Kawartha Lakes Archaeological Management Plan
City of Kawartha Lakes, Ontario

Policy Direction Report

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EXECUTIVE SUMMARY

This Policy Direction Report has been developed to outline the existing legislative and policy framework applicable to archaeological resource management within the City of Kawartha Lakes. It also recommends changes and best practices for implementing the City of Kawartha Lakes Archaeological Management Plan (AMP). The AMP collectively consists of this report and the Archaeological Potential Map. The report outlines the varying legal/ethical, local aspirational, and operational contexts that informed the recommended policies and processes. This includes specific burial and archaeological site discovery protocols and standard conditions for development applications. Among the recommendations of this report are the following:

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KEY PERSONNEL

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ACKNOWLEDGEMENTS

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ABOUT TMHC

Established in 2003 with a head office in London, Ontario, TMHC Inc. (TMHC) provides a broad range of archaeological assessment, heritage planning and interpretation, cemetery, and community consultation services throughout the Province of Ontario. We specialize in providing heritage solutions that suit the past and present for a range of clients and intended audiences, while meeting the demands of the regulatory environment. Over the past two decades, TMHC has grown to become one of the largest privately-owned heritage consulting firms in Ontario and is today the largest predominately woman-owned Cultural Resource Management (CRM) business in Canada.

Since 2004, TMHC has held retainers with Infrastructure Ontario, Hydro One, the Ministry of Transportation, Metrolinx, the City of Hamilton, the City of Barrie, and Niagara Parks Commission. In 2013, TMHC earned the Ontario Archaeological Society's award for Excellence in CRM. Our seasoned expertise and practical approach have allowed us to manage a wide variety of large, complex, and highly sensitive projects to successful completion. Through this work, we have gained corporate experience in helping our clients work through difficult issues to achieve resolution.

TMHC is skilled at meeting established deadlines and budgets, maintaining a healthy and safe work environment, and carrying out quality heritage activities to ensure that all projects are completed diligently and safely. Additionally, we have developed long-standing relationships of trust with Indigenous and descendent communities across Ontario and a good understanding of community interests and concerns in heritage matters, which assists in successful project completion.

TMHC is a Living Wage certified employer with the Ontario Living Wage Network and a member of the Canadian Federation for Independent Business.

ABOUT M. R. LETOURNEAU AND ASSOCIATES INC.

M. R. Letourneau and Associates Inc. (MRLA) is a specialized heritage and strategic planning firm focused on creative solutions for the management of cultural heritage resources. Based in Kingston, Ontario, MRLA emphasizes intellectual and professional rigour and cooperative teamwork to address complex heritage issues. MRLA is currently working with a variety of organizations/firms/municipalities including the City of Windsor, City of Kawartha Lakes, Town of Port Hope, Town of Niagara-on-the-Lake, Niagara Falls Bridge Commission, and with several legal firms/ private clients. MRLA also specializes in providing additional technical assistance to other heritage and planning firms.

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STATEMENT OF QUALIFICATIONS AND LIMITATIONS

The attached Report (the "Report") has been prepared by TMHC Inc. (TMHC) and M. R. Letourneau and Associates Inc. 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"):

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- may be based on information provided to TMHC which has not been independently verified;
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- must be read as a whole and section thereof should not be read out of such context; and
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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.

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LIST OF ACRONYMS

AMP	Archaeological Management Plan
ASI	Archaeological Services Inc.
BAO	Bereavement Authority of Ontario
CAHP	Canadian Association of Heritage Professionals
CHVI	Cultural Heritage Value or Interest
CIA	Cemetery Investigation Authorization
CIP	Canadian Institute of Planners
EA	Environmental Assessment
ERO	Environmental Registry of Ontario
FBCSA	*Funeral, Burial and Cremation Services Act*
HCD	Heritage Conservation District
HMP	Heritage Master Plan
MCM	Ministry of Citizenship and Multiculturalism
MECP	Ministry of the Environment, Conservation and Parks
MFIPPA	*Municipal Freedom of Information and Protection of Privacy Act*
MHC	Municipal Heritage Committee
MMAH	Ministry of Municipal Affairs and Housing
MNO	Métis Nation of Ontario
MOU	Memorandum of Understanding
MZO	Minister's Zoning Order
OAS	Ontario Archaeological Society
OASD	Ontario Archaeological Sites Database
OHA	*Ontario Heritage Act*
OLT	Ontario Land Tribunal
OPA	Official Plan Amendment
OPPI	Ontario Professional Planners Institute
PPS	*Provincial Planning Statement*
RFI	Request for Information

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R.S.O.	Revised Statues of Ontario
S.O.	Statues of Ontario
TAT	Technical Advisory Team
TRC	Truth and Reconciliation
UNDRIP	*United Nations Declaration on the Rights of Indigenous Peoples*
UNESCO	United Nations Education, Scientific and Cultural Organization
ZBA	Zoning By-law Amendment

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1 INTRODUCTION

The City of Kawartha Lakes (the "City") is responsible for the protection and conservation of archaeological resources and areas of archaeological potential within its jurisdiction: specifically, the City has obligations under provincial land-use planning legislation/policy, under the *Ontario Heritage Act,* and other provincial legislation. These obligations are also reflected in the City's commitment to reconciliation with local Indigenous communities. Archaeology is primarily regulated by the Province of Ontario which establishes the basic rules for when archaeology must be undertaken. However, implementation of archaeological requirements is often a municipal responsibility. Municipal staff recognize that the means for fulfilling this responsibility needs to be updated as legislation has changed rapidly in the last few years, and current municipal decision-making processes are inadequate and inconsistent. This shortfall has resulted in undue risk to the City, property owners, local developers, and Indigenous communities as well as to the integrity of provincially protected heritage resources. In response, municipal staff advocated for, and the City approved, the development of a municipal archaeological management plan (AMP). The generation of AMPs is a provincially encouraged mechanism for municipalities to help fulfill their obligation to protect and conserve archaeological resources. AMPs are not a new tool, having been first employed nearly 40 years ago, and many municipalities across Ontario have implemented AMPs as an effort to balance regulatory requirements while considering the needs of community members and of municipal staff.

In 2023, the City contracted a team of consultants lead by TMHC Inc. (TMHC) to complete an AMP for the municipality. The City directed that the AMP consist of two key deliverables:

1. an Archaeological Potential Map consisting of GIS- supported mapping of registered archaeological sites and areas of archaeological potential within the municipality based on known archaeological sites in the City and the provincially accepted criteria for determining archaeological potential; and
2. a Policy Direction Report outlining the strategic direction regarding the implementation of the AMP to address the requirements for archaeological assessments and the protection and conservation of archaeological resources within a land-use planning context. This report should also include protection and avoidance procedures and burial protocols.

This document represents the Policy Direction Report. It begins by describing the regulatory, local, comparative contexts in which this AMP is being developed before providing a situational assessment of the current state of archaeological management in Kawartha Lakes followed by corresponding recommendations. The Archaeological Potential Map is submitted as a series of GIS files with supporting documentation under separate cover.

The consultant team consisted of:

- TMHC Inc.
  - Responsible for overall project management and the preparation of the Archaeological Potential Map;
- M. R. Letourneau and Associates Inc.
  - Responsible for the Policy Direction Report including strategic direction and recommended implementation policies; and

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- Matrix Heritage
    - Responsible for providing advice regarding marine archaeological implications of the AMP.

Dr. Emily Turner, heritage planner for the City of Kawartha Lakes, acted as the City's Project Manager. She was supported by a Technical Advisory Team (TAT) consisting of municipal staff from a variety of departments including culture, parks, infrastructure, and planning.

Through 2024, the team collected the necessary data to inform the preparation of the AMP. Extensive outreach to, and engagement with, a variety of individual and organizations was undertaken, including:

- Ministry of Citizenship and Multiculturalism (MCM);
- Ministry of Natural Resources (MNR);
- Indigenous treaty communities:
    - Alderville First Nation (Mississauga);
    - Beausoleil First Nation (Chippewa);
    - Chippewas of Georgina Island First Nation (Chippewa);
    - Curve Lake First Nation (Mississauga);
    - Hiawatha First Nation (Mississauga);
    - Chippewas of Rama First Nation (Chippewa); and
    - Mississaugas of Scugog Island First Nation (Mississauga).
- Other Indigenous communities:
    - Nation Huronne-Wendat (Huron-Wendat Nation);
    - Métis Nation of Ontario (MNO, Region 7);
    - Kawartha Nishnawbe; and
    - Mohawks of the Bay of Quinte.
- Kawartha Lakes Municipal Heritage Committee;
- Ontario Parks;
- Parks Canada/Trent Severn Waterway;
- Archaeological Program, Trent University and Trent University Archaeological Resource Centre;
- Ontario Archaeological Society (OAS) – Peterborough Chapter; and
- Various local archaeological experts, museums and historical societies.

Public engagement was also conducted through a series of community pop-up sessions held throughout the City of Kawartha Lakes, the project's municipal website, and a public open house in Lindsay on November 28, 2024. Multiple conversations with City planning staff were also conducted during the preparation of the Policy Direction Report.

This engagement, combined with comprehensive data collection and comparative analysis, forms the basis for the information and recommendations of this report as well as the production of the Archaeological Potential Map. The authors express our sincere thanks to all those who contributed their time and knowledge to the preparation of this AMP. We also want to specifically recognize the contributions of the Mississauga Williams Treaties First Nations of Alderville, Curve Lake, Hiawatha, and Scugog Island who have provided invaluable insights into their experiences of the archaeological process in the City of Kawartha Lakes.

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2 LEGAL AND ETHICAL OBLIGATIONS

Cultural heritage is a matter of federal, provincial, Indigenous, municipal, and professional interest. Canada's federal and provincial governments are also bound by international laws such as the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. Indeed, archaeological resources are a protected class of resource in many international, national, and provincial legal frameworks and regulatory settings.[1] The formal legal obligations addressing archaeological resources are also informed by a suite of ethical standards which, while not strict requirements for the municipality, are increasingly common points of reference for governmental and non-governmental organizations alike.

The following section outlines the various legal and ethical elements relevant to the development of the City's AMP. The section concludes with a recommended strategic direction and proposed implementation policies capable of addressing the municipality's legal and ethical obligations.

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[1] In Ontario, archaeological resources are understood to consist of both archaeological sites and artifacts as identified and evaluated by provincially licensed archaeologists and protected under the *Ontario Heritage Act* (*OHA*).

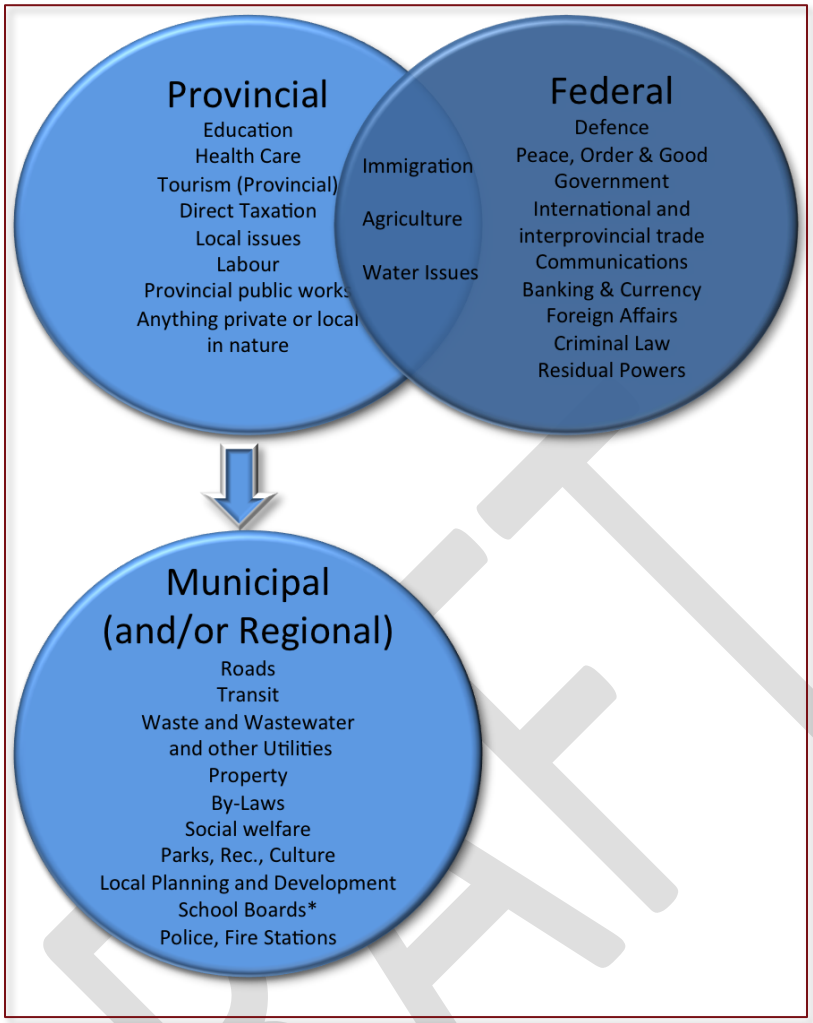


Image 1: Division of Federal, Provincial, and Municipal Responsibilities[2]

2.1 International Obligations

2.1.1 United Nations Educational, Scientific, and Cultural Organization (UNESCO)

In 1970, the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) passed a *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* designed to combat illegal trade in cultural items. Article 4 of the Convention declares the cultural property acquired by archaeological, ethnological, or national science missions as belonging "to the cultural heritage of each State" (Article 4). Canada formally agreed to the Convention in 1978 and by doing so is obliged to:

- contribute to the formation of draft laws and regulations designed to secure the protection of the cultural heritage…

[2] Dixon n.d. *Levels of government.* PC Caucus Services. https://jessdixonmpp.ca/divison-of-powers/

- establish and keep up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property…
- promote the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops)…
- organize the supervision of archaeological excavations, ensuring the preservation "*in situ*" of certain cultural property, and protecting certain areas reserved for future archaeological research…

In 1976, Canada also officially accepted UNESCO's *Convention Concerning the Protection of the World Cultural and Natural Heritage*. Article 1 therein reaffirmed archaeological sites as cultural heritage resources requiring protection. Article 5 obliges participating countries to:

- adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and integrate the protection of that heritage into comprehensive planning programs…
- develop scientific and technical studies and research to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage…
- take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.

Although not yet formally endorsed by the Government of Canada, UNESCO adopted the *Convention on the Protection of Underwater Cultural Heritage* in 2001. It requires participating countries to adopt necessary measures to protect "all traces of human existence having a cultural, historical or archaeological character" that have been under water for over 100 years.

UNESCO also maintains a listing of World Heritage Sites which includes sites in Ontario. None of these are located in the City of Kawartha Lakes, the closest being the Rideau Canal and Kingston Fortifications World Heritage Site.

2.1.2 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

In addition to UNESCO related conventions, the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),* is perhaps the most significant international document that creates a direct responsibility for federal, provincial, and municipal governments within Canada for the protection of cultural heritage. Articles 11 and 12 state:

> Article 11 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
>
> 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious, and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

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> Article 12 1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
>
> 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Canada became a full supporter of *UNDRIP* in May 2016. While the full implications of the endorsement of *UNDRIP* have yet to be realized, Articles 11 and 12 support the current provincial direction with respect to cultural heritage being a provincial interest that requires identification, evaluation and mitigation of development impacts to archaeological sites. *UNDRIP* is already influencing archaeological practice in Ontario, although its legal status in the province is disputed. Nevertheless, federal endorsement of *UNDRIP*, and efforts by provinces such as British Columbia to independently adopted UNDRIP, presages the potential future need for other provinces to reconcile their policies with this declaration. Therefore, at minimum, *UNDRIP* should be considered an ethical obligation for municipal government and planning activities that relate to Indigenous peoples' treaty rights, culture, traditional knowledge and heritage.

2.1.3 International Council on Monuments and Sites (ICOMOS)

The International Council on Monuments and Sites (ICOMOS) has established a series of charters that also speak to the conservation, protection and management of heritage resources, including archaeological sites. Many heritage professionals in Canada acknowledge and adhere to these charters, four of which provide guidance on archaeological resources specifically:

- *Charter for the Conservation and Restoration of Monuments and Sites* (Venice Charter) – defines principles of appropriate conservation;
- *Charter on the Conservation of Places of Cultural Significance* (Burra Charter) - identifies principles and practices of conservation in consideration of the cultural significance of historic places;
- *Charter for the Protection and Management of the Archaeological Heritage* (Lausanne Charter) – outlines principles and guidelines relating to the management of archaeological resources that serve as a reference for policies and practice; and;
- *Charter for the Protection and Management of the Underwater Cultural Heritage* - defines principles for the management and protection of underwater cultural sites.

2.2 Federal Obligations

2.2.1 Canadian Impact Assessment Act and Other Federal Legislation

The only federal legislation that explicitly requires consideration of cultural heritage in the land development process is the *Canadian Impact Assessment Act* (S.C. 2019), formerly known as the *Canadian Environmental Assessment Act*. It calls for and regulates environmental impact assessments that are undertaken on federal

lands. Within the federal process, archaeological resources are considered part of the larger environment which much be protected from detrimental effects.

Canada's federal government has also addressed its obligations under the aforementioned international agreements, alongside its own objectives, through legislation such as the *Cultural Property Export and Import Act* and via federal policies (Denhez 2022). The *Cultural Property Export and Import Act* applies specifically to the removal and sale of cultural property, including the results of illegal archaeological activities.

2.2.2 Federal Agencies

In addition to federal legislation, many federal departments and agencies (National Capital Commission 2008, Parks Canada 2010, and Department of National Defence) have their own policies and guidelines for the management of archaeological resources on federal lands and projects. These policies are generally consistent with the federal government's *Archaeological Heritage Policy Framework* (1990) which states:

> As heritage protection is an essential element of our Canadian identity, and as our archaeological heritage is a source of inspiration and knowledge, it is the policy of the Government of Canada to protect and manage archaeological resources.

This policy is taken into consideration during planned improvements to national historic sites and parks, such as the Parks Canada-managed Trent Severn Waterway.

2.2.3 Truth and Reconciliation Commission of Canada (TRC)

Following a long investigation of the effects of residential schools on Indigenous peoples, in 2015 the Truth and Reconciliation Commission of Canada (TRC) published a report containing 94 "calls to action" or recommendations to further reconciliation between Canadians and Indigenous peoples. The following calls address matters related to archaeological resources and are of note to the development of the AMP (Truth and Reconciliation Commission of Canada, 2015):

> 67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and to make recommendations.
>
> 70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:
>
> > i. Determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Joinet-Orentlicher Principles, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools. ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

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> 79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration.

2.2.4 Final Report of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools

More recently, with the October 2024 release of the final report of the *Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools*, specific recommendations were provided regarding the protection of Indigenous Burials (Office of the Independent Special Interlocutor, 2024). This includes Obligation 13:

> The federal, provincial, and territorial governments, in consultation and collaboration with Indigenous Peoples, must amend or enact legislation that creates an "Indigenous Burial Site" designation to protect these sites. Associated regulations, policies, processes, and effective enforcement mechanisms must also be implemented.

Obligation 25 also specifically references the need to ensure that work on such places reflects an Indigenous-led approach.

> 25. The federal government, in consultation and collaboration with Indigenous Peoples, must work with provinces and territories and relevant professional organizations to establish rules and regulations for professionals that are utilizing search technologies to find unmarked burials, including:
>
> - The creation of regulatory bodies to provide policy statements and guidelines as appropriate, including with respect to reasonable fees for work performed and the collection of data in accordance with best practices and scientific methods;
> - The establishment of ethical guidelines, criteria, and standards that respect Indigenous sovereignty, including Indigenous data sovereignty, and Indigenous laws and protocols;
> - The establishment of a specialized certification process for technicians, archaeologists, anthropologists, forensic specialists, and any other individual or entity contracted to search for unmarked burials;
> - The inclusion of powers to investigate complaints about unethical conduct, hold hearings, and issue written decisions;
> - The establishment of penalties and revocation of certifications where appropriate; and
> - Ensuring that enforcement powers are both sufficient and timely to address breaches of the established regulatory requirements.

While these Obligations were referenced in the context of Residential Schools, they should also be considered for all burial places, particularly when considering the specific provisions of *UNDRIP* and existing treaty rights.

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2.3 Treaty and Indigenous Engagement Obligations

The City of Kawartha Lakes includes lands covered by two treaties with Indigenous communities, Treaty No. 20 of 1818 otherwise known as the Rice Lake Purchase and the Williams Treaties of 1923. The treaties were undertaken between the Crown and what are now the nearby Mississauga communities of Alderville First Nation, Curve Lake First Nation, Hiawatha First Nation, and Mississaugas of Scugog Island First Nation. The Chippewa William Treaties communities (Beausoleil First Nation, Chippewas of Georgina Island First Nation, and Chippewas of Rama First Nation) also may have an interest in the areas of municipality exclusively covered by the Williams Treaties.

These communities maintain active treaty rights and interests within the City of Kawartha Lakes. Asserted rights include the stewardship of Indigenous heritage, including archaeological resources, within the municipality.

Outside of treaty communities, the City of Kawartha Lakes also falls within the traditional territories and interests of other groups including:

- Nation Huronne-Wendat (Huron-Wendat Nation);
- Métis Nation of Ontario (MNO, Region 7);
- Kawartha Nishnawbe; and
- Mohawks of the Bay of Quinte.

The provincial Crown has delegated procedural aspects of its Section 35 of the *Constitution Act* (1982) imposed Duty to Consult responsibilities with Indigenous communities to municipalities. This delegation flows through the *Provincial Planning Statement*, the *Environmental Assessment Act*, and other provincial laws, regulations, and policies. As recently defined through updates to the *Provincial Planning Statement* 2024 early Indigenous engagement is now a requirement for municipal management of archaeological resources.

2.4 Provincial Obligations

Within Canada, the Canadian Constitution divides federal and provincial responsibilities in such a way that there can be multiple approval bodies related to cultural heritage matters (Image 1). For example, archaeology is primarily regulated by the Province of Ontario except in specific cases (such as on Indigenous lands). The provincial government sets the basic rules for when and how archaeology must be undertaken. The implementation of provincial interest regarding archaeology is often a municipal responsibility, especially within the framework of *Planning Act* related development. The exception to this is on provincially-managed lands, such as provincial parks. The Province established its first archaeological legislation in 1953 with *The Archaeological and Historic Sites Protection Act* building off of the work of provincial archaeologist David Boyle and the Government of Ontario's *Annual Archaeological Reports* (1887-1928). The Province, and its legislative framework, have traditionally divided cultural heritage resources into three categories: tangible (moveable), tangible (immovable) and intangible. Much of the existing legislation related to cultural heritage reflects this division. However, this division also has its origins within Roman law and reflects a western-dominated model that typically neglects holistic approaches to cultural heritage management.

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2.4.1 Ontario Heritage Act

The *OHA* (R.S.O. 1990) provides legislative oversight to conserve, protect, and preserve the heritage of Ontario, including archaeological resources. The *OHA* assigns responsibility for doing so to a provincial ministry, now the Ministry of Citizenship and Multiculturalism (MCM).

Part I (2) of the *OHA* enables the appropriate Minister to determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario. The MCM uses these powers to regulate archaeology in the province by:

- establishing a system to license individuals permitted to identify and investigate archaeological sites;
- creating technical standards and guidelines for archaeological fieldwork and reporting;
- maintaining a list of registered archaeological sites; and
- overseeing transfers of archaeological collections.

Part II outlines the roles and responsibilities of the Ontario Heritage Trust, a provincial agency mandated to preserve, maintain, reconstruct, restore and manage heritage properties, including those of archaeological interest. Through Part II, the Trust also has the power to advise and make recommendations, acquire, and conduct and arrange interpretative events for properties of archaeological interest.

Part III (1) establishes the *Standards and Guidelines for Provincial Heritage Properties* (i.e., provincial managed properties) including archaeological properties.

Parts IV and V outline the requirements for the conservation of individual properties of cultural heritage value or interest and Heritage Conservation Districts. Sections 27 (5), 33 (2) and 42 (2.2) enable a municipal council to identify the specific information required to approve an application, and in some jurisdictions, this includes requirements for archaeological assessments.

Part VI provides the specific requirements for archaeological licenses and inspections. It enables the Minister to designate and de-designate a property of archaeological significance and lays out the associated process and rules. Under this section of the *OHA*, the Minister also has the power to stop work on a property that is of archaeological or historical significance. Section 65 requires reporting of archaeological sites and establishes the Provincial register of archaeological reports. Section 66 enables artifacts from archaeological sites to be deposited in a public institution and held in trust for the people of Ontario.

Lastly, Part VII Section 69 outlines fines and imprisonment terms for contravention of the *OHA* and its regulations. Any person who contravenes the *OHA* is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than one year, or to both. A corporation convicted of an offence under the *OHA* can be fined up to $250,000. Additionally, the *OHA* states that:

> (3) Despite subsections (1) and (2), if a person is convicted of the offence of contravening section 34 or 34.5, demolishing or removing a building or structure in contravention of section 42 or contravening subsection 48 (1) or if a director or officer of a corporation is convicted of knowingly concurring in such an act by the corporation, the maximum fine that may be imposed is $1,000,000. 2005, c. 6, s. 44 (2).

