

**AMENDMENT #570 TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF KING PLANNING AREA**

**Oak Ridges Moraine
Conservation Plan
Amendment to Township of King Official
Plan Amendment #57
(Nobleton Community Plan)**

October 20, 2003

PART I: THE PREAMBLE

1. **Amendment Structure**

PART I - THE PREAMBLE is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II - THE OFFICIAL PLAN AMENDMENT, including the Schedules attached thereto, indicates specific amendments to the Official Plan being effected by Official Plan Amendment No. 570 and is an operative part of this Official Plan Amendment.

The APPENDICES are included for information purposes only and are not an operative part of this Official Plan Amendment. They include background reports relating to the preparation of the Official Plan Amendment.

2. **Purpose**

The purpose of this Amendment is to revise the policies and land use designations of the Official Plan of the Township of King Planning Area to ensure their conformity with the Oak Ridges Moraine Conservation Act and Oak Ridges Moraine Conservation Plan.

For the sake of inclusiveness, some policies reference designations and provisions outside the Oak Ridges Moraine Plan Area. These references are subject to change through Regional approval of Amendment 57.

3. **Location**

Lands affected by the land use policies of this Amendment are shown on Schedules “1”, “2”, “3”, “4”, and “5” to this document, and are delineated by the Oak Ridges Moraine Plan Area and/or the Oak Ridges Moraine land use designations.

4. **Basis**

On April 22, 2002 the Minister of Municipal Affairs and Housing filed Ontario Regulation 140/02 which comprises the Oak Ridges Moraine Conservation Plan. The Conservation Plan applies to the area known as the Oak Ridges Moraine Conservation Plan Area. The Minister of Municipal Affairs and Housing established the Oak Ridges Moraine Conservation Plan to provide land use and resource management planning direction to municipalities, provincial ministers, agencies, landowners and other stakeholders. The Conservation Plan provides a policy framework for protecting and enhancing the Moraine’s ecological and hydrological features and functions.

Section 9 of the Oak Ridges Moraine Conservation Act requires regional and local municipalities to prepare and adopt an Official Plan Amendment(s) to implement the Conservation Plan. In the case of the Township of King, the Act requires said Amendment(s) to be adopted within 18 months after the Conservation Plan was filed, or October 22, 2003.

PART II – THE AMENDMENT

1 Introduction

All of this part of the document entitled Part II – The Amendment, consisting of the following text and attached schedules designated as Schedules “1”, “2”, “3”, “4”, and “5” - constitutes Amendment No. 570 to the Nobleton Community Plan, also known as Amendment No. 57 to the Official Plan of the Township of King.

2 Details of the Amendment

The Nobleton Community Plan is hereby amended as follows:

2.1 By amending:

- i) Schedule “A” – Land Use Plan by adding the Oak Ridges Moraine Settlement Area, as shown on Schedule “1” to this amendment
- ii) Schedule “C” – Natural Environment Plan by adding permanent and intermittent streams, as shown on Schedule “2” to this amendment
- iii) Schedule “D” – Transportation Plan by adding the Oak Ridges Moraine Plan Area, as shown on Schedule “3” to this amendment

2.2 By adding the following schedules:

- i) Schedule “E” - Areas of High Aquifer Vulnerability, Wellhead Protection Areas and the Yonge Street Aquifer on the Oak Ridges Moraine, as shown as Schedule “4”
- ii) Schedule “F” - Landform Conservation Areas on the Oak Ridges Moraine, as shown as Schedule “5”

2.3 By amending Section 1.2 (How to Read This Plan) as follows:

- i) Adding the following text to the end of the first paragraph:

“The only exception to this will be where policies from the Oak Ridges Moraine Conservation Plan apply.”

- ii) Adding the following text to the end of the third paragraph:

“If the land is within the Oak Ridges Moraine Plan Area as shown on all Schedules, then reference should be made to Schedules “C”, “E” and “F” and to the policies in Sections 3.2, 4.1, 4.2, 4.4, and 4.5 of this Plan.”

- iii) Adding the following text to the end of the final paragraph:

“In the event of conflict between the policies in this Community Plan and the Oak Ridges Moraine Conservation Plan then the Oak Ridges Moraine Conservation Plan shall prevail.”

2.4 By amending Section 2.1 (Principles) as follows:

i) Adding the following subsection after subsection 2.1.8:

“2.1.9 Areas in the north and northeast portion of the Community Plan are within the Oak Ridges Moraine Plan Area and are designated Settlement Area in the Oak Ridges Moraine Conservation Plan. All development must conform to the Oak Ridges Moraine Conservation Act, 2001 and the Oak Ridges Moraine Conservation Plan when dealing with this area.”

ii) By renumbering the following subsections as follows:

2.1.9 to 2.1.10

2.1.10 to 2.1.11

2.1.11 to 2.1.12

2.1.12 to 2.1.13

2.5 By adding the following text to the end of subsection 2.3.1:

“Such Amendments shall be required to consider the policies in the Oak Ridges Moraine Conservation Plan.”

2.6 By amending Section 3.1 (General Policies) as follows:

i) Adding the following paragraph after the sentence stating “Policies for each of these designations are set out in Sections 3.2 to 3.13”:

“Schedules “A”, “B”, “C”, “D”, “E” and “F” also shows the boundaries of the Oak Ridges Moraine Plan Area which is located in the north and northeastern part of the community. Policies dealing with the Oak Ridges Moraine are predominately found in Sections 3.2, 4.1, 4.2, 4.4, and 4.5.”

ii) Adding the following sentence at the beginning of the paragraph beginning with “the following uses are permitted”:

“Except for lands within the Oak Ridges Moraine Plan Area which must also comply with sections 3.2 and 4.1,”

2.7 By adding the following section after Section 3.1 (General Policies):

“3.2 *Oak Ridges Moraine*

3.2.1 Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine comprises an irregular ridge that extends 160 kilometres between the Niagara Escarpment in the west and the Trent River in the east. It divides the watershed draining south to Lake Ontario from those draining north to Lake Simcoe and Georgina Bay. The Moraine has a distinctive concentration of natural heritage, geological and hydrological features that makes its ecosystem vital to south central Ontario.

