AMENDMENT NO. 181

TO THE

CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text and attached Schedule C-1 of the City of Windsor Official Plan constitute Amendment No. 181.

Also included, but not constituting part of the Amendment, are explanations of purpose, location, background, legislative and policy basis, public involvement, implementation, and additional in Appendix I (Results of Public Notification).

A. PURPOSE

The proposed Official Plan amendments will enable implementation of the updated Windsor Archaeological Management Plan for identification and conservation of archaeological resources. The amendments are proposed in Chapter 9 to 11 of the Official Plan, and to Schedule C-1 Archaeological Potential.

B. LOCATION

The changes made apply to all land within the municipal boundaries of the City.

C. BACKGROUND

The City of Windsor is an area rich in archaeological resources from both Indigenous peoples and early settlers. City Council recognized this through adoption of the original Windsor Archaeological Master Plan (WAMP) and associated Official Plan policies in 2005 and 2006, including a map of Archaeological Potential which has been used to identify when and where archaeological assessments are required prior to land disturbances. The WAMP is now updated to current legislation and standards, and the Archaeological potential model has been refreshed and supplemented with data collected from the past 20 years. Therefore, all of the Official Plan policies related to archaeology are proposed to be amended (majority in Chapter 9 Heritage Conservation), and Schedule C-1 Archaeological Potential is proposed to be renamed and replaced.

D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT

Refer to the Council Report for Legislative context.

Official Plan

The City's Official Plan currently addresses archaeology.

Chapters 1 (Introduction) describes reference to Schedule C-1: Development Constraint Areas: Archaeological Potential to identify potential development constraints on an area or parcel of land, and for municipal infrastructure undertaking or by-law.

Chapter 2 (Glossary) describes archaeological sites as heritage resources considered by Council to be of significance.

Chapter 5 (Environmental Management) indicates that any alteration or related works within Shoreline and Floodprone Areas will be evaluated based on potential negative impacts upon archaeological resources.

Chapter 9 (Heritage Conservation) speaks to maintaining and updating inventory of registered sites and lands of archaeological potential identified in the WAMP and in Schedule C-1. Protection of archaeological resources is also required for development or infrastructure undertakings to ensure sites are preserved mitigated prior to land disturbance/site development, through archaeological assessments.

Chapter 10 (Procedures) indicates that the Municipality may require archaeological assessments for Planning Act applications, and outlines the stages of Archaeological Assessments and the requirement that land disturbance is not to take place prior to Ministry review and "clearance".

Chapter 11 (Tools) describes Zoning By-law specification of uses permitted and to contain regulation with respect to matters such as development on or near archaeological potential lands or significant archaeological sites.

E. THE AMENDMENT

Summary of Revisions to Archaeological Policies

Many of the Official Plan policies related to archaeology will remain. Schedule C-1 is proposed to be replaced and renamed to Schedule C-1 Archaeological Potential. New policies are included in Chapter 9.2 Objectives to Heritage Conservation. Identification and protection of archaeological sites will be strengthened through revisions to 9.3.2.1(a) and 9.3.4.1(a) with increased language about Indigenous engagement as required by Legislative changes. New policies on Human Remains and artifact curation provides some direction in those areas. In the policy on Heritage Resources and Planning Initiatives, Archaeological Assessment (9.3.7.1 (a)), more clarity is provided for the requirement of archaeological assessment including for municipal projects, and requirements for marine archaeological assessments. The process for review of the Archaeological assessment(s) and its acceptance is detailed, along with instructions for engagement with Indigenous communities. Housekeeping terminology changes are proposed for 10.2.16.3 for reference made to the Ministry and in 11.6.2.2 to the new name for Schedule C-1 Archaeological Potential.

Details of Official Plan Amendment

1) That Schedule "A-1" of Volume 1: The Primary Plan of the City of Windsor Official Plan BE AMENDED be replaced.

2) General

Volume I: The Primary Plan, Schedule C-1 is hereby amended by:

changing the name of the schedule as follows:
- Schedule C-1 Development Constraint Areas: Archaeological Potential is changed to Schedule C-1 Archaeological Potential as shown on Appendix x.

Volume I: The Primary Plan, is hereby amended by:

changing the words Schedule C-1: Development Constraint Areas: Archaeological Potential to Schedule C-1: Archaeological Potential throughout Volume 1: The Primary Plan

Volume II: Secondary Plans & Special Policy Areas is hereby amended by:
changing the words Schedule C-1: Development Constraint Areas: Archaeological Potential to Schedule C-1: Archaeological Potential throughout Volume II: Secondary Plans and Special Policy Areas

3) Specifics

Chapter 9 entitled Heritage Conservation is amended by adding the following sections 9.2.5 to 9.2.7:

ARCHAEOLOGICAL CONSERVATION	9.2.5	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.
INDIGENOUS COMMUNITY ENGAGEMENT	9.2.6	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.
PROVINCIAL LEGISLATION	9.2.7	To use as appropriate all 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.

