

**Cultural Heritage Evaluation Report
Embryo Conservation Area
843970 Road 84, Part Lot 15, Concession 4
Township of Zorra, Oxford County, Ontario**

Prepared for:

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Project No: 2021-176

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EXECUTIVE SUMMARY

The Upper Thames River Conservation Authority (UTRCA) engaged TMHC Inc. (TMHC) to produce a Cultural Heritage Evaluation Report (CHER) that considers the potential cultural heritage value or interest of the eastern parcel of the Embro Conservation Area that includes the Embro Dam, in the Township of Zorra, Oxford County (the "Subject Site") and the potential heritage impacts of any future changes that may occur to the Embro Dam deriving from recommendations emerging from an ongoing Conservation Ontario Class Environmental Assessment (EA) that is currently being completed. The EA was launched due to significant concerns with the structural integrity and hydraulic capacity of the dam. The objective of the EA was to identify, evaluate, and recommend alternatives that will allow the UTRCA to remediate safety concerns for the dam.

Section 2.1 of the Oxford County Official Plan addresses planning principles. Section 2.1.2 speaks specifically to heritage, acknowledging:¹

- The promotion of cultural heritage awareness and education will be achieved by ensuring significant built heritage resources, significant cultural heritage landscapes and significant archeological resources are conserved and, where possible, enhanced through appropriate planning and urban design measures;

and that planning will:

- Encourage a sense of place by promoting well designed built form and cultural planning, and by conserving features that help define character, including heritage resources.

Section 3.3 of the Official Plan identifies various planning objectives, including those for heritage management and preservation:

- 3.3.1 Goals for Cultural Resource Policies - County Council shall adopt a comprehensive approach toward maintaining the cultural heritage of the County through the land use planning process. This approach shall also consider the humanmade hazards associated with past development, requiring mitigation in order to maintain public health and safety.

County Council and the Area Councils will strive to:

Facilitate a safe and healthy environment by identifying various human-made constraints on land and related resources and by applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of development.

Aid the conservation of the County's heritage resources by supporting conservation initiatives in Area Municipalities, integrating conservation of heritage resources into the County planning process, and providing leadership through proper stewardship of County-owned heritage resources.

- 3.3.2 Heritage Resources - County Council and Area Councils shall encourage the preservation and enhancement of properties or areas of historic, architectural, and/or archaeological interest. This will be accomplished through:

¹ Oxford County 2021



the establishment of land use policies and regulations to preserve and protect archeological and *heritage resources*.

To encourage initiatives for the preservation and enhancement of the heritage resources including buildings, structures, sites, landscapes and heritage conservation districts in the County.

This CHER is intended to provide a heritage evaluation of the Subject Site against the criteria set out by the *Ontario Heritage Act (OHA)*'s O.Reg. 9/06.

The Subject Site is the eastern parcel of the Embro Conservation Area that includes the Embro Dam, the Embro Pond, a portion of the trailed area, lawns, and a pavilion. It is located in Zorra Township, Oxford County. The Subject Site is owned by the UTRCA.

The Subject Site is listed as a "Natural Area and Park" on the Oxford County Heritage Resources Inventory, which was last updated in 2006, but it has not been designated under Part IV or Part V of the OHA. There are no National Historic Sites, Ontario Heritage Trust-owned properties, conservation easements, or Provincial Heritage Properties present on or adjacent to the Subject Site as verified by the Ontario Heritage Trust and the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI).

Evaluation of the Subject Site against the O.Reg. 9/06 criteria concluded that the Subject Site does not meet the criteria.



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ACKNOWLEDGEMENTS

Upper Thames River Conservation Authority	John Dony Chris Tasker
Ministry of Heritage, Sport, Tourism and Culture Industries	Karla Barboza
Ontario Heritage Trust	Kevin DeMille
Zorra Township	Spencer McDonald
Embroidery Pond Association	Lana Coghill
Oxford County Archives	Liz Dommasch



TERRITORIAL ACKNOWLEDGEMENT

The Subject Site is located on the traditional territory of the Anishinaabe and Haudenosaunee (Iroquois), peoples. This territory is covered by the Huron Tract Purchase (Treaty No. 29). This land continues to be home to diverse Indigenous peoples (e.g., First Nations, Métis and Inuit) whom we recognize as contemporary stewards of the land and vital contributors of our society.



ABOUT TMHC

Established in 2003, with a head office in London, Ontario, TMHC provides a broad range of archaeological assessment, heritage planning, and consultation services throughout the Province of Ontario, founded on over forty years of progressive and responsible experience. We provide consulting services for First Nations communities, municipal heritage planning and training, public outreach and educational programs, and have established specialties in community engagement, cemetery investigations, faunal analysis and ground penetrating radar surveys. Since TMHC's inception, we have evolved with the needs of our clients, the demands of the regulatory environment, and the growth in the industry.

Since 2004, TMHC has held retainers with Infrastructure Ontario (formerly the Ontario Realty Corporation), Hydro One and the Ministry of Transportation (Southwest and Central regions) and the City of Hamilton. In 2011, TMHC was awarded five-year Vendor of Record contracts with Infrastructure Ontario for Central Region and Southwest Region. In 2016, TMHC was successful in renewing this contract for the entire province and for an additional five years. In 2013, TMHC earned the Ontario Archaeological Society's award for Excellence in Cultural Resource Management.

KEY STAFF BIOS

Holly Martelle, PhD., Principal

Holly Martelle earned a Ph.D. from the University of Toronto for on her research on Iroquoian populations in southern Ontario. In addition to 16 years of experience in the road building and aggregate industries, Holly has worked as a Heritage Planner at the now MHSTCI and has taught at several universities throughout the province. Over her career Holly has managed the archaeology for a number of high-profile projects on behalf of various municipalities, ministries and their agencies in Ontario.

Holly is an active member of the heritage community in Ontario and a Past-President of the Ontario Archaeological Society.

Joshua Dent, PhD., CAHP Project Manager & Community Relations Coordinator

Joshua (Josh) Dent received a Ph.D. in Anthropology from Western University under a Joseph-Bombardier CGS Scholarship in 2016, and specializes in heritage resource management, archival research and heritage regulations. Since relocating to London, Ontario after experience conducting built heritage assessments in Western Canada, Josh has participated in both the not-for-profit advocacy for and municipal oversight of built heritage resources and cultural landscapes. His role as a resource member of the London Advisory Committee on Heritage (LACH) provided significant insight into municipal heritage review processes and the composition of successful built heritage assessments and research. With TMHC, he has participated in the background research for and field assessment of cultural heritage assessment projects across Southwestern Ontario. With extensive field and archival research experience and a broad personal network of urban planners, historians and institutions, Josh is well-equipped to produce comprehensive land-use histories and field assessments.



STATEMENT OF QUALIFICATIONS AND LIMITATIONS

The attached Report (the “Report”) has been prepared by Timmins Martelle Heritage Consultants Inc. (TMHC) for the benefit of the Client (the “Client”) in accordance with the agreement between TMHC and the Client, including the scope of work detailed therein (the “Agreement”).

The information, data, recommendations and conclusions contained in the Report (collectively, the “Information”):

- is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the “Limitations”);
- represents TMHC’s professional judgment in light of the Limitation and industry standards for the preparation of similar reports;
- may be based on information provided to TMHC which has not been independently verified;
- has not been updated since the date of issuance of the Report and its accuracy is limited to the time period and circumstances in which it was collected, processed, made or issued;
- must be read as a whole and section thereof should not be read out of such context;
- was prepared for the specific purposes described in the Report and the Agreement.

TMHC shall be entitled to rely upon the accuracy and completeness of information that was provided to it and has no obligation to update such information. TMHC accepts no responsibility for any events or circumstances that may have occurred since the date on which the Report was prepared and, in the case of subsurface, environmental or geotechnical conditions, is not responsible for any variability in such conditions, geographically or over time.

TMHC agrees that the Report represents its professional judgement as described above and that the Information has been prepared for the specific purpose and use described in the Report and the Agreement, but TMHC makes no other representations, or any guarantees or warranties whatsoever, whether express or implied, with respect to the Report, the Information or any part thereof.


Except (1) as agreed to in writing by TMHC and Client; (2) as required by-law; or (3) to the extent used by governmental reviewing agencies for the purpose of obtaining permits or approvals, the Report and the Information may be used and relied upon only by Client.

TMHC accepts no responsibility, and denies any liability whatsoever, to parties other than Client who may obtain access to the Report or the Information for any injury, loss or damage suffered by such parties arising from their use of, reliance upon, or decisions or actions based on the Report or any of the Information (“improper use of the Report”), except to the extent those parties have obtained the prior written consent of TMHC to use and rely upon the Report and the Information. Any injury, loss or damages arising from improper use of the Report shall be borne by the party making such use.


This Statement of Qualifications and Limitations is attached to and forms part of the Report and any use of the Report is subject to the terms hereof.



