

Oak Ridges Moraine Conservation Plan (2017)

OAK RIDGES MORaine CONSERVATION PLAN (2017)

May 2017

Table of Contents

Introduction	1
Context	1
About the Oak Ridges Moraine	3
Authority to Establish the Plan	3
Purpose of the Plan	3
The Vision for the Oak Ridges Moraine	4
Plan Objectives	4
Land Use Designations	4
Some Key Land Use Policies	5
How to Read this Plan	8
How to Use this Plan	9
Oak Ridges Moraine Conservation Plan Regulation (Ontario Regulation 140/02)	12
Part I General	12
1. Plan	12
2. Application	12
3. Definitions	12
4. Date of commencement of application	24
5. Prohibition	24
6. Existing uses, buildings and structures	24
7. Previously authorized single dwelling	25
8. Building or structure previously authorized or authorized under s. 17 (1) of Act	26
9. Exception, site plan approval	26
Part II Land Use Designations	27
10. Division of Plan Area, land use designations	27
11. Natural Core Areas	28
12. Natural Linkage Areas	29
13. Countryside Areas	30
14. Residential development in certain parts of Countryside Areas	33
15. New lots in Countryside Areas	34
16. Plans of subdivision, site plan approval and lot creation in Countryside Areas	34
17. Previously authorized uses, buildings and structures in Countryside Areas	35
18. Settlement Areas	36
Part III Protecting Ecological and Hydrological Integrity	38
19. Purpose and application	38
20. Supporting connectivity	38

Table of Contents

21. Minimum area of influence and minimum vegetation protection zone	38
Key Natural Heritage Features	39
22. Key natural heritage features	39
23. Natural heritage evaluation	41
Hydrological Features	42
24. Watershed plans	42
25. Water budgets and water conservation plans	44
26. Key Hydrologic Features	45
27. Subwatersheds	46
28. Wellhead protection areas	47
29. Areas of high aquifer vulnerability	48
Landform Conservation Areas	49
30. Landform conservation areas	49
Part IV Specific Land Use Policies	54
31. Application	54
32. Lot creation	54
33. Restriction re agricultural uses, mineral aggregate operations, wayside pits	56
34. Compatible uses	56
35. Mineral aggregate operations and wayside pits	56
36. Comprehensive rehabilitation plans	59
36.1. Excess soil and fill	59
37. Low-intensity recreational uses	59
38. Major recreational uses	60
39. Trail system	61
40. Small-scale commercial, industrial and institutional uses	62
41. Infrastructure	63
42. Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability	66
43. Sewage and water services	67
44. Partial services	67
45. Stormwater management	68
46. Stormwater management plans	69
47. Rapid infiltration basins and columns	70
47.1. Waste disposal sites, etc.	70
Part V Prescribed Provisions	71
48. Prescribed provisions, subs. 15 (2) of Act	71
Implementation	72
Status and Effect of the Plan	72
Municipal Implementation	72
Relationship of the Plan to the Land Use Planning System	73
Guidance Material	74
Performance Indicators and Monitoring	74

Table of Contents

Boundaries	75
Plan Review and Amendment	76
Settlement Area Expansions	76

Oak Ridges Moraine Conservation Plan Land Use Designation Map

Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine Conservation Plan is set out in O. Reg. 140/02 under the *Oak Ridges Moraine Conservation Act, 2001*. This Oak Ridges Moraine Conservation Plan (2017) includes a reproduction of that regulation and **Introduction** and **Implementation** sections. The official regulation can be viewed on the Province's e-Laws website.

These **Introduction** and **Implementation** sections provide both an explanation of the Oak Ridges Moraine Conservation Plan and some additional information for users of the Plan that is not found in the *Oak Ridges Moraine Conservation Act, 2001* or the regulation that establishes the Plan. These sections do not form part of the regulation, but they will, when read along with the *Oak Ridges Moraine Conservation Act, 2001*, and the Oak Ridges Moraine Conservation Plan, help users of the Plan understand how to apply the Plan and legislation.

While every effort has been made to ensure the accuracy of the information provided in this document, the Act and the Plan, as set out in O. Reg. 140/02, supersede these materials.

Introduction

Context

The Greater Golden Horseshoe (GGH) is one of the most dynamic and fast growing regions in North America – it is currently home to over two-thirds of Ontario's and more than one-quarter of Canada's population. The region is home to people from every corner of the world and offers a high quality of life and diverse economy.

The GGH is located in the heart of the Great Lakes region. It contains many of Canada's most ecologically and hydrologically significant natural environments, scenic landscapes and most productive farmland, including the Greenbelt which is comprised of the Oak Ridges Moraine, Niagara Escarpment and Protected Countryside areas. These natural areas clean the air, provide drinking water, support diverse habitat for flora and fauna including pollinators and provide opportunities for recreational activities that benefit public health and overall quality of life.

The First Nations and Métis communities within the Great Lakes region have a unique relationship with the land and its resources, which continues to shape the history and economy of the area today. Ontario, including the area covered by the Oak Ridges Moraine Conservation Plan, is largely covered by a number of Treaties that provide for treaty rights. In addition, Aboriginal communities may have Aboriginal rights within the Plan area. Ontario recognizes the unique role that Indigenous peoples have had and will continue to have in the growth and

development of this region. Through their historic relationship with the lands and resources, Indigenous communities have gained traditional knowledge that is of value to the planning decisions being made today.

The lands to which the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan apply are also subject to the Greenbelt Plan. The Greenbelt Plan, together with the Growth Plan for the Greater Golden Horseshoe, builds on the Provincial Policy Statement to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity.

The Growth Plan is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for future generations. The Greenbelt Plan, together with this Plan and the Niagara Escarpment Plan, identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape and found within the Oak Ridges Moraine.

These plans work in concert with Ontario's Climate Change Strategy, 2015, the government's commitment to meet its long-term targets to reduce greenhouse gas emissions. Protecting agricultural lands, water resources and natural areas, supporting the achievement of complete communities that are compact, walkable and, where appropriate, transit-supportive will help reduce greenhouse gas emissions and work towards low-carbon communities, and the long-term goals of net-zero communities. Greenhouse gas emissions can be offset by carbon sinks found in the Oak Ridges Moraine, which can include agricultural lands, green infrastructure and other natural areas.

The Rouge River watershed is of particular significance because of the extensive public investment in establishing Rouge National Urban Park, the efforts of all levels of government in preparing past and current plans in the Rouge watershed and the Park, and the environmental restoration and sustainability efforts within both the watershed and the Park.

The Rouge watershed and the Little Rouge River serve as a vital ecological corridor linking the environmental systems of Lake Ontario to the Oak Ridges Moraine in this area of the Greater Toronto Area.

Rouge National Urban Park has been established for the purposes of protecting and presenting for current and future generations the agricultural, natural and cultural heritage of the Park and its diverse landscapes.

Ontario will work collaboratively with Parks Canada, municipalities and other relevant agencies and organizations to ensure ecological integrity is the first

management priority for the Rouge National Urban Park while also supporting ongoing agricultural activities and sustainable farming practices.

About the Oak Ridges Moraine

The Oak Ridges Moraine Conservation Plan is an ecologically based plan that provides land use and resource management direction for the 190,000 hectares of land and water within the Moraine.

The Oak Ridges Moraine is one of Ontario's most significant landforms. This irregular ridge stretches 160 kilometres from the Trent River in the east to the Niagara Escarpment in the west. The Escarpment, the Moraine and the Greenbelt Plan's Natural Heritage System together form the foundation of south-central Ontario's natural heritage and green space systems. Strategically located north of and parallel to Lake Ontario, the Moraine divides the watersheds draining south into western Lake Ontario from those draining north into Georgian Bay, Lake Simcoe and the Trent River system. The Moraine shapes the present and future form and structure of the Greater Toronto region, and its ecological functions are critical to the region's continuing health.

The Moraine has a unique concentration of environmental, geological and hydrological features that make its ecosystem vital to south-central Ontario, including:

- clean and abundant water resources;
- healthy and diverse plant and animal habitat;
- an attractive and distinct landscape;
- prime agricultural areas; and
- sand and gravel resources close to market.

Authority to Establish the Plan

The authority for the Minister to establish the Plan comes from the *Oak Ridges Moraine Conservation Act, 2001*.

Purpose of the Plan

The purpose of the Oak Ridges Moraine Conservation Plan is to provide land use and resource management planning direction to provincial ministers, ministries, and agencies, municipalities, landowners and other stakeholders on how to protect the Moraine's ecological and hydrological features and functions.

The Vision for the Oak Ridges Moraine

The vision for the Oak Ridges Moraine is that of “a continuous band of green rolling hills that provides form and structure to south-central Ontario, while protecting the ecological and hydrological features and functions that support the health and well-being of the region’s residents and ecosystems.”

Plan Objectives

The *Oak Ridges Moraine Conservation Act, 2001* establishes the following objectives for the Oak Ridges Moraine Conservation Plan:

- (a) protecting the ecological and hydrological integrity of the Oak Ridges Moraine Area;
- (b) ensuring that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted;
- (c) maintaining, improving or restoring all the elements that contribute to the ecological and hydrological functions of the Oak Ridges Moraine Area, including the quality and quantity of its water and its other resources;
- (d) ensuring that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations;
- (e) providing for land and resource uses and development that are compatible with the other objectives of the Plan;
- (f) providing for continued development within existing urban settlement areas and recognizing existing rural settlements;
- (g) providing for a continuous recreational trail through the Oak Ridges Moraine Area that is accessible to all including persons with disabilities;
- (h) providing for other public recreational access to the Oak Ridges Moraine Area; and
- (i) any other prescribed objectives.

Land Use Designations

The Plan divides the Moraine into four land use designations: **Natural Core Areas** (38% of the Moraine), **Natural Linkage Areas** (24% of the Moraine), **Countryside Areas** (30% of the Moraine) and **Settlement Areas** (8% of the Moraine).

- **Natural Core Areas** protect those lands with the greatest concentrations of key natural heritage features which are critical to maintaining the integrity of the Moraine as a whole. Only existing uses, agricultural uses and very restricted new resource management, low intensity recreational, home businesses, and infrastructure uses are allowed in these areas.
- **Natural Linkage Areas** protect critical natural and open space linkages between the Natural Core Areas and along rivers and streams. The only uses that are allowed are those allowed in Natural Core Areas, plus some aggregate resource operations.
- **Countryside Areas** provide an agricultural and rural transition and buffer between the Natural Core Areas and Natural Linkage Areas and the urbanized Settlement Areas. Prime agricultural areas as identified in the Agricultural System referred to in the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, as well as natural features are protected. Uses typically allowed in agricultural and other rural areas are allowed here to support agriculture and the rural economy. Existing public service facilities in Countryside Areas should be maintained and adapted to meet the needs of the community, where feasible.
- Within the Countryside Areas, the Oak Ridges Moraine Land Use Designation Map also identifies and delineates Rural Settlements. These are existing hamlets or similar small, generally long-established communities that are identified in official plans.
- Policies on creating and developing new lots in Natural Core Areas, Natural Linkage Areas and Countryside Areas are very restrictive. Exceptions are permitted in the Moraine's Rural Settlements, the Palgrave Estates Community, and for limited residential development in Countryside Areas in the City of Kawartha Lakes and Peterborough and Northumberland Counties once the municipality has an approved growth management study and a rural economic development strategy, as well as a water budget and water conservation plan.
- **Settlement Areas** reflect a range of existing communities planned by municipalities to reflect community needs and values. Urban uses and development as set out in municipal official plans are allowed.

Some Key Land Use Policies

Environmental Protection – Protecting Moraine Integrity

The Oak Ridges Moraine Conservation Plan is an ecologically and hydrologically based plan. The Plan's Natural Core Area and Natural Linkage Area designations are

considered the natural heritage system for the Moraine. These areas have the highest concentration of natural heritage features and provide a continuous east-west ecological connection across the entire Plan Area. Over 85 per cent of the key natural heritage features are within Natural Core Areas or Natural Linkage Areas. This system links with the natural heritage systems of the Greenbelt Plan and the Niagara Escarpment Plan that extend into the Greater Golden Horseshoe and beyond.

The Plan identifies key natural heritage features (such as wetlands and woodlands) and key hydrologic features (such as kettle lakes and springs). In Natural Core Areas, Natural Linkage Areas and Countryside Areas, only very restricted new resource management, recreational and infrastructure uses are permitted within these features. Development near these key natural heritage features and key hydrologic features is only allowed if it will not adversely affect these features. In areas with significant landscape character (called landform conservation areas) in Natural Core Areas, Natural Linkage Areas and Countryside Areas, development will have to meet particularly stringent review and approval standards to ensure that the Moraine is protected.

The Plan provides policies to protect water quality and quantity across the Moraine. The Plan's water resource policies require municipalities to prepare watershed plans, water budgets and water conservation plans to incorporate into their official plans within specified time periods. Restrictions on large scale development are imposed if this work is not completed. Development in wellhead protection areas and areas highly vulnerable to groundwater contamination is limited. Limitations are also set on impervious surfaces in areas outside Settlement Areas.