Chapter 9 entitled Heritage Conservation is amended by deleting sections 9.3.2.1(a), 9.3.4.1(a), and 9.3.7.1(a) and substituting the following:

WINDSOR ARCHAEOLOGICAL MANAGEMENT PLAN (WAMP)	9.3.2.1(a)	Preparing and maintaining an archaeological management plan that identifies known archaeological resources and areas of archaeological potential in Schedule C-1 Archaeological Potential and that provides direction and requirements for the identification, evaluation, conservation and management of archaeological resources in accordance with the Ontario Heritage Act. Maintenance will include updating the inventory of registered archaeological sites and lands for which an archaeological assessment has been completed by a provincially licensed archaeological consultant in accordance with provincial standards and guidelines. Schedule C-1 of the Official Plan is a map indicating areas of archaeological potential in Windsor.

9.3.4 Protection of Heritage Resources

	9.3.4.1	Council will protect and conserve heritage resources by:
ARCHAEOLOGICAL SITES	9.3.4.1(a)	Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources in Schedule C-1 Archaeological Potential; or where this is not possible, requiring the proponent to mitigate the impact to archaeological resources through documentation and removal in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Management Plan. Where archaeological resources must be preserved in situ, avoidance and protection measures must be implemented under the direction of a licensed archaeological consultant in accordance with provincial standards and guidelines. Where Indigenous archaeological resources are to be preserved on site, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify approaches to the landscaping and interpretation of the site if desired, subject to discussions with stakeholders. Where Indigenous archaeological resources are identified and preservation on site is not possible, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify interpretive and commemorative opportunities relating to the resource if desired, subject to discussions with stakeholders.
HUMAN REMAINS	9.3.4.1(a)(i)	In the event that unexpected human remains or cemeteries are identified or encountered during assessment, development, or site alteration, all work must immediately cease, and the site must be secured. The appropriate provincial and municipal authorities must be notified. Provisions ofthe Funeral, Burial and Cremation Services Act, the Ontario Heritage Act, and other applicable protocols and policies must be followed. Where there are Indigenous burials, they will be addressed in consultation with the relevant Indigenous communities. A licensed archaeological consultant will be required to carry out an investigation if ordered by the Bereavement Authority of Ontario or the Registrar of Burials, Ministry of Public and Business Service Delivery.
ARTIFACT CURATION	9.3.4.1(a)(ii)	All artifacts found on property owned by the City of Windsor are to be reported to the City of Windsor for review and possible acceptance and curation by Museum Windsor, in accordance with the artifact transfer process of the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism (MCM). Museum Windsor will also consider accepting transfers of significant artifacts found on private land, subject to Museum Windsor’s Collections Policy.

ARCHAEOLOGICAL ASSESSMENT	9.3.7.1(a)	An archaeological assessment is required as part of a complete application for all development or site alteration application, including municipal projects, if it is determined using the archaeological management plan potential mapping that any part of a potential development area possesses archaeological potential or known archaeological resources as set out in Schedule C-1 Archaeological Potential. Projects involving in-water works may require a marine archaeological assessment if so determined using the Criteria for Evaluating Marine Archaeological Potential checklist published by the Archaeology Program Unit, MCM. Archaeological assessments shall be undertaken to the appropriate stage of assessment by a consultant archaeologist in compliance with provincial requirements and standards. All archaeological assessments reports shall be provided to the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism in accordance with the Ontario Heritage Act. The assessment report shall be provided to the City of Windsor for comment to ensure that the scope is adequate and consistent with the conservation objectives of the WAMP. A copy of the Ministry review letter will be provided to the City by the licensed archaeologist who completed the assessment or the proponent. The City will maintain copies of all reports and review letters for information purposes. Where archaeological resources are documented and found to be Indigenous in origin, a copy of the assessment report shall be provided by the consultant to the appropriate Indigenous communities. Where Stage 3 or Stage 4 archaeological assessments are undertaken on Indigenous archaeological resources, the consultant archaeologist shall engage with appropriate Indigenous communities in accordance with Ministry Standards and Guidelines for Consultant Archaeologists.