QUALITY INFORMATION

Report prepared by: 
Hayden Bulbrook, M.A.
Cultural Heritage Specialist

Report reviewed by: 
Joshua Dent, Ph.D., CAHP
Project Manager

Report reviewed by: 
Holly Martelle, Ph.D.
Principal



I INTRODUCTION

I.1 Report Scope and Purpose

The Upper Thames River Conservation Authority (UTRCA) engaged TMHC Inc. (TMHC) to produce a Cultural Heritage Evaluation Report (CHER) that considers the potential cultural heritage value or interest of the eastern parcel of the Embro Conservation Area that includes the Embro Dam, in the Township of Zorra, Oxford County (the "Subject Site") and the potential heritage impacts of any future changes that may occur to the Embro Dam deriving from recommendations emerging from an ongoing Conservation Ontario Class Environmental Assessment (EA) that is currently being completed. The EA was launched due to significant concerns with the structural integrity and hydraulic capacity of the dam. The objective of the EA was to identify, evaluate, and recommend alternatives that will allow the UTRCA to remediate safety concerns for the dam.

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- The promotion of cultural heritage awareness and education will be achieved by ensuring significant built heritage resources, significant cultural heritage landscapes and significant archeological resources are conserved and, where possible, enhanced through appropriate planning and urban design measures;

and that planning will:

- Encourage a sense of place by promoting well designed built form and cultural planning, and by conserving features that help define character, including heritage resources.

Section 3.3 of the Official Plan identifies various planning objectives, including those for heritage management and preservation:

- 3.3.1 Goals for Cultural Resource Policies - County Council shall adopt a comprehensive approach toward maintaining the cultural heritage of the County through the land use planning process. This approach shall also consider the humanmade hazards associated with past development, requiring mitigation in order to maintain public health and safety.

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Aid the conservation of the County's heritage resources by supporting conservation initiatives in Area Municipalities, integrating conservation of heritage resources into the County planning process, and providing leadership through proper stewardship of County-owned heritage resources.

² Oxford County 2021



- 3.3.2 Heritage Resources - County Council and Area Councils shall encourage the preservation and enhancement of properties or areas of historic, architectural, and/or archaeological interest. This will be accomplished through:

the establishment of land use policies and regulations to preserve and protect archeological and *heritage resources*.

To encourage initiatives for the preservation and enhancement of the heritage resources including buildings, structures, sites, landscapes and heritage conservation districts in the County.

This CHER is intended to provide a heritage evaluation of the Subject Site against the criteria set out by the *Ontario Heritage Act (OHA)*'s O.Reg. 9/06.

1.2 Methodology

This CHER was prepared in accordance with the Ontario Heritage Toolkit's guide to Heritage Property Evaluation and the OHA's O.Reg. 9/06.

For the purposes of preparing this report, Josh Dent and Hayden Bulbrook of TMHC visited the Subject Site in August 2021.

A full list of sources is included in Section 8.0 of this CHER.

1.3 Client Contact Information

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2 SITE DESCRIPTION

2.1 Location and Physical Description

The Subject Site is located on Lot 15, Concession 4 in Zorra Township, Oxford County and comprises the eastern parcel of the Embro Conservation Area. The nearest community is Embro, located approximately 3 km south. The entrance to the Subject Site is located on County Road 84 (County Road 16). The eastern parcel of the Embro Conservation Area comprises the Embro Dam, the Embro Pond, a portion of the trailed area, lawns, and a pavilion. The Embro Dam is located on Spring Creek (or Youngsville Drain). Spring Creek eventually flows into the Middle Thames River as a tributary of North Branch Creek (Mud Creek Watershed).³ A culvert is located under County Road 84, which is at the north end of the creek. A drain and spillway are located near the southeast corner of the pond and are flanked by an embankment.

County Road 84 forms the northern boundary of the Subject Site with a laneway and residence, as well as a portion of agricultural land, bordering the northeastern boundary. A forested area surrounds the southern half of the Subject Site as well as the entire western border. Forested areas, including trails, comprise a significant footprint within the Subject Site. The Embro Pond is situated within the northeastern corner of the Subject Site.

The dam, pond, and surrounding area have served as recreational sites since 1959 when the Conservation Area officially opened.

2.2 Heritage Status

The Subject Site is listed as a “Natural Area or Park” on the Oxford County Heritage Resources Inventory, which was last updated in 2006, but it has not been designated under Part IV or Part V of the OHA. There are no National Historic Sites, Ontario Heritage Trust-owned properties, conservation easements, or Provincial Heritage Properties present on or adjacent to the Subject Site as verified by the Ontario Heritage Trust and the MHSTCI.

³ Ecosystem Recovery Inc 2017:4. Ecosystem Recovery Inc noted that Spring Creek “is also commonly referred to as Youngsville Drain.” The 1876 *Atlas of the County of Oxford* referred to it as Spring Brook Creek. For consistency, it is referred to in this report as Spring Creek except when specific reference is made to the 1876 *Atlas of the County of Oxford*.



Map I: Location of Subject Site on a 2020 Aerial Photograph (annotated by TMHC)

3 HISTORICAL RESEARCH & ANALYSIS

This section includes a historical overview for the Subject Site. The Subject Site was once part of West Zorra Township, Oxford County; the early historical context discussion refers to this previous jurisdiction.

3.1 Historic Context: Indigenous Settlement and Treaties

Indigenous peoples have used the lands that are now known as Oxford County for thousands of years. Prior to the displacement caused by early European settlement, this area was actively used for hunting and resource procurement by a number of Anishinaabe peoples. The area which became West Zorra Township was part of the Huron Tract, approximately 2.76 million acres of land subject to Provisional Treaty No. 27 ½ between the local Chippewa nations and the British Crown signed on April 26, 1825.⁴ An earlier 1819 agreement was never realized and for six years the territory remained in limbo. The provisional treaty was finally reached as a result of John Galt's intention to form the Canada Company which required one million acres of land to sell to prospective settlers.⁵

The Chippewa nations transferred most of the Huron Tract to the Crown but maintained their territories in four reserve lands along the St. Clair River and on the shores of Lake Huron near Kettle Point and the Ausable River (River aux Sable). These reserves would become the Aamjiwnaang First Nation and the Chippewas of Kettle and Stony Point First Nation. The agreement was formalized in 1827 through Treaty No. 29.⁶

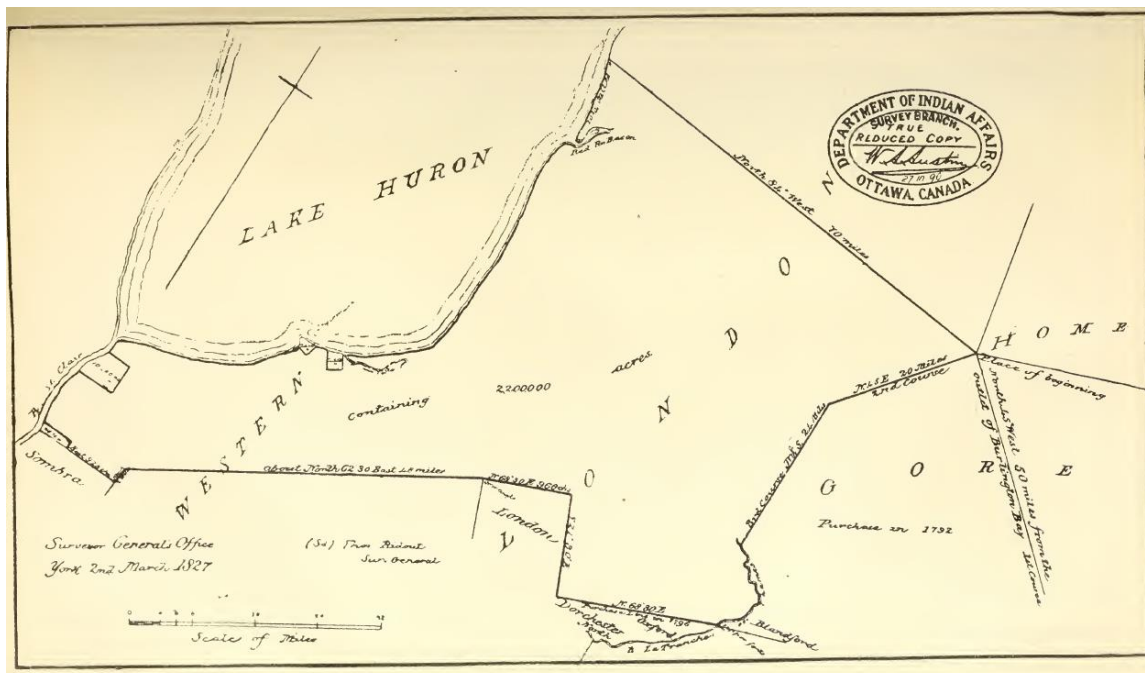


Image 1: Map of the Huron Tract Treaty (Canada 1891:73)

⁴ Surtees 1984

⁵ Surtees 1984

⁶ Canadian Legal Information Institute 2000; Duern 2017



3.2 Historic Context: Early Municipal Settlement

3.2.1 19th Century and Municipal Settlement

Historically the subject property fell within Lot 15, Concession 4, Geographic Township of West Zorra, Oxford County, Ontario. A brief discussion of 19th century settlement and land use in the township is provided below.

