

## **11. BALLANTRAE-MUSSELMAN LAKE AND ENVIRONS SECONDARY PLAN**

### **11.1 PURPOSE**

The Ballantrae-Musselman Lake and Environs Secondary Plan Area includes two small existing settlement areas, Ballantrae and Musselman Lake, which are recognized as a settlement area and a hamlet area respectively in the *Oak Ridges Moraine Conservation Plan*, as well as the surrounding rural lands. Its location on the Oak Ridges Moraine and the number of significant environmental features it contains means that it is also an area of environmental sensitivity.

The Ballantrae-Musselman Lake and Environs Secondary Plan provides detailed goals, objectives, principles and policies which are intended to:

- i) Provide a strategy for the conservation and enhancement of existing natural systems and features;
- ii) Ensure new development occurs in a manner which minimizes any negative impacts on natural systems and features;
- iii) Provide a strategy for the enhancement of existing development in a manner which will assist in the resolution of existing environmental concerns; and,
- iv) Provide a strategy for completion of development of the residential designated areas and the development of the Highway 48 corridor as the “main street” of the Community of Ballantrae while still ensuring development reflects the “village” character of the community and its location on a Provincial highway.

## **11.2 SECONDARY PLAN - STRUCTURE**

### **11.2 SECONDARY PLAN – STRUCTURE**

#### **11.2.1 Purpose**

The Ballantrae-Musselman Lake and Environs Secondary Plan consists of Section 11 and Schedules “E” and “E1” and a portion of Schedule “B” of the Official Plan.

#### **11.2.2 Secondary Plan Area**

The Secondary Plan is applicable to those lands bounded by the north lot line of Lot 23, Concession 7, 8 and 9, the Town boundary to the east, the south lot line of Lot 15, Concessions 7, 8, and 9 and a line running north/south approximately 1150 metres west of Highway 48, excluding lands described as Pt. Lt. 17, Con. 7, 33 Lobraico Lane. It is also applicable to lands immediately north and south of the Aurora Road west of the main west boundary of Schedule “E” to McCowan Road.

#### **11.2.3 Secondary Plan Structure**

The Secondary Plan policies include the following key sections:

- i) Section 11.3 Goal, Objectives and Principles
- ii) Section 11.4 Growth Management
- iii) Section 11.5 Land Use Strategy
- iv) Section 11.6 Natural Environment Conservation Strategy
- v) Section 11.7 Servicing Strategy
- vi) Section 11.8 Transportation Strategy
- vii) Section 11.9 Development Review
- viii) Section 11.10 Implementation and Interpretation

#### **11.2.4 Interpretation**

The Ballantrae-Musselman Lake and Environs Secondary Plan generally conforms with the policies of the Town of Whitchurch-Stouffville Official Plan. However, where this is a conflict between the policies of the general Official Plan and the Secondary Plan, the policies of the Secondary Plan shall supersede the general policies of the Official Plan.

## 11.3 GOAL, OBJECTIVES, PRINCIPLES

### 11.3.1 General

The goal and objectives which the Town is seeking to achieve through the detailed policies of this Secondary Plan, and the principles upon which the Secondary Plan is based are outlined below. The goal, objectives and principles provide a framework for the planning and development of the Ballantrae-Musselman Lake and Environs Secondary Plan Area by both the public and private sectors.

### 11.3.2 Goal

To create a community which maintains its rural character and village scale of development and is designed to recognize natural systems and processes and ensure they are maintained or enhanced.

### 11.3.3 Objectives

- i) To resolve to the maximum degree feasible given financial, administrative and technological constraints, existing environmental concerns.
- ii) To protect and enhance existing natural systems and features and reflect the objectives of the *Oak Ridges Moraine Conservation Act* as referenced in Appendix ORM Objectives to the Official Plan.
- iii) To ensure new development occurs in a manner which minimizes any negative impacts on natural systems and features, in accordance with the policies of the Oak Ridges Moraine Conservation Plan (in addition to any other applicable plans and policies) and to the satisfaction of the Town;
- iv) To encourage the enhancement of existing development in a manner which will assist in the resolution of existing environmental concerns;
- v) To ensure that new development is focused in Ballantrae, particularly to complete residential area infilling and rounding out along the Highway 48 Corridor such that development maintains the general character of the community, including the residential character of Aurora Road.

### **11.3.4 Principles**

The Secondary Plan is based on the following key principles:

i) **Protection of Natural Environmental Systems and Features Areas**

Protection of Natural Environmental Systems and Features Areas, which have been identified as environmentally sensitive, shall be preserved and enhanced including all Key Natural Heritage and Hydrological Features on Schedule “H” to the Official Plan and the Natural Heritage System Area on Schedule “E” to the Official Plan and which forms part of this Secondary Plan. Such areas include Areas of Natural and Scientific Interest, Environmentally Significant Areas, Wetlands, Kettle Lakes, Regional Forests, upland hardwood and conifer plantation forested areas, existing public parkland, undeveloped areas adjacent to kettle lakes, lands along the East Branch of the Holland River and a linkage between Musselman Lake and the Area of Natural and Scientific Interest to the east. Consideration should also be given to the protection and enhancement of other areas which contribute to natural systems and processes such as woodlands, streams, swales and linkages between natural areas wherever possible.

ii) **Restriction of Additional Development Adjacent to the Kettle Lakes**

New development should generally not be permitted in the surface drainage area of the kettle lakes, including the Musselman Lake settlement area. However, certain existing developed areas and adjacent lands may be redeveloped where such development will result in the enhancement of the natural systems and features, particularly where it will result in an improvement in wastewater and water services, as well as stormwater management practices which reduce negative impacts on the kettle lakes in accordance with the provisions of Section 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and the applicable land use designation.

iii) **Focus New Development in the Ballantrae Settlement Area**

New development is permitted, subject to detailed policies to minimize impacts on the natural systems and features, through infilling or rounding out within the existing Ballantrae settlement area. New development by plan of subdivision and/or condominium and site plan shall be focused to complete residential area infilling and rounding out, and along the Highway 48 Corridor, with a mix of commercial, institutional, office and low and medium density residential development. Development of residential infilling and rounding out along Aurora Road should maintain the residential character of that road.

The Ballantrae settlement area includes those lands designated as Ballantrae Residential Area, Highway 48 Corridor Residential Area, Highway 48 Corridor Commercial/Mixed Use Area, Ballantrae Residential Golf Course Area and Institutional Area on Schedule “E” to the Official Plan.

iv) Restriction of Additional Development

Development in the areas outside the Ballantrae and Musselman Lake settlement areas shall be in accordance with the provisions of Section 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and the applicable land use designation. The Musselman Lake settlement area is that area designated as “Musselman Lake Community Area” on Schedule “E” to the Official Plan.

v) Provide for an Enhanced Trails System

Ensure connectivity within the Ballantrae and Musselman Lake and Environs area, to assist in integrating the community internally as well as with other parts of the Town and adjacent communities, through the development of an enhanced trails and sidewalk system.

## **11.4 GROWTH MANAGEMENT**

### **11.4.1 General**

The Ballantrae-Musselman Lake and Environs Secondary Plan area is expected to experience limited new growth which should be appropriately balanced and phased to ensure the required servicing infrastructure and community facilities are provided to meet the needs of the community.

Future growth and development is limited by the development limits established by the Ballantrae Settlement and Musselman Lake Community Area boundaries and the provisions of the Oak Ridges Moraine Conservation Plan.

Population and phasing for planning applications for approval within the Ballantrae and Musselman Lake settlement areas will be subject to the availability of water from the Ballantrae-Musselman Lake Drinking Water System, or from an individual private well water supply system servicing development subject to Section 11.7.2.1 requirements. Phasing of development will also be subject to the criteria of Section 11.7.3.

#### **11.4.2 Population on Partial Services**

While the Oak Ridges Moraine Conservation Plan generally prohibits the construction or expansion of partial services, exception is granted where it is necessary to address a serious health or environmental concern. In 2007, the Ministry of Environment confirmed that partial services within the settlement areas of Ballantrae and Musselman Lake would only be permitted within the limits of the 1991 Environmental Assessment approved capacity of the municipal water system. As such, in both the communities of Ballantrae and Musselman Lake up to a combined maximum population of 5,900 persons, unless otherwise confirmed by Provincial authorities, is permitted on partial services consisting of a municipal water supply system and a private individual on-site wastewater system. The existing population on partial servicing will be confirmed by the Town before any new development on partial servicing is approved to ensure conformity with the Oak Ridges Moraine Conservation Plan.

#### **11.4.3 Expanded Population Based on York Region's 2019 Class Environmental Assessment**

The upper-tier municipal water system, known as the Ballantrae-Musselman Lake Drinking Water System is owned and operated by the Regional Municipality of York and is comprised of three water wells with associated pumps (two duty and one standby), one storage facility and a chemical treatment system. An approved Class Environmental Assessment which was completed by York Region in 2019 increased the pumping capacity allowed in the Permit to Take Water from 5,900 persons to 6,230 persons. Partial servicing of the additional serviced population is not interpreted to be permitted under the Oak Ridges Moraine Conservation Plan through 'grandfathering' under the Ministry's exemption.

For greater clarity, any new development in Ballantrae and Musselman Lake that results in a total water serviced population of more than 5,900 persons must be on full services. Policies within this Secondary Plan define full services.

#### **11.4.4 Potential Increased Serviced Population of the Municipal Water System**

A Short-Term Growth Phase 1 Water Supply Feasibility and Conceptual Design Study (Phase 1 Water Supply Study) will be conducted to determine potential additional population beyond 6,230 persons that could be serviced by the Ballantrae-Musselman Lake Drinking Water System. The purpose of this study is to confirm what infrastructure improvements are needed to the Ballantrae-Musselman Lake Drinking Water System to enable servicing of the shorter-term growth interests and determine the serviceable

population in the Ballantrae and Musselman Lake communities if improvements are implemented. For further clarity, the potential for any additional development beyond 6,230 persons will be identified through the Phase 1 Water Study. Priority will be given to developments who can fulfill the criteria of Section 11.7.3.3.1.

