



CORPORATION OF THE TOWN OF NEWMARKET


BY-LAW NUMBER 2003-120

A BYLAW TO ADOPT AMENDMENT NUMBER 28 TO THE TOWN OF NEWMARKET OFFICIAL PLAN.

The Municipal Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Sections 17(22) and 21 of the *Planning Act, RSO 1990, c.P. 13*; and, Sections 9(2) and 10(2) of the *Oak Ridges Moraine Conservation Act SO 2001, c.31*, hereby enacts as follows:

1. THAT Amendment Number 28 to the Town of Newmarket Official Plan, consisting of the explanatory text and attached schedules, is hereby adopted;
2. AND THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment Number 28 to the Town of Newmarket Official Plan;
3. AND THAT this By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2003.



Tom Taylor, Mayor



Anita Moore, Town Clerk

**AMENDMENT NO. 28
TO THE
TOWN OF NEWMARKET
OFFICIAL PLAN**

**REGARDING THE
OAK RIDGES MORaine
CONSERVATION PLAN**

SEPTEMBER 24, 2003

**AMENDMENT NUMBER 28
TO THE
TOWN OF NEWMARKET
OFFICIAL PLAN**

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PART A – THE PREAMBLE

1. Purpose of the Amendment

The purpose of this amendment is to bring the Town of Newmarket Official Plan into conformity with the *Oak Ridges Moraine Conservation Plan* (Ontario Regulation 140/02) as required by the *Oak Ridges Moraine Conservation Act, 2001*.

2. Location

The Amendment affects all lands located in the Town of Newmarket which are subject to the *Oak Ridges Moraine Conservation Plan* as indicated, on Schedule 'A' to this Amendment.

3. Basis

On December 14, 2001, the *Oak Ridges Moraine Conservation Act, 2001* received Royal Assent and was deemed to have come into force on November 16, 2001. The legislation provides for the establishment of the *Oak Ridges Moraine Conservation Plan*, Ontario Regulation 140/02. The *Oak Ridges Moraine Conservation Plan* came into effect on November 16, 2001.

Through the *Oak Ridges Moraine Conservation Act, 2001* and the accompanying *Oak Ridges Moraine Conservation Plan*, the Province of Ontario has established a policy framework for protecting the Oak Ridges Moraine. Municipal planning decisions are required to conform to the *Oak Ridges Moraine Conservation Plan*, which prevails over municipal official plans.

The boundary of the Oak Ridges Moraine, as identified by the Province, is based on a number of topographical, geomorphological and geological attributes. This amendment identifies the Oak Ridges Moraine Conservation Plan Area on all Maps in the Town of Newmarket; amends Schedule "1" - Land Use Plan, Schedule "2" – Special Development Areas Plan, Schedule "3" - Transportation Plan, Schedule "5" - Servicing Plan, Schedule "6" - Community Improvement Policy Area Plan, and Schedule "7" - Environment Plan to reflect those areas within the Oak Ridges Moraine; and incorporates the following new schedules: Schedule "8" - Oak Ridges Moraine Significant Woodlands, Schedule "9" – Oak Ridges Moraine Hydrologically Sensitive Areas, Schedule "10" - Significant Portions of the Habitat of Endangered, Rare and Threatened Species, and Areas of Natural and Scientific Interest (Life Science), Schedule "11" - Oak Ridges Moraine Landform Conservation Areas and Schedule "12" - Oak Ridges Moraine Wellhead Protection Areas and Areas of High Aquifer Vulnerability. This amendment also amends existing Town of Newmarket Official Plan policies, by including where appropriate, references to the *Oak Ridges Moraine Conservation Plan and Act*.

PART B – THE AMENDMENT

All of the amendment entitled PART B – THE AMENDMENT, consisting of the following text and attached Schedules identified as Schedules "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", and "K" constitutes Amendment No. 28 to the Official Plan of the Town of Newmarket.

Details of the Amendment

The Official Plan of the Town of Newmarket is hereby amended as follows:

1.1 By amending:

- i) Schedule "1", Land Use Plan by modifying the Oak Ridges Moraine boundary in accordance with the *Oak Ridges Moraine Conservation Plan*, and by deleting the land use designations which apply to that area of the Town of Newmarket on the Oak Ridges Moraine, which is identified in the *Oak Ridges Moraine Conservation Plan* as "Natural Core Area" and portions of the "Settlement Area" and replacing them with new land use designations as shown on Schedule "A" to this Amendment.
- ii) Schedule "2", Special Development Areas Plan by the addition of Area 5 – Oak Ridges Moraine Area to the Legend and Map, and by the addition of the boundary of the Oak Ridges Moraine Area as shown on Schedule "B" to this Amendment.
- iii) Schedule "3", Transportation Plan, Schedule "5", Servicing Plan, Schedule "6", Community Improvement Policy Area Plan, by the addition of the boundary of the Oak Ridges Moraine Area as shown on Schedules "C", "D", and "E" respectively, to this Amendment.
- iv) Schedule "7", Environment Plan, by modifying the boundary of the Oak Ridges Moraine, and by replacing the overlay designations which apply to the area of the Town on the Oak Ridges Moraine, with new overlay designations as shown on Schedule "F" to this Amendment.

1.2 By adding the following new Schedules "8", "9", "10", "11", and "12" which are shown respectively as Schedules "G", "H", "I", "J" and "K" to this Amendment:

- i) Schedule "8" - Oak Ridges Moraine Significant Woodlands
- ii) Schedule "9" - Oak Ridges Moraine Hydrologically Sensitive Areas
- iii) Schedule "10" - Oak Ridges Moraine Significant Portions of the Habitat of Endangered, Rare and Threatened Species, and Areas of Natural and Scientific Interest (Life Science)

- iv) Schedule "11" - Oak Ridges Moraine Landform Conservation Areas
 - v) Schedule "12" - Oak Ridges Moraine Wellhead Protection Areas and Areas of High Aquifer Vulnerability
2. Section 5.1.4 is hereby amended by deleting the word "and" before "Schedule 7", and by the addition of the following before the word constitute:
- "Schedule "8" - Oak Ridges Moraine Significant Woodlands; Schedule "9" –Oak Ridges Moraine Hydrologically Sensitive Areas; Schedule "10" – Oak Ridges Moraine Significant Portions of the Habitat of Endangered, Rare and Threatened Species, and Areas of Natural and Scientific Interest (Life Science); Schedule "11" – Oak Ridges Moraine Landform Conservation Areas; and Schedule "12" - Oak Ridges Moraine Wellhead Protection Areas and Areas of High Aquifer Vulnerability "
3. Section 5.2.5 is hereby amended by the addition of a new policy:
- "d) To protect the unique ecological and hydrological features and functions of the Oak Ridges Moraine, in perpetuity."
4. Section 6.1.1 is hereby amended by the deletion of the word "and" after "institutional", by the deletion of the period after the words "Open Space", by the addition of the word "and" after the words "Open Space" and by the addition of the following land use designations:
- "q) Natural Core Area-Oak Ridges Moraine;
 - r) Environmental Protection Area-Oak Ridges Moraine; and
 - s) Special Study Area-Oak Ridges Moraine."
5. Section 6.1.2 is hereby amended by replacing the words "and/or" after the words "Special Development Areas Plan" with a "," and by the addition of the words ", Schedule 8 – Oak Ridges Moraine Significant Woodlands, Schedule 9 – Oak Ridges Moraine Hydrologically Sensitive Areas, Schedule 10 – Oak Ridges Moraine Significant Portions of the Habitat of Endangered, Rare and Threatened Species, and Areas of Natural and Scientific Interest (Life Science), Schedule 11 - Oak Ridges Moraine Landform Conservation Areas and Schedule 12 – Oak Ridges Moraine Wellhead Protections Areas and Areas of High Aquifer Vulnerability " after the words "Schedule 7 – Environment Plan".

6. Section 6.1.3 is hereby amended by replacing the ":" after the word "designations" with following words ", except for the Natural Core Area-Oak Ridges Moraine, and the Environmental Protection Area-Oak Ridges Moraine, where such uses shall only be permitted in accordance with the policies of Sections 6.7.5 and 6.7.7 of this Plan and the applicable policies of the *Oak Ridges Moraine Conservation Plan*:"

7. Section 6.1.3.6 is hereby amended by the addition of the following new policy:
 - "g) wherever possible the Town shall encourage the linkage of any trails in the Town to the Oak Ridges Moraine trail system."

8. Section 6.2.1.2 is hereby amended by replacing the "." after the words "of this Plan" with the following words ", and Section 6.7 of this Plan, where the lands are located on the Oak Ridges Moraine."

9. Section 6.3.9 Special Development Areas is hereby amended by the addition of a new policy as follows:
 - "6.3.9.5 Area 5 -- Oak Ridges Moraine Area

Notwithstanding the policies contained in this Plan, where lands are located within the Oak Ridges Moraine Area as shown on Schedule "1" - Land Use Plan, the development of said lands shall be in accordance with the policies of Section 6.7 of this Plan, and the policies and provisions of the *Oak Ridges Moraine Conservation Plan* and the *Oak Ridges Moraine Conservation Act, 2001*."

10. Section 6.7 Oak Ridges Moraine shall be deleted in its entirety and be replaced with the following:

"6.7 OAK RIDGES MORaine

INTRODUCTION

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. Located north of and parallel to Lake Ontario, the Moraine divides the watersheds draining south into Lake Ontario from those draining north into Georgina Bay, Lake Simcoe and the Trent River system.

Through the Oak Ridges Moraine Conservation Act, 2001, and the accompanying Oak Ridges Moraine Conservation Plan (ORMCP) Regulation 140/02 which came into force on November 16, 2001, the Province has established the direction for protecting, restoring and enhancing the Oak Ridges Moraine's ecological and hydrological features and functions. The Province's vision for the 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."

Planning decisions in the Oak Ridges Moraine Plan Area must conform to the Oak Ridges Moraine Conservation Plan and shall reflect the objectives found in Section 4, of the Oak Ridges Moraine Conservation Act, 2001. The Official Plan of the Town of Newmarket has been amended to bring it into conformity with the Oak Ridges Moraine Conservation Plan. However, these policies must be read in conjunction with the detailed provisions of the Oak Ridges Moraine Conservation Plan, and the Town of Newmarket Zoning By-law.

6.7.1 GENERAL

- 6.7.1.1 Lands located on the Oak Ridges Moraine, as shown on Schedule "1", are subject to the *Oak Ridges Moraine Conservation Plan*. No person shall on said lands, use land or any part of it, undertake development or site alteration with respect to land, or erect, move, alter or use a building or structure, or any part of it, except as provided for in this Plan, and subject to the policies of the *Oak Ridges Moraine Conservation Plan*.
- 6.7.1.2 Within the Town of Newmarket portion of the Oak Ridges Moraine, all applications for development and site alteration shall only be considered where it can be demonstrated that they comply with the provisions of the *Oak Ridges Moraine Conservation Plan*, including the applicable provisions of PART III, PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY, and PART IV, SPECIFIC LAND USE POLICIES, and the relevant policies contained in Subsections to 6.7.4 to 6.7.19 of this Plan. For reference purposes the policies of PART III and PART IV of the *Oak Ridges Moraine Conservation Plan* are found in Appendix "A" to this Plan.
- 6.7.1.3 In making a decision under the Planning Act or Section 9 of the Condominium Act or any matter prescribed by the *Oak Ridges Moraine Conservation Act, 2001*, the Town shall be guided by, in order of precedence, the *Oak Ridges Moraine Conservation Act, 2001*, the *Oak Ridges Moraine Conservation Plan* (Ontario Regulation 140/02) and the relevant policies of this Plan. Where there is a conflict between this Plan and the applicable provisions of the *Oak Ridges Moraine Conservation Plan*, the more restrictive of the policies shall prevail.

- 6.7.1.4 All of the policies of this Plan must be considered together, to determine conformity. Individual policies should not be read or interpreted in isolation. The boundaries between the land use designations shown on the various Schedules to this Plan are approximate. Where the boundaries are within the Oak Ridges Moraine Conservation Plan Area, the precise boundary must be determined through reference to Ontario Regulations 001/02 and 140/02. Minor adjustments may be permitted without amendment, in accordance with the policies of this Plan.

6.7.2 TRANSITIONAL POLICIES

- 6.7.2.1 Within the Oak Ridges Moraine Conservation Plan Area there may be applications under the *Planning Act* and the *Condominium Act*, which, due to their date of commencement, are subject to the **transitional provisions** of Sections 15 and 17 of the *Oak Ridges Moraine Conservation Act*. Nothing in this Official Plan alters this transitional status, nor the related prescribed provisions under the *Oak Ridges Moraine Conservation Plan*. It is recognized however, that the processing of all such applications are subject to an assessment and review based on good planning principles and the policies of this Plan.
- 6.7.2.2 Where an application for an approval on the Moraine was commenced and decided upon prior to November 17, 2001, then said application is not subject to the requirements of the *Oak Ridges Moraine Conservation Plan*, or the policies of Section 6.7 of this Plan.
- 6.7.2.3 Where an application for an approval on the Moraine is required as a specific condition in a decision that was made before the *Oak Ridges Moraine Conservation Act, 2001*, came into effect, then the decision, in respect of the application, shall be made in accordance with the same requirements of the *Oak Ridges Moraine Conservation Act, 2001*, that applied to the original decision.
- 6.7.2.4 Where an application for an approval on the Moraine was commenced on or after November 17, 2001, then said application shall comply fully with the provisions of the *Oak Ridges Moraine Conservation Plan*, and the policies of Section 6.7 of this Plan.
- 6.7.2.5 Where an application for an approval is within the Natural Core Area-Oak Ridges Moraine designation, and was commenced, but not decided upon prior to November 17, 2001, then said application shall conform to the prescribed provisions of Section 48 of the *Oak Ridges Moraine Conservation Plan*. For reference purposes, Section 48 of the *Oak Ridges Moraine Conservation Plan* is found in Appendix "A" to this Plan.

6.7.3 EXISTING USES AND PRIOR APPROVAL POLICIES

6.7.3.1 For all lands situated on the Oak Ridges Moraine, as shown on Schedule "1" – Land Use Plan, the following policies shall apply to all existing uses, notwithstanding any other more restrictive policies to the contrary within this Plan.

6.7.3.2 **Existing legally established uses** are defined as uses that were lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that was in existence on that date without being lawful. Existing legally established uses are permitted in all land use designations within the Oak Ridges Moraine Conservation Plan Area, and for greater clarity, nothing in this Plan applies to prevent:

- a) the use of any land, building or structure for a purpose prohibited by the *Oak Ridges Moraine Conservation 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 the *Oak Ridges Moraine Conservation 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.

6.7.3.3 **The expansion of an existing building or structure on the same lot, or the expansion of an existing institutional use** is permitted, in all land use designations on the Moraine where it is demonstrated by the applicant that:

- a) there will be no change in use;
- b) except as otherwise provided for in Subsection 6.7.6.4.e) of this Plan, the expansion shall not adversely affect the ecological integrity of the Moraine Area; and.
- c) the expansion is in accordance with all relevant provisions of *the Planning Act*.

For the purposes of this subsection, institutional use includes without limitation a long-term care facility, hospital, school, university or college.

- 6.7.3.4 If an existing use has adverse effects on the ecological integrity of the Oak Ridges Moraine, 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 the *Oak Ridges Moraine Conservation Plan*, in conjunction with implementing appropriate mitigative measures, in accordance with the *Oak Ridges Moraine Conservation Plan*.
- 6.7.3.5 **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 is permitted in all land use designations, on the Moraine. 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.
- 6.7.3.6 **The conversion of an existing use** to a similar use is permitted, in all land use designations on the Moraine, if can be demonstrated by the applicant, 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 Area.
- 6.7.3.7 **The use, erection or location of a single dwelling** and related accessory uses are permitted on the Oak Ridges Moraine if:
- a) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
 - b) prior to issuance of a building permit, it can be demonstrated by the applicant, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Area, by means of a natural heritage or hydrological evaluation or other required study, in accordance with the policies of the *Oak Ridges Moraine Conservation Plan*; and
 - c) notwithstanding Subsection 6.7.3.7.b) above, where lands are located within the Urban Area-Oak Ridges Moraine, the policies of Subsection 6.7.6.4.e) of this Plan shall apply, where applicable.

6.7.3.8 The use, erection or location of a building or structure is permitted on the Oak Ridges Moraine, 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 *Oak Ridges Moraine Conservation Act, 2001*.

6.7.3.9 An application for **site plan approval** under Section 41 of the *Planning Act*, relating to applications for zoning, subdivision and condominium development, commenced prior to November 17, 2001, and approved after that date, is not required to comply with the *Oak Ridges Moraine Conservation Plan*, subject to the requirements of Section 9 (Site Plan Approval Exception) of the *Oak Ridges Moraine Conservation Plan*.

6.7.4 LAND USE DESIGNATIONS ON THE MORAINE

6.7.4.1 Schedule "1"- Land Use Plan; Schedule "7"- Environment Plan; Schedule "8" – Oak Ridges Moraine Significant Woodlands; Schedule "9"- Oak Ridges Moraine Hydrologically Sensitive Areas; Schedule "10" – Oak Rides Moraine Significant Portions of the Habitat of Endangered, Rare and Threatened Species, and Areas of Natural and Scientific Interest (Life Science); Schedule "11" – "Oak Ridges Moraine Landform Conservation Areas and Schedule "12" – Oak Ridges Moraine Wellhead Protection Areas and Areas of High Aquifer Vulnerability, identify the lands within the Town of Newmarket which are located on the Moraine, and are described as the "*Oak Ridges Moraine Plan Area*". This section of the Plan provides general policies that apply to all lands on the Oak Ridges Moraine.

6.7.4.2 Notwithstanding the policies contained in Sections 6.1 to 6.6 inclusive, of this Plan, where lands are located within the Oak Ridges Moraine Area as shown on Appendix "B" and Schedule "1" – Land Use Plan, the development of said lands shall be in accordance with the policies of Section 6.7 of this Plan and the policies and provisions of the *Oak Ridges Moraine Conservation Plan* and the *Oak Ridges Moraine Conservation Act, 2001*."

6.7.4.3 Where a land use designation is followed by the letters "ORM", as shown on Schedule "1", said lands shall be subject to the policies of Section 6.7, of this Plan, and the relevant policies of the *Oak Ridges Moraine Conservation Plan*.

6.7.4.4 Schedule "1" designates the lands on the Moraine into the following categories, for which the policies are found in the Sections listed in brackets:

- a) **NATURAL CORE AREA-OAK RIDGES MORaine (Section 6.7.5)**
- b) **URBAN AREA-OAK RIDGES MORaine (Section 6.7.6)**
- c) **ENVIRONMENTAL PROTECTION AREA-OAK RIDGES MORaine (Section 6.7.7)**
- d) **SPECIAL STUDY AREA-OAK RIDGES MORaine (Section 6.7.8)**

6.7.4.5 The *Oak Ridges Moraine Conservation Plan* includes extensive definitions of terms which are found throughout the document. These definitions are found in Section 15 of this Plan. Where questions of interpretation arise, regard shall be had to the *Oak Ridges Moraine Conservation Plan* itself.

6.7.5 NATURAL CORE AREA-OAK RIDGES MORaine

6.7.5.1 Natural Core Areas have been identified in the *Oak Ridges Moraine Conservation Plan*, as areas with a high concentration of key natural heritage features, hydrologically sensitive features and/or landform conservation areas. These areas are critical to maintaining, improving and restoring the ecological integrity of the Moraine Area.

6.7.5.2 Where lands are shown as Natural Core Area-Oak Ridges Moraine on Schedule "1" – Land Use Plan, the permitted uses shall include fish, wildlife and forest management; conservation projects and flood and erosion control projects; non-motorized trail uses; transportation, infrastructure and utilities uses in accordance with the provisions of Subsections 6.7.5.7 and 6.7.5.8 of this Plan; natural heritage appreciation and legally existing uses in accordance with the provisions of Section 6.7.2 of this Plan.

- 6.7.5.3 The use of lands within the Natural Core Area-Oak Ridges Moraine, as shown on Schedule "1"- Land Use Plan, shall be in accordance with all applicable policies of the *Oak Ridges Moraine Conservation Plan* including Subsections 19(2) (Protection Ecological and Hydrological Integrity), and 31(1) (Specific Land Use Policies), and all relevant policies of this Plan including Sections 6.7.9 to 6.7.19.
- 6.7.5.4 Every application for development or site alteration for a permitted use shall support connectivity by identifying planning, design and construction practices that ensure no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent Natural Core Area lands, as shown on Schedules "8", "9" and "10".
- 6.7.5.5 Small-scale structures such as trails, boardwalks, foot bridges, fences, and picnic facilities, are only permitted if it can be demonstrated by the applicant, that the adverse effects on the ecological integrity of the Oak Ridges Moraine Plan Area will be kept to a minimum by:
- a) keeping disturbed areas to a minimum; and
 - b) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.
- 6.7.5.6 New lots may only be created in the Natural Core Area-Oak Ridges Moraine designation for the purposes listed below, and shall be in accordance with all other relevant policies of this Plan including Sections 6.7.9 to 6.7.19.
- a) Severance, from a rural lot, of a farm retirement lot or a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total;
 - b) Severance from each other of two or more rural lots that have merged in title. The severance shall follow the original lot lines or original half lot lines;
 - c) Allowing land acquisition for transportation, infrastructure, and utilities as described in Section 41, of the *Oak Ridges Moraine Conservation Plan*, but only if the need for the project has been demonstrated by the applicant, and there is no reasonable alternative;

- d) 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;
- e) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation; and
- f) 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.

6.7.5.7 Except as permitted in Subsection 6.7.5.8, all new **transportation, infrastructure and utilities uses** listed in Subsection 6.7.17.1 of this Plan, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited within a key natural heritage feature or hydrologically sensitive feature.

6.7.5.8 Notwithstanding the policies of Subsection 6.7.5.7, on lands within the Natural Core Area-Oak Ridges Moraine designation, publicly initiated **transportation, infrastructure or utilities uses**, may be permitted if the following can be demonstrated:

- a) the need for the project and that there is no reasonable alternative; (For municipal infrastructure projects, need shall be determined through an Environmental Assessment process under the Environmental Assessment Act, where applicable.);
- b) that the following requirements will be satisfied, to the extent possible, while meeting all applicable safety standards:
 - i) The area of construction disturbance will be kept to a minimum;
 - ii) Right of way widths will be kept to the minimum consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utilities uses within a single corridor as possible;
 - iii) The project will allow for wildlife movement;
 - iv) Lighting will be focused downwards and away; and

- v) The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to a minimum.
- c) the project does not include and will not in the future require a highway interchange or a transit or railway station; and
- d) the project is located as close to the edge of the Natural Core Area-Oak Ridges Moraine designation as possible.

6.7.5.9 Where an application for an approval, within the Natural Core Area-Oak Ridges Moraine designation was commenced, but not decided upon, prior to November 17, 2001, then said application shall conform to the prescribed provisions of Section 48 of the *Oak Ridges Moraine Conservation Plan*.

6.7.5.10 Notwithstanding the above policies to the contrary, the lands described as Part of Lot 89, Concession 1, W.Y.S. (located on Old Bathurst Street just north of Bathurst Street) and designated as Natural Core Area-Oak Ridges Moraine, on Schedule "1"- Land Use Plan, shall be developed for estate residential development in accordance with the provisions of Zoning By-law No. 1979-50, as amended by By-law No. 1995-44, and the Conditions of Draft Approval for Plan of Subdivision 19T-90034, as amended.

6.7.6 URBAN AREA-OAK RIDGES MORaine

6.7.6.1 Settlement Areas, as identified within the *Oak Ridges Moraine Conservation Plan*, are shown in Appendix "B" to this Plan. These areas are designated for development of an urban type, permitting a range of residential, commercial, industrial and institutional uses. Settlement Areas correspond to the portion of the "Urban Areas and Towns and Villages" designation, in the Region of York Official Plan, which is located on the Moraine. For the purposes of this Official Plan the "Urban Area-Oak Ridges Moraine" is defined as those lands within the Oak Ridges Moraine Settlement Area, of the Town of Newmarket, but excludes those lands designated as Environmental Protection Area-Oak Ridges Moraine, and Special Study Area-Oak Ridges Moraine. The limits of this area are shown on Schedule "1" - Land Use Plan. Within the Urban Area-Oak Ridges Moraine, the existing Region of York and Town of Newmarket Official Plan policies and land use designations shall guide development, subject to the applicable provisions of the *Oak Ridges Moraine Conservation Plan*.

- 6.7.6.2 The uses permitted within the Urban Area-Oak Ridges Moraine, as defined above, shall be in accordance with the policies for the land use designations shown on Schedule "1" – Land Use Plan, and all applicable policies of the *Oak Ridges Moraine Conservation Plan*, including Subsections 19(3) (Protecting Ecological and Hydrological Integrity) and 31(4) (Specific Land Use Policies), and all relevant policies of this Plan including Sections 6.7.9 to 6.7.19.
- 6.7.6.3 Notwithstanding policy 6.7.6.2 above, where lands are located within the Urban Area-Oak Ridges Moraine designation are also located within an Oak Ridges Moraine Wellhead Protection Area, or an Oak Ridges Moraine Area of High Aquifer Vulnerability, then the uses permitted shall not include those uses listed in Subsections 6.7.14.4, 6.7.14.5, and 6.7.15.1 of this Plan.
- 6.7.6.4 The use, erection, location, or expansion of a building or structure is permitted in the Urban Area-Oak Ridges Moraine if,
- a) the use, erection, expansion and location would have been permitted by the applicable zoning by-law on November 15, 2001;
 - b) the use is permitted by the Official Plan and Zoning By-laws, as amended in accordance with Sections 9 and 10 of the *Oak Ridges Moraine Conservation Act*, even if the erection and location do not comply with the provisions listed in Subsections 19(3) (Protecting Ecological and Hydrological Integrity) and 31(4) (Specific Land Use Policies) of the *Oak Ridges Moraine Conservation Plan*;
 - c) the use, erection, expansion and location conform to Sections 28 (Wellhead Protection Areas) and 29 (Areas of High Aquifer Vulnerability), Subsections 45(7) and (8) (Stormwater Management), and Section 47 (Rapid Infiltration Basins and Columns) of the *Oak Ridges Moraine Conservation Plan*;
 - d) it can be demonstrated by the applicant, to the extent possible, that the use, erection, expansion or location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area; and

- e) notwithstanding any other policies of this Plan to the contrary, where an existing lot was created, prior to November 15, 2001, and the lot is not within a Key Natural Heritage Feature, or Hydrologically Sensitive Feature, then for the purposes of the ecological integrity test identified in Subsection 6.7.6.4.d above, such ecological integrity test will have been deemed to have been fully assessed and satisfied through the background studies, analysis, and review process which occurred through the respective subdivision approval, and/or consent approval process.

6.7.6.5

Where lands within the Urban Area-Oak Ridges Moraine, require a zoning by-law amendment or minor variance, and the subject lands contain a key natural heritage feature, hydrologically sensitive feature, and/or its related minimum vegetation protection zone, then prior to any rezoning or minor variance, or prior to undertaking any development or site alteration, the applicant shall demonstrate compliance with Subsections 19(3) (Protecting Ecological and Hydrological Integrity) and 31(4) (Specific Land Use Policies) of the *Oak Ridges Moraine Conservation Plan*. The evaluation as contemplated by Subsection 19(3) (Protecting Ecological and Hydrological Integrity) of the *Oak Ridges Moraine Conservation Plan*, may confirm in accordance with criteria provided by the Province of Ontario, the presence or absence of environmental features and their boundaries, including the required minimum vegetation protection zone. Said evaluation may also result in a greater minimum vegetation protection zone than is required by the policies of the *Oak Ridges Moraine Conservation Plan* and the policies of Subsection 6.7.9.4 of this Plan. Where this occurs the greater standard shall be used. All development and/or site alteration shall be prohibited within the greater minimum vegetation protection zone, as established. All approved recommendations and measures of the required Natural Heritage and/or Hydrological Evaluation, or other environmental study, shall be incorporated where appropriate, into any zoning by-law, plan of subdivision approval and/or site plan approval applying to the subject lands. Prior to initiating any environmental study, including a natural heritage evaluation, and/or hydrological evaluation, the applicant shall consult with the Ministry of Natural Resources with respect to current mapping for any key natural heritage, and/or hydrologically sensitive features. In addition, where site specific studies or updated information from the Province of Ontario results in refinements to the boundary or extent of such environmental features, or their related minimum vegetation protection zones, such refinements shall not require an amendment to this Plan.

- 6.7.6.6 Where lands are proposed for new major development and said lands are located within the minimum area of influence for a key natural heritage feature, or hydrologically sensitive feature as established by the *Oak Ridges Moraine Conservation Plan*, then the feature, its boundaries, and its minimum vegetation protection zone shall be identified and confirmed on a site by site basis, in accordance with criteria provided by the Province of Ontario, or through an appropriate study such as watershed plan or natural heritage, or hydrological evaluation in accordance with the policies of the *Oak Ridges Moraine Conservation Plan*. Said evaluation shall be undertaken by the applicant, prior to any rezoning, development or site alteration occurring within the minimum zone of influence, as set out in Column 3 of the Table – Key Natural Heritage Features; Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones set out in Subsection 6.7.9.4 of this Plan. All approved recommendations and measures of the required Natural Heritage and/or Hydrological Evaluation, or other environmental study, shall be incorporated where appropriate, into any zoning by-law, plan of subdivision approval and/or site plan approval applying to the subject lands. Prior to initiating any environmental study, including a natural heritage evaluation, and/or hydrological evaluation, the applicant shall consult with the Ministry of Natural Resources with respect to current mapping for any key natural heritage, and/or hydrologically sensitive features.
- 6.7.6.7 Where lands are located within the Urban Area-Oak Ridges Moraine and do not include a key natural heritage feature, hydrologically sensitive feature, then an application for site plan approval, under Section 41 of the *Planning Act*, is not required to comply with any provisions of the *Oak Ridges Moraine Conservation Plan*. However, site plan approval may be required to comply with other relevant provisions of this Plan, or other policies of the Town of Newmarket.
- 6.7.6.8 Where Landform Conservation Areas (Category 1 and Category 2) are located within the Urban Area–Oak Ridges Moraine, as shown on Schedule "11", the Town of Newmarket shall review and assess all applications for development or site alteration on the basis of employing planning, design and construction practices that will keep disturbance to the landform character to a minimum, where possible, so as to satisfy the requirements of Subsections 30(5) to 30(11) inclusive (Landform Conservation Areas), of the *Oak Ridges Moraine Conservation Plan*, and Section 6.7.12 of this Plan.

6.7.6.9 New lots may be created in the Urban Area-Oak Ridges Moraine subject to the provisions of Subsections 19(3) (Protecting Ecological and Hydrological Integrity) and 31(4) (Specific Land Use Policies) of the *Oak Ridges Moraine Conservation Plan*, and subject to compliance with all other applicable policies of this Plan including Sections 6.7.9 to 6.7.19.

6.7.6.10 For reference purposes, the policies of Subsections 19(3) (Protecting Ecological and Hydrological Integrity) and 31(4) (Specific Land Use Policies) are found in Appendix "A", to this Plan.

6.7.7 ENVIRONMENTAL PROTECTION AREA-OAK RIDGES MORAINE

6.7.7.1 Settlement Areas, as identified within the *Oak Ridges Moraine Conservation Plan*, are shown in Appendix "B". Certain lands within this designation contain key natural heritage features, hydrologically sensitive features, and associated minimum vegetation protection zones, and/or landform conservation areas, which require protection from development. These environmental areas have been designated as Environmental Protection Area-Oak Ridges Moraine within this Plan, and notwithstanding their Provincial designation as "Settlement Area", these lands shall be subject to the following policies to ensure their protection

6.7.7.2 Where lands are shown as Environmental Protection Area-Oak Ridges Moraine on Schedule "1" – Land Use Plan, the permitted uses shall include fish, wildlife and forest management; conservation projects and flood and erosion control projects; non-motorized trail uses; transportation, infrastructure and utilities uses in accordance with the provisions of Section 6.7.17 of this Plan; natural heritage appreciation and legally existing uses in accordance with the provisions of Section 6.7.2 of this Plan, and the applicable policies of Subsection 19(3) (Protecting Ecological and Hydrological Integrity), and Subsection 31(4) (Specific Land Use Policies) of the *Oak Ridges Moraine Conservation Plan*.

6.7.7.3 All development or site alteration within the Environmental Protection Area-Oak Ridges Moraine shall be in accordance with all applicable policies of this Plan, including Sections 6.7.9 to 6.7.19.

- 6.7.7.4 Every application for development or site alteration for a permitted use, shall support connectivity by identifying planning, design and construction practices that ensure no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands within the Natural Core Area and Natural Linkage Area designations, as identified in the *Oak Ridges Moraine Conservation Plan*. All development or site alteration is prohibited within any key natural heritage feature, and/or hydrologically sensitive feature and their related minimum vegetation protection zones, except as otherwise provided for in Subsections 22(2) (Key Natural Heritage Features) and 26(2) (Hydrologically Sensitive Features) of the *Oak Ridges Moraine Conservation Plan*, and Section 6.7.17 of this Plan.
- 6.7.7.5. Small-scale structures such as trails, boardwalks, foot bridges, fences, and picnic facilities, are permitted only if it can be demonstrated by the applicant, that the adverse effects on the ecological integrity of the Oak Ridges Moraine Plan Area will be kept to a minimum by:
- a) keeping disturbed areas to a minimum; and
 - b) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.
- 6.7.7.6 New lots may only be created in the Environmental Protection Area-Oak Ridges Moraine for the purposes listed below, and shall be in accordance with the relevant policies of Sections 6.7.9 to 6.7.19 of this Plan:
- a) Severance, from a rural lot, of a farm retirement lot or a lot for a residence surplus to a farming operation. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total;
 - b) Severance from each other of two or more rural lots that have merged in title. The severance shall follow the original lot lines or original half lot lines;
 - c) Allowing land acquisition for transportation, infrastructure, and utilities as described in Section 41, of the *Oak Ridges Moraine Conservation Plan*, but only if the need for the project has been demonstrated by the applicant, and there is no reasonable alternative;

- d) 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;
- e) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation; and
- f) 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.

6.7.8 SPECIAL STUDY AREA-OAK RIDGES MORaine

6.7.8.1 Where lands are shown as Special Study Area-Oak Ridges Moraine on Schedule "1" – Land Use Plan, the following policies shall apply:

- a) prior to any Official Plan Amendment or application for development or site alteration, the applicant shall demonstrate through a Natural Heritage Evaluation, Hydrological Evaluation, and/or other required study that the proposed development will have no adverse effects on the feature(s) and/or related functions of the Oak Ridges Moraine, in accordance with the policies of the *Oak Ridges Moraine Conservation Plan*. All recommendations of the required environmental evaluations, as approved, shall be adhered to and incorporated into any such redesignation, zoning by-law amendment and/or site plan approval for the subject lands;
- b) the policies of Subsection 6.8.1.6.e) (Design Analysis Regarding Urban Design Elements for Entrance into Newmarket at Highway No. 9 and Bathurst Street) of Official Plan Amendment No. 3, shall be adhered to where development is permitted by the approved environmental evaluations in Subsection 6.7.8.1.a) above; and
- c) all development or site alteration within the Special Study Area-Oak Ridges Moraine shall be in accordance with all applicable policies of this Plan, including Sections 6.7.9 to 6.7.19.

6.7.9 PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY

6.7.9.1 Technical Guidance and Implementation documents provided by the Ministry of Natural Resources, and/or the Ministry of Environment shall be regarded when implementing the policies of this Plan, and the *Oak Ridges Moraine Conservation Plan*, and also in respect to undertaking a Natural Heritage Evaluation, and/or Hydrological Evaluation, as required by the policies of this Plan.

6.7.9.2 In order to support **connectivity**, every application for development or site alteration on the Moraine shall identify planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands within the Natural Core Area-Oak Ridges Moraine designation, in accordance with all applicable policies of the *Oak Ridges Moraine Conservation Plan*, and this Plan.

6.7.9.3 The **minimum areas of influence** that relate to the key natural heritage features or hydrologically sensitive features are described in Column 3, of the Table, set out in Subsection 6.7.9.4 of this Plan. The policies of Section 21 (Minimum Area of Influence and Minimum Vegetation Protection Zone) of the *Oak Ridges Moraine Conservation Plan* shall be consulted when considering and applying these minimum areas of influence and minimum vegetation protection zones (Column 2 of the Table, set out in Subsection 6.7.9.4 of this Plan). However, within the Town of Newmarket, where Secondary Plans, or Master Environmental Servicing or Functional Servicing Plans have been prepared for lands within the Urban Area-Oak Ridges Moraine designation, and said studies are approved based on environmental studies or assessments that have identified minimum vegetation protection zones or minimum areas of influence different from those identified in the *Oak Ridges Moraine Conservation Plan*, then the standards established within those plans shall prevail. All development and site alteration is prohibited within **a key natural heritage feature or hydrologically sensitive feature and their related minimum vegetation protection zones** as established, except as otherwise provided for in Section 6.7.3, or as permitted by Subsections 6.7.6.2, 6.7.6.4 and Section 6.7.17 of this Plan.

6.7.9.4

*Table***Key Natural Heritage Features, Hydrologically Sensitive 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 (d) 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 23
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 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 base of outermost tree trunks 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 hydrological elevation 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

Note: All Section numbers referenced and/or shown in brackets in Table above, refer to Sections within the *Oak Ridges Moraine Conservation Plan*.

6.7.10 KEY NATURAL HERITAGE FEATURES

- 6.7.10.1 Key natural heritage features as shown on Schedules "8", "9", and "10", include fish habitat, areas of natural and scientific interest (life science), significant portions of the habitat of endangered, rare and threatened species and significant woodlands. Other key natural heritage features such as significant wildlife habitat, and significant valleylands are not shown on Schedules "8", "9", and "10". The location of these features, as well as, significant portions of the habitat of endangered, rare and threatened species are to be identified using criteria established by the Province, through relevant technical manuals.
- 6.7.10.2 The presence or absence of any key natural heritage feature, and the definition of its boundaries on lands subject to a development or site alteration application, and within 120 metres of the application, may be confirmed through environmental study in accordance with criteria provided by the Province of Ontario, on a site-by-site basis, or through an appropriate study such as a watershed plan, or natural heritage or hydrological evaluation in accordance with the policies of Section 23 of the *Oak Ridges Moraine Conservation Plan*. Such study shall be undertaken by the applicant, prior to any development or site alteration with respect to land within the **minimum area of influence** that relates to a key natural heritage feature, as set out in Column 3, of the Table – Key Natural Heritage Features; Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones in Subsection 6.7.9.4 of this Plan. Prior to initiating any environmental study including a natural heritage evaluation, and/or hydrological evaluation, the applicant shall consult with the Ministry of Natural Resources with respect to current mapping for any key natural heritage, and/or hydrologically sensitive features.
- 6.7.10.3 Where site specific studies or updated information from the Province of Ontario results in refinements to the boundary or extent of a key natural heritage feature, or its related vegetation protection zone, such refinement shall not require an amendment to this Plan. However, where such refinement of the boundary or extent of the feature is proposed for a wetland, area of natural and scientific interest and/or significant portions of the habitat of endangered, rare, and threatened species, or their related minimum vegetation protection zones, then formal confirmation of said refinement is required from the Ministry of Natural Resources, prior to any development or site alteration. In addition, where said evaluation results in a greater minimum vegetation protection zone than is required by the policies of the *Oak Ridges Moraine Conservation Plan*, the greater standard shall be used. All development and site alteration shall be prohibited within the greater minimum vegetation protection zone as established.

- 6.7.10.4 All development and site alteration is prohibited within a **key natural heritage feature and its related minimum vegetation protection zone**, with the exception of certain limited uses specified in Subsection 22 (2) (Key Natural Heritage Feature, Permitted Uses) of the *Oak Ridges Moraine Conservation Plan*, or as further specified in Subsection 6.7.6.4 and Section 6.7.17 of this Plan.
- 6.7.10.5 Small-scale structures such as trails, boardwalks, foot bridges, fences, and picnic facilities, are only permitted if it can be demonstrated by the applicant, that the adverse effects on the ecological integrity of the Oak Ridges Moraine Plan Area will be kept to a minimum by:
- a) keeping disturbed areas to a minimum; and
 - b) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.
- 6.7.10.6 Notwithstanding any other policies to the contrary, **new stormwater management ponds** are prohibited on lands in a key natural heritage feature.
- 6.7.10.7 **New agricultural uses, and/or agriculture-related uses** and related accessory uses are prohibited within a key natural heritage feature and its associated minimum vegetation protection zone, except where the lands were being used for that use on November 15, 2001.
- 6.7.10.8 Except as permitted in Subsection 6.7.10.9, all **new transportation, infrastructure and utilities uses** listed in Subsection 6.7.17.1 of this Plan, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited within a key natural heritage feature or hydrologically sensitive feature.
- 6.7.10.9 Notwithstanding the policies of Subsection 6.7.10.8, publicly initiated **transportation, infrastructure, and utilities uses** may be permitted to cross a key natural heritage feature if the following can be demonstrated:
- a) the need for the project and that there is no reasonable alternative; (For municipal infrastructure projects, need shall be determined through an Environmental Assessment process under the Environmental Assessment Act, where applicable.);
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine 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 of the *Oak Ridges Moraine Conservation Plan*;
- d) the landscaped design will be adapted to the circumstances of the site and use native plant species to the greatest extent 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.

6.7.11 HYDROLOGICALLY SENSITIVE FEATURES

6.7.11.1 Hydrologically sensitive features as shown on Schedule "9", include permanent and intermittent streams, and wetlands. Other hydrologically sensitive features such as seepage areas and springs have not been shown on Schedule "9". The location of these features is to be identified using criteria established by the Province, through technical manuals.

6.7.11.2 The presence or absence of these features and the definition of their boundaries on lands subject to a development or site alteration application, and within 120 metres of the application, may be confirmed through environmental study in accordance with criteria provided by the Province of Ontario, on a site-by-site basis, or through an appropriate study such as a watershed plan, or hydrological evaluation in accordance with the policies of the Subsection 26(4) (Hydrological Evaluation) of the *Oak Ridges Moraine Conservation Plan*. Such study shall be undertaken by the applicant, prior to any development or site alteration with respect to the land within the **minimum area of influence** that relates to a hydrologically sensitive feature, as set out in Column 3, of the Table – Key Natural Heritage Features; Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones of Subsection 6.7.9.4 of this Plan. Prior to initiating any environmental study, including a hydrological evaluation, the applicant shall confirm with the Ministry of Natural Resources with respect to current mapping for any hydrologically sensitive features.

- 6.7.11.3 Where site specific studies or updated information from the Province of Ontario results in refinements to the boundary or extent of the hydrologically sensitive feature, or its related vegetation protection zone, such refinement shall not require an amendment to this Plan. In addition, where said evaluation results in a greater minimum vegetation protection zone than is required by the policies of the *Oak Ridges Moraine Conservation Plan*, the greater standard shall be used. All development and site alteration shall be prohibited within the greater minimum vegetation protection zone as established.
- 6.7.11.4 All development and site alteration is prohibited within a **hydrologically sensitive feature and its related minimum vegetation protection zone**, with the exception of certain limited uses specified in Subsection 26(2) (Hydrologically Sensitive Feature and Minimum Vegetation Protection Zone) of the *Oak Ridges Moraine Conservation Plan*, or as further specified in Section 6.7.3, or as permitted by Subsections 6.7.6.2, 6.7.6.4 and Section 6.7.17 of this Plan.
- 6.7.11.5 An application for development or site alteration within the minimum area of influence that relates to a hydrologically sensitive feature, but outside the hydrologically sensitive feature itself and its related minimum vegetation protection zone, shall be accompanied by a hydrological evaluation in accordance with the policies of Subsection 26(4) (Hydrological Evaluation) of the *Oak Ridges Moraine Conservation Plan*.
- 6.7.11.6 Small-scale structures such as trails, boardwalks, foot bridges, fences, and picnic facilities, are only permitted if it can be demonstrated by the applicant, that the adverse effects on the ecological integrity of the Oak Ridges Moraine Plan Area will be kept to a minimum by:
- a) keeping disturbed areas to a minimum; and
 - b) avoiding the most sensitive portions of the site, such as steep slopes, organic soils and significant portions of the habitat of endangered, rare or threatened species.
- 6.7.11.7 Notwithstanding any policies to the contrary, **new stormwater management ponds** are prohibited on lands in a hydrologically sensitive feature.
- 6.7.11.8 **New agricultural uses and/or agriculture-related uses** and related accessory uses are prohibited within a hydrologically sensitive feature and its associated minimum vegetation protection zone, except where the lands were being used for that use on November 15, 2001.

- 6.7.11.9 Except as permitted in Subsection 6.7.11.10, all new **transportation, infrastructure and utilities uses**, listed in Subsection 6.7.17.1 of this Plan, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited within a hydrologically sensitive feature.
- 6.7.11.10 Notwithstanding the policies of Subsection 6.7.11.9 publicly initiated **transportation, infrastructure, and utilities uses** may be permitted to cross a hydrologically sensitive feature if the following can be demonstrated:
- a) the need for the project and that there is no reasonable alternative; (For municipal infrastructure projects, need shall be determined through an Environmental Assessment process under the Environmental Assessment Act, where applicable.);
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine 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 of the *Oak Ridges Moraine Conservation Plan*;
 - d) the landscape design will be adapted to the circumstances of the site and use native plant species to the greatest extent 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 of hydrologically sensitive feature.

6.7.12 OAK RIDGES MORAINÉ LANDFORM CONSERVATION AREAS

6.7.12.1 Oak Ridges Moraine Landform Conservation Areas are identified on Schedule "11". There are two categories of Landform Conservation Areas. They are as follows: Landform Conservation Area (Category 1) and Landform Conservation Area (Category 2).

6.7.12.2 The boundaries of the Landform Conservation Areas as shown on Schedule "11" may be further defined, in a manner that is consistent with Provincial Mapping, but with greater precision than the Provincial Maps can show. This further refinement of such boundaries does not require an amendment to this Plan.

6.7.12.3 Landform Conservation Area (Category 1)

An application for development or site alteration with respect to land in a Landform Conservation Area (Category 1), where permitted by this Plan, 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.

6.7.12.4 Landform Conservation Area (Category 2)

An application for development or site alteration with respect to land in a Landform Conservation Area (Category 2), where permitted by this Plan, 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.

6.7.12.5 An application for **major development** on lands within a Landform Conservation Area of either category, where permitted by this Plan, shall be accompanied by a landform conservation plan, prepared in accordance with the policies of Subsections 30(8) (Landform Conservation Plan Requirements), and 30(9) (Landform Conservation Plan Development Strategy), of the *Oak Ridges Moraine Conservation Plan*.

6.7.12.6 An application for development or site alteration that does not constitute major development, within a Landform Conservation Area of either category, where permitted by this Plan, shall be accompanied by a site plan, in accordance with the policies of Subsection 30(10) (Requirements for Site Plan) of the *Oak Ridges Moraine Conservation Plan*.

6.7.12.7 An application for development or site alteration within **an area of natural and scientific interest** (earth science) or the related minimum area of influence, where permitted by this Plan, shall be accompanied by an earth science heritage evaluation, in accordance with the policies of Subsection 30(12) (Earth Science Heritage Evaluation Requirements) of the *Oak Ridges Moraine Conservation Plan*. The Minimum Area of Influence shall be in accordance with the Table, Key Natural Heritage Features, Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones set out in Subsection 6.7.9.4 of this Plan.

6.7.12.8 For reference purposes the policies of Section 30 (Landform Conservation Areas) of the *Oak Ridges Moraine Conservation Plan* are found in Appendix "A", to this Plan.

6.7.13 **GROUNDWATER PROTECTION**

6.7.13.1 Protection of water resources is imperative to ensure the health of Town residents and the maintenance of the ecosystem. The *Oak Ridges Moraine Conservation Plan* requires comprehensive watershed planning, the establishment of wellhead protection areas and the potential impact of land uses on the shallow aquifer.

- 6.7.13.2 It is intended that **water budgets and conservation plans** shall be prepared by the Region of York in accordance with the policies of Section 25 (Water Budgets and Conservation Plans) of the *Oak Ridges Moraine Conservation Plan*. The Town of Newmarket shall incorporate into the Official Plan by Official Plan Amendment, the applicable objectives and requirements of a completed watershed plan or plans applicable to the Oak Ridges Moraine Area.
- 6.7.13.3 **Major development** is prohibited unless,
- a) the watershed plan for the relevant watershed, prepared in accordance with Subsection 24(3) (Watershed Plan) of the *Oak Ridges Moraine Conservation Plan* has been completed;
 - b) the major development conforms with the watershed plan; and
 - c) a water budget and conservation plan, prepared in accordance with Section 25 (Water Budgets and Conservation Plans) of the *Oak Ridges Moraine Conservation Plan*, demonstrates that the water supply required for the major development is sustainable.
- 6.7.13.4 Clause 6.7.13.3 above applies to every application that is commenced on or after April 23, 2007.
- 6.7.13.5 Every application for major development, except as described in Subsection 6.7.13.6 below, that is commenced prior to April 23, 2007, shall not be approved unless in accordance with the following policies:
- a) the Region of York has completed a water budget and conservation plan in accordance with the policies of Section 25 of the *Oak Ridges Moraine Conservation Plan* which demonstrates that the water supply required for the major development is sustainable; or
 - b) 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 integrity of the Oak Ridges Moraine Plan Area; and

iii) provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that:

- characterizes groundwater and surface water flow systems by means of modelling,
- identifies the availability, quantity and quality of water sources; and
- identifies water conservation measures.

6.7.13.6 Clause 6.7.13.3 c) above relates to that part of the Town of Newmarket that is serviced by the Yonge Street Aquifer, and applies to every application that is commenced on or after the latter of April 22, 2004, or the completion of the required Water Budget and Conservation Plan, by the Regional Municipality of York.

6.7.14 OAK RIDGES MORaine WELLHEAD PROTECTION AREAS

6.7.14.1 Wellhead Protection Areas are zones around wells where land uses must be carefully planned to protect the quality of the water supply. These zones are to be established by the Regional Municipality of York within the Oak Ridges Moraine Plan Area. Land use restrictions shall be applied within the Wellhead Protection Areas based on "time-of-travel" for groundwater to reach the municipal well and the relative threat posed by certain land uses/activities in proximity to such wellheads.

6.7.14.2 **Oak Ridges Moraine Wellhead Protection Areas and Time-of-Travel Zones**, where applicable, are delineated on Schedule "12". Wellhead Protection Areas shall identify zones of contribution corresponding to,

- a) 0 to 2 years of time of travel;
- b) 2 to 10 years of time of travel; and
- c) 10 to 25 years of time of travel.

6.7.14.3 Wellhead protection techniques may be incorporated through the Town Zoning By-law, together with other implementation techniques that are available.

6.7.14.4 Within all **Oak Ridges Moraine Wellhead Protection Areas**, as shown on Schedule "12", the following uses, with the exception of existing uses permitted by Subsection 6.7.3 .2 of this Plan, are prohibited:

- a) the storage, except by an individual for personal or family use, of:
 - petroleum fuels;
 - petroleum solvents and chlorinated solvents;
 - pesticides, herbicides and fungicides;
 - construction equipment;
 - inorganic fertilizers;
 - road salt; and
 - contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990;
- b) Generation and storage of hazardous waste or liquid industrial waste; and
- c) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities.

6.7.14.5 Within the **0 to 2 year time of travel zones** for every Oak Ridges Moraine Wellhead Protection Area, uses which involve the following, are prohibited except by an individual for personal or family use:

- a) Storage of animal manure;
- b) Animal agriculture; and
- c) Storage of agriculture equipment.

6.7.14.6 Every person who carries on a use listed in Subsections 6.7.14.4 and 6.7.14.5 of this Plan, as an owner or operator, shall be required to prepare and maintain a site management and contingency plan, subject to the approval of the Region of York, that is aimed at reducing or eliminating the creation of the materials referred to above, and their release into the environment.

6.7.14.7 The Town shall consider and encourage restrictions on haulage routes for the transportation of chemicals and volatile materials through designated Wellhead Protection Areas.

6.7.15 OAK RIDGES MORaine AREAS OF HIGH AQUIFER VULNERABILITY

6.7.15.1 The following uses, with the exception of existing uses permitted by Subsection 6.7.3.2 of this Plan, are prohibited in the **Areas of High Aquifer Vulnerability** as identified on Schedule "12":

- 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; and
- d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

6.7.15.2 In addition the Town shall encourage restrictions on haulage routes for the transportation of chemicals and volatile materials in areas of high aquifer vulnerability.

6.7.16 SEWAGE AND WATER SERVICES

6.7.16.1 An application for **major development** where permitted by this Plan, shall be accompanied by a sewage and water system plan that demonstrates,

- a) that the ecological integrity of any hydrologically sensitive features and/or 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 the applicable watershed plan and water budget and conservation plan; and
- e) that the water use projected for the development will be sustainable.

6.7.16.2 **Water and sewer service trenches** shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.

6.7.16.3 The construction or **expansion of partial services** is prohibited, unless the construction or expansion of partial services is necessary to address a serious health concern or environmental concern, or the construction or expansion 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.

6.7.17 **TRANSPORTATION, INFRASTRUCTURE AND UTILITIES**

6.7.17.1 Transportation, infrastructure and utilities uses are permitted in all land use designations on the Oak Ridges Moraine, except as otherwise provided for in Subsections 6.7.5.7, 6.7.5.8, 6.7.10.8, 6.7.10.9, 6.7.11.9, 6.7.11.10, 6.7.17.2, 6.7.17.3, and 6.7.17.4. Transportation, infrastructure and utilities uses include:

- a) public highways;
- b) transit lines, railways and related facilities;
- c) gas and oil pipelines;
- d) sewage and water service systems and lines and stormwater management facilities;
- e) power transmission lines;
- f) telecommunications lines and facilities, including broadcasting towers;
- g) 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 f) above; and
- h) rights of way required for the facilities listed in Clauses a) to g) above.

6.7.17.2 An application for a transportation, infrastructure or utilities use with respect to land within the Natural Core Area-Oak Ridges Moraine designation shall not be approved unless in accordance with Subsection 6.7.5.7 and 6.7.5.8 of this Plan.

- 6.7.17.3 Except as permitted in Subsection 6.7.17.4, all new transportation, infrastructure and utilities uses listed in Subsection 6.7.17.1 of this Plan, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited within a key natural heritage feature or hydrologically sensitive feature.
- 6.7.17.4 Notwithstanding the policies of Subsection 6.7.17.3 publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature if the following can be demonstrated:
- a) the need for the project and that there is no reasonable alternative. (For municipal infrastructure projects, need shall be determined through an Environmental Assessment process under the Environmental Assessment Act, where applicable.);
 - b) the planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Oak Ridges Moraine to 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, of the *Oak Ridges Moraine Conservation Plan*;
 - d) the landscape design will be adapted to the circumstances of the site and use native plant species to the greatest extent 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.
- 6.7.17.5 Service and utility trenches for transportation, infrastructure and utilities shall be planned, designed and constructed so as to keep disruption of the natural groundwater flow to a minimum.
- 6.7.17.6 In considering an application for a transportation, infrastructure or utilities use, the Town shall, in consultation with other relevant governmental agencies, assess the proposed project in relation to the requirements of Subsection 6.7.17 of this Plan and the relevant policies of the *Oak Ridges Moraine Conservation Plan*, and the *Environmental Assessment Act* and other pertinent procedures included in the *Planning Act, Local Improvement*

Act and Condominium Act. For transportation, infrastructure and utility uses proposed as part of a secondary planning process within the Urban Area-Oak Ridges Moraine designation, Master Environmental Servicing Plans or Functional Servicing Plans may be used to satisfy the requirements of Section 41 of the *Oak Ridges Moraine Conservation Plan*.

6.7.18 STORMWATER MANAGEMENT

6.7.18.1 An application for **major development** where permitted by this Plan, shall be accompanied by a stormwater management plan, as set out in Section 46 of the *Oak Ridges Moraine Conservation Plan*.

6.7.18.2 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.

6.7.18.3 In considering an application for development or site alteration, the Town of Newmarket 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. Where applicable and deemed appropriate the Landform Conservation Area policies as set out in Subsections 6.7.12.3 and 6.7.12.4 of this Plan, shall be regarded.

6.7.18.4 **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.

- 6.7.18.5 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.
- 6.7.18.6 **New stormwater management ponds** are prohibited with respect to land in any key natural heritage feature and/or hydrologically sensitive feature. A "stormwater management pond" shall mean a detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.
- 6.7.18.7 **Stormwater management plans**, subject to the policies of Section 46 of the *Oak Ridges Moraine Conservation Plan*, shall be prepared in accordance with the applicable watershed plan, under Section 24 (Watershed Plans) of the *Oak Ridges Moraine Conservation Plan*.

6.7.19 RAPID INFILTRATION BASINS AND COLUMNS

- 6.7.19.1 New rapid infiltration basins and new rapid infiltration columns as defined in the *Oak Ridges Moraine Conservation Plan* are prohibited. For reference these definitions are set out in Section 15 of this Plan."

11. Section 7.1 is hereby amended by the addition of the following new policy:

- "7.1.4 Notwithstanding any other provisions of this Plan, transportation uses on lands located within the Oak Ridges Moraine Area as shown on Schedule "3", shall be subject to the policies of Section 41 (Transportation, Infrastructure and Utilities) of the *Oak Ridges Moraine Conservation Plan* and the policies of Section 6.7.17 of this Plan."

12. Section 8.1 is hereby amended by the addition of the following new policy:

- "8.1.14 Notwithstanding any other provisions of this Plan to the contrary, public services and utilities uses on lands within the Oak Ridges Moraine Area shall be subject to the relevant policies of Sections 41 (Transportation, Infrastructure and Utilities), 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), and 47 (Rapid Infiltration Basins and Columns) of the *Oak Ridges Moraine Conservation Plan*, and the policies of Sections 6.7.13 to 6.7.19 of this Plan."

13. Section 12.1.2 is hereby amended by the addition of the words "Ministry of Municipal Affairs and Housing" after the word "Authority", and by deleting the word "and" after "woodlots;"; and by adding the word "and" after the word "(ESAs)", and by the addition of the words "h) Oak Ridges Moraine Area" after the words "g) Environmentally Sensitive Areas (ESAs)".

14. Section 12.1.4 shall be deleted in its entirety and be replaced with the following:

"The Oak Ridges Moraine shall be protected and maintained in accordance with the policies of the *Oak Ridges Moraine Conservation Act, 2001*. All planning decisions in the Oak Ridges Moraine Area shall reflect the objectives of the *Oak Ridges Moraine Conservation Plan* which are found in Section 4, of the *Oak Ridges Moraine Conservation Act, 2001*."

15. Sections 12.2.1, 12.2.2 and 12.2.3 are deleted in their entirety and are replaced with the following:

"12.2.1 Lands within the Oak Ridges Moraine Area as shown on Schedule "1" – Land Use Plan, shall be subject to the policies of Section 6.7 of this Plan, and the relevant policies of the *Oak Ridges Moraine Conservation Plan*. Where the policies of this Plan contradict the policies of the *Oak Ridges Moraine Conservation Plan*, the more restrictive policies shall prevail."

16. Section 13.1 is hereby amended by the addition of the following new policy:

"13.1.3 That no further amendments to the Natural Core Area-Oak Ridges Moraine land use designation will be considered within the Oak Ridges Moraine Conservation Plan Area of the Town of Newmarket."

17. Section 13.9.1 is hereby amended by the addition of the following new sentence at the end of Section 13.9.1:

"Notwithstanding any other policies of this Plan to the contrary, where lands are located within the Natural Core Area-Oak Ridges Moraine, or the Environmental Protection Area-Oak Ridges Moraine designations, a lot may only be created in accordance with the relevant policies of Subsections 6.7.5.6 and 6.7.7.6 of this Plan."

18. Section 13.10.2 is hereby amended by the addition of the following new sentence at the end of Section 13.10.2:

"Notwithstanding this Policy, where the lands are situated on the Oak Ridges Moraine, site plan control shall be in accordance with the relevant policies of the *Oak Ridges Moraine Conservation Plan*, and Subsection 6.7.3.9 of this Plan."

19. Section 13.18.1 is hereby amended by the addition of the following clause at the end of Section 13.18.1:

"Council shall also in accordance with the *Oak Ridges Moraine Conservation Act, 2001*, adopt site alteration and tree by-laws in conformity with Section 223.1 and 223.2 of the *Municipal Act*."

20. Section 13.22 is hereby amended by the addition of the following new sections:

"13.22.3 All references to the *Oak Ridges Moraine Conservation Act* and Sections therein, refer to the *Oak Ridges Moraine Conservation Act*, Bill 122, Chapter 31, statutes of Ontario 2001. All references to the *Oak Ridges Moraine Conservation Plan* and Sections therein, refer to the *Oak Ridges Moraine Conservation Plan*, November 16, 2001.

13.22.4 In the case of conflict between the *Oak Ridges Moraine Conservation Plan* and a policy statement issued under Section 3 of the *Planning Act*, the *Oak Ridges Moraine Conservation Plan* shall prevail. Notwithstanding this, decisions on *Planning Act*, and *Condominium Act* applications are still required to have regard to Provincial policies such as those in the Provincial Policy Statement, where there is no conflict with the *Oak Ridges Moraine Conservation Plan*."

21. Section 14.1.6 is hereby amended by the addition of the following clause at the end of Section 14.1.6:

"Notwithstanding the foregoing, the boundary of the Oak Ridges Moraine shall not be further defined. The designations within the Oak Ridges Moraine Area as shown Schedule "1" – Land Use Plan, may be further defined, in a manner that is consistent with the policies and mapping of the *Oak Ridges Moraine Conservation Plan*, but with greater precision than Schedule "1" – Land Use Plan can show. Any adjustments made to the boundaries shall be minor in nature, and in no case, will adjustments be considered which would have the effect of removing lands from the Natural Core Area-Oak Ridges Moraine designation".

22. By adding the following new section following Section 14.1.12.

"15.0 OAK RIDGES MORAINÉ TERMINOLOGY

15.1.1 The policies of this Plan reference certain terms and definitions which are based on terms and definitions found in the *Oak Ridges Moraine Conservation Plan*. For reference purposes these definitions and terms are set out below. Where questions of interpretation arise, regard shall be had to the *Oak Ridges Moraine Conservation Plan* itself.

"accessory use" means a use of land, buildings or structures that 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 horticulture 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;

"application" includes a matter, proceeding or request;

"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 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 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 up to three guest rooms within a single dwelling that is the principal residence of the proprietor of the establishment;

"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 Section 41, of the *Oak Ridges Moraine Conservation Plan*, by a public body, or
- b) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or
- c) the carrying out of agriculture 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 a 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 farm 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;

"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 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;

"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 out 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) 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;

"hydrologically sensitive feature" means a hydrologically sensitive feature as described in Section 26 to the *Oak Ridges Moraine Conservation Plan*;

"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 22 of the *Oak Ridges Moraine Conservation Plan*;

"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 30 of the *Oak Ridges Moraine Conservation Plan*;

"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;

"low-intensity recreational use" is a recreational use that has a minimal impact on the natural environment, and requires 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, and
- d) Accessory uses;

"major development" means development of,

- a) the creation of four or more lots,
- b) the construction of a building or buildings with a ground floor area of 500 square metres or more, or
- c) the establishment of a major recreational use as described in Section 38 of the *Oak Ridges Moraine Conservation Plan*;

"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;

"Oak Ridges Moraine Conservation Plan Area" and **"Plan Area"** mean the areas described in Section 2, of the *Oak Ridges Moraine Conservation Plan*;

"original half lot" means half of an original lot that contained 80.9 hectares (200 acres), more or less;

"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) above 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;

"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 of 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" 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, of the *Oak Ridges Moraine Conservation Plan*, whether before, on or after November 16, 2001, or
- b) validly conveyed before June 27, 1970;

"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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, 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 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 lands 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 Section 41, of the *Oak Ridges Moraine Conservation Plan*, 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,
 - 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 an 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;

"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;

"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 reasonable 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 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.

NOTES:

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 *Oak Ridges Moraine Conservation Act.* In this Plan "application" includes a matter, proceeding or request.