3.2.2 Oxford County

What was to become Oxford County began developing before it was formally established as a municipality.⁷ In 1793, it drew the attention of the Lieutenant Governor of Upper Canada, John Graves Simcoe, who was led here by Indigenous guides following a trail between Brantford to what is now Beachville on the Thames River.⁸ The site was the highest point of navigation for Indigenous canoes and the western end of the northern portage trail over the Grand River. He envisioned great things for the stretch of good land with waterpower ideal for milling sites that would attract settlers.⁹ Simcoe's surveyor, Augustus Jones, surveyed the district along the Thames River, which was later divided into North, West, and East Oxford Townships. By 1798, lots were made available for settlement along the river and the first families arrived. The first settlers homesteaded near the river and along the first and second concessions of West Oxford and the fourth and fifth concessions of East Oxford, particularly along the Old Stage Road (including Dodge Line), an early road constructed on an old Indigenous trail.¹⁰

Many of the earliest settlers in Oxford County were military personnel and United Empire Loyalists, some of whom were rewarded for their loyalty to the British Crown through free land grants. Many grantees did not settle in Oxford County and instead sold their land for profit. Others settled here and were encouraged to do so by the government who sought to establish a loyalist presence in the County. Some of the earliest grants were to military personnel who had assisted Simcoe in the cutting of the integral military and settlement road known later as the "Governor's Road," now Highway 2 or Dundas Street.¹¹ Simcoe offered grants for large tracts of land to many loyal associates with the promise that they would be responsible for attracting large groups of people to settle the Oxford townships, making improvements and maintaining roads, thereby encouraging the immigration of additional settlers.¹² Thomas Ingersoll and Thomas Hornor were two individuals who received large land grants.¹³ By 1817, Oxford County had a population of 530 persons, two saw mills and a grist mill, although settlement was in such early stages that there were no schools, churches or jails yet established. Many of the earliest groups of settlers to Oxford County were from the British Isles.¹⁴

Throughout the early years of settlement and even beyond the 1837 Rebellion, the government was strategic in seeding ex-military men throughout Oxford County to ensure British loyalty and counter potentially seditious American sentiment. Three men in particular were important for guiding settlement in the County and in Woodstock specifically. They were Vice Admiral Henry Vansittart, Captain Andrew Drew, and Reverend William Betteridge, a former interpreter for the Duke of Wellington. Early on, Vansittart and Drew formed a

⁷ Dawe 1980:3

⁸ Dawe 1980:3

⁹ Whitwell 1978:26

¹⁰ Whitwell 1978:26

¹¹ Byers and McBurney 1982:5

¹² Byers and McBurney 1982:60

¹³ Hotson 1984:2; Byers and McBurney 1982:6

¹⁴ Symons 1997:8



partnership, founded on their years of service together. Their relations would later sour, although both men would be instrumental in driving the growth of settlement and services in the County.¹⁵

There was some delay in opening up portions of the County due to the fact that significant tracts (including all of Blandford Township) were initially set aside as either school or clergy reserves. In 1854, the government released a significant amount of these reserve lands attracting new settlement.¹⁶

3.2.3 West Zorra Township

Zorra Township was first created in 1821 by an Act of Parliament and, alongside Nissouri Township, was added to Oxford County. It had been surveyed a year prior by Shubal Parke.¹⁷ Zorra Township was divided into East Zorra and West Zorra in 1845.¹⁸ In 1852, the township was estimated to be 56,400 acres in size with three sawmills, two grist mills, one wheat and barley mill, one oat mill, one carding and fulling mill, and a tannery.¹⁹

Embro became a separate municipality in 1838 but was not formally considered a village until 1885.²⁰ By 1881, Embro sat on the east halves of Lots 11 and 12, Concession 4, and the west halves of Lots 11 and 12, Concession 5.²¹ At this point the village was well established with multiple churches, a school, three physicians as well as “several mercantile establishments and workshops in the various branches of trade, a flaxmill, three flouring and grist-mills, two oatmeal-mills, [and] an ashery.”²² Since 1853, it was also the site of the West Zorra Agricultural Society.²³ Despite a charter in 1879 to build a railway from Woodstock through Embro to Lake Huron, a line under was not completed until 1909.²⁴ This line was built and operated by the St. Marys and Western Ontario railway Company which incorporated in 1905, and was connected to the Canadian Pacific Railway line at a point between Woodstock and London.²⁵ As was common in Southwestern Ontario townships, Embro became a local hub to refine agricultural products and timber in the middle and late-19th century, its existence the result of its location along water.

In 1975, West Zorra was amalgamated with East Nissouri Township and North Oxford Township to form Zorra Township in a process that reduced the number of municipalities from 18 to 8.²⁶

3.3 Local Property History

The Subject Site is located on Lot 15, Concession 4 in Zorra Township, Oxford County within the eastern parcel of the Embro Conservation Area. This lot is listed in the 1857 *Tremaine's Map of Oxford County* and had been divided into a 100-acre eastern section occupied by George Sutherland and two 50-acre western sections occupied by S. McKay and R. Flinn.

¹⁵ Byers and McBurney 1982:234-5

¹⁶ Hotson 1984:3

¹⁷ Williams 1992

¹⁸ Shenston 1852:173

¹⁹ Shenston 1852:173

²⁰ Williams 1962b

²¹ Crotty & Dart 1881:191

²² Crotty & Dart 1881:192

²³ Crotty & Dart 1881:192

²⁴ Sutherland:7; Ross 1909:97-8. W.A. Ross gave a more accurate date of July 1st, 1908 rather than the Sutherland's date of 1909

²⁵ Ross 1909:97-8

²⁶ Dale: 8; Heroes of Zorra 2013



3.3.1 Lot 15, Concession 4, West Zorra Township

The patent for Lot 15, Concession 4 in the Township of West Zorra was first granted to Margaret Ameliya in 1822.²⁷ In 1825, the lot was sold to Edward Burrell and in 1836 Edward Burrell sold the lot to William Sutherland.²⁸ In 1845, William Sutherland leased 20 acres of the lot to James Munro, at which point a mill pond was referenced along the creek running through the lot.²⁹ The 1857 historic atlas showed a George Leonard occupying the lot and a grist mill was identified.³⁰

An excerpt published in the London Free Press in 1960 suggests that the millpond was started by James Munro in the 1880s.³¹ However, *Embro and Zorra, 1858-1983: A Pictorial* suggests that James Munro settled along Spring Creek with his wife Euphemia Gordon in 1830 and “built a dam and a small flour and grist mill which they had in operation by 1840.”³² This timeline appears to be more logical as James Munro is shown to have died in 1856.³³ His death notice listed him as a miller.³⁴ A Mrs. Munro was listed as the proprietress of the Spring Creek Mills on Lot 15, Concession 4 in the 1862 directory.³⁵ Ellie Munro was listed as a 46-year-old, Scottish-born, miller living with six children in a one-storey log home.³⁶ Ellie Munro’s eldest son, David Munro, was also listed on the 1862 directory as a miller on Lot 15, Concession 4.³⁷

Both William Sutherland and George Leonard were described as farmers in court documents in 1860.³⁸ William Sutherland leased the western half of Lot 15, Concession 4 to George Leonard in 1855 for an eight-year term; however, a 37-acre parcel continued to be occupied by William Sutherland.³⁹

In 1869, William Sutherland died and willed part of the lot, totaling 118 acres, to Thomas Sutherland, who likely inherited the lease of the mill lot assigned to Ellie Munro.⁴⁰ The 1876 *Atlas of the County of Oxford* shows a grist mill on the east side of a fork between what was known as “Spring Brook Creek” (Spring Creek or Youngsville Drain, as it is known today) and Connor’s Creek (Embro Creek).