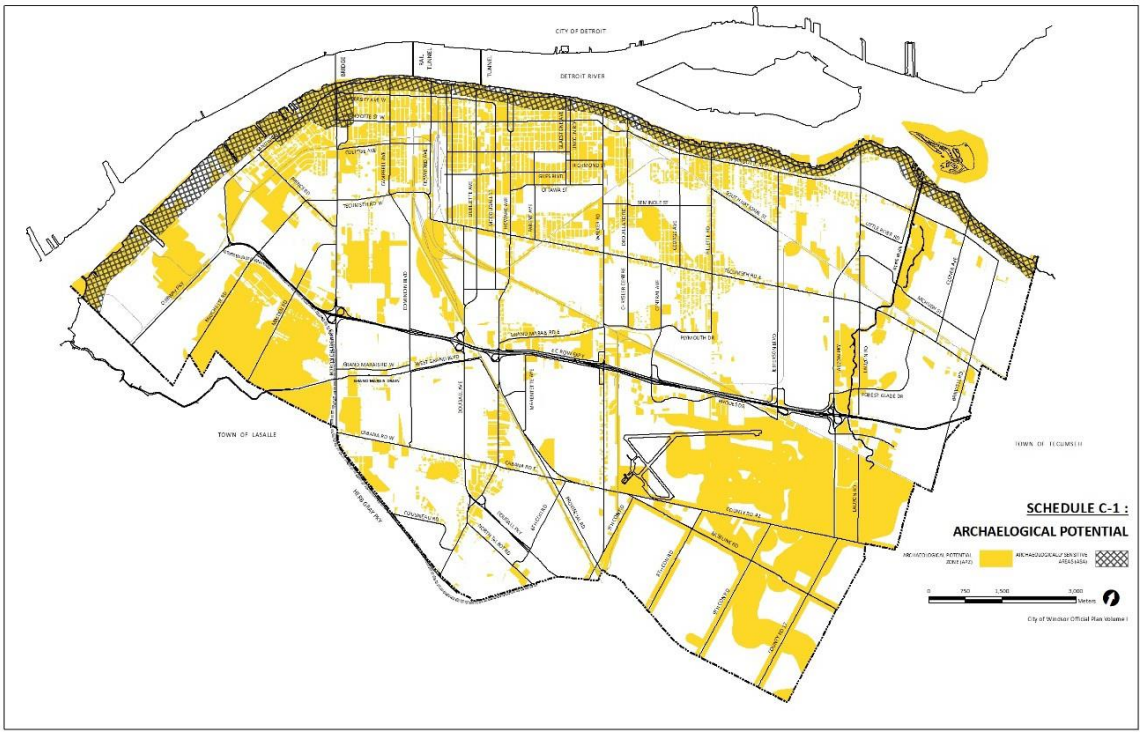
Chapter 10 entitled Procedures is amended by substituting reference to the Ministry, with the following proposed section 10.2.16.3:
(amendments noted in **bold** lettering, deletions noted by strikeouts)

APPROVAL AUTHORITY	10.2.16.3	No land disturbance shall be permitted until notification has been received from the Ministry ~~of Culture~~ **(Archaeology Program Unit)** that the property has been cleared of archaeological concerns.

Chapter 11 entitled Tools is amended by revising reference to Schedule C-1, with the following proposed section 11.6.2.2(c):
(amendments noted in **bold** lettering, deletions noted by strikeouts)

COMPREHENSIVE ZONING BY-LAWS(S)	11.6.2.2	The comprehensive Zoning By-law(s) shall specify the uses permitted in all areas of the city and shall contain regulations with respect to matters such as: (c) Development on or near lands identified on ~~Schedule 'C': Development Constraint Areas~~ **Schedule C-1 Archaeological Potential** and significant archaeological sites;

Schedule C-1



F. PUBLIC INVOLVEMENT:

The policies were drafted with the archaeological consultants (ASI) who prepared the Windsor Archaeological Management Plan review, and where much of the contents from this amendment originated from. Administration have also consulted with the Ministry of Citizenship & Multiculturalism (Archaeology Program Unit), and City of Windsor's Departments including Planning, Building, Engineering, Parks, Recreation & Culture, Asset Planning, Legal, Geomatics.

14 Indigenous First Nations, communities, and organizations, were consulted in March 2021, October 2021, and July 2022:

• Aamjiwnaang First Nation;
• Aboriginal Education Centre – Turtle Island at the University of Windsor;
• Caldwell First Nation;
• Can-Am Indian Friendship Center;
• Chippewa of the Thames First Nation;
• Delaware Nation;
• Haudenosaunee Confederacy Chiefs Council;
• Huron-Wendat Nation;
• Kettle and Stony Point First Nation;
• Métis Nation of Ontario
• Oneida of the Thames First Nation;
• Six Nations of the Grand River First Nation;
• Walpole Island First Nation, and;
• Wyandot of Anderdon

Ontario Archaeological Society Windsor Chapter was circulated through their Chapter president.

Public Notice:

The statutory notice required under the Planning Act was provided in the Windsor Star prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

G. IMPLEMENTATION:

This amendment brings the Official Plan into conformity with provincial Legislation such as the *Planning Act, Ontario Heritage Act, Environmental Assessment Act, Funeral, Burial and Cremation Services Act* and consistency with the Provincial Policy Statement (2020). The amendment also references the archaeological potential model which has been updated.

The Amendment should be read and implemented in conjunction with the overall policies contained with the Official Plan.

APPENDIX I

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan Amendment: