

**Review of the Draft and Final Versions of the Oak Ridges  
Moraine Conservation Plan and Responses to Issues Raised by  
SRVS**

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**July 2002**

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## **1. INTRODUCTION**

On August 14, 2001, the Minister of Municipal Affairs and Housing released a document entitled “Share Your Vision for the Oak Ridges Moraine”, which proposed a long term strategy for the Moraine. Comments were provided by Save the Rouge Valley System Inc., the Richmond Hill Naturalists, Public Spaces, and the Canadian Environmental Defence Fund (now Environmental Defence Canada) and its client groups-collectively referred to in this review as SRVS. A draft version of the Oak Ridges Moraine Conservation Plan (ORMCP) was issued on November 1, 2001, and comments on this draft were also provided by SRVS. A final version of the Plan, comprising an Introduction, a Regulation (O. Reg. 140/02) including text and a Land Use Designation Map, and an Implementation section was issued on April 22, 2002, with further information, including a “Backgrounder” that describes some of the changes that have been made to the draft. The Regulation is deemed to come into effect on November 16, 2001. Government material on the ORMCP including the Plan and the Backgrounder may be found on the Ministry of Municipal Affairs and Housing website - [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

This review is intended to identify changes to the November 2001 draft that are now found in the final version of the Plan, and to highlight whether comments made on behalf of SRVS during the consultation process are reflected in the Plan. The review does not deal with an agreement reached among various parties with regard to lands in Richmond Hill and released at the same time as the final Plan, other than to refer to changes in land use designations that appear on the Land Use Designation Map.

The format and style of the draft Plan were substantially changed in the final version. They have been changed so that those parts of the Plan that are included in the Regulation are established in law.

This review comprises an overview of the changes to the Share your Vision document and the draft Plan (Section 2), a summary of the way SRVS comments were reflected in the Oak Ridges Moraine Conservation Plan process (Section 3), and an appendix that examines the changes to the draft plan in more detail. The review identifies instances where a substantive change has been made, rather than simply a change in wording.

## **2. OVERVIEW OF CHANGES FROM THE DRAFT TO THE FINAL OAK RIDGES MORAINÉ CONSERVATION PLAN**

### **2.1 How has the Plan become Stronger?**

The Plan has been strengthened in a number of areas. Where there was ambiguity in the draft, a number of sections became more stringent when the final ORMCP was prepared. New requirements have been added that were not present or that were inadequate in the draft.

- Changes to designation boundaries when Official Plans are brought into conformity with the Plan must now be “consistent with” the Land Use Designation Map, rather than being subject to interpretation based on boundary criteria (Section 10). This leaves less room for disputes over boundary changes.
- Conditions for development have become more stringent in the Palgrave Estates area (Section 14).
- Sand barrens, savannahs and tallgrass prairies have been added to the list of key natural heritage features (Section 22).

- The Plan now requires an explicit determination of whether a vegetation protection zone for a key natural heritage feature or a hydrologically significant feature is sufficient—previously, the zone simply had to be “equaling or exceeding” the distance required in the Table. Where no vegetation protection zone is provided for in the Table, there must be a determination of whether one is required. Requirements for studies in relation to ANSIs, permanent and intermittent streams and seepage areas and springs have been made more specific (Sections 23, 26).
- The requirements for applications for major development submitted within five years of the Plan coming into effect where there is no watershed plan in place now include identification of hydrologically sensitive features (Section 24).
- Storage of pesticides, herbicides, fungicides and road salt, and generation and storage of hazardous and liquid industrial waste and a revised list of other uses are now specifically excluded from wellhead protection areas. Animal agriculture, storage of animal manure and storage of agricultural equipment are also prohibited within the new “zero to two year travel zone” within wellhead protection areas (Section 28).
- Generation and storage of hazardous and liquid industrial waste, waste disposal sites and facilities, including snow storage, storage tanks without secondary containment and storage of “Severely Toxic Contaminants” are now prohibited in newly defined “areas of high aquifer vulnerability” (Section 29).
- In Category 2 landform conservation areas, the proportion of the net developable area that can be disturbed has been reduced from 60% to 50% (the corresponding figure for Category 1 landform protection areas remains at 25%). The Plan now requires concentration of development on parts of sites in landform conservation areas that are not significant, rather than less significant (Section 30).
- In the Table to Part III of the Plan, the minimum vegetation protection zone for a kettle lake has been changed from the surface catchment area to the surface catchment area or 30m., whichever is the greater.
- The Table to Part III now provides minimum vegetation protection zones for permanent and intermittent streams, seepage areas and springs.
- Section 42 imposes new timelines on municipalities to incorporate wellhead protection areas in their official plans, and also includes a new requirement that “zones of contribution” be defined within these areas.
- Section 45 now imposes a requirement that 80% of suspended solids be removed from stormwater runoff as a long term average. Use of kettle lakes for stormwater disposal is now prohibited.
- In general, Section 48 increases the number of sections of the Plan that are to be treated as if they were in force before an application was commenced, in designations outside the Settlement Areas.
- The definition for a home business now excludes auto repair, paint shop and furniture stripping uses.

The Land Use Designation map shows a number of changes from less restrictive to more restrictive designations – hectare figures are approximate:

- There is a greater percentage of land designated as Natural Core and Natural Linkage Areas as compared to the draft in certain municipalities including Uxbridge, Clarington, and Kawartha Lakes (refer to Table 1).
- Overall, approximately 800 hectares of land has been redesignated from Settlement Area or Countryside to Natural Core or Natural Linkage Areas (refer to Table 2).
- Specifically, a net of approximately 130 hectares and 275 hectares were redesignated from Countryside to Natural Core, and from Countryside to Natural Linkage respectively; another 350 hectares has been redesignated from Settlement Area to Countryside.

## 2.2 How has the Plan become Weaker?

Proponents and municipalities that can claim some form of prior status have been given a number of concessions. Also there is a reduction in evaluation requirements for development and site alteration in key natural heritage features and hydrologically significant features and their minimum vegetation protection zones.

- Applications commenced but not decided upon (Section 8), and site plan applications related to applications commenced before the Plan came into effect (Section 6) are no longer subject to the Plan. Applications where there is a prior zoning permission in Countryside Areas, Rural Settlements and Settlement Areas (Sections 17, 18) are now subject to a narrower range of requirements. On land that was in a Settlement Area in April 2002, where an official plan or zoning by-law has been adopted based on environmental studies, the “minimum vegetation protection zone” requirement does not apply (Section 21).
- Applications for site plan approval in settlement areas are no longer required to comply with the Plan if the land does not include a key natural heritage feature or a sensitive hydrological feature (Section 18). This appears to mean that buffering against such features is not required if there is an adjacent feature off-site.
- A natural heritage evaluation is no longer required to support development and site alteration for permitted uses within key natural heritage features or their related vegetation protection zones. A natural heritage evaluation is required within a minimum area of influence, but not within the feature itself or its related vegetation protection zone (Section 22). A similar change has been made with respect to hydrologically sensitive features (Section 26). This change eliminates the requirement for evaluation of forest, fish and wildlife management uses, necessary conservation and flood or erosion control projects, transportation, infrastructure and utilities, and low-intensity recreational uses within these features and the associated vegetation protection zones. Sections 23. (d) and (e), require a natural heritage evaluation to determine the boundary of a minimum vegetation zone – without the evaluation there would be no site specific indication of where the vegetation zone boundary should be.
- In Section 26, a hydrological evaluation is no longer required to identify practices to maintain, improve or restore connections with other features.
- The draft required a minimum of 30% of a watershed to be maintained in or restored for self sustaining vegetation. This has been weakened in the final Plan-in Section 27, the ORMCP requires only consideration of the desirability of achieving the 30% level.
- In the draft, applications for development in landform conservation areas in settlement areas were required to identify practices to minimize disturbance-now they must only “consider the importance” of adopting such practices (Section 30).
- The minimum area of influence of wetlands may be reduced in some circumstances by changes to the Table to Part III.

The Land Use Designation map shows a number of changes from more restrictive to less restrictive designations – hectare figures are approximate:

- In municipalities such as King, Vaughan, Newmarket, and Whitchurch-Stouffville, there is a greater percentage of land designated as Settlement Area and Countryside as compared to the draft Plan (refer to Table 1)
- Overall, approximately 700 hectares of land has been redesignated from Natural Linkage or Natural Core to Settlement Area and Countryside (refer to Table 2)

- Specifically, approximately 375 hectares were redesignated from Natural Core and Natural Linkage to Settlement Area, and over 300 hectares were redesignated from Natural Core and Natural Linkage Area to Countryside; another 75 hectares has been redesignated from Countryside to Settlement Area.