In 1889, Thomas Sutherland & William Everett sold a parcel totaling 11 and 42/100 acres to the Estate of John Duncan, deceased, for an undisclosed amount. In 1890, James Munro and George Hood, executors of John Duncan, sold the parcel to John McKay.⁴¹ In 1891, John McKay sold the parcel to David Ross for an undisclosed amount. The Tweedsmuir history contests this date, stating that, “in 1888 D.R. Ross acquired the Spring Creek property, rebuilt the mill and operated it for some years before selling.”⁴²

²⁷ Land Registry

²⁸ Land Registry

²⁹ Land Registry

³⁰ Land Registry

³¹ *Embro Tweedsmuir Pond History*, Sourced from Oxford County Archives:99

³² *Embro and Zorra, 1858-1983: A Pictorial* 1983:24

³³ Oxford County Library 2019a

³⁴ Oxford County Library 2019b

³⁵ ARA 2015:16-17

³⁶ 1861 Census; Item # 74205

³⁷ Sutherland 1862:103

³⁸ Robinson 1860:301

³⁹ Robinson 1860:301

⁴⁰ Land Registry

⁴¹ Land Registry

⁴² *Embro Tweedsmuir Pond History*, Sourced from Oxford County Archives:99



In 1907, the Spring Creek Mill, was sold to the Ontario Cereal Company.⁴³ Shortly after, the Spring Creek Mill and dam were no longer remaining but the original miller's house survived "for many years."⁴⁴

In 1929, Robert Ross et al. granted the parcel to Craig McKay, as trustee. Later that same year Craig McKay, as trustee, sold the parcel to Frederick Harris for \$600.⁴⁵ In 1949, Frederick and Francis Harris granted the lot to Charles and Margaret Harris.⁴⁶

In 1958, the UTRCA acquired the Embro Dam from Charles and Margaret Harris for \$2,500 and the following year the dam was reconstructed.⁴⁷

3.4 History of the Subject Site

The Subject Site's has been documented through various sources and a basic history has been constructed. It is unclear when the Embro Dam and Pond were originally constructed; however, a grist mill was noted in 1845 and present in the 1857 Map of Oxford County.⁴⁸ The existence of a grist mill persisted into the 1870s, as demonstrated in Walker & Mills 1876 *Atlas of the County of Oxford*. In both instances, the mill was located to the east of Spring Creek (historically referred to as Spring Brook Creek). The Spring Creek source commenced at Lot 19, Concession 4. Another upstream source, Connor's Creek, was shown to begin at Lot 21, Concession 2 in 1857 and by 1876 from two forks located at lots 22 and 24, Concession 2. The exact location of the mill has been contested, however, as the Tweedmuir history notes vaguely that it was located on the southeast corner of the dam.⁴⁹

Unlike Harrington Dam, a mill pond was not evident on the atlas mapping of the Subject Site. However, *Historically Bound: Embro and West Zorra 1820-2007* notes that in 1876 two individuals drowned in the mill pond after their boat capsized. A volunteer crew of divers took hours to retrieve their bodies.⁵⁰ This account suggests that there was in fact a mill pond on this site and that it may have been somewhat substantial. The mill likely ceased functioning in 1907, when it was purchased by the Ontario Cereal Company.⁵¹ The mill and dam were noted to have no longer remained shortly after this purchase.⁵²

The current Embro Pond and dam was constructed in 1959 to serve recreational and water supply functions, and is located upstream of the previous dam. The conservation area was officially opened on October 26, 1959 with the Ontario Minister of Lands and Forest in attendance and, in an effort to better serve the public, the recreation area was expanded in 1968.⁵³

The pond and conservation area were the result of earlier deliberations that began in November 1947 when Dr. A.H. Richardson recommended that the dam site should be purchased as the spillway was broken and the

⁴³ *Embro and Zorra, 1858-1983 A Pictorial* 1983:20. In 1907, the business operations of a separate mill, the Laycock Mill, which was located off of Commissioner Street East in Embro, were also sold to the Ontario Cereal Company.

⁴⁴ *Embro and Zorra, 1858-1983: A Pictorial* 1983:24

⁴⁵ Land Registry

⁴⁶ Land Registry

⁴⁷ Ecosystem Recovery Inc. 2017; Land Registry

⁴⁸ Ecosystem Recovery Inc. 2017:16; Tremaine 1857. It is highly likely that the dam and pond were enlarged when the UTRCA constructed the current pond and dam.

⁴⁹ *Embro Tweedmuir Pond History*, Sourced from Oxford County Archives:99

⁵⁰ Robinson 2008:456

⁵¹ *Embro and Zorra, 1858-1983 A Pictorial*, 1983:20

⁵² *Embro and Zorra, 1858-1983: A Pictorial*, 1983:24

⁵³ Embro Pond Association n.d.; UTRCA 2016:17; UTRCA 1973:67



“existing dam was in a state of disrepair.”⁵⁴ As a result, a 300-foot structure replaced the old dam while trees were cleared and the pond was expanded into a lake 600 feet long and 300 feet wide.⁵⁵ Fourteen acres of Oxford County Forest – which the county possessed as a result of a 100 acre purchase in 1945 – were purchased alongside seven acres from Charles Harris to create a total recreation area of 29 acres around the pond.⁵⁶ The Thames Valley Scout Council leased part of the wooded area in 1964 for camping and instruction.⁵⁷ Trout was stocked by the Ministry of Natural Resources in 1992, demonstrating the use of the pond for fishing.⁵⁸

A historic sketch by A.G. McCorquodale suggests that the mill was a one-and-a-half or two-storey structure clad in board-and-batten with a front gable profile. A central door was located below a loft door and a nine-light window was visible on the side façade. A millwheel was located on the Spring Creek side demonstrating the water-powered function of the mill. A narrow millpond was visible in the background and was flanked by a shoreline with trees.

Budget cuts to the UTRCA spurred a town hall meeting in September 1993 whereby it was realized that funds would be needed to sustain the pond lest it close to the public. Karen Cowan and Tim and Sue Campbell spearheaded a follow-up meeting that led to the formation of the Embro Pond Association and the negotiation with the UTRCA for a one-year contract for maintenance of the pond and area with the option to discuss renewal of agreement annually.⁵⁹ Following the takeover of the recreational area by the Embro Pond Association on April 1st, 1994, a bridge was constructed over Spring Creek between 1995 and 1997, and more trails were added in 1998 amounting to a total of 2.4 km of trails.⁶⁰ These additions to the conservation area have been the result of volunteers and supporters. Furthermore, a pavilion was added in 2000 and several picnic tables have also been placed throughout the conservation area.⁶¹ In 2001 birdhouses were installed to encourage local bird habitation.⁶²

The Embro Pond Association hosted regular events at the Embro Conservation Area, including Family Fun Day, fishing derbies, and walk-a-thons, until about 2006.⁶³ Currently the only recurring event is the annual Easter Egg Hunt which was suspended in 2020 and 2021 due to Covid-19. The Embro Pond Association plans to reintroduce Family Fun Day in future.

There are no visible remains of the grist mill. The Embro Conservation Area continues to serve a recreational purpose that is mainly relegated to on-land activities including hiking along 2.4 km of trails and picnicking as well as a place for birthday parties, graduation and wedding photos, walking the trails in all seasons, cross country skiing, nature/bird watching, and enjoying the outdoors.⁶⁴

The flow through the dam is conveyed with a 762 mm concrete pipe that controls flow from the pond to a pool at the creek outlet. At the left abutment there is a grassed emergency spillway. The spillway is

⁵⁴ UTRCA 1973:67

⁵⁵ UTRCA 1973:67; London Free Press 1960

⁵⁶ UTRCA 1973:67; Robinson 2008:457. The county planted hundreds of trees on the 100 acres that it purchased.

⁵⁷ UTRCA 1973:67

⁵⁸ Embro Pond Association 1994

⁵⁹ Robinson 2008:456

⁶⁰ Embro Pond Association 2006

⁶¹ Robinson 2008:456

⁶² Embro Pond Association 2006

⁶³ Embro Pond Association 1994

⁶⁴ UTRCA 2016:17



approximately 4 m wide and meets the watercourse after running parallel to the outlet channel.⁶⁵ In the summer of 2000, the dam suffered minor damage when it was overtopped.⁶⁶

⁶⁵ Ecosystem Recovery Inc. 2017:17

⁶⁶ Ecosystem Recovery Inc. 2017:5

Image 2: Park of Embroid Conservation Area - c. 1994

(Courtesy of Embroid Pond Association)



Image 3: Embroid Conservation Area Pond - c. 1994

(Courtesy of Embroid Pond Association)



Image 4: Embroid Conservation Area Park and Pond - c. 1994

(Courtesy of Embroid Pond Association)



Image 5: Embroid Conservation Area Trail - c. 1994

(Courtesy of Embroid Pond Association)



Image 6: Embroid Conservation Area Trail - c. 1994

(Courtesy of Embroid Pond Association)



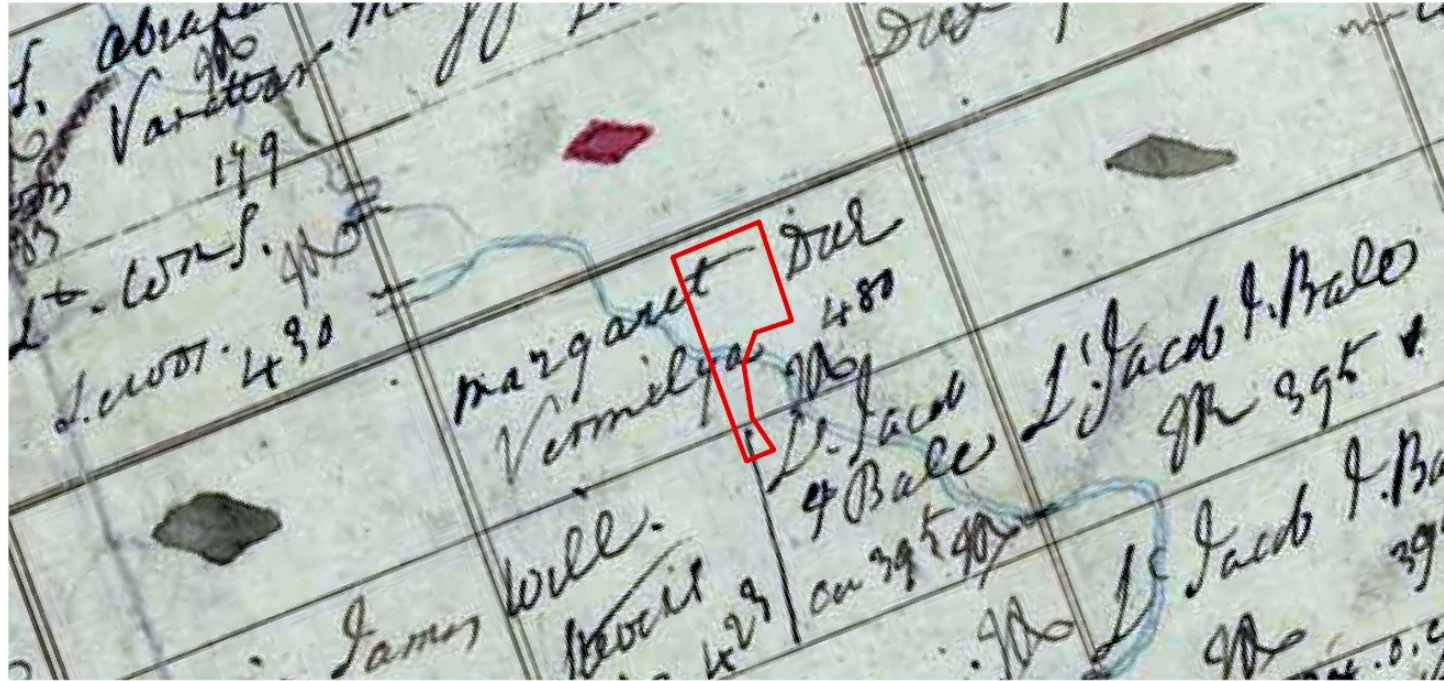
Image 7: Embroid Conservation Area Bridge - c. 1997

(Courtesy of Embroid Pond Association)



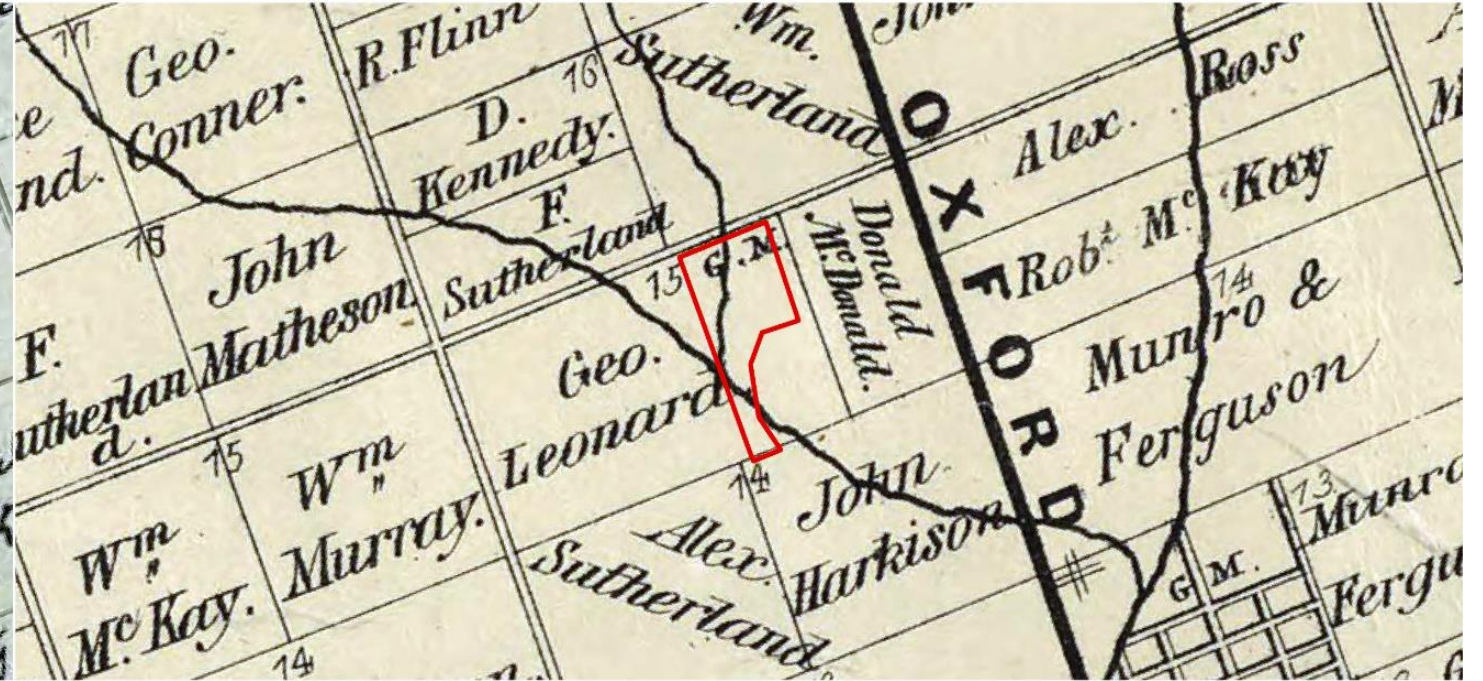
1820

Zorra Township Patent Plan (Park)



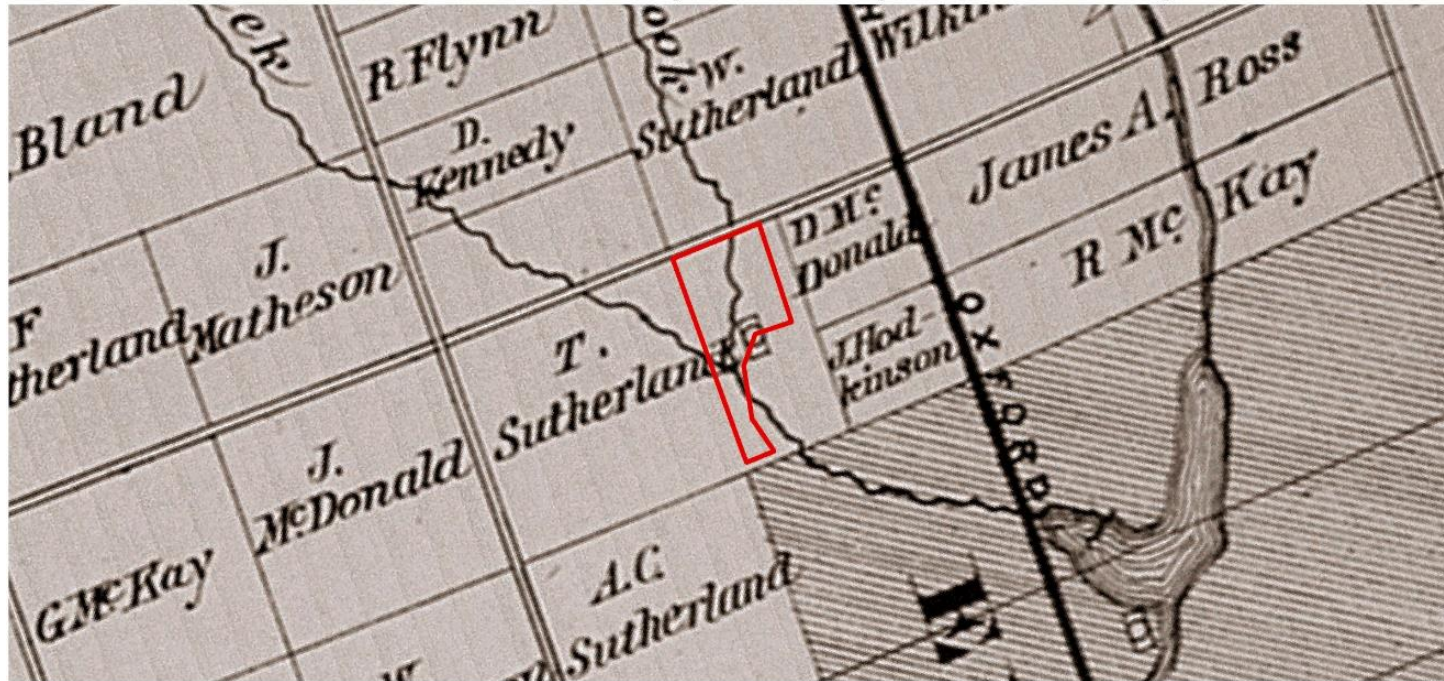
1857

Map of Oxford County, Canada West (Tremaine)



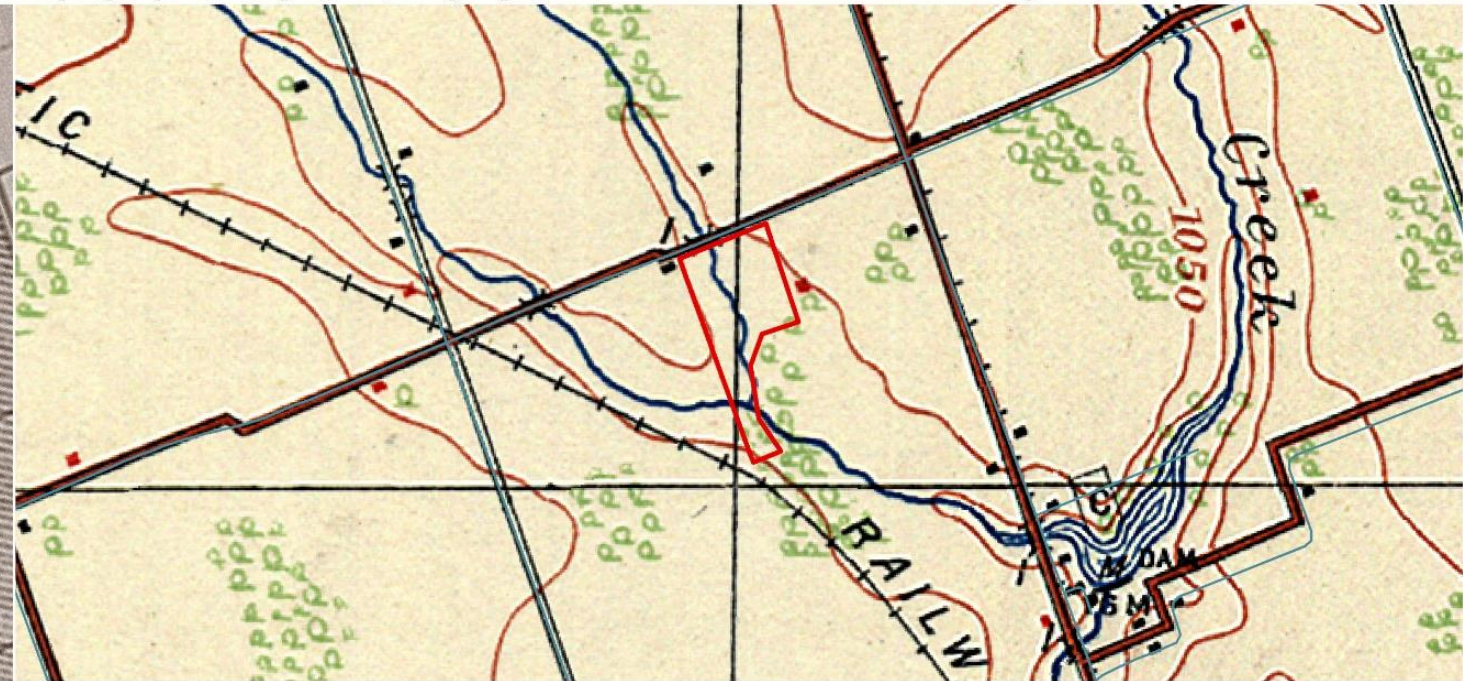
1876

Illustrated Historical Atlas of the County of Oxford (Walker and Miles)



1914

Topographic Map 40 P/02 (Department of Militia and Defence)



Map 2: Historic Maps of Subject Site (annotated by TMHC)

1935

Topographic Map 40 P/02 (Department of National Defence)



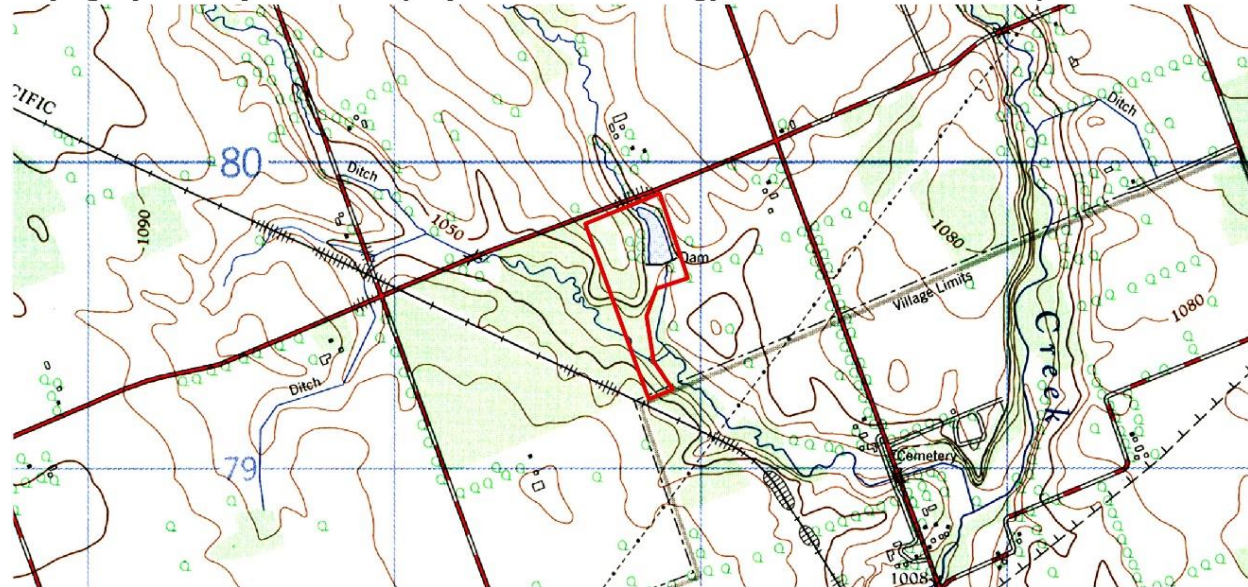
1954

Aerial Imagery (Hunting Survey Corp)



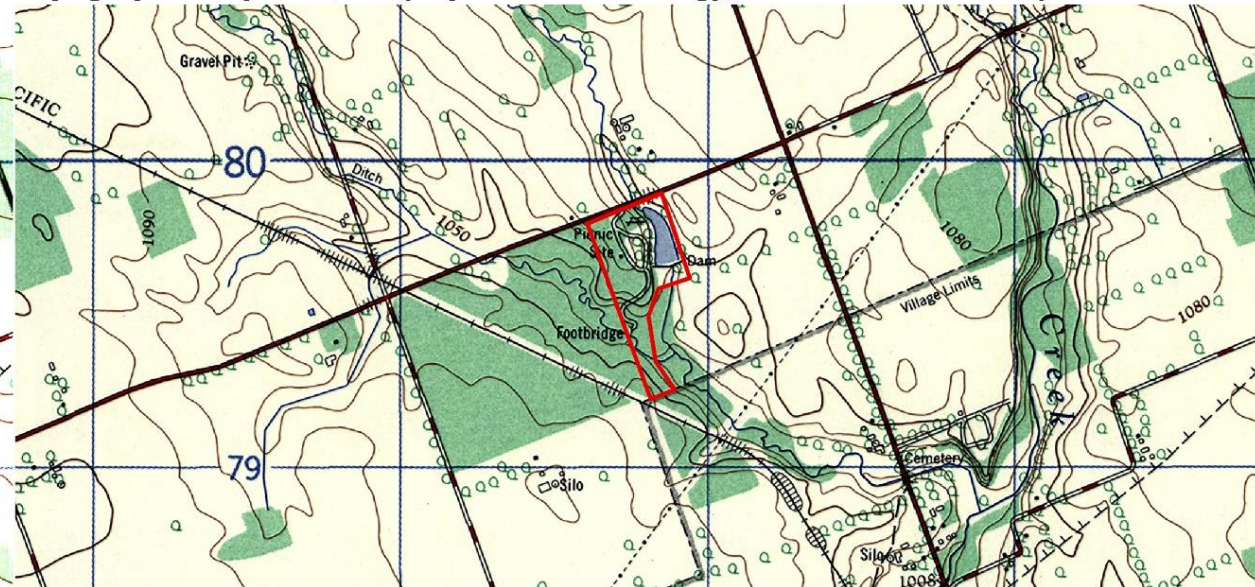
1968

Topographic Map 40 P/02e (Department of Energy, Mines and Resources)



1976

Topographic Map 40 P/02e (Department of Energy, Mines and Resources)



Map 3: Historic Maps and Aerial of Subject Site (annotated by TMHC)

4 EXISTING CONDITIONS

A site visit to the Subject Site, located on the eastern parcel of the Embro Conservation Area, was undertaken by TMHC on August 16, 2021. The photographs in this section document the site's current conditions and nearby areas of interest. The area is 3.14 hectares in size with the Embro Pond dominating the area and prominence, as the park, and, of course, the dam is oriented around the pond.