Agricultural System

The province is also developing an agricultural system for the Greater Golden Horseshoe which aims to protect a continuous productive agricultural land base and a complementary Agri-food Network that together enable the agri-food sector to thrive. An agricultural system has two components: the agricultural land base and the agri-food network. The agricultural land base is comprised of prime agricultural areas, including specialty crop areas, as well as rural lands where active agricultural and related activities are ongoing. The Agri-food Network includes infrastructure, services and agri-food assets important to the viability of the sector.

In the context of the Oak Ridges Moraine Conservation Plan, prime agricultural areas are frequently found within the Countryside Area designation, but portions of the Natural Core Area and Natural Linkage Area designations may also have prime agricultural areas. In the context of implementing the Oak Ridges Moraine Conservation Plan, it is important to understand that prime agricultural areas in the Oak Ridges Moraine Conservation Plan Area should be identified in accordance with the broader Agricultural System, once established, recognizing both the

agricultural land base and Agri-food Network components. Linkages to the Agricultural System outside of the Oak Ridges Moraine Area should also be considered.

Settlement Areas

The Oak Ridges Moraine contains a range of settlements that vary significantly in both size and population, economic activity, diversity/intensity of uses, the type(s) of water and sewage services and the role they play within their municipalities. They are designated as Settlement Areas or identified as Rural Settlements within the Countryside Area of the Plan. Land use patterns within Settlement Areas will support the development of complete communities working towards low-carbon communities, including the long-term goal of net-zero communities. The development of complete communities will, in part, be achieved by facilitating the development of community hubs that involve the co-location of public services to address local community needs to convenient locations that are accessible by active transportation and where available, transit.

Infrastructure

There is already extensive local and regional infrastructure in the Oak Ridges Moraine to serve its settlements, agricultural and resource sectors and the rural economy. Existing infrastructure must be maintained and new infrastructure will be needed to continue serving existing and permitted land uses in the Oak Ridges Moraine. In addition, major infrastructure serving national, provincial and inter-regional needs traverses the Oak Ridges Moraine. It is also anticipated that new and/or expanded facilities will be needed in the future to serve the substantial growth projected for southern Ontario.

In the Oak Ridges Moraine, new infrastructure corridors or facilities shall only be allowed in the Natural Core Areas and Natural Linkage Areas if they are shown to be necessary and there is no reasonable alternative. They shall also have to meet stringent review and approval standards.

Planning for growth will need to be undertaken in a manner that is integrated and co-ordinated with land use and master planning, while also ensuring that infrastructure is financially viable over its life cycle through asset management plans.

Climate change also poses a critical challenge for maintaining existing infrastructure and planning for new infrastructure. By increasing the resiliency of infrastructure and encouraging the use of green infrastructure, municipalities can reduce the risk of harm to life and property and decrease the need for costly repairs or replacement resulting from extreme weather events. Infrastructure vulnerability risk assessment and climate change adaptation strategies can help mitigate the impacts of climate change.

Culture, Recreation and Tourism

While providing ecological and hydrological protection, the Oak Ridges Moraine Conservation Plan also recognizes the Moraine's important natural, cultural heritage and agricultural resources, and supports recreation and tourism uses, as appropriate.

The Plan supports the identification, conservation, use and wise management of cultural heritage resources, including archaeological resources, to support the social, economic and cultural well-being of all communities, including First Nations and Métis communities.

New major recreation developments may be permitted in the Countryside Areas subject to meeting stringent review and approval standards.

The trail system through the Oak Ridges Moraine shall provide non-motorized, accessible recreational access through the Moraine to link with a system of parklands, water bodies, open spaces and trails across the Greenbelt.

Natural Resources

The Plan recognizes that mineral aggregates are a non-renewable resource in the Moraine. In Natural Linkage Areas and Countryside Areas, new aggregate resource operations are required to meet stringent review and approval standards, including requirements for rehabilitation. No new aggregate resource extraction is permitted in Natural Core Areas.

How to Read this Plan

The Oak Ridges Moraine Conservation Plan consists of:

Part I, General: Describes how the Plan applies, existing uses, previously authorized uses and exceptions regarding site plan approval. It also defines planning or technical terms used throughout the Plan.

Part II, Land Use Designations: Describes the purpose, objectives, permitted uses for each of the Moraine's four land use designations, and lot creation policies for Countryside Areas.

Part III, Protecting Ecological and Hydrological Integrity: Identifies the Moraine's key natural, hydrological and landform features and describes specific planning, design and development restrictions and requirements that need to be met to protect the integrity of those features.

Part IV, Specific Land Use Policies: Identifies specific planning, design and development restrictions and requirements that may need to be met for specific uses and activities. It also provides policies on lot creation.

Part V, Prescribed Provisions: Identifies the sections of the *Oak Ridges Moraine Conservation Act, 2001* that apply to Natural Core Areas, Natural Linkage Areas and Countryside Areas for the purposes of transition, according to subsection 15(2) of the Act.

Oak Ridges Moraine Conservation Plan Land Use Designation Map: Shows the four designations and the Rural Settlements described in Part II.

How to Use this Plan

To find out how this Plan affects a specific area or land use or development proposal on the Oak Ridges Moraine, the Plan regulation must be read in its entirety as follows:

- 1.** Consult the Oak Ridges Moraine Conservation Plan Land Use Designation Map to determine what designation applies to the area.
- 2.** Consult Part II to see the policies for that designation and consult Part III to determine any restrictions or requirements that shall be considered to protect ecological and hydrological integrity.
- 3.** Consult Part IV to determine any additional restrictions or requirements that may apply for the specific use or activity being considered.
- 4.** Consult Part V to determine the prescribed provisions that apply pursuant to subsection 15(2) of the Act.
- 5.** Remember that Part I (General) applies to all development proposals and land uses, including site alteration.

Users of this Plan also need to consult with the appropriate municipality for information on official plan policies and any other municipal requirements. The Plan is not intended to replace the community planning principles reflected in municipal official plans. However, in the event that there is a conflict, the Act and the Plan take precedence.

Ontario Regulation
made under the
Oak Ridges Moraine Conservation Act, 2001
Oak Ridges Moraine Conservation Plan

Contents

Part I General

1. Plan
2. Application
3. Definitions
4. Date of commencement of application
5. Prohibition
6. Existing uses, buildings and structures
7. Previously authorized single dwelling
8. Building or structure previously authorized or authorized under s. 17 (1) of Act
9. Exception, site plan approval

Part II Land Use Designations

10. Division of Plan Area, land use designations
11. Natural Core Areas
12. Natural Linkage Areas
13. Countryside Areas
14. Residential development in certain parts of Countryside Areas
15. New lots in Countryside Areas
16. Plans of subdivision, site plan approval and lot creation in Countryside Areas
17. Previously authorized uses, buildings and structures in Countryside Areas
18. Settlement Areas

Part III Protecting Ecological and Hydrological Integrity

19. Purpose and application
20. Supporting connectivity
21. Minimum area of influence and minimum vegetation protection zone

Key Natural Heritage Features

22. Key natural heritage features
23. Natural heritage evaluation

Hydrological Features

24. Watershed plans
25. Water budgets and water conservation plans
26. Key Hydrologic Features
27. Subwatersheds
28. Wellhead protection areas
29. Areas of high aquifer vulnerability

Landform Conservation Areas

- 30. Landform conservation areas

Part IV Specific Land Use Policies

- 31. Application
- 32. Lot creation
- 33. Restriction re agricultural uses, mineral aggregate operations, wayside pits
- 34. Compatible uses
- 35. Mineral aggregate operations and wayside pits
- 36. Comprehensive rehabilitation plans
- 36.1. Excess soil and fill
- 37. Low-intensity recreational uses
- 38. Major recreational uses
- 39. Trail system
- 40. Small-scale commercial, industrial and institutional uses
- 41. Infrastructure
- 42. Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability
- 43. Sewage and water services
- 44. Partial services
- 45. Stormwater management
- 46. Stormwater management plans
- 47. Rapid infiltration basins and columns
- 47.1. Waste disposal sites, etc.

Part V Prescribed Provisions

- 48. Prescribed provisions, subs. 15 (2) of Act

Oak Ridges Moraine Conservation Plan Regulation (Ontario Regulation 140/02)

Part I General

Plan

- 1.** In this Regulation, “Plan” means the Oak Ridges Moraine Conservation Plan.

Application

- 2.** (1) This Plan applies to the area shown as the Oak Ridges Moraine Conservation Plan Area on the map entitled “Oak Ridges Moraine Conservation Plan Land Use Designation Map”, numbered 227, dated May, 5 2017 and on file in the offices of the Ministry of Municipal Affairs at Toronto.

(2) The land use designation map referred to in subsection (1) is available to the public on a website maintained by the Government of Ontario.

(3) Despite subsection (1), along the part of the southern boundary of the Plan Area that lies between UTM T2034 and UTM T1266 as shown on the plan referred to in subsection 1(1) of Ontario Regulation 01/02, land is in the Plan Area if,
 - (a) it is above the contour of elevation 245.00 Canadian Geodetic Vertical Datum 1928 (GDVD28); and
 - (b) it is within the Oak Ridges Moraine Area as designated by Ontario Regulation 01/02.

Definitions

- 3.** (1) In this Plan,

“accessory use” means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot;

“adverse effect” means any impairment, disruption, destruction or harmful alteration

and “adversely affect” has a corresponding meaning;

“agricultural uses” means,

- (a) growing crops, including nursery, biomass and horticultural crops,
- (b) raising livestock and other animals, including poultry and fish, for food, fur or fibre,
- (c) aquaculture,
- (d) apiculture,
- (e) agro-forestry and maple syrup production, and
- (f) uses associated with on-farm buildings and structures including,
 - (i) livestock facilities,
 - (ii) manure storage structures,
 - (iii) value-retaining facilities, and
 - (iv) accommodations for full-time farm labour;

“agriculture-related uses” means farm-related commercial and industrial uses that,

- (a) are directly related to, and compatible with, farm operations in the surrounding area and do not hinder those farm operations,
- (b) support agriculture,
- (c) benefit from being in close proximity to farm operations, and
- (d) provide products or services, or both, directly to farm operations as a primary activity;

“agri-tourism uses” means uses located on a farm that promote the enjoyment of farm operations or education or activities related to farm operations and includes the provision of accommodations such as a bed and breakfast establishment;

“animal agriculture” means growing, producing and raising farm animals including, without limitation,

- (a) livestock, including equines, poultry and ratites,
- (b) fur-bearing animals,
- (c) bees,
- (d) cultured fish,
- (e) deer and elk, and

(f) game animals and birds;

“aquifer vulnerability” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality;

“area of natural and scientific interest” (earth science) means an area that has been,

- (a) identified as having earth science values related to protection, scientific study or education, and
- (b) further identified by the Ministry of Natural Resources and Forestry using evaluation procedures established by that Ministry, as amended from time to time;

“area of natural and scientific interest” (life science) means an area that has been,

- (a) identified as having life science values related to protection, scientific study or education, and
- (b) further identified by the Ministry of Natural Resources and Forestry using evaluation procedures established by that Ministry, as amended from time to time;

“bed and breakfast establishment” means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in a single dwelling that is the principal residence of the proprietor of the establishment;

“connectivity” means the degree to which key natural heritage features or key hydrologic features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs;

“development” means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act* but does not include,

- (a) activities that create or maintain infrastructure authorized under an environmental assessment process; or
- (b) works that are subject to the *Drainage Act*;

“dwelling unit” means one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants;

“earth science values” means values that relate to the geological, soil and landform features of the environment;

“ecological features” means naturally occurring land, water and biotic features that contribute to ecological integrity;

“ecological functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions;

“ecological integrity”, which includes hydrological integrity, means the condition of ecosystems in which,

- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity,
- (b) natural ecological processes are intact and self-sustaining, and
- (c) the ecosystems evolve naturally;

“endangered species” means a species that is classified as an endangered species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the *Endangered Species Act, 2007*;

“fish habitat” means the spawning grounds and any other areas, including nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada);

“forest access road” means a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes;

“forest management” means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- (a) for the production of wood and wood products, including maple syrup,
- (b) to provide outdoor recreation opportunities,
- (c) to maintain and, where possible, improve or restore conditions for wildlife, and
- (d) to protect water supplies;

“green infrastructure” means infrastructure consisting of natural and human-made elements that provide ecological and hydrological functions and processes and includes natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces and green roofs;

“groundwater recharge” means the replenishment of subsurface water,

- (a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, and
- (b) resulting from human intervention, such as the use of stormwater management systems;

“habitat of endangered and threatened species” means,

- (a) with respect to an endangered or threatened species for which a regulation made under clause 55 (1) (a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species, or
- (b) with respect to any other endangered or threatened species, the area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration, or feeding,

and includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences;

“hazardous waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

“home business” means a business that is not located on a farm and,

- (a) involves providing personal or professional services or producing custom or artisanal products,
- (b) is carried on as a small-scale secondary use within a single dwelling, or a building that is accessory to the dwelling, by one or more residents of the dwelling, and
- (c) does not include uses such as an auto repair or paint shop or furniture stripping;

“home industry” means an industry that,

- (a) is carried out in the home or in a building that is accessory to the home or, if the home is located on a farm, to the agricultural operation;
- (b) if the home is not located on a farm,
 - (i) is carried on as a small-scale use that is secondary to the principal use of the home as a single dwelling,
 - (ii) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community, and
 - (iii) does not include uses such as auto repair or paint shop or furniture stripping, and
- (c) if the home is located on a farm,
 - (i) is carried on as a small-scale use that is secondary to the principal use of the farm as an agricultural operation, and
 - (ii) may include, but is not limited to, a sawmill, welding or woodworking shop, manufacturing or fabrication shop, equipment repair and seasonal storage of boats or trailers;

“home occupation” means an occupation that is carried out on a farm and that,

- (a) involves providing personal or professional services such as those offered at or by a professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel classes or workshops, and
- (b) is carried on as a small-scale secondary use within a single dwelling on the farm;

“hydrological cycle” means the circulation of water from the atmosphere to the earth and back through precipitation, runoff, infiltration, groundwater flow and evapotranspiration, including the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things;

“hydrological features” means,

- (a) permanent and intermittent streams,
- (b) wetlands,
- (c) kettle lakes and their surface catchment areas,

(d) seepage areas and springs, and

(e) aquifers and recharge areas;

“hydrological functions” means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things;

“hydrological integrity” means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity;

“impervious surface” means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot;

“infrastructure” means infrastructure as defined in subsection 41 (1);

“kame” means a mound, hummock or conical hill of glacial origin;

“kettle lake” means a depression formed by glacial action and permanently filled with water;

“key natural heritage feature” means a key natural heritage feature as described in section 22;

“key hydrologic feature” means a key hydrologic feature as described in section 26;

“landform conservation area” means a landform conservation area as described in section 30;

“landform features” means distinctive physical attributes of land such as slope, shape, elevation and relief;

“life science values” means values that relate to the living component of the environment;

“liquid industrial waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990;

“lot” means a parcel of land that is,

(a) described in a deed or other document legally capable of conveying an interest in the land, or

(b) shown as a lot or block on a registered plan of subdivision;

“major development” means development consisting of,

(a) the creation of four or more lots,

- (b) the construction of a building or buildings with a ground floor area of 500 m² or more, or
- (c) the establishment of a major recreational use as described in section 38;

“meander belt” means the land across which a stream shifts its channel from time to time;

“mineral aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act;

“mineral aggregate operation” means,

- (a) an operation, other than a wayside pit, conducted under a licence or permit under the *Aggregate Resources Act*, and
- (b) associated facilities used in the extraction of mineral aggregate, the transport, beneficiation, processing or recycling of mineral aggregate and derived products such as asphalt and concrete or the production of secondary related products;

“natural self-sustaining vegetation” means self-sustaining vegetation dominated by native plant species;

“net developable area” means the area of a lot or site, less any area that is within a key natural heritage feature or a key hydrologic feature;

“Oak Ridges Moraine Conservation Plan Area” and “Plan Area” mean the areas described in section 2;

“on-farm diversified uses” means, with respect to a farming operation, uses that are secondary to the principal agricultural use of the property, that are compatible with and do not hinder the surrounding agricultural operations and that occupy a limited area of the property including,

- (a) home occupations,
- (b) home industries,
- (c) agri-tourism uses, and
- (d) uses that produce value-added products;

“partial services” means, with respect to sewage and water services to a property, that either of the following situations exists:

1. Sewage services are provided by a municipality or by private communal services but water services are provided by an individual on-site water system.
2. Water services are provided by a municipality or by private communal services but sewage services are provided by an individual on-site sewage system;

“portable asphalt plant” means a temporary facility, to be dismantled at the completion of a construction project, where,

- (a) equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material, and
- (b) bulk materials used in the process described in clause (a) are kept;

“prime agricultural area” means an area that is,

- (a) designated as prime agricultural land in the relevant official plan, or
- (b) identified through an alternative agricultural land evaluation system approved by the Government of Ontario;

“prime agricultural land” means,

- (a) land where fruit and vegetable crops and greenhouse crops are grown,
- (b) agriculturally developed organic soil land, or
- (c) land with Class 1, 2 or 3 soils according to the Canada Land Inventory;

“retirement home” means a building in which,

- (a) accommodation is provided, mainly for retired persons,
- (b) common kitchen and dining facilities are provided for the residents, and
- (c) common lounges, recreation rooms and health care facilities may also be provided for the residents;

“sand barrens” means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that,

- (a) has sparse or patchy vegetation that is dominated by plants that are,
 - (i) adapted to severe drought and low nutrient levels, and
 - (ii) maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire,

- (b) has less than 25 per cent tree cover,
- (c) has sandy soils (other than shorelines) exposed by natural erosion, depositional process or both, and
- (d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time;

“saturated zone” means the zone below the water table where the spaces between soil grains are filled with water;

“savannah” means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that,

- (a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both,
- (b) has from 25 per cent to 60 per cent tree cover,
- (c) has mineral soils, and
- (d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time;

“self-sustaining vegetation” means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending;

“significant”, when used with reference to valleylands, wildlife habitat and woodlands, means identified as significant using evaluation procedures established by the Ministry of Natural Resources and Forestry;

“single dwelling” means a building containing only one dwelling unit and, in any area other than an area within a Natural Core or Natural Linkage Area, includes a building containing one primary dwelling unit and no more than one secondary dwelling unit;

“site” means the land subject to an application;

“site alteration” means activities such as grading, excavation and the placement of fill that would change the landform and the natural vegetative characteristics of a site;

“special concern species” means a species that is classified as a special concern species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the *Endangered Species Act, 2007*;

“subwatershed” means an area that is drained by a tributary or some defined portion of a stream;

“surface catchment area” means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland;

“sustainable”, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected;

“tallgrass prairie” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that,

- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both,
- (b) has less than 25 per cent tree cover,
- (c) has mineral soils, and
- (d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time;

“threatened species” means a species that is classified as a threatened species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the *Endangered Species Act, 2007*;

“time of travel” means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone;

“unserviced park” means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities;

“valleyland” means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

“value-added product” means an agricultural product that has been processed by means of chopping, canning, pressing, bottling, roasting or any other similar process;

“value-retaining facilities” means facilities used to,

- (a) maintain the quality of agricultural commodities produced on the farm such as atmosphere controlled storage, or

- (b) provide a minimum amount of processing to make agricultural commodities saleable, including cleaning, grading, drying, sorting, evaporating maple sap into syrup, honey extraction and bulk packaging;

“watershed” means an area that is drained by a river and its tributaries;

“wayside pit” means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right of way;

“wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field;

“wetland” means land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that,

- (a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface,
- (b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants, and
- (c) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time;

“wildlife habitat” means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations and includes areas where certain species concentrate at a vulnerable point in their annual or life cycle and areas that are important to migratory or non-migratory species;

“woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees;

“zone of contribution”, when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.

Date of commencement of application

- 4.** (1) For the purposes of this Plan, an application shall be deemed to have been commenced on the day set out in the relevant clause of subsection 15(4) of the Act.

(2) In this Plan,

“application” includes a matter, proceeding or request.

Prohibition

- 5.** No person shall, except as permitted by this Plan,

- (a) use land or any part of it;
- (b) undertake development or site alteration with respect to land; or
- (c) erect, move, alter or use a building or structure or any part of it.

Existing uses, buildings and structures

- 6.** (1) Nothing in this Plan applies to prevent,

- (a) the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose; or
- (b) the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8 (2) of the *Building Code Act, 1992* on or before November 15, 2001 if,
 - (i) the permit has not been revoked under subsection 8 (10) of the *Building Code Act, 1992*, and
 - (ii) the building or structure when erected is used and continues to be used for the purpose for which it was erected.

- (2) Nothing in this Plan applies to prevent the expansion of an existing building or structure on the same lot, if the applicant demonstrates that,

- (a) there will be no change in use; and
 - (b) the expansion will not adversely affect the ecological integrity of the Plan Area.
- (3) Despite subsection (2), an existing mineral aggregate operation or an existing wayside pit within a Natural Core Area may not be expanded beyond the boundary of the area under licence or permit.

- (4) Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,
 - (a) there will be no change in use; and
 - (b) the expansion will not adversely affect the ecological integrity of the Plan Area.
- (5) Nothing in this Plan applies to prevent the reconstruction, within the same location and dimensions, of an existing building or structure that is damaged or destroyed by causes beyond the owner's control, and the reconstructed building or structure shall be deemed to be an existing building or structure if there is no change in use and no intensification of the use.
- (6) Nothing in this Plan applies to prevent the conversion of an existing use to a similar use, if the applicant demonstrates that the conversion,
 - (a) will bring the use into closer conformity with this Plan; and
 - (b) will not adversely affect the ecological integrity of the Plan Area.
- (7) If an existing use has adverse effects on the ecological integrity of the Plan Area, any application to expand the building, structure or use or to convert the existing use to a similar use shall be considered with the objective of bringing the use into closer conformity with this Plan.
- (8) In this section,

“existing” means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful;

“institutional use” includes, without limitation, a long-term care facility, hospital, school, university or college.

Previously authorized single dwelling

- 7. Nothing in this Plan applies to prevent the use, erection or location of a single dwelling if,
 - (a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001; and
 - (b) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area.

Building or structure previously authorized or authorized under s. 17 (1) of Act

8. Nothing in this Plan applies to prevent the use, erection or location of a building or structure if,
 - (a) the use, erection and location were authorized by the approval of an application that was commenced before November 17, 2001 and approved after that date; or
 - (b) the use, erection and location were authorized by the approval of an application that was commenced after November 17, 2001 and decided in accordance with subsection 17 (1) of the Act.

Exception, site plan approval

9. An application for site plan approval under section 41 of the *Planning Act* is not required to comply with this Plan if it relates to land in respect of which any of the following was commenced before November 17, 2001 and approved after that date:
 1. An application for an amendment to a zoning by-law.
 2. An application for approval of a plan of subdivision under section 51 of the *Planning Act*.
 3. An application for approval or exemption from approval for a plan of condominium under section 9 of the *Condominium Act, 1998*.

Part II Land Use Designations

Division of Plan Area, land use designations

- 10.** (1) The Oak Ridges Moraine Conservation Plan Area is divided into areas subject to the following land use designations, as shown on the land use designation map referred to in section 2:
1. Natural Core Areas, which are areas with a high concentration of key natural heritage features, key hydrologic features, ecological functions or landform conservation areas.
 2. Natural Linkage Areas, which are areas forming part of a central corridor system that support or have the potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors.
 3. Countryside Areas, which are areas of rural land use such as agriculture, recreation, residential development, Rural Settlements, mineral aggregate operations, parks and open space. Rural Settlements, which form part of Countryside Areas and are existing hamlets or similar existing small communities, generally long-established and identified in official plans, are also shown on the land use designation map referred to in section 2.
 4. Settlement Areas, which are areas designated for development of an urban type permitting a range of residential, commercial, industrial and institutional uses.
- (2) When official plans and zoning by-laws are amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, the boundaries of the Natural Core Areas, Natural Linkage Areas, Countryside Areas, Rural Settlements and Settlement Areas may be further defined, in a manner that is consistent with the land use designation map referred to in section 2, but with greater precision than the map can show, and subject to subsection (4).
- (3) The further definition of boundaries described in subsection (2) does not require an amendment to this Plan.
- (4) The outer boundary of the Plan Area shall not be further defined under subsection (2).

Natural Core Areas

- 11.** (1) The purpose of Natural Core Areas is to maintain and where possible improve or restore the ecological integrity of the Plan Area, by,
 - (a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key natural heritage features, key hydrologic features and the related ecological functions;
 - (b) maintaining or restoring natural self-sustaining vegetation and wildlife habitat;
 - (c) maintaining the quantity and quality of groundwater and surface water;
 - (d) maintaining groundwater recharge;
 - (e) maintaining natural stream form and flow characteristics;
 - (f) protecting landform features; and
 - (g) protecting and restoring natural areas and features that sequester carbon and provide ecological functions, including water storage, to help reduce the impacts of climate change.
- (2) Natural Core Areas also have the objectives of,
 - (a) accommodating a trail system through the Plan Area and trail connections to it;
 - (a.1) conserving cultural heritage resources; and
 - (b) providing for limited economic development that is compatible with clauses (a) and (a.1) and subsection (1).
- (3) The following uses are permitted with respect to land in Natural Core Areas, subject to Parts III and IV:
 1. Fish, wildlife and forest management.
 2. Conservation projects and flood and erosion control projects.
 3. Agricultural uses.
 4. Infrastructure uses.
 5. Home businesses.
 6. Home industries.
 7. Bed and breakfast establishments.

8. On-farm diversified uses, subject to subsection (4).
 - 8.1. Agriculture-related uses, subject to subsection (4).
 9. Low-intensity recreational uses as described in section 37.
 10. Unserviced parks.
 11. Uses accessory to the uses set out in paragraphs 1 to 10.
- (4) The on-farm diversified uses referred to in paragraph 8 of subsection (3) and the agriculture-related uses referred to in paragraph 8.1 of subsection (3) are only permitted in prime agricultural areas in the Natural Core Areas.

Natural Linkage Areas

12. (1) The purpose of Natural Linkage Areas is to maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors, by,
 - (a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, key hydrologic features and the related ecological functions;
 - (b) maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;
 - (c) maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area;
 - (d) maintaining the quantity and quality of groundwater and surface water;
 - (e) maintaining groundwater recharge;
 - (f) maintaining natural stream form and flow characteristics;
 - (g) protecting landform features; and
 - (h) protecting and restoring natural areas and features that sequester carbon and provide ecological functions, including water storage, to help reduce the impacts of climate change.
- (2) Natural Linkage Areas also have the objectives of,

- (a) accommodating a trail system through the Plan Area and trail connections to it;
 - (a.1) conserving cultural heritage resources;
 - (a.2) contributing to a regional network of green infrastructure; and
 - (b) providing for limited economic development that is compatible with clauses (a) to (a.2) and subsection (1).
- (3) The following uses are permitted with respect to land in Natural Linkage Areas, subject to Parts III and IV:
- 1. Fish, wildlife and forest management.
 - 2. Conservation projects and flood and erosion control projects.
 - 3. Agricultural uses.
 - 4. Infrastructure uses.
 - 5. Home businesses.
 - 6. Home industries.
 - 7. Bed and breakfast establishments.
 - 8. On-farm diversified uses, subject to subsection (4).
 - 9. Low-intensity recreational uses as described in section 37.
 - 10. Unserviced parks.
 - 11. Mineral aggregate operations.
 - 12. Wayside pits.
 - 13. Agriculture-related uses, subject to subsection (4).
 - 14. Uses accessory to the uses set out in paragraphs 1 to 13.
- (4) The on-farm diversified uses referred to in paragraph 8 of subsection (3) and the agriculture-related uses referred to in paragraph 13 of subsection (3) are only permitted in prime agricultural areas in the Natural Linkage Areas.

Countryside Areas

- 13. (1)** The purpose of Countryside Areas is to encourage agricultural and other rural uses that support the Plan's objectives by,
- (a) protecting prime agricultural areas;

- (b) promoting and protecting agricultural and other rural land uses and normal farm practices;
 - (c) maintaining the rural character of the Rural Settlements;
 - (d) protecting and restoring natural areas and features that sequester carbon and provide ecological functions, including water storage, to help reduce the impacts of climate change; and
 - (e) maintaining existing public service facilities and adapting them, where feasible, to meet the needs of the community.
- (2) Countryside Areas also have the objectives of,
- (a) maintaining, and where possible improving or restoring the ecological integrity of the Plan Area;
 - (b) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key natural heritage features, key hydrologic features and the related ecological functions;
 - (c) maintaining the quantity and quality of groundwater and surface water;
 - (d) maintaining groundwater recharge;
 - (e) maintaining natural stream form and flow characteristics;
 - (f) protecting landform features;
 - (g) accommodating a trail system through the Plan Area and trail connections to it;
- (g.1) conserving cultural heritage resources; and
- (h) providing for economic development that is compatible with subsection (1) and with clauses (a) to (g.1).
- (3) The following uses are permitted with respect to land in Countryside Areas, subject to Parts III and IV:
1. Fish, wildlife and forest management.
 2. Conservation projects and flood and erosion control projects.
 3. Agricultural uses.
 4. Infrastructure uses.
 5. Home businesses.

6. Home industries.
 7. Bed and breakfast establishments.
 8. On-farm diversified uses.
 9. Low-intensity recreational uses as described in section 37.
 10. Unserviced parks.
 11. Mineral aggregate operations.
 12. Wayside pits.
 13. Agriculture-related uses.
 14. Small-scale commercial, industrial, and institutional uses as described in section 40, subject to subsection (5).
 15. Major recreational uses as described in section 38, subject to subsection (5).
 16. Residential development in accordance with section 14.
 17. Uses accessory to the uses set out in paragraphs 1 to 16.
- (4) With respect to land in a Rural Settlement, the following uses are permitted, subject to Parts III and IV, in addition to the uses listed in subsection (3):
1. Residential development in accordance with paragraph 3 of subsection 15 (1).
 2. Small-scale commercial, industrial, and institutional uses as described in section 40, but not subject to clauses (1) (a), (1) (c) or (2) (a) of that section.
- (5) The uses described in paragraphs 14 and 15 of subsection (3) are prohibited in,
- (a) prime agricultural areas; and
 - (b) areas designated primarily for agricultural uses in the applicable official plan.

Residential development in certain parts of Countryside Areas

- 14.** (1) Residential development is permitted with respect to land in the Palgrave Estates Residential Community as shown on the land use designation map referred to in section 2, subject to the Town of Caledon Official Plan, as amended from time to time, and to the following provisions of this Plan:
1. Sections 20 to 26.
 2. Subsection 27 (3).
 3. Sections 28 and 29.
 4. Subsections 30 (1), (12) and (13).
 5. Subsections 41 (1), (4) and (5).
 6. Sections 42 to 47.
 7. The Table to Part III.
- (2) Residential development is permitted with respect to land in the City of Kawartha Lakes, the County of Peterborough and the County of Northumberland, except in,
- (a) prime agricultural areas; and
 - (b) areas designated primarily for agricultural uses in the applicable official plan.
- (3) With respect to land in the City of Kawartha Lakes, the County of Peterborough and the County of Northumberland, an application for residential development shall not be approved unless,
- (a) on or before October 22, 2003 or the later date on which the relevant municipality adopts an official plan amendment that is subject to a declaration made by the Minister under subsection 9 (10) of the Act,
 - (i) the relevant municipality has completed a comprehensive growth management study, including a rural economic development strategy, that demonstrates the need for residential development, and
 - (ii) the relevant municipality's official plan conforms with this Plan and includes specific detailed policies governing residential development; and

- (b) the relevant municipality has completed a water budget and a water conservation plan in accordance with section 25 that demonstrate the availability of sufficient water resources to support residential development.
- (4) The policies referred to in subclause (3) (a) (ii) may,
 - (a) further limit the areas within which residential development is permitted; and
 - (b) limit the extent of this type of development.
- (5) The policies referred to in subclause (3) (a) (ii) shall establish strict planning, design and construction standards so as to,
 - (a) encourage clustering or other innovative design;
 - (b) require that disturbance to the natural landscape and environment be minimized; and
 - (c) maintain, and where possible improve or restore, the ecological integrity of the Plan Area.

New lots in Countryside Areas

- 15.** (1) New lots may be created in Countryside Areas for the following purposes only, and subject to Parts III and IV:
- 1. The purposes specified in section 32 (lot creation).
 - 2. Residential development permitted under section 14.
 - 3. Minor infill within Rural Settlements.

Plans of subdivision, site plan approval and lot creation in Countryside Areas

- 16.** (1) Plans of subdivision with respect to land in Countryside Areas shall,
- (a) provide for large, continuous open space blocks linking key natural heritage features and key hydrologic features to ensure connectivity and to maintain any related ecological functions; and
 - (b) design lots and roads so as to minimize stream crossings and extensions into key natural heritage features.
- (2) With respect to land in Countryside Areas, the approval authority shall ensure that a condition requiring the applicant to ensure that natural self-sustaining vegetation is maintained or restored for the long-term

protection of any key natural heritage feature or key hydrologic feature on the lot or lots created is imposed,

- (a) on every subdivision and site plan approval; and
- (b) on every consent to the creation of a lot under section 15 or subsection 32 (1).

Previously authorized uses, buildings and structures in Countryside Areas

17. (1) Nothing in this Plan applies to prevent a use or the erection or location of a building or structure with respect to land in a Countryside Area if,
 - (a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
 - (b) the use, erection and location are permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although they do not comply with the provisions listed in subsections 19 (2) and 31 (3);
 - (c) in the case of major development, the applicant complies with clause 43 (1) (b); and
 - (d) the application conforms to sections 20, 22, 23, 26, 28 and 29, subsections 45 (7) and (8) and section 47.
- (2) Subsection (1) does not apply with respect to land within a Rural Settlement.
- (3) Nothing in this Plan applies to prevent a use or the erection or location of a building or structure within a Rural Settlement if,
 - (a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
 - (b) the use, erection and location are permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although they do not comply with the provisions listed in subsections 19 (2) and 31 (3);
 - (c) the application conforms to sections 28 and 29, subsections 45 (7) and (8) and section 47; and

- (d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Plan Area.

Settlement Areas

18. (1) The purpose of Settlement Areas is to focus and contain urban growth by,

- (0.a) encouraging the development of communities that provide their residents with convenient access to an appropriate mix of employment, transportation options and local services and a full range of housing and public service facilities;
- (a) minimizing the encroachment and impact of development on the ecological functions and hydrological features of the Plan Area;
- (b) promoting the efficient use of land with transit-supportive densities, through intensification and redevelopment within existing urban areas; and
- (c) providing for the continuation and development of urban land uses consistent with the growth management strategies identified in the applicable official plans.

(2) Settlement Areas also have the objectives of,

- (a) maintaining, and where possible improving or restoring, the health, diversity, size and connectivity of key natural heritage features, key hydrologic features and the related ecological functions;
- (b) accommodating a trail system through the Plan Area and trail connections to it;
- (c) promoting strong communities, a strong economy and a healthy environment;
- (c.1) promoting the locating of two or more compatible public services in one building or place that is conveniently situated so as to be accessible to local residents by walking, cycling and, where available, public transit;
- (c.2) ensuring that development takes place in a manner that reduced greenhouse gas emissions;
- (c.3) conserving cultural heritage resources;
- (c.4) ensuring the sustainable use of water resources; and

- (d) providing for economic development that is compatible with subsection (1) and clauses (a) to (c.4).
- (3) With respect to land in Settlement Areas, all uses permitted by the applicable official plan are permitted, subject to the provisions of this Plan that are listed in subsections 19 (3) and 31 (4).
- (4) New lots may be created in Settlement Areas, subject to the provisions of this Plan that are listed in subsections 19 (3) and 31 (4).
- (5) With respect to land in a Settlement Area that does not include a key natural heritage feature or a key hydrologic feature, an application for site plan approval under section 41 of the *Planning Act* is not required to comply with any provision of this Plan.
- (6) With respect to land in a Settlement Area, nothing in this Plan applies to prevent a use or the erection or location of a building or structure if,
 - (a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
 - (b) the use is permitted by the applicable official plan and zoning by-laws as amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, although the erection and location do not comply with the provisions listed in subsections 19 (3) and 31 (4);
 - (c) the use, erection and location conform to sections 28 and 29, subsections 45 (7) and (8) and section 47; and
 - (d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Plan Area.

Part III Protecting Ecological and Hydrological Integrity

Purpose and application

- 19.** (1) The purpose of this Part is the integration of environmental and land use planning in order to maintain, and where possible improve or restore, the ecological integrity of the Plan Area in all its aspects, including as it supports ecosystem resilience.
- (2) Sections 20 to 26, subsections 27 (1) and (2), sections 28 and 29, subsections 30 (1) to (12) and the Table to this Part apply with respect to land in the Natural Core Areas, Natural Linkage Areas and Countryside Areas.
- (3) The following provisions apply with respect to land in the Settlement Areas:
1. Sections 21 to 26.
 2. Subsection 27 (3).
 3. Sections 28 and 29.
 4. Subsections 30 (1), (12) and (13).
 5. The Table to this Part.

Supporting connectivity

- 20.** Every application for development or site alteration shall identify planning, design and construction practices that ensure that no buildings or other site alterations impede any hydrological functions or the movement of plants and animals among key natural heritage features, key hydrologic features, and adjacent land within Natural Core Areas and Natural Linkage Areas.

Minimum area of influence and minimum vegetation protection zone

- 21.** (1) For the purposes of this Part,
- (a) the minimum area of influence that relates to a key natural heritage feature or a key hydrologic feature described in Column 2 of the Table to this Part is the area referred to in the corresponding item in Column 3 of the Table; and

- (b) the minimum vegetation protection zone that relates to a key natural heritage feature or a key hydrologic feature described in Column 2 of the Table is the area determined in accordance with the corresponding item in Column 4 of the Table.
- (2) If land falls within more than one key natural heritage feature or key hydrologic feature described in Column 2 of the Table, the minimum area of influence described in Column 3 that is the largest and the vegetation protection zone described in Column 4 that is the largest shall apply with respect to each feature for the purposes of this Plan.
- (3) With respect to land that is in a Settlement Area on April 22, 2002, any provision referred to in subsection (4) prevails, to the extent of any conflict, over clause (1) (b) and subsection (2).
- (4) Subsection (3) applies with respect to a provision of the applicable official plan or zoning by-laws, as the case may be, that is adopted on the basis of,
 - (a) environmental studies; or
 - (b) infrastructure planning including, without limitation, environmental assessments, infrastructure servicing studies and master environmental servicing studies.

Key Natural Heritage Features

Key natural heritage features

- 22. (1)** The following are key natural heritage features:
- 1. Wetlands.
 - 2. Habitat of endangered and threatened species.
 - 3. Fish habitat.
 - 4. Areas of natural and scientific interest (life science).
 - 5. Significant valleylands.
 - 6. Significant woodlands.
 - 7. Significant wildlife habitat (including habitat of special concern species).
 - 8. Sand barrens, savannahs and tallgrass prairies.

- (2) All development and site alteration with respect to land within a key natural heritage feature or the related minimum vegetation protection zone is prohibited, except the following:
 1. Forest, fish, and wildlife management.
 2. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered.
 3. Development of infrastructure in accordance with the requirements set out in section 41.
 4. Low-intensity recreational uses as described in section 37.
 5. Any development and site alteration in Countryside Areas or Settlement Areas that is within the habitat of an endangered or threatened species, but only if,
 - i. it is not prohibited under the *Endangered Species Act, 2007* and it complies with any requirements or restrictions under that Act, and
 - ii. it is not within any other key natural heritage feature or the related minimum vegetation protection zone.
 6. Agricultural uses other than uses associated with on-farm buildings and structures, but only with respect to land in the minimum vegetation protection zone related to a key natural heritage feature and not in the key natural heritage feature itself.
- (3) An application for development or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature, but outside the key natural heritage feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation under section 23.
- (4) Despite subsection (3), a natural heritage evaluation is not required in the case of an application relating to the construction of a new building or structure in the minimum area of influence of a key natural heritage feature if the proposed building or structure is for agricultural uses, agriculture-related uses or on-farm diversified uses and is located a minimum of 30 metres from the key natural heritage feature.
- (5) Any agricultural uses, agriculture-related uses or on-farm diversified uses that are carried out in the minimum area of influence that relates to a key natural heritage feature shall be carried out in accordance with best

management practices to protect or restore key natural heritage features and related ecological functions.

Natural heritage evaluation

- 23. (1)** A natural heritage evaluation shall,
- (a) demonstrate that the development or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;
 - (b) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage feature and its connectivity with other key natural heritage features and with key hydrologic features;
 - (c) in the case of an application relating to land in a Natural Core Area, Natural Linkage Area or Countryside Area, demonstrate how connectivity within and between key natural heritage features and key hydrologic features will be maintained and, where possible, improved or restored before, during and after construction;
 - (d) if the Table to this Part specifies the dimensions of a minimum vegetation protection zone, determine whether it is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;
 - (e) if the Table to this Part does not specify the dimensions of a minimum vegetation protection zone, determine whether one is required, and if one is required, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and
 - (f) in the case of a key natural heritage feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).
- (2)** In the case of item 4 of the Table to this Part, the basis on which the determination and specification mentioned in clause (1) (e) is done shall include, without limitation, an analysis of land use, soil type, slope class and vegetation type, using criteria established by the Government of Ontario, as amended from time to time.

Hydrological Features

Watershed plans

- 24.** (1) Every upper-tier municipality and single-tier municipality shall have a watershed plan that meets the requirements of subsection (3) for every watershed whose streams originate within the municipality's area of jurisdiction.
- (2) The objectives and requirements of each watershed plan shall be incorporated into the municipality's official plan.
- (3) A watershed plan shall include, as a minimum,
- (a) a water budget and a water conservation plan as set out in section 25;
 - (b) land and water use and management strategies;
 - (c) a framework for implementation, which may include more detailed implementation plans for smaller geographic areas, such as subwatershed plans, or for specific subject matter, such as environmental management plans;
 - (d) an environmental monitoring plan based on a minimum of five years of monitoring;
 - (e) provisions requiring the use of environmental management practices and programs, such as programs to prevent pollution, reduce the use of pesticides and manage the use of road salt;
 - (f) criteria for evaluating the protection of water quality and quantity, hydrological features and functions, including criteria for evaluating the impacts of proposed development and infrastructure projects within and outside the Plan Area on water quality and quantity and on hydrological features and functions;
 - (g) an evaluation of the assimilative capacity of the watershed to deal with sewage from surrounding areas; and
 - (h) an assessment of climate change impacts on sewage and water service systems and stormwater management systems.
- (4) Major development is prohibited unless,
- (a) the watershed plan for the relevant watershed, prepared in accordance with subsection (3), has been completed;

- (b) the major development conforms with the watershed plan; and
 - (c) a water budget and a water conservation plan, prepared in accordance with section 25 and demonstrating that the water supply required for the major development is sustainable and that assimilative capacity with respect to sewage is sufficient, has been completed.
- (5) Subsection (4) applies to every application commenced on or after April 23, 2007.
- (6) Subsection (8) applies to every application commenced before the date mentioned in subsection (5), except an application described in subsection (7).
- (7) Clause (4) (c) applies to every application that is commenced on or after April 22, 2004 and relates to the part of The Regional Municipality of York that is served by the Yonge Street Aquifer.
- (8) An application for major development to which this subsection applies shall not be approved unless,
- (a) the relevant municipality has complied with clause (4) (c); or
 - (b) the applicant,
 - (i) identifies any key hydrologic features and related hydrological functions on the site and how they will be protected,
 - (ii) demonstrates that an adequate water supply is available for the development, and that there is sufficient assimilative capacity to deal with the sewage from the development, without compromising the ecological integrity of the Plan Area, and
 - (iii) provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and a water conservation plan that,
 - (A) characterizes groundwater and surface water flow systems by means of modelling,
 - (B) identifies the availability, quantity and quality of water sources, and
 - (C) identifies water conservation measures.

Water budgets and water conservation plans

25. (1) Every upper-tier municipality and single-tier municipality shall, on or before April 22, 2003, begin preparing a water budget and a water conservation plan, in accordance with subsection (2), for every watershed whose streams originate within the municipality's area of jurisdiction.
- (2) A water budget and a water conservation plan shall, as a minimum,
- (a) quantify the components of the water balance equation, including precipitation, evapotranspiration, groundwater inflow and outflow, surface water outflow, change in storage, water withdrawals and water returns;
 - (b) characterize groundwater and surface water flow systems by means of modelling;
 - (c) identify,
 - (i) targets to meet the water needs of the affected ecosystems,
 - (ii) the availability, quantity and quality of water sources,
 - (iii) goals for public education and for water conservation, and
 - (iv) impacts from changes in precipitation patterns, including those resulting from climate change;
 - (d) develop a water-use profile and forecast;
 - (e) evaluate plans for water facilities such as pumping stations and reservoirs;
 - (f) identify and evaluate,
 - (i) water conservation measures such as public education, improved management practices, the use of flow-restricting devices and other hardware, water reuse and recycling, and practices and technologies associated with water reuse and recycling,
 - (ii) water conservation incentives such as full cost pricing, and
 - (iii) ways of promoting water conservation measures and water conservation incentives;
 - (g) analyse the costs and benefits of the matters described in clause (f);
 - (h) require the use of specified water conservation measures and incentives;

- (i) contain an implementation plan for those specified measures and incentives that reconciles the demand for water with the water supply;
- (j) provide for monitoring of the water budget and the water conservation plan for effectiveness.

Key Hydrologic Features

26. (1) The following are key hydrologic features:

- 1. Permanent and intermittent streams.
- 2. Wetlands.
- 3. Kettle lakes.
- 4. Seepage areas and springs.

(2) All development and site alteration with respect to land within a key hydrologic feature or the related minimum vegetation protection zone is prohibited, except the following:

- 1. Forest, fish, and wildlife management.
 - 2. Conservation and flood or erosion control projects, but only if they are determined to be necessary in the public interest after all alternatives have been considered.
 - 3. Development of infrastructure in accordance with the requirements set out in section 41.
 - 4. Low-intensity recreational uses as described in section 37.
 - 5. Agricultural uses other than uses associated with on-farm buildings and structures, but only with respect to land in the minimum vegetation protection zone related to a key hydrologic feature and not in the key hydrologic feature itself.
- (3) An application for development or site alteration with respect to land within the minimum area of influence that relates to a key hydrologic feature, but outside the key hydrologic feature itself and the related minimum vegetation protection zone, shall be accompanied by a hydrological evaluation under subsection (4).
- (4) A hydrological evaluation shall,

- (a) demonstrate that the development or site alteration will have no adverse effects on the key hydrologic feature or on the related hydrological functions;
 - (b) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key hydrologic feature and its connectivity with other key hydrologic features and with key natural heritage features;
 - (c) determine whether the minimum vegetation protection zone whose dimensions are specified in the Table to this Part is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it, and
 - (d) in the case of an application relating to land in a Natural Core Area, Natural Linkage Area or Countryside Area, demonstrate how connectivity within and between key natural heritage features and key hydrologic features will be maintained and, where possible, improved or restored before, during and after construction.
- (4.1) Despite subsection (3), a hydrological evaluation is not required in the case of an application relating to the construction of a new building or structure in the minimum area of influence of a key hydrologic feature if the proposed building or structure is for agricultural uses, agriculture-related uses or on-farm diversified uses and is located a minimum of 30 metres from the key hydrologic feature.
- (4.2) Any agricultural uses, agriculture-related uses or on-farm diversified uses that are carried out in the minimum area of influence that relates to a key hydrologic feature shall be carried out in accordance with best management practices to protect or restore key hydrologic features and related ecological functions.
- (5) In the case of items 11 and 12 of the Table to this Part, the basis on which the determination and specification mentioned in clause (4) (c) is done shall include, without limitation, an analysis of land use, soil type and slope class, using criteria established by the Government of Ontario, as amended from time to time.

Subwatersheds

- 27. (1)** Except with respect to land in Settlement Areas, all development and site alteration with respect to land in a subwatershed are prohibited if

- they would cause the total percentage of the area of the subwatershed that has impervious surfaces to exceed,
- (a) 10 per cent; or
 - (b) any lower percentage specified in the applicable watershed plan or subwatershed plan.
- (2) Except with respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall take into account the desirability of ensuring that at least 30 per cent of the area of the subwatershed has self-sustaining vegetation.
- (3) With respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall consider the importance of,
- (a) ensuring that natural vegetation is maintained, and where possible improved or restored; and
 - (b) keeping to a minimum impervious surfaces and their impact on water quality and quantity.

Wellhead protection areas

- 28.** (1) Despite anything else in this Plan except subsection 6 (1) and subsection (3) of this section, the following uses are prohibited with respect to land in wellhead protection areas established under section 42:
1. Storage, except by an individual for personal or family use, of,
 - i. petroleum fuels,
 - ii. petroleum solvents and chlorinated solvents,
 - iii. pesticides, herbicides and fungicides,
 - iv. construction equipment,
 - v. inorganic fertilizers,
 - vi. road salt, and
 - vii. contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.
 2. Generation and storage of hazardous waste or liquid industrial waste.

3. Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.
- (2) Despite anything else in this Plan except subsection 6 (1) and subsection (3) of this section , the following uses are prohibited with respect to land in the zero to two-year time of travel zone within every wellhead protection area established under section 42:
 1. Storage of animal manure, except by an individual for personal or family use.
 2. Animal agriculture, except by an individual for personal or family use.
 3. Storage of agricultural equipment, except by an individual for personal or family use.
- (3) Subsections (1) and (2) do not apply to,
 - (a) an area in respect of which wellhead protection policies established under clause 42 (1) (b) have been incorporated into the relevant official plan; and
 - (b) any agricultural land if the owner or operator of the agricultural operation complies with all the standards established under the *Nutrient Management Act, 2002* and any applicable requirement under the *Clean Water Act, 2006*.
- (4) Every person who carries on a use listed in subsection (1) or (2), as owner or operator, shall prepare and maintain a site management and contingency plan that is aimed at reducing or eliminating the creation of materials referred to in subsection (1) or (2), as the case may be, and their release into the environment.

Areas of high aquifer vulnerability

29. (1) Despite anything else in this Plan except subsection 6 (1) and subsection (1.1) of this section, the uses listed in subsection (5) are prohibited with respect to land in areas of high aquifer vulnerability, as shown on the map entitled “Reference Map for Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under the *Oak Ridges Moraine Conservation Act, 2001*” dated March, 2002, on file in the offices of the Ministry of Municipal Affairs at Toronto.
- (1.1) Subsection (1) does not apply to agricultural land in areas of high aquifer vulnerability if the owner or operator of the agricultural operation is carrying out operations that are regulated under the *Nutrient*

Management Act, 2002 and complies with all the standards established under that Act.