**Table 1: Approximate Land Use Designation Changes from the Draft to the Final Plan, by Municipality**

<b>Municipality</b>	<b>Designation Changes (Approximate Area)</b>
Caledon	<ul style="list-style-type: none"> <li>Countryside to Natural Core (375 hectares)</li> <li>Countryside to Natural Linkage (40 hectares)</li> <li>Natural Core to Countryside (225 hectares)</li> <li>Countryside to Settlement Area (50 hectares)</li> </ul>
King	<ul style="list-style-type: none"> <li>Natural Core to Settlement Area (90 hectares)</li> <li>Natural Linkage to Settlement Area (110 hectares)</li> </ul>
Vaughan	<ul style="list-style-type: none"> <li>Natural Core to Settlement Area (25 hectares)</li> </ul>
Newmarket	<ul style="list-style-type: none"> <li>Natural Linkage to Settlement Area (40 hectares)</li> </ul>
Richmond Hill	<ul style="list-style-type: none"> <li>Settlement Area to Natural Core (50 hectares)</li> <li>Countryside to Natural Linkage (25 hectares)</li> <li>Settlement Area to Countryside (180 hectares)</li> <li>Natural Core to Countryside (15 hectares)</li> <li>Natural Linkage to Countryside (10 hectares)</li> <li>Countryside to Settlement Area (25 hectares)</li> </ul>
Whitchurch-Stouffville	<ul style="list-style-type: none"> <li>Settlement Area to Countryside (240 hectares)</li> <li>Natural Core to Settlement Area (110 hectares)</li> <li>Natural Linkage to Countryside (10 hectares)</li> </ul>
Uxbridge	<ul style="list-style-type: none"> <li>Countryside to Natural Linkage (220 hectares)</li> <li>Natural Linkage to Countryside (50 hectares)</li> </ul>
Clarington	<ul style="list-style-type: none"> <li>Countryside to Natural Linkage (40 hectares)</li> </ul>
Kawartha Lakes	<ul style="list-style-type: none"> <li>Countryside to Natural Linkage (20 hectares)</li> </ul>

**Table 2: Approximate Area Changed Per Designation**

<b>Designation</b>	<b>Area (ha)</b>
Natural Linkage to ...	
<ul style="list-style-type: none"> <li>Urban</li> </ul>	150
<ul style="list-style-type: none"> <li>Countryside</li> </ul>	70
Natural Core to ...	
<ul style="list-style-type: none"> <li>Urban</li> </ul>	225
<ul style="list-style-type: none"> <li>Countryside</li> </ul>	240
Countryside to ...	
<ul style="list-style-type: none"> <li>Natural Core</li> </ul>	375
<ul style="list-style-type: none"> <li>Natural Linkage</li> </ul>	345
<ul style="list-style-type: none"> <li>Urban</li> </ul>	75
Urban to ...	
<ul style="list-style-type: none"> <li>Natural Core</li> </ul>	50
<ul style="list-style-type: none"> <li>Natural Linkage</li> </ul>	
<ul style="list-style-type: none"> <li>Countryside</li> </ul>	420

These changes are shown on a comparative map available for download from [www.hardystevenson.com](http://www.hardystevenson.com).

## **2.3 Other Changes of Note**

- Existing institutional uses (as opposed to buildings) can now be expanded (Section 6)
- A single dwelling can now be built if the applicable zoning by-law would have permitted it before the Plan came into effect, provided the application demonstrates no adverse effect (Section 7).
- “Unserviced parks” are now permitted in Natural Core, Natural Linkage and Countryside Areas (Section 11).
- A wider range of uses is now permitted in Rural Settlements (Section 15).
- There is no longer a 30m. minimum vegetation protection zone for earth science ANSIs- the zone is to be calculated on a case by case basis.
- Land can now be added to an existing lot provided this does not create an undersized lot, and parts of a lot that are devoted to different legally established uses can now be severed from each other (Section 32).
- Aggregate operations on prime agricultural land must now be rehabilitated to agriculture rather than self sustaining vegetation (Section 35).
- Section 44 now permits partial services where they would address serious health concerns, or where there is a prior EA approval that remains in effect.

## **3. RESPONSIVENESS OF THE FINAL OAK RIDGES MORaine CONSERVATION PLAN TO ISSUES RAISED BY SRVS**

### **3.1 Which Areas of the Plan respond Positively to Submissions by SRVS?**

There are a large number of instances where SRVS proposals in response to the “Share Your Vision” document and the draft Plan were incorporated into the final ORMCP. This suggests that SRVS was very successful in raising issues and presenting solutions that have contributed to the Plan’s strength and validity.

- SRVS opposed provisions in the “Share Your Vision” document that would have permitted rural residential uses in Countryside Areas. In the draft and final Plans this use is permitted only in the Palgrave Estates area, and, subject to conditions, in municipalities on the eastern part of the Moraine.
- New provisions in Section 22 regarding vegetation protection zones are more responsive to SRVS arguments that these zones should be dealt with on a case-by-case basis, rather than being subject to fixed distances.
- In its response to the “Share Your Vision” document, SRVS proposed that road salt be restricted on 400 series highways and other provincial highways, and prohibited on new roads and internally draining watershed and wellhead protection areas. The draft and final plans include provision for road salt management in watershed plans, and in the final Plan road salt storage is prohibited in wellhead protection areas.

- The SRVS comments on the “Share Your Vision” document proposed that intensive livestock operations and storage of agricultural chemicals be prohibited in wellhead protection areas. In the final Plan, “animal agriculture” is prohibited from the zero to two year travel zone in wellhead protection areas, and storage of pesticides, herbicides and fungicides is prohibited in wellhead protection areas.
- SRVS proposed fines for grading and filling of wetland without approval, and expressed concern that powers in the Act to require municipalities to pass site alteration and tree bylaws may not be enforced. Significant features in agricultural areas should be protected from new land clearing, water taking and livestock encroachment. The changes to the “development” and “site alteration” definitions to exclude new agricultural operations may assist in protecting features from incursion from agriculture, although Section 6(1) and other legislation may counteract this.
- The final Plan responds to SRVS concerns that permanent and intermittent streams, seepage areas and springs be better protected by requiring that vegetation protection zones be provided for these areas (Table to Part III).
- SRVS comments on the Share Your Vision document requested that there be no aggregate extraction in Natural Core Areas and Natural Linkage Areas. The draft and final Plans prohibit aggregate extraction in Natural Core Areas and in the final Plan restrictions on extraction in Natural Linkage Areas have been increased (Section 35). The Implementation section of the plan does, however, allow for aggregate extraction to be considered in certain parts of Natural Core Areas, as part of the ten year review.
- SRVS comments on the Share Your Vision document proposed localized treatment of stormwater in Settlement Areas. Use of wetlands for stormwater management, rapid infiltration basins and columns in internally draining areas and dry and intermittent stream valleys, and stormwater management facilities in Natural Core and Linkage Areas and abutting lands should be prohibited. The Plan now requires removal of 80% of suspended solids from stormwater runoff, and prohibits stormwater management facilities in hydrologically sensitive features and key natural heritage features, and also prohibits rapid infiltration basins and columns and disposal of stormwater in kettle lakes (Sections 45, 47).
- The Share Your Vision document proposed “periodic” review of the Plan. SRVS responded with a proposal that this be done based on a ten-year cycle, and this was adopted in the draft and final Plans.
- The Share Your Vision document proposed that residential development be subject to the Provincial Policy Statement under the Planning Act, which requires every municipality to designate at least a 10-year supply of residential land, whether the municipality is on or off the Moraine. SRVS argued that this would eventually result in incursions into Natural Core and Linkage Areas. This policy was changed in the draft and final Plans so that the 10-year review of the Plan will not permit urban development in Natural Core or Linkage Areas.
- SRVS argued for a preference for development in existing designated urban areas off the Moraine and that no further urban development should be permitted in the Countryside Area. The Implementation section now requires that development opportunities in existing settlement areas and off the Moraine be evaluated in considering the need to change or refine the boundaries of Settlement Areas, but Settlement Areas may still expand into the Countryside Area as a result of the 10-year review.