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Marine archaeology is also addressed under *Ontario Regulation 170/04*, s.1. The term "marine archaeological site" is defined as "an archaeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water." The licensing of marine archaeological work differs from the terrestrial system, but both are administered by MCM.

2.4.2 Planning Act and Provincial Planning Statement

Several pieces of provincial policy and legislation trigger the need for an archaeological assessment prior to land development. The most relevant of these to AMPs are the *Provincial Planning Statement* (*PPS*) (2024) and the *Planning Act* (R.S.O. 1990).

The *Planning Act* was consolidated on 20 April 2024. The Minister/Ministry of Municipal Affairs and Housing (MMAH) administers this act. Its purpose is to (Section 1.1):

- to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- to provide for a land use planning system led by provincial policy;
- to integrate matters of provincial interest in provincial and municipal planning decisions;
- to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- to encourage co-operation and co-ordination among various interests; and
- to recognize the decision-making authority and accountability of municipal councils in planning.

The *Planning Act* applies to a many different of land development applications, including plans of subdivision and condominium, site specific official plan amendments, site plans, rezoning and small-scale applications (e.g., consent to sever), and identified matters of provincial interest. Section 2 the *Planning Act* states:

> The Minister, the council of a municipality, a local board, a planning board and the Municipal Board 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 3.5 reiterates the responsibility of municipalities to align planning practices with the *PPS*:

> A decision of the council of the municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,
>
> > a) Shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision…

Part V (34 (3.3.)) of the *Planning Act* allows municipalities to create zoning by-laws to prohibit land uses or the erection of buildings on lands containing an archaeological resource. Further Part VI (Schedule 1, *Regulation 544/06*, s.2) of the *Planning Act* provides a list of information to be provided with an application for a plan of subdivision. This list specifically requires an evaluation of archaeological potential and an archaeological

assessment of all lands having such potential, in addition to the conservation of archaeological resources identified. An application must indicate

> 23. Whether the subject land contains any areas of archaeological potential.
>
> 24. If the plan would permit development on land that contains known archaeological resources or areas of archaeological potential,
>
> > (a) an archaeological assessment prepared by a person who holds a license that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the *Ontario Heritage Act*; and
> >
> > b) a conservation plan for any archaeological resources identified in the assessment.

The *PPS* (2024:1), which came into force-and-effect on 20 October 2024, identifies the conservation of heritage resources, including archaeological resources, as a matter of provincial interest:

> Ontario's land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians. **Cultural heritage and archaeology in Ontario will provide people with a sense of place** [emphasis added]. And while many Ontarians still face a complex range of challenges, municipalities will work with the Province to support the long term prosperity and well-being of residents through the design of communities responsive to the needs of all Ontarians.

The *PPS* should be understood as the minimum standard which must be applied.

> The policies of the Provincial Planning Statement represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Planning Statement. (4)

Further, all decision-makers must ensure their decisions are consistent with the *PPS*.

> In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. (2)

Section 4.6.2 of the *PPS* sets expectations for planning authorities, establishing that they shall not permit development or site alteration on properties containing archaeological resources or areas of archaeological potential unless conservation has taken place. In other words, it establishes that an archaeological assessment should be undertaken prior to land development. Section 4.6.4b also establishes AMPs as an encouraged strategy for municipalities to fulfill their obligations.

As already mentioned, the Province, within the *PPS*, has also made it clear that municipalities must undertake early engagement with Indigenous communities (Section 4.6.5 & 6.2) as part of planning processes.

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2.4.3 Funeral, Burial and Cremation Services Act

The *Funeral, Burial and Cremation Services Act,* 2002, S.O. 2002, c. 33 - Bill 209 S.O. 2002, Chapter 33 was assented on December 13, 2002 and consolidated on March 1, 2022. The Minister/Ministry of Public and Business Service Delivery and Procurement (MPBSDP; formerly the Ministry of Government and Consumer Services) is responsible for the *Funeral, Burial and Cremation Services Act* (*FBCSA*).

The *FBCSA* prevails over Part VI of the *OHA* (Section 105). The *FBCSA* states that disturbing a burial site is prohibited except in the following circumstances (2002, c. 33, s. 94; 2006, c. 34, Sched. D, s. 65 (Section 94)):

(a) on instruction by the coroner;

(b) pursuant to a site disposition agreement; or

(c) if the disturbance is carried out in accordance with the regulations.

If an unmarked burial site is found or if someone has knowledge of an unmarked burial site they must immediately notify the police or coroner (Section 95). When such a site is found and reported the Registrar may order the owner of the land to undertake an investigation into its origin (Section 96). An investigation under Section 96 of the *Funeral, Burial and Cremation Services Act* is guided by *Ontario Regulation 30/11* (Section 174. (1)) which requires a licensed archaeologist to conduct the investigation. If the Registrar is of the opinion that such an investigation would impose and undue financial burden on the landowner, the Register may undertake the investigation (Section 96 (4)).

Ontario Regulation 30/11 Part III Division C (Sections 174-184) includes specific regulations for burial sites. As noted above, Section 174 requires that an archaeologist investigate the burial site. If foul play is not suspected –as determined by the coroner—the owner of the land is responsible for taking whatever steps are necessary to preserve the site, the human remains, and any artifacts associated with it until a final disposition is made (Section 175 (1b)).

2.4.3.1 *FBCSA* Registrar's Directive

Noting that the *FBCSA* identifies that it is offense to disturb a burial site, archaeological assessments are required when projects that involve land disturbance are planned for lands within registered cemeteries or immediately adjacent to (i.e., within 10 m) of cemetery lands. The purpose of the assessments is to establish the location and spatial limits of burials associated with the cemetery and to ensure that there are not impacts during the proposed project. To relieve the archaeologist of potential legal violations of the *FBCSA*, when such archaeological assessments are undertaken within or adjacent to cemeteries, the Registrar, *FBCSA* and Bereavement Authority of Ontario (BAO), requires that the licensed archaeologist to apply for and receive a Cemetery Investigation Authorization (CIA) prior to conducting Stage 2 through Stage 4 fieldwork (i.e., archaeological assessment stages involving ground disturbance).

Stage 1 through 3 archaeological assessments undertaken under CIA are required for cemeteries where the boundaries or location of burials cannot be conclusively determined based on records, maps and plans of the cemetery, most often historic cemeteries.

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In addition, the *FBCSA* establishes regulations for cemetery alterations proposing alterations to registered cemeteries. Under the *FBCSA* it is an offence:

- to disinter human remains without the consent of the Interment Rights holder and notification to the medical officer of health (Subsection 162 (3) of *Ontario Regulation 30/11*);
- for an operator or cemetery to install a building within 4.57 m or 15 ft of an inground grave (Section 155 of *Ontario Regulation 30/11*); and
- for an operator to place any new in-ground graves or scattering grounds within 4.57 m or 15 ft of a building.

To avoid these potential violations of the *FBCSA* and potential disturbances to a burial site, the Registrar of the *FBCSA* and BAO require that:

- an archaeologist be hired to undertake a Stage 1 assessment to provide a summary of the planned development and excavation within the cemetery that will impact the cemetery lands and evaluate potential for impacting burials;
- the Registrar, BAO will issue a CIA that will allow Stage 2 through Stage 4 archaeological assessments to occur to evaluate whether the proposed project area contains burials; the CIA will also relieve the archaeologist of any legal violation of the *FBCSA* should burials be impacted or human remains identified.

2.4.4 Environmental Assessment Act

The *Environmental Assessment Act*, R.S.O. 1990, c. E.18 was consolidated on May 16, 2024. The Act's purpose is the "betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment" (Section 2). The Act applies to both public sector projects and specific types of private sector projects in the province. The Minister/Ministry of the Environment, Conservation and Parks (MECP) administers this Act.

Under the *Environmental Assessment Act*, the definition of environment is broad and includes (Section 1(1) (c &d)):

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

Archaeological sites and/or artifacts can be understood as being are included in both the definition of 'cultural conditions' and as well as "building, structure… or thing made by humans".

The *Environmental Assessment Act* requires an Environmental Assessment (EA) to include a description of (Part II.3, Section 17.6 (2) 11.3 (2, c)):

- The environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
- the effects that will be caused or that might reasonably be expected to be caused to the environment, and

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- the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment.

Archaeological assessments are therefore required as part of environmental assessments, to assess which archaeological resources, sites, artifacts or remains will be affected by a project subject to the *Environmental Assessment Act*. Many different classes of EAs (e.g., conservation, municipal, transmission facilities, etc.) also have published guidelines which reference archaeological requirements calibrated to those types of assessments.

2.4.5 Other Provincial Legislation

Other substantive pieces of provincial legislation that identify the need for the conservation of archaeological resources and/or trigger the requirement for an archaeological assessment include, among others:

- The *Aggregate Resources Act* (R.S.O. 1990) also acknowledges the potential for aggregate extraction and quarrying to impact archaeological resources and requires an archaeological assessment to be undertaken as part of the aggregate licensing approvals process. Applications for new extraction sites can also require rezoning, an official plan amendment or zoning by-law amendment. These requirements link back to the *Planning Act* and *PPS* 2024.
- The *Crown Forest Sustainability Act* regulates forestry on Crown lands and requires a forest management plan to be prepared in accordance with the requirements of the Forest Management Planning Manual. The Forest Management Planning Manual contains direction for preparing and implementing forest management plans that balance a sustainable supply while minimizing the adverse effects on forest values, including cultural heritage values.
- The *Provincial Parks and Conservation Reserves Act* (S.O. 2006) regulates provincial parks and conservation reserves in Ontario. Its purpose is to permanently protect a system of provincial parks and conservation reserves that includes ecosystems that are representative of all of Ontario's natural regions, protects provincially significant elements of Ontario's natural and cultural heritage, maintains biodiversity and provides opportunities for compatible, ecologically sustainable recreation.

General responsibilities for addressing archaeology are also included in the following legislation:

- *Environmental Protection Act* (R.S.O. 1990);
- *Municipal Act* (S.O. 2001); and
- *Greenbelt Act* (S.O. 2005), including:
    - *The Greenbelt Plan* (2017).

2.4.6 Standards & Guidelines for Consultant Archaeologists

In addition to the spectrum of legislation and regulation outside of the *OHA*, professional archaeologists licensed by the Province, and managed by MCM, are also required to follow the 2011 *Standards & Guidelines for Consultant Archaeologists* (*S&Gs*). The *OHA* prohibits anyone who does not hold a licence from deliberately altering archaeological sites. The *S&Gs* are a prescriptive policy document directing field, analysis and reporting methodologies archaeologists must adhere to in order to keep their licences in good standing. The foundation

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of the four stages of archaeological assessments (Stages 1, 2, 3, and 4) is maintained and enforced by the *S&Gs* which are also referenced explicitly by other policy documents such as class specific EA guidelines. The stages of archaeological assessment are:

Stage 1: Background Study and Optional Property Inspection
Consultant archaeologist visits the property and reviews previous archaeological assessments in the area, OASD site data base along with geographic, land use, and historical information. If areas of archaeological potential are identified, a Stage 2 assessment is required,

Stage 2: Property Assessment
Consultant archaeologist will survey the land for archaeological resources using the pedestrian method, test pitting and other archaeological strategies. If archaeological resources of sufficient cultural heritage value or interest (CHVI) are found a Stage 3 assessment is required.

Stage 3: Site Specific Assessment
Consultant archaeologist conducts further property research and test excavations to assess the size, nature and integrity of an archaeological site to determine its CHVI. Sites of sufficient CHVI require a Stage 4 assessment.

Stage 4: Mitigation of Development Impacts
Conservation strategies recommended by the consultant archaeologist are implemented. Long-term avoidance and protection of the archaeological site is always preferred but if not possible the site can be documented and removed through excavation.

Alongside the *S&Gs*, MCM also maintains and occasionally produces technical bulletins which provide additional requirements or clarifications to archaeological management policies (e.g., *Engaging Aboriginal Communities in Archaeology: a Draft Technical Bulletin for Consultant Archaeologists in Ontario*).

In addition to these provincially enforced requirements, professional archaeologists may also be subject to the codes of conduct and ethical standards of professional organizations such as the Ontario Archaeological Society (OAS) or Association of Professional Archaeologists (APA) among others.

By virtue of their role as licencing body, MCM maintains the authority to manage archaeological licences. That process includes compliance reviews of archaeological reports against the *S&Gs* and other licensee obligations. However, MCM has deliberately avoided acting as an approval authority with respect to the regulatory frameworks requiring archaeology. In other words, MCM does not determine if an archaeological assessment fulfills obligations outside of licence compliance. That responsibility falls to the relevant approval authorities, such the City for land-use planning applications.

2.4.7 Provincial Agencies and Ministries

Where an agency of the Province is the approval authority, and under the umbrella of intersecting legislation, these organizations also maintain their own formal and informal means of managing and reviewing archaeological assessments. Example organizations include:

- Metrolinx;
- Ministry of Environment, Conservation, and Parks, including:
    - Ontario Parks;

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- Ministry of Infrastructure (MOI), including:
    - Infrastructure Ontario;
- Ministry of Natural Resources (MNR);
- Ministry of Transportation (MTO); and
- The Ontario Energy Board (OEB).

2.5 Professional Obligations

The responsibility for stewarding Canada's valued cultural heritage resources also manifests in professional codes of conduct and organizational statements of ethics. The Canadian Institute of Planners (CIP) Code of Conduct and Ethics specifically identified the need to protect cultural heritage, including archaeological resources:

> CIP members believe that both natural and cultural environments must be valued. They assume roles as stewards of these environments, balancing preservation with sustainable Development.

This wording is repeated almost verbatim within the Statement of Values for the Ontario Professional Planners Institute (OPPI). The Canadian Association of Heritage Professionals (CAHP) also broadly calls on its members to ensure that cultural heritage resources, including archaeological resources, are protected and conserved by ensuring that members:

- Do not engage in any illegal or unethical conduct involving the practice of heritage conservation.
- Be aware of the objectives of the Appleton and Venice Charters and other nationally, internationally or provincially recognized statements of heritage conservation principles and assess the impact on heritage resources.

Under the Ontario Archaeological Society's ethical principles, members must also ensure that the archaeological record is conserved. Among the specific ethical principles are the following:

> 1. We respect and support all domestic legislation and international conventions that protect archaeology and heritage.
>
> 2. As archaeologists, we recognize that we have special obligations to any Indigenous or Descendant community whose cultural legacy is the subject of our investigation.
>
> 3. We affirm that Indigenous communities have an inherent right to practice stewardship over their own cultural properties (including but not limited to: archaeological, spiritual, and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts, oral traditions and written and oral literature) and that said stewardship includes the right to maintain, control, protect, develop and have access to those properties.
>
> 4. We acknowledge the profound relationship between Indigenous communities and their cultural properties regardless of legal ownership.
>
> 5. We will take all reasonable efforts to obtain the free, prior and informed consent of representatives of Indigenous communities or Descendant groups prior to taking any steps in the investigation or management of their cultural properties.
>
> 6. We will respect the customs and traditions of Indigenous communities regarding the treatment of

ancestors.

7. We oppose the purchase, sale and trading of archaeological artifacts.

8. We believe that it is the responsibility of archaeologists to disseminate the results of research to the archaeological community, as well as to the general public, in an easily accessible manner, medium, and format.

9. We condemn altering data, records and/or falsifying reports prepared by others or reporting information gathered by others without citation.

10. We promote the stewardship of all archaeological collections and believe that these should be maintained in an approved repository for long-term conservation.

11. Members are obligated to notify the Board of Directors of any material breach of these ethical guidelines, and we support initiatives that the Board may implement to obtain fair resolution to such breach, or to resort to remedies as provided for in our constitution.

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3 LOCAL GOALS AND OBJECTIVES

Both the *OHA* and the *Environmental Assessment Act* originate with efforts in the 1970s to better regulate both the built and natural environment, and until the early 2000s, the Government of Ontario served as the approval body for archaeology (and many other heritage planning matters). However, since the 1990s, provincial download has resulted in municipalities taking a more active role in heritage planning matters while increased regulation has placed greater responsibilities on municipal planning programs.

In response to these requirements, the City of Kawartha Lakes has been undertaking an active program of policy and process development, particularly over the last several years. The following documents include specific references to archaeology and archaeological management or would apply to situations where archaeology could be a consideration:

- City of Kawartha Lakes Strategic Plan;
- City of Kawartha Lakes Official Plan (Consolidated draft 2024);
- City of Kawartha Lakes Heritage Conservation District (HCD) Plans and Guidelines;
- City of Kawartha 2020 – 2030 Cultural Master Plan;
- City of Kawartha Lakes – Heritage Master Plan;
- City of Kawartha Lakes Strategic Community Improvement Plan;
- City of Kawartha Lakes Asset Management Plan;
- By-laws For Kawartha Lakes Municipal Cemeteries;
- Planning and Development Process Guides;
- Memoranda of Understanding (MOUs) with Conservation Authorities; and
- City of Kawartha Lakes Policies:
    - CP2018-007 Land Management Policy;
    - CP2019-003 Strategic Asset Management Policy;
    - CP2021-029 Records Management Program;
    - CP2021-034 Real Property Acquisition Policy;
    - CP2021-035 Public Art Policy;
    - CP2021-036 Access, Information and Privacy (MFIPPA) Policy;
    - CP2021-037 Archives Policy;
    - CP2021-040 Heritage Applications Policy;
    - CP2022-007 First Nations Consultation Policy;
    - CP2022-008 First Nations Land Acknowledgement Policy;
    - CP2022-009 Repatriation of Indigenous Artefacts and Remains to, and Sharing Archival Information with, First Nations Policy;
    - CP2022-010-Education-in-Response-to-the-57th-Call-to-Action-from-the-Truth-and-Reconciliation-Commission-Policy;
    - CP2022-011 Artifact Policy;
    - CP2024-002 Archival Preservation Policy; and
    - CP2024-003 Corporate Art Collection and Management Policy.

However, there are challenges facing municipalities within the current provincial context. Despite the framework that the City of Kawartha Lakes has created for managing cultural heritage, there have been many

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and rapid changes to Ontario's planning regime since 2019. In the words of the Toronto law firm Aird and Berlis from earlier this year (Dean et al. 2024):

> Since 2021, there have been no less than 10 bills brought forward by the Province of Ontario (the "Province") addressing matters of land use planning, development and municipal regulatory powers. Review the names of these bills and you will pick up on the Province's theme: *More Homes for Everyone Act, 2022* (Bill 109), *More Homes Built Faster Act, 2022* (Bill 23), *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97), *Affordable Homes and Good Jobs Act, 2023* (Bill 134) and, most recently, the *Get It Done Act, 2024* (Bill 162).

Changes continue to be made. These include the implementation of the 2024 *Provincial Planning Statement* in October 2024 and the release of a November 19, 2024 letter from the Acting Minister of Citizenship and Multiculturalism identifying further changes that are proposed to the *OHA*.[3] This also does not reflect changes to the *Environmental Assessment Act* process that were implemented in February 2024 (Environmental Registry of Ontario, 2024). These multiple changes have created an environment of instability within the planning and heritage fields. The situation has been identified several times by Ontario's Auditor General, including in such reports as the *Value-for-Money Audit: Land-Use Planning in the Greater Golden Horseshoe (2021)*; *Performance Audit: Minister's Zoning Orders (MZOs) (2024)*; and *Performance Audit: Ontario Land Tribunal (OLT) (2024)* (Office of the Auditor General of Ontario, 2021; Office of the Auditor General of Ontario, 2024a; Office of the Auditor General of Ontario, 2024b). Policy and process development have been increasingly difficult, and previously employed tools (such as site plan and mandatory pre-consultation) have been eliminated. Certain types of development proposals have been exempted from the planning process. However, the obligations of municipalities and matters of provincial interest have not changed. This has resulted in municipalities being forced to look to creative solutions that not only fulfill their responsibilities but are capable of weathering this period of regulatory volatility.

3.1 City of Kawartha Lakes Policy Review

Add to these changes, the City of Kawartha Lakes is currently consolidating and updating its Official Plan. Appendix A contains the existing Official Plan policies from the May 2024 draft consolidation. These policies are supported other existing policy document such as the following.

3.1.1 City of Kawartha Lakes Heritage Master Plan

The City of Kawartha Lakes initiated a Heritage Master Plan (HMP) in 2010 with the specific goal to:[4]

> …foster and promote the intrinsic value of local heritage. It is part of a process that once established can also provide downstream underpinning for economic development as local identity, pride and the resulting vibrant heritage sector attract visitors and investment from outside the area.

The HMP was completed in 2011 by Richard Fortin Associates. It identified the need to both integrate cultural heritage resource into the municipal planning framework as well as tying them to economic and community goals. As part of this process, the HMP identified the need for an archaeological management plan numerous

[3] Attached as Appendix A
[4] Note: The Heritage Master Plan does not have distinct sections. Pages numbers will be used to identify the location of specific reference. This quote is found on page 9.

times.[5] The HMP also identified archaeological resources as being under-represented as a type of cultural heritage resources.[6] The HMP called for public education about archaeology, as well as the findings from past excavations, a process that was undertaken as part of the current AMP process. Ultimately, the HMP provided several key recommendations for archaeological conservation including the following:

- The City will continue to notify recognized archaeological conservation agencies and First Nations of relevant requests for planning approvals with respect to such matters as Official Plan and zoning amendments, subdivision and condominium applications, and applications for site plan approval;
- The City intends to allow recognized archaeological conservation agencies an opportunity to comment on the archaeological potential of development and redevelopment sites;
- The City intends to facilitate dialogue among the agencies, private interests and the City with respect to the discovery and identification of archaeological resources;
- Through the review of development applications, the City shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist;
- The City shall consider a range of conservation and preservation tools if significant archaeological sites are to be protected in-situ, including the use of archaeological zoning bylaws, site plan control agreements and conservation easements;
- The City shall apply the provisions of the Cemeteries Act and its regulations when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity; and,
- The City shall encourage comprehensive cultural heritage resource mapping, archaeological resource mapping, heritage master planning and other heritage site inventories for the City.[7]

3.1.2 City of Kawartha Lakes Cultural Master Plan and Strategic Community Improvement Plan

The recommendations of the HMP were echoed within the City of Kawartha Lakes Cultural Master Plan, which also called for the creation of an archaeological repository (Section 5.3.4). The City of Kawartha Lakes Strategic Community Improvement Plan further recognized the role of the *OHA* in protecting archaeological sites and resources (Appendix D).

3.1.3 City of Kawartha Lakes Heritage Conservation District Plans

Both the Downtown Lindsay HCD and the Oak Street HCD Plan and Guidelines documents identify archaeological resources and areas of archaeological potential as important components of these districts. Both documents recommend the creation of a Stage 1 archaeological assessment for the HCDs, and recommend maintaining archaeological reports for each area.

[5] References found on pages 11, 15, 17, 19, 37, 40, 49, 53, 105, 108 and 111.
[6] References found on pages 13 & 17.
[7] Reference found on pages 200-202.

3.1.4 The City of Kawartha Lakes Strategic Plan

The City of Kawartha Lakes Strategic Plan has specific values and goals that apply to the development of the AMP:

Specific values of relevance to the AMP include:

- Accountability;
- Respect; and
- Teamwork.

Specific goals which should inform the development of the AMP include:

- Complete Official Plan, Secondary Plans and Consolidated Zoning By-law;
- Streamline the development approvals process;
- Streamline and simplify by-laws, policies and processes; and
- Advance reconciliation with First Nations, Inuit and Métis peoples through ongoing and meaningful consultation.