4.1 Dam

The dam is located on the south end of the pond as is the round concrete intake pipe that carries the flow of the pond downstream in a southerly direction (Image 1). The dam is composed of an approximately 100 m embankment along the southern part of the pond (Images 2). The concrete outflow pipe is located south of the embankment (Image 3) and the creek is considerably narrower than the pond (Image 4). A public pedestrian bridge on the South Trail crosses the creek at the south end of the property (Image 5).

4.2 Pond

The pond widens to approximately 65 m toward the dam. The flow of the pond is quite slow, especially along the southeast corner closest to the intake pipe, given its width, alongside its artificial course, and the notable presence of sediment and run-off. The depth of the pond is shallow and it is evident that the pond is stagnant (Image 6-7). A concrete culvert is located on the north end of the pond under County Road 84 (Image 8).

4.3 Park

Parking to the conservation area is located at the northwest corner of the property, off of County Road 94. Signage and trail information are up-to-date and are found on the northwest end of the property near the parking area (Images 9-10). The park area is predominantly located on the west side of the pond. Benches and picnic tables appear to be in good condition as does the pavilion, and lawns are well-maintained (Images 11-15). A simple trail with maintained lawns runs along the east side of the pond terminating north below County Road 94. Planted willow trees and vegetation, including flowers, are located along the shoreline, the latter of which are deliberately maintained (Image 16). A network of eight trails totaling 2.3 km runs through forested areas throughout the park with a pedestrian bridge on the South Trail at the southwest corner of the property linking up with the Rail Trail and the Ray Lindsay Trail.

Image 8: Embro Pond with Intake in View

(Looking North)



Image 9: Southwest Corner of Dam

(Looking Southeast)

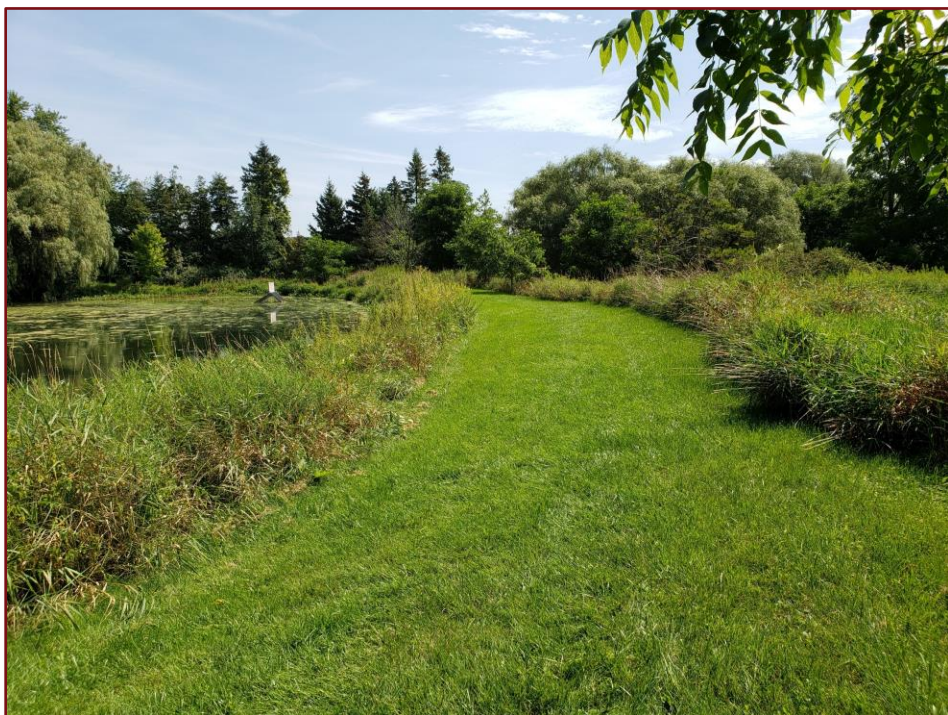


Image 10: Dam Outflow South of Pond



Image 11: Creek Approximately 100 m Downstream
(Looking Northeast)



Image 12: Public Bridge at South End of Property

(Looking Southeast)



Image 13: Pond from Centre with View of Dam

(Looking South)



Image 14: View of Pond from North Park Area
(Looking Southeast)



Image 15: Embroider Pond with Upstream Concrete Culvert in View



Image 16: Embro Conservation Area Sign



Image 17: Embro Pond Association Trail Signage



Image 18: Park Area with Picnic Table, West of Pond at North End



Image 19: Park Area with Bench, Pavilion, West of Pond



Image 20: Pavilion

(Looking Northwest)



Image 21: Pavilion North Corner

(Looking Southwest)

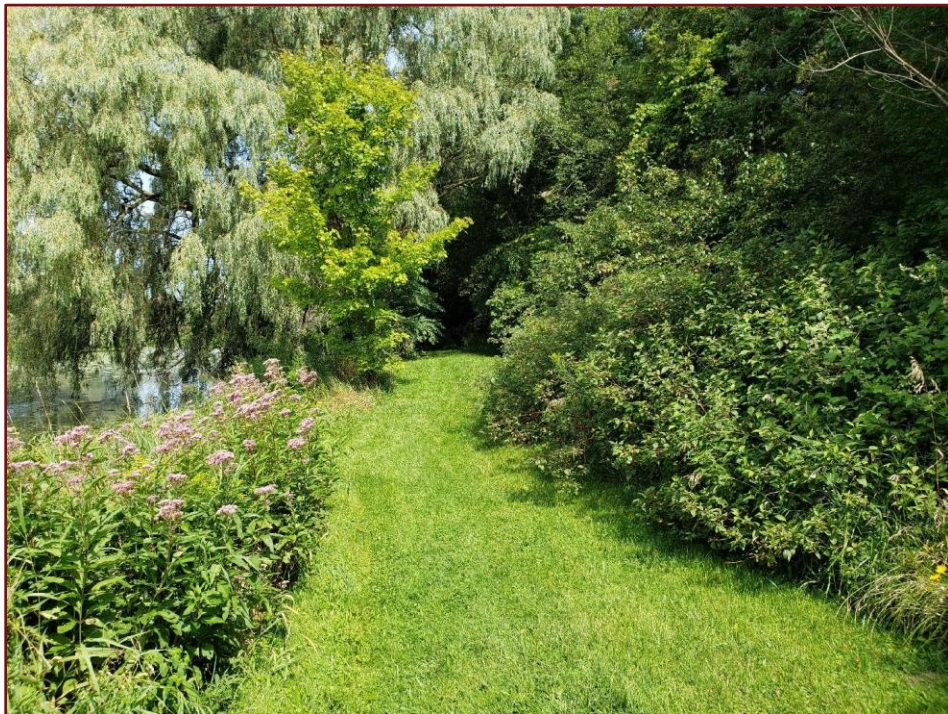


Image 22: Picnic Area Southwest of Pond



Image 23: Trail East of Pond

(Looking North)



5 POLICY CONTEXT

5.1 The Oxford County Official Plan

Oxford County adopted its Official Plan in 1995. It was consolidated on March 31, 2021.

Section 2.1 of the Oxford County Official Plan addresses planning principles. Section 2.1.2 speaks specifically to heritage, acknowledging:⁶⁷

- The promotion of cultural heritage awareness and education will be achieved by ensuring significant built heritage resources, significant cultural heritage landscapes and significant archeological resources are conserved and, where possible, enhanced through appropriate planning and urban design measures;

and that planning will:

- Encourage a sense of place by promoting well designed built form and cultural planning, and by conserving features that help define character, including heritage resources.

Section 3.3 of the Official Plan identifies various planning objectives, including those for heritage management and preservation:

- 3.3.1 Goals for Cultural Resource Policies - County Council shall adopt a comprehensive approach toward maintaining the cultural heritage of the County through the land use planning process. This approach shall also consider the humanmade hazards associated with past development, requiring mitigation in order to maintain public health and safety.

County Council and the Area Councils will strive to:

Facilitate a safe and healthy environment by identifying various human-made constraints on land and related resources and by applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of development.

Aid the conservation of the County's heritage resources by supporting conservation initiatives in Area Municipalities, integrating conservation of heritage resources into the County planning process, and providing leadership through proper stewardship of County-owned heritage resources.

- 3.3.2 Heritage Resources - County Council and Area Councils shall encourage the preservation and enhancement of properties or areas of historic, architectural, and/or archaeological interest. This will be accomplished through:

the establishment of land use policies and regulations to preserve and protect archeological and *heritage resources*.

