

Report to the London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: John M. Fleming
Managing Director, City Planning and City Planner

Subject: Revise Wording of the Existing h-18 Holding Provision
(Archaeological Assessment)

City of London – City -wide

Meeting on: August 14, 2019

Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to the application by the City of London relating to all lands within the City of London:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 17, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to delete the wording of the existing h-18 holding provision in Section 3.8 (2) and replace it with new wording.

Executive Summary

Purpose and the Effect of Recommended Action

To revise the language in the existing h-18 holding provision to clarify the activities on a site that may not proceed until the condition has been satisfied.

Analysis

The Archaeological Management Plan (AMP - 2017) was adopted by Council on July 25, 2017 and came into force and effect on May 8, 2018. The AMP (2017) replaced the previous Archaeological Master Plan, which was completed in 1996, and was used to evaluate archaeological resources between those years. The AMP and subsequent official plan and zoning by-law amendment (OZ-8771) made revisions to the h-18 holding provision for archaeological assessment contained in Zoning By-law Z-1, which was Council approved in 1993. The revised definition reads as follows;

h-18 The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City’s Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied. (Z.-1-182665)

Since the revised h-18 holding provision language has been used there have been difficulties interpreting the word “construction” in the fourth paragraph. The intent of the original term was to require archaeological assessment when there was new activity on a site that may cause soil disturbance; however, it has been interpreted to include all construction, including interior renovations. This was never the intent. The language needs to be changed to clearly identify that only exterior construction or activity may need archaeological assessment.

There are also wording changes (eg. Consultant archaeologist vs. archaeologist) and updated references to be consistent with the language in the Archaeological Management Plan for further clarity in the interpretation of the h-18 holding provision.

The revised wording of the h-18 holding provision is attached as Appendix A.

The revised wording has been reviewed by the LACH Archaeology Sub-Committee on June 1, 2019 and the full LACH Committee on July 10, 2019 and August 14, 2019.

Conclusion

The revised wording of the h-18 holding provision is recommended to improve clarity and make it easier to interpret and implement the requirements of the Archaeological Management Plan (2017)

August 7, 2019

Appendix "A"

Bill No.(number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
revise the wording of the existing h-18
holding provision in Section 3.

WHEREAS the City of London has initiated an amendment to Zoning By-law Z-1 as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1) Section Number 3.8 2) of the Holding “h” Zone is amended by deleting the existing holding provision and replacing it with new wording as follows:

) h- 18 *Purpose:* The proponent shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport (MTCS) under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property. Development or property alteration shall only be permitted on the subject property containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation, or by site preservation (Stages 3 and 4). Any archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, MTCS, the *Ontario Heritage Act*, the *Planning Act*, and the Provincial Policy Statement, and shall complete required engagement with the appropriate First Nations.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once MTCS has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted on site.

No demolition, new exterior construction, grading, or any other activity “where soil disturbance will occur or might be reasonably anticipated (AMP)’ shall take place on the subject property prior to the City of London receiving the MTCS compliance letter indicating that all archaeological licensing and reporting requirements have been satisfied.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on September 17, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 17, 2019
Second Reading – September 17, 2019
Third Reading – September 17, 2019