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4 COMPARATIVE EXAMPLES

Many communities across Ontario have created AMPs (Map 1). To understand how other communities have addressed provincial archaeological requirements, several other recent AMPs have been examined. These plans have been selected because of their recent approval dates, and include:

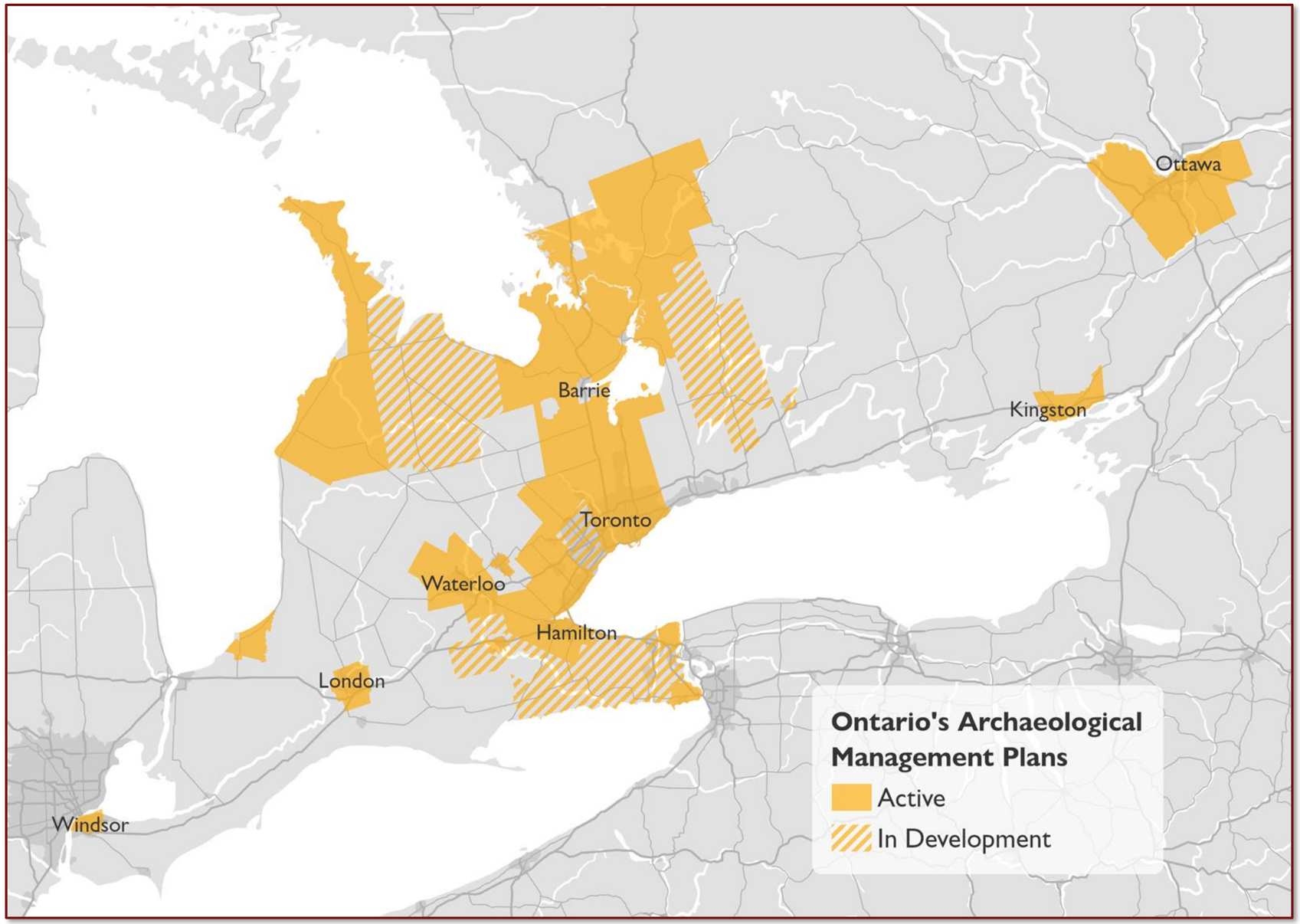
- Bruce County Archaeological Management Plan (Bruce County 2022);[8]
- City of Cornwall Archaeological Management Plan (City of Cornwall, 2023);
- City of Windsor Archaeological Management Plan (City of Windsor, 2024a); and
- Niagara Regional Archaeological Management Plan (Niagara Region, 2023).

It is understood that ongoing AMP projects are being undertaken in the following communities:

- Brant County;
- City of Brampton;
- City of Kingston (update);
- City of Mississauga;
- Grey County; and
- Haldimand County.

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[8] Archaeological potential map only.



Map 1: Archaeological Management Plans in Ontario

4.1 Bruce County Archaeological Management Plan

The 2022 Bruce County Archaeological Management Plan was developed by TMHC. From the outset, the initial plan was to consist of an archaeological potential map with accompanying background reporting which would inform future implementation by the County.

At this time, the County has not formally undertaken policy implementation of the AMP; however, following endorsement of the initial AMP map and report by County Council, the AMP map is being used by municipal planners.

4.2 City of Cornwall Archaeological Management Plan

The 2023 City of Cornwall Archaeological Management Plan was developed by WSP Golder. The plan was created with five objectives (City of Cornwall 2023: iii):

1. Outline policy and protocols for managing archaeological resources;
2. Compile known cultural heritage and archaeological evidence;
3. Develop an archaeological site potential model;
4. Outline an Indigenous engagement protocol, and;
5. Provide recommendations to conserve archaeological resources.

This plan includes a specific list of applications which would require an archaeological assessment.

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- Official Plan Amendments: undertaken when a property owners may wish to use or develop a property in a way that conflicts with the policies in a municipality's Official Plan (Ontario 2021a).
- Zoning By-law Amendments: required to apply for a zoning change so that a property can be used or developed in a way that is not in compliance with the current Zone and provisions set out in a municipal Zoning By-law (Ontario 2021b).
- Plans of Subdivision and Plans of Condominium: Subdivision refers to the legal process of dividing a property into two or more parcels so that one or more such parcels can be sold (Ontario 2021c). Obtaining an approval of a Plan of Subdivision from the municipality is necessary to ensure the land is suitable for its proposed new use, the proposal conforms to the Official Plan and Zoning By-law, and to protect the community from developments which are inappropriate or may put undue strain on community facilities, services or finances.
- Site Plan Control: a tool that allows the municipality to control some site-specific aspects of development such as access, walkways, lighting, waste facilities, landscaping, and exterior design (Ontario 2021d). The control reduces negative impacts and ensures that the design of the site fits in with the surrounding uses.
- Consent Applications: undertaken to create new lots, add to existing lots, allow easements/right-of-ways, and register long-term leases in excess of 21 years (Cornwall 2017b).
- Public Works Projects: examples include the replacement or development of infrastructure and the development and maintenance of municipal assets.
- Building Permits: issued by the municipality to enforce Ontario's Building Code and are necessary when a property owner wishes to construct, renovate, demolish, or change the use of a building (Ontario 2021e). Specifically, an archaeological assessment could be required by the municipality for a building permit application for proposed construction causing soil disturbance that is located on a site having archaeological potential, if an archaeological assessment wasn't previously completed, and if no other development application was filed. A City-initiated Official Plan Amendment would be required to implement this and updates to the City application forms would be required.

Image 2: Application Types as Identified with the City of Cornwall AMP (City of Cornwall 2023: 22)

The plan includes strategies for address unexpected finds, and Emergency Discovery Plan for Human Remains, recommendations for artifact curation, updating requirements, and an Indigenous Engagement protocol. The plan also includes a removable schedule that includes a discussion of how specific development scenarios should be addressed.

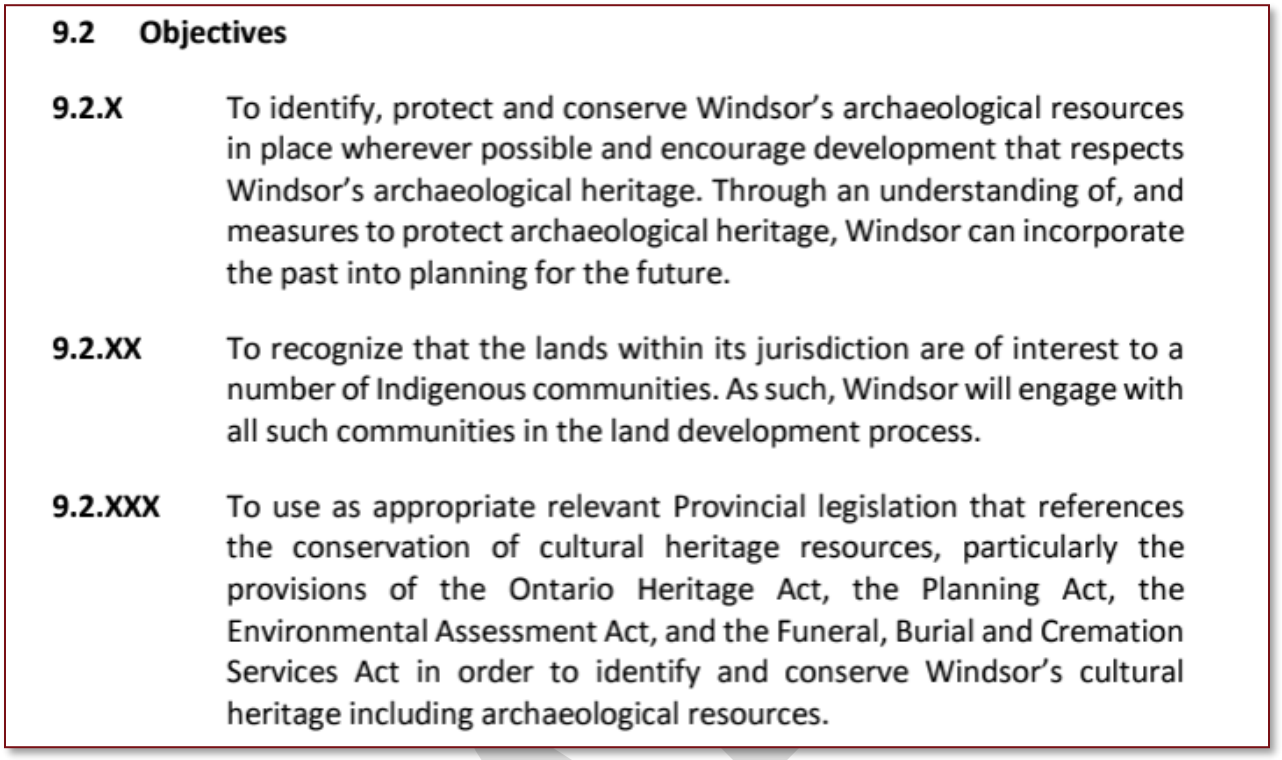
City of Cornwall Final Archaeological Management Plan

Type of City Development Application	Development Scenario	Archaeological Assessment Required? (Yes / No)	Implementation
Zoning By-law Amendment	■ Temporary Use By-law for an outdoor commercial patio.	Yes	
	■ Rezone from one use to another use on a vacant, brownfield or underutilized property.	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
	■ Rezone from one use to another use within an existing building – no building footprint expansion.	No	
	■ Rezone from one use to another use on a development property where there is a building expansion vertically.	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
Plan of Subdivision / Plan of Condominium	■ Soil disturbance on any lands identified as being part of an Akwesasne Cultural Property.	Yes	Update City OP policy in accordance with adopted Indigenous Engagement Protocol. Update City OPA/ZBLA Application Form.
	■ Greenfield subdivision (vacant land)	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
	■ Additional phase of development to an existing subdivision	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
	■ Plan of Condominium – Vacant	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
	■ Plan of Condominium – Common Elements	Yes	City-initiated OPA. Update City OPA/ZBLA Application Form.
	■ Plan of Condominium – standard	No	

Image 3: Development Scenarios as Identified with the City of Cornwall AMP (City of Cornwall 2023: 111)

4.3 City of Windsor Archaeological Management Plan

The 2024 City of Windsor Archaeological Management Plan was developed by Archaeological Services Inc. (ASI) and Fisher Archaeological Consulting. In addition to the integrity and potential mapping, the report included specific policy and process recommendations. The recommended Official Plan policies contain overt references to the rights of Indigenous communities.



9.2 Objectives

9.2.X To identify, protect and conserve Windsor's archaeological resources in place wherever possible and encourage development that respects Windsor's archaeological heritage. Through an understanding of, and measures to protect archaeological heritage, Windsor can incorporate the past into planning for the future.

9.2.XX To recognize that the lands within its jurisdiction are of interest to a number of Indigenous communities. As such, Windsor will engage with all such communities in the land development process.

9.2.XXX To use as appropriate relevant Provincial legislation that references the conservation of cultural heritage resources, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, and the Funeral, Burial and Cremation Services Act in order to identify and conserve Windsor's cultural heritage including archaeological resources.

Image 4: Recommended Revised Objectives for the City of Windsor AMP (City of Windsor 2024)

The plan also included specific recommended policies for human remains and artifact curation. The potential mapping was integrated into the Official Plan as a Schedule.

4.4 Niagara Region Archaeological Management Plan

The Niagara Region Archaeological Management was created for Niagara Region by ASI with planning support from LHC Heritage Planning & Archaeology Inc. Like the City of Kawartha Lakes, the Region developed comprehensive integrity and potential mapping. As an upper tier municipal government, the project involved a greater degree of policy analysis than required for Kawartha Lakes as the analysis has to consider not only regional policies, but also the policies and processes of the lower tier government under its auspices. The project included a detailed survey of local planners, and consultation with other communities that has recently implemented archaeological management plans. The results of this survey are noteworthy (Niagara Region 2023: 343):

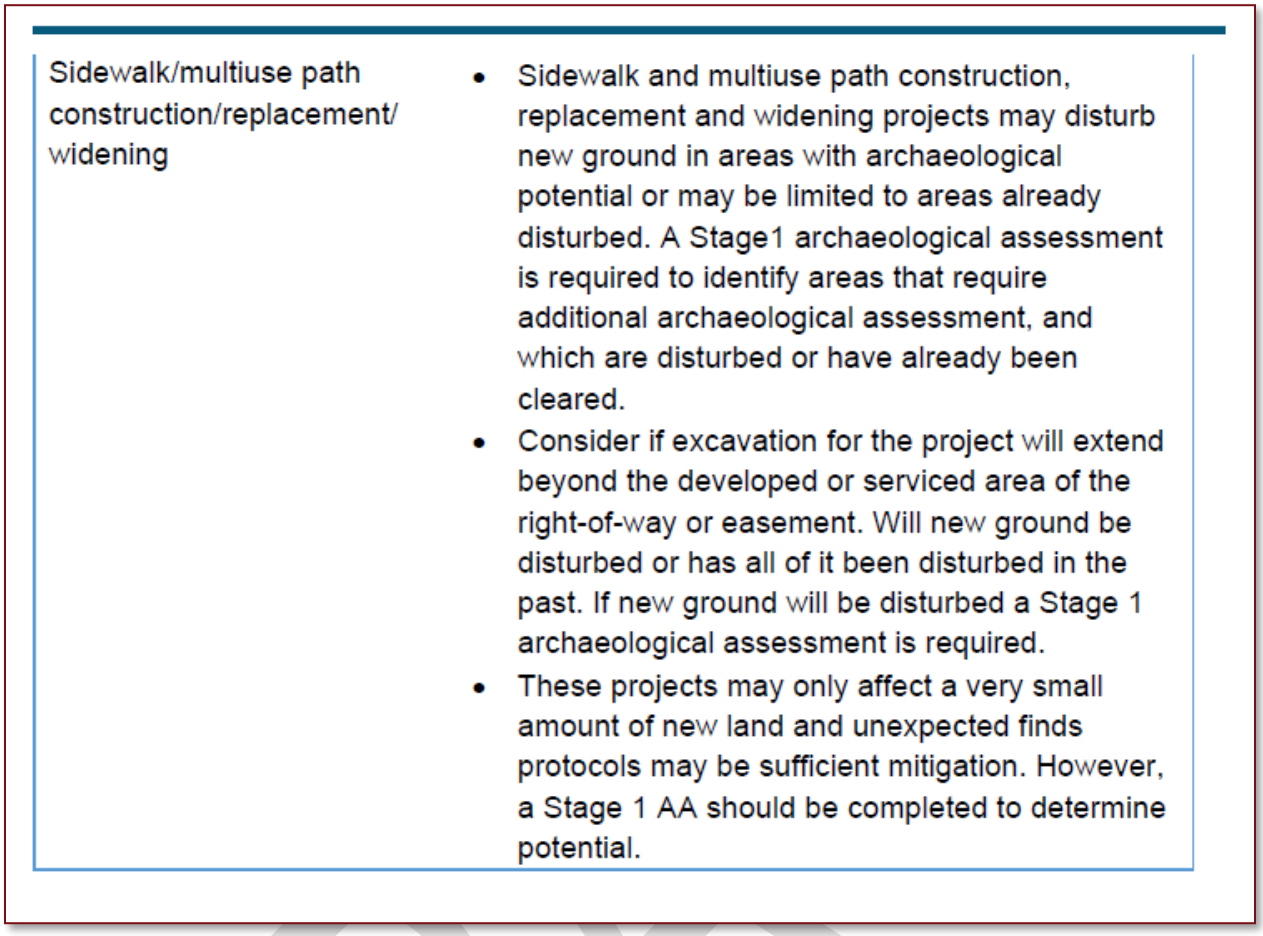
> Challenges that municipalities identified include logistical and capacity issues around ensuring timely updates to potential models and effective ways of filing archaeological assessment reports for future retrieval and use. Some municipalities had challenges securing a budget for regular review and updates to the AMP and archaeological potential models. Some Upper Tier Municipalities with AMPs have found that the Local Area Municipalities under them do not have the capacity, expertise, or political will to properly implement the plan. Some municipalities use the archaeological potential models from the AMP but no longer rely on policy or implementation tools in their AMP. However, in several cases, the Official Plan has been updated more recently than the AMP and the new Official Plan has more up-to-date policy than the AMP.

The resultant plan included official plan amendments for both the regional Official Plan as well as for the individual lower tiers. The plan included updated discovery clauses for development agreements and a detailed implementation section that included the following recommendations:

- The development of an MOU/Service Level Agreement and data sharing agreement(s) with the Local Area Municipalities;
- Quarterly updates for archaeological potential mapping;
- The need to develop and host online archaeology and archaeological planning training seminars for any Regional and Local Area personnel;
- The need to update by-laws that address site alteration and development where there is potential to impact archaeological sites and resources that may be affected by updated archaeological policy, including but not limited to:
    - Site alteration by-laws;
    - Foundation permit by-laws;
    - Property standards by-laws; and
    - Fence by-laws;
- The development of regional branded information materials about archaeological processes to all Local Area Municipal planning departments for reproduction and distribution to project proponents and members of the public; and
- Data sharing of archaeological information in the following ways:
    - The Region will maintain the data sharing agreement with the MCM;
    - The Region will maintain legal deposit repository of archaeological assessment reports;
    - A legal deposit repository (which can be virtual or hard copy entity) consists of collection of all archaeological reports completed within the jurisdiction of the respective municipality. This approach has been used by several municipalities in Ontario, including the City of Kingston, to ensure planners and municipal officials are aware of all archaeological works completed within the municipality. It can be integrated into a GIS system or function as a stand-alone entity; and
    - Niagara Region will host and manage archaeological potential mapping via a GIS platform.

The Plan also included a discussion of other possible tools such as *OHA* designation and demolition control; provided a flow chart for application review; and included a list of specific topics concerning possible exemptions or how to address specific scenarios (Image 2). The plan also included the development of specific handouts and educational materials.

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Sidewalk/multiuse path construction/replacement/ widening	• Sidewalk and multiuse path construction, replacement and widening projects may disturb new ground in areas with archaeological potential or may be limited to areas already disturbed. A Stage1 archaeological assessment is required to identify areas that require additional archaeological assessment, and which are disturbed or have already been cleared. • Consider if excavation for the project will extend beyond the developed or serviced area of the right-of-way or easement. Will new ground be disturbed or has all of it been disturbed in the past. If new ground will be disturbed a Stage 1 archaeological assessment is required. • These projects may only affect a very small amount of new land and unexpected finds protocols may be sufficient mitigation. However, a Stage 1 AA should be completed to determine potential.

Image 5: Niagara AMP Discussion of Exemptions and Specific Circumstances (Niagara Region 2023: 394)

4.5 Lessons Learned from Previous Archaeological Management Plans

Review of, and participation in, previous AMPs conveys several important lessons and considerations for the implementation of the City's AMP. These include:

- Defining a clear process for municipal planners to understand and utilize the AMP. In other jurisdictions, this can involve coordination with lower-tier municipalities, which is not the case in Kawartha Lakes. Training is an important component of this facet of implementation;
- Providing a flexible mechanism for triggering archaeological assessments on a variety of applications. With the provincial planning framework experiencing significant and frequent changes in recent times, triggers for archaeological assessment should be not only consistent with the current regulatory environment but anticipate future changes. Enabling assessments on certain types of permit applications (e.g., building permits), should also be possible where appropriate;
- Developing mutually beneficial communication protocols with Indigenous communities that facilitate their involvement in archaeological decision-making while respecting, and ideally augmenting, their capacity to participate;

- Facilitating a means of updating the Archaeological Potential Map with new information as assessments are completed and new archaeological sites are found. Maintaining up-to-date information regarding the location and results of archaeological assessments as they are completed will improve planning outcomes and reduce redundancy including future expenses when the AMP eventually comes up for review. This process involves implementing a means of collecting archaeological reports and spatial data in a manner and format that enables easy updating of the municipally maintained Archaeological Potential Map;
- Anticipating periodic updates to the model behind the Archaeological Potential Map. As a result of the small sample size for developing the Archaeological Potential Map, future archaeological assessments and discoveries can contribute to one day refining the model; and
- Collaborating with Indigenous communities on meaningful and independent Ancestor's remains (e.g., human remains) and artifact policies.

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5 SITUATIONAL ASSESSMENT

As part of this development of the Policy Direct Report, the project team examined the existing policies and processes within the City of Kawartha Lakes. This exercise revealed a community that has made strong efforts to address its cultural heritage obligations. Notably, Dr. Emily Turner's work in advancing reconciliation has positioned the municipality to address the Province's early consultation requirements as well as positive Indigenous relationship building. The Planning Department has also been making earnest efforts to consolidate and update the Official Plan and improve its processes. These staff are committed to improving interdepartmental co-operation and communication.

However, action is required to better position the City so that it may further address its obligations and responsibilities within the regulatory framework outlined in Section 2. In other words, the City of Kawartha Lakes must address archaeology regardless of whether it has an AMP. It is with this understanding, that the observations below have been provided to flag possible future issues and/or points of litigation. Producing an AMP, allows the municipality to create a community-specific document capable of responding to its provincially imposed responsibilities and municipally adopted objectives as well as its unique needs and circumstances. Where consequential to the municipal stewardship of archaeology, and as manifested during the project team's review of current processes and policies, these local needs and circumstances are outlined below.

5.1 Official Plan

Planning staff have been working to provide a public-facing consolidated Official Plan. The internal draft of this the consolidated *Official Plan* (May 2024) already has existing archaeological policies. However, the consolidated version has not yet been posted on the City's website which notes that a consolidated version is in development (Kawartha Lakes, 2024). For applicants and their agents, this absence of an accessible consolidated Official Plan can cause confusion. The current posted version dates to 2012 and does not include these critical archaeological policies. Further, as a consolidated document, there are inevitable inconsistencies between sections. Specifically, the following needs to be addressed as part of an Official Plan update:

- Definitions – including adding cultural heritage resources;
- Updates to reflect the current *PPS* and other legislation;
- Some cross-referencing policies, particularly as applied to the Secondary plans and the Greenbelt areas; and
- General consistency and language updates throughout.

5.2 Interdepartmental Communication

Based upon staff discussions, there is a need for increased communication/ interaction between the Planning Department and the heritage planner/officer. This was recognized by all staff. Inevitably, whenever a specialized reviewer is in a separate municipal department, there will be gaps in communication. However, both Dr. Turner and several Indigenous communities expressed concerns that planning applications were either missing archaeological requirements and/or archaeology was being identified at too late a point, resulting in applicant confusion and anger. Ensuring that Dr. Turner participates in planning meetings can help

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to flag these potential issues earlier. While the Archaeological Potential Map will assist to communicate when archaeological requirements apply, what is also required is a clear process that integrates archaeological requirements (and internal staff consultation) as early as possible into existing planning existing operations. Planners must be aware that cultural heritage, including archaeology, is not something that exists outside mainstream planning, and is a requirement of their ethical and professional obligations (see Section 2.5).

5.3 Municipal Planning Capacity

Related to the previous observation is the issue of capacity. The Planning Department has seen rapid turnover, and currently there is no existing education/orientation program to assist new planners to identify archaeological requirements and/or identify when consultation should take place with the heritage planner/officer. Further, Dr. Turner's duties currently include:

- Municipal Heritage Committee (MHC) liaison;
- TRC work;
- *OHA* permits and maintenance of the municipal Heritage Register;
- Heritage Policy Development;
- Application review for archaeology and built heritage (technical circulations etc.);
- Education and community outreach;
- Advisor for municipal projects with a heritage component; and
- Intern supervision.

There is currently no redundancy or staff back up for Dr. Turner. Archaeological requirements, in the absence of a clear process, are increasing the existing workload of staff. Based upon other AMP implementation processes, the heritage planner/officer should be the main point of contact for exceptions or to provide judgement if an assessment is absolutely necessary. This position will inevitably need to continue to facilitate the engagement process with local Indigenous communities. This is a significant task in-and-of-itself. The AMP should therefore provide sufficient guidance so that planners can independently, confidently, and accurately identify archaeological requirements at the outset of an application without needing to rely on the heritage planner/officer to make this determination.