### **3.2 Which submissions by SRVS were not incorporated?**

- The SRVS response to the “Share Your Vision” document included proposals for a 2 kilometre buffer around the Moraine. When this did not appear in the draft, protection of valleylands off the Moraine and significant features abutting the Moraine boundary was proposed. Also, SRVS proposed that wellhead protection areas should be provided for municipal wells outside the Moraine boundary that draw water from within the Moraine. These proposals were not adopted, and the Plan’s provisions within the Regulation are limited to those areas within the legally defined Plan Area for the Moraine. The Implementation Section of the ORMCP was, however, expanded to require that where opportunities for Settlement Areas in other municipalities or for urban areas outside the Moraine are considered as part of a 10-year review, a justification study is required that demonstrates that they “do not adversely affect the ecological integrity of the Moraine”.
- SRVS proposed protection of the traditional working landscape of the Moraine, including architectural, site plan, billboard and illuminated signage control, development control, regulation of fencing, and protection of heritage buildings outside Settlement Areas. These suggestions did not find their way into the Plan.
- In the draft Plan the percentage area designated Natural Linkage Area was increased from 16% to 24%, but it has not been increased to the 30% proposed by SRVS.
- SRVS proposed that the Plan should supersede all incompatible municipal approvals. The final Plan gives greater concessions to applications having prior zoning approval (Sections 17, 18) or an application commenced before the plan came into effect (Sections 6, 8). Also, SRVS wished to see applications under the Aggregate Resources Act placed under the Plan, but this did not occur.
- SRVS pressed for preparation of watershed plans, water budgets and water conservation plans (Sections 24, 25) to be coordinated across the Moraine, and for downstream municipalities to be required to participate in watershed plans. The final Plan did not incorporate these provisions.
- Section 27 of the ORMCP prohibits development and site alteration outside Settlement Areas that would cause the total percentage of a subwatershed that would become impermeable to exceed 10%, or a lower prescribed percentage. SRVS had proposed that a precautionary approach be taken, with a maximum of 5% until research results become clearer.
- SRVS commented that any official plan policies that are more protective of the environment than the ORM Plan should be deemed to be the effective policies. The Plan encourages municipalities to pass more stringent provisions, but agricultural uses, mineral aggregate operations and wayside pits are excluded from this (Section 33).
- SRVS commented that the trail system should be subject to planning criteria and should utilize existing rights of way, to protect natural heritage. The final Plan requires the trail to be located in Natural Core Areas and Natural Linkage Areas as much as possible (Section 39).
- “Small-scale commercial, industrial and institutional uses” are permitted in Countryside Areas subject to conditions. SRVS requested that these be better defined and subject to a minimum site size of 0.5 ha. The range of permitted uses in this category has been expanded, and there is no minimum site size (Section 40).
- SRVS proposed that infrastructure be prohibited in Natural Core and Linkage Areas, and should only be placed on the Moraine when no alternatives are available. Infrastructure is still permitted in the Natural Core and Linkage Areas, subject to conditions (Section 41).

SRVS also proposed limitations on new north-south roads across the Moraine, and that resources be allocated to overpasses to allow wildlife movement. The Plan requires infrastructure in Natural Core and Linkage Areas to “allow for wildlife movement”.

- SRVS proposed that passive recreation uses in Natural Core Areas be subject to stringent implementation and consultation requirements – these requirements were not expanded (Sections 11, 37).
- The final Plan does not respond to an SRVS request for more detailed criteria for “minor rounding out” of Rural Settlements.
- The Plan does not incorporate SRVS proposals for minimum standards for effluent from sewage treatment plants, including control of thermal pollution and protection of coldwater habitat.
- The SRVS response to the draft included a proposal that the Plan be implemented by an Oak Ridges Moraine Commission with dedicated staff. The Plan provides for implementation by municipalities, with no additional resources.
- The Plan does not respond to SRVS proposals to set timelines for preparing performance indicators, to include NGOs in developing indicators, to specify monitoring of cumulative effects, to allocate resources to monitoring and enforcement, and to require certification of building contractors working in sensitive areas. More stringent requirements for monitoring of adherence to site management and contingency plans in wellhead protection areas are also required.

## **Appendix 1: Detailed Description of Changes from the Draft to the Final Oak Ridges Moraine Conservation Plan**

### **THE INTRODUCTION SECTION OF THE PLAN (not part of Regulation 140/02)**

#### **About This Plan**

This subsection updates the “About This Plan” section of the draft on consultation undertaken for the Plan.

#### **Smart Growth and the Oak Ridges Moraine**

This new subsection briefly places the Plan in the context of Smart Growth.

#### **Authority to Establish the Plan**

This specifies that the authority to establish the Plan comes from the *Oak Ridges Moraine Conservation Act, 2001*.

The **Purpose of the Plan**, and the **Vision for the Oak Ridges Moraine** remain unchanged from the draft.

#### *SRVS Comments*

SRVS commented that the “vision” in the “Share Your Vision” document should include “...a continuous natural, agricultural and working environment within the fabric of southern Ontario” The final Vision includes “...a continuous band of green rolling hills that provides form and structure to south-central Ontario...”.

#### **Plan Objectives**

These have been supplemented with an additional objective: “providing for other public recreational access to the Oak Ridges Moraine”.

#### **Land Use Designations**

The backgrounder describes adjustments to designations and boundaries to reflect existing or adopted official plan designations, to incorporate changes in Richmond Hill, and to designate existing pit operations surrounded by Natural Core Areas as Natural Linkage Areas rather than Countryside Areas.

A comparative map produced by superimposing the draft and final land use designation maps (available for download from [www.hardystevenson.com](http://www.hardystevenson.com) ) indicated a number of changes in the western and central parts of the Moraine. Despite these changes, the percentage of the Moraine allocated to each designation in this Introduction remains unchanged from the draft.

The description of the Countryside designation provided in the “Highlights” section of the draft is supplemented with a description of Rural Settlement Areas within this designation. It also adds a water budget and water conservation plan to the requirements for residential development in the Township of Kawartha Lakes and Peterborough and Northumberland Counties.

This subsection also adds that the boundaries of designations and rural settlements may be “more precisely delineated” in official plans and zoning by-laws as they are brought into conformity with the Plan.

*SRVS Comments*

The SRVS comments on the “Share Your Vision” document requested that the Natural Linkage Areas should be 30% of the Moraine, not 16%. The percentage was increased to 24% in the draft.

## **Protecting Moraine Integrity**

The subsection with this title in the draft has been modified to omit reference to more flexible policies for Settlement Areas, and a statement that settlement areas will be limited to existing and previously approved urban development has been omitted. Discussion of restrictive provisions for landform conservation areas and of watershed plans, water budgets, water conservation plans and limitations on permeability, has been added.

### *SRVS Comments*

SRVS et al requested a 2 kilometre buffer around the Moraine or, failing this, off-Moraine protection for features that abut the boundary. This was not incorporated into the final Plan.

## **Some Key Land Use Policies**

This subsection is essentially unchanged.

## **Boundaries**

The subsection with this title in Section 2 of the Draft has been modified to provide a more detailed account of the delineation of the boundary of the Plan Area. Reference to the boundaries of the designations and rural settlements in the draft has been omitted.

## **Review and Amendment**

This is a new subsection, and summarizes a subsection with a similar title in the “Implementation” section of the draft.

## **How to Read This Plan**

This subsection has been amended to reflect the revised structure of the Plan.

## **How to Use This Plan**

This section describes a sequence of actions to find out how the Plan affects a specific area or land use or development. The final Plan is not a “reader friendly” document, and its complex and difficult format will likely arouse concern among NGOs and members of the public who contributed to its development.

# **THE REGULATION (O. Reg. 140/02)**

## **PART 1: GENERAL**

**Section 1: Plan** specifies that the word “Plan” as used in the document means the Oak Ridges Moraine Plan.

**Section 2: Application** states that the Plan applies to the Plan Area on the Oak Ridges Moraine Conservation Plan land Use Designation Map.

## **Section 3: Definitions**

The definitions in the draft have been revised and expanded. Some definitions were previously provided by reference to other documents such as the Policy Statement under the Planning Act, (PPS) and have now been tailored to the Plan and provided in full. New or substantively changed definitions are provided for:

*Adverse effect:* the draft plan referred to the Environmental Protection Act definition. In the final Plan, this definition is abbreviated to: “any impairment, disruption, destruction or harmful alteration” (see “negative impacts” below)

*Animal agriculture* (not permitted in the zero to two year time of travel zone in wellhead protection areas-Section 28)

*Areas of natural and scientific interest (earth science), and areas of natural and scientific interest (life science)*-these definitions have been separated, and now add that these lands have been identified by MNR according to MNR procedures.

*Aquifer vulnerability* (a new concept in the Plan-Section 29)

*Development:* this definition has been supplemented to exclude the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

*Dwelling unit*

*Ecological functions* –now include chemical and hydrological functions.

*Earth science values*

“*Essential*” and “*necessary*” (for infrastructure) are no longer defined-the text has been amended to incorporate the definitions where these terms were previously used.

*Forest access road* (term appears only in the definition of “forest management”)

*Groundwater recharge*

*Habitat of endangered, rare and threatened species:* the definition in the draft has been supplemented to add that these lands have been identified by MNR or according to MNR procedures.

*Hazardous waste:* generation and storage of hazardous waste is not permitted in Wellhead Protection Areas [s.28] or areas of high aquifer vulnerability [Section 29])

*Home business* (auto repair, paint shop and furniture stripping now specifically excluded)

*Kame*

*Kettle lake*

*Key natural heritage feature* (previously “significant natural heritage feature”)

*Landform features*

*Landform conservation area*

*Life science values*

*Liquid industrial waste* (generation and storage not permitted in Wellhead Protection Areas [s.28] or areas of high aquifer vulnerability [Section 29])

*Major development* (previously “large scale development”)

*Negative impacts*: the draft Plan used this term and referred to the PPS definition. It is used only once in the final Plan, in the Implementation Section. It is not a defined term in the final Plan, and appears to have been replaced elsewhere with “adverse effect” (see above).

*Net developable area*

*Oak Ridges Conservation Plan Area and Plan Area*

*Prime agricultural area* (amended from PPS to include land designated as such in the relevant Official Plan)

*Rare species*

*Sand barrens* (now included as a key natural heritage feature)

*Saturated zone* (used only in the definition of “time of travel”)

*Savannah* (now included as a key natural heritage feature)

*Single dwelling*

*Site alteration*: the definition has been clarified so that site alteration now includes the carrying out of agricultural practices on land that was being used for agriculture on November 15, 2001 (similar to the change to the “development” definition).

*Tallgrass prairie* (now included as a key natural heritage feature)

*Time of travel* (in a wellhead protection area-Sections 28, 42)

*Unserviced park*: now permitted in Natural Core (Section 11), Natural Linkage (Section 12) and Countryside (Section.13) Areas-also see Section 37.

*Watershed*

*Zone of contribution* (in a wellhead protection area- see Section 42)

A number of terms or concepts that were previously defined in the draft are now explained within the text of the regulation rather than in the definitions. Defined terms are no longer italicized in the text of the Plan.

#### **Section 4: Date of Commencement of Application**

This section replaces the definition of “decided upon” in the draft Plan. Applications are deemed to have commenced on the day set out in Section 15(4) of the *Oak Ridges Moraine Conservation and Protection Act, 2001* (the day depends on the type of “application”). This covers applications under the *Planning Act* and *Condominium Act*, but not other legislation such as the *Aggregate Resources Act*.

Subsection 2 comprises a statement that “In this Plan....’application’ includes a matter, proceeding or request”.

### *SRVS Comments*

SRVS requested that *Aggregate Resources Act* applications be covered by the Plan.

### **Section 5: Prohibition**

While the draft specifies applications to which the Plan applies, this prohibition against using land, undertaking development or site alteration or erecting, moving or using buildings except as permitted by the Plan is new.

### **Section 6: Existing Uses, Buildings and Structures**

This section replaces Sections 4.2 and 4.3 in the draft Plan.

Section 6 (4) now allows the expansion of an existing institutional use, with conditions, as opposed to a building. The “Background” to the Plan provides the example of adding portables to an existing school.

The draft stated that where an existing use has an adverse effect, the objective would be to bring the use into closer conformity with the Plan. Section 6 (7) of the final Plan states that any application to expand or convert the existing use will be considered “with this objective”.

Section 6 (9) of the final Plan specifies that site plan approvals are not required to comply with the Plan if they relate to zoning, subdivision or condominium applications commenced before November 17, 2001.

### **Section 7: Previously Authorized Single Dwelling**

This new provision allows a single dwelling to be built if the applicable zoning by-law would have permitted this on the date the Plan came into effect, and if the applicant demonstrates no adverse effect.

### **Section 8: Building or Structure Previously Authorized under Section 17 (1) of the Act**

Section 5 (2) of the draft Plan indicated that applications in Settlement Areas that were commenced but not decided upon before the Plan comes into effect are not subject to the Plan, but that applications in Natural Core Areas, Natural Linkage Areas and Countryside Areas that were commenced but not decided upon at the date the plan comes into effect are subject to specified sections of the Plan. Section 8 (a) of the new Plan appears to permit all uses for which applications were commenced before the Plan came into effect and which were approved after that date, whether or not they are in Settlement Areas. This comprises a significant departure, since it would allow all applications lodged prior to the Plan coming into effect to proceed.

### *SRVS Comments*

SRVS proposed that the Plan should supersede all incompatible approvals. Also, aggregate proposals for which no licence has been issued on the day the Plan comes into effect should be subject to the Plan. The Plan does not cover aggregate licence approvals.

### **Section 9: Site Plan Approval**

This section allows Site Plan applications submitted after the Plan came into effect to proceed without compliance with the Plan if they relate to zoning, subdivision or condominium applications commenced before the Plan came into effect, and not approved until after that date. This exception does not appear in the draft Plan, and would further exacerbate the effect of Section 8.

## **PART II: LAND USE DESIGNATIONS**

This section generally replaces Section 2 - Land Use Designations in the draft Plan.

### **Section 10: Division of Plan Area, Land Use Designations**

This section excludes the “Boundaries” information that has now been modified and moved to the Introduction section and Section 2 (4). Whereas the draft provided only the names of each of the designations, the final Plan describes them.

In discussing refinements to boundaries as official plans and zoning by-laws are brought into conformity with the Plan, the draft indicated that they may be more precisely delineated based on criteria in the Plan, where they are not formed by precise features such as roads, railways, power lines, water bodies or lot boundaries (Section 2.1). The final Plan does not contain identification criteria for designation boundaries, and does not specify that they remain fixed where they are defined by precise features. It states that boundaries “may be further defined, in a manner that is consistent with the land use designation map....but with greater precision than the map can show”.

#### *SRVS Comments*

In its comments on the draft Plan SRVS requested that the identification criteria be made more detailed. The above modifications seem preferable to more detailed criteria, because they change the emphasis in defining the boundaries from interpretation to a requirement to be consistent with the Designation Map. Hopefully this will reduce the likelihood of disagreements, since NGOs and environmental groups do not have the resources to participate in numerous boundary disputes.

### **Section 11: Natural Core Areas**

The “Purpose” and “Objectives” in Section 2.2 of the draft have been reconfigured. “Water balance” is now referred to as “the quantity and quality of ground and surface water”. “Protecting landform character” has been changed to “protecting landform features”.

As noted above, there are no identification criteria for this designation-or for any of the other designations-in the final Plan.

With regard to permitted uses, the definition for “necessary” has been removed from the definitions and incorporated into the description of permitted transportation, infrastructure and utility uses. “Unserviced parks” have been added as a permitted use to this designation, and to the Natural Linkage and Countryside Areas as well.

The “Lot Creation” requirements in Sections 2.2 and 4.4 of the draft have now been moved to Section 32 of the final Plan. Section 32 adds the addition of adjacent land to an existing lot, provided this does not create an undersized lot, and severance of parts of a lot devoted to different legally established uses, to the circumstances originally specified in Section 2.2. Also, a lot may only be created if there is enough net developable area on the severed and remaining lots to accommodate the proposed uses without encroachment on key natural heritage or hydrologically sensitive features. This clarifies provisions previously found in Section 4.4 of the Draft.

#### *SRVS Comments*

SRVS proposed that flood and erosion control and other infrastructure facilities be prohibited in Natural Core Areas but the Plan permits these, subject to conditions.

## **Section 12: Natural Linkage Areas**

The “Purpose” and “Objectives” in the Section 2.3 of the draft have been reconfigured, and the identification criteria have been omitted. Otherwise, there are no substantial changes from the draft.

Lot creation requirements are similar to those described above for the Natural Core Areas.

## **Section 13: Countryside Areas**

The changes to Section 2.4 of the draft are similar to those indicated for the Natural Core and Linkage Areas. In addition, one of the objectives for this designation in the draft was “Maintain the rural character and heritage of the Rural Settlements”. This has now become a “purpose”, and the reference to heritage is omitted. A further objective: “accommodating a trail system through the Plan Area and trail connections to it” (similar to the previous designations) has been added.

Subsection 15(4) is new, and permits a wide range of residential and small-scale (undefined) commercial, industrial and commercial uses in a Rural Settlement.

Lot creation is subject to Section 32.

### *SRVS Comments*

The “Share your Vision” document proposed that rural residential development be permitted in Countryside Areas. SRVS opposed this in its comments, and in the draft and final Plans rural residential is only permitted in the Palgrave Estates area, and, subject to conditions, in Kawartha Lakes, Peterborough County and Northumberland County.

SRVS tried to have greater emphasis placed on heritage in its comments on the draft, but this was not successful.

## **Section 14: Residential Development in Certain Parts of Countryside Areas**

These exceptions for the Palgrave Estates community and for the City of Kawartha Lakes and Counties of Peterborough and Northumberland were previously included in Section 2.4 of the draft.

The Palgrave Estates requirements are more stringent than before, since they now include a number of ecological provisions that apply outside settlement areas, and requirements to prepare watershed plans, water budgets and conservation plans.

The requirements for the eastern part of the Moraine include only minor changes.

## **Section 15: New Lots in Countryside Areas**

The contents of this section were also previously included in section 2.4 of the draft. The requirements of Section 32 have been specifically added. The Plan continues to permit “minor rounding out” of Rural Settlements. A lot may not encroach into a Natural Core or Linkage Area.

### *SRVS Comments*

The SRVS comments on the draft requested more specific criteria for rounding out, but none were provided in the final Plan.

## **Section 16: Plans of Subdivision, Site Plan Approval and Lot Creation in Countryside Areas**

Similar provisions were formerly found in Section 4.4 of the draft.

## **Section 17: Previously Authorized uses, Buildings and Structures in Countryside Areas**

This new section allows uses, buildings and structures previously permitted in zoning by-laws in Countryside Areas to be developed despite the Plan, provided more limited requirements are met. Section 17. (1) applies to Countryside Areas outside Rural Settlements and Section 17.(3) applies to Rural Settlements. The uses must be permitted in the official plan and zoning by-law after they have been amended to comply with the Plan. The requirements that would normally apply in Countryside Areas and Rural Settlements are compared with the more limited requirements for previously authorized uses in Table 3 following this review.

The “Backgrounder” explains this change as follows:

“Municipalities have the opportunity, through the conformity exercise, to allow approved uses in zoning bylaws to continue in Countryside Areas provided they meet the prescribed transition tests, which include: protecting key natural heritage features and hydrologically sensitive features; maintaining water balance; maintaining connectivity between features; and complying with restrictions on stormwater management, including a prohibition on rapid infiltration basins and columns.”

These changes may have significant effects in allowing uses that would not otherwise be permitted in locations that could not otherwise have been developed, however it would be difficult to determine the extent of the effects without specific knowledge of permitted uses that would not otherwise comply with the Plan.

## **Section 18: Settlement Areas**

The purpose and objectives of the Settlement Areas have been reconfigured and expanded from the corresponding sections of the draft (Section 2.5). The “Backgrounder” states that this is to reinforce Smart Growth principles. The purpose has been supplemented with reference to promoting efficient use of land with transit-supportive densities through intensification and redevelopment within existing urban areas. The new objectives are “accommodating a trail system through the Plan Area and trail connections to it”, and “promoting strong communities, a strong economy and a healthy environment” (i.e. the principles of Smart Growth).

Creation of new lots is subject to the requirements of Part III, “Protecting Ecological and Hydrological Integrity” and “Part IV, Specific land use Policies” that apply to Settlement Areas.

Subsection (5) is new. Applications for site plan approval are not required to comply with the Plan if the land does not include a key natural heritage feature or a hydrologically sensitive feature. The Backgrounder places the situation in reverse:

“Within Settlement Areas, site plan applications for lands that include a key natural heritage feature or a hydrologically sensitive feature will be required to comply with the Plan”

Subsection (6) is also new. Its effect in Settlement Areas is similar to the effect of Section 17 in Countryside Areas. It “grandfathers” permitted uses at the date the Plan comes into effect, provided they are also permitted when the Official Plan and Zoning By-law are amended to conform to the Plan, even if they do not conform to requirements to protect ecological and hydrological integrity (subsection 19(3)) and specific land use policies (31.(4)) that would

otherwise apply. Plan provisions that would normally apply in this designation are compared to the provisions that would apply to previously authorized uses in Table 3 following this review.

The Table demonstrates that requirements have been significantly relaxed for previously authorized uses in Countryside Areas, Rural Settlement Areas, and Settlement Areas.

## **PART III: PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY**

### **Section 19: Purpose and Application**

Section 19. (1) is new, and states the purpose of this Part of the Plan. Subsections (2) and (3) describe which sections apply to which designations.

### **Section 20: Connectivity**

This is a re-wording of Section 3.2. (d) in the Draft.

### **Section 21: Minimum Area of Influence and Minimum Vegetation Protection Zone**

Subsection (1) explains the minimum area of influence and minimum vegetation protection zone (no longer “minimum self sustaining vegetation protection zone”) table at the end of this Part.

Subsections (3) and (4) describe a new provision. On land that is in a Settlement Area on April 22, 2002, an official plan or zoning by-law that is adopted on the basis of environmental studies or infrastructure planning prevails over clause 1(b), which describes the “minimum vegetation protection zone” requirement.

The “Backgrounder” explains this new provision as follows:

“In order to recognize public investment in infrastructure such as roads, water and sewage services, municipalities may establish setback standards different from those in the Plan within existing Settlement Areas, where they have been based on environmental and infrastructure studies. This would allow, for example, infilling within developed portions of Settlement Areas”.

### **Section 22: Key Natural Heritage Features**

Subsection (1) adds sand barrens, savannahs and tallgrass prairies to the list of (formerly) significant natural heritage features in Section 3.2(a) of the draft.

Subsection (2) is a re-wording of Section 3.2 9 (b) of the draft, except that it does not require a natural heritage evaluation to support the permitted uses within key natural heritage features. The terms “essential” and “necessary” were previously defined separately-the definitions are now incorporated into the text.

Subsection (3) requires a natural heritage evaluation for development or site alteration within a minimum area of influence, but not within the feature itself or its related vegetation protection zone. In Section 3.2(c) of the draft, a natural heritage evaluation would have been required for development within the minimum area of influence and the feature itself (which would include the related vegetation protection zone).

### **Section 23: Natural Heritage Evaluation**

Some changes have been made to the requirements for a natural heritage evaluation, originally found in Subsection 3.2 (c) of the draft.

In clause (b), a natural heritage evaluation must now identify “ .....practices that will maintain and, where possible, improve or restore.....”

In clause (c), the evaluation must now demonstrate how connectivity will be maintained and where possible, improved or restored in Countryside Areas as well as Natural Core and Linkage Areas.

Clause (d) goes beyond the requirement in the draft for a minimum vegetation protection zone to be “equaling or exceeding” the minimum provided in the Table. It requires a determination of whether the specified zone is sufficient, and, if not, the dimensions of the zone are to be provided and measures proposed for its improvement or restoration.

Clause (e) is new. Where no minimum vegetation protection zone is provided for in the Table, the evaluation must determine whether one is required, and, if so, its dimensions and measures for improvement or restoration must be provided for. Subsection 23.(2) requires that for ANSIs, this evaluation should include an analysis of land use, soil type, slope class and vegetation type, using criteria to be provided by the Government.

#### *SRVS Comments*

SRVS proposed in response to “Share Your Vision” that all new developments abutting Natural Core and Linkage Areas be set back at least 300m from rear yards, lawns and active recreation landscapes, to retain form and function. A minimum 100m setback was proposed for forest areas with existing or potential interior habitat, and a minimum 120m for wetlands.

Review of development in Richmond Hill’s “environment first” OPA 129 demonstrates that those policies are failing to protect natural heritage. Setbacks commonly applied to wetlands are not sufficient to protect areas required by amphibians for foraging, thereby causing loss of function. These requirements should also be considered in delineating Natural Core Areas.

The draft Plan proposed “minimum areas of influence” within which potential effects would be studied, and “minimum self-sustaining vegetation protection zones” around natural heritage features-distances depend on the type of feature. SRVS maintained its support for a 300m buffer from natural heritage features. and argued that areas of influence should result from studies of potential effects on each feature, rather than being pre-determined. Fieldwork methods should be reviewed by a multi-stakeholder group.

SRVS argued in response to the draft Plan that minimum self sustaining vegetation zones should include a range up to the minimum area of influence. They should include the entire surface catchment areas of internally draining wetlands/kettle wetlands, and should also be used to protect permanent and intermittent streams, seepage areas and springs. In the final Plan it is clearer that minimum self sustaining vegetation zones are a basis for further evaluation to determine whether a larger zone is required. The Table to Part III (see below) now provides minimum vegetation protection zones for all land within the surface catchment area or within 30 metres, whichever is the greater, for a kettle lake, all land within 30 metres of the meander belt of a permanent or intermittent stream, and all land within 30 metres of seepage areas and springs.

#### **Section 24: Watershed Plans**

In the draft, municipalities were required to begin watershed plans within one year-this has now been defined as April 22, 2003. The goal of watershed plans has now been omitted.

Subsection (2) requires the objectives and requirements of watershed plans to be incorporated into official plans-this was formerly in Section 5.4 (c) of the draft.

The required contents of a watershed plan in Subsection (3) are essentially the same as those in the draft.

In the draft, applications for major (formerly “large scale”) development submitted within five years of the Plan coming into effect where no watershed plan is in place were to be reviewed on a “case by case basis” (after five years, the watershed plan requirements apply-after two years for the Yonge Street Aquifer). Subsection 3.3. (b1) imposed separate requirements on these applications to provide information required prior to the municipality’s completion of a water budget and water conservation plan. These requirements have now been combined in

Subsection 24(8) of the final Plan. The requirement to identify any hydrologically sensitive features, related functions and how they would be protected is new.

#### *SRVS Comments*

SRVS argued that preparation of required watershed plans, water budgets and water conservation plans should be coordinated so that a clear water budget can be assembled across the entire Moraine. The Ministry of the Environment should be given a clear mandate for review of watershed plans and wellhead protection areas, and watershed plans should make provision for remediation of contaminated sites, particularly in wellhead protection areas. Downstream municipalities should be required to participate in preparation of watershed plans. These points were not specifically incorporated into the Plan.

SRVS proposed in response to “Share your Vision” that road salt be restricted on 400 series highways and other provincial highways, and prohibited on new roads and in internally draining watershed and wellhead protection areas. The draft and final Plans include provision for environmental management practices and programs such as road salt management in watershed plans.

### **Section 25: Water Budgets and Conservation Plans**

The required contents of a water budget and conservation plan are essentially the same as in Section 3.3. (b) of the draft, except that the description of potential water conservation measures is now more detailed.

#### *SRVS Comments*

See Section 24.

### **Section 26: Hydrologically Sensitive Features**

The features identified as hydrologically sensitive in Subsection (1) are the same as those in the draft.

Subsections 3.3. (d) and (e) of the draft prohibited uses other than those specified within a hydrologically sensitive feature and the minimum area of influence of permanent and intermittent streams and seepage areas and springs, and then only subject to a hydrological evaluation. A hydrological evaluation would also be required for development proposals in the minimum area of influence of wetlands or kettle lakes. Section 26 (2) of the final Plan has the same limitation on uses, but the use limitation applies only within a hydrologically sensitive feature and the related vegetation protection zone, which is smaller than the minimum area of influence (30m. versus 120m.).

The requirement for a hydrological evaluation now applies only to development in the minimum area of influence of a hydrologically sensitive feature, and not within the feature itself or in the related vegetation protection zone (Subsection 26 (3)). This is a similar change to that made for key natural heritage features (Section 22).

In the list of requirements of a hydrological evaluation the requirement in the draft to identify practices to maintain, improve or restore connections with other features has been deleted. Also, the applicant is now required to determine whether the vegetation protection zone is sufficient, and, if not, to specify the dimensions of the required zone and provide for maintenance and, where possible, improvement of the vegetation. In the case of permanent and intermittent streams and seepage areas and springs, the evaluation is to include an analysis of land use, soil

type and slope class, using criteria provided by the Government (similar to Subsection 23.(e) for natural heritage evaluations).

### **Section 27: Subwatersheds**

Subsection 27. (1), which requires impermeable surfaces not to exceed up to 10% outside Settlement Areas, is essentially unchanged from Section 3.3 (f) of the draft.

Section 3.3. (g) of the draft required a minimum of 30% of a subwatershed to be maintained in or restored to self-sustaining vegetation. Subsection 27.(2) of the final Plan requires only consideration of the desirability of ensuring that at least 30% of the subwatershed area has self sustaining vegetation when considering applications, and Settlement Areas are excluded from this provision.

Subsection 27.(3) requires consideration of imperviousness and naturally sustaining vegetation in considering applications for development in Settlement Areas. No percentage targets or limits are provided.

### **Section 28: Wellhead Protection Areas**

Section 3.3 (h) of the draft provided a list of uses and industries that would not be permitted in wellhead protection areas and areas highly vulnerable to groundwater contamination. In the final Plan, wellhead protection areas and areas highly vulnerable to groundwater contamination are treated separately.

Subsections 28. (1) and (2) relate to wellhead protection areas. The final Plan allows existing and already approved uses, and changes the list of prohibited new uses provided in the draft so that it relates more to storage and generation of certain types of materials than to types of land use. Generation and storage of hazardous waste and storage of road salt and petroleum fuels are among the new uses prohibited within wellhead protection areas, pending the incorporation of these areas into official plans.

Subsection 28. (2) places new restrictions on storage of animal manure, animal agriculture, and storage of agricultural equipment in the “zero to two year travel zone” within every wellhead protection area.

Subsection 29 contains a new prohibition against generation and storage of hazardous waste or liquid industrial waste, waste disposal sites and facilities including organic soil conditioning and snow disposal, storage tanks without secondary containment and storage of certain contaminants in areas of high aquifer vulnerability. The boundaries of these areas may be further defined in official plans. Mapping of areas of high aquifer vulnerability is available at government offices for inspection, and was not examined for this review.

Section 42 of the Plan also has provisions relating to wellhead protection areas, including designation of restricted haulage routes and an opportunity to expand (but not to reduce) the range of prohibited uses when wellhead protection areas are incorporated into official plans.

#### *SRVS Comments*

In its comments on the draft, SRVS proposed that road salt storage should not be permitted in internally draining and wellhead protection areas. Road salt storage in wellhead protection areas is now prohibited in the final Plan.

SRVS also commented that intensive livestock operations should be prohibited and storage of agricultural chemicals should be restricted in wellhead protection areas. Animal agriculture and

related uses are now prohibited within the zero to two year travel zone in wellhead protection areas, and storage of pesticides, herbicides and fungicides is now prohibited in wellhead protection areas. There was no response to an SRVS proposal that cleanup of contaminated sites be given priority in wellhead protection areas.

### **30. Landform Conservation Areas**

Landform conservation area maps are also available at Government offices, and were not consulted for this review. Boundaries may be further defined in official plans when they are brought into conformity with the Plan.

The Plan continues to identify two categories of landform conservation areas. The requirements for Category 1 areas remain essentially the same. For Category 2, the proportion of the net developable area that is disturbed is to be limited to 50%, which is more stringent than the 60% found in the draft.

The required contents of landform conservation area plans remain the same. The development strategy requirements in Section s. 30 (9) require concentration of development on parts of the site that are not significant, which is more stringent than the requirement in Section 3.4 (d) of the draft that development be concentrated on less significant landform features.

Subsection 30. (13) relates to applications in landform conservation areas in settlement areas, and replaces Section 3.5 (j) of the draft. The draft required that applications identify practices to minimize disturbance, whereas the final Plan requires that the approval authority shall consider the importance of adopting such practices, which seems less stringent.

There is no longer a separate section of the Plan dedicated to protecting ecological and hydrological integrity in settlement areas.

### *SRVS Comments*

SRVS proposed fines for grading and filling of wetland without approval from appropriate ministries, and prohibition on tree cutting in Natural Core and Linkage Areas except in special circumstances. SRVS also proposed prohibition on introduction of invasive exotic species.

The ORM Conservation Act enables the Minister of Municipal Affairs to require municipalities to pass site alteration and tree by-laws, but it is not clear how much this discretion would be used. SRVS proposed that every municipality within the Moraine should be required to pass bylaws that meet certain requirements within six months. There should also be provision for by-laws to protect other natural vegetation.

In its comments on the Share Your Vision document, SRVS argued that no further impermeable surfaces should be permitted in Natural Core and Linkage Areas. The draft and final Plans identified two categories of landform conservation areas where significant landform features would be protected, disturbed areas would be restricted and impervious areas within the net developable area of a site would be limited to 15%. SRVS generally supports these provisions, but recommended a precautionary approach, limiting impermeable surfaces to 5% until research results become clearer.

### **Table to Part III of the Regulation (formerly Table 1)**

#### Item 1, Column 3

In the draft the minimum area of influence for wetlands was “all lands within 120m or the surface catchment area, whichever is the greater”. This has now been reduced (in some circumstances, at least) to “all land within 120 metres of any part of feature”.

#### Column 4

This now provides for the expansion of the minimum vegetation protection zone in accordance with clause 23 (d) for key natural heritage features, and Subsection 26. (4) for sensitive hydrological features.

#### Item 4, Column 4

There is no longer a minimum 30m minimum vegetation protection zone for life science ANSIs- the zone is to be established on a case by case basis.

#### Item 9

Sand barrens, savannahs and tallgrass prairies have been added to the list of key natural heritage features.

#### Item 10

The minimum vegetation protection zone for kettle lakes was formerly the surface catchment area. It is now the surface catchment area or within 30m, whichever is the greater.

#### Items 11, 12

There was formerly no minimum vegetation protection zone assigned to permanent and intermittent streams, or seepage areas and springs. The zone is now defined as all land within 30m of the meander belt of a permanent or intermittent stream, or any part of a seepage area or spring.

## **PART IV: SPECIFIC LAND USE POLICIES**

### **Section 31: Application**

This section specifies which provisions of this Part apply to which designation.

## **Section 32: Lot Creation**

Also see Section 15 for provisions for new lot creation in countryside areas. In the draft, some lot creation policies were built up cumulatively through the policies for each designation. New provisions in Section 32 comprise:

4. The addition of land to an existing lot, provided this does not create an undersized lot.
5. Conveyances for natural heritage conservation are now limited to conveyances to public bodies or non-profit entities.
6. Parts of a lot that are devoted to different legally established uses can now be severed from each other.

The draft also provided for “minor lot line adjustments”, but the final Plan does not.

Policy 4.4 (c) in the draft required a municipality to amend its zoning by-law and/or enter into an agreement to ensure that when lots are created through consent there is enough net developable area on the severed and retained lots to accommodate development and to ensure features are not encroached upon, and to ensure provision of a natural self sustaining vegetation zone. Subsection 32. (3) and (4) makes similar provisions, except that approval may not be given if features would be encroached upon.

The definition for a “rural lot” (formerly “original rural lot”) has been changed-it must now have been validly conveyed before June 27, 1970, rather than January 1, 1971.

### *SRVS Comments*

SRVS suggested that mechanisms such as zoning and subdivision agreements are insufficient to protect self sustaining vegetation zones over the long term. SRVS suggested other methods such as conservation easements. The Plan provides for “other agreements” (e.g. Section 32. (4)).

## **33. Restriction re: agricultural uses, mineral aggregate operations, wayside pits**

Official plans cannot be more stringent than the Plan for agricultural uses, mineral aggregate operations, wayside pits. This provision was previously applied to the specific policies for each use.

### *SRVS Comments*

In its comments on the Share Your Vision document, SRVS proposed that any Official Plan policies that are more protective of the environment than the ORM Plan should be deemed to be the effective policies.

## **Section 34: Uses Accessory to Agricultural Uses**

This section formerly comprised section 4.5 of the draft, and is essentially unchanged.

### *SRVS Comments*

SRVS proposed more restrictive policies for agriculture including prohibition of agricultural expansion into sensitive areas, limitations on fencing, maintenance and enhancement of hedgerows and riparian areas, and Ministerial review of expansions into Natural Core and Linkage Areas in its response to the Share Your Vision document. The clarification of the definitions of “development” and “site alteration” in the final Plan to exclude agricultural practices

on land used for agricultural uses on November 15, 2001 (thereby confirming that subsequent expansions comprise development or site alteration) may assist in this regard, although it may be rendered ineffective by Section 6 which allows existing uses to continue. It is a matter of interpretation whether expansion of agriculture on lands within an existing farm is prevented by the Plan.

### **Section 35: Mineral Aggregate Operations and Wayside Pits**

The draft previously provided only for rehabilitation of aggregate sites to self sustaining vegetation. The Plan also requires rehabilitation to agricultural use in a prime agricultural area.

The specific provisions relating to Natural Linkage Areas are similar to those in the Draft, except that the required excluded area is now required to connect parts of the Natural Linkage Area outside the aggregate operation or wayside pit.

Other provisions, including those relating to extraction in young plantations and early successional habitat in key natural heritage features, remain essentially the same.

#### *SRVS Comments*

The "Share Your Vision" document proposed studies within twelve months, to allow aggregate extraction in some Natural Core Areas. SRVS objected to aggregate extraction in Natural Core Areas, and this was withdrawn from the draft Plan. Share Your Vision also proposed aggregate extraction in natural linkage areas. SRVS proposed more stringent conditions for this, and some conditions were incorporated into the draft and final Plans.

### **Section 36: Comprehensive Rehabilitation Plans**

Similar to the draft.

### **Section 37: Low-Intensity Recreational uses**

The list of these uses now excludes picnicking activities in municipal forests and on conservation authority lands. The provisions relating to these uses remain essentially the same, and evaluation requirements in key natural heritage features and hydrologically sensitive features have been reduced (Sections 23, 26).

#### *SRVS Comments*

SRVS called for clear implementation and consultation requirements when these uses are proposed in a Natural Core Area. The provisions remain unchanged.

### **Section 38: Major Recreational Uses**

These provisions remain essentially unchanged.

#### *SRVS Comments*

SRVS proposed that these uses be limited and subject to comprehensive planning across the Moraine.

### **Section 39: Trail System**

The permitted uses now include works to protect ecologically sensitive portions of the trail system. Conservation and erosion control is now permitted to protect or restore hydrologically

sensitive as well as key natural heritage features. The Plan requires that the trail “be located in Natural Core Areas Natural Linkage Areas as much as possible”. Motorized wheelchairs are excluded from the limitation to non-motorized trail uses.

*SRVS Comments*

SRVS argued that development of the Oak Ridges Trail should be subject to planning criteria, and should use existing old rail lines and underutilized roads where possible rather than a new paved surface across the entire Moraine, to protect natural heritage. These proposals did not find their way into the Plan.

**Section 40: Small-Scale Commercial, Industrial and Institutional Uses**

Farm implement stores, feed stores and country markets have now been added to the list of permitted uses. Schools, places of worship, community halls, retirement homes and cemeteries must now be intended mainly to serve nearby Rural Settlements within the Plan Area.

There is no longer a provision that small-scale commercial, industrial and institutional uses permitted in Natural Core and Natural Linkage Area are not subject to this Section.

*SRVS Comments*

An SRVS request that these uses be subject to a maximum site size of 0.5 ha was unsuccessful.

**Section 41: Transportation, Infrastructure and Utilities**

This section remains essentially unchanged.

*SRVS Comments*

SRVS argued that infrastructure should only be placed on the Moraine when no reasonable alternatives are available, and that it should be prohibited in Natural Core and Linkage Areas. Infrastructure is still permitted in Natural Core and Linkage Areas under limited conditions.

SRVS also proposed in response to “Share Your Vision” that increases in north-south road capacity be increased through environmentally sensitive widening of existing roads and transit expansion, rather than new routes, and that resources be allocated to build overpasses to allow unimpeded east-west wildlife movement. The draft and final plans require that infrastructure in Natural Core and Linkage areas “shall allow for wildlife movement”.

**Section 42: Official Plan Provisions, Wellhead Protection Areas, Areas of High Aquifer Vulnerability**

This new section requires official plans to contain policies that establish and protect wellhead protection areas within specific timelines (see also Section 28). The requirement to “define zones of contribution” corresponding to zero-two, two-ten, and ten-twenty five years of travel was not included in the draft. The policy to encourage restrictions on haulage routes for transportation of chemicals and volatile materials in wellhead protection areas was Policy 3.3 (i) in the draft.

**Section 43: Sewage and Water Services**

The policies for major development in Subsection 43. (1) are essentially the same as those in Section 4.12 (a) of the draft.

*SRVS Comments*

SRVS proposed minimum standards for effluent from sewage treatment plants, including control of thermal pollution and protection of coldwater habitat. The final Plan does not specifically include such provisions, although it does require that the quality and quantity of ground and surface water be maintained.

**Section 44: Partial Services**

Subsections (2) and (3) now permit partial services to address serious health concerns, where they were approved under the EA Act before November 17, 2001 and the “shelf life” of the approval has not expired, and in the Palgrave Residential Estate Community.

**Section 45: Stormwater Management**

There are some revisions to Section 4.13 of the draft. There is no longer any reference to “enhanced protection” (a concept from the MOEE stormwater guideline). The description of municipal planning and design practices is now more detailed, and includes reference to alternative stormwater management techniques such as directing roof discharge to rear ponding areas and using grassed swales.

Subsection (6) now imposes a requirement that 80% of suspended solids shall be removed from stormwater runoff as a long term average. The prohibition on disposal of stormwater into a kettle lake in subsection (7) is also new. Section 4.13 (g) of the draft prohibited new stormwater management facilities within hydrologically sensitive features or significant natural heritage features – the same provision now applies to stormwater management “ponds”.

#### *SRVS Comments*

SRVS argued in response to “Share Your Vision” that there should be localized treatment of stormwater in Settlement Areas to achieve provincial water quality standards for discharge into surface and ground waters. Use of wetlands for stormwater management and rapid infiltration basins and columns in internally draining areas and dry and intermittent stream valleys should be prohibited. Stormwater management facilities should be prohibited in Natural Core and Linkage areas and abutting lands in Settlement Areas.

The draft and final Plans prohibit rapid infiltration columns and basins on the Moraine (see Section 47). SRVS supported this and the prohibition on stormwater management facilities on hydrologically sensitive features and significant natural features, arguing that the latter should be extended to all Natural Core and Linkage Areas and abutting lands.

#### **Section 46: Stormwater Management Plans**

A stormwater management plan must provide for the “integrated treatment train approach” described in the draft.

#### **Section 47: Rapid Infiltration Basins and Columns**

These facilities continue to be prohibited.

### **PART V: PRESCRIBED PROVISIONS**

#### **Section 48: Prescribed Provisions within subsection 15 (2) of the Act**

This section specifies sections of the Plan that are to be treated as if they were in force on or before an application, matter or proceeding was commenced, in designations outside the Settlement Areas. This was previously dealt with by Section 5.2 (b) of the draft.