- (2) Copies of the map referred to in subsection (1) are available on a website maintained by the Government of Ontario.
- (3) The boundaries of the areas of high aquifer vulnerability may be further defined in official plans, in a manner that is consistent with the map referred to in subsection (1), but with greater precision than the map can show.
- (4) The further definition of boundaries described in subsection (3) does not require an amendment to this Plan.
- (5) Subsection (1) applies to the following uses:
 1. Generation and storage of hazardous waste or liquid industrial waste.
 2. Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.
 3. Underground and above-ground storage tanks that are not equipped with an approved secondary containment device.
 4. Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

Landform Conservation Areas

Landform conservation areas

30. (1) The following, shown on maps entitled “Landform Conservation Areas of the Oak Ridges Moraine”, numbered 1, 2, 3 and 4, dated March, 2002 and on file in the offices of the Ministry of Municipal Affairs at Toronto.
 1. Landform conservation areas (Category 1).
 2. Landform conservation areas (Category 2).
- (2) Copies of the map referred to in subsection (1) are available on a website maintained by the Government of Ontario.
- (3) When official plans and zoning by-laws are amended in accordance with sections 9 and 10 of the Act to bring them into conformity with this Plan, the boundaries of the landform conservation areas may be further defined, in a manner that is consistent with the maps referred to in subsection (1), but with greater precision than the maps can show.

- (4) The further definition of boundaries described in subsection (3) does not require an amendment to this Plan.
- (5) An application for development or site alteration with respect to land in a landform conservation area (Category 1) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,
 - (a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;
 - (b) limiting the portion of the net developable area of the site that is disturbed to not more than 25 per cent of the total area of the site; and
 - (c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 15 per cent of the total area of the site.
- (6) An application for development or site alteration with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,
 - (a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;
 - (b) limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site; and
 - (c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.
- (7) Subsections (5) and (6) do not apply in respect of mineral aggregate operations.
- (8) An application for major development with respect to land in a landform conservation area of either category shall be accompanied by a landform conservation plan that shows, on one or more maps,
 - (a) elevation contours in sufficient detail to show the basic topographic character of the site, with an interval of not more than two metres;
 - (b) analysis of the site by slope type (for example, moderate or steep);
 - (c) significant landform features such as kames, kettles, ravines and ridges; and

- (d) all water bodies including intermittent streams and ponds.
- (9) The landform conservation plan shall also include a development strategy that identifies appropriate planning, design and construction practices to minimize disruption to landform character, including,
 - (a) retention of significant landform features in an open, undisturbed form;
 - (b) road alignment and building placement to minimize grading requirements;
 - (c) concentration of development on portions of the site that are not significant;
 - (d) use of innovative building design to minimize grading requirements; and
 - (e) use of selective grading techniques.
- (10) An application for development or site alteration that does not constitute major development, with respect to land in a landform conservation area of either category, shall be accompanied by a site plan that,
 - (a) identifies the areas within which all building, grading, and related construction will occur;
 - (b) demonstrates that buildings and structures will be located within the areas referred to in clause (a) so as to minimize the amount of site alteration required; and
 - (c) provides for the protection of areas of natural and scientific interest (earth science) in accordance with subsection (12).
- (11) Subsection (10) does not apply in respect of mineral aggregate operations.
- (12) An application for development or site alteration with respect to land in an area of natural and scientific interest (earth science) or the related minimum area of influence shall be accompanied by an earth science heritage evaluation that,
 - (a) identifies planning, design and construction practices that will ensure protection of the geological or geomorphological attributes for which the area of natural and scientific interest was identified; and
 - (b) determines whether a minimum vegetation protection zone is required, and if so, specifies the dimensions of that zone and provides

Part III Protecting Ecological and Hydrological Integrity

for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

- (13) With respect to land in Settlement Areas, in considering applications for development or site alteration within landform conservation areas (Category 1 and 2) the approval authority shall consider the importance of adopting planning, design and construction practices that will keep disturbance to landform character to a minimum, so as to satisfy the requirements of subsections (5) to (11) if possible.

Table

Key Natural Heritage Features, Key Hydrologic Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones

Column 1	Column 2	Column 3	Column 4
Item	Feature	Minimum Area of Influence (21)	Minimum Vegetation Protection Zone (21, 23, 26 (4), 30 (12))
1.	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
2.	Habitat of endangered and threatened species	None	None
3.	Fish habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
4.	Areas of natural and scientific interest (life science)	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
5.	Areas of natural and scientific interest (earth science)	All land within 50 metres of any part of feature	As determined by an earth science heritage evaluation carried out under subsection 30 (12)
6.	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to clause 23 (1) (d) if a natural heritage evaluation is required
7.	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the tree canopy drip line of the outermost trees within the woodland, subject to clause 23(1)(d) if a natural heritage evaluation is required
8.	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
9.	Sand barrens, savannahs and tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
10.	Kettle lakes	All land within 120 metres of the surface catchment area	All land within the surface catchment area or within 30 metres of any part of feature, whichever is greater, subject to clause 26 (4) (c) if a hydrological evaluation is required
11.	Permanent and intermittent streams	All land within 120 metres of meander belt	All land within 30 metres of meander belt, subject to clause 26 (4) (c) and subsection 26 (5) if a hydrological evaluation is required
12.	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 26 (4) (c) and subsection 26 (5) if a hydrological evaluation is required

Part IV Specific Land Use Policies

Application

- 31.** (1) The following provisions of this Part apply to land in the Natural Core Areas:
1. Sections 32 to 34.
 2. Sections 36, 37 and 39.
 3. Subsections 41 (1), (3), (4), (5) and (6).
 4. Sections 42 to 47.
- (2) The following provisions of this Part apply to land in the Natural Linkage Areas:
1. Sections 32 to 37 and 39.
 2. Subsections 41 (1), (2), (4), (5) and (6).
 3. Sections 42 to 47.
- (3) The following provisions of this Part apply to land in the Countryside Areas:
1. Sections 32 to 34.
 2. Subsections 35 (1), (4), (5) and (6).
 3. Sections 36 to 40.
 4. Subsections 41 (1), (4), (5) and (6).
 5. Sections 42 to 47.
- (4) The following provisions of this Part apply to land in the Settlement Areas:
1. Subsections 41 (1), (4) and (5).
 2. Sections 42 to 47.

Lot creation

- 32.** (1) A lot may be created only in the following circumstances, and subject to section 15, subsections (2), (3), (4) and (5) of this section , and Part III:

1. Where the owner and operator of a farming operation acquires land to consolidate into the farming operation, a lot on which is situated a habitable residential dwelling that existed before July 1, 2017 and that after the consolidation has become surplus to the consolidated farming operation may be severed from the lot of the consolidated farming operation but only if,
 - i. the new lot will be limited to the minimum size that is needed to accommodate a residential use and the required sewage and water services, and
 - ii. no new residential dwellings will be constructed on a remnant parcel of farmland created by the severance.
 2. Severance of two or more lots for agricultural uses where the lot size of the severed and retained lots is at least 100 acres.
 3. Acquisition of land for the development of infrastructure in accordance with the requirements set out in section 41.
 4. The addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.
 5. Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation.
 6. Severance from each other of parts of a lot that are devoted to different uses, but only if the uses are legally established at the time of the application for severance.
- (2) Subsection (1) applies whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- (3) A lot may be created only if there is enough net developable area on both the severed lot and the retained lot to accommodate proposed uses, buildings and structures and accessory uses without encroachment on key natural heritage features or key hydrologic features.
- (4) When a lot is created, the municipality shall enter into a site plan agreement or other agreement with the applicant to establish conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any key natural heritage features and key hydrologic features on the lot.
- (5) A lot shall not be created if this would extend or promote strip development.

Restriction re agricultural uses, mineral aggregate operations, wayside pits

- 33.** (1) The following are specified matters for the purpose of clause 5 (d) of the Act:
1. Agricultural uses.
 2. Mineral aggregate operations.
 3. Wayside pits.
- (2) Official plans and zoning by-laws shall not contain provisions, with respect to the specified matters listed in subsection (1), that are more restrictive than those in this Plan.

Compatible uses

- 34.** A non-agricultural use shall not have an adverse impact on agricultural uses or shall minimize and mitigate such impacts on agricultural uses to the extent possible.

Mineral aggregate operations and wayside pits

- 35.** (1) An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates,
- (a) that the quantity and quality of groundwater and surface water in the Plan Area will be maintained and, where possible, improved or restored;
 - (b) that as much of the site as possible will be rehabilitated,
 - (i) in the case of land in a prime agricultural area, by returning substantially all the land to a condition in which the soil capacity for agriculture is on average the same as it was before the mineral aggregate operation or wayside pit began operating, and
 - (ii) in all other cases, by establishing or restoring natural self-sustaining vegetation;
 - (c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and
 - (d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.

- (1.1) Nothing in subclause 35 (1) (b) (i) requires an applicant to demonstrate that land has been returned to the condition it was in before a mineral aggregate operation or wayside pit began operating if the land is in the Countryside Area and there was a substantial quantity of mineral aggregate resources below the water table that were extracted. However, prime agricultural lands in other areas must be rehabilitated in accordance with subclause 35 (1) (b) (i).
- (2) An application for a mineral aggregate operation or wayside pit with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates,
 - (a) that there will be compliance with subsection (1);
 - (b) that there will be no extraction within 1.5 metres of the water table;
 - (c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;
 - (d) that the site will be rehabilitated in stages as quickly as possible; and
 - (e) that the entire site will be rehabilitated,
 - (i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level, and
 - (ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.
- (3) In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in a Natural Linkage Area, there shall at all times be an excluded area (which, for greater certainty, may contain both undisturbed land and land whose rehabilitation is complete) that,
 - (a) is at least 1.25 kilometres in total width, such distance being measured either entirely within the Natural Linkage Area or including areas within the Natural Core Area that is adjacent to the excluded area;
 - (b) lies outside the active or unrehabilitated portions of the area being used; and
 - (c) connects parts of the Natural Linkage Area outside the mineral aggregate operation or wayside pit.
- (4) Despite subsection 22(2), an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,

- (a) the key natural heritage feature is a significant woodland and it is occupied by young plantations or early successional habitat;
 - (b) the applicant demonstrates that,
 - (i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,
 - (ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and
 - (iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value; and
 - (c) in the case of a key natural heritage feature that is the habitat of an endangered or threatened species and is located in a Countryside Area or Settlement Area, the requirements of paragraph 5 of subsection 22(2) are satisfied.
- (5) In subclause (4) (b) (iii),
- “ecological value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for threatened species and endangered species.
- (6) An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates,
 - (a) that the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and
 - (b) that the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.
 - (7) An application for a mineral aggregate operation located in a prime agricultural area shall not be approved unless an agricultural impact assessment has been carried out and it demonstrates that there will be no adverse impacts to the prime agricultural area or that any such impacts will be minimized and mitigated to the extent possible.

Comprehensive rehabilitation plans

- 36.** Municipalities and the mineral aggregate industry are encouraged to work together to develop and implement comprehensive rehabilitation plans for parts of the Plan Area that are affected by mineral aggregate operations.

Excess soil and fill

- 36.1.** Official plan policies and development proposals shall incorporate best practices for the management of excess soil generated and fill received during any development or site alteration, including infrastructure development, to ensure that,
- excess soil is reused on-site or locally to the maximum extent possible;
 - where feasible, excess soil reuse planning is undertaken concurrently with development planning and design; and
 - the quality of fill received and the placement of fill at the site will not cause an adverse effect with regard to the current or proposed use of the property, the natural environment or cultural heritage resources and is compatible with adjacent land uses.

Low-intensity recreational uses

- 37.** (1) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:
- Non-motorized trail uses.
 - Natural heritage appreciation.
 - Unserviced camping on public and institutional land.
 - Accessory uses.
- (2) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, foot bridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the adverse effects on the ecological integrity of the Plan Area will be kept to a minimum by,
- keeping disturbed areas to a minimum; and
 - avoiding the most sensitive portions of the site, such as steep slopes and organic soils.

Major recreational uses

- 38.** (1) Major recreational uses are recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:
1. Golf courses.
 2. Serviced playing fields.
 3. Serviced campgrounds.
 4. Ski hills.
- (2) An application to establish or expand a major recreational use shall be accompanied by a recreation plan demonstrating that,
- (a) water use for maintenance or snow-making or both will be kept to a minimum;
 - (b) grassed, watered and manicured areas will be limited to sports field surfaces, golf fairways, tees and greens, and landscaped areas around buildings and structures;
 - (c) crossings of intermittent and permanent streams will be kept to a minimum;
 - (d) water-conserving technologies (such as low flow toilets and shower heads) and energy-conserving technologies will be used in clubhouses and restaurants;
 - (e) water-conserving technologies (such as timed irrigation systems designed to reduce evaporation losses, and recycling of water from under greens) will be used in the irrigation and watering of sports field surfaces, golf fairways, tees and greens, and landscaped areas around buildings and structures; and
 - (f) green infrastructure and appropriate low impact development techniques will be used to capture and treat runoff from areas with impervious surfaces.
- (3) An application to establish or expand a major recreational use shall be accompanied by a vegetation management plan demonstrating that,
- (a) the application of fertilizers, pesticides, herbicides and fungicides will be limited to sports field surfaces, golf fairways, tees, greens and landscaped areas around buildings and structures, and, in those locations, will be kept to a minimum;

- (b) grass mixtures that require minimal watering and upkeep will be used for sports field surfaces and golf fairways; and
 - (c) wherever possible, intermittent stream channels and drainage swales will be kept in a free-to-grow, low-maintenance condition.
- (4) An application to establish or expand a major recreational use shall demonstrate that,
- (a) the recreational activities on the site,
 - (i) will be compatible with the natural character of the surrounding area, and
 - (ii) will be designed and located so as not to conflict with adjacent land uses; and
 - (b) new technologies relating to construction, grounds maintenance and water conservation will be explored and incorporated, as they become available, to help maintain, and where possible improve or restore the ecological integrity of the Plan Area.
- (5) An application to establish or expand a major recreational use shall demonstrate that the new or expanded major recreational use will have no adverse impacts on surrounding agricultural operations or that any such impacts will be minimized and mitigated to the extent possible.