5.4 Access to Archaeological Data

Municipal staff currently cannot access completed archaeological reports on the Ontario Public Register of Archaeological Reports and the OASD.[9] Under provincial legislation and the *PPS* planners and decision-makers have clear obligations to ensure the protection of both archaeological sites and areas of archeological potential. Despite this provincially imposed municipal obligation, the MCM only shares complete data with licensed archaeologists. Municipalities can enter into a data-sharing agreement with the Ministry but will only receive data on registered archaeological sites. To maintain the Archaeological Potential Map, the City must be receiving complete reports including reports with no findings and those that have either complete or partial

[9] As stated on MCM's website, "Before we provide reports to the public, we remove all personal information and the locations of archaeological sites in accordance with the *Freedom of Information and Protection of Privacy Act* to protect personal privacy and sensitive archaeological sites" (Ministry of Citizenship and Multiculturalism, 2022a). See also Ontario's Past Portal (Ministry of Citizenship and Multiculturalism, 2022b).

coverage of a property. Mapping, which is currently withheld by MCM from municipalities, is critical to this process. While some mapping is received as part of complete planning applications, planners currently do not receive reports for other works, such as public works internal to the municipality. Planners often struggle to match MCM archaeological report acceptance letters to specific land parcels. To this end, there appears to be a need internally for a single repository for all municipally initiated assessments to ensure that there is one point of contact and oversight. Access to reports and their associated mapping will ensure the planners make decisions based on correct information.

5.5 Municipal Asset Management Plan

Based upon a review of the existing Asset Management planning policies, there appears to be no references to archaeology. For example, the current Asset Management plan from 2022 does not address archaeological requirements. Based upon the AMP project team's experience, the failure to consider archaeology as part of public works programs will inevitably lead to delays and increased costs. Therefore, better integration of archaeological, as well as cemetery, requirements into the municipal asset management plan and other public works policies will ensure not only compliance with existing legal requirements but also facilitate more accurate costing for municipal projects. Public works must be consistent with the *Official Plan*, which as noted above, does include clear archaeological requirements and these requirements are also necessary under associated environmental assessment processes (see Section 2.4.4). A clear process must be established for the review of upcoming public works projects to ensure that archaeological requirements are identified early in the process.

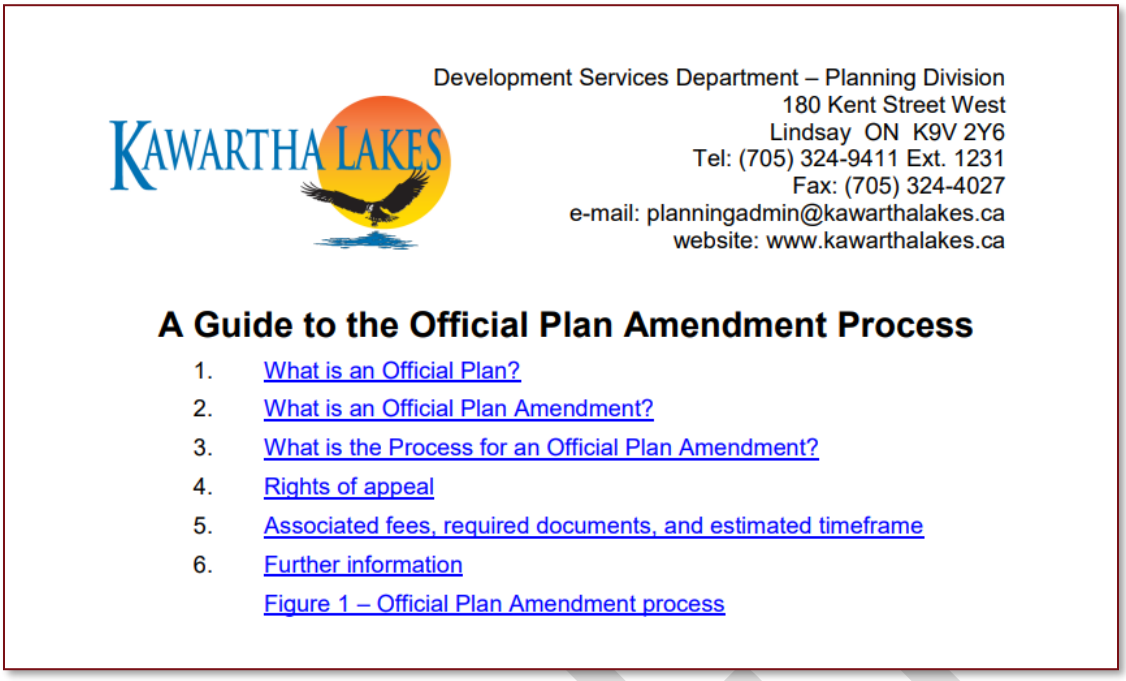
5.6 Indigenous Engagement

There is a need for a consistent and clear process for meaningful and ongoing archaeological engagement with local Indigenous communities. While the City has made significant and positive steps towards better integrating coordination with these communities into its municipal archaeological processes, the current provincial requirement for early engagement does not address issues of capacity, both on the part of the municipalities and Indigenous communities. This specific issue was identified by OPPI as part of its submission to the Environmental Registry of Ontario on an early draft of the 2024 *PPS*. As part of the Indigenous consultation undertaken to date, this issue was identified as a significant point of concern, and possible tools, such as a Memorandum of Understanding (MOU), were identified.

5.7 Planning Process Guides

All existing Planning Process Guides fail to reference archaeological requirements as a possible required study (Kawartha Lakes, n.d.). While the existing Planning Process guides are useful documents, the failure to include a reference to archaeology as a possible study is an omission that must be addressed.

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A Guide to the Official Plan Amendment Process

1. What is an Official Plan?
2. What is an Official Plan Amendment?
3. What is the Process for an Official Plan Amendment?
4. Rights of appeal
5. Associated fees, required documents, and estimated timeframe
6. Further information

Figure 1 – Official Plan Amendment process

Image 6: Screenshot from the City of Kawartha Lakes OPA Guide

5.8 Development Agreements

Inconsistent language is currently being applied to standard archaeological and discovery conditions within existing development agreements. A review of recent planning files highlighted this situation. The following statement is from a recent draft agreement for the Tribute (Lindsay 1) Limited project (2024). This existing policy references both the incorrect Ministry and incorrect process. Thus, updated standard clauses for use in such documents will be recommended as part of the AMP process.

27. ARCHAEOLOGICAL FINDS

The Owner AGREES that it, or its agents, builders or contractors shall immediately cease work and notify the Ministry of Citizenship and Multiculturalism, of any discovery of any archaeological resources, including but not limited to artifacts or burials, during development and housing construction.

The Owner further AGREES that if during construction any archaeological or cultural heritage resources (including human remains) are found, that all work shall cease and the Ministry of Tourism Culture and Sport be notified and only commenced with the Ministry's concurrence.

Image 7: Screenshot of Existing Discovery Condition in a Recent City of Kawartha Lakes Development Agreement

5.9 Conservation Authorities

Discussions with staff have revealed an uncertainty about how the existing MOUs with local conservation authorities address archaeology. The MOUs do not explicitly address archaeology and this void should be addressed within this relationship.

5.10 Approvals Outside of the *Planning Act* and *Ontario Heritage Act*

Both municipal staff and local Indigenous communities specifically identified problems with existing approvals outside the *Planning Act* and *OHA* approvals (e.g., heritage alteration permits) that can impact known and potential archaeological resources and burials. This includes such approvals as the Building Permit, Conservation Authority Approvals, and Foundation permits. Further, the aforementioned provincial changes have removed opportunities to flag potential issues to applicants such as many types of Site Plan review, pre-consultation, as well as permitting specific "as-of-right" development. These are all identified as potential risks to municipal responsibilities to manage archaeology. Areas of specific concern include along the water where dock and deck developments have, in the past, resulted in negative impacts to both burials and archaeological sites. Minister's Zoning Orders (MZOs) were also identified as having the potential to create gaps in the City's ability to flag archaeological concerns and undermining reconciliation efforts (Shared Path Consultation Initiative 2022). Discussions were held examining the possibility of using archaeological zoning overlays, Holding Symbols, and applicability of site plan control to address these types of applications.

5.11 Collections and Artifact Management

Both staff and Indigenous communities noted that it was unfortunate that the tangible findings of excavations (i.e., artifacts) are not necessarily kept within the local community. Under Ontario's archaeological licensing process, materials must either: 1) remain with the licensed archaeologist, held in trust for the "people of Ontario" or 2) be placed in an "appropriate" facility. In many cases, excavated materials may be stored in repositories located far from the municipality in which they were excavated. Comments raised during AMP engagement expressed clear interest in housing archaeological collections within the City, possibly through the establishment of a local repository. This initiative has been previously introduced in several municipal plans, including the Heritage Master Plan. Local Indigenous communities have or are considering creating their own repositories for housing archaeological collections from their Ancestral sites. A City repository could house non-Indigenous archaeological collections or assist Indigenous communities with temporary housing of their Ancestral collections on an as needed basis and with community-involvement and oversight.

5.12 Costs of Archaeological Assessments

The costs of required archaeological assessments are paid by applicants. For large developments, these fees are incorporated into the overall costs for the project. However, archaeological assessments required for independent homeowners and charitable institutions (e.g., churches), for example, may pose financial challenges. Several City staff, individuals at the public meeting, and a member of MHC raised concerns regarding potential costs for homeowners required to undertake archaeology. This is an issue that has been raised in the past within the media and has served as a flashpoint in other municipalities (Brown 2018; Sharma 2024). With the understanding that archaeological requirements are already mandated by the Province, several potential cost mitigation strategies could be feasible in the City. These include:

- The development of a reserve fund to support homeowners; and

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- The development of a list of specific exemptions (project types) that will not require archaeological assessment.

Another option may be area wide Stage 1 archaeological assessments, which have been used in some large-scale projects, and were recommended as part of both the Oak Street and Downtown Lindsay HCD Plans.

With respect to attracting commercial and industrial developments, the City may also want to investigate "shovel-ready" strategies. These strategies involve municipalities themselves undertaking much of the site preparation work, including archaeological assessments, for large, high-value, and highly competitive developments.

5.13 Concern with Specific Archaeological Firms

Several Indigenous communities stated their dissatisfaction with specific archaeological firms employed by proponents. While this was identified as outside the City's jurisdiction, there was some interest expressed in how the municipality could reinforce the importance of using firms that respect Indigenous rights and interests.

5.14 Parkland Conveyance

One of the suggestions discussed was the possible use of parkland conveyance to protect potential archaeological sites as part of new developments. This has been used as a tool in other communities, but brings with it obligations for municipalities, particularly if the parkland is undeveloped and/or archaeological work has not been completed. However, changes to the *Planning Act* appear to complicate the use of this type of tool.

5.15 Other Observations

While not covered in the foregoing, based upon the project team's experience, there are several additional considerations that should be addressed by the AMP.

5.15.1 Cemetery Zoning

Existing zoning does not have a specific category for burial places/cemeteries. While this was identified as part of the recent Special Interlocuter's Report, some discussion should take place to determine if the municipality can develop a specific zoning to ensure the protection of burial places.

5.15.2 Commemoration and Education

While the municipality has undertaken an education campaign as part of the current projects, there may be a need for sustained efforts for both public and staff training opportunities. Capacity building should be part of any archaeological program moving forward to build redundancy for existing staff. There will also need to be an engagement process with the local development community to ensure they understand and are familiar with the municipal archaeological requirements.

Consideration should also be given to how commemoration can be used to highlight important archaeological places (where appropriate) and how ongoing exhibits can be used to reinforce the importance of archaeological assessments. A good example of how this can be accomplished is at the recently completed Ontario Court of Justice - Toronto where the results of archaeological assessments are communicated to

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fulfill a municipal requirement for heritage interpretation after such projects. Plaquing/interpretation of specific projects should be considered, particularly if located on municipal property.



Image 8: Various Heritage Interpretation Elements at the Ontario Court of Justice – Toronto

6 RECOMMENDATIONS

Policy and process recommendations must be written to reflect the community in which they are to be implemented. While there are clear legal and ethical obligations that apply to the management of archaeology resources (see Section 2), policy and process must also reflect the capacity of an organisation and its aspirations (Sections 3 and 5).

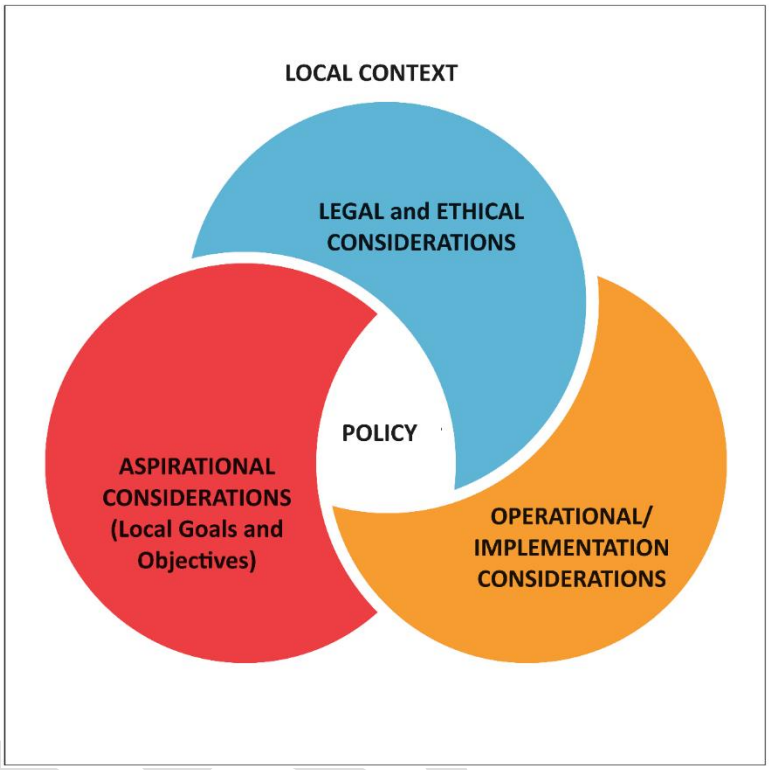


Image 9: Considerations for Policy Development

As discussed above, there will be implications for staff capacity, however, staffing concerns should not drive the implementation of the AMP. In other words, whether or not an AMP is implemented, the City already has specific obligations it must fulfill. The AMP reflects the best means forward for addressing these mandatory requirements.

The following are recommended for implementation of the AMP.

1. **The City of Kawartha Lakes shall adopt the Archaeological Management Plan by Council resolution.**

Adoption by resolution is an important statement that the AMP is formally part of the City's policy framework. This is particularly critical in the period between the adoption of the AMP and any OPAs or ZBAs to enable staff to implement the recommendations of the plan as well as introduce specific requirements.

2. **The City of Kawartha Lakes shall update its Official Plan with recommended policies as attached in Appendix B.**

As outlined above, while City staff are working diligently to developing a consolidated Official Plan, specific changes in legislation, provincial policy, and best practices necessitates some revisions to the Official Plan. Further, as noted above, there are some inconsistencies between different sections, that should be updated to ensure alignment. Suggested wording has been provided as part of Appendix B for some updates.

3. **The City of Kawartha Lakes shall explore the use of zoning tools to ensure the protection of archaeological resources.**

Efforts were made to examine the possibility of introducing an innovative tool known as an archaeological zoning overlay, which would be adopted via a Zoning By-law Amendment (ZBA). However, based upon a review of the *Planning Act*, this would be difficult to implement and there are no clear precedents. Nevertheless, under the *Planning Act* Section 34 (1), municipalities are empowered to pass a zoning by-law to help ensure the protection of significant archaeological resources. As the Act states:

> 3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource

The key words here are *significant archaeological resource*. Within the *PPS*, significant is defined as follows:

> **Significant** in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.
>
> Criteria for determining significance for the resources identified in section c) - d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.
>
> While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (*PPS* 2024).

Archaeological resource is also defined within the *PPS*.

> **Archaeological resources** – includes artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*. (PPS 2024).

Thus, this tool can only currently be used to apply to known sites. Nevertheless, the municipality should still explore if specific sites, particularly those which have only been partially excavated, should be protected using zoning tools, including Holding provisions. Recommended amendments to the Official Plan have been added to permit the use of the Holding symbol in this way.

Lastly, as discussed above, consideration should be given to developing a new zoning category for burial places beyond the existing categories. This could be used to ensure minimum setbacks from burial places and prohibit future development.

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4. The City of Kawartha Lakes shall update its Site Plan control by-law to require archaeological assessments, particularly in areas close to water.

Recent changes to the *Planning Act* exempted many areas from Site Plan Control. However, *Planning Act* Section 41(1.2) states that 'development' still subject to Site Plan would include any "parcel of land includes any land in a prescribed area." *Ontario Regulation 254/23* contains the definition of 'prescribed areas,' which includes any area within 120 m of wetland, an inland lake, Great Lake, or a river/stream.

The implementation of this tool requires an updated Site Control By-law. The City of Kawartha Lakes does have a Site Plan Control By-law (BY-LAW 2016-069) but it needs to be updated to reflect the current provincial requirements. To this end and noting the above discussion concerning the use of zoning tools, as many archaeological resources have been found within 120 m of water, the application of site plan control in these areas, with a specific requirement for archaeological assessments, would help capture many areas of archaeological potential.

5. The City of Kawartha Lakes shall update its Planning Process Guides to identify that an archaeological assessment may be required as part of complete application.

Archaeological considerations should be addressed as early as possible within the land-use planning and *OHA* processes. To this end, for those areas identified as having archaeological potential within the Archaeological Potential Map, an archaeological assessment must be requested as part of a complete application. While in some municipalities, archaeological assessments are deferred as late as possible (e.g., site plan), archaeology needs to be addressed early, including at the OPA, ZBA, and/or Plan of Subdivision phases. The discovery of significant archaeological resources can result in critical changes to planning projects (including layout and design) and have impacts on development proformas. The later an archaeological assessment is requested, the harder it is to modify a development design. With this understanding, initial archaeological assessment must not be included as a condition of approval; by making preliminary archaeological review a condition of approval, it can actually serve to delay projects if discoveries are made and, in some municipalities, a lack of local archaeologists has resulted in issues with prescribed timelines. By moving archaeological assessments as early as possible and as a condition of a complete application, these issues can be, in part, mitigated. To this end, the existing Planning Process Guides need to be clear that for areas of archaeological potential, as identified within the Archaeological Potential Map, archaeological assessments will be required unless specifically exempted by the heritage planner in consultation with Indigenous communities as appropriate. It is also recommended that archaeological assessment reports be submitted as part of a complete application alongside the MCM review and acceptance letters, proof of Indigenous engagement where necessary, and with comments from the City's heritage planner. These latter items are recommended as MCM and local Indigenous Communities may require revisions to reports. If the City accepts these assessments without MCM[10] or Indigenous review, as the approval authority it runs the risk of accepting a report that may not be compliant with MCM standards or have other serious issues. The City, as approval authority, may also choose to impose additional conditions above and beyond any conditions identified by MCM.

[10] As the approval authority, there may be circumstances where the City decides to proceed without the MCM acceptance letter.

Where judged necessary by the City heritage planner and in consultation with Indigenous communities, the City may decide to undertake a peer review (by a third-party archaeological consultant as selected by the City) of a particular assessment regardless of the MCM's findings.

6. The City of Kawartha Lakes shall update its planning application review process.

This recommendation stemmed from internal staff discussions concerning which application should be reviewed and at what stage. This includes how consultation with Indigenous communities will occur through the archaeological process. The implementation of the AMP requires establishing clear processes (including how exemptions to the AMP are addressed), as well as roles and responsibilities. A draft process chart has been attached as Appendix C. Another concern expressed both by staff and by a member of the MHC was the potential impact on private property owners when small applications/interventions are proposed. Appendix D outlines the potential scenarios when there should be exemptions to the requirement for an archaeological assessment. As part of facilitating better communication, a new email has been created within the City of Kawartha Lakes for archaeological matters and technical circulations: archaeology@kawarthalakes.ca.

7. The City of Kawartha's heritage planner shall be circulated on all planning applications to ensure any archaeological requirements are identified early in the planning process. The heritage planner should also be included on all pre-consultation circulations.

Building on Recommendations 5 and 6, this recommendation has been included to ensure that the heritage planner is circulated on applications. As noted above, a distinct email has been created to assist with this process: archaeology@kawarthalakes.ca.

8. In instances where pre-consultation circulation identifies that the project is located within an area of archaeological potential, the following standard condition shall be provided to the applicant.

Pre-consultation Circulation Standard Condition:

> The Property(ies) is(are) in an area where archaeological potential has been determined to exist. Archaeological assessment(s) shall be completed by a licensed professional archaeologist in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*. Required archaeological assessment(s) shall be submitted to the provincial Ministry responsible for archaeology as well as the City of Kawartha Lakes for review. No demolition, grading or other soil disturbances shall take place on the Property until the project proponent, their agent or consultant archaeologist submits a letter to the municipality, from the Ministry, verifying that the required archaeological assessment report(s) have met licensing and resource conservation requirements. Further, where there is an identified Indigenous interest and as directed by City staff, engagement must be undertaken with the relevant communities as part of the archaeological assessment.

This condition was developed to ensure that archaeological assessments are undertaken as part of a complete application.

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9. The City of Kawartha Lakes shall integrate archaeological considerations into its asset management plans and processes. The heritage planner should participate in quarterly meetings with appropriate municipal departments to discuss upcoming projects.

As outlined above, one of the main gaps currently within the City of Kawartha Lake's framework is the omission of archaeological considerations in the current asset management plans, policies, and processes. As outlined above, this can result in significant impacts in terms of unexpected costs and delays. It also runs contrary to the City's reconciliation objectives with Indigenous communities. To help facilitate this recommendation, City staff members responsible for public works, parks, and facilities should meet quarterly with the heritage planner to review upcoming projects (including longer term capital projects) to identify where and when archaeological assessments are required. As the City holds cemetery assets, failure to incorporate archaeological requirements and the requirements of the *FBCSA* Registrar's Directive could also result in a violation of the *FBCSA*.

10. The City of Kawartha Lakes shall review its MOU with the local conservation authorities to ensure archaeological matters are property identified and addressed.

The City of Kawartha Lakes has recently approved new MOUs with several local conservation authorities. Based upon the review of these MOUs, it is unclear who is responsible for archaeological review. As many archaeological sites within the City of Kawartha Lakes have been found near or within water, the responsibility for managing these resources must be explicit between the City and these conservation authorities. Discussions with conservation authorities and possible updates to the corresponding MOUs should be considered.

11. The standard conditions attached in Appendix E shall be applied to all development agreements and approval.

As discussed above, the City of Kawartha Lakes currently has inconsistent standards conditions for its development applications. The hereto attached conditions have been written to assist the municipality to ensure consistency and compliance.

12. The emergency protocols attached in Appendix F shall be provided to all staff and as part of any communications for approved applications.

As part of the discussions with municipal staff, the need for new emergency and discovery protocols was identified as a priority for this project. These protocols have been written to assist the non-expert in such circumstances.

13. The City of Kawartha Lakes shall explore the creation of a reserve fund to provide support to homeowners who make accidental discoveries on their property.

An early proposal to address homeowner needs, particularly in the case of emergency work, was to take a portion of development fees and add this to a reserve fund that the municipality could apportion to assist with the cost of accidental discoveries. However, this proposal needs to be re-evaluated considering recent changes to development fees and to Section 37 of the *Planning Act*. While there may still be a means to facilitate such a program, this will require an internal City discussion to determine options.

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14. **The City of Kawartha Lakes shall explore the creation of MOUs and data-sharing agreements with local Indigenous communities to address management and sharing of archaeological data.**

As discussed, meaningful engagement and reconciliation efforts are expected as part of developing relationships with Indigenous communities. However, as discussed above, with the changes to provincial legislation, notably the 2024 *PPS* with its requirement for early engagement, many communities are struggling with capacity issues. In discussing this matter with local communities, the suggestion was made the City should look at the creation of MOUs and data sharing agreements with local Indigenous communities, particularly if there is an expectation that these communities will be performing review functions for archaeological reports. These agreements may include possible funding to assist with this process. Further, while archaeological reports are not subject to *Municipal Freedom of Information and Protection of Privacy Act* (*MFIPPA*), it was noted that both City staff and local Indigenous communities are interested in finding ways to better manage and share archaeological data. This subject could also be addressed in the formulation of agreements.

15. **The heritage planner shall establish quarterly meetings with local Indigenous communities to keep them updated on archaeological matters until an Indigenous Protocol and/or MOUs are in place.**

Ongoing communication was also identified as important component of existing relationship building. To this end, while the City is preparing Indigenous Protocols, which may include MOUs regarding archaeological matters, is it recommended the heritage planner establish regular meetings with interested Indigenous communities to discuss any ongoing archaeological matters, including ongoing applications.

16. **The City's Archaeological Potential Map will be updated at regular intervals, no less than quarterly.**

MCM emphasizes the need for accurate data and mapping throughout *the Standards and Guidelines for Consultant Archaeologists* (2011). Further, planners require accurate and usable archaeological data to address both archaeology management but also meet their professional and ethical obligations. Lastly, property owners and developers use the Archaeological Potential Map as part of their due diligence work. Based upon a review of other AMPs, one of the primary attrition issues was that mapping was often not regularly updated. Based upon past conversations with other jurisdictions, this recommendation is that updating activities should be done no less than quarterly, and there should be a clear posted current date for any publicly accessible mapping. As noted above, this information should be hosted and managed via a City maintained GIS platform.

17. **The City of Kawartha Lakes shall explore the development of archaeological planning training seminars for municipal staff who may need to address archaeological resources through their work including —but not limited to:**
    a. **Municipal planners;**
    b. **GIS staff;**
    c. **Engineering and public works/parks personnel who will make decisions that may relate to archaeology or may come across unexpected finds in the course of their work;**
    d. **City councillors; and**

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e. City committee members.

Based upon the project team's work in other jurisdictions, training is critical to the effective implementation of the archaeological management plan. Niagara Region, for example, has developed specific training videos and sessions for Regional and Lower Tier staff to assist with the implementation of its AMP. The City of Kingston undertook extensive training with staff and community members as part of its AMP process. Such training can help address some myths concerning archaeology, illustrate how to effectively use the AMP potential mapping, and why it is important to address archaeology as part of municipal governance.

18. The City of Kawartha Lakes will maintain legal deposit repository of archaeological assessment reports. This repository shall be created by municipal by-law, as sample of which is attached as Appendix G.

A legal deposit repository (which can be virtual and/or hardcopy entity) consists of a collection of all archaeological reports completed within the jurisdiction of the respective municipality. A 'Legal Deposit' is an internationally recognized means of building a collection or archive of important materials. This approach has been used by several municipalities in Ontario, including the City of Kingston and is being explored by the City of Port Colborne, to ensure planners and municipal official are aware of all archaeological works completed within the municipality. It can be integrated into a GIS system (geo-referenced) or function as a stand-alone entity.

While the Province of Ontario maintains a confidential database of registered archaeological sites, that database is sometimes outdated due to a backlog of registering archaeological sites. Similarly, assessment areas are not mapped or tracked by the Province and isolated findspots (i.e., single artifact finds not eligible for provincial recognition but often significant to Indigenous communities) are not always registered with the Province. As discussed, planners often lack details from archaeological assessments which has an impact on their ability to fulfil their professional obligations. Several municipalities have implemented (or are implementing) legal deposit requirements so that they receive archaeological assessments at the same time final reports are submitted to the provincial registry. Interest for this tool was expressed by municipal staff, and a policy currently exists within the draft consolidated Official Plan recommending exploring this type of repository. It should be noted, this repository would require amendments to several municipal archival policies to reflect that any collected archaeological documentation is not subject to *MFIPPA*.

19. The City of Kawartha Lakes shall consider the creation of a roster of approved archaeological firms for municipal work.

An issue raised as part of the Indigenous community consultation was a concern with specific archaeological firms undertaking work on traditional lands. While the municipality cannot require proponents to hire specific firms, an option identified was the creation of a Roster for Municipal Works, established via an RFI process. This list could be publicly posted and would give a sense of which firms are qualified to work on municipal projects. Based upon the project team's experience, these RFIs can include a requirement for a letter of support from local Indigenous communities. A condition of this roster should also be adherence to the Legal Deposit requirements. Alternatively, the municipality can provide links to already existing lists of all known firms/licensed archaeologists (such as MCM's public list).

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20. The City of Kawartha Lakes shall continue to explore the creation of a local archaeological artifact repository.

Under current provincial archaeological requirements, artifacts are held by licensed archaeologists can be transferred to specific settings such as museums. As Ontario archaeologists can work across the province (and beyond), artifacts removed from a community can be in quite disparate locations. The question of retention of local materials was raised within several discussions, as was the possibility of developing a local artifact repository. Currently, funding models are being explored by the City's Economic Development staff to development a new cultural centre that will include a civic collection storage facility, and as part of that process, the costs for creating a local archaeological artifact repository. There may be the potential, like what the repository at Sustainable Archaeology has implemented, to accept archaeological materials for a set fee. However, this repository would not be intended for the storage of culturally-significant Indigenous artifacts and Ancestor remains as it is the City's policy to repatriate such artifacts (if currently in the collection) or not accept them.

21. The City of Kawartha Lakes shall review this plan no later than 10 years after its adoption.

As noted above, legislation and best practices change. Many municipalities are now implementing specific review dates for their AMPs. While some are tying AMP updates to Official Plan updates, this is not always practical. Ten years allows for the plan and mapping to be used (and tested) while identifying other areas in terms of process and policy that need to be revised.

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7 NEXT STEPS

Building from this document, the City now has several key recommendations on possible next steps and ways in which it can better meet its professional and ethical obligations.

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8 GLOSSARY

Adjacent Lands – d) for the purposes of policy 4.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan (*PPS* 2024).

Archaeological fieldwork – means any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or **altering** an archaeological site and includes monitoring, assessing, exploring, surveying, recovering and excavating; ("travaux archéologiques sur le terrain") (*O. Reg. 170/04*, s. 1.)

Archaeological resources – includes artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*. (*PPS* 2024).

Archaeological site – means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest; ("site archéologique") (*O. Reg. 170/04*, s. 1.)

Areas of archaeological potential – means areas with the likelihood to contain archaeological resources, as evaluated using the processes and criteria that are established under the *Ontario Heritage Act*. (*PPS* 2024).

Artifact – means any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest; ("artefact") (*O. Reg. 170/04*, s. 1.)

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. (*PPS* 2024).

Burial ground – means land containing human remains that has not been approved or consented to as a cemetery in accordance with this Act or a predecessor of this Act that related to cemeteries; ("lieu de sépulture") (*Funeral, Burial and Cremation Services Act*).

Conserve/Conserved– means the identification, protection, management and use of 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 should be included in these plans and assessments. (*PPS* 2024).

Cultural heritage landscape– means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. (*PPS* 2024).

Heritage attributes– means, as defined under the *Ontario Heritage Act*, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest. (*PPS* 2024).

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Heritage attributes– means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest; ("*attributs patrimoniaux"*) (*Ontario Heritage Act*)

Inspect – includes to survey, photograph, measure and record; ("inspecter") (*Ontario Heritage Act*).

Licence – means a licence issued under this Act; ("licence") (*Ontario Heritage Act*).

Marine archaeological site – means an archeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water. ("site archéologique marin") (*O. Reg. 170/04*, s. 1.)

Protected Heritage Property – means property designated under Part IV or VI of the *Ontario Heritage Act*; property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*; property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites. (*PPS* 2024).

Significant – e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in section c) - d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (*PPS* 2024).

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10 APPENDIX A: CITY OF KAWARTHA LAKES OFFICIAL PLAN POLICIES (MAY 2024 CONSOLIDATION)

Table 1: City of Kawartha Lakes Official Plan (Office Consolidations 12 May 2024)

Section	Subsection	Policy
4. Growth Management	4.1 General Principles	It is the policy of this Plan that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by: m) preventing urban development in inappropriate areas, thus contributing to the conservation of resources, such as provincially significant wetlands, aggregate resource areas, cultural heritage resource areas, prime agricultural lands and the linked natural heritage system;
6.2 Objectives	Tourism	a) Recognize and promote tourism as one of the most important components of the City of Kawartha Lakes' economic growth. b) Promote and maintain the City as an attractive community to visit through community beautification, improvement and redevelopment. c) Generate greater retention of tourism activities, which make use of local facilities, including four-season tourism. d) Encourage new high quality tourism attractions, accommodations, facilities and services, including the Kawartha Lakes Municipal Airport, to promote the City as a tourist destination. e) Promote the use of natural heritage resources in the development of tourism and facilitate the development of eco-tourism and agri-tourism opportunities. f) Encourage the continued operation and development of tourist related commercial establishments. g) Promote the development of the City as a cultural, multi-functional community and encourage the use of cultural heritage resources in tourist facilities. Concentrate forms of economic activity into nodes of interest, specifically highlighting the arts community and the City's significant cultural heritage attributes. h) Recognize the significance of the City's waterways and the Trent-Severn Waterway and co-operate with the Provincial and Federal Governments to ensure that both the natural amenities and economic benefits associated with the waterways are realized.
7.2 Objectives		a) Foster a vibrant City that takes pride in its heritage, culture and resources, embraces all members of the community and celebrates its strengths.
8.2 Objectives		a) Provide for a continuous system of open space and hierarchy of parks throughout the City. The hierarchy will include City Parks, Community Parks, Neighbourhood Parks and Greenbelt lands. b) Provide for sufficient lands to meet the recreational needs of the population. c) Existing trail systems will be recognized with provisions to expand and improve as a linear park system throughout the City. The trail system will be based on input from residents and will be developed to accommodate various uses such as pedestrians, cyclists, wheelchairs, horseback riding and motorized uses such as trail bikes, ATV's and snowmobiles. The types of permitted uses on the various segments of the trail will depend on the location and how the trail is developed based on public input received. d) Municipal trailer parks to serve the vacationing public shall be recognized and designed to accommodate both short stays and day usage.

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Section	Subsection	Policy
		e) Provincial parks and crown land will be identified. Since a municipality has very limited control when the lands are provincially owned, these lands will be identified for public awareness. If the province decides to patent or dispose of these lands, policies will be incorporated to guide future development or by requiring an amendment to the official plan. Natural heritage features within this area will be recognized within this Plan. f) The land within former Longford Township is entirely held in private ownership. The existing development will be recognized, with potential for new residential and private recreational development at a density consistent with the existing form of development recognizing the natural heritage features.
9.3 Policies	9.3.1	Community Improvement Plans are for the purpose of upgrading, redeveloping and rehabilitating the physical environment of older neighbourhoods, recreational areas, commercial centres and industrial areas.
	9.3.2	Community Improvement Project Areas may be identified by Council and enacted by way of a Community Improvement Project Area by-law.
	9.3.3	The implementing and project specific Community Improvement Project Area by-laws may be passed by the Council pursuant to the provisions of this Plan and in accordance with the provisions of section 28 of the Planning Act.
	9.3.4	Any further amendments to this Plan and the preparation of any implementing Community Improvement Project Area by-laws will be based on the following criteria: a) Evidence exists of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sewers, water supply, parks and recreation, community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the listed services. b) The clean-up and redevelopment of brownfield properties (if applicable) will be facilitated. c) The phasing of improvements corresponds to the timing of improvements by the City and/or senior governments and is within the financial capability of the local municipality. d) A significant number of buildings in an area show signs of deterioration and need of repair. Buildings in an area would benefit from improvements in energy efficiency. e) Improvement to the visual appearance or aesthetics is required. f) Improvements will have a significant impact on strengthening the economic base of the community.
10. Culture and Heritage	10.1. Goal	Encourage the conservation and enhancement of cultural heritage resources. Part B City of Kawartha Lakes Official Plan, 2012 (May 2024, Office Consolidation) Page 68 of 300
	10.2. Objectives	a) To conserve and enhance the City's cultural and heritage resources. Features of particular interest include buildings, structures and significant structural remains, areas of unique or rare composition, landscapes of scenic value, artifacts, archaeological sites, cemeteries and burial grounds. b) To raise public awareness and celebrate the history of the community.

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Section	Subsection	Policy
		c) To encourage participation and involvement in conservation efforts and foster the community's understanding and appreciation of the area's heritage resources.
	10.3. Archaeological Conservation	a) 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. b) Any archaeological assessment report prepared on an area located within Kawartha Lakes must be filed with the City at the time the report is filed with the Provincial Government. c) It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of resources. d) The City will consider the development of an Archaeological Management Plan. e) The City shall consider the interests of Aboriginal communities in conserving archaeological resources.
	10.5. Heritage Policies	a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved. b) Through the review of development applications, the City shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist. c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource. d) Any archaeological assessment report prepared on an area located within the City must be filed with the City at the time the report is filed with the Provincial Government. e) The City shall use the tools available to it under the Municipal Act, the Planning Act, the Environmental Assessment Act, and the Ontario Heritage Act to conserve cultural heritage resources. f) Cultural heritage resources shall be maintained in situ and in a manner that prevents deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource. g) The City 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. h) The provisions of the Funeral, Burial and Cremation Services Act and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity. i) The City shall maintain a Register of Heritage Properties as per the requirements of the Ontario Heritage Act. j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate. k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.

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Section	Subsection	Policy
		l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee. m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties. n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate. o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises. p) The City shall consider the development of an Archaeological Management Plan.
Under Appeal	14. Wayside Pits and Quarries	14.1. Wayside pits and quarries, portable and permanent asphalt plants, ready-mix concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
	16.3.4	Golf Courses will be permitted subject to the following: a) have frontage onto an Arterial Road or Provincial Highway; b) obtain an entrance permit for the proposed use; c) have no adverse effects upon surrounding uses; d) be compatible with and will not hinder agricultural operations; and e) appropriate studies, acceptable to the City, demonstrating that it will not adversely impact natural significant features and has a minimal impact on watercourses, groundwater resources, agriculture or other environmentally sensitive features;
	18.6.12.	Intensification or infill in residential areas may require a different lot pattern and configuration, but should address the following principles: a) Land use and neighbourhood character compatibility; b) Pedestrian connectivity and accessibility; c) Parking requirements; d) Appropriate on-site vehicular circulation; e) Potential for transit ridership in communities where transit is provided;

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Section	Subsection	Policy
		f) Natural (including natural hazards) and built heritage conservation / protection, and where appropriate, enhancement; g) Available servicing capacity of municipal infrastructure; and h) Residential intensification targets identified in this Plan.
	18.10.3.	Council shall endeavour to ensure a favourable climate for economic development by: • encouraging the expansion and diversification of industrial and commercial development within settlement areas in order to maximize employment opportunities; • encouraging the beautification, improvement and/or redevelopment of urban centres; • encouraging the development of Lindsay as a cultural, multi functional centre; • limiting the type and intensity of any proposed development if in the opinion of the Council, the development would cause undue financial or other hardships to the municipality; • giving priority to road improvements and servicing which improve the potential for industrial development; • ensuring an appropriate supply and distribution of employment areas provided throughout the settlement areas and that future development occurs in an orderly manner; • ensuring that the land use policies reflect an appropriate range of uses for its employment areas; and • working, in partnership with all levels of government and the private sector to ensure that viable employment lands are provided and protected in the settlement areas which create job opportunities and economic diversity.
	18.12.2.	To promote sustainability, resilience, and achieve the development of complete and healthy communities within the settlement areas, it is the policy of this plan to: u) Enhance and protect the cultural and built heritage resources and implement the recommendations of the Cultural Master Plan and Heritage Master Plan.
18.14 Cultural Heritage	18.14.1	The City shall encourage the preservation and awareness of the rich built heritage and cultural heritage resources and landscapes of the City's downtowns and main streets.
	18.14.2	The City shall maintain an inventory of buildings of architectural and/or historic interest for the purposes of designating, by By-law, selected properties for preservation and protection from alteration pursuant to the Ontario Heritage Act. The City will identify and map cultural resources as outlined in the 2010 Cultural Resource Mapping Guide.
	18.14.3	Heritage features or events shall be appropriately designated using relevant provincial legislation including the Ontario Heritage Act, the Planning Act, the Municipal Act and other applicable statutory legislation in order to preserve and enhance the City's heritage resources.
	18.14.4	Individual properties and areas of unique cultural, architectural and historical significance may be recognized through designation pursuant to the Ontario Heritage Act.
	18.14.5	Special studies may be undertaken for districts having heritage potential. Should an area represent a group of significant sites, buildings or structures, or period of the City's history, a Heritage Conservation District may be established pursuant to the Ontario Heritage Act. All new development within a Heritage Conservation District will be required to maintain the character of the area. Heritage Victoria and landowners will be consulted prior to the establishment of a Heritage Conservation District.

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Section	Subsection	Policy
	18.14.6	The City shall prevent the demolition, destruction, inappropriate alteration, or inappropriate use of designated heritage properties.
	18.14.7	Alterations may be made to properties designated by By-law as having historical significance provided that the alterations do not affect the reasons for the designation, are in keeping with the policies of this Plan, and meet the requirements of the Zoning By-law, other City By-laws and applicable municipal and provincial policies and codes.
	18.14.8	Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance of applicable agencies such as the Ontario Heritage Foundation.
	18.14.9	Designated properties shall be retained as part of any new development or redevelopment to ensure that the heritage value of the building and/or lands is not compromised.
	18.14.10	Consideration shall be given to the effects of public works and development on buildings, sites, infrastructure and areas of historical, architectural, scenic or archaeological importance prior to the approval of public works and proposals for development.
	18.14.11	When extending of streets and other necessary road improvements, including realignment and widening, consideration shall be given to the impact of such extensions or improvements on heritage resources, especially the character of streetscapes.
	18.14.12	The City will support initiatives which enhance, expand and support existing and new arts and cultural activities in the settlement areas.
	18.14.13	The City encourages and supports the display of art in public places as a means of enhancing the public realm, enriching the visual experience of residents and visitors and promoting the City's culture.
	18.14.14	The redevelopment of heritage buildings shall address the need to improve the accessibility and mobility to these buildings.
	18.14.15	A Heritage Impact Assessment shall be required when reviewing applications for development on or adjacent to a property with a heritage designation or located within a Heritage District. The Heritage Impact Assessment shall be prepared in accordance with Section 36.3 of this Plan.
	18.14.16	The inclusion of mitigative measures and/or alternative development approaches shall be required for development applications, when the development or site alteration is on or adjacent to a heritage property.
20.3 Policies	20.3.1	Waterfront designations will be predominately for seasonal and permanent residential uses.
	20.3.11	Preservation of social values including heritage sites, landscapes, aesthetics, recreational opportunities and public access to the waterfront will be supported. Shoreline character shall be retained by encouraging non-intrusive use of the waterfront. Guidelines for the use of lighting, as an example, will emphasize subdued, energy efficient light sources. Individual lake plans and lake stewardship programs will be encouraged as a method to identify important local values, features and individual lake character. In addition, these programs can be used to monitor water quality, carrying capacity and general lake management.
	20.4.2	With the exception of island lots, the minimum lot area for lots abutting the water of a lake or river will be 4,000 sq.m. with a minimum lot frontage of 60 metres. Notwithstanding, infilling residential lots will be permitted provided the lots are not less than 3,000 sq. m. in area with a minimum lot frontage of 30 m. Shoreline frontage shall be consistent with the established character of the adjacent shoreline; • On islands, the minimum lot area will be 8,000 sq.m. with a minimum lot frontage of 90 metres provided there is a suitable building envelop that is not within 30 m. from the high water mark; • Backlot development, generally defined as a second tier of development adjacent to the first tier of Waterfront lots, will generally be discouraged. In some locations, backlot will be permitted if it is a rounding out of development based on existing lots or where there is limited non-agricultural land between the existing waterfront development and an arterial road. Frontage on assumed public roads will be required and lot sizes will be required at a larger size than permitted for waterfront lots;

Section	Subsection	Policy
		• Each back lot must have a minimum lot frontage of 200 metres and a minimum lot area of 2 hectares. These lot requirements apply to all lots that are not abutting water on a lake or river. The lots shall be wholly within 300 metres of the waters edge. • Any new residential developments will be permitted to access the Provincial highway only at public roads entrances that meet the minimum spacing requirements of the Ministry of Transportation.
20.5 Density and Massing	20.5.1	All buildings and structures shall maintain a low profile and blend with natural surroundings. They are not to exceed the height of the tree canopy or exceed the skyline horizon.
	20.5.2	To maintain the appropriate balance between natural and built form, the extent of shoreline activity areas (including docks, boathouses, pump houses and other structures) shall be based on the following: a) 25% of the shoreline frontage or up to 23 m., whichever is the lesser for residential lot; b) 25% of the shoreline frontage of an open space block or up to 30 m. whichever is lesser for residential development; c) 33% of the shoreline frontage for resort and tourist commercial lots; and d) 50% of shoreline frontage for marinas.
	20.5.3	Development will retain as much natural shoreline vegetation as possible to minimize visual impact.
	20.5.4	Tree cover and vegetation shall be retained to uphold the environmental integrity of the waterfront.
	20.5.5	Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, and the like, shall be conserved. Development shall be located and designed to protect these characteristic features. Built form shall not dominate the landscape.
	22.2.1	New industrial development within the existing Industrial designation should: a) be located on or near main transportation routes; b) be directed to lower potential agricultural land whenever possible; c) not compromise future development of aggregate resources; d) be directed away from residential areas and areas with high potential for recreational and/or tourist development; e) not detract from the surrounding natural environment; f) not result in truck traffic which would adversely affect sensitive land uses; g) be separated from sensitive land uses; and h) no industrial use shall be permitted which, from its nature of operation or materials used therein, is declared obnoxious under the provisions of any Statutes or Regulations.

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Section	Subsection	Policy
	23.3.3	Where a new pit or quarry is proposed or an expansion is applied for, appropriate studies will be required to ensure that the impact is acceptable. The nature of the studies will depend on the location and uses in the surrounding area. The City may require a peer review of the studies to determine if the findings are acceptable.
	23.5.3	In addition to the study requirement outlined in Section 23.5.1, the pre-consultation meeting will identify additional detailed study requirements, the need to scope study requirements where appropriate, and the process of evaluation and peer review. Where such peer review is determined to be necessary, the applicant will be responsible for the costs of any peer review undertaken by the City of such studies. The City will enter into an agreement with the applicant regarding the administration of such costs.
	28.5.1	Council shall only consider the construction of new, or expansion of existing, municipal or private communal water and wastewater systems where the following conditions are met:
	28.5.2	Strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;
	28.5.3	Plans for expansion or for new services are to serve growth in a manner that supports achievement of the intensification target and density targets in this Plan;
	29.1.9	Where there is a conflict between one or more policies in the City of Kawartha Lakes Official Plan and a secondary plan, development plan, area-specific, or site-specific policy, then the policy in such secondary plan, development plan, area-specific, or site-specific policy shall prevail.
		Adverse Effects: means one or more of: I. impairment of the quality of the natural environment for any use that can be made of it; II. injury or damage to property or plant and animal life; III. harm or material discomfort to any person; IV. an adverse effect on the health of any person; V. impairment of the safety of any persons; VI. rendering any property, plant, or animal life unfit for use by humans; VII. loss of enjoyment of normal use of property; and VIII. interference with normal conduct of business.
30. Definitions	30.1	Whenever a term is used in this Plan and is a term defined in an approved provincial plan, the definition of the term shall be as identified in the approved Provincial Plan.
	31.2.2.9. Culture and Cultural Heritage	31.2.2.9.1. The City shall protect, conserve, and promote culture and cultural heritage in accordance with the 2014 Provincial Policy Statement and Section 10 of the Official Plan.

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Section	Subsection	Policy
	31.4.2.9. Culture and Heritage	31.4.2.9.1. The City shall protect, conserve, and promote culture and heritage in accordance with the 2014 Provincial Policy Statement and Section 10 of the Official Plan.
31.5. Oak Ridges Moraine Plan		
31.21.7. An archaeological review of the site has been completed.		
34.6. Holding Symbol in Zoning By-Law		The City when passing a zoning by-law, may, by use of the Holding Symbol "H" together with a specific zone category, specify the use to which land, buildings or structures in areas so identified may be used until the Holding Symbol is removed by an amending By-law. The Holding Symbol may be used in a zoning by-law to meet or achieve any of the following objectives: • to recognize or require the phasing of development; • to encourage development by recognizing an area suitable for a use permitted within the applicable designation under this Plan, pending the imminent provision and allocation of water, sewage or any municipal service necessary to support development; or • to recognize a specific development site for a particular use or development pending the completion of related matters deemed necessary by the municipality such as: servicing or development agreements; site plans; grading and drainage plans; mitigation measures for drainage, sedimentation or erosion control; surveys; or any technical study. • The application of the Holding Symbol will be limited to situations where Council is satisfied that the details of the development are not so uncertain or complex that they pose an insurmountable obstacle for the proponent or the municipality to overcome. • In the case of servicing, the Holding Symbol should not be applied where servicing capacity does not exist or the potential for future capacity has not been approved by the City. • Prior to passing a by-law to remove a Holding Symbol, the City shall ensure that: o the development is consistent with the orderly development of the municipality; o adequate municipal services are available for the proposed development; o the owner or applicant has satisfied all requirements identified by the municipality and any agreements necessary to address municipal concerns and servicing requirements have been entered into; o the Owner has satisfied the requirements of the municipality or any other agency, having jurisdiction and having identified concerns, that the lands or the proposed uses are, or can be adequately protected from any physical hazard or environmental degradation by methods that are consistent with accepted engineering, environmental management or resource management practices; and o the Owner has satisfied any requirements of the City with respect to use or access to municipal roads or facilities and has entered into any agreements or obtained any necessary permits in that regard.

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Section	Subsection	Policy
34.7. Site Plan Control		The Council of the City of Kawartha Lakes hereby establishes the entire City as a Site Plan Control Area. It may be applied to all uses except agricultural, aggregate extraction, forestry, open space and single detached residential lots.
34.9. Development Charges		The City will institute development charges where development costs to the municipality are directly attributable to the project. The amounts charged may also include costs for the cumulative cost effect of further development on existing service levels.
34.13. Parks		Within the City, parks are classified under three general headings. • Overnight and long-term camping parks – through the operation of Emily and Balsam Lake Provincial Parks the province provides a significant number of camping opportunities. There are also numerous private campgrounds throughout the City that are primarily located to adjacent to lakes and rivers. The City also operates two camping parks. All these facilities provide accommodation to the vacationing and travelling public. • Day use parks – Council shall encourage the development of day use park areas to serve both tourist and local residents. Council will implement this policy directly or more appropriately through the municipal park system and the Conservation Authority. Council shall endeavour to provide recreational opportunities on City Managed Forest properties and the recreational trails located primarily on the abandoned rail lines throughout the City to provide recreational and tourism opportunities. • Local parks – Local parks will be provided and managed by the City. Management should be aimed at providing recreational opportunities to local residents. The City will establish a hierarchy of parks based on classification that include City Parks, Community Parks, Neighbourhood Parks and Greenbelt lands. The City supports the planning and development of trails and trailheads, bikeways, and path linkages throughout the City. The routes should be confirmed through a detailed Trails and Bikeways Master Plan. Pursuant to the Planning Act, the City shall accept the 5 percent parkland dedication or the equivalent in cash in lieu of parkland for residential. In the case of redevelopment or higher density development, the City will take the greater of the five percent of lands proposed for development and redevelopment in residential areas or one hectare for each 300 dwelling units. Where appropriate, the City should encourage parkland dedications adjacent to future school sites conveyed through the development process. The City should collaborate with school boards to develop such parkland dedications for school and community use. Where the land would not be suitable for parkland or municipal purposes, the municipality may accept a cash settlement equal to five percent of the value of the total proposal at the time of draft approval or granting of a consent. The monies received from such development shall be set aside in a special fund that will be expressly used for the development of recreational opportunities within the municipality. In the case of an industrial or commercial development, two percent cash-in-lieu equivalent of the land should be taken. Where cash-in-lieu may be accepted or required by the City, the funds received should be held in reserve funds for the acquisition or development of parkland in areas of the City where deficiencies are noted.
35.3. Complete Applications	35.3.1.	A complete application shall have the prescribed information as required under Sections 22(4), 34(10.1) and 51(17) of the Planning Act as applicable for each application. In addition to this the City may also require additional information as per Sections 22(5), 34(10.2) and 51(18) of

Section	Subsection	Policy
		the Planning Act as applicable for each application. A complete application for an official plan amendment, zoning by-law amendment, or application for draft approval of a plan of subdivision or condominium may include the following background studies or reports as follows: • Agricultural Capability • Archaeological Assessment • Environmental Impact Study • Flood Plain Study • Functional Servicing Report for water, wastewater, storm water management and traffic • Growth and Settlement • Hydrogeological Study • Market Study • Noise Study • Planning Justification Report • Servicing Options Study • Storm Water Management Report • Traffic Study • Vegetation Analysis and Tree Preservation Plan • Vibration Study
36. Appendices	36.1. Appendix A – Background Studies	Archaeological Assessment The Study may include the following components: Stage 1: Background study and property inspection All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

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		The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential. Stage 2: Property assessment All applications where development is proposed on lands containing a registered Archaeological site or where a Level One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required. The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment. Stage 3: Site-specific assessment This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment. Stage 4: Mitigation of development impacts This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.
	36.3. Appendix C – Cultural Heritage Study Requirements	The requirements of the Ministry of Culture form the basis of Archaeological Studies. Archaeological studies are normally required for official plan and zoning applications and when land is being divided by plan of subdivision or consent when they are: within 300 metres of a lake, major watercourse, a wetland, or an ancient water source on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; • include historic cultural features;

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Section	Subsection	Policy
		• a known Archaeological site; or • a designated Historical site. Development agreements will contain a requirement, that if during construction any archaeological or cultural heritage resources (including human remains) are found, that all work shall cease, and the Ministry of Culture be notified and only commenced with the Ministry's concur.

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11 APPENDIX B: RECOMMENDED CHANGES TO THE CITY OF KAWARTHA LAKES OFFICIAL PLAN POLICIES (BASED ON THE MAY 2024 CONSOLIDATION)

Table 2: Recommended Changes to City of Kawartha Lakes Official Plan (Office Consolidations 12 May 2024)

Section	Subsection	Existing Wording	Recommended Wording	Rationale
4. Growth Management	4.1 General Principles	It is the policy of this Plan that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by: m) preventing urban development in inappropriate areas, thus contributing to the conservation of resources, such as provincially significant wetlands, aggregate resource areas, cultural heritage resource areas, prime agricultural lands and the linked natural heritage system;	It is the policy of this Plan that population and employment growth will contribute to the overall sustainability of the City and will be accompanied by: m) preventing urban development in inappropriate areas, thus contributing to the conservation of resources, such as provincially significant wetlands, aggregate resource areas, cultural heritage resources, significant archaeological resources, areas of archaeological potential, prime agricultural lands and the linked natural heritage system;	This incorporates the language from the *PPS* (2024) and the *Planning Act*. General note: The term, cultural heritage resources should be applied throughout the Official Plan, and should be defined. Recommend using the following which is adapted from the *PPS*: Cultural heritage resources, includes built heritage resources, cultural heritage landscapes, protected heritage properties, archaeological resources and areas of archaeological potential.
6.2 Objectives	Tourism	a) Recognize and promote tourism as one of the most important components of the City of Kawartha Lakes' economic growth. b) Promote and maintain the City as an attractive community to visit through community beautification, improvement and redevelopment. c) Generate greater retention of tourism activities, which make use of local facilities, including four-season tourism. d) Encourage new high quality tourism attractions, accommodations, facilities and services, including the Kawartha Lakes Municipal Airport, to promote the City as a tourist destination. e) Promote the use of natural heritage resources in the development of tourism and facilitate the development of eco-tourism and agri-tourism opportunities. f) Encourage the continued operation and development of tourist related commercial establishments. g) Promote the development of the City as a cultural, multi-functional community and encourage the use of	g) Promote the development of the City as a cultural, multi-functional community and encourage the appropriate and culturally sensitive use of cultural heritage resources in tourist facilities. Concentrate forms of economic activity into nodes of interest, specifically highlighting the arts community and the City's cultural heritage attributes.	This slight wording change is meant to recognize that not all cultural heritage resources would be appropriate as part of tourism facilities.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		cultural heritage resources in tourist facilities. Concentrate forms of economic activity into nodes of interest, specifically highlighting the arts community and the City's significant cultural heritage attributes. h) Recognize the significance of the City's waterways and the Trent-Severn Waterway and co-operate with the Provincial and Federal Governments to ensure that both the natural amenities and economic benefits associated with the waterways are realized.		
7.2 Objectives		a) Foster a vibrant City that takes pride in its heritage, culture and resources, embraces all members of the community and celebrates its strengths.	a) Foster a vibrant City that takes pride in its cultural heritage resources, embraces all members of the community and celebrates its strengths.	Slight wording change for clarity
8.2 Objectives		a) Provide for a continuous system of open space and hierarchy of parks throughout the City. The hierarchy will include City Parks, Community Parks, Neighbourhood Parks and Greenbelt lands. b) Provide for sufficient lands to meet the recreational needs of the population. c) Existing trail systems will be recognized with provisions to expand and improve as a linear park system throughout the City. The trail system will be based on input from residents and will be developed to accommodate various uses such as pedestrians, cyclists, wheelchairs, horseback riding and motorized uses such as trail bikes, ATV's and snowmobiles. The types of permitted uses on the various segments of the trail will depend on the location and how the trail is developed based on public input received. d) Municipal trailer parks to serve the vacationing public shall be recognized and designed to accommodate both short stays and day usage. e) Provincial parks and crown land will be identified. Since a municipality has very limited control when the lands are provincially owned, these lands will be identified for public awareness. If the province decides to patent or dispose of these lands, policies will be incorporated to guide future development or by requiring an amendment to the official plan. Natural	f) The land within former Longford Township is entirely held in private ownership. The existing development will be recognized, with potential for new residential and private recreational development at a density consistent with the existing form of development recognizing both the natural heritage features and any cultural heritage resources, including archaeological resources and/or areas of archaeological potential.	Revised to ensure that cultural heritage/archaeology is identified to be consistent with other parts of the Official Plan as well as existing provincial requirements.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		heritage features within this area will be recognized within this Plan. f) The land within former Longford Township is entirely held in private ownership. The existing development will be recognized, with potential for new residential and private recreational development at a density consistent with the existing form of development recognizing the natural heritage features.		
9.3 Policies	9.3.1	Community Improvement Plans are for the purpose of upgrading, redeveloping and rehabilitating the physical environment of older neighbourhoods, recreational areas, commercial centres and industrial areas.	Community Improvement Plans are for the purpose of upgrading, redeveloping and rehabilitating the physical environment of older neighbourhoods, recreational areas, commercial centres and industrial areas. These can include efforts to identify, protect, and conserve cultural heritage resources, including archaeological resources and areas of archaeological potential.	Expanded language to allow CIPs to be used to support archaeological work. This may be designed in such a way to allow funding for private property owners.
	9.3.4	Any further amendments to this Plan and the preparation of any implementing Community Improvement Project Area by-laws will be based on the following criteria: a) Evidence exists of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sewers, water supply, parks and recreation, community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the listed services. b) The clean-up and redevelopment of brownfield properties (if applicable) will be facilitated. c) The phasing of improvements corresponds to the timing of improvements by the City and/or senior governments and is within the financial capability of the local municipality. d) A significant number of buildings in an area show signs of deterioration and need of repair. Buildings in an area would benefit from improvements in energy efficiency.	New Policy g) Efforts to identify, protect, and conserve cultural heritage resources, including archaeological resources and areas of archaeological potential.	New wording to allow for amendments to be enacted to protect cultural heritage and archaeology.

Section	Subsection	Existing Wording	Recommended Wording	Rationale
		e) Improvement to the visual appearance or aesthetics is required. f) Improvements will have a significant impact on strengthening the economic base of the community.		
10. Culture and Heritage	10.1. Goal	Encourage the conservation and enhancement of cultural heritage resources.	Require the conservation of significant cultural heritage resources, including built heritage resources, cultural heritage landscapes, protected heritage properties, archaeological resources and areas of archaeological potential, in accordance with provincial requirements. Encourage enhancement where possible.	The wording as written suggests that conservation was optional. The language is updated to better align with the *PPS*. This wording around encourage enhancement has been relocated.
	10.2. Objectives	a) To conserve and enhance the City's cultural and heritage resources. Features of particular interest include buildings, structures and significant structural remains, areas of unique or rare composition, landscapes of scenic value, artifacts, archaeological sites, cemeteries and burial grounds. b) To raise public awareness and celebrate the history of the community. c) To encourage participation and involvement in conservation efforts and foster the community's understanding and appreciation of the area's heritage resources.	a) To conserve and enhance the City's cultural heritage resources including, but not limited to, built heritage resources, cultural heritage landscapes, protected heritage properties, archaeological resources and areas of archaeological potential, artifacts, cemeteries and burial grounds.	The language is updated to better align with the *PPS*.
	10.3. Archaeological Conservation	a) 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. b) Any archaeological assessment report prepared on an area located within Kawartha Lakes must be filed with the City at the time the report is filed with the Provincial Government. c) It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of resources.	a) 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. b) Any archaeological assessment report prepared within the City of Kawartha Lakes must be filed with the City at the time the report is filed with the Provincial Government. c) It is the policy of the City to keep confidential the existence and location of archaeological resources and burials to protect against vandalism, disturbance, and the inappropriate removal.	b) Minor editing for clarity. c) Revision to better distinguish between archaeological resources (updated to current terminology) and burials. e) Revised in accordance with current *PPS* language.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		d) The City will consider the development of an Archaeological Management Plan. e) The City shall consider the interests of Aboriginal communities in conserving archaeological resources.	d) The City will consider the development of an Archaeological Management Plan. e) Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources.	
	10.5. Heritage Policies	a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved. b) Through the review of development applications, the City shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist. c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource. d) Any archaeological assessment report prepared on an area located within the City must be filed with the City at the time the report is filed with the Provincial Government. e) The City shall use the tools available to it under the Municipal Act, the Planning Act, the Environmental Assessment Act, and the Ontario Heritage Act to conserve cultural heritage resources. f) Cultural heritage resources shall be maintained in situ and in a manner that prevents deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource. g) The City 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	b) Through the review of development and site applications, the City shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist as identified within the City's Archaeological Potential Map. h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be followed when projects are planned within registered cemeteries and occur within proximity to marked and unmarked cemeteries or burial sites. The provisions of the Act must be applied when inadvertent discoveries of burial sites and human remains are encountered during development, assessment or any excavation activity. o) The City shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes as well as for the protection of human remains through the development approvals process and related master planning exercises. p) The City shall review its Archaeological Management Plan no less than once every 10 years.	b) Updated language to link to the AMP mapping. o) Updated language to reflect the current wording of the *PPS*. p) Updated to reflect the need to update the AMP.

Section	Subsection	Existing Wording	Recommended Wording	Rationale
		demonstrated that the heritage attributes of the protected heritage property will be conserved. h) The provisions of the Funeral, Burial and Cremation Services Act and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity. i) The City shall maintain a Register of Heritage Properties as per the requirements of the Ontario Heritage Act. j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate. k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage. l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee. m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties. n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate. o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources,		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises. p) The City shall consider the development of an Archaeological Management Plan.		
Under Appeal	14. Wayside Pits and Quarries	14.1. Wayside pits and quarries, portable and permanent asphalt plants, ready-mix concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.		
	16.3.4	Golf Courses will be permitted subject to the following: a) have frontage onto an Arterial Road or Provincial Highway; b) obtain an entrance permit for the proposed use; c) have no adverse effects upon surrounding uses; d) be compatible with and will not hinder agricultural operations; and e) appropriate studies, acceptable to the City, demonstrating that it will not adversely impact natural significant features and has a minimal impact on watercourses, groundwater resources, agriculture or other environmentally sensitive features;	e) appropriate studies, acceptable to the City, demonstrating that it will not adversely impact natural significant features and has a minimal impact on watercourses, groundwater resources, agriculture or other environmentally sensitive features as well as cultural heritage resources including archaeological resources and/or areas of archaeological potential.	Updated language to note that golf course construction will review archaeological review.
	18.6.12.	Intensification or infill in residential areas may require a different lot pattern and configuration, but should address the following principles: a) Land use and neighbourhood character compatibility; b) Pedestrian connectivity and accessibility; c) Parking requirements;	f) Natural (including natural hazards) and the conservation and protection of cultural heritage resources conservation (including archaeological resources), and where appropriate, enhancement;	Updated to reflect the term cultural heritage resources and identify archaeological resources as a consideration.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		d) Appropriate on-site vehicular circulation; e) Potential for transit ridership in communities where transit is provided; f) Natural (including natural hazards) and built heritage conservation / protection, and where appropriate, enhancement; g) Available servicing capacity of municipal infrastructure; and h) Residential intensification targets identified in this Plan.		
	18.12.2.	To promote sustainability, resilience, and achieve the development of complete and healthy communities within the settlement areas, it is the policy of this plan to: u) Enhance and protect the cultural and built heritage resources and implement the recommendations of the Cultural Master Plan and Heritage Master Plan.	u) Enhance and protect the cultural heritage resources and implement the recommendations of the Cultural Master Plan, Heritage Master Plan, and Archaeological Management Plan.	Updated language and included a reference to the Archaeological Management Plan
18.14 Cultural Heritage	18.14.1	The City shall encourage the preservation and awareness of the rich built heritage and cultural heritage resources and landscapes of the City's downtowns and main streets.	Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.	Updated to current *PPS* language.
	18.14.2	The City shall maintain an inventory of buildings of architectural and/or historic interest for the purposes of designating, by By-law, selected properties for preservation and protection from alteration pursuant to the Ontario Heritage Act. The City will identify and map cultural resources as outlined in the 2010 Cultural Resource Mapping Guide.	The City shall maintain a heritage register in accordance with Section 27 of the *Ontario Heritage Act*. The City will identify and map cultural heritage resources as outlined in the 2010 Cultural Resource Mapping Guide.	Updated to reflect current *OHA* language.
	18.14.3	Heritage features or events shall be appropriately designated using relevant provincial legislation including the Ontario Heritage Act, the Planning Act, the Municipal Act and other applicable statutory legislation	Cultural heritage resources or events shall be appropriately designated using relevant provincial legislation including the Ontario Heritage Act, the Planning Act, the Municipal Act and other applicable	Updated for consistency in language.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		in order to preserve and enhance the City's heritage resources.	legislation to conserve and enhance the City's cultural heritage resources.	
	18.14.4	Individual properties and areas of unique cultural, architectural and historical significance may be recognized through designation pursuant to the Ontario Heritage Act.	Individual properties and heritage districts may designation pursuant to the Ontario Heritage Act and its applicable regulations.	Updated language.
	18.14.5	Special studies may be undertaken for districts having heritage potential. Should an area represent a group of significant sites, buildings or structures, or period of the City's history, a Heritage Conservation District may be established pursuant to the Ontario Heritage Act. All new development within a Heritage Conservation District will be required to maintain the character of the area. Heritage Victoria and landowners will be consulted prior to the establishment of a Heritage Conservation District.	Heritage Conservation District studies may be undertaken in accordance with the requirements of the Ontario Heritage Act.	Updated language.
	18.14.6	The City shall prevent the demolition, destruction, inappropriate alteration, or inappropriate use of designated heritage properties.		
	18.14.7	Alterations may be made to properties designated by By-law as having historical significance provided that the alterations do not affect the reasons for the designation, are in keeping with the policies of this Plan, and meet the requirements of the Zoning By-law, other City By-laws and applicable municipal and provincial policies and codes.		
	18.14.8	Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance of applicable agencies such as the Ontario Heritage Foundation.	Council shall endeavour to obtain funds for the conservation and protection of cultural heritage resources, including archaeological resources, all available sources with the assistance of applicable agencies.	Updated language.
	18.14.9	Designated properties shall be retained as part of any new development or redevelopment to ensure that the heritage value of the building and/or lands is not compromised.		
	18.14.10	Consideration shall be given to the effects of public works and development on buildings, sites, infrastructure and areas of historical, architectural, scenic or archaeological importance prior to the approval of public works and proposals for development.	Any public works or other works undertaken by the City shall ensure that cultural heritage resources are conserved.	Reworded to better reflect that public works must be consistent with the Official Plan (as well as applicable provincial legislation.)
	18.14.11	When extending of streets and other necessary road improvements, including realignment and widening, consideration shall be given to the impact of such	When extending of streets and other necessary road improvements, including realignment and widening, consideration shall be given to the impact of such	Included a specific reference to archaeological resources.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		extensions or improvements on heritage resources, especially the character of streetscapes.	extensions or improvements on cultural heritage resources, including the character of streetscapes and archaeological resources.	
	20.3.11	Preservation of social values including heritage sites, landscapes, aesthetics, recreational opportunities and public access to the waterfront will be supported. Shoreline character shall be retained by encouraging non-intrusive use of the waterfront. Guidelines for the use of lighting, as an example, will emphasize subdued, energy efficient light sources. Individual lake plans and lake stewardship programs will be encouraged as a method to identify important local values, features and individual lake character. In addition, these programs can be used to monitor water quality, carrying capacity and general lake management.	Landscapes protection, aesthetics, recreational opportunities and public access to the waterfront will be supported. Waterfront development shall ensure the conservation and protection of cultural heritage resources. Shoreline character shall be retained by encouraging non-intrusive use of the waterfront. Guidelines for the use of lighting, as an example, will emphasize subdued, energy efficient light sources. Individual lake plans and lake stewardship programs will be encouraged as a method to identify important local values, features and individual lake character. In addition, these programs can be used to monitor water quality, carrying capacity and general lake management.	Reworded to better reflect the requirements of provincial legislation and the *PPS*.
	20.5.2	To maintain the appropriate balance between natural and built form, the extent of shoreline activity areas (including docks, boathouses, pump houses and other structures) shall be based on the following: a) 25% of the shoreline frontage or up to 23 m., whichever is the lesser for residential lot; b) 25% of the shoreline frontage of an open space block or up to 30 m. whichever is lesser for residential development; c) 33% of the shoreline frontage for resort and tourist commercial lots; and d) 50% of shoreline frontage for marinas.	To maintain the appropriate balance between natural and built form, the extent of shoreline activity areas (including docks, boathouses, pump houses and other structures) shall be based on the following: a) 25% of the shoreline frontage or up to 23 m., whichever is the lesser for residential lot; b) 25% of the shoreline frontage of an open space block or up to 30 m. whichever is lesser for residential development; c) 33% of the shoreline frontage for resort and tourist commercial lots; and d) 50% of shoreline frontage for marinas. e) Significant archaeological resources are conserved.	Specific reference to significant archaeological resources added.
	20.5.5	Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, and the like, shall be conserved. Development shall be located and designed to protect these characteristic features. Built form shall not dominate the landscape.		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
	23.3.3	Where a new pit or quarry is proposed or an expansion is applied for, appropriate studies will be required to ensure that the impact is acceptable. The nature of the studies will depend on the location and uses in the surrounding area. The City may require a peer review of the studies to determine if the findings are acceptable.	Where a new pit or quarry is proposed or an expansion is applied for, appropriate studies, including an archaeological assessment, will be required to ensure that the impact is acceptable. The nature of the studies will depend on the location and uses in the surrounding area. The City may require a peer review of the studies to determine if the findings are acceptable.	Ensures consistency with the *Aggregate Resources Act*.
	23.5.3	In addition to the study requirement outlined in Section 23.5.1, the pre-consultation meeting will identify additional detailed study requirements, the need to scope study requirements where appropriate, and the process of evaluation and peer review. Where such peer review is determined to be necessary, the applicant will be responsible for the costs of any peer review undertaken by the City of such studies. The City will enter into an agreement with the applicant regarding the administration of such costs.		
	28.5.1	Council shall only consider the construction of new, or expansion of existing, municipal or private communal water and wastewater systems where the following conditions are met:	Council shall only consider the construction of new, or expansion of existing, municipal or private communal water and wastewater systems where the following conditions are met: Significant cultural heritage resources are conserved.	Includes a specific reference for the protection of cultural heritage resources (which includes archaeological resources).
	28.5.2	Strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;		
	29.1.9	Where there is a conflict between one or more policies in the City of Kawartha Lakes Official Plan and a secondary plan, development plan, area-specific, or site-specific policy, then the policy in such secondary plan, development plan, area-specific, or site-specific policy shall prevail..	Where there is a conflict between one or more policies in the City of Kawartha Lakes Official Plan and a secondary plan, development plan, area-specific, or site-specific policy, then the policy in such secondary plan, development plan, area-specific, or site-specific policy shall prevail except where contrary to the *PPS* or statutory legislation.	Ensures that outdated plans do not negate current requirements.
		Adverse Effects: means one or more of:	Adverse Effects: means one or more of:	Added in a specific reference to significant cultural heritage resources.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		I. impairment of the quality of the natural environment for any use that can be made of it; II. injury or damage to property or plant and animal life; III. harm or material discomfort to any person; IV. an adverse effect on the health of any person; V. impairment of the safety of any persons; VI. rendering any property, plant, or animal life unfit for use by humans; VII. loss of enjoyment of normal use of property; and VIII. interference with normal conduct of business.	I. impairment of the quality of the natural environment for any use that can be made of it; II. injury or damage to property or plant and animal life; III. harm or material discomfort to any person; IV. an adverse effect on the health of any person; V. impairment of the safety of any persons; VI. rendering any property, plant, or animal life unfit for use by humans; VII. loss of enjoyment of normal use of property; and VIII. interference with normal conduct of business. IX. results in negative impacts on significant cultural heritage resources.	
	31.2.2.9. Culture and Cultural Heritage	31.2.2.9.1. The City shall protect, conserve, and promote culture and cultural heritage in accordance with the 2014 Provincial Policy Statement and Section 10 of the Official Plan.	31.2.2.9.1. The City shall protect, conserve, and promote culture heritage resources in accordance with the applicable *Provincial Planning Statement* and the heritage policies of the Official Plan.	Updated language.
	31.4.2.9. Culture and Heritage	31.4.2.9.1. The City shall protect, conserve, and promote culture and heritage in accordance with the 2014 Provincial Policy Statement and Section 10 of the Official Plan.	31.4.2.9.1. The City shall protect, conserve, and promote culture heritage resources in accordance with the applicable *Provincial Planning Statement* and the heritage policies of the Official Plan.	Updated language.
31.5. Oak Ridges Moraine Plan				
31.21.7.		An archaeological review of the site has been completed.	An archaeological assessment has been completed, and all outstanding matters are resolved to the satisfaction of the City.	Reworded to reflect that the act of completing the review is not sufficient.
34.6. Holding Symbol in Zoning By-Law		The City when passing a zoning by-law, may, by use of the Holding Symbol "H" together with a specific zone category, specify the use to which land, buildings or structures in areas so identified may be used until the Holding Symbol is removed by an amending By-law.	The Holding Symbol may be used in a zoning by-law to meet or achieve any of the following objectives: • to ensure the conservation and protection of significant cultural heritage resources, including significant archaeological resources.	Added in language to ensure the Holding symbol may be used to protect cultural heritage resources.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		The Holding Symbol may be used in a zoning by-law to meet or achieve any of the following objectives: • to recognize or require the phasing of development; • to encourage development by recognizing an area suitable for a use permitted within the applicable designation under this Plan, pending the imminent provision and allocation of water, sewage or any municipal service necessary to support development; or • to recognize a specific development site for a particular use or development pending the completion of related matters deemed necessary by the municipality such as: servicing or development agreements; site plans; grading and drainage plans; mitigation measures for drainage, sedimentation or erosion control; surveys; or any technical study. • The application of the Holding Symbol will be limited to situations where Council is satisfied that the details of the development are not so uncertain or complex that they pose an insurmountable obstacle for the proponent or the municipality to overcome. • In the case of servicing, the Holding Symbol should not be applied where servicing capacity does not exist or the potential for future capacity has not been approved by the City. • Prior to passing a by-law to remove a Holding Symbol, the City shall ensure that: o the development is consistent with the orderly development of the municipality; o adequate municipal services are available for the proposed development; o the owner or applicant has satisfied all requirements identified by the municipality and any agreements necessary to address municipal concerns and servicing requirements have been entered into;		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		o the Owner has satisfied the requirements of the municipality or any other agency, having jurisdiction and having identified concerns, that the lands or the proposed uses are, or can be adequately protected from any physical hazard or environmental degradation by methods that are consistent with accepted engineering, environmental management or resource management practices; and o the Owner has satisfied any requirements of the City with respect to use or access to municipal roads or facilities and has entered into any agreements or obtained any necessary permits in that regard.		
34.7. Site Plan Control		The Council of the City of Kawartha Lakes hereby establishes the entire City as a Site Plan Control Area. It may be applied to all uses except agricultural, aggregate extraction, forestry, open space and single detached residential lots.		General Note: This policy will need to be revisited in light of recent *Planning Act* changes.
34.13. Parks		Within the City, parks are classified under three general headings. • Overnight and long-term camping parks – through the operation of Emily and Balsam Lake Provincial Parks the province provides a significant number of camping opportunities. There are also numerous private campgrounds throughout the City that are primarily located to adjacent to lakes and rivers. The City also operates two camping parks. All these facilities provide accommodation to the vacationing and travelling public. • Day use parks – Council shall encourage the development of day use park areas to serve both tourist and local residents. Council will implement this policy directly or more appropriately through the municipal park system and the Conservation Authority. Council shall endeavour to provide recreational opportunities on City Managed Forest properties and the recreational trails located primarily on the	New policy: The City shall only consider accepting intact archaeological sites and/or burial sites as parkland if it is determined by the City to be in the public interest and/or consistent with the City's Indigenous reconciliation efforts.	Allows for the taking of archaeological sites as parkland, but only in specific circumstances.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		abandoned rail lines throughout the City to provide recreational and tourism opportunities. • Local parks – Local parks will be provided and managed by the City. Management should be aimed at providing recreational opportunities to local residents. The City will establish a hierarchy of parks based on classification that include City Parks, Community Parks, Neighbourhood Parks and Greenbelt lands. The City supports the planning and development of trails and trailheads, bikeways, and path linkages throughout the City. The routes should be confirmed through a detailed Trails and Bikeways Master Plan. Pursuant to the Planning Act, the City shall accept the 5 percent parkland dedication or the equivalent in cash in lieu of parkland for residential. In the case of redevelopment or higher density development, the City will take the greater of the five percent of lands proposed for development and redevelopment in residential areas or one hectare for each 300 dwelling units. Where appropriate, the City should encourage parkland dedications adjacent to future school sites conveyed through the development process. The City should collaborate with school boards to develop such parkland dedications for school and community use. Where the land would not be suitable for parkland or municipal purposes, the municipality may accept a cash settlement equal to five percent of the value of the total proposal at the time of draft approval or granting of a consent. The monies received from such development shall be set aside in a special fund that will be expressly used for the development of recreational opportunities within the municipality.		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		In the case of an industrial or commercial development, two percent cash-in-lieu equivalent of the land should be taken. Where cash-in-lieu may be accepted or required by the City, the funds received should be held in reserve funds for the acquisition or development of parkland in areas of the City where deficiencies are noted.		
35.3. Complete Applications	35.3.1.	A complete application shall have the prescribed information as required under Sections 22(4), 34(10.1) and 51(17) of the Planning Act as applicable for each application. In addition to this the City may also require additional information as per Sections 22(5), 34(10.2) and 51(18) of the Planning Act as applicable for each application. A complete application for an official plan amendment, zoning by-law amendment, or application for draft approval of a plan of subdivision or condominium may include the following background studies or reports as follows: • Agricultural Capability • Archaeological Assessment • Environmental Impact Study • Flood Plain Study • Functional Servicing Report for water, wastewater, storm water management and traffic • Growth and Settlement • Hydrogeological Study • Market Study • Noise Study • Planning Justification Report		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		• Servicing Options Study • Storm Water Management Report • Traffic Study • Vegetation Analysis and Tree Preservation Plan • Vibration Study		
36. Appendices	36.1. Appendix A – Background Studies	Archaeological Assessment The Study may include the following components: Stage 1: Background study and property inspection All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment. The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential. Stage 2: Property assessment All applications where development is proposed on lands containing a registered Archaeological site or where a Level One Assessment has identified the	Archaeological Assessment The Study will be completed in accordance with the Province of Ontario's *Standards and Guidelines for Consultant Archaeologists* (or as superseded), the requirements of the *Ontario Heritage Act*, and the City's Archaeological Management Plan.	Link the study to provincial and local requirements rather than including information that could be subject to change.