To encourage initiatives for the preservation and enhancement of the heritage resources including buildings, structures, sites, landscapes and heritage conservation districts in the County.

⁶⁷ Oxford County 2021



5.2 Environmental Assessment Act (1990)

This CHER has been completed as part of the Class EA process in accordance with the *Environmental Assessment Act*. The EA report is currently in progress and has not been completed. The Act includes within its definition of “environment” (1.1):

- (c) the social, economic and cultural conditions that influence the life of humans or a community
- (d) any building, structure, machine or other device or thing made by humans.

5.3 The Planning Act (1990)

The *Planning Act* is a piece of provincial legislation that provides stipulations for the land use planning process in Ontario, such as the identification of provincial interests and tools for the responsible management of resources including cultural heritage and archaeological resources:

- 2. The minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:
 - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

Section 3 of the *Planning Act* indicates that all decisions affecting land use planning matters “shall be consistent with” the *Provincial Policy Statement* (PPS), a document that identifies matters of provincial interest to be considered during land use planning.

5.4 Provincial Policy Statement 2020 (PPS 2020)

The following sections of the PPS 2020 are relevant to the Subject Property.

Section 2.6 identifies the following relevant policies related to cultural heritage and archaeology.

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved;
- 2.5.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved;
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources; and
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Section 6.0 provides the following definitions relevant to the Subject Property.



- **Built heritage resource:** means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and/or international registers.
- **Heritage attributes:** means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g., significant views or vistas to or from a protected heritage property).
- **Conserved:** means the identification, protection, management and use of the built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

5.5 Ontario Heritage Act (OHA)

The OHA provides a framework for municipalities in Ontario to ensure the conservation of properties with cultural heritage value or interest, including through the capacity to designate heritage properties:

- 29 (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,
- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
 - (b) the designation is made in accordance with the process set out in this section.

Under the OHA, O.Reg. 9/06 provides the criteria for determining a property's cultural heritage value or interest:

- (2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest

The O.Reg. 9/06 criteria are listed and applied to the Subject Sites in Section 6.0 of this report.

5.6 Standards and Guidelines for the Conservation of Historic Places in Canada (2010)

Parks Canada produced the *Standards & Guidelines for the Conservation of Historic Places in Canada* to provide guidance to governments, property owners, developers, and heritage practitioners across the country. This document outlines the conservation decision process and establishes pan-Canadian conservation principles. Section 4.4 of the Standards & Guidelines provides "Guidelines for Engineering Works, Including Civil, Industrial & Military Works." This section notes that, "Civil works, such as bridges, dams and canals, present a different challenge. These works often remain fully functional and so must meet stringent contemporary safety codes that did not exist at the time of their construction. Their continued use is contingent on meeting these standards, often necessitating significant rehabilitation."

6 COMMUNITY ENGAGEMENT

UTRCA conducted three Public Information Centres in 2015-2016 regarding the Embro Dam Class EA. A draft Embro Class EA was posted in November 2017. Comments and submissions concerning the history were forwarded to TMHC in preparation for this CHER.

In addition to the community engagement described above, TMHC reached out to the agencies and organizations detailed below to confirm the heritage status of the Embro Conservation Area and to gather any historical information pertinent to the drafting of this report.

6.1 Township of Zorra

Planning staff with the Township of Zorra were contacted in August 2021 regarding information about the municipal heritage status of the conservation area. The municipality responded that the Township of Zorra does not have any designated properties. They also clarified that the County of Oxford listing relates to the natural heritage of the Embro Conservation Area.

6.2 Embro Pond Association

The Embro Pond Association was contacted in August 2021 with specific questions about the potential heritage significance of the dam and conservation area as well as information about the history of association. The association provided significant documentation including letters, brochures, news articles, and pictures relating to the history of the association and the conservation area. In February 2022, UTRCA shared the draft CHER with the association who responded in March 2022 that they did not have any further information on the CHER information or conclusions.

6.3 Oxford County Archives

The Oxford County Archives were contacted in August 2021 about any possible local heritage significance of the conservation area. The archivist was able to provide several historical photographs, maps, and other documents that related to local history.

6.4 Ontario Heritage Trust

The Ontario Heritage Trust (OHT) was contacted in August 2021 to determine if the conservation area or adjacent properties appeared on any OHT-maintained registers or had any heritage conservation easements placed on them. The OHT advised that no Trust owned properties were located in proximity to the conservation area.

6.5 Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI)

The MHSTCI was contacted in August 2021 to determine if the conservation area or adjacent properties were listed as Provincial Heritage Properties. The MHSTCI advised that no properties were listed.

6.6 Future Engagement

UTRCA will post the CHER to the Class EA's public website and is expected to solicit further comments from the Township of Zorra, including the Zorra Heritage Committee, and others as part of ongoing consultations about the EA.



7 EVALUATION AGAINST O.REG. 9/06 CRITERIA

The Subject Site is listed on the Oxford County Heritage Resources Inventory, which was last updated in 2006, but it has not been designated under Part IV or Part V of the OHA. There are no National Historic Sites, Ontario Heritage Trust-owned properties, conservation easements, or Provincial Heritage Properties present on or adjacent to the Subject Site as verified by the Ontario Heritage Trust and the MHSTCI.

Based on the research summarized in Section 3, the following tables consider the Subject Site with respect to the OHA's Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest. A property may be designated under section 29 of the OHA if it meets one or more of the following criteria for determining cultural heritage value or interest.

Despite the fact that the question of the exact location of the former mill is unresolved, this evaluation will treat it as if the mill was located along the southeast course of the current mill pond.

I. The property has design value or physical value because it:

Criterion	Summary of Response
i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,	No; while the Subject Site is an example of a mid-20 th century adaptation of a former industrial site, it is not a significant example and many other such properties exist in Ontario. The pond in its current form, which is the result of this post-industrial expansion, is not indicative of the mill function that the property once served. The current dam is a modest example of a concrete pipe conduit and emergency spillway. No visible remains of the former mill exist.
ii. displays a high degree of craftsmanship or artistic merit, or	No; while the property is an example of a mid-20 th century conservation area, it does not demonstrate a high degree of craftsmanship or artistic merit relative to what is typical for this typology. Both the pond and dam, in their current state, are the result of alterations to the property that occurred when the property was established as a Conservation Area.
iii. demonstrates a high degree of technical or scientific achievement.	No; while the property is an example of a concrete pipe conduit dam, it does not demonstrate a high degree of technical or scientific achievement relative to what is typical for this typology.

Table I: Design or Physical Value



2. The property has historical value or associative value because it:

Criterion	Summary of Response
i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	No; the Subject Site is not known to have direct associations with a theme, event, belief, person activity, organization or institution that is significant to a community. The current mill pond and dam are the result of alterations to the property that occurred after its industrial usage when the site was converted to a public-access Conservation Area. There are no visible remains that associate the property with its industrial past.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No; the property is not known to yield information that contributes to an understanding of a community or culture. There exists no visible remains that relate to the former industrial usage of this property.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	No; the property is not known to demonstrate the work or ideas of an architect, builder, designer or theorist who is significant to a community.

Table 2: Historical or Associative Value

3. The property has contextual value because it:

Criterion	Summary of Response
i. is important in defining, maintaining or supporting the character of an area,	No; as part of a relatively modest conservation area in a rural setting, the property is not important in defining, maintaining, or supporting the character of the area. The current pond and dam are the result of a mid-20 th century adaptation of the property for recreational use as a Conservation Area that occurred well after its industrial usage.
ii. is physically, functionally, visually or historically linked to its surroundings, or	No; while, the property is integrated with the creek it conveys, it is not physically, functionally, visually, or historically linked to its surroundings such as it meets this criterion. The current form of the pond appears is detached from its historical usage as a mill pond since it was expanded significantly in the middle of the 20 th century. Similarly, the dam has been replaced, and the former mill – and resultant industrial function of the area – regardless of where it was located, is no longer present in any distinguishable form.
iii. is a landmark.	No; while the Subject Site is a draw to local visitors, it is part of a relatively modest Conservation Area in a rural setting. As such, the property is not a visual landmark, and it is not currently known or believed to meet this criterion as a community landmark.

Table 3: Contextual Value



Based on the research and analysis summarized in this CHER, the Embryo Dam was found to not meet the O.Reg. 9/06 Criteria.



8 CONCLUSION

The Embro Conservation Area's dam and pond are proposed for rehabilitation due to a progressive state of deterioration. This CHER provided a heritage evaluation of the eastern parcel of the Embro Conservation Area including the dam against the criteria set out by the OHA's O.Reg. 9/06. Based on the research and analysis summarized in this CHER, the Subject Site was found to not meet the O.Reg. 9/06 criteria. Despite not rising to the level of the O.Reg. 9/06 criteria, it may be of interest to consider interpretive signage that demonstrates the evolution of the property including its previous connections to the industrial history of Embro.



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