Trail system

39. (1) A recreational trail system shall be established to provide continuous access and travel along the entire Plan Area, accessible to all including persons with disabilities.
- (2) The trail system shall,
- (a) be designed to maintain and, where possible, improve or restore the ecological integrity of the Plan Area;
 - (b) be located in the Natural Core Areas and Natural Linkage Areas as much as possible;
 - (c) be located away from unopened road allowances, prime agricultural areas and agricultural operations as much as possible.
- (3) Despite anything else in this Plan, the following uses, buildings and structures are permitted on the trail system:
1. Non-motorized trail uses.

2. Parking, signage, washrooms and interpretive facilities to support access to the trail system.
 3. Fencing to define and protect the trails while limiting access to, and trespass on, adjoining agricultural lands.
 4. Works to improve access to the trail system and remove barriers to its use, for the benefit of all including persons with disabilities.
 5. Works to protect ecologically sensitive portions of the trail system.
 6. Conservation and erosion control to protect or restore key natural heritage features and key hydrologic features and the related ecological functions along the trail system.
- (4) Paragraph 1 of subsection (3) does not prohibit the use of mobility aids, including motorized wheelchairs and other power-assisted devices by persons who need them for mobility.

Small-scale commercial, industrial and institutional uses

- 40.** (1) Small-scale commercial, industrial and institutional uses,
- (a) are supportive of, complementary to or essential to uses that are permitted in Countryside Areas under sections 13, 14 and 17;
 - (b) do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures; and
 - (c) include, but are not limited to,
 - (i) commercial sales or services related to the management or use of resources located in the surrounding area,
 - (ii) portable mineral aggregate crushing plants, portable asphalt plants and composting plants, and
 - (iii) schools, places of worship, community halls, retirement homes, and cemeteries, intended mainly to serve nearby Rural Settlements within the Plan Area.
- (2) An application for a small-scale commercial, industrial or institutional use with respect to land in a Countryside Area shall not be approved unless the applicant demonstrates that,
- (a) it is not feasible to locate the use in a Settlement Area; and
 - (b) the buildings and structures will be planned, designed and constructed so as not to adversely affect,

- (i) the rural character of the Countryside Areas, and
 - (ii) the ecological integrity of the Plan Area.
- (3) An application for a small-scale commercial, industrial or institutional use with respect to land in a Countryside Area shall not be approved if it is to be located within a prime agricultural area.
- (4) Subsection (3) does not apply to portable asphalt plants and portable concrete plants required to complete public authority contracts.
- (5) An application to establish or expand a small-scale commercial, industrial or institutional use shall demonstrate that the new or expanded use will have no adverse impacts on surrounding agricultural operations and lands or that such impacts will be minimized and mitigated to the extent possible.

Infrastructure

41. (1) In this section,

“infrastructure” means all physical structures, facilities and corridors that form the foundation for development of an area including,

- (a) public highways,
- (b) transit lines, railways and associated corridors and facilities,
- (c) gas and oil pipelines and associated facilities,
- (d) sewage and water service systems, including septage treatment systems,
- (e) stormwater management systems,
- (f) electric generation facilities and electricity transmission and distribution systems,
- (g) waste management systems,
- (h) telecommunications lines and facilities, including broadcasting towers,
- (i) bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in clauses (a) to (h), and
- (j) rights of way required for the systems and facilities listed in clauses (a) to (i).

- (1.1) Municipalities shall ensure that land use planning is coordinated with infrastructure planning and investment with a view to complying with the requirements of this section and to implementing the Plan.
 - (1.2) Municipalities shall ensure that the development of new infrastructure or the upgrading or extension of existing infrastructure is supported by the necessary studies, assessments and documentation such as infrastructure master plans, asset management plans, land use and financial scenarios, watershed studies and subwatershed plans, environmental assessments and other relevant studies that,
 - (a) demonstrate that infrastructure will be financially feasible and sustainable over the long-term;
 - (b) demonstrate that an adequate water supply is available for the development, and that there is sufficient assimilative capacity to deal with the sewage from the development, without compromising the ecological integrity of the Plan Area;
 - (c) address stormwater management at appropriate scales throughout the land use planning process;
 - (d) utilise appropriate low impact development techniques and green infrastructure; and
 - (e) assess actions to reduce greenhouse gas emissions and to adapt to climate change impacts.
- (2) An application for the development of infrastructure in or on land in a Natural Linkage Area shall not be approved unless,
- (a) the need for the project has been demonstrated and there is no reasonable alternative; and
 - (b) the applicant demonstrates that the following requirements will be satisfied, to the extent that is possible while also meeting all applicable safety standards:
 1. The area of construction disturbance will be kept to a minimum.
 2. Right of way widths will be kept to the minimum that is consistent with,
 - i. meeting other objectives such as stormwater management and erosion and sediment control, and
 - ii. locating as much infrastructure uses within a single corridor as possible.

3. The project will allow for wildlife movement.
 4. Lighting will be focused downwards and away from Natural Core Areas.
 5. The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum.
- (2.1) An application for the development of infrastructure in or on land in a prime agricultural area shall not be approved unless,
- (a) the need for the project has been demonstrated and there is no reasonable alternative that could avoid the development occurring in a prime agricultural area; and
 - (b) an agricultural impact assessment or equivalent analysis carried out as part of an environmental assessment, is undertaken that demonstrates that there will be no adverse impacts to the prime agricultural area or that such impacts will be minimized and mitigated to the extent possible.
- (3) An application for the development of infrastructure in or on land in a Natural Core Area shall not be approved unless the applicant demonstrates that,
- (a) the requirements of subsection (2) have been met;
 - (b) the project does not include and will not in the future require a highway interchange or a transit or railway station in a Natural Core Area; and
 - (c) the project is located as close to the edge of the Natural Core Area as possible.
- (4) Except as permitted in subsection (5), with respect to land in a key natural heritage feature or a key hydrologic feature, the development of new infrastructure and the upgrading or extension of existing infrastructure, including the opening of a road within an unopened road allowance, is prohibited.
- (5) Infrastructure may be permitted to cross a key natural heritage feature or a key hydrologic feature if the applicant demonstrates that,
- (a) the need for the project has been demonstrated and there is no reasonable alternative;

- (b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum;
 - (c) the design practices adopted will maintain, and where possible improve or restore, key ecological and recreational linkages, including the trail system referred to in section 39;
 - (d) the landscape design will be adapted to the circumstances of the site and use native plant species as much as possible, especially along rights of way; and
 - (e) the long-term landscape management approaches adopted will maintain, and where possible improve or restore, the health, diversity, size and connectivity of the key natural heritage feature or a key hydrologic feature.
- (6) Service and utility trenches for infrastructure shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability

- 42.** (1) Every official plan shall contain policies that,
- (a) establish wellhead protection areas, in accordance with subsection (2), around all existing and new wells for municipal water services;
 - (b) with respect to each wellhead protection area,
 - (i) prohibit or restrict the uses listed in subsections 28 (1) and (2), and
 - (ii) prohibit or restrict other uses that could adversely affect the quality or quantity of groundwater reaching a well; and
 - (c) encourage restrictions on haulage routes for transportation of chemicals and volatile materials in wellhead protection areas and in areas of high aquifer vulnerability under section 29.
- (2) A wellhead protection area shall identify zones of contribution corresponding to,
- (a) zero to two years of time of travel;
 - (b) two to ten years of time of travel; and
 - (c) 10 to 25 years of time of travel.

- (3) Every regional municipality shall comply with clause (1) (a) on or before April 22, 2003.
- (4) Every municipality other than a regional municipality shall comply with clause (1) (a) on or before October 22, 2003.
- (5) Every municipality shall comply with clause (1) (b) on or before April 23, 2007.

Sewage and water services

- 43.** (1) An application for major development shall be accompanied by a sewage and water system plan that demonstrates,
- (a) that the ecological integrity of hydrological features and key natural heritage features will be maintained;
 - (b) that the quantity and quality of groundwater and surface water will be maintained;
 - (c) that stream baseflows will be maintained;
 - (d) that the project will comply with any applicable watershed plan, water budget, water conservation plan, water and wastewater master plan or subwatershed plan;
 - (d.1) that the assimilative capacity of receiving lakes, rivers or streams with respect to sewage from surrounding areas will not be exceeded and the attenuation capacity of groundwater with respect to subsurface sewage service systems will not be exceeded; and
 - (e) that the water use projected for the development will be sustainable.
- (2) Water and sewer service trenches shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

Partial services

- 44.** (1) The construction or expansion of partial services is prohibited.
- (2) Subsection (1) does not apply to prevent the construction or expansion of partial services that is necessary to address a serious health concern or environmental concern.
- (3) Subsection (1) does not apply to prevent the construction or expansion of partial services if,

- (a) the construction or expansion was approved under the *Environmental Assessment Act* before November 17, 2001; and
 - (b) the period of time during which the construction or expansion may begin has not expired.
- (4) Subsection (1) does not apply to prevent the construction or expansion of partial services in the Palgrave Estate Residential Community as shown on the land use designation map referred to in section 2.

Stormwater management

- 45.** (0.1) Every municipality shall develop stormwater master plans and stormwater management plans for Settlement Areas.
- (0.2) A stormwater master plan referred to in subsection (0.1) shall,
- (a) be based on the appropriate watershed scale studies;
 - (b) incorporate appropriate low impact development techniques and green infrastructure elements; and
 - (c) identify opportunities for stormwater retrofits where appropriate.
- (1) An application for major development shall be accompanied by a stormwater management plan, as set out in section 46.
- (2) Every application for development or site alteration shall demonstrate that planning, design and construction practices that protect water resources will be used, including,
- (a) keeping the removal of vegetation, grading and soil compaction to a minimum;
 - (b) keeping all sediment that is eroded during construction within the site;
 - (c) seeding or sodding exposed soils as soon as possible after construction; and
 - (d) keeping chemical applications to suppress dust and control pests and vegetation to a minimum.
- (3) In considering an application for development or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads and increase capacity to adapt to climate change.

- (4) Municipal development standards shall incorporate planning, design and construction practices that will,
 - (a) reduce the portions of lots and sites that have impervious surfaces; and
 - (b) provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.
- (5) Subsections (2), (3) and (4) do not apply to applications for mineral aggregate operations.
- (6) For the purposes of stormwater management, the minimum standard for water quality is that 80 per cent of suspended solids shall be removed from stormwater runoff as a long-term average.
- (7) Despite anything else in this Plan, disposal of stormwater into a kettle lake is prohibited.
- (8) Despite anything else in this Plan, new stormwater management ponds are prohibited with respect to land in key natural heritage features and key hydrologic features.
- (9) In subsection (8),

“stormwater management pond” means a detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.

Stormwater management plans

- 46.** (1) The objectives of a stormwater management plan are to,
- (a) maintain groundwater quantity and flow and stream baseflow;
 - (b) protect water quality;
 - (c) protect aquatic species and their habitat;
 - (d) prevent increases in stream channel erosion;
 - (e) prevent any increase in flood risk;
 - (f) minimize the disruption of natural drainage patterns wherever possible; and
 - (g) address climate change impacts by mitigating the potential flood risks associated with increased precipitation.

- (2) A stormwater management plan shall provide for an integrated treatment train approach to stormwater management that,
 - (a) minimizes stormwater flows and reliance on end-of-pipe controls by using a sequence of measures including,
 - (i) source controls,
 - (ii) lot-level controls such as devices and designs that direct roof discharge, and
 - (iii) conveyance techniques such as grass swales; and
 - (b) increases the municipality's capacity to adapt to climate change.
- (3) A stormwater management plan shall be prepared in accordance with the applicable watershed plan under section 24, if one exists.
- (4) Every municipality shall retrofit existing stormwater management works where necessary and to the extent it is feasible to do so.

Rapid infiltration basins and columns

- 47.** (1) Despite anything else in this Plan, new rapid infiltration basins and new rapid infiltration columns are prohibited.
- (2) In subsection (1),

“rapid infiltration basin” means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces;

“rapid infiltration column” means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

Waste disposal sites, etc.

- 47.1.** Despite anything else in this Plan, new waste disposal sites and facilities and organic soil conditioning sites are prohibited in Natural Core Areas, Natural Linkage Areas, key natural heritage features and key hydrologic features and related vegetation protection zones.