#### **11.4.5 Full Build-out Potential Based on Additional Water and Wastewater Servicing**

Recognizing that Ballantrae and Musselman Lake are generally small communities that are dependent on available municipal water supply and private wastewater systems, and the existing Ballantrae Golf and Country Club communal wastewater treatment system, growth is relatively limited. However, these communities may have opportunities to build out beyond the population that can be serviced by the existing municipal water system and private individual wastewater systems or communal wastewater treatment infrastructure, where development may be permitted on a private well water system for individual lots. Growth potential beyond what is determined through the Phase 1 Water Supply Study will need to be further examined through a Long-Term Growth Phase 2 Water and Wastewater Servicing Feasibility Study (Phase 2 Water and Wastewater Study) to be led by York Region. The study would provide a high-level review of servicing alternatives, assess feasibility of implementation given potential environmental and regulatory constraints, and present options for subsequent consideration of inclusion in a Development Charge By-law update. For further clarity, the potential for any additional development beyond what is identified in the Phase 1 Water Supply Study will be assessed through the Phase 2 Water and Wastewater Study and Section 11.7.2 water servicing provisions.

Growth potential beyond what is determined through the Phase 1 Water Supply Study will need to be further examined through a Region-led Long-Term Growth Phase 2 Water and Wastewater Servicing Feasibility Study (Phase 2 Water and Wastewater Study). The study would provide a review of servicing alternatives and assess feasibility of implementation. For further clarity, the potential for any additional development beyond what is identified in the Phase 1 Water Supply Study will be assessed through the Phase 2 Water and Wastewater Study and Section 11.7.2 water and wastewater servicing provisions.

## 11.5 LAND USE STRATEGY

### 11.5.1 General

The land use designations for the Ballantrae-Musselman Lake and Environs Secondary Plan Area on Schedule “E” establish the general pattern for existing and future development in the Secondary Plan Area.

Decisions under the *Planning Act* and *Condominium Act* shall conform to the following Schedules and policies of Section 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and Part III of the *Oak Ridges Moraine Conservation Plan* as well as the Lake Simcoe Protection Plan. Also, no amendments shall be required to Schedule “H” where minor changes are proposed based on studies carried out in accordance with the *Oak Ridges Moraine Conservation Plan*, Lake Simcoe Protection Plan, or new information provided by the Province:

- i) Schedule “H”, *Oak Ridges Moraine Conservation Plan* Area Key Natural Heritage and Hydrologically Sensitive Features and Section 3.2.9 of the Official Plan;
- ii) Schedule “I”, *Oak Ridges Moraine Conservation Plan* Area Areas of High Aquifer Vulnerability and Section 3.2.9 of the Official Plan;
- iii) Schedule “J”, *Oak Ridges Moraine Conservation Plan* Area Landform Conservation Areas and Section 3.2.9 of the Official Plan; and,
- iv) Schedule “K”, *Oak Ridges Moraine Conservation Plan* Area Wellhead Protection Areas and Section 5.10 of the Official Plan.

In addition, notwithstanding any other policies of this Plan, existing uses are permitted and may be recognized in the Zoning By-law as permitted uses.

Changes to existing uses shall conform with the policies of Part I, Sections 6, 7, 8 and 9 of the *Oak Ridges Moraine Conservation Plan* (See Appendix ORM I to the Official Plan). However, changes to existing uses in the Musselman Lake Community Area designation shall be subject to the policies of that designation. With the exception of the “Musselman Lake Community Area” designation, notwithstanding the foregoing:

- i) Expansions to existing buildings and structures may be permitted without amendment to the Zoning By-law provided that the addition does not intrude into



any area identified as Areas of Natural or Scientific Interest, Wetlands, Woodlands, Kettle Lakes, Stream or Minimum Vegetation Protection Zone of Schedule “H” or Natural Heritage System Area on Schedule “E” and the expansion complies with all the other applicable policies of this Plan and the regulations of the Zoning By-law; and,

- ii) New accessory uses, buildings and structures, including swimming pools, related to existing uses may be permitted in accordance with the regulations of the Zoning By-law and provided that the uses, building or structure does not intrude into any area identified as Areas of Natural or Scientific Interest, Wetlands, Woodlands, Kettle Lakes, Stream or Minimum Vegetation Protections Zone on Schedule “H” or Natural Heritage System Area on Schedule “E”.
- iii) New industrial, commercial and institutional uses may be permitted in accordance with the regulations of the Zoning By-law and provided that the proposed municipal water servicing demand is demonstrated through a Functional Servicing Report, to the satisfaction of the Town and Region, to be within the servicing capacity of the Ballantrae-Musselman Lake Drinking Water System.

The following land uses shall be permitted in all designations with the exception of the Natural Heritage System and the ORM Natural Core Area, ORM Natural Linkage Area and ORM Countryside Area designations subject to the applicable policies of Section 4.2 of the Official Plan:

- i) Accessory uses;
- ii) Forestry uses;
- iii) Home occupations;
- iv) Bed and breakfast establishments;
- v) Fish, wildlife and conservation management;
- vi) Group homes within existing single detached dwellings;
- vii) Accessory apartments;
- viii) Garden suites;

- ix) Electric power facilities;
- x) Archaeological activities;
- xi) Low-intensity recreational uses;
- xii) Watershed management and flood and erosion control projects carried out or supervised by a public authority;
- xiii) Wastewater management facilities; and,
- xiv) Stormwater management facilities.

## **11.5.2 Natural Heritage System Area**

### **11.5.2.1 Purpose**

The Natural Heritage System Area designation applies to those lands in the Ballantrae and Musselman Lake settlement areas as designated on Schedule “E”. The Natural Heritage System Area, together with the lands in the ORM Natural Core Area, ORM Natural Linkage Area and ORM Countryside Area designations, form part of a system made up of natural features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. The system includes lands which have been restored or have the potential to be restored to a natural state.

The purpose of the Natural Heritage System Area and ORM designations is to protect ecological features and functions in accordance with the Oak Ridges Moraine Conservation Plan. The System is reflected in its entirety in Appendix A to this Secondary Plan. However, the policies of this section only apply to the lands in the Community of Ballantrae and Musselman Lake settlement areas which are designated “Natural Heritage System Area”. They do not apply to any lands outside the boundaries of these settlement areas which are subject to the policies of the applicable land use designation.

The Natural Heritage System Area designation generally reflects the results of an Environmental Management Strategy carried out as a basis for the 2012 Secondary Plan Update adjusted where development has already occurred or has been approved to reflect existing and/or approved conditions. The designation generally reflects the

requirements of Section 21(4) of the Oak Ridges Moraine Conservation Plan for the Ballantrae and Musselman Lake settlement areas.

The policies of this designation supersede the designation on Schedule “H” and the policies of Section 3.2.9 of the Official Plan for Ballantrae and Musselman Lake. Where there is a conflict between the policies of this Section and the policies of Section 3.2.9, the policies of this Section shall prevail.

#### **11.5.2.2 Permitted Uses**

The uses permitted in the Natural Heritage System Area designation shall be:

- i) Legally existing uses, buildings and structures;
- ii) Replacement of legally existing uses, buildings and structures;
- iii) Fish, wildlife and conservation management;
- iv) Recreational nature viewing and related trail uses; and,
- v) Essential public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems, subject to the provisions of Section 11.5.2.4 but only if the need for the project has been demonstrated and there is no reasonable alternative.

#### **11.5.2.3 Permitted Buildings and Structures**

Buildings and structures shall be generally prohibited, except those related to the permitted uses.

#### **11.5.2.4 Land Use Policies**

- a) Ownership

Where lands designated “Natural Heritage System Area” are privately owned, it is not intended that these lands be necessarily free and open to the public, nor that they shall be acquired by the Town or other public body. However, if proposals are made to develop abutting or adjacent to such land, the Town or other public body may request conveyance of such lands. If such lands are conveyed to the Town, they shall generally not constitute part of the required parkland dedication. The lands designated “Natural Heritage System Area” shall be subject to the policies of Section 3.2.9 of the Official Plan.

## b) Boundaries

The boundaries of the Natural Heritage System Area designation shall be maintained generally in accordance with the boundary on Schedule “E”. Minor modifications may be considered to the boundaries, without amendment to this Plan, when the boundary is subject to a site-specific natural heritage evaluation/environmental impact study including being surveyed as part of the development review process to reflect differences in scale and level of detail. However, such minor modifications shall not negatively impact the Natural Heritage System as determined by the Town, nor shall such minor modifications result in any significant increase or decrease in the size of the Natural Heritage System.

### **11.5.3 Ballantrae Residential Area**

#### **11.5.3.1 Purpose**

The Ballantrae Residential Area designation recognizes existing low density residential development, and future low density residential areas, as well as the potential for infill residential development in the Ballantrae settlement area. It permits the development of future low density residential areas subject to controls with respect to negative impacts on natural systems and features, particularly with regard to servicing.

#### **11.5.3.2 Permitted Uses**

The uses permitted shall be:

- i) Legally existing uses, buildings and structures;
- ii) Replacement of existing uses, buildings and structures as well as additions and other modifications to existing uses, buildings and structures, including the addition of accessory uses, buildings and structures, subject to the provisions of the zoning by-law;
- iii) One single detached dwelling on an existing vacant lot of record;
- iv) Single detached dwellings as part of a plan of subdivision, condominium plan, or by consent;
- v) Parks and other open space uses;

- vi) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- vii) Public and private infrastructure, such as roads sites, designed and constructed in a way that minimizes negative impacts on natural systems;
- viii) Wastewater management facilities; and,
- ix) Public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a zoning by-law amendment.

### **11.5.3.3 Land Use Policies**

- i) All development shall conform with the development review policies of Section 11.9, and the servicing policies of Section 11.7. In addition, development shall be subject to the site plan control provisions of Section 11.9.5 of this Secondary Plan where deemed appropriate by the Town.
- ii) Development on individual private wastewater systems shall have a minimum lot size of 0.5 hectares but may be considered to have a reduced lot size, subject to the submission of the appropriate technical studies required by the Town, York Region and other agencies.
- iii) Development on a communal wastewater system shall have a minimum lot size of 0.2 hectares but may be considered to have a reduced lot size subject to the submission of the appropriate technical studies required by the Town, York Region and other agencies.
- iv) Development connecting the existing wastewater treatment plant of the Ballantrae Golf and Country Club shall be considered on the basis of:
  - a. Financial guarantees;
  - b. Operation and maintenance standards;
  - c. Provision of necessary easements;
  - d. Performance monitoring;
  - e. Reciprocal agreements that address ownership, operations and maintenance of the communal wastewater treatment system; and,

- f. Any required amendments to the Municipal Responsibility Agreement for the water treatment plan of the Ballantrae Golf and Country Club.