The prescribed sections (and one section in the draft that is no longer prescribed) are:

- Section 20: Supporting Connectivity-formerly 3. (2) (d), previously prescribed.
- Section 22: Key Natural Heritage Features-formerly 3. (2)(a) and (b) with additional provisions. 3.2 (b) was previously prescribed.
- Section 23: Natural Heritage Evaluation - formerly 3. (2)(c), not previously prescribed.
- Section 26: Hydrologically Sensitive Features-formerly 3. (3)(c), (d), (e) and now with additional provisions, not previously prescribed
- Subsection 43. (1) b: Maintenance of the quantity and quality of groundwater and surface water in a sewage and water system plan for major development, formerly part of Section 4.12, not previously prescribed.
- Subsection 45. (7): Prohibition on disposal of stormwater into a kettle lake-a new provision, not previously prescribed

- Subsection 45. (8): Prohibition on new stormwater management ponds in key natural heritage and hydrologically sensitive features-formerly 4.13 (g), not previously prescribed.
- Section 47: Prohibition on rapid infiltration basins and rapid infiltration columns-formerly Section 4. 13 (f), previously prescribed.
- Section 3.3 (b) of the draft, which required water budgets and water conservation plans for major development sites within five years of plan approval, was prescribed in the draft but the corresponding section of the final Plan, 24 (8), is not prescribed.

## **IMPLEMENTATION (not part of Regulation 140/02)**

This section generally corresponds to Section 5, Implementation and Interpretation, in the draft.

### **Status and Effect of the Plan**

Generally the same as Section 5.1(c) of the draft.

### **Provincial Obligations and Technical Support**

Generally the same as Sections 5.3 (b), (c) and (d) of the draft.

### **Municipal Implementation**

Formerly Section 5.4 of the draft-the Act now directs municipalities to ensure that the decisions they make on development applications conform with the Plan, as well as to bring their official plans into conformity with the Plan. The requirement in the draft to incorporate watershed plans, water budgets and water conservation plans into official plans has now been incorporated into the Regulation.

#### *SRVS Comments*

In its response to the Share your Vision document, SRVS proposed an Oak Ridges Moraine Commission with dedicated technical staff, rather than implementation by municipalities. In its response to the draft, SRVS added that municipalities should be required undertake studies and identify and protect natural heritage features that have not been identified by studies to date. Neither of these proposals was implemented.

### **Performance Indicators and Monitoring**

Formerly Section 5.5.

#### *SRVS Comments*

SRVS proposed that the Province should provide coordinated oversight of water resource monitoring programs with consistent data standards across the Moraine and no devolution to municipalities and conservation authorities.

The Performance Indicators and Monitoring section of the draft and final Plans require substantial improvement to set timelines for performance indicators, include NGOs in developing indicators, specify monitoring of cumulative effects, allocate resources to monitoring and enforcement, require certification of contractors working in sensitive areas, and provide wider scope for agreements with landowners and monitoring of these agreements. Monitoring of adherence to site management and contingency plans in wellhead protection areas should also be required.

## **Plan Review and Amendment**

Formerly Section 5.6.

One of the criteria for reviewing urban boundaries as part of the 10-year review has been expanded so that opportunities for Settlement Areas in other municipalities or for urban areas outside the Oak Ridges Moraine.....”do not adversely affect the ecological integrity of the Moraine”. Conditions for the Minister to amend the Plan in 5.6 (f) now include if “the amendment would improve the effectiveness and relevance of its policies”.

### *SRVS Comments*

The Share Your Vision document proposed “periodic” review of the Plan. SRVS responded with a proposal that this be done based on a ten-year cycle, and this was implemented in the draft and final Plans.

The Share Your Vision document proposed that residential development be subject to the Provincial Policy Statement under the Planning Act. The PPS requires every municipality to designate at least a 10-year supply of residential land, whether the municipality is on or off the Moraine. SRVS argued that this would eventually result in incursions into Natural Core and Linkage Areas. This policy was changed in the draft and final Plans so that the 10-year review of the Plan will not permit urban development in Natural Core or Linkage Areas.

SRVS also argued in its response to the Share Your Vision document that there be a preference for development in existing designated urban areas off the Moraine (preferably in transit supportive communities to the south and areas with brownfield opportunities) and that no further urban development should be permitted in the Countryside designation. The Implementation section now requires that development opportunities in existing settlement areas and off the Moraine be evaluated in considering the need to change or refine the boundaries of Settlement Areas.

**Table A1: Part III and Part IV Policies Applying to Previously Authorized Uses in Countryside Areas, Rural Settlement Areas and Settlement Areas (Sections 17, 18(6) of the ORMCP)**

Sections and Subsections	Countryside Areas (excl. Rural Settlements)		Rural Settlements		Settlement Areas	
	A	B	A	B	A	B
Column A: Normal requirement in this designation? Column B: Requirement for a previously authorized use?						
Part III: Protecting Ecological and Hydrological Integrity						
20: Supporting connectivity	Yes	Yes	Yes	No	No	No
21: Minimum area of influence and vegetation protection zone	Yes	No	Yes	No	Yes	No
22: Key natural heritage features	Yes	Yes	Yes	No	Yes	No
23: Natural heritage evaluation	Yes	Yes	Yes	No	Yes	No
24: Watershed plans	Yes	No	Yes	No	Yes	No
25: Water budgets and conservation plans	Yes	No	Yes	No	Yes	No
26: Hydrologically sensitive features	Yes	Yes	Yes	No	Yes	No
27: Subwatersheds:						
27(1): <10% Impervious surfaces in watershed	Yes	No	Yes	No	No	No
27(2): >30% self sustaining vegetation in watershed	Yes	No	Yes	No	No	No
27(3): Nat. veg., imperviousness in subwatershed: Settlement Areas	No	No	No	No	Yes	No
28: Wellhead protection areas	Yes	Yes	Yes	Yes	Yes	Yes
29: Areas of high aquifer vulnerability	Yes	Yes	Yes	Yes	Yes	Yes
30: Landform conservation areas:						
30(1), (2): Maps at MNR	Yes	No	Yes	No	Yes	No
30(3),(4): Refining LCA boundaries	Yes	No	Yes	No	No	No
30(5),(6),(7): Minimizing disturbance to landform character	Yes	No	Yes	No	No	No

Sections and Subsections	Countryside Areas (excl. Rural Settlements)		Rural Settlements		Settlement Areas	
	A	B	A	B	A	B
Column A: Normal requirement in this designation? Column B: Requirement for a previously authorized use?						
30(8),(9): Major development in LCAs	Yes	No	Yes	No	No	No
30(10),(11): Minor development in LCAs	Yes	No	Yes	No	No	No
30(12) Earth Science ANSIs	Yes	No	Yes	No	Yes	No
30(13) LCAs in Settlement Areas	No	No	No	No	Yes	No
<b>Part IV: Specific Land Use Policies</b>						
31: Application:						
32: Lot creation	Yes	No	Yes	No	No	No
33: Restriction re: agricultural uses, mineral aggregate operations, wayside pits	Yes	No	Yes	No	No	No
34: Uses accessory to agricultural uses	Yes	No	Yes	No	No	No
35: Mineral aggregate operations and wayside pits:						
35(1): Ground, surface water, nat. heritage protection	Yes	No	Yes	No	No	No
35(4),(5): Key nat. heritage feature: young plantations, early successional habitat	Yes	No	Yes	No	No	No
35(6) Aggregate in landform cons. area	Yes	No	Yes	No	No	No
36: Comprehensive rehabilitation plans	Yes	No	Yes	No	No	No
37: Low-intensity recreational uses	Yes	No	Yes	No	No	No
38: Major recreational uses	Yes	No	Yes	No	No	No
39: Trail system	Yes	No	Yes	No	No	No
40: Small-scale commercial, industrial and institutional uses	Yes	No	Yes	No	No	No
41: Transportation, infrastructure and						

Sections and Subsections	Countryside Areas (excl. Rural Settlements)		Rural Settlements		Settlement Areas	
	A	B	A	B	A	B
Column A: Normal requirement in this designation? Column B: Requirement for a previously authorized use?						
facilities:						
41(1): Defined	Yes	No	Yes	No	Yes	No
41(4),(5) Reqts for infrastructure in key natural heritage feature	Yes	No	Yes	No	Yes	No
41(6): Trenches: minimize groundwater disruption	Yes	No	Yes	No	No	No
42: Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability	Yes	No	Yes	No	Yes	No
43: Sewage and water services (entire section)	Yes	No	Yes	No	Yes	No
43.(1)(b) Groundwater and surface water: major developments	Yes	Yes	No	No	No	No
44: Partial services	Yes	No	Yes	No	Yes	No
45: Stormwater management:						
45.(7) No kettle lake disposal	Yes	Yes	Yes	Yes	Yes	Yes
45. (8) SWM ponds in key nat. heritage and hydro. Sensitive features	Yes	Yes	Yes	Yes	Yes	Yes
46: Stormwater management plans	Yes	No	Yes	No	Yes	No
47: No rapid infiltration systems or columns	Yes	Yes	Yes	Yes	Yes	Yes