The Oak Ridges Moraine Conservation Plan is an ecologically based plan that was established in April 2002 under the authority of the Oak Ridges Moraine Conservation Act, 2001 to provide land use and resource management direction for land and water within the Moraine. The Province’s vision of the Oak Ridges Moraine is “a continuous band of green rolling hills that provide 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 ecosystem.”

All planning documents are required to conform to the Oak Ridges Moraine Conservation Plan and the Nobleton Community Plan has been amended to bring it into conformity with the Oak Ridges Moraine Conservation Plan.

3.2.2 Oak Ridges Moraine Planning Framework

Schedules “A”, “B”, “C”, “D”, “E” and “F” of this Plan identify the lands in the Nobleton Community that are located on the Oak Ridges Moraine and are described as Oak Ridges Moraine Plan Area. Schedule “E” has been added to show Areas of High Aquifer Vulnerability, Wellhead Protection areas and the Yonge Street Aquifer, and Schedule “F” has been added to show Areas of Landform Conservation.

This section of the Plan provides the general policies that apply to all lands in the Oak Ridges Moraine Plan Area in Nobleton. All lands in the Oak Ridges Moraine Plan Area within the Nobleton Community Plan are designated Settlement Area.

Definitions that apply to lands within the Oak Ridges Moraine Plan Area are located in Section 5.16 of this Plan.

3.2.3 Purpose and Objectives

The purpose of the Oak Ridges Moraine Conservation Plan is to provide land use and resource management planning direction to protect the Moraine’s ecological and hydrological integrity. The objectives for the Oak Ridges

Moraine Conservation Plan are found in the Oak Ridges Moraine Conservation Act, 2001.

The purpose of Settlement Areas, which include Nobleton, is to focus and contain urban growth by:

- (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 Township's Official Plan.

The objectives for Settlement Areas are to:

- (a) maintain and where possible improve or restore the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;
- (b) accommodate a trail system through the Plan Area and trail connections to it;
- (c) promote strong communities, a strong economy and a healthy environment; and
- (d) provide for economic development that is compatible with the purpose of the settlement areas (above) and clauses a, b and c above.

3.2.4 Existing Uses on the Oak Ridges Moraine

Notwithstanding any other policies in this Plan, the following policies shall apply to existing uses in the Oak Ridges Moraine Plan Area as shown on Schedules "A", "B", "C", "D", "E" and "F".

3.2.4.1 Legally Existing Uses, Buildings and Structures

Legally existing uses are permitted in all land use designations and nothing in this Plan shall apply 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 is erected.

3.2.4.2 Expansion of Existing Buildings or Structures or Institutional Use

Nothing in this Plan applies to prevent the expansion of an existing building or structure on the same lot or 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 Oak Ridges Moraine Plan Area.

3.2.4.3 Reconstruction of Existing Buildings or Structures

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.

3.2.4.4 Conversion to a Similar Use

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 the Oak Ridges Moraine Conservation Plan; and,
- (b) will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area.

3.2.4.5 Adverse Ecological Effects

If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine Plan Area, any application to expand the building, structure or to convert the existing use to a similar use shall be considered with the objective of bringing the use into closer conformity with the Oak Ridges Moraine Conservation Plan.

3.2.4.6 Previously Authorized Single Dwelling

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 Oak Ridges Moraine Plan Area.

3.2.4.7 Use, Erection or Location of Buildings or Structures on the Moraine

Nothing in this Plan applies to prevent a use or the erection or location of a building or structure for lands within the Oak Ridges Moraine Plan 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 is permitted by the applicable official plan and zoning by-laws after they have been amended to bring them into conformity with the Oak Ridges Moraine Conservation Plan, although the erection and location do not comply with the provisions listed in Sections 3.2 and 4.1 of this Plan;
- (c) the use, erection and location conform to Sections 3.2.5.2, 4.1.5, and the last paragraph of 4.4.4 of this Plan;
- (d) the applicant demonstrates, to the extent possible, that the use, erection or location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area.

3.2.5 Permitted Uses

All uses permitted by this Plan are permitted within the Oak Ridges Moraine Plan Area shown on Schedules “A”, “B”, “C”, “D”, “E” and “F” of this Plan, subject to the provisions of Sections 3.2 and 4.1 of this Plan.

3.2.5.1 Major Development

- (a) Every application for major development that is commenced on or after April 23, 2007 will be prohibited unless:
 - (i) the watershed plan for the relevant watershed has been completed;
 - (ii) the major development conforms with the watershed plan; and
 - (iii) a water budget and conservation plan, prepared by the Region of York, has been completed and demonstrates that the water supply required for the major development is sustainable.
- (b) For every application commenced before April 23, 2007, except for an application commenced on or after April 22, 2004 that relates to the part of the Region of York that is served by the Yonge Street aquifer, an application for major development shall not be approved unless, the Region of York has complied with (a)(iii) above or the applicant,
 - (i) identifies any hydrologically sensitive 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 without compromising the ecological

referred to above, as the case may be, and their release into the environment.

The Township shall consider requesting the Region of York to restrict of haulage routes for the transportation of chemicals and volatile materials along Regional Road 27 north of King Road.

3.2.5.3 Subwatersheds

In considering application 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 is improved or restored; and
- (b) keeping to a minimum impervious surfaces and their impact on water quality and quantity.

2.8 By renumbering the following sections, and their respective subsections, in Section 3 (Community Structure) as follows:

- 3.2 Residential Policies to 3.3
- 3.3 Village Core Policies to 3.4
- 3.4 Commercial Policies to 3.5
- 3.5 Highway Service Commercial Policies to 3.6
- 3.6 Business Area Policies to 3.7
- 3.7 Institutional Policies to 3.8
- 3.8 Parks Policies to 3.9
- 3.9 Natural Heritage Policies to 3.10
- 3.10 Wetland Policies to 3.11
- 3.11 Rural Area Policies to 3.12
- 3.12 Agricultural Area Policies to 3.13
- 3.13 Deferred Residential to 3.14
- 3.14 Special Site Policies to 3.15

2.9 By amending newly renumbered subsection 3.3.2 (Permitted Uses) as follows:

- i) Replacing “Policy 3.2.6” in the second bullet with the following:
“Policy 3.3.6”
- ii) Replacing “Policy 3.2.5” in the third bullet with the following:
“Policy 3.3.5”
- iii) Replacing “Policy 3.4.4” in the fourth bullet with the following:

“Policy 3.5.4”

iv) Replacing “Policy 3.7.3” in the fifth bullet with the following:

“Policy 3.8.3”

v) Replacing “Policy 3.7.4” in the sixth bullet with the following:

“Policy 3.8.4”

vi) Replacing “Policy 3.7.6” in the seventh bullet with the following:

“Policy 3.8.6”

vii) Replacing “Section 3.8” in the eighth bullet with the following:

“Section 3.9”

viii) Replacing “Section 3.9” in the ninth bullet with the following:

“Section 3.10”

2.10 By amending newly renumbered Policy 3.3.4 (New Residential Areas) as follows:

i) Replacing the text “in accordance with Policy 3.2.5” in the fifth paragraph with the following text:

“in accordance with Policy 3.3.5”

ii) Replacing the text “policies set out in Policy 4.2.3” in the final paragraph with the following text:

“policies set out in Policy 4.3.3”

2.11 By amending newly renumbered Policy 3.4.4 (Redevelopment and Re-use Policies) as follows:

i) Replacing the text “as set out in Policy 4.2.2” in the fourth paragraph with the following text:

“as set out in Policy 4.3.2”

ii) Replacing the text “in accordance with Section 4.5” in the fifth paragraph with the following text:

“in accordance with Section 4.6”

- 2.12 By replacing the text “in accordance with Policy 3.4.4” in the second sentence of newly renumbered Policy 3.5.1 (Definition) with the following:

“in accordance with Policy 3.5.4”

- 2.13 By replacing the text “in accordance with Policy 4.2.6” in the first sentence of newly renumbered Policy 3.5.3 (Development and Redevelopment Policies) with the following:

“in accordance with Policy 4.3.6”

- 2.14 By replacing the text “in accordance with Policy 4.2.6” in the final sentence of newly renumbered Policy 3.6.3 (Development and Redevelopment Policies) with the following:

“in accordance with Policy 4.3.6”

- 2.15 By amending newly renumbered Policy 3.7.2 (Permitted Uses) as follows:

- i) Replacing the text “in accordance with Policy 3.6.3” in the sixth bullet with the following:

“in accordance with Policy 3.7.3”

- ii) Replacing the text “in accordance with Policy 3.6.4” in the seventh bullet with the following:

“in accordance with Policy 3.7.4”

- 2.16 By replacing the text “as described in Policy 3.9.4” in the third paragraph of newly renumbered Policy 3.8.3 (Schools) with the following:

“as described in Policy 3.10.4”

- 2.17 By replacing the text “as described in Policy 3.9.4” in the first paragraph of newly renumbered Policy 3.9.3 (Development Policies) with the following:

“as described in Policy 3.10.4”

- 2.18 By amending newly renumbered Policy 3.10.2 (Permitted Uses) as follows:

- i) Replacing the text “subject to Policy 3.9.5” in the ninth bullet with the following:

“subject to Policy 3.10.5”

- ii) Replacing the text “subject to Policy 3.9.6” in the tenth bullet with the following:

“subject to Policy 3.10.6”

- iii) Replacing the text “subject to Policy 3.9.7” in the eleventh bullet with the following:

“subject to Policy 3.10.7”

- iv) Adding the following paragraph after the last bullet:

“Notwithstanding the above, if the lands are considered to be a key natural heritage feature or hydrological feature or minimum vegetation protection zone within the Oak Ridges Moraine Plan Area, then the permitted uses shall be in accordance Section 4.1 of this Plan.”

- 2.19 By replacing the text “in accordance with Policy 4.11.1” in the second sentence of newly renumbered Policy 3.10.3 (Boundaries) with the following:

“in accordance with Policy 4.12.1”

- 2.20 By amending newly renumbered Policy 3.10.4 (Development Policies) as follows:

- i) Replacing the text “policies contained in Section 4.1” with the following:

“policies contained in Section 4.2”

- ii) Adding the following sentence to the end of the first paragraph:

“Where lands are within the Oak Ridges Moraine Plan Area then the requirements of Sections 3.2.and 4.1 of this Plan shall apply.”

- iii) Replacing the text “As detailed in Section 3.8.4” in the final paragraph with the following:

“As detailed in Policy 3.9.4”

- 2.21 By amending newly renumbered Policy 3.10.5 (Public Utility and Transportation Uses) as follows

- i) Adding the following text after “within the Natural Heritage designation” in the first sentence:

“outside of the Oak Ridges Moraine Plan Area”

- ii) Adding the following sentence after the final bullet:

“Transportation, infrastructure and utilities may be permitted in the Oak Ridges Moraine Plan Area in accordance with Sections 4.4 and 4.5 of this Plan.”

2.22 By amending newly renumbered Policy 3.10.6 (Storm Water Management Facilities) as follows

- i) Adding the following text after “within the Natural Heritage designation” in the first sentence:

“outside of the Oak Ridges Moraine Plan Area”

- ii) Adding the following sentence after the final bullet:

“For land within the Oak Ridges Moraine Plan Area stormwater management facilities shall be provided in accordance with the requirements of Section 4.4.4 of this Plan.”

2.23 By amending newly renumbered Policy 3.10.7 (Outdoor Recreation Uses) as follows:

- i) Replacing the text “development objectives set out in Policy 3.9.7a” in the second paragraph with the following:

“development objectives set out in Policy 3.10.7”

- ii) Adding the following sentence after the final paragraph:

“Notwithstanding the above policies, major recreation uses such as golf courses, serviced playing fields, serviced campgrounds or ski hills shall be prohibited in key natural heritage features and hydrological features and the minimum vegetation protection zone within the Oak Ridges Moraine Plan Area.”

2.24 By amending newly renumbered Policy 3.11.2 (Permitted Uses) as follows:

- i) Replacing the text “land disturbance” in the first sentence with the following:

“site alteration”

ii) Adding the following text to the beginning of the second paragraph:

“For lands outside the Oak Ridges Moraine Plan Area”

iii) Adding the following text after the final bullet:

“For lands within the Oak Ridges Moraine Plan Area, an application for development or site alteration that is within the minimum area of influence but outside of the wetland and its minimum vegetation protection zone shall be accompanied by a natural heritage evaluation prepared in accordance with Section 4.1 of this Plan.”

2.25 By amending newly renumbered Policy 3.11.3 (Boundaries) as follows:

i) Adding the following text in the second sentence after the text “will be determined through an environmental analysis”:

“for lands outside the Oak Ridges Moraine Plan Area”

ii) Adding the following text to the end of the second sentence:

“or a natural heritage evaluation for lands within the Oak Ridges Moraine Plan Area prepared in accordance with Section 4.1 of this Plan.”

2.26 By amending newly renumbered Policy 3.12.2 (Permitted Uses) as follows:

i) Replacing the text “subject to Policy 3.11.3” in the second bullet with the following:

“subject to Policy 3.12.3”

ii) Replacing the text “in accordance with Policy 3.11.4” in the tenth bullet with the following:

“in accordance with Policy 3.12.4”

iii) Replacing the text “subject to Policy 3.11.5” in the eleventh bullet with the following:

“subject to Policy 3.12.5”

2.27 By replacing the text “as set out in Section 3.9.7” in the first sentence of newly renumbered Policy 3.12.5 (Outdoor Recreational Uses) with the following:

“as set out in Section 3.10.7”

- 2.28 By amending newly renumbered Policy 3.13.2 (Permitted Uses) as follows:
- i) Replacing the text “subject to Policy 3.12.3” in the second bullet with the following:
“subject to Policy 3.13.3”
 - ii) Replacing the text “in accordance with Policy 3.12.4” in the ninth bullet with the following:
“in accordance with Policy 3.13.4”
- 2.29 By replacing the text “The provisions of Policy 3.11.3” in newly renumbered Policy 3.13.3 (Accessory Farm Dwellings) with the following:
“The provisions of Policy 3.12.3”
- 2.30 By replacing the text “the requirements set out in Section 3.11.4” in the second sentence of newly renumbered Policy 3.13.4 (Small-Scale Commercial and Industrial Uses) with the following:
“the requirements set out in Section 3.12.4”
- 2.31 By replacing the text “as set out in Section 3.12.2” in the second paragraph of newly renumbered Policy 3.14.2 (Policies) with the following:
“as set out in Section 3.13.2”
- 2.32 By replacing the text “specified in Policy 3.2.5” in the first sentence of the second paragraph of newly renumbered Policy 3.15.2 (Wilsen Street) with the following:
“specified in Policy 3.3.5”
- 2.33 By adding the following section as the beginning of Section 4 (Development Policies):
- “4.1 Oak Ridges Moraine Conservation Plan**
- 4.1.1 Ecological and Hydrological Integrity Policies for the Oak Ridges Moraine Plan Area**
- The purpose of these policies is to integrate environmental and land use planning for lands in the Oak Ridges Moraine Plan Area in order to

maintain, and where possible improve or restore, the ecological integrity of the Plan Area.

The Ministry of Natural Resources (MNR) has developed a series of technical papers to provide guidance on the interpretation and application of policies that relate to natural heritage, connectivity, and landform conservation. Adherence to the recommendations of these papers will ensure that development, site alteration and land use change will be consistent with the applicable policies of this Plan.

4.1.2 Key Natural Heritage Features

Key natural heritage features include:

- wetlands,
- significant portions of the habitat of endangered, rare and threatened species,
- fish habitat,
- areas of natural and scientific interest (life science),
- significant valleylands,
- significant woodlands,
- significant wildlife habitat,
- sand barrens, savannahs and tallgrass prairies

These features are shown on Schedule “C” except for significant valleylands, significant wildlife habitat, and the habitat of endangered, rare and threatened species. The features shown on Schedule “C” are based on mapping provided by the Province of Ontario and where the features are not shown they are to be defined using criteria established by the Ministry of Natural Resources.

All development and site alteration in key natural heritage features or the related minimum vegetation protection zone is prohibited except for:

- (a) forest, fish and wildlife management;
- (b) 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;
- (c) transportation, infrastructure and utilities as described in Sections 4.4.1 and 4.5.1 but only if the need for the project has been demonstrated and there is no reasonable alternative;
- (d) low-intensity 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:
 - a. non-motorized trail uses,

- b. natural heritage appreciation,
- c. unserviced camping on public and institutional land,
- d. accessory uses which may include small scale structures such as trails, boardwalks , foot bridges, fences, docks, and picnic facilities and only if the adverse affect on the ecological integrity of the Plan Area are kept to a minimum by keeping disturbed areas to a minimum and avoiding the most sensitive portions of the site such as steep slopes, organic soils and significant portion of the habitat of endangered, rare or threatened species.

4.1.3 Hydrologically Sensitive Features

Hydrologically sensitive features include:

- permanent and intermittent streams,
- wetlands,
- kettle lakes,
- seepage areas and springs.

These features are shown on Schedule "C" except for seepage areas and springs. The features shown on Schedule "C" are based on mapping provided by the Province of Ontario and where the features are not shown, they are to be defined using criteria established by the Ministry of Environment or when a proponent is undertaking a hydrological evaluation.

All development and site alteration in hydrologically sensitive features or the related minimum vegetation protection zone is prohibited except for:

- (a) forest, fish and wildlife management
- (b) 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
- (c) transportation, infrastructure and utilities as described in section 4.4.1 and 4.5.1 but only if the need for the project has been demonstrated and there is no reasonable alternative;
- (d) low-intensity recreational uses 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:
 - a. non-motorized trail uses,
 - b. natural heritage appreciation,
 - c. unserviced camping on public and institutional land,
 - d. accessory uses which may include small scale structures such as trails, boardwalks , foot bridges, fences, docks, and picnic

facilities and only if the adverse affect on the ecological integrity of the Plan Area are kept to a minimum by keeping disturbed areas to a minimum and avoiding the most sensitive portions of the site such as steep slopes, organic soils and significant portion of the habitat of endangered, rare or threatened species.

4.1.4 Minimum Areas of Influence and Minimum Vegetation Zones

- (a) Table 1 establishes the minimum area of influence and minimum vegetation protection zones which relate to the key natural heritage features and hydrologically sensitive features listed above. If lands fall within more than one item in Column 1 of Table 1, the provisions that are more restrictive apply.

Table 1 - Key Natural Heritage Features, Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science) within the Oak Ridges Moraine Plan Area: Minimum Areas of Influence and Minimum Vegetation Protection Zones

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Item	Feature	Minimum Area of Influence	Minimum Vegetation Protection Zone
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 4.1.4 (b)(iv) if a natural heritage evaluation is required
2	Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 4.1.4 (b)
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 4.1.4 (b)(iv) 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 4.1.4 (b)
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 4.1.4 (f)
6	Significant valleylands	All land within 120 metres of any part of feature	All land within 30 metres of stable top of bank, subject to clause 4.1.4 (b)(iv) 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 base of outermost tree trunks within the woodland, subject to 4.1.4 (b)(iv) 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 4.1.4 (b)
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 4.1.4 (b)(iv) 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 4.1.4 (c)(iii) 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 4.1.4 (c)(iii) and subsection 4.1.4 (e) 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 4.1.4 (c)(iii) and subsection 4.1.4 (e) if a hydrological evaluation is required

- (b) An application for development or site alteration in the minimum area of influence of that relates to a key natural heritage feature but which is outside the key natural heritage feature and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation that shall:
 - (i) 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;
 - (ii) 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;
 - (iii) demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;
 - (iv) if Table 1 to this Plan 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;
 - (v) if Table 1 to this Plan 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
 - (vi) 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).

- (c) Development or site alteration may be prohibited in the minimum area of influence based on the results of the natural heritage evaluation which may establish a greater minimum vegetation protection zone.

- (d) In the case of areas of natural and scientific interest (life sciences), the basis on which the determination and specification mentioned in clause (b)(v) above 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.

- (e) An application for development or site alteration that relates to a hydrologically sensitive feature but which is outside of the

hydrologically sensitive feature and the related minimum vegetation protection zone, shall be accompanied by a hydrological evaluation that shall:

- (i) demonstrate that the development or site alteration will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions;
 - (ii) identify planning, design and construction practices that will maintain, and where possible improve or restore, the health, diversity and size of the hydrologically sensitive feature; and
 - (iii) determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 to this Plan 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.
- (f) Development or site alteration may be prohibited in the minimum area of influence based on the results of the hydrological evaluation which may establish a greater minimum vegetation protection zone.
- (g) In the case of permanent and intermittent streams and seepage areas and springs, the basis on which the determination and specification mentioned in clause (e)(iii) above 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.
- (h) 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,
- (i) 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
 - (ii) determines whether a minimum vegetation protection zone is required, and if so, specifies the dimensions of that zone and provides for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.

4.1.5 Areas of High Aquifer Vulnerability

The following uses with the exception of existing uses permitted by Section 3.2 of this Plan, are prohibited in Areas of High Aquifer Vulnerability identified on Schedule “E” of this Plan:

- (a) Generation and storage of hazardous waste or liquid industrial waste;
- (b) Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- (c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;
- (d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

Minor amendments may be permitted to Schedule “E” based on studies carried out in accordance with the provisions of the Oak Ridges Moraine Conservation Plan.

In addition the Township shall encourage restrictions on haulage routes for the transportation of chemicals and volatile materials in such areas.

4.1.6 Landform Conservation Areas

Where development or site alteration is proposed within the Oak Ridges Moraine Landform Conservation Areas Category 1 and 2 as shown on Schedule “F”, a Landform Conservation Plan shall be submitted with any application. Such a plan will be designed to ensure that any development will minimize grading, protect essential landform features and establish environmental buffers and connecting links between lands in the Natural Heritage and Wetland designations. In addition, within the urban area boundary, alternative development approaches such as clustering shall be encouraged to maximize open space and establish significant separation distances between lands in the Natural Heritage and Wetland designations and any building.”

2.34 By renumbering the following sections, and their respective subsections, in Section 4 (Development Policies) as follows:

- 4.1 Natural Environment Policies to 4.2
- 4.2 Urban Design Policies to 4.3
- 4.3 Infrastructure and Servicing Policies to 4.4
- 4.4 Transportation Policies to 4.5
- 4.5 Heritage Policies to 4.6
- 4.6 Phasing to 4.7

2.35 By amending newly renumbered Section 4.2.1 (General Policies) as follows:

- i) Replacing the last sentence of the second paragraph with the following text:

“The key natural heritage features and hydrological features of the Oak Ridges Moraine Plan Area are also indicated on Schedule “C”.”

- ii) Adding the following word after the text “in consultation with the Township and relevant public agencies” in the second sentence of the third paragraph:

“for lands outside of the Oak Ridges Moraine Plan Area and through a natural heritage evaluation or hydrological evaluation for lands within the Oak Ridge Moraine Plan Area prepared in accordance with Section 4.1.4 of this Plan.”

- iii) Adding the following sentence to the end of the sixth paragraph:

“Where lands in the Oak Ridges Moraine Plan Area are within or adjacent to key natural heritage features or hydrological features and the minimum vegetation protection zone shown on Schedule ”C”, then the policies in Sections 3.2.5 and 4.1 of this Plan shall apply.”

- 2.36 By adding the following paragraph to the end of newly renumbered Policy 4.2.1.1 (Environmental Analysis (Environmental Impact Statement))

“Notwithstanding the above policies, if some or all of the lands within the Block Plan area are within the Oak Ridges Moraine Plan Area, then the requirements for a natural heritage evaluation or hydrological evaluation in accordance with Section 4.1 of this Plan shall be incorporated into the Environmental Analysis.”

- 2.37 By amending newly renumbered Section 4.2.2 (Wooded Areas) as follows:

- i) Adding the following sentence to the end of the first paragraph:

“Where these woodlands are significant woodlands within the Oak Ridge Moraine Area, then all development and site alteration is prohibited except in accordance with Section 4.1 of this Plan.”

- ii) Adding the following text to the beginning of the third paragraph:

“For lands outside of the Oak Ridges Moraine Plan Area ,”

- iii) Adding the following sentence to the end of the sixth paragraph:

“For lands within the Oak Ridges Moraine Plan Area, any development which would involve tree preservation shall be carried out in conformity with Section 4.1 of this Plan.”

- 2.38 By amending newly renumbered Section 4.2.3 (Environmentally Significant Areas) as follows:

- i) Adding the following text after the text “Development applications” in the first sentence of the third paragraph:

“for lands outside of the Oak Ridges Moraine Plan Area”

- ii) Adding the following sentence to the end of the fourth paragraph:

“For lands within the Oak Ridges Moraine Plan Area, the requirements of Section 4.1 of this Plan shall apply.”

- 2.39 By adding the following sentence at the end of newly renumbered Section 4.2.4 (Valleylands):

“Notwithstanding any of the above policies, if valleylands are located within the Oak Ridges Moraine Plan Area and are determined to be significant valleylands under the Oak Ridges Moraine Conservation Plan then Section 4.1 of this Plan shall apply.”

- 2.40 By amending newly renumbered Section 4.2.5 (Provincially and Locally Significant Wetlands and Wetland Complexes) as follows:

- i) Adding the following text at the beginning of the second paragraph:

“For lands outside of the Oak Ridges Moraine Plan Area”

- ii) Adding the following sentence to the end of the fourth paragraph:

“For lands within the Oak Ridges Moraine Plan Area, Section 4.1 of this Plan shall apply.”

- 2.41 By replacing newly renumbered Section 4.2.6 (Oak Ridges Moraine Planning Area) with the following section:

“4.2.6 Oak Ridges Moraine Planning Area

The limits of the Oak Ridges Moraine Plan Area, as identified in the Oak Ridges Moraine Conservation Plan, are shown on all Schedules to this Plan. They encompass a small area in the north and northeast parts of the Community Plan Area. For the most part, this area is outside of the designated Urban Area boundary, however, a small portion of the residential area in the northeast quadrant lies within the Oak Ridges Moraine Planning Area.

Where lands are within the Oak Ridges Moraine Plan Area, development or site alteration shall only be permitted in accordance Sections 3.2 and 4.1 of this Plan.”

2.42 By adding the following paragraphs to the end of newly renumbered Section 4.4.1 (General):

“Infrastructure and utility uses may be permitted in any designation in the Nobleton Community Plan in the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F” except for key natural heritage features or hydrologically sensitive features. Infrastructure and utilities may be permitted to cross a key natural heritage or hydrologically sensitive features 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 4.1.6.2;
- (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 hydrologically sensitive feature.

Service and utility trenches for infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

The construction or expansion of partial services on lands in the Oak Ridges Moraine Plan Area is prohibited with the exception of construction or expansion:

- (a) That is necessary to address a serious health concern or environmental concern.
- (b) That was approved under the Environmental Assessment Act before November 17, 2001; and the period of time during which the construction or expansion may begin has not expired.

2.43 By adding the following paragraphs to the end of newly renumbered Section 4.4.2 (Sanitary Sewers):

“In addition, for lands within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F”, 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 applicable watershed plan and water budget and conservation plan to be prepared by the Region of York in accordance with sections 24 and 25 of the Oak Ridges Moraine Conservation Plan; and
- (e) that the water use projected for the development will be sustainable.”

2.44 By adding the following sentence to the end of newly renumbered Section 4.4.3 (Water Supply):

“In addition, for lands within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F”, an application for major development shall be accompanied by a sewage and water system plan in accordance with Section 4.4.2 above.

2.45 By adding the following paragraphs to the end of newly renumbered Section 4.4.4 (Stormwater Management):

“In addition, for lands within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F”, an application for development, major development or site alterations shall be accompanied by a stormwater management plan, which shall be prepared in accordance with the Region of York’s watershed plan.

The objectives of a stormwater management plan are to:

- (i) maintain groundwater quantity and flow and stream baseflow;
- (ii) protect water quality;
- (iii) protect aquatic species and their habitat;
- (iv) prevent increases in stream channel erosion; and
- (v) prevent any increase in flood risk.

A stormwater management plan for lands within the Oak Ridges Moraine Plan Area shall provide for an integrated treatment train approach that uses a planned sequence of methods of controlling stormwater and keeping its impact to a minimum by techniques including, without limitation,

- (a) lot level controls such as devices and designs that direct roof discharge to rear yard ponding areas;
- (b) conveyance controls such as grassed swales; and
- (c) end-of-pipe controls such as wet ponds at the final discharge stage.

With the exception of applications for mineral aggregate operations, every application for development or site alteration in the Oak Ridges Moraine Plan Area, 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.

With the exception of applications for mineral aggregate operations, in considering an application for development or site alteration in the Oak Ridges Moraine Plan Area the Township 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.

With the exception of applications for mineral aggregate operations, municipal development standards for lands within the Oak Ridges Moraine Plan Area 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.

For the purposes of stormwater management in the Oak Ridges Moraine Plan Area, the minimum standard for water quality shall be the removal of 80 per cent of suspended solids from stormwater runoff as a long-term average.

Despite anything else in this Plan, the following are prohibited in the Oak Ridges Moraine Plan Area:

- (a) disposal of stormwater into a kettle lake.
- (b) new stormwater management ponds with respect to land in key natural heritage features and hydrologically sensitive features.
- (c) new rapid infiltration basins and new rapid infiltration columns.”

- 2.46 By adding the following paragraph to the beginning of newly renumbered Section 4.5.1 (Components of the Road Network):

“Transportation uses may be permitted in any designation in the Nobleton Community Plan in the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F” except where lands are within a key natural heritage features or hydrologically sensitive features or minimum vegetation protection zone. Transportation facilities may be permitted to cross a key natural heritage or hydrologically sensitive features in accordance with the requirements for infrastructure and utilities crossing key natural heritage or hydrologically sensitive features established in Section 4.4.1.”

- 2.47 By deleting the following sentence from the end of the second paragraph of the newly numbered Section 4.5.2

“(Deferred pending completion of the ORM Conformity Exercise)”

- 2.48 By adding the following paragraph to the end of newly renumbered Section 4.6 (Heritage Policies):

“Where archaeological work is carried out on lands within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F”, site alteration shall comply with the directions of the Oak Ridges Moraine Conservation Plan.”

- 2.49 By amending Section 5.2 (Block Plans) as follows:

- i) Deleting the fourth paragraph and replacing it with the following text:

“The preparation of Block Plans will include at a minimum the following supporting studies:

- a Master Sanitary Sewer Servicing Plan (in accordance with Policy 4.4.2)
- a Master Water Supply Plan (in accordance with Policy 4.4.3)
- a Master Stormwater Management Plan (in accordance with Policy 4.4.4)
- a transportation analysis (in accordance with Policy 4.5.3)
- an environmental analysis which will incorporate the requirements of a natural heritage evaluation and hydrological evaluation if applicable where the lands are within the Oak Ridges Moraine Plan Area (to address the policies contained in Sections 4.1 and 4.2)
- a Phasing Plan (to address the policies contained in Section 4.7)
- a Master Open Space Plan (to address the policies contained in Section 3.9 and 3.10.4)”

- ii) Replacing the text “Section 4.2” in the first bullet of the fifth paragraph with the text:

“Section 4.3”

- iii) Replacing the text “Section 4.5” in the second bullet of the fifth paragraph with the text:

“Section 4.6”

- iv) Replacing the final bullet of the fifth paragraph with the text:

“water budget and conservation plan if required (to address the policies in Section 3.2.5)”

- v) Adding the following sentence to the end of the section:

“For lands within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F”, all development and site alteration shall be required to conform to Sections 3.2 and 4.1 of this Plan.”

- 2.50 By adding the following sentence to the end of Section 5.3 (Plans of Subdivision):

“For lands in the Oak Ridges Moraine Plan Area, subdivisions shall only be approved if, in addition to the above noted policies they also conform to Sections 3.1, 4.1 and 4.4 of this Plan.”

- 2.51 By adding the following sentence to the end of Section 5.4.1 (Within Urban Area Boundary):

“For lands in the Oak Ridges Moraine Plan Area, new lots shall only be created if, in addition to the above noted policies, they also conform to Sections 3.1, 4.1 and 4.4 of this Plan.”

- 2.52 By adding the following sentence to the end of Section 5.4.2 (Outside Urban Area Boundary):

“For lands in the Oak Ridges Moraine Plan Area, new lots shall only be created if, in addition to the above noted policies, they also conform to Sections 3.1, 4.1 and 4.4 of this Plan.”

- 2.53 By amending Section 5.6 (Temporary Use By-laws) as follows:

- i) Adding the following bullet to the end of the third paragraph:

“is in conformity with sections 3.1, 4.1 and 4.4 of this Plan if the lands are within the Oak Ridges Moraine Plan Area.”

- ii) Adding the following bullet to the end of the fourth paragraph:

“the proposed use is in conformity with the provisions of sections 3.1, 4.1 and 4.4 of this Plan if the lands are located in the Oak Ridges Moraine Plan Area.”

- 2.54 By adding the following paragraphs to the end of Section 5.8 (Site Plan Control):

“With respect to land in the Oak Ridges Moraine Plan Area that does not include a key natural feature or hydrologically sensitive feature, an application for site plan approval under section 41 of the Planning Act is not required to comply with any policies dealing with Oak Ridges Moraine Conservation Plan except this subsection.

An application for site plan approve under 41 of the Planning Act that does include a key natural feature or hydrologically sensitive feature is still not required to comply with the Oak Ridges Moraine Conservation 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:

- (a) an application for an amendment to a zoning by-law;
- (b) an application for approval of a plan of subdivision under Section 51 of the Planning Act; and,
- (c) an application for approval or exemption from approval for a plan of condominium under Section 9 of the Condominium Act, 1998.

2.55 By adding the following text to the end of the second paragraph of Section 5.11 (Non-Conforming Uses):

“except if the lands are within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F” and then Section 3.2 of this Plan shall apply.”

2.56 By amending Section 5.15 (Interpretation) as follows:

i) Adding the following text to the end of Section 5.15.1:

“,except where lands are within the Oak Ridges Moraine Plan Area as shown on Schedules “A”, “B”, “C”, “D”, “E” and “F” and then the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.”

ii) Adding the following sentence to the end of Section 5.15.2:

“Where there is a conflict between the policies of this Plan and the Oak Ridges Moraine Conservation Plan then the Oak Ridges Moraine Conservation Plan shall prevail.”

iii) Adding the following sentence to the end of Section 5.15.3:

“Notwithstanding the above, the boundary of the Oak Ridges Moraine Plan Area is fixed and shall not be amended.”

2.57 By adding the following section after Section 5.15 (Interpretation):

“5.16 Definitions

The following definitions shall apply for land within the Oak Ridges Moraine Plan Area:

“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;

“adversely affect” means to have an adverse effect on;

“agricultural uses” means,

- (a) growing crops, including nursery and horticultural crops,
- (b) raising livestock and other animals, including poultry and fish, for food and fur,
- (c) aquaculture, and
- (d) agro-forestry and maple syrup production;

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

- (a) small-scale,
- (b) directly related to a farm operation, and
- (c) required in close proximity to the farm operation;

“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;

“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 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 using evaluation procedures established by that Ministry, as amended from time to time;

“bed and breakfast establishment” means an accessory use within an existing single dwelling that is the principal residence of the establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the traveling or vacationing public in up to three guest rooms;

“connectivity” means the degree to which key natural heritage 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, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include,

(a) the construction of facilities for transportation, infrastructure and utilities uses, as described in sections 2.4.4 (vii-xi), 2.4.5 (x), and 2.4.6 (xx), by a public body, or

(b) for greater certainty,

(i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or

(ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

“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;

“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 rare, threatened and endangered species;

“endangered species” means any native species, as listed in the regulations under the Endangered Species Act, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed;

“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;

“farm retirement lot” means a lot that is severed from land that is being used in a farming operation, on the application of a person who,
(a) owned and operated the farm operation, as a full-time farmer, for a substantial number of years,
(b) was engaged in farming on January 1, 1994 or on an earlier date set out in the applicable official plan, and
(c) has reached retirement age and is retiring from active working life;
“original half lot” means half of an original lot that contained 80.9 hectares (200 acres), more or less;

“farm vacation home” means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment;

“fish habitat” means the spawning grounds and 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 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;

“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, rare and threatened species” means land that,
(a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
(b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

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

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

“home industry” means a business that,
(a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation,
(b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community,
(c) may be carried on in whole or in part in an accessory building, and
(d) does not include uses such as an auto repair or paint shop or furniture stripping;

“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 hydrological features as described in section 3.2.4

“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;

“hydrologically sensitive feature” means a hydrologically sensitive feature as described in section 3.2.4;

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

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

“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 3.2.3;

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

“landform conservation area” means a landform conservation area as described in section 3.2.8;

“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 2.4.6 (xiv);

“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, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-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 hydrologically sensitive feature;

“original lot” means a township lot shown on a plan certified by the Surveyor General of Ontario as being the original plan of an original survey;

“partial service” means connections linking a building to,
(a) a communal sewage or water service or a full municipal sewage or water service, and
(b) an individual on-site sewage or water 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 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;

“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.

“rare species” means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity;

“residence surplus to a farming operation” only applies to land within the Oak Ridges Moraine Plan Area and means,

- (a) if there are two or more farm residences, both built before 1978, on a lot that is being used in a farming operation, one of those residences that is surplus to the farming operation, or
- (b) if the owner and operator of a farming operation acquires an additional lot and uses it in the consolidated farming operation, any existing farm residence that is surplus to the consolidated farming operation;

“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;

“rural lot” means a lot that is at least 97.5 per cent of the land that is left in an original lot or an original half lot after the deduction of any land that is, (a) conveyed at any time for transportation, utilities and infrastructure as described in section 41, whether before, on or after November 16, 2001, or (b) validly conveyed before June 27, 1970

“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 (c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, 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” means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time;

“single dwelling” means a building containing only one dwelling unit;

“site” means the land subject to an application;

“site alteration” means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include, (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in sections 2.4.4 (vii-xi), 2.4.5 (x), and 2.4.6 (xx), by a public body, or (b) for greater certainty, (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

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

“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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“threatened species” means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

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

“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;

“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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“wildlife habitat” means land that,

(a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and

(b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

“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.”