#### **11.5.3.4 Special Residential Land Use Policies**

- i) Notwithstanding any other policies of this Plan, any proposed development in Lot 19, Concession 7 in areas which abut the existing subdivision to the north and Environmental Feature Conservation Area to the south and west, shall be carefully evaluated to ensure that it will not have any significant impact on the existing forested area. Further, no roads shall be permitted in any development in Lot 19, Concession 7 to directly abut the existing subdivision to the north and, wherever feasible, the development shall be designed so that residential development of a similar density to the existing development shall abut the existing development. Finally, provision shall be made to maintain access between Highpoint Road and the adjacent Regional Forest.
- ii) Notwithstanding any other policies of the Plan to the contrary, any proposed development in Part of Lot 20, Concession 7 shall proceed by way of plan of subdivision and shall be designed to ensure the preservation of the mature deciduous woodlot. The mature deciduous woodlot may be incorporated into individual lots or privately owned common areas subject to restrictive zoning provisions and covenants on title which restrict development to the lands outside the main forest block.
- iii) Notwithstanding any other policies of this Plan to the contrary, any proposed development in Part of Lot 20, Concession 7 (Property Assessment Roll Nos. 077-70300, 07-700200, 07-021000, 070-198-00) shall be designed to ensure the preservation of the existing hedgerow along the common property line extending from Aurora Road southerly to the Regional Forest. Where necessary, the hedgerow will be enhanced with the planting of trees and understorey, which are native to the area to assist in creating a wildlife corridor which links the Regional Forest situated to the immediate north and south of the subject lands.
- iv) The hedgerow shall have a minimum width of 5 m on the property identified with Assessment Roll #077-70300. The hedgerow may be incorporated into individual lots or privately-owned common areas subject to restrictive zoning provisions and covenants on title which restrict development to the lands outside of the proposed wildlife corridor.
- v) Notwithstanding any policies of this Plan to the contrary, any proposed development in Part of Lots 20 and 21, Concession 7 shall be designed to provide adequate buffering and separation from the Regional Forest. All development shall proceed by way of plan of subdivision. The objectives of the proposed buffer are to assist in the protection of wildlife which are present in the interior portions of the forest block, and to encourage the regeneration of

vegetation along the perimeter of the forest to enhance habitat areas. The width of the buffer will be determined through the completion of a site specific Environmental Impact Study to be completed by the proponent prior to draft plan approval and submitted to the Town and Region for their approval. The minimum width of the buffer will not be less than 10 m.

- vi) Where necessary, the buffer will be enhanced with the planting of vegetation which is native to the area to assist in establishing and/or accelerating the regeneration of the defined lands. The buffer area may be incorporated into individual lots or privately-owned common areas subject to restrictive zoning provisions and covenants on title which restrict development to the lands outside of the buffer area.
- vii) Notwithstanding any other policies of this Plan to the contrary, the lands described as Part of Lots 19 and 20, Concession 8 (municipally known as 5342, 5376 and 5410 Lakeshore Road) and within Plan of Subdivision 19T(W) 12.002, shall be permitted to develop with a minimum lot size of 0.2 ha (0.5 ac) on the basis of a municipal water system and individual private wastewater treatment systems.
- viii) Subject to submission of reports satisfactory to the Town and York Region, and notwithstanding any other policies of the Plan to the contrary, the lands described as Part of Lots 19 and 20, Concession 8 (municipally known as 5426, 5452 and 5584 Lakeshore Road, consisting of 16.32 ha), may proceed with development by way of a private communal water supply system and connection to the existing Ballantrae Golf and Country Club communal wastewater treatment system.

#### **11.5.4 Oak Ridges Moraine Aggregate Resource Area**

The lands shown on Schedule “E” as Oak Ridges Moraine Aggregate Resource Area reflect existing mineral aggregate operations and are subject to the policies of Section 4.6.4.4 of the Official Plan.

##### **11.5.4.1 Exception – Part Lot 21, Concession 8**

Notwithstanding the foregoing, the lands described as Part Lot 21, Concession 8 may be developed for four non-farm rural residential lots. As a condition of the granting of any severance, the owner shall enter into an agreement with the Town to ensure that the majority of the trees on each site will be retained.

## **11.5.5 ORM Natural Core Area**

### **11.5.5.1 Purpose**

The ORM Natural Core Area designation on Schedule “E” recognize areas identified in the *Oak Ridges Moraine Conservation Plan* as areas with a high concentration of key natural heritage features, hydrologically sensitive features or landform conservation areas.

The purpose of the designation of these areas is to maintain, and where possible improve or restore, the ecological integrity of the Moraine Area.

### **11.5.5.2 Permitted Uses**

The following uses are permitted in the ORM Natural Core Area designation subject to the policies of Section 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule “H”;
- iv) Transportation, infrastructure and utilities in accordance with the provisions of Section 3.2.5;
- v) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vi) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;
- vii) Bed and breakfast establishments in any legally established residential unit subject to the regulations of the Zoning By-law;
- viii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- ix) Low intensity recreational uses in accordance with the provisions of Section 3.2.6;
- x) Unserviced parks;



- xi) Recreational trails in accordance with the provisions of Section 3.2.7;
- xii) Legally existing uses in accordance with the provisions of Section 3.2.4; and,
- xiii) Accessory uses.

### **11.5.5.3 Land Use Policies**

#### **i) Uses Accessory to Agriculture**

Uses accessory to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of the Official Plan and Section 34 of the Oak Ridges Moraine Conservation Plan (See Appendix ORM IV to the Official Plan). In the event of a conflict between this Plan and the provisions of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

#### **ii) Waste Disposal Area Special Policy Area**

In addition to the policies of this Section, the policies of Section 11.5.9.4 and Section 4.17 of the Plan shall apply to areas identified on Schedule “E” as “Waste Disposal Area of Influence”.

### **11.5.6 Hwy 48 Corridor Residential Area**

#### **11.5.6.1 Purpose**

The Hwy 48 Corridor Residential Area designation recognizes existing residential uses in the Highway 48 corridor and allows for some redevelopment of existing uses.

#### **11.5.6.2 Permitted Uses**

The uses permitted shall be:

- i) Legally existing uses, buildings and structures;
- ii) Replacement of existing uses, buildings and structures as well as additions and other modifications to existing uses, buildings and structures, including the addition of accessory uses, buildings and structures, subject to the provisions of the Zoning By-law;
- iii) One single detached dwelling on an existing lot of record;
- iv) Low density residential uses as part of a plan of subdivision or by consent;

- v) The conversion of existing dwellings or portions of existing dwellings to commercial and institutional uses including offices, on lots fronting on Highway 48, subject to an amendment to the Zoning By-law;
- vi) Low intensity recreational uses;
- vii) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- viii) Wastewater management facilities;
- ix) Public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- x) Public uses sited, designed and constructed in a way the minimizes negative impacts on natural systems and subject to a Zoning By-law amendment;
- xi) Medium density residential uses subject to a Zoning By-law amendment; and,
- xii) Institutional uses.

#### **11.5.6.3 Land Use Policies**

- i) All development shall conform with the development review policies of Section 11.9, the servicing policies of Section 11.7 and the Highway 48 corridor access management policies of Section 11.8.5.
- ii) Development shall be subject to the site plan control provisions of Section 11.9.5 of this Secondary Plan, where required by the Town.
- iii) Medium Density Residential development such as townhouses and low rise apartments shall require the submission of a concept plan and building perspective that displays the massing and conceptual design of the building, the relationship to adjacent development and the street, as well as locations for parking, driveways and loading and service areas. Such development shall satisfy the following criteria:
  - a) Maximum density of 45 units per net hectare (18 units per acre);
  - b) Maximum height of 4 storeys;
  - c) Buildings shall be sited so as to minimize the potential impact on adjacent low density residential uses which are located outside the Highway 48 corridor, particularly with regard to traffic generation, shadowing and noise;

- d) Any incompatibilities with adjacent low density residential uses can be mitigated through the provision of buffering, engineering or design solutions or other similar approaches;
  - e) Architectural treatment and design of the building and the property reflects the general “village” character of the community and the location on a Provincial highway is generally complementary to the adjacent development in the Highway 48 corridor and provides for strong pedestrian linkages between the building and the street edge, as well as enhanced landscaping particularly adjacent to the street and in parking areas.
- iv) Specific consideration will be required in integrating new development with established residential areas abutting the Highway 48 Corridor Residential Area.

#### **11.5.6.4 Special Provisions**

##### **11.5.6.4.1 Special Provision 1 – 15381, 15437, 15457 and 15473 Highway 48 (19T(W)-16.001)**

##### **11.5.6.4.1.1 Permitted Uses**

- i) Single detached dwellings and rear-lane street townhouse dwellings up to a combined maximum of 100 units, with maximum heights of 11 m, as part of a plan of subdivision and plan of condominium;
- ii) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- iii) Public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- iv) A public park sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a Zoning By-law amendment.

##### **11.5.6.4.1.2 Land Use Policies**

- i) Development will be serviced by the municipal water system, which includes the York Region Ballantrae-Musselman Lake Drinking Water System and the private Water Pollution control Plant (WPCP) located on the Ballantrae Golf and Country Club. The WPCP will service up to 100 residential units.

## **11.5.7 Musselman Lake Community Area**

### **11.5.7.1 Purpose**

The Musselman Lake Community Area designation recognizes existing development in the Musselman Lake settlement area and generally restricts new development. However, redevelopment of existing developed areas or the development of undeveloped lands within this designation may be considered where such development will result in the enhancement of natural systems and features, particularly where it will result in an improvement in wastewater and water services, and storm water management practices, which will reduce negative impacts on the kettle lakes and have the potential to enhance water quality in the kettle lakes.

