

Proposed Revisions Draft OP Section 5.7 Cultural Heritage Resources

Cultural Heritage ~~sites-resources~~ include “archaeological resources”, “~~Areas of archaeological potential~~”, “built heritage resources” and “cultural heritage landscapes” as defined by the 2020~~4~~ Provincial ~~Planning Policy~~ Statement as follows. **Council recognizes the importance of cultural heritage resources within the municipality. Cultural heritage resources will be conserved. Areas or sites having any cultural heritage resources are also subject to the underlying Land Use Designation policies and the General Development Policies of this Plan.**

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5.7.1 Cultural Heritage Policies

2. ~~Where~~ **No** development or site alteration is ~~proposed on, or adjacent to, or across the street from a~~ **protected** cultural heritage resource or property (Part IV of the *Ontario Heritage Act*), **shall be permitted unless the heritage attributes of the property are conserved. Council will require technical cultural heritage studies (e.g., archaeological assessment, heritage impact assessment and/or conservation plan) to be prepared by a qualified professional, whenever a development has the potential to affect a cultural heritage resource through alteration, demolition, or removal.** ~~the Township shall require an applicant to undertake a Heritage Impact Assessment. The Heritage Impact Assessment shall be conducted by a qualified professional with expertise in cultural heritage resources to:~~

- ~~a. Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;~~
- ~~b. Describe mitigation measures that may be required to conserve the attributes of the heritage resource or property; and~~
- ~~c. Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the resource or property, and/or its streetscape/neighbourhood.~~

~~3. Where the results of a heritage impact assessment are in conflict with policies contained within this Official Plan, the Official Plan policies will prevail.~~

3. Where development or site alteration affects cultural heritage resources or landscapes, the Township may enter into registered agreements under Sections 45, 51, or 53 of the *Planning Act*, with the owners of ~~designated~~ **protected** heritage properties when it deems that financial securities are necessary to ensure the ~~retention and conservation of the~~ heritage properties as part of a development.

4. The *Ontario Heritage Act* may be utilized to conserve, ~~protect and enhance~~ significant cultural heritage resources within the Township through the designation, by by-law, of individual properties, heritage conservation districts and/or landscapes and archaeological sites, **or through easements or covenants. Council may, by by-law, and in consultation with the municipal heritage committee, if one has been established:**

- a. Designate properties to be of cultural heritage value or interest;**

b. Define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district; and

c. Designate the municipality, or any area or areas within the municipality, as a heritage conservation district.

5. The proposed demolition, alteration, or removal of a protected heritage property requires Council's consent as per the requirements of the *Ontario Heritage Act*.

6. The municipal clerk shall maintain a Register of properties which will include properties that have been designated under Part IV and V of the *Ontario Heritage Act*, and properties that have not been or cannot be designated but Council considers to be of cultural heritage value or interest.

7. The Township may establish an archaeological management **plan** or cultural heritage plan **and may develop and implement proactive strategies for conserving built heritage resources and cultural heritage landscapes** ~~for resource conservation.~~

8. A Municipal Heritage Committee (MHC) may be established ~~and maintained by Council,~~ pursuant to the *Ontario Heritage Act*, to advise and assist Council on matters related to ~~designation~~ **Parts IV and V of the Act** and other **cultural** heritage conservation planning matters. ~~Pursuant to the Act, and in consultation with the Municipal Heritage Committee,~~ Council may ~~by by law:~~

a. ~~Designate properties to be of historic and/or archaeological value or interest.~~

b. ~~Define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district.~~

9. Council ~~shall have regard to cultural heritage and archaeological resources~~ **will be conserved** in the undertaking of municipal public works, undertakings and/or maintaining properties owned by the municipality. When necessary, Council shall require **technical cultural heritage studies (e.g., consultation with Indigenous communities and/or heritage impact assessments, archaeological assessments)** and satisfactory measures to mitigate any ~~negative impacts on~~ identified significant cultural heritage ~~or archaeological resources.~~

10. The Township will 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.

~~11. Council shall consult appropriate government agencies and Indigenous communities, when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.~~

11. Council shall encourage the identification of heritage roads and transportation corridors and the conservation of their heritage attributes. Heritage roads may be designated under the *Ontario Heritage Act*, acknowledging their contribution to the Township's settlement history.

5.7.2 Archaeological Resources

~~Archaeological resource areas are determined through the use of provincial screening criteria, or by review of potential mapping based on the known archaeological record or features within the municipality and is usually confirmed by a licensed archaeologist. Such criteria include features such as proximity to water, current or ancient shorelines, sandy soils, rolling topography, the remains of any building, structure, place, activity, or cultural feature or object such as unusual landforms, portage routes or other places of past human settlement, which due to the passage of time, are on or below the surface of land or water and are significant to history and understanding of a people or place. Significant Indigenous and non-Indigenous cemeteries or unmarked burial sites may also be considered as archaeological resources.~~ **Council recognizes that there may be (terrestrial and/or marine) archaeological sites or areas of archaeological potential within the boundaries of the municipality. Areas of archaeological potential are identified through the application of criteria established by the Province or an Archaeological Management Plan.**

1. ~~Where a development proposal or site alteration encroaches on lands with~~ **containing** archaeological resources or is within an area considered to have archaeological potential, the Township shall require an applicant to undertake an Archaeological Assessment of the lands in accordance with requirements of the ~~Ministry of Culture, Tourism and Sport~~ **Ontario Heritage Act** ~~to determine the nature and extent of the resources on the site.~~ The study archaeological assessment shall be conducted by an archaeologist licensed under the *Ontario Heritage Act* as a condition of any development proposal. The study **archaeological assessment report** will be submitted to the Township and to the Ministry of **Citizenship and Multiculturalism**, ~~Culture, Tourism and Sport~~. Where an Archaeological Assessment indicates that an archaeological resource or area of archaeological potential may be of ~~areas of Algonquin historical interest or the potential for encountering aboriginal artifacts,~~ to the Algonquins of Ontario **or be associated with another Indigenous community, the community** shall be notified and given opportunity to provide comments on the Archaeological Assessment and/or the proposed development to ensure that the archaeological resources are ~~adequately protected~~ **conserved**.
2. ~~Notwithstanding policy 6.3.2.1 above, w~~ **Where** a development proposal or site alteration encroaches on lands with archaeological resources or is within an area considered to have archaeological potential, the Township shall require an ~~acknowledgement~~ letter from the Ministry of ~~Culture, Tourism and Sport~~ as part of a complete application **summarizing the Province's assessment of the report and the their recommendations to ensure that cultural heritage resources are protected.**
3. **When development has the potential to impact a known or suspected cemetery or burial site, Council shall require an archaeological assessment by a licensed consultant archaeologist. Provisions under both the *Ontario Heritage Act* and the *Funeral, Burial, and Cremation Services Act* shall apply. Development shall be guided by this legislation and any direction from the Ministry of Government and Consumer Services. The Algonquins of Ontario** **Potentially-interested Indigenous communities** shall be notified and given opportunity to provide comments when burial sites or remains considered to be of potential Indigenous a origin are discovered in the Township.
4. ~~Any features archaeological resource identified may be preserved *in situ* to ensure that the~~

~~integrity of the resource is maintained. Excavation of any significant archaeological features by a licensed archaeologist may also be considered. If the site is determined to be significant the development may be prohibited.~~

4. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

5. The Township ~~may~~**shall** require a marine archaeological ~~survey~~**assessment** to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine **archaeological resources**~~features~~ such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fjords, fishing traps, dwellings, aircraft and other items of cultural heritage value are **known or discovered** ~~identified~~ and **could be** impacted by shoreline and waterfront developments.

~~6. Any marine archaeological resource that is identified must be reported to the Ministry of Culture, Tourism and Sport immediately. The Ministry shall determine whether the resource shall be left *in situ* or may be removed, through excavation, by licensed marine archaeologists.~~

6. Council may conserve the integrity of archaeological resources by adopting zoning by-law provisions under section 34(1) (3.3) of the *Planning Act* to prohibit any land use activities and the erection of buildings and structures which is a site of an archaeological resource.