Part V Prescribed Provisions

Prescribed provisions, subs. 15 (2) of Act

- 48.** With respect to land in the Natural Core Areas, Natural Linkage Areas and Countryside Areas, the following provisions are prescribed for the purposes of subsection 15 (2) of the Act:

Sections 20, 22, 23 and 26

Clause 43 (1) (b)

Subsections 45 (7) and (8)

Section 47

Implementation

Status and Effect of the Plan

The *Oak Ridges Moraine Conservation Act, 2001*, provides for the establishment of the Oak Ridges Moraine Conservation Plan as a Minister's regulation. The *Oak Ridges Moraine Conservation Act, 2001*, requires that all decisions on planning applications shall conform with the Oak Ridges Moraine Conservation Plan.

This Plan shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*. The Ontario government shall consult with First Nations and Métis communities on decisions concerning the use of Crown land and resources that may affect Aboriginal and treaty rights within the area of the Oak Ridges Moraine Conservation Plan.

Municipal Implementation

Through the legislation and the Plan, the Ontario Government has set a clear policy framework for protecting the Oak Ridges Moraine. This is in keeping with the provincial land use planning system within which municipalities are responsible for implementing provincial policy through their official plans and when making decisions on development applications. The success of this policy framework centres on effective collaboration with the province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders.

The *Oak Ridges Moraine Conservation Act, 2001* directs municipalities to bring their official plans into conformity with the Plan. Municipal planning decisions shall also conform with this Plan, which takes precedence over municipal official plans.

Nothing in this Plan is intended to prevent municipalities from adopting official plan policies and zoning by-law provisions that are more restrictive than the policies of this Plan, except where prohibited by this Plan or where it conflicts with other provincial plans.

Municipalities are encouraged to engage the public, First Nations and Métis communities, and stakeholders in local efforts to implement this Plan and to provide the necessary information to ensure the informed involvement of local citizens.

Planning authorities are encouraged to co-ordinate planning matters with First Nations and Métis communities throughout the planning process.

Municipalities are encouraged to build constructive, cooperative relationships with First Nations and Métis communities and to facilitate knowledge sharing in growth management and land use planning processes.

Municipalities are encouraged to develop additional policies for the Oak Ridges Moraine that support, complement, or exceed the policies of this Plan except where prohibited by this Plan or where it conflicts with other provincial plans.

Relationship of the Plan to the Land Use Planning System

The Oak Ridges Moraine is governed by the planning policy and regulation of various levels of government and agencies, which work collectively to manage and guide land use within the Oak Ridges Moraine.

The Oak Ridges Moraine Conservation Plan builds upon the existing policy framework established in the Provincial Policy Statement and is to be implemented through land use planning decisions and instruments, particularly municipal official plans.

This Plan uses a number of similar terms as the Provincial Policy Statement and definitions for these terms are based on the Provincial Policy Statement for the same terms. The Oak Ridges Moraine Conservation Plan also relies on municipal official plan mapping to delineate prime agricultural areas and the detailed boundaries of rural areas and settlement areas.

In addition to the Provincial Policy Statement and municipal official plans and related planning mechanisms (e.g. zoning, subdivision of land), conservation authorities, other agencies and the Federal Government have regulations or standards that apply in the Oak Ridges Moraine, such as the *Conservation Authorities Act* or the federal *Rouge National Urban Park Act*. An application, matter or proceeding related to these regulations or standards may require consideration of the policies of the Oak Ridges Moraine Conservation Plan together with other provincial plans, where applicable.

Rouge National Urban Park will play a role in linking Lake Ontario with the Oak Ridges Moraine. Upon lands being transferred to the Park they will become federally administered, the *Rouge National Urban Park Act* and Management Plan will be the guiding documents and the Oak Ridges Moraine Conservation Plan or other provincial plans/policies will not apply. Until such transfers, provincial plans and policies continue to apply, and will continue to apply to lands not proposed for transfer, such as roads, hydro corridors and other public and private lands.

Based on the above, the Oak Ridges Moraine Conservation Plan must be read in conjunction with all other applicable land use planning policy, regulations and/or

standards, as amended from time to time. Such documents include but are not limited to: the Provincial Policy Statement; Minister's zoning orders under the *Planning Act*; other provincial land use plans; upper, lower and single-tier municipal official plans; zoning by-laws; other pertinent legislation (e.g. the federal *Rouge National Urban Park Act*, the *Endangered Species Act, 2007*, etc.) and regulations (e.g. those under the *Conservation Authorities Act*).

The Oak Ridges Moraine Conservation Plan itself must also be read in its entirety as existing or proposed land uses may be subject to policies within different sections of the Plan. Where multiple policies apply, these are to be applied in either a cumulative or integrated manner, such that all of the policies that relate to a matter are addressed, with the more specific or restrictive policy applying where there are conflicts. Policies are not meant to be read in isolation or to the exclusion of the rest of the policies, both general and specific. As well, the Land Use Designation map within the Oak Ridges Moraine Conservation Plan needs to be read to determine the applicable policies within the Plan relating to the various designations, information and/or boundaries shown on the map.

Guidance Material

Guidance material and technical guidelines may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of this Plan. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Plan.

Performance Indicators and Monitoring

The Province will work with its public sector partners, including municipalities and agencies, other stakeholders and First Nation and Métis communities to compile and share the base of information that is needed to support the ongoing monitoring of the implementation of this Plan. The Province will monitor the implementation of this Plan, including reviewing performance indicators concurrent with any review of this Plan.

Municipalities will monitor and report on the implementation of this Plan's policies within their municipality, in accordance with any data standards and any other guidelines that may be issued by the Province.

The Province may require municipalities to provide information and/or data to the Province to demonstrate progress made towards the implementation of this Plan.

Boundaries

The Oak Ridges Moraine Area designated under the *Oak Ridges Moraine Conservation Act, 2001* is shown on the Plan of the Boundary of the Oak Ridges Moraine Area (a series of 18 sheets) established by Ontario Regulation 1/02.

The legislation allows the Minister, by regulation, to establish the Oak Ridges Moraine Conservation Plan for all or part of this Oak Ridges Moraine Area.

The outer boundary of this Oak Ridges Moraine Area generally follows the boundary originally described in publications prepared by the Ontario government in 1990 and 1991. This boundary is based on a number of topographical, geomorphological and geological attributes, including the 245 metre (above sea level) contour along the southern boundary of the Moraine from the Town of Richmond Hill to the eastern boundary of the Municipality of Clarington.

It has been more precisely defined in Ontario Regulation 1/02 by the Surveyor General employing a method of survey which uses UTM co-ordinates. The Plan of the Boundary of the Oak Ridges Moraine Area provides the information for establishing the boundary on the ground by a licensed Ontario Land Surveyor, under instructions from the Surveyor General for the Province of Ontario.

The Plan applies to the Oak Ridges Moraine Conservation Plan Area designated by the Oak Ridges Moraine Conservation Plan Land Use Designation Map and shows the boundaries of the land use designations and the Rural Settlements and their boundaries.

The southern boundary of the Plan Area that lies between Bathurst Street in the Town of Richmond Hill and the eastern limit of the municipality of Clarington may be more precisely defined pursuant to the Plan as being those lands north of the 245 metre contour as surveyed and contained within the Oak Ridges Moraine Area boundary noted above.

Where, through this process lands are within the Oak Ridges Moraine Area but are not governed by the policies of this Plan, such lands are deemed to be within the Protected Countryside of the Greenbelt Plan and all of the polices of the Greenbelt Plan apply to the lands unless the lands:

- (a) would be subject to the Countryside or Settlement Area designations if this Plan applied; and
- (b) do not connect the lands subject to this Plan to the Protected Countryside.

Plan Review and Amendment

The Plan shall be reviewed every 10 years to determine whether any revisions should be made. The 10-year review of the Oak Ridges Moraine Conservation Plan will be co-ordinated with the reviews of the Greenbelt Plan and the Niagara Escarpment Plan.

During a review, the Minister shall consult with affected ministries, public bodies, municipalities, and First Nations and Métis communities and ensure that the public is given an opportunity to participate.

The review could result in amendment(s), if appropriate, to:

- include new, updated, or corrected information;
- improve the effectiveness and relevance of its policies;
- reflect changed or new priorities of the Ontario government.

The 10-year review cannot consider removing land from the Natural Core Areas and Natural Linkage Areas.

A 10-year review of the Plan shall consider:

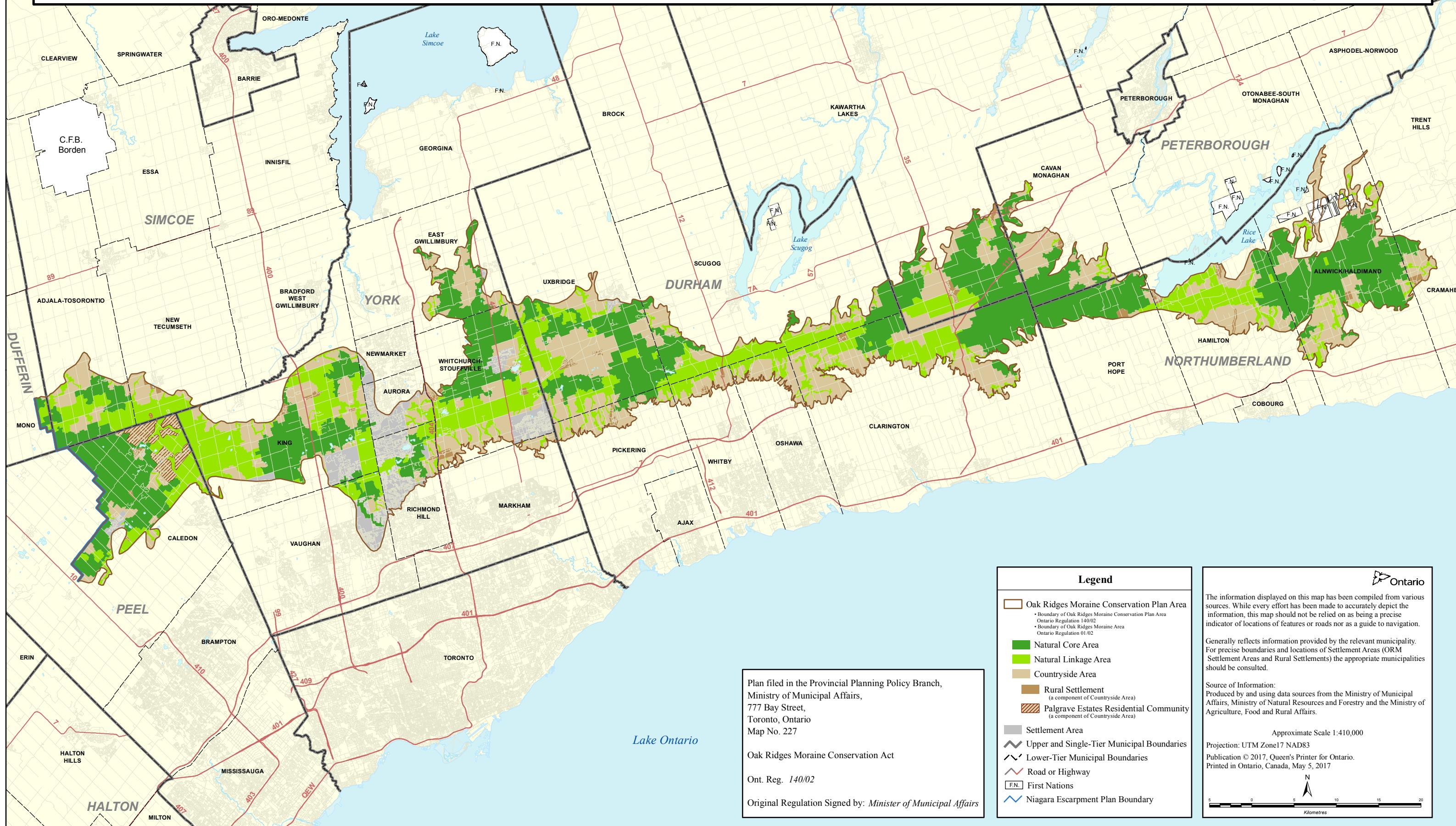
- the need to change or refine the boundaries of the Countryside Areas and Settlement Areas;
- the continued effectiveness and relevance of the Plan's vision, purpose, objectives and policies;
- the effectiveness of the Plan's policies in meeting the Plan's vision, purpose and objectives;
- new, updated, or corrected information;
- new science, technologies, or practices that shall improve the Plan's effectiveness;
- any other matter that the Ontario government deems appropriate.

Settlement Area Expansions

An upper-tier or single-tier municipality may consider the need to change or refine the boundaries of Settlement Areas as part of a municipal comprehensive review undertaken in accordance with policy 2.2.8 of the Growth Plan for the Greater Golden Horseshoe. Settlement Area boundaries are not permitted to expand into Natural Core Areas or Natural Linkage Areas.

Oak Ridges Moraine Conservation Plan Land Use Designation Map

Ontario Regulation 140/02



Ministry of Municipal Affairs

© Queen's Printer for Ontario, 2017

ISBN 978-1-4606-9533-3 (Print)

ISBN 978-1-4606-9537-1 (PDF)

ISBN 978-1-4606-9535-7 (HTML)

3500/05/2017

Disponible en français

This document is available in alternative format ontario.ca/greatergoldenhorseshoeplans