### **11.5.7.2 Permitted Uses**

The following uses may be permitted subject to the policies of Section 11.5.7.3:

- i) Legally existing uses, buildings and structures;
- ii) Replacement of existing uses, buildings and structures, as well as additions and other modifications to existing uses, buildings and structures, including the addition of accessory uses, buildings and structures;
- iii) One single detached dwelling on an existing lot of record;
- iv) Low density residential uses as part of a plan of subdivision or by consent through the redevelopment of existing uses or the development of undeveloped lands with the Musselman Lake Community Area designation;
- v) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- vi) Public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- vii) Public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems subject to an amendment to the Zoning By-law.

### **11.5.7.3 Land Use Policies**

- i) All development shall conform with the applicable development review policies of Section 11.9, the servicing policies of Section 11.7 and the provisions of Section 11.5.1.
- ii) Development shall be subject to the site plan control provisions of Section 11.9.5 of this Secondary Plan, where required by the Town.

- iii) No new uses, buildings and structures or additions to existing uses, buildings and structures greater than a maximum size established in the Zoning By-law shall be permitted without an amendment to the Zoning by-law. In addition, the Town shall be satisfied that changes will be made to the site so that there will be improvement in wastewater and water services, as well as stormwater management practices, which will reduce negative impacts on the kettle lakes and have the potential to enhance water quality in the kettle lakes.
- iv) Additions to existing uses, buildings and structures, including the addition of accessory uses, buildings and structures, to a maximum size to be established in the Zoning By-law, may be permitted without an amendment to the Zoning By-law, subject to the approval of the Town provided that there will be no negative impact on the functioning of the existing wastewater facilities.
- v) The redevelopment of existing uses for new low-density residential development, other than one single detached dwelling, shall require approval of a plan of subdivision, or consent and a Zoning By-law amendment. Such redevelopment shall only be permitted provided, based on the applicable requirements of the development review policies of Section 11.9 and any other required studies, that it:
  - a) Can be demonstrated to the satisfaction of the Town, that the resulting redevelopment will have the potential to significantly enhance water quality in any kettle lake which is affected by surface drainage from the site; and,
  - b) Conforms with any other applicable policies of the Secondary Plan.

#### **11.5.7.4 Site Specific Policies**

**11.5.7.4.1** Notwithstanding any other provision of this Plan to the contrary, on lands designated as ORM Natural Linkage Area and symbolically shown on Schedule “E”, located within Part of Lots 20 to 23, Concession IX, the existing estate residential subdivision is permitted to continue.

Development and site alteration on such lands shall be subject to the relevant provisions of Section 11.5.14 and 3.2.9 of the Plan and the relevant provisions of the Zoning By-law.

#### **11.5.7.4.2**

Notwithstanding any other policies of this Official Plan, a maximum of five lots for single detached dwellings, which may include the existing single detached dwelling on the site, may be created through the consent process on the lands in Lot 16, Concession 9 in the Musselman Lake Community Area designation identified on Schedule “E”, Land Use Plan as being subject to the provisions of this policy. However, the approval of any consents shall conform with the development review policies of Sections 11.9.3.1 ii) and iii) and development shall be subject to the site plan control provisions of Section 11.9.5.

#### **11.5.7.4.3 – 14622 Ninth Line**

Notwithstanding the policies of Section 11.7.2.3.1, development shall be permitted on private wastewater and private water services subject to the policies of Section 11.7.

### **11.5.8 Institutional Area**

#### **11.5.8.1 Purpose**

The Institutional Area designation recognizes an existing institutional complex which serves the Ballantrae-Musselman Lake and Environs Secondary Plan Area and which includes an elementary school and community centre and another institutional complex which includes a fire hall and regional well. This designation may also be applied through an amendment to this Plan to significant new institutional uses which may be developed in the community.

#### **11.5.8.2 Permitted Uses**

The uses permitted shall be:

- i) Institutional uses;
- ii) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- iii) Public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems.

#### **11.5.8.3 Land Use Policies**

- i) Additional development in the Institutional Area designation shall be permitted only in accordance with the development review policies of Section 11.9 and the servicing policies of Section 11.7 of the Secondary Plan.
- ii) Proposals for major new institutional development within the Ballantrae-Musselman Lake and Environs Secondary Plan Area, other than those already permitted, shall require an Official Plan amendment and shall meet the following criteria:
  - a. Frontage on Highway 48 or Aurora Road;
  - b. Compatible with any existing or proposed adjacent residential uses with respect to matters such as height, setbacks and landscaping; and,
  - c. In accordance with the relevant provisions of the Secondary Plan including the development review provisions of Section 11.9 and the servicing provisions of Section 11.7 and the institutional policies of Section 9 of the Official Plan.

### **11.5.9 Hwy 48 Corridor Commercial/Mixed Use Area**

#### **11.5.9.1 Purpose**

The Hwy 48 Corridor Commercial/Mixed Use Area designation identifies areas where a range of convenience and service commercial development is permitted, as well as low and medium density residential uses, institutional and utility uses. All development is permitted in single use and mixed use buildings.

#### **11.5.9.2 Permitted Uses**

The uses permitted shall be:

- i) Legally existing uses, buildings and structures;
- ii) Replacement of existing uses, buildings and structures, as well as additions and other modifications to existing uses, buildings and structures, including the addition of accessory uses, buildings and structures, subject to the provisions of the Zoning By-law;

- iii) Limited convenience and service commercial uses including food stores, convenience stores, personal service uses, restaurants, offices and coffee shops;
- iv) Low density residential uses as part of a plan of subdivision or consent;
- v) Institutional uses;
- vi) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- vii) Public and private infrastructure, such as roads sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- viii) Public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a Zoning By-law amendment; and,
- ix) Medium density residential development subject to a Zoning By-law amendment.

#### **11.5.9.3 Land Use Policies**

- i) All development shall conform with the development review policies of Section 11.9, the servicing policies of Section 11.7 and the Highway 48 corridor access management policies of Section 11.8.5. In addition, the development shall be subject to the site plan control provisions of Section 11.9.5 of this Secondary Plan where required by the Town.
- ii) Proposals for new development shall require a Zoning By-law amendment and may also require a plan of subdivision, consent, or plan of condominium where residential development or a mix of uses is proposed. In addition, the submission of a concept plan and building perspective that displays the massing and conceptual design of the building, the relationship to adjacent development and the street, as well as locations for parking, driveways and loading and service areas will be required. Such development shall also meet the following criteria:
  - a. Uses shall have frontage on Highway 48 and the architectural treatment and design of the building and the property shall reflect the general “village” character of the community and the locations on a Provincial highway, be complementary to the adjacent development in the Highway 48 corridor and provide for a strong relationship between the building and



street edge, including strong pedestrian connections, as well as enhanced landscaping particularly adjacent to the street and in parking areas;

- b. Development shall be sited so as to minimize the potential impact on existing or proposed adjacent low density residential uses located outside the Highway 48 corridor with respect to matters such as height, setbacks and landscaping, traffic generation, shadowing and noise;
- c. Maximum height of four storeys; and,
- d. Maximum density for medium density housing of 45 units per net hectare (18 units per net acre).

#### **11.5.9.4 Waste Disposal Area Zone of Influence**

##### **11.5.9.4.1 Purpose**

The Waste Disposal Area Zone of Influence overlay designation recognizes the zone of influence of a former waste disposal site. This designation identifies the fact that development in such areas may be subject to hazards.

##### **11.5.9.4.2 Permitted Uses**

The uses permitted shall be those in the underlying land use designations on Schedule “E” to the Official Plan.

##### **11.5.9.4.3 Land Use Policies**

In addition to the policies of the underlying land use designations, the policies of Section 4.17, Waste Disposal Area of Influence, of the Official Plan shall be applicable to the lands in the Waste Disposal Area Zone of Influence overlay designation.

#### **11.5.10 Kettle Lake Drainage Area**

##### **11.5.10.1 Purpose**

The Kettle Lake Drainage Area overlay designation applies to the surface drainage area of all the kettle lakes in the Secondary Plan area. This designation recognizes the sensitive nature of this area and provide special policies to limit negative impacts of new development on the kettle lakes.

### **11.5.10.2 Permitted Uses**

The uses permitted shall be those in the underlying land use designations in the Kettle Lake Drainage Area, generally limit new development.

However, in addition to the policies of the underlying land use designations, where any new development involving a plan of subdivision is permitted, it shall require the submission of a comprehensive hydrogeological and surface water management study of the entire lake and catchment area in which the proposed development is located. These studies must satisfy the Town that the proposed development will have the potential to enhance the quality of the groundwater and surface water resource in the lake and catchment area.

### **11.5.11 Ballantrae Residential Golf Course Area**

#### **11.5.11.1 Purpose**

The Residential Golf Course Area designation relates to Part of Lots 21, 22 and 23, Concession 8 in the settlement of Ballantrae. The purpose of this designation is to permit an adult lifestyle community comprised of 750-900 residential condominium units and an 18-hole championship golf course. A community centre/clubhouse and related amenities, outdoor recreational facilities and an extensive open space system and trail network would also be permitted. The lands are to be serviced by municipal water and an on-site communal wastewater treatment plant.

#### **11.5.11.2 Permitted Uses**

The uses permitted shall be:

- i) A golf course, including a driving range, pro shop, ancillary parking and a maintenance and operations facility;
- ii) A community centre/clubhouse and uses incidental and accessory to the foregoing, including recreational and leisure facilities;
- iii) Detached, semi-detached and townhouse dwelling units as part of a plan of condominium;
- iv) Conservation uses and related trail network;

- v) Stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- vi) Private roads sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- vii) Private wastewater treatment facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems.

#### **11.5.11.3 Land Use Policies**

- i) A mix and range of housing units oriented to the empty nester market will be provided. The residential component, including the related amenity area and all other lands within the residential blocks, shall generally not exceed 40% of the total area of the property and shall be in the form of condominium blocks surrounded by the golf course. The units will be designed in the form of clusters respecting natural areas and landform conservation practices. The wide shallow lot concept will be utilized for the residential component to enhance the streetscape. The maximum number of residential condominium units permitted on this site shall be 900. Residential development shall not occur on the golf course lands, identified as blocks on the related plan of subdivision, 19T-97002.
- ii) The maximum permitted net residential density shall be 15 units per hectare (6 units per acre). Net residential density shall be calculated by dividing the number of units within a block on the plan of subdivision by the area of the block and shall include private roads.
- iii) The residential component will be phased in over an approximate fifteen year period to gradually integrate the development into the existing community. Annual absorption rates shall generally be in the 50 to 60 unit range. Development shall be staged in accordance with an environmental monitoring program pertaining to soils, surface water and groundwater quality and quantity; the performance of the wastewater treatment plant and absorption rates.

