw, present and future owners will understand what the municipality expects to conserve.

Step 4: Listing on the Alberta Register of Historic Places

Although not required, municipalities are encouraged to nominate Municipal Historic Resources for listing on the Alberta Register of Historic Places. In order to do so, the municipality must submit a copy of the bylaw and the Statement of Significance, and some other documentation, to the Registrar of Historic Places. For more information on this process, contact the Municipal Heritage Partnership Program.



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Amending or Repealing Municipal Historic Resource Designations

A bylaw to amend a Municipal Historic Resource designation bylaw that does not affect the legal description of the designated parcel can be amended using the regular bylaw process.

Bylaws that amend the legal description must follow the same process as a designation bylaw. Bylaws that change the legal land description of a designated parcel or change the Statement of Significance should be registered at the land titles office. The municipality should also supply the Municipal Heritage Partnership Program with a copy of the bylaw and update the site's entry on the Alberta Register of Historic Places.

Municipal Historic Resource bylaws can be repealed. To do so, council must pass a bylaw repealing the designation bylaw. If passed, the *Historical Resources Act* requires that the bylaw be served on the registered owner of the property. The municipality must also discharge the designation bylaw from the land titles registry.



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After Designation: Conserving a Historic Resource Over the Long Term

Designation is a tool municipalities use to conserve significant places. A Municipal Historic Resource cannot be altered without the municipality's permission. The law requires that the owner (or lessee) of a Municipal Historic Resource obtain written permission from the municipality before altering the site in any way.



Approving Alterations to Municipal Historic Resources



Council approves, conditionally approves, or denies alteration permit applications by motion. Council may delegate the power to review and approve alteration permits to municipal staff. To do so, council must pass a motion or bylaw stating who has been appointed, by position or name, and what power has been delegated. The motion or bylaw should state that the authority is delegated pursuant to the *Historical Resources Act*.



The *Standards and Guidelines for the Conservation of Historic Places in Canada* offers straightforward and practical guidance for good conservation. When used in conjunction with the Statement of Significance, it is an excellent resource for evaluating alteration permit applications. Please contact the Municipal Heritage Partnership Program for guidance on how to evaluate a proposed alteration using the *Standards and Guidelines*.

The law requires that the owner or lessee seek written permission before commencing work. Municipalities may wish to develop a standardised form to ensure they receive all the information needed to evaluate the application. The municipality must clearly understand why the place is valued, what the applicant is proposing to change, and what the proponent is trying to accomplish through the proposed work.

The application should explain what the proponent is planning to alter and why alteration is needed. Applicants should be encouraged to review the Statement of Significance and be mindful of how their proposal will affect the place's character-defining elements.

The municipality must review alteration permit applications in a reasonable time, but the grounds for denying permission are broad. Alteration permits may be approved unconditionally, approved with conditions or denied completely.

Municipalities should encourage owners to discuss a project with them before filing an alteration permit application. There are usually several ways to meet the needs of the place's owner, many of which may involve less invasive changes. For detailed guidance on how to approach a construction or rehabilitation project related to a historic place, consult the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Other Questions

The Municipal Heritage Partnership Program exists to help municipalities conserve their historic places. If you have questions, please do not hesitate to contact the program officers at:

Historic Resources Management Branch
8820 – 112 Street
Edmonton AB T6G 2P8

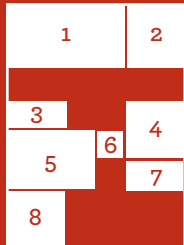
Phone: 780-431-2300 Fax: 780-427-5598
Email: MHPP@gov.ab.ca

IMAGES:

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1. Frank Slide, Crowsnest Pass
2. Canadian National Railway Station, Vegreville
3. Calgary City Hall, Calgary
4. Head Smashed-In Buffalo Jump
5. Brooks Aqueduct
6. St. Norbert's Roman Catholic Church, M.D. of Wainwright
7. Rumsey Cairn
8. Town Office, Vegreville
9. Thomson Brothers Block, Calgary
10. Hudson Bay Company Factor's House, Fort Vermillion
11. Central High/Dr. Carl Safran School, Calgary
12. Rutherford House, Edmonton
13. Bank of Montreal, Calgary
14. Gleichen Water Tower, Gleichen
15. Nordegg/Brazeau Collieries Mine Site, Clearwater County
16. Haultain School, Calgary
17. Cronquist Residence, Red Deer

COVER IMAGES:



1. Calgary City Hall, Calgary
2. Nordegg / Brazeau Collieries Mine Site, Clearwater County
3. D.U. Ranchlands Cabin, M.D. of Pincher Creek
4. Magrath Mansion, Edmonton
5. Rutherford House, Edmonton
6. C.O Card House, Cardston
7. Canadian Imperial Bank of Commerce Building, Donalda
8. Central Memorial Library, Calgary