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		presence of archaeological resources and Stage Two Archaeological Assessment will be required. The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment. Stage 3: Site-specific assessment This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment. Stage 4: Mitigation of development impacts This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best		

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Section	Subsection	Existing Wording	Recommended Wording	Rationale
		approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.		
	36.3. Appendix C – Cultural Heritage Study Requirements – **Update to Archaeological Assessment Requirements**	The requirements of the Ministry of Culture form the basis of Archaeological Studies. Archaeological studies are normally required for official plan and zoning applications and when land is being divided by plan of subdivision or consent when they are: within 300 metres of a lake, major watercourse, a wetland, or an ancient water source on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; • include historic cultural features; • a known Archaeological site; or • a designated Historical site. Development agreements will contain a requirement, that if during construction any archaeological or cultural heritage resources (including human remains) are found, that all work shall cease, and the Ministry of Culture be notified and only commenced with the Ministry's concur.	Archaeological Assessment The Study will be completed in accordance with the Province of Ontario's *Standards and Guidelines for Consultant Archaeologists* (or as superseded), the requirements of the *Ontario Heritage Act*, and the City's Archaeological Management Plan.	Link the study to provincial and local requirements rather than including information that could be subject to change.

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12 APPENDIX C: RECOMMENDED REVIEW PROCESS

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City of Kawartha Lakes Archaeological Review Process

Legend	
	Action
	Proponent and their Licensed Consultant Archaeologist's Role
	Ministry of Citizenship and Multiculturalism (MCM)
	City of Kawartha Lakes
	Decision

The following applications will be subject to this process:

- Official Plan Amendments
- Zoning By-law Amendments
- Plans of Subdivision and/or Condominium
- Site Plan Control
- Consent Applications

The following applications, where there is a site alteration with soil disturbance, shall be subject to this archaeological assessment process if they are located in known archaeological sites or an area of archaeological potential:

- Minor Variances
- Small-Scale Re-Zonings
- Boundary Adjustments
- Public Works Projects

Exceptions to the foregoing shall be identified by the City's Heritage Planner.

City of Kawartha Lakes approached about potential development or site alteration.

Heritage Planner circulated and consults archaeological potential mapping.
Indigenous communities informed of application and consulted regarding decision about archaeological potential.

Has archaeological potential

No archaeological potential - Standard Conditions Applied

Archaeological assessment requirements communicated to applicant; potential pre-consultation meeting.

Stage 1 or Stage 1/2 Archaeological Assessment completed with engagement of Indigenous communities as required.

Following Indigenous communities' review and comment, Archaeological Assessment report(s) submitted to MCM.

MCM reviews report and sends the licensed archaeologist, proponent and approval authority the acceptance letter.

Development application submitted along with Archaeological Assessment report(s), acceptance letter(s) and proof of engagement with Indigenous communities. If significant archaeological resources are identified, additional work will be required. A Holding (H) provision may be applied if rezoning is being undertaken.

Further assessment required

Not Significant - Standard Conditions Applied

Stage 3 Archaeological Assessment completed and, following Indigenous communities' review and comment, Archaeological Assessment report(s) submitted to MCM.

MCM reviews report and sends the licensed archaeologist, proponent and approval authority the acceptance letter.

Finalized report, the acceptance letter, and proof of Indigenous engagement are sent to the City Heritage Planner.

Further assessment required

Not Significant - Standard Conditions Applied

Stage 4 archaeological assessment completed and, following Indigenous communities' review and comment, Archaeological Assessment report(s) submitted to MCM.

MCM reviews report and sends the licensed archaeologist, proponent and approval authority the acceptance letter.

Finalized report, the acceptance letter, and proof of Indigenous engagement are sent to the City Heritage Planner.

Archaeological Issues are addressed. Mapping updated in GIS. It should be noted that an archaeological site may still have cultural heritage value or interest after a Stage 4, depending on the mitigation employed or if the site extends beyond a project area. Burial sites may require further protection. Commemoration may be implemented where appropriate. Archaeological reports are included in the Legal Deposit.

13 APPENDIX D: RECOMMENDED EXEMPTIONS FROM ARCHAEOLOGICAL REQUIREMENTS

There are certain circumstances where, despite the presence of archaeological potential, the heritage planner will consider whether an archaeological assessment is necessary. This might include the following circumstances:

1) Normal Farm Practice, excluding the construction of new agricultural buildings or new infrastructure (such as utility trenches).
2) Planning applications that will not result in soil disturbance (such as boundary corrections or rezonings for new use).
3) Heritage Permit applications that will not result in soil disturbance.
4) The construction and installation of fencing.
5) Slab on grade construction under 36 m^2.
6) Decks that do not require in-ground foundations.
7) Other circumstances as identified by the heritage planner.

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14 APPENDIX E: RECOMMENDED STANDARD CONDITIONS

While a primary purpose of the AMP is risk reduction by identifying areas of archaeological potential and/or known archaeological sites are located, there will nonetheless still be instances where of unexpected discovery of either archaeological finds or human remains.

Section 48 (1) of the *Ontario Heritage Act* states:

> **Licence, activity on archaeological sites**
>
> **48** (1) Subject to subsection (2), no person shall do any of the following unless the person applies to the Minister and is issued a licence under this Part that allows the person to carry out the activity in question:
>
> 1. Carry out archaeological fieldwork.
>
> 2. Knowing that a site is a marine or other archaeological site, within the meaning of the regulations, alter the site or remove an artifact or any other physical evidence of past human use or activity from the site.
>
> 3. With respect to a marine archaeological site that is prescribed,
>
> i. Dive within 500 metres of the site or within any other distance of the site as may be prescribed.
>
> ii. Operate within 500 metres of the site or within any other distance of the site as may be prescribed any type of submersible vehicle, including a remotely operated vehicle, autonomous underwater vehicle or submarine.
>
> iii. Operate within 500 metres of the site or within any other distance of the site as may be prescribed any type of equipment, machine, device or thing capable of being used to conduct a survey, whether towed or not, including a side scan sonar or a camera. 2002, c. 18, Sched. F, s. 2 (27); 2005, c. 6, s. 35; 2009, c. 33, Sched. 11, s. 6 (15); 2019, c. 9, Sched. 11, s. 20 (1).

Thus, it is illegal to alter an archaeological discovery or site if human remains, whether a registered archaeological site or not. To this end, the following conditions have been developed to assist with managing such circumstances and must be included with all development approvals which will disturb the ground.

14.1 Unexpected Finds Standard Condition

If deeply buried or previously undiscovered archaeological remains and/or resources are found during development or site alteration activities in the municipality, all activities must cease immediately, people must not disturb and must move away from the find, and the area must be secured to prevent site disturbance. The following agencies must be immediately contacted:

a. The City of Kawartha Lakes Heritage Planner (archaeology@kawarthalakes.ca) who will in turn contact any interested Indigenous communities.
b. The Archaeology Programs Unit of the Government of Ontario (archaeology@ontario.ca) or (416-212-8886);
c. The project proponent and their consultant archaeologist (if they have one);

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Should deeply buried or previously undiscovered archaeological remains and/or resources be discovered, the project proponent must consult a licensed consultant archaeologist to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

No further development or site alteration including –but not limited to—grading, overburden deposition, soil compaction or other soil disturbances shall take place which may impact the archaeological site on the property prior to the Provincial Ministry responsible for archaeological management and the City if Kawartha Lakes confirm that all archaeological resource concerns have met licensing and resource conservation requirements.

Development or site alteration that will not negatively impact the archaeological site as determined by the City of Kawartha Lakes heritage planner and a licensed consultant archaeologist may continue on the property.

14.2 Human Remains Standard Condition

If suspected human remains are encountered during development or site alteration activities in the City of Kawartha Lakes, all activities must cease immediately. People must not disturb and must move away from the remains. The site shall be secured. Contact the police and coroner. Do not allow anyone to approach the remains until the police arrive and take control of the scene. The project proponent must then inform the following agencies and take direction from the coroner for next steps.

a. The City of Kawartha Lakes Heritage Planner (archaeology@kawarthalakes.ca)

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APPENDIX F: UNEXPECTED DISCOVERIES PROTOCOLS

14.3 Preamble

Even with the best archaeological potential mapping, good archaeological policy and processes, and the completion of required archaeological assessments, there will inevitably be circumstances where unexpected archaeological resources and/or human remains are found. These discoveries can stem from a variety reasons:

- a property many not have required or been subject to assessment (e.g., a site is found when a landowner excavates for a new garden);
- a property was subject to assessment a long time ago, using methodologies that are less rigorous than today;
- a previous archaeological assessment may have inadvertently missed archaeological resources and/or human remains;
- the archaeological resources and/or human remains are deeply buried and not expected or easily detected using standard methodologies.

Even in areas where there has been significant land development, archaeological resources and/or human remains can be preserved intact. Examples include the 2024 discovery of Indigenous Ancestor remains within the road right-of-way in the Toronto neighbourhood of Riverdale and the 2022 discovery of archaeological resources at a historic house museum in Sudbury.

Some discoveries may include both archaeological resources and human remains, which requires a more fulsome response, and in such cases, it is critical to have an archaeologist involved in the process. For example, some Settler cemeteries in Ontario have been discovered to contain Indigenous archaeological resources.

It is important to recognize the discovery of potential archaeological resources and/or human remains does not mean a project cannot proceed and must be abandoned. It just means the process as identified within both federal and provincial legislation/policy must be followed, which may take some time before onsite work in the discovery area can continue.

14.4 Protocol Creation and Use

Ultimately, the discovery of confirmed or potential archaeological resources and/or human remains requires immediate action. All discoveries should be treated as if they are significant until proven otherwise and clearance to proceed is provided by the appropriate authorities. An individual should never guess about the nature or significance of discoveries, as this decision must be left to those with the appropriate technical expertise and authority to make that decision. For example, it is often very challenging to tell the difference between human and animal bone and the process requires an expert eye. Furthermore, just because human remains or potential grave shafts occur outside of a marked or fenced cemetery does not mean they are not formal burials.

Given this, protocols have been developed to assist with the management of unexpected discoveries of archaeological resources and/or human remains within the municipal jurisdiction of the City of Kawartha Lakes. These protocols outline the required series of steps to be taken, to ensure any discovery is managed in keeping with all federal and provincial policy and legislation, alongside City policy and requirements. Where suspected archaeological resources and human remains are found on the same site, both protocols apply.

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These protocols should be circulated externally as part of municipal application requirements and internally to municipal departments undertaking ground disturbing activities. The City of Kawartha Lakes Heritage Planner should assist in the implementation of those protocols should such discoveries be reported to the City.

14.5 Legislative Context and Requirements Regarding Discoveries

Several pieces of federal and provincial legislation and policy dictate how discoveries of archaeological resources and human remains must be handled. These are outlined in the following sections and form the basis of the discovery protocols provided at the end of this document. The legislation also identifies the circumstances under which the disturbance of burials, human remains or archaeological resources may be considered an indictable offense.

14.5.1 Criminal Code (Federal)

The *Criminal Code* of Canada establishes the neglect or improper handling of human remains, including during discoveries, as an indictable offense. Section 182 states:

> **182** Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who
>
> > (a) neglects, without lawful excuse, to perform any duty that is imposed on him by law or that he undertakes with reference to the burial of a dead human body or human remains, or
> >
> > (b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not.

14.5.2 Funeral, Burial and Cremation Services Act (Provincial)

Among other things, the *Funeral, Burial and Cremation Services Act* (*FBCSA*) contains legislation that prohibits disturbance to a burial site, establishes the requirement and process for reporting the discovery of human remains, provides requirements for a landowner to conduct an investigation into a discovery made on their property, and outlines a process and requirements for conducting archaeological assessments within and adjacent to active and historic cemeteries.

It is noted that the *FBCSA*, its regulations, and the processes identified by the *FBCSA* Registrar, regularly speak to the requirement of a licensed archaeologist to conduct investigations, undertake research, and evaluate potential for burials to occur in project areas. Nonetheless, Section 105 establishes that the *FBCSA* prevails over Part VI of the *Ontario Heritage Act*, regarding the Conservation of Resources of Archaeological Value.

14.5.2.1 Disturbing Human Remains

Section 94 of the *FBCSA* establishes that disturbing burial sites and human remains is an offense. It states:

> No person shall disturb or order the disturbance of a burial site or artifacts associated with the human remains except,
>
> (a) on instruction by the coroner;
>
> (b) pursuant to a site disposition agreement; or

(c) if the disturbance is carried out in accordance with the regulations.

A site disposition agreement is formal legal agreement negotiated between the legal owner of the land upon which a human remains discovery is made and a representative of the deceased regarding the long-term disposition or plans for the burial, human remains, and associated artifacts. Those plans could include the burial being left in situ and registered as a formal cemetery or the unearthing of the burial and reburial on a different site. In either case, the representative of the deceased and the landowner would arrive at an agreement about the details of long-term care.

14.5.2.2 Discovery of Human Remains and Burial Site Investigation

Section 95 of the *FBCSA* establishes the requirement for human remains discoveries or knowledge of unmarked graves or burials to be reported:

> Any person discovering or having knowledge of a burial shall immediately notify the police or coroner.

The coroner may attend the site and will determine if the human remains are the result of foul play (i.e., criminal activity). If foul play is suspected, the site is considered a crime scene and will remain under the jurisdiction of the police. If foul play is not suspected, the site comes under the jurisdiction of the *FBCSA* and is considered a Burial Site. The *FBCSA* Registrar may then order the landowner to undertake a Burial Site Investigation (BSI), as described in Section 96(1):

> The registrar may order the owner of land on which a burial site is discovered to cause an investigation to be made to determine the origin of the site.

The process and requirements for a BSI are laid out in Part II Division C of *Ontario Regulation 30/11* of the *FBCSA*. Section 174(1) stipulates that an archaeologist who holds a professional license shall conduct the investigation, which must be completed within five days of initiation. Among other things, the investigation must determine the probable cultural origin or religious affiliation of the individuals associated with the burial site, the boundaries of the burial site, and other information that can assist the *FBCSA* Registrar in making a Declaration regarding the nature of the burial and appoint an appropriate Representative of the Deceased for the purpose of negotiating a site disposition agreement that describes the long-term plans for the burial. Section 175(1)(b) requires that the owner of the land upon which a Burial Site discovery is made:

> ….shall take whatever steps are necessary to preserve the site, the human remains and artifacts until a final disposition is made in accordance with the Act and the regulations.

Sections 174-184 of the Regulation include more specific requirements for burial sites and the BSI process.

Section 96(4) provides a provision for potential financial relief for a landowner ordered to complete a BSI. It states:

> If the registrar [*FBCSA* Registrar] is of the opinion that an investigation under subsection (1) would impose an undue financial burden on the land owner, the registrar shall undertake the investigation.

On a practical level, the demonstration of financial burden requires a statement of anticipated costs for the investigation and review of the owner's financial ability to pay such costs.

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14.5.2.3 *FBCSA* Registrar's Directive

Noting that the *FBCSA* identifies that it is offense to disturb a burial site, archaeological assessments are required when projects that involve land disturbance are planned for lands within registered cemeteries or immediately adjacent to (i.e., within 10 m) of cemetery lands. The purpose of the assessments is to establish the location and spatial limits of burials associated with the cemetery and to ensure that there are no impacts during the proposed project. To relieve the archaeologist of potential legal violations of the *FBCSA*, when such archaeological assessments are undertaken within or adjacent to cemeteries, the Registrar, *FBCSA* and Bereavement Authority of Ontario (BAO), requires that the licensed archaeologist apply for and receive a Cemetery Investigation Authorization (CIA) prior to conducting Stage 2 through Stage 4 fieldwork (i.e., archaeological assessment stages involving ground disturbance).

Stage 1 through 3 archaeological assessments undertaken under a CIA are required for cemeteries where the boundaries or location of burials cannot be conclusively determined based on records, maps and plans of the cemetery, most often historic cemeteries.

14.5.2.4 Cemetery Alterations

The *FBCSA* establishes regulations for alterations to registered cemeteries. Under the *FBCSA* it is an offence:

- to disinter human remains without the consent of the Interment Rights holder and notification to the medical officer of health (Subsection 162 (3) of *Ontario Regulation 30/11*);
- for an operator or cemetery to install a building within 4.57 m or 15 ft of an inground grave (Section 155 of *Ontario Regulation 30/11*); and
- for an operator to place any new in-ground graves or scattering grounds within 4.57 m or 15 ft of a building.

To avoid these potential violations of the *FBCSA* and potential disturbances to a burial site, the Registrar of the *FBCSA* and BAO require the process identified below to be followed:

- an archaeologist be hired to undertake a Stage 1 assessment to provide a summary of the planned development or excavation within the cemetery that will impact the cemetery lands and evaluate potential for impacting burials; and
- the Registrar, BAO will issue a CIA that will allow Stage 2 through Stage 4 archaeological assessments to occur to evaluate whether the proposed project area contains burials; the CIA will also relieve the archaeologist of any legal violation of the *FBCSA* should burials be impacted or human remains identified.

14.5.3 Ontario Heritage Act (Provincial)

Part VI of the *Ontario Heritage Act* (*OHA*) speaks to the conservation of archaeological resources and dictates that only individuals holding an archaeological license can alter an archaeological site and makes alterations to archaeological sites without a license an indictable offense. Section 48(1) of *OHA* states:

> **Licence, activity on archaeological sites**

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48 (1) Subject to subsection (2), no person shall do any of the following unless the person applies to the Minister and is issued a licence under this Part that allows the person to carry out the activity in question:

1. Carry out archaeological fieldwork.

2. Knowing that a site is a marine or other archaeological site, within the meaning of the regulations, alter the site or remove an artifact or any other physical evidence of past human use or activity from the site.

3. With respect to a marine archaeological site that is prescribed,

i. Dive within 500 metres of the site or within any other distance of the site as may be prescribed.

ii. Operate within 500 metres of the site or within any other distance of the site as may be prescribed any type of submersible vehicle, including a remotely operated vehicle, autonomous underwater vehicle or submarine.

iii. Operate within 500 metres of the site or within any other distance of the site as may be prescribed any type of equipment, machine, device or thing capable of being used to conduct a survey, whether towed or not, including a side scan sonar or a camera. 2002, c. 18, Sched. F, s. 2 (27); 2005, c. 6, s. 35; 2009, c. 33, Sched. 11, s. 6 (15); 2019, c. 9, Sched. 11, s. 20 (1).

It is a provincial offense to violate these requirements of the *OHA,* which also sets out fines for such offenses*:*

Offences and restoration costs

69 (1) Subject to subsection (2), every person who,

(a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1990, c. O.18, s. 69 (1).

Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is $250,000 and not as provided therein. R.S.O. 1990, c. O.18, s. 69 (2).

Exception

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(3) Despite subsections (1) and (2), if a person is convicted of the offence of contravening section 34 or 34.5, demolishing or removing a building, structure or heritage attribute in contravention of section 42 or contravening subsection 48 (1) or if a director or officer of a corporation is convicted of knowingly concurring in such an act by the corporation, the maximum fine that may be imposed is $1,000,000. 2005, c. 6, s. 44 (2); 2019, c. 9, Sched. 11, s. 23.