Prior to the approval of subsequent stages of the development, 75% of the units of the previous stage must be completed and occupied for a minimum of one year, to ensure proper monitoring and evaluation or other arrangements satisfactory to the Town and York Region have been made.

- iv) A comprehensive streetscape plan shall be prepared to address the function, design and treatment of street types, guidelines for the relationship of buildings to the street, the arrangements of buildings on the lot, setbacks to the street and the placement of parking and garages.
- v) The development shall be serviced by the municipal water system and by a privately owned and operated communal wastewater system. Development shall be conditional on the approval of the communal wastewater system as determined through a Class Environmental Assessment.
- vi) A Responsibility/Default Agreement shall be executed with York Region for the communal wastewater treatment facility. The agreement shall address the following and any other matters deemed appropriate by York Region and the Town:
  - a. Financial guarantees that no public funds will be required in the case of malfunction;
  - b. Operation and maintenance standards;
  - c. Easements, rights-of-entry and inspection;
  - d. Performance monitoring; and,
  - e. Guaranteed rate structures.
- vii) The servicing of the residential community and the golf course and accessory uses shall be integrated. Reciprocal agreements that address ownership, operation and maintenance of the communal wastewater system shall be required to the satisfaction of the Town and York Region.
- viii) No building permits shall be issued until approval is received from the Ministry of Environment, Conservation and Parks for the communal wastewater system and the owner has entered into a Responsibility Agreement with York Region. Standards for operating these systems will form part of the Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks.
- ix) All internal private roads shall be paved and of a standard that meets Town requirements. Entrances to the site shall be designed to ensure ease of access and safety. The creation of entrance features in the road allowance should also

be given consideration and shall be subject to the design guidelines contained in the streetscape plan.

- x) A Natural Resources Management Plan will be prepared to address matters pertaining to wildlife conservation/habitat enhancement, integrated pest management, energy efficiency, waste reduction management, water conservation management and water quality management.

#### **11.5.11.4 Special Implementation Policies**

- i) The development will proceed by a plan of subdivision which shall establish the blocks for the golf course and clubhouse, the residential units, the communal wastewater treatment plant and the park/woodlot block uses. Draft plan approval of the subdivision will include conditions pertaining to the staging of development, completion of a Responsibility Agreement between York Region and the developer (Schickedanz Bros.) for the communal wastewater treatment facilities, the preparation of a Master Servicing Plan, and Master Grading Plan, an Infrastructure Staging Plan, a Natural Resources Management Plan and a Streetscape Plan.
- ii) The Responsibility Agreement shall be based on the principles outlined in Regional Planning Report on Deferral No.1 to Amendment No. 90, dated January 12, 1998. Prior to the release of the final plan of subdivision, for any residential development utilizing the second cell of the wastewater treatment plant, York Region shall confirm that a financial security arrangement has been completed, the satisfaction of the Region.
- iii) Prior to final approval of any phase of the related plan of subdivision, for development subsequent to the initial 180 units, York Region shall review the results of an environmental monitoring program, to be provided by the developer at their own cost, and confirm that the development is not resulting in adverse environmental impact on the soils, groundwater and surface water quality and quantity.
- iv) The subject lands shall be zoned at either the subdivision agreement stage or at the site plan approval stage, consistent with the Official Plan provisions. With the exception of those lands shown on the attached Schedule "A-1" as the golf course and the Stage 2 residential lands, the by-law will utilize the holding ("H")

provisions of Section 36 of the *Planning Act*. This Zoning By-law shall specify the permitted uses at such time as the holding symbol is removed on an incremental basis in accordance with the policies of this Plan. No development shall occur on any lands within the area zoned with an (H) holding symbol until the (H) holding symbol has been removed by an amendment to the by-law. Such an amendment to remove the (H) holding symbol shall be conditional upon the following:

- a. The results of an environmental monitoring program demonstrating to the satisfaction of the Town, York Region and the Lake Simcoe Region Conservation Authority and any other applicable agency that the development is not adversely impacting the soils and surface water and groundwater quality and quantity.
  - b. The results of a monitoring program demonstrating to the satisfaction of the Town and York Region that the communal wastewater treatment plant is functioning in accordance with the requirements of the Responsibility Agreement and applicable provincial statutes with respect to the operation of wastewater treatment plants.
  - c. The previous stage having 75% of the total units completed and occupied for a minimum one-year period or other arrangements to the satisfaction of the Town in consultation with York Region.
  - d. York Region confirming the adequate water supply is available.
  - e. The submission of a demographic study satisfactory to the Town demonstrating that any stage of the Ballantrae Residential Golf Course Area is meeting its intended market and is not imposing an excessive burden on municipal or other public services.
- v) The entire development shall be subject to the site plan control provisions of the *Planning Act*.
- vi) Development within each of the residential blocks shall proceed by plan of condominium in accordance with the requirements of the Planning Act and the Condominium Act. Reciprocal agreements between the various condominium operations and the golf course shall be required pertaining to the operation and maintenance of the common elements of the development to the satisfaction of the Town and York Region.

- vii) The overlay designation on Schedule “E” recognizes the potential to develop certain lands through the passage of OPA 114 for a golf course facility exclusively. No residential or condominium community uses, buildings or structures shall be permitted within this defined land area. The uses of the subject area shall be limited exclusively to a golf course, cart pathways and trails.

Regulations and permitted uses for this Policy Area will be established through specific standards in the implementing Zoning By-law and/or terms and conditions as set out in an executed subdivision/site plan control agreement.

### **11.5.12 ORM – Natural Linkage Area**

#### **11.5.12.1 Purpose**

The ORM Natural Linkage Area designation on Schedule “E” recognizes areas identified in the Oak Ridges Moraine Conservation Plan as areas forming part of a central corridor system that support or have the potential to support the movement of plants and animals among the lands designated ORM Natural Core and ORM Natural Linkage Area, as well as river valleys and stream corridors.

The purpose of the designation of these areas is to maintain, and where possible to improve or restore, the ecological integrity of the Moraine Area and to maintain, and where possible improve or restore, regional-scale open space linkages between lands in the ORM Natural Core Area designations and along river valleys and stream corridors.

#### **11.5.12.2 Permitted Uses**

The following uses are permitted in the ORM Natural Linkage Area designation subject to the policies of Section 3.2, 5.8.3, 5.10 and 8.16 of this Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule “H”;

- iv) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- v) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;
- vi) Bed and breakfast establishments in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- viii) Low intensity recreational uses in accordance with the provisions of Section 3.2.6;
- ix) Unserved parks;
- x) Recreational trails in accordance with the provisions of Section 3.2.7;
- xi) Legally existing uses in accordance with the provisions of Section 3.2.4;
- xii) Mineral aggregated operations in accordance with Section 4.6.4.4 of this Plan;
- xiii) Wayside pits in accordance with Section 4.6.4.4 of this Plan; and,
- xiv) Accessory uses.

#### **11.5.12.3 Land Use Policies**

##### **i) Uses Accessory to Agriculture**

Uses accessory to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of this Plan and Section 34 of the Oak Ridges Moraine Conservation Plan (See Appendix ORM IV). In the event of a conflict between this Plan and the provisions of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

##### **ii) Waste Disposal Area Special Policy Area**



In addition to the policies of this Section, the policies of Section 4.17 of the Official Plan shall apply to areas identified on Schedule “E” as “Waste Disposal Special Policy Area” and “Waste Disposal Area of Influence”.

### **11.5.13 ORM – Countryside Area**

#### **11.5.13.1 Purpose**

The ORM Countryside Area designation on Schedule “E” recognizes areas identified in the Oak Ridges Moraine Conservation Plan as areas of rural land use such as agriculture, recreation, hamlets, mineral aggregate extraction operations, parks and open space. Hamlets are generally long-established and identified in official plans. They are also shown on the land use designation plan to the Oak Ridges Moraine Conservation Plan.

The purpose of the ORM Countryside Area designation is to encourage agriculture and other rural uses that support the Plan’s objectives by:

- i) Protecting prime agricultural areas;
- ii) Providing for the continuation of agricultural and other rural land uses and normal farm practices; and,
- iii) Maintaining the rural character of hamlets.

#### **11.5.13.2 Permitted Uses**

The following uses are permitted in the ORM Countryside Area designation subject to the policies of Section 3.2, 5.8.3, 5.10 and 8.16 of this Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule “H”;
- iv) Transportation, infrastructure and utilities in accordance with the provisions of Section 3.2.5;

- v) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vi) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;
- vii) Bed and breakfast establishments in any legally established residential unit, subject to the regulations of the Zoning By-law;
- viii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- ix) Low intensity recreation uses in accordance with the provisions of Section 3.2.6;
- x) Unserved parks;
- xi) Recreational trails in accordance with the provisions of Section 3.2.7;
- xii) Legally existing uses in accordance with the provisions of Section 3.2.4;
- xiii) Mineral aggregate operations in accordance with Section 4.6.4.4 of this Plan;
- xiv) Wayside pits in accordance with Section 4.64.4. of this Plan;
- xv) Agriculture-related uses;
- xvi) Major Recreational uses as described in Section 38 of the Oak Ridges Moraine Conservation Plan (See Appendix ORM IV) provided that such uses shall not be permitted in prime agricultural areas;
- xvii) Accessory uses.

### **11.5.13.3 Land Use Policies**

#### **i) Uses Accessory to Agriculture**

Uses accessory to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of this Plan and Section 34 of the Oak Ridges Moraine Conservation Plan (See Appendix ORM IV). In the event of a conflict between this Plan and the provisions

of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

ii) Waste Disposal Area Special Policy Area

In addition to the policies of this Section, the policies of Section 4.17 shall apply to areas identified on Schedule “E” as “Waste Disposal Special Policy Area” and “Waste Disposal Area of Influence”.

iii) Major Recreational Uses

Major Recreational Uses shall also be subject to the provisions of Section 4.11, Commercial Recreation Area of the Official Plan and the provisions of the Oak Ridges Moraine Conservation Plan. However, in cases of conflict the policies of Section 38 of the Oak Ridges Moraine Conservation Plan will prevail.

## 11.6 NATURAL ENVIRONMENT CONSERVATION STRATEGY

### 11.6.1 Purpose

The restrictions of the type and amount of new development which is provided for in the Ballantrae-Musselman Lake and Environs Secondary Plan should ensure that now significant additional negative impact on natural systems and features occurs as a result of any new development. However, there are a number of existing environmental problems in the Secondary Plan area, as identified in such studies as the Musselman Lake Surface Water Quality Report, 1989 and the East Holland River Subwatershed Plan, 2010, particularly:

- i) Some contamination of the shallow ground water system; and,
- ii) Elevated nutrient levels in Musselman Lake, and,
- iii) Median concentrations of phosphorus, total suspended solids, iron, aluminum, and zinc within the East Holland Subwatershed which exceed the Provincial Water Quality Objectives.

Other issues which impact on the quality of life in the community include truck traffic and lack of connectivity between neighbourhoods.

The intent of the Natural Environment Conservation Strategy is to establish a program for the correction of these current problems. The program is intended to be carried out by the Town and local residents and interest groups, working with other public agencies such as the Ministry of Environment, Conservation and Parks, the Ministry of Natural Resources and the Conservation Authority. It recognizes the fiscal constraints which the Town must work within and focuses on two areas:

- i) Private Resource Management Practices; and,
- ii) Public Resource Management Practices.

In addition, as part of the strategy, a comprehensive, linked Natural Heritage System is identified and designed to protect ecological features and functions. The linked System also provides for species movement and sustainability both within Ballantrae Musselman's Lake and Environs and the surrounding area. The System including

buffers is shown in Appendix “A” to the Secondary Plan. The System includes lands in the Natural Heritage System Area designation which applies to those lands in the Ballantrae and Musselman Lake Settlement Area as designated on Schedule “E”, together with the lands in the ORM Natural Core Area, ORM Natural Linkage Area and ORM Countryside Area designations. The policies of the applicable designation apply to guide development. The System reflects the Environmental Management Strategy prepared for the Town as part of the basis for the 2012 Secondary Plan Update and satisfies the requirements of Section 21(4) of the Oak Ridges Moraine Conservation Plan for the Community of Ballantrae and the Hamlet of Musselman’s Lake.

The Strategy also considers the implementation of a comprehensive Trails System as shown conceptually on Appendix B to the Secondary Plan based on the recommendations of the Community Open Space and Trails System Background Report prepared for the Town as part of the basis of the 2012 Secondary Plan Update.

### **11.6.2 Private Resource Management Practices**

Unless new development is being proposed, the Town has very limited authority to control private resource management practices. Therefore, the focus of any program must be the encouragement of voluntary action by individual landowners, although enforcement of existing regulations and the use of existing legislation are also available tools.

Actions which the Town will initiate to improve private resource management practices include:

#### **11.6.2.1 Ballantrae-Musselman Lake Environmental Advisory Committee**

The Town shall expand the mandate of the existing Kettle Lake Advisory Board so that it becomes a citizen environmental advisory committee for the entire Ballantrae-Musselman Lake and Environs Secondary Plan Area. The committee will work with Town representatives within a well-defined terms of reference and budget. It will:

- a) Use available existing resources to develop and implement a program to educate property owners, including farmers, about the sensitive nature of the area they live in, and the manner in which they can operate their household and workplace and manage their property to reduce negative impacts on natural systems and features (e.g. reduction in the use of fertilizers, reduction in household water use, modification of on-site storm drain systems);

- b) Establish and operate an awards program for residents, farmers, employers and property owners who implement measures for improving the environment;
- c) Establish and operate demonstration programs for environmentally sound management practices on public and/or private properties;
- d) Work with the Town and provincial agencies to establish tree-planting programs for public and private properties; and,
- e) Other related activities.

#### **11.6.2.2 Enforcement of Existing Legislation**

The Town shall review available legislation with respect to matters such as the operation of septic tanks and the protection of trees and work with the appropriate agencies to develop better enforcement practices.

#### **11.6.2.3 Tree and Site Alteration By-law**

In accordance with the *Oak Ridges Moraine Conservation Act, 2001*, the Town will adopt tree and site alteration by-laws in accordance with Sections 135 through 141 and 142 through 146 of the *Municipal Act*.

#### **11.6.2.4 Site Plan Control**

The Town shall use the site plan control process to control the quantity and quality of surface runoff on individual lots to reduce the negative impacts of new development or significant redevelopment in accordance with the provisions of Section 11.89.5 of this Secondary Plan.

#### **11.6.2.5 Natural Heritage System and Trails System**

The Town will investigate strategies for the establishment of the Natural Heritage System (Appendix A) and Trails System (Appendix B) including partnerships with private landowners, trail associations, and public agencies.

### **11.6.3 Public Resource Management Practice**

Actions which the Town will initiate to improve its own resource management practices and those of other agencies, include:

#### **11.6.3.1 Management Practice Audit**

The Town shall carry out audits of its own management practices and facilities in the study area and establish practices which minimize negative impacts on natural systems and features (i.e. road de-icing practices, street cleaning practices).

#### **11.6.3.2 Musselman Lake Shoreline Roads**

The Town shall reroute or redesign the Musselman Lake shoreline roads as the Town's financial situation permits to reduce any negative impacts on the Lake, working in conjunction with York Region and private landowners and in accordance with the applicable policies of the Oak Ridges Moraine Conservation Plan.

#### **11.6.3.3 Drainage Outlets to Musselman Lake**

The Town shall work to eliminate or redesign drainage outlets to Musselman Lake to reduce any negative impacts on the Lake, working in conjunction with private landowners and other public agencies as required and in accordance with the applicable policies of the Oak Ridges Moraine Conservation Plan.

#### **11.6.3.4 Other Agencies**

The Town shall work with other agencies, particularly York Region and the Provincial Ministry of Transportation, to seek improvements in their management practices in the area (e.g. road de-icing practices), as well as the introduction of programs to improve the environment (e.g. education programs, consideration of purchase of key environmental features, tree planting programs). The Town will also examine the potential for the management of trucking and cycling activities in the community to maximize safety and minimize truck noise.

### **11.6.4 Natural Heritage System Area**

The Natural Heritage System is shown in Appendix "A" to this Secondary Plan. The System is made up of natural features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable

populations of indigenous species and ecosystems. The system includes lands which have been restored or have the potential to be restored to a natural state.

Much of the area in the System is protected from development by the policies of the Oak Ridges Moraine Conservation Plan and this Secondary Plan. The purpose of identifying the System on a comprehensive basis is to provide a general context for the evaluation of applications as they pertain to the protection of natural heritage and for consideration for acquisition and the location of trails.

Where development of a lot which includes lands in the Natural Heritage System is proposed, the Town shall review its protection in accordance with the policies of the applicable land use designation. The boundaries of the System shall be maintained generally in accordance with the boundary in Appendix A. Minor modifications may be considered to the boundaries when the boundary is surveyed as part of the development review process to reflect differences in scale and level of detail. However, such minor modifications shall not negatively impact the Natural Heritage System as determined by the Town, nor shall such minor modifications result in any significant modifications which will require an amendment to this Plan and shall conform to the Oak Ridges Moraine Conservation Plan.

Further, the Town recognizes that, where the necessity of protecting such lands is established; in order to achieve this objective, it will not be feasible to acquire all the lands through the parkland dedication or other such mechanisms. Therefore, the Town must be prepared to consider a range of development approaches, where appropriate, including:

- i) The use of lands in the Natural Heritage System, for the purpose of calculating permitted density, coverage and open space for development on the remaining portion of the lot.

### **11.6.5 Trails System**

A comprehensive trails system, including existing and proposed new off- and on- road trails and sidewalks, is proposed to be developed generally as shown conceptually in Appendix B. The Secondary Plan Area provides a unique opportunity for the establishment of such a system, as it includes a variety of natural features. The connectivity of the Natural Heritage System also supports the connectivity of an off-road trails system and will assist in enhancing connectivity between neighbourhoods in the community.

The objectives of the trail system are:



- i) To provide recreational trail opportunities;
- ii) To provide trail or sidewalk connections between local destinations, such as schools, parks and community areas;
- iii) To provide trail connections to Town-wide destinations such as the Community of Stouffville;
- iv) To promote and support the Town's Healthy Communities initiative;
- v) To provide opportunities for natural heritage appreciation and interpretation;
- vi) To support, and connect to the York Region Trails system and the Oak Ridges Trail;
- vii) To promote local tourism and support secondary commercial opportunities;
- viii) To extend and improve upon the area's existing and currently proposed pedestrian and cycling systems.

The trails system will be implemented over time in accordance with the recommendations of the Community Open Space and Trails System Background Report. The potential trails and sidewalk routing identified in Appendix B serves as a framework for a connected local trails system. Exact trails routing is subject to detailed design through the implementation process and should generally be directed away from hazard lands and Key Natural Heritage Features or Hydrologically Sensitive Features.

While some of the trails may be implemented through plans of subdivision, consents, or other development applications processes, other means of implementation will also be required. These include partnerships with private landowners, trail associations, York Region and the Lake Simcoe Region Conservation Authority, land acquisitions, license agreements, donations, easements, leasing and funding from organizations which support initiatives of the Oak Ridges Moraine. It will also involve construction by the Town of sidewalks along Aurora Road and Highway 48 in Ballantrae in recognition of their roles as the main streets of the community.

Priorities for implementation include:

- i) Parkland development including the new park east of Musselman Lake;

- ii) Improvements to the on-road, pedestrian systems including along Aurora Road and Highway 48 in Ballantrae and Ninth Line in Musselman Lake; and,
- iii) Off-road trails, with a priority for those trails providing direct access to community destinations such as the link from Lakeshore Road to Ballantrae Public School.

#### **11.6.6 Source Protection Areas**

Wellhead Protection Areas and Time-of-Travel Zones are delineated on Schedule 'E-1'. These areas shall be subject to the policies of Section 5.10 of the Official Plan, source protection and water resource system policies of the York Region Official Plan, and the South Georgian Bay Lake Simcoe Source Protection Plan.

In addition, new land uses which involve the storage and application of agricultural and non-agricultural source organic materials shall be prohibited in Wellhead Protection Areas.

## **11.7 WATER AND WASTEWATER SERVICING STRATEGY AND STORMWATER MANAGEMENT**

### **11.7.1 Existing Water and Wastewater Servicing**

#### **11.7.1.1 Existing Water Servicing**

The Ballantrae/Musselman Lake Drinking Water System is a municipal water system and serves the Ballantrae and Musselman Lake settlement areas as a result of the contamination of a number of private wells in the area. An Environmental Assessment for the system was approved by the Minister of Environment and Energy in February 1991. Construction of the municipal water supply system began in March 1996, and it was operational as of January 1, 1997.

All existing development in the Ballantrae and Musselman Lake settlement areas shall be connected to the municipal water supply system, subject to the water system capacity availability.

#### **11.7.1.2 Existing Wastewater Servicing**

The Ballantrae-Musselman Lake and Environs Secondary Plan Area is primarily serviced by private individual wastewater systems, with the exception of the Ballantrae Golf and Country Club Residential Community which is designated “Ballantrae Residential Golf Course Area” on Schedule “E”, serviced on a private communal wastewater system approved by MECP that is subject to a Municipal Responsibility Agreement with York Region.

### **11.7.2 Future Water and Wastewater Servicing for the Ballantrae Settlement Area**

Future water and wastewater servicing for the Ballantrae Settlement Area will be subject to the partial servicing policies of Section 11.4.2.

#### **11.7.2.1 Water Servicing**

All new development shall be connected to the municipal water supply system of the Ballantrae-Musselman Lake Drinking Water System, subject to system capacity availability as determined through the Phase 1 Water Supply Study and as necessary, the Phase 2 Water and Wastewater Study (Sections 11.4.4 and 11.4.5).

The Town shall work with the Region and development community to achieve water conservation in keeping with York Region's Long Term Water Conservation Strategy. At a minimum, new development shall demonstrate water efficiency in its designs, following the Region's standard under its Long Term Water Conservation Strategy programming.

Individual lot private water servicing shall be permitted where full municipal services are not available, planned or feasible. Individual private water servicing is prohibited on lots that are currently connected to the municipal supply. Establishment of individual private well supplies shall be permitted for developments up to five lots. This applies to proposed developments with wells on each lot or if well supplies are shared between lots.

Construction of private wells must be completed such that the well does not draw water directly or indirectly from any shallow aquifer. All wells shall be constructed to the lower aquifer and in accordance with O. Reg 903 with full annular space grouting. To accommodate for availability and sustainability of the municipal drinking water system, all wells shall be completed to a depth below 245 metres above sea level and well pumps set to the lowest depth allowable based on the well design to mitigate lower groundwater levels related to municipal supply production. Acknowledgement of this policy and proposed construction details shall be provided to the Town as part of a building application or planning approval. York Region may require details on the proposed well supply, at its sole discretion.

For individual lot private well supplies developed as part of a development of greater than five lots, the same conditions above apply and must be demonstrated in a Functional Servicing Report, supported by a hydrogeological assessment to the satisfaction and approval of York Region and the Town, at their sole discretion.

### **11.7.2.2 Wastewater Servicing**

#### **11.7.2.2.1 Infilling and Development Outside the Highway 48 Corridor**

Infilling and redevelopment of existing lots in the areas designated "Ballantrae Residential Area" on Schedule "E" may be permitted on:

- i) Individual private wastewater systems; or,
- ii) Communal wastewater systems.

Such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, York Region, the Ministry of Environment, Conservation and Parks and the Ministry of Natural Resources, as applicable, that the land can be adequately and sustainably serviced.

#### **11.7.2.2.2 Plans of Subdivision Outside the Highway 48 Corridor**

Any development by plan of subdivision or by plan of condominium in the area designated “Ballantrae Residential Area” may be permitted on:

- i) Individual private wastewater systems; or,
- ii) Communal wastewater systems.

Such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, York Region, the Ministry of the Environment, Conservation and Parks, and the Ministry of Natural Resources, as applicable, that the land can be adequately and sustainably serviced.

#### **11.7.2.2.3 Highway 48 Corridor**

Any development in the areas designated “Highway 48 Corridor Residential Area” and “Highway 48 Corridor Commercial/Mixed Use Area” may be permitted on:

- i) Individual private wastewater systems; or,
- ii) Communal wastewater systems.

Such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, York Region, the Ministry of the Environment, Conservation and Parks, and the Ministry of Natural Resources that the land can be adequately and sustainably serviced.

#### **11.7.2.3 Future Water and Wastewater Servicing for the Musselman Lake Community Area**

All new development in the Musselman Lake Community Area shall be subject to the policies of Section 11.5.7. New development in the Musselman Lake Community Area shall be limited to minor infill, development of existing lots of record or consents of three lots or less.

### **11.7.2.3.1 Water Servicing**

All new development shall be connected to the municipal water supply system of the Ballantrae-Musselman Lake Drinking Water System, subject to system capacity and availability as determined through the Phase 1 Water Supply Study and Phase 2 Water and Wastewater Study (Sections 11.4.4 and 11.4.5).

The Town shall work with the Region and development community to achieve water conservation in keeping with York Region's Long Term Water Conservation Strategy. At a minimum, new development shall demonstrate water efficiency in its designs, following the Region's standard under its Long Term Water Conservation Strategy programming.

Individual lot private water servicing shall be permitted where full municipal services are not available, planned or feasible. Individual private water servicing is prohibited on lots that are currently connected to the municipal supply. Establishment of individual lot private well supplies shall be permitted for developments up to five lots. This applies to proposed developments with wells on each lot or if well supplies are shared between lots.

Construction of private wells must be completed such that the well does not draw water directly or indirectly from any shallow aquifer. All wells shall be constructed to the lower aquifer and in accordance with O. Reg 903 with full annular space grouting. To accommodate for availability and sustainability of the municipal drinking water system, all wells shall be completed to a depth below 245 metres above sea level and well pumps set to the lowest depth allowable based on the well design to mitigate lower groundwater levels related to municipal supply production. Acknowledgment of this policy and proposed construction details shall be provided to the Town as part of a building application or planning approval. York Region may require details on the proposed well supply, at its sole discretion.

For individual lot private well supplies developed as part of a development of two to five lots, the same conditions above apply.

For individual lot private wells supplies developed as part of a development of greater than five lots, the same conditions above apply and must be demonstrated in a Functional Servicing Report, supported by a hydrogeological assessment to the satisfaction and approval of York Region and the Town, at their sole discretion.

### **11.7.2.3.2 Wastewater Servicing**

Development in the Musselman Lake Community Area may be permitted on:

- i) Individual private wastewater systems, subject to the policies of Section 11.4; or,
- ii) Communal wastewater systems.

New on-site wastewater systems within 100 metres of Musselman Lake or a permanent stream shall be subject to the policies of Section 4.15 Development Policy of the Lake Simcoe Protection Plan.

Such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, York Region, the Ministry of the Environment, Conservation and Parks, and the Ministry of Natural Resources that the land can be adequately and sustainably serviced.

### **11.7.3 Servicing Capacity Availability**

#### **11.7.3.1 Short-Term Servicing Capacity**

The Phase 1 Water Supply Study will be led by York Region and funded by landowners, and will investigate, address and make recommendations with respect to minor works to expand servicing capacity for shorter-term growth needs.

#### **11.7.3.2 Long-Term Servicing Capacity**

The potential for any additional development beyond what is identified in the Phase 1 Water Supply Study will be assessed through the Phase 2 Water and Wastewater Study. The Phase 2 Water and Wastewater Study will be led by the Region, and would consist of evaluation of servicing alternatives for buildout condition, and assessment of environmental and regulatory constraints including Lake Simcoe Protection Act requirements related to wastewater discharges, Oak Ridges Moraine land use restrictions, water quality considerations, regulated environmental features in the study area, regional aquifer capacity potential and WHPA implications, and Ministry's concerns over shallow groundwater mounding.

Timing for the Phase 2 Study is to be initiated within one year of the completion of the Phase 1 Study and should be completed within a two-year time period following its commencement. A full build-out population of the existing Settlement area could be in the order of 10,300 persons or more.

### **11.7.3.3 Phasing of Development – Community of Ballantrae**

The order of development in the Community of Ballantrae shall be based on conformity with the policies of this Secondary Plan, and subject to the required studies being completed to the satisfaction of the Town, York Region, the Ministry of Environment, Conservation and Parks, and the Ministry of Natural Resources, as applicable. Further, water allocation will only be granted for the length of three years from a Town or OLT development approval. After which, water allocation may be provided to other construction-ready projects.

#### **11.7.3.3.1 Criteria for Water Supply Allocation**

When assigning water allocation to developments, Council shall have regard to the following criteria, in no particular order of preference or hierarchy:

- i) The availability of wastewater servicing;
- ii) The availability of stormwater management measures; and,
- iii) The degree to which the development is consistent with the PPS, Growth Plan, York Region Official Plan and the Town of Whitchurch-Stouffville Official Plan, as amended.

In reviewing development applications and determining water allocation assignment, the following principles shall be adhered to:

- i) The proposed development satisfies the development review requirements of the Town, York Region, Ministry of the Environment, Parks and Conservation, Lake Simcoe Region Conservation Authority, Ministry of Natural Resources, as is applicable;
- ii) The proposed development is serviceable by a communal wastewater system approved by MECP; and,
- iii) The servicing capacity needed for the proposed development is within the available capacity limits of the water supply system approved by MECP, or no municipal water allocation is needed as the development will be serviced by individual private wells. The available capacity limits of the water supply system shall mean the remaining capacity once York Region's future water capacity needs for its water treatment process requirements are accounted for. For



further clarity, the future treatment process water needs are currently estimated at 10% of the total treated water volume produced per day.