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14.6 Instructions on Compliance with Legislation

All archaeological assessment reports and standard language applied to *Planning Act* approvals by the City of Kawartha Lakes, must incorporate wording to address and set expectations for compliance with applicable legislation should archaeological resources, burials or human remains be discovered while construction or other forms of land alteration are proceeding. As a best practice, landowners and construction personnel should be made aware of the compliance requirements, including the potential charges and fines associated with non-compliance.

As a general reference, the following language is included in all archaeological assessment reports completed under the 2011 *Standards and Guidelines for Consultant Archaeologists*:

> It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.
>
> Should previously undocumented (i.e., unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.
>
> The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 requires that any person discovering human remains must notify the police or coroner and Registrar of Burial Sites, Ontario Ministry of Government and Consumer Services at 416-212-7499 and FBCSARegistrar@ontario.ca.
>
> Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological licence.

The purpose of the protocols below is to ensure that all parties follow a process that ensure compliance with applicable legislation.

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ARCHAEOLOGICAL RESOURCES DISCOVERY PROTOCOL

This protocol provides procedural direction on how to handle the discovery of an archaeological resource during ground disturbing activities. The protocol provides information regarding who to notify of the find, isolating and protecting the resource to the extent feasible until it can be properly dealt with, and documenting discoveries to meet provincial ministry and regulatory requirements. Some relevant definitions are provided below.

> **Archaeological resources** – includes artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*.
>
> **Archaeological site** – means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest (CHVI).
>
> **Artifact** – means any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest.

If suspected human remains are also discovered the Human Remains Discovery Protocol must also be followed.

14.7 Discovery Procedure

On the occasion that suspected archaeological resources are discovered during ground disturbing or construction activities, the following procedures must be adhered to:

1. Suspend all below-grade activities immediately in the vicinity of the potential archaeological resource; if the find is made on a construction site, notify the construction/project supervisor.
2. The landowner or construction/project supervisor shall notify the City of Kawartha Lakes Heritage Planner (see contact information below). The landowner or construction/project supervisor should provide the Heritage Planner with photographs of the discovery, including something to help with scale (e.g., ruler, measuring tape, shovel, trowel, pop can, etc.).
    a. In the instance that the City of Kawartha Lakes Heritage Planner is made aware of a discovery by a third-party (e.g., a passing pedestrian reports seeing artifacts in a waterline trench), the Heritage Planner will contact the landowner/project representative to initiate the process of determining whether a potential archaeological resource is present.
3. The City of Kawartha Lakes Heritage Planner, in consultation with others they deem appropriate (e.g., Indigenous communities, archaeological experts, etc.), will make a preliminary evaluation of the nature of the discovery based on the photographs provided. If there is insufficient information to make a determination about the nature of the discovery or the Heritage Planner determines it to be a likely archaeological resource, a licensed archaeologist shall be contacted by the landowner/project representative to visit the site to establish if the discovery warrants further investigation.

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4. If the licensed archaeologist determines that the discovery is not archaeological (based on photographs or a site visit) or that the find does not warrant further investigation, the archaeologist will notify the City of Kawartha Lakes Heritage Planner. Upon confirmation by the City of Kawartha Lakes Heritage Planner, notification will be provided to the landowner/project representative that work may resume.

5. If the licensed archaeologist determines that further investigation is warranted, the archaeologist shall notify the City of Kawartha Lakes Heritage Planner. Further ground-disturbing activities may not proceed within the area as defined by the licensed archaeologist. In consultation with the City of Kawartha Lakes Heritage Planner and the Archaeology Programs Unit of the Government of Ontario, the licensed archaeologist shall develop an appropriate mitigation plan in keeping with the Province of Ontario's 2011 *Standards and Guidelines for Consultant Archaeologists*. If the archaeological resource is Indigenous in affiliation, Indigenous communities must also be engaged. Depending on the location, nature, spatial extent of the find and intended construction, possible mitigative measures could include:

    a. avoidance of the archaeological resource or feature by relocating the area of construction impact (less likely to be used in this case);

    b. mapping, drawing and photo-documentation of the archaeological resource; and

    c. full excavation.

6. In order for ground disturbing/construction activities to proceed within the discovery area, the licensed archaeologist shall be permitted sufficient time to ensure the mitigation of the resource is compliant with applicable standards including Archaeology Programs Unit and *Occupational Health and Safety Act* (*OHSA*) requirements. The licensed archaeologist shall mobilize sufficient staff and resources to ensure the mitigation occurs in a timely fashion, to minimize delay in construction activities.

7. Once the mitigation strategies are complete or implemented, the licensed archaeologist shall consult with the City of Kawartha Lakes Heritage Planner and the Archaeology Programs Unit prior to resuming work in the area. Once the Archaeology Programs Unit notifies the archaeologist that provincial concerns have been addressed, the licensed archaeologist shall provide the Archaeology Programs Unit communications or acceptance letter to the City of Kawartha Lakes Heritage Planner. Upon confirming that municipal responsibilities have been met, the City of Kawartha Lakes Heritage Planner will provide notification to the landowner/project representative that work may resume.

8. The City of Kawartha Lakes Heritage Planner may, at any point during this process and where the project is non-compliant with this protocol, inform the Archaeology Programs Unit of a potential impact to archaeological resources. The Minister responsible may then choose to impose a stop order on the project (*Ontario Heritage Act* s.62).

14.8 Key Contact Information

- **City of Kawartha Lakes Heritage Planner:** archaeology@kawarthalakes.ca.
- **Archaeology Programs Unit of the Government of Ontario:** archaeology@ontario.ca or 416-212-8886.

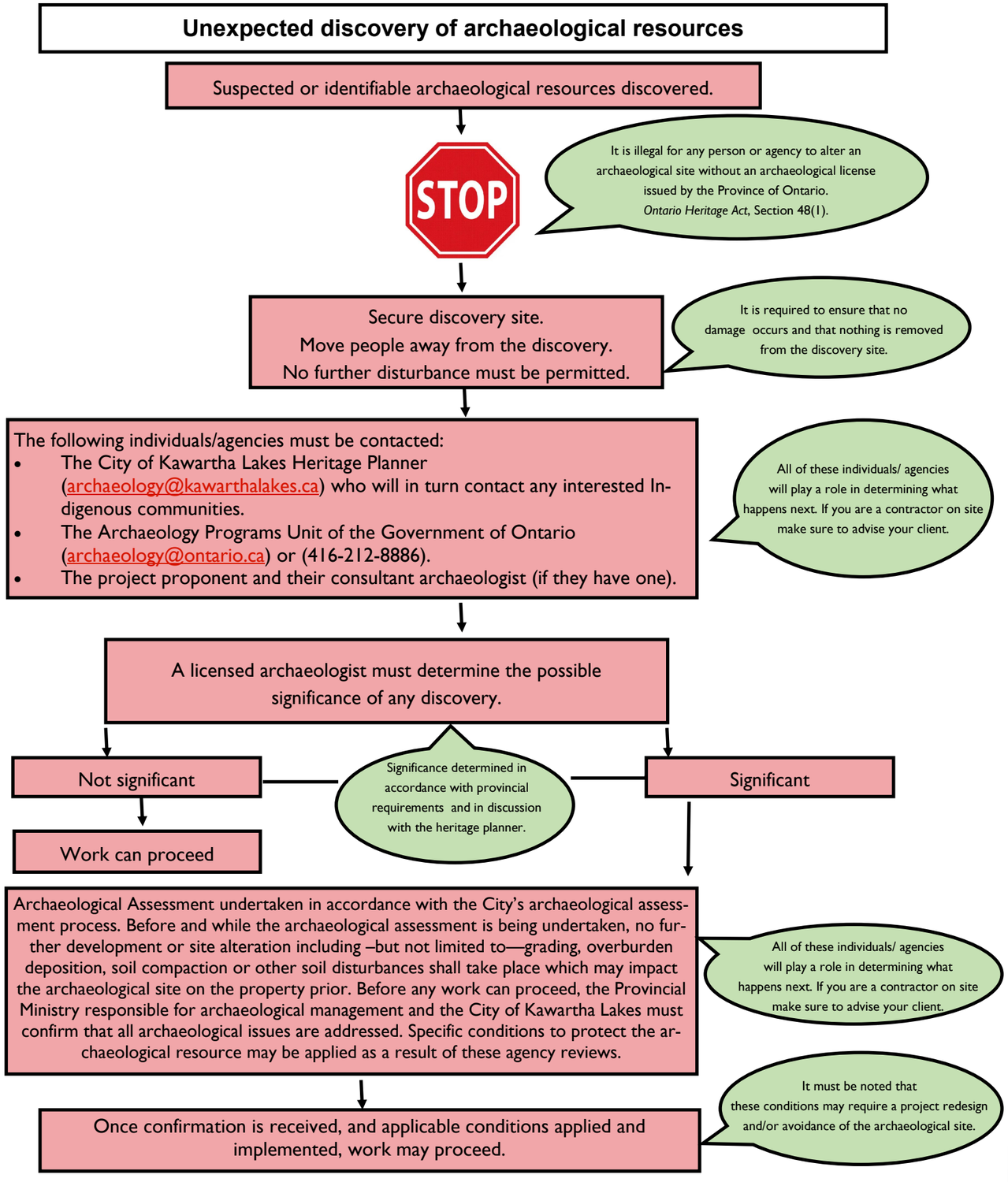
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14.9 Protocol Flowchart

The following flowchart has been developed to assist the municipality, contractor/consultants, landowners and development proponents with the specific processes that must be followed in the case of unexpected discoveries of archaeological resources.

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Unexpected discovery of archaeological resources



Unexpected discovery of archaeological resources

There are a variety of circumstances when an archaeological discovery might be made. Sometimes a property has not been assessed prior to impact, sometimes a previous archaeological assessment missed material, and sometimes resources are deeply buried and not easily detectible using standard assessment methods. If you discover something, and you are not sure if it is an archaeological resource, you should play it safe. Until otherwise determined, treat your discovery as if it is significant.

Under the *Ontario Heritage Act*, only a licensed archaeologist can examine archaeological resources. This stems from Section 48 (1) of Act. It is a provincial offense to violate the requirements of the *Ontario Heritage Act.* Significant fines up to $1,000,000 per offense (Section 69) can be levied.

If you do discover something, your first step is to stop all work on site. The area around the discovery must be made secure, and people must be kept away. It is your responsibility to ensure that no one takes anything from the discovery, and you may need to post security on site. You may also wish to fence off the area.

You must immediately contact the following people:

- The City of Kawartha Lakes Heritage Planner (archaeology@kawarthalakes.ca) who will in turn contact any interested Indigenous communities.
- The Archaeology Programs Unit of the Government of Ontario (archaeology@ontario.ca) or (416-212-8886).
- The project proponent and their consultant archaeologist (if they have one).

All of these people/agencies play an important role in determining next steps.

> If you are contactor on site, it is very important you keep your client up to date on what is happening. They might already have an archaeologist retained. You do not want your client finding out secondhand. If your client has questions, direct them to the heritage planner who will advise them of next steps.

You may be able to start work on other areas of the site, but this cannot occur until a licensed archaeologist has make an initial determination of significance based on provincial requirements and in consultation with the City's heritage planner. Only agreement between the City of Kawartha Lakes heritage planner and a licensed archaeologist can determine if development or site alteration that will not negatively impact the archaeological resource proceed.

> In some cases, the media may be interested in the discovery. For public agencies and governments, direct inquiries to your public relations department. Ensure you have a discussion with them soon after the discovery to keep them updated. You may want to develop a press release. Discuss with your archaeologist what information you can make public.

HUMAN REMAINS AND BURIAL DISCOVERY

Human remains finds are very sensitive situations to manage. It is important that these finds are treated respectfully, that there is effective and immediate communication between all parties, and that the legal reporting and investigation requirements are followed.

If suspected archaeological resources are also discovered the Archaeological Resources Discovery Protocol must also be followed with respect to those discoveries. The following protocol is separated into procedures for when a licensed archaeologist is or is not present at the initial discovery.

14.10 Discovery Procedure

14.10.1 When a Licensed Archaeologist is On Site

In the event that human remains are discovered during construction, the following measures shall be taken:

1. If the licensed archaeologist identifies potential skeletal remains (i.e., a burial or individual bone elements) all fieldwork activities will cease in the discovery area.
2. A preliminary inspection of the remains should be made to establish if the remains are human or animal. If necessary, an associated human remains specialist will be consulted.
3. Confirmed or suspected human remains must NOT be removed from the site.
4. If the preliminary inspection reveals that the remains are positively or likely human, the licensed archaeologist must notify the Police (see below for contact information), preferably through a visit to the Police station. The confirmed or suspected human remains must remain at the site.

   Given the sensitivity of human remains discoveries, the need to protect their location, and ensure efficient and appropriate communication, it is best practice to visit the local Police station to report the find rather than call to provide notification. In all cases, clear instructions should be given to the Police to avoid the use of public broadcast devices (e.g., scanners) when communicating the find to avoid visits by members of the media who may monitor communications by Police dispatch. The Police may be accompanied by the Coroner or may notify the Coroner by telephone.
5. Immediate measures will be taken by the licensed archaeologist to protect the remains from damage and public view. Protective measures should be continued following the Police investigation and until all regulatory requirements have been met.
6. At no point in time should members of the public, media, or construction/project crew be permitted access to the discovery location. Construction/project crews may be permitted to access the site once it is released by the Police and the Coroner.
7. The Police and Coroner shall be permitted to carry out an investigation of the find site. If the Police investigation determines that the human remains are of strictly historical interest, and not a crime scene (i.e., no foul play is involved), the discovery falls under the jurisdiction of the *Funeral, Burial, and Cremation Services Act* (*FBSCA*) Registrar (the "Registrar"), part of the Ministry of Public and Business Service Delivery and Procurement (MPBSDP) (see below for contact information). Upon release of the

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discovery location by the Police/Coroner and their determination that it is not of forensic concern, the licensed archaeologist shall notify the project representative/landowner and the City of Kawartha Lakes Heritage Planner.

8. The licensed archaeologist will notify the Registrar of the discovery and provide information from the Police and the Coroner. The Registrar will provide instructions for next steps and requirements for protecting and securing the site until all necessary regulatory steps can be taken. The Archaeology Programs Unit of the Government of Ontario (see below for contact information) should also be notified. The Registrar will subsequently provide written notification to the landowner regarding their legal obligations under the *FBCSA*. Often, the Registrar will order the landowner to conduct a Burial Site Investigation under Section 96 of the *FBSCA*.

   For the purposes of an investigation of a burial discovery, the "landowner" is considered to be the individual or body/organization who owns the land within which the discovery was made. The Registrar may require the landowner to enter into a site disposition agreement with the representative of the deceased that establishes the ultimate care and disposition of the remains.

9. The construction and other ground disturbing activities at the discovery location, including further archaeological work, can only resume once all regulatory requirements have been met and the Registrar has given consent. If archaeological resources are also present, the requirements of the Archaeological Resources Discovery Protocol will also apply.

14.10.2 When a Licensed Archaeologist is NOT On Site

In the event burials or human remains are discovered during construction when a licensed archaeologist is not present, the following procedures must be adhered to:

1. Suspend all below-grade activities immediately in the vicinity of the potential human remains discovery; if the find is made on a construction site, notify the construction/project supervisor.

2. The landowner/project supervisor shall notify the Police (see below for contact information), preferably through a visit to the Police station. The confirmed or suspected human remains must remain at the site.

   Given the sensitivity of human remains discoveries, the need to protect their location, and ensure efficient and appropriate communication, it is best practice to visit the local Police station to report the find rather than call to provide notification. In all cases, clear instructions should be given to the Police to avoid the use of public broadcast devices (e.g., scanners) when communicating the find to avoid visits by members of the media who may monitor communications by Police dispatch. The Police may be accompanied by the Coroner or may notify the Coroner by telephone.

3. At no point in time should members of the public, media, or construction/project crew be permitted access to the discovery location. Construction/project crews may be permitted to access the site once it is released by the Police and the Coroner.

4. The Police and Coroner shall be permitted to carry out an investigation of the find site. If the Police investigation determines that the human remains are of strictly historical interest, and not a crime scene (i.e., no foul play is involved), the discovery falls under the jurisdiction of the *Funeral, Burial, and Cremation Services Act* (*FBSCA*) Registrar (see below for contact information). Upon release of the

discovery location by the Police/Coroner and their determination that it is not of forensic concern, the Registrar will order the landowner to contract the services of a licensed archaeologist who will be required to conduct a preliminary investigation of the site. The City of Kawartha Lakes Heritage Planner should be informed of the Registrar's instructions.

5. Immediate measures will be taken by the landowner/project representative to protect the Burial Site and related human remains from damage and public view. Protective measures should be continued following the Police investigation and until all regulatory requirements have been met. The landowner is responsible for the security of the site.

6. After attending the Burial Site, the licensed archaeologist will collect preliminary information to provide to the Registrar. The Registrar will provide instructions for next steps and requirements for protecting and securing the site until all necessary regulatory steps can be taken. The Archaeology Programs Unit of the Government of Ontario (see below for contact information) should also be notified. The Registrar will subsequently provide written notification to the landowner regarding their legal obligations under the *FBCSA*. Often, the Registrar will issue a formal Order to the landowner instructing them to conduct an investigation under Section 96 of the *FBSCA* (see Investigations Procedure below).

   For the purposes of an investigation of a burial discovery, the "landowner" is considered to be the individual or body/organization who owns the land within which the discovery was made. The Registrar may require the landowner to enter into an agreement with the representative of the deceased that establishes the ultimate care and disposition of the remains.

7. The construction and other ground disturbing activities, at the discovery location, including further archaeological work, can only resume once all regulatory requirements have been met and the Registrar has given consent. If archaeological resources are also present, the requirements of the Archaeological Resources Discovery Protocol will also apply.

14.11 Key Contact Information

- **City of Kawartha Lakes Police:** 705-324-5252
- **Ontario Provincial Police:** 1-888-310-1122. Please see the accompanying map.
- **Chief Coroner (Peterborough and Kawartha Lakes):** 705-745-9887
- **Registrar - *Funeral, Burial and Cremation Services Act*:** FBCSARegistrar@ontario.ca or 416-212-7499
- **Registrar Bereavement Authority of Ontario:** Registrar@TheBAO.ca or 647-483-2645
- **Archaeology Programs Unit of the Government of Ontario:** archaeology@ontario.ca or 416-212-8886.
- **City of Kawartha Lakes Heritage Planner**: archaeology@kawarthalakes.ca

14.12 Protocol Flowchart

The following flowchart has been developed to assist the municipality, contractors/consultant landowners and development proponents with the specific processes that must be followed in the case of unexpected discoveries of burials and/or human remains. It should be noted that the City of Kawartha Lakes has two

police forces. The jurisdiction of each is identified in the accompanying map. If the Police need to be contacted, it is critical to ensure the correct force is contacted.

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Unexpected discovery of human remains

Suspected or identifiable human remains discovered.

STOP

Improper interference with human remains is an indictable offence under Section 182 of the Criminal Code.

Secure discovery site.
Move people away from the discovery.
No further disturbance must be permitted.

No damage must occur and nothing must be removed from the site following the discovery of human remains.

Contact the police and coroner who will take control of the site to determine if foul play is involved.
City of Kawartha Lakes Police: 705-324-5252
OPP: 1-888-310-1122
Chief Coroner (Peterborough and Kawartha Lakes): 705-745-9887

The police and the coroner will determine next steps.

Foul play involved. The site stays under the control of the police.

No foul play involved.

The following individuals/agencies must be contacted:
- The City of Kawartha Lakes Heritage Planner (archaeology@kawarthalakes.ca) .
- The project proponent and their consultant.

The provisions of the *Funeral, Burial and Cremation Services Act* must be applied when discoveries of burial sites and human remains are encountered during development, assessment or any excavation activity.
An Archaeologist is retained and follows the requirements of the applicable provincial ministry.

The Ministry of Public and Business Service Delivery and Procurement MPBSDP (formerly the Ministry of Government and Consumer Services) is responsible for the *Funeral, Burial and Cremation Services Act* (*FBCSA*) and will direct what needs to be undertaken on site.

Once the requirements are fulfilled as confirmed by the applicable ministry, and any necessary conditions are applied and implemented, work may proceed.

It must be noted that these conditions may require a project redesign and/or avoidance of the burials. Additional conditions may be applied.

Unexpected discovery of human remains

There are a variety of circumstances when human remains might be found. Sometimes a property has not been assessed prior to impact, sometimes a previous archaeological assessment did not identify them, sometimes burials from known cemeteries can be exposed, and sometimes remains and burials are deeply buried and not easily detectable. Even significant land development that has occurred in the past may not have impacted burials that are still present. Intact graves have been found under roadways, near churches, and even outside of the fence lines of existing cemeteries.

If you discover something, and you are not sure if it is an intact grave or human remains, you need to immediately STOP what your are doing. Play it safe. Until otherwise determined, treat your discovery as if it is human remains. It is a CRIMINAL offence to interfere with human remains (Section 182 of the Criminal Code). Immediately ensure the area around the discovery is secure, people must be keep away. It is your responsibility to ensure that no one takes anything from the site, and you may need to post security until the police arrive. You may also wish to fence the area off and keep the discovery out of the view of the public and media. You should advise the property owner if you are a contractor on site.

You must immediately contact the following:

- The police. Depending on where you are located within the City, it will be one of the following services: City of Kawartha Lakes Police: 705-324-5252 / OPP: 1-888-310-1122. Please see the accompanying map.
- Chief Coroner (Peterborough and Kawartha Lakes): 705-745-9887

The discovery will be investigated to determine if the remains represent a crime scene (i.e., foul play is involved) and/or if the remains are human. If foul play is involved, the police will retain control of the site. If the police determine that the discovery does not represent a crime scene, the discovery site will be transferred to the jurisdiction of the *Funeral, Burial and Cremation Services Act* (*FBCSA*) overseen by the Ministry of Public and Business Service Delivery and Procurement (MPBSDP). The Registrar of the FBCSA will provide direction about what needs to be undertaken on site, potentially involving the issuance of a Burial Site Investigation Order. You must also contact the following individuals/agencies:

- The City of Kawartha Lakes Heritage Planner (archaeology@kawarthalakes.ca)
- The project proponent and/or landowner

All of these people/agencies play an important role in determining next steps including how, when, and under what conditions your project may proceed.

Human remains discoveries often attract media attention. But these discoveries are sensitive matters. Do not take photographs or videos of remains unless directed to by the police or coroner. For public agencies and governments, direct all inquiries to your public relations department. Ensure you have a discussion with them soon after the discovery to keep them updated. You may want to develop a press release. Discuss with your archaeologist what information you can make public.

15 APPENDIX G: SAMPLE LEGAL DEPOSIT BY-LAW

BY-LAW NO. XXXX-XXX

A BY-LAW TO ESTABLISH A LEGAL DEPOSIT FOR ARCHAOLOGICAL ASSESSMENTS UNDERTAKEN WITHIN THE CITY OF KAWARTHA LAKES

PASSED:

WHEREAS the City of Kawartha Lakes values its cultural heritage resources, including its archaeological resources;

AND WHEREAS the *Provincial Planning Statement 2024* and the *Ontario Heritage Act, R.S.O. 1990, c. O.18* necessitates the protection of significant archaeological resources, known archaeological sites, and areas of archaeological potential;

AND WHEREAS City of Kawartha Lakes staff to make diligent decisions concerning archaeological resources require a mechanism to develop a comprehensive database of all known existing archaeological reports prepared within the community;

AND WHEREAS new and historic archaeological reports, isolated findspots, and reports finding no archaeological potential, are not always provided within the information received from the Province of Ontario as part of its Data Sharing agreements with municipalities;

AND WHEREAS a 'Legal Deposit' is an internationally recognized means of building a collection of important written materials;

AND WHEREAS this legal mechanism has been introduced or is in the process of being developed in other Ontario municipalities;

THEREFORE the Council of the Corporation of the City of Kawartha Lakes enacts as follows:

1. That the City of Kawartha Lakes establish a legal deposit requirement for all archaeological assessments carried out within the boundaries of the City of Kawartha Lakes.

2. That this requirement be relayed annually to all known archaeological firms within the Province of Ontario identifying the requirements to provide the City of Kawartha Lakes with any final archaeology assessment prepared within the City's boundaries after the adoption of the Archaeological Management Plan; and

3. That the City accept reports in either hard copy or digital format; and,

4. That such materials are used to update any archaeological mapping and data and may be used in the development review process; and,

5. That the failure to comply with this by-law will result in the offending archaeological firm becoming ineligible for any City of Kawartha Lakes Purchase Order, Request for Proposal, Roster, or Tender until such time as all required archaeological assessments are received by the City.

GIVEN THREE READINGS AND FINALLY PASSED:

CITY CLERK **MAYOR**

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