#### **11.7.4 New Communal Wastewater Services**

While municipal water and wastewater services are the preferred form of servicing, private communal wastewater services are permitted where full municipal services are not available, planned or feasible. A private communal wastewater system is a system for which York Region may be responsible, based on a decision by York Region and/or MECP, either through:

- i) Assumption of ownership; or,
- ii) Via a Municipal Responsibility Agreement whereby the Region agrees to assume the system in the event of default by the owner.

All private wastewater communal systems shall be designed to the satisfaction of York Region and subject to the following and/or applicable Regional Guidelines:

- a) That an economic/fiscal impact study is submitted to the satisfaction of York Region to confirm that the proposed development will have no financial burden on the Region;
- b) That a servicing justification report be prepared to the satisfaction of York Region to consider and evaluate alternative servicing technology options, as well as the proposed location for the proposed communal system and consider their potential to conform to current governing policies and guidelines (i.e. effluent criteria/objectives, wastewater facility location and setbacks, groundwater mounding, local and regional municipality standards/guidelines, etc.).
- c) That an Environmental Impact Study, Water Resource Impact Assessment, or other appropriate study, has been submitted to the satisfaction of York Region to ensure that environmental impacts have been addressed and that the communal wastewater services are suitable;
- d) That all agreements and approvals required to provide private communal water and/or wastewater services, planning and/or development agreements for applications, shall be in place before or form part of development approval for applications submitted under the Planning Act;

- e) That any proposal must comply with all applicable Provincial legislation and Plans; and,
- f) That within the Lake Simcoe Protection Plan area, it can be demonstrated that the communal system does not add phosphorus loadings to the watershed in accordance with the Lake Simcoe Protection Plan.

#### **11.7.4.1 New Communal Wastewater System Municipal Responsibility Agreements**

Where a Municipal Responsibility Agreement will be required, all costs associated with the approval, construction and maintenance of the system shall be the responsibility of the benefitting landowner(s) and/or operator(s). Any new communal wastewater systems must be approved and designed to the satisfaction of the Province and York Region, and all other applicable agencies and authorities.

#### **11.7.4.2 Groundwater and Wastewater System Design and Mitigation**

Wastewater discharge from all wastewater systems must be designed in accordance with general and site-specific MECP guidelines and requirements and be in accordance with the following:

- i) Designs must include an evaluation of elevated and/or perched groundwater conditions that are known to occur in the Ballantrae Area. Site specific groundwater investigations should be completed.
- ii) Wastewater system design must consider seasonal fluctuations and climate change impacts on future groundwater levels and include monitoring and mitigation measures that could be implemented if future groundwater levels increase and/or mounding issues occur.
- iii) Ensure that any operator of a new communal wastewater system will monitor for groundwater contamination and mounding based on MECP and York Region requirements. The operator will be solely responsible for implementing studies and mitigation measures, as required and to the satisfaction of York Region and MECP and other agencies and authorities as applicable, to ensure there is no impact to either the continuous operation of system, or to shallow groundwater levels.

### **11.7.5 Stormwater Management**

All development shall be carefully evaluated to avoid, minimize and/or mitigate impacts associated with the quality and quantity of stormwater into receiving streams, lakes and wetlands in accordance with the requirements of the Lake Simcoe Protection Plan including Sections 4.7-DP, 4.8-DP and 4.9-DP of that Plan. In particular, the Town will:

- i) Encourage the use of a hierarchy of source, lot-level, conveyance and end-of-pipe controls;
- ii) Encourage the implementation of innovative stormwater management measures including low impact development (LIDS);
- iii) Allow for flexibility in development standards to incorporate alternative community design and stormwater techniques;
- iv) Support the implementation of programs to identify areas where source control or elimination of cross connections may be necessary to reduce pathogens or contaminants; and,
- v) Support implementation of source control programs which are targeted to existing areas that lack adequate stormwater controls.

In addition, stormwater management works for new major development shall be designed to satisfy the Enhanced Protection level specified in Chapter 3 of the MOE's "Stormwater Management Planning and Design Manual 2003", unless the development constitutes infill development or redevelopment within a settlement area, it is not feasible to comply with the specified design standard, and the applicant demonstrates that the works incorporate the most effective measures in the circumstances to control the quality and quantity of the stormwater related to the development or redevelopment. Water quality and quantity control will be addressed on a site by site basis in accordance with the applicable policies of the Lake Simcoe Protection Plan, the Lake Simcoe Region Conservation Authority Technical Guidelines for Stormwater Management, the Ministry of Environment Stormwater Management and Design Manual and the Town's Guidelines, as amended from time to time.

Stormwater system designs must include an evaluation of elevated and/or perched groundwater conditions that are known to occur in the Ballantrae Area. Site specific groundwater investigations must be completed. Systems must consider seasonal fluctuations and climate change impacts on future groundwater levels and include monitoring and mitigation measures that could be implemented if future groundwater levels increase and/or mounding issues occur.

## **11.8 TRANSPORTATION STRATEGY**

### **11.8.1 General**

The transportation facilities in the Ballantrae-Musselman Lake and Environs Secondary Plan Area will generally comply with the policies of Section 5.2, Transportation and the designations of Schedule “I” of the Official Plan and Sections 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and be developed in accordance with the applicable policies of the Oak Ridges Moraine Conservation Plan.

### **11.8.2 Road Construction and Reconstruction**

Notwithstanding the provisions of Section 11 of the Official Plan, a key consideration in the siting, design and construction of new roads and the reconstruction of existing roads in the Ballantrae-Musselman Lake and Environs Secondary Plan Area shall be the minimization of negative impacts on natural systems.

Development proposals which incorporate new roads or which require the reconstruction of existing roads, shall provide, as part of the development review requirements of Section 11.8, studies which demonstrate that the proposed roads can be sited, designed and constructed in a manner that minimizes negative impacts on natural systems. The Town shall also ensure that when reconstructing existing roads in the Secondary Plan Area, that the road is sited, designed and constructed in a way that minimizes negative impacts on natural systems.

### **11.8.3 Road Maintenance**

The Town shall review its road maintenance practices in the Secondary Plan area to ensure that this program is designed to minimize negative impacts on natural systems and features.

### **11.8.4 Musselman Lake Drainage Area**

The Town shall place a priority on the reconstruction of roads in the drainage area of Musselman Lake to reduce negative impacts on that lake. In particular, the Town shall work with York Region to continue to investigate the potential for the reconstruction and/or realignment of Ninth Line (Regional Road 69) to:

- i) Reduce through traffic use of roads adjacent to the Lake;

- ii) Reduce storm runoff, erosion and sediment entering the Lake; and,
- iii) To provide more public open space adjacent to the Lake, as well as the creation of a pedestrian walkway along the Lake in accordance with the recommendations of the Community Open Space & Trails System Background Report.

### **11.8.5 Highway 48 Corridor – Ballantrae**

Highway 48 is a Provincial highway. The highway right-of-way is under the jurisdiction of the Ministry of Transportation (MTO).

The Town has developed Access Management Guidelines for Lands along Highway 48, in the Ballantrae settlement area:

#### **i) Purpose**

The Access Management Guidelines for Lands Along Highway 48 in the Ballantrae settlement area will assist the Town and all levels of government, agencies and landowners with the review and approval process for development in the corridor. This allows for long term planning along the corridor to achieve the ultimate plan for the right-of-way. In particular, the Guidelines will ensure access is provided to all lands along the corridor in appropriate locations with any necessary controls. The Guidelines are designed to minimize access to Highway 48 as necessary, identify potential roadway accessed apart from driveway access and identify locations where joint access should be considered and pursued to enhance traffic flow in the corridor. The Access Management Guidelines does not supersede any MTO standards and all development applications are subject to MTO and municipal approval processes.

#### **ii) MTO Regulations**

Notwithstanding the policies of this Plan and the Guidelines, requirements for highway access control are established in the Public Transportation and Highway Improvement Act. This Act establishes that the Ministry issues permits for the purpose of controlling and regulating buildings, land use, business establishments, encroachments, entrances, planting, signs and miscellaneous. Application for permits in the Highway 48 corridor MTO permit control area will be reviewed by MTO on a site-by-site basis based on a traffic impact study when required. As part of this process, MTO would consider the policies of this Plan and Access Management Guidelines.

#### **iii) Ultimate Right-of-Way**

An ultimate right-of-way of 32 metres has been established to accommodate projected traffic to 2031 and beyond in the Ballantrae settlement area. The ultimate right-of-way will accommodate four through lanes of traffic and a shared centre left turn lane. Drainage is proposed by MTO to remain a rural cross section. However, widening is not planned for the near future, rather MTO is protecting for the future right-of-way.

iv) Setback from the Ultimate Right-of-Way

MTO normally requires a setback of 14 metres along Provincial highways. However, MTO has determined that a minimum setback of 6 metres from the ultimate right-of-way would generally be applied in Ballantrae. The setback would accommodate any necessary infrastructure/utilities and would constitute the approximate existing building line. A reduced setback from the 6 metre setback would be considered on a case-by-case basis in the review of development applications by MTO. MTO will also consider infilling between existing building lines on a case by case basis dependent on local conditions highway needs.

v) Sidewalks/Multi-Use Trails

The Town is proposing to develop sidewalks and streetlights adjacent to Highway 48. To achieve this objective, the limitations of the current and future right-of-way will require reclassification of the facility from rural to urban with the placement of the sidewalk directly along the roadway. The Town will be responsible for all costs including all acquisition of lands outside the right-of-way. A legal agreement outlining responsibilities of the parties will also be required. Sidewalks will be subject to MTO permit control including submission of engineering plans and drainage report.

vi) Stormwater Management Facilities

Development will be required to provide on-site stormwater management controls to limit the amount of post-development flow into the Highway 48 drainage system such that runoff rates do not increase. A stormwater management report will be required to be approved by MTO for each site that demonstrates no impact on the MTO drainage system.

## vii) Access Management

All access design for proposed development will reflect the direction in the Access Management Guidelines (See Appendix C).

The key objective of the Guidelines is to minimize direct access to Highway 48 through directing access to adjacent side streets where feasible, the creation of service connections and joint access points. The interim plan recognizes that most sites have existing driveways which provide direct access to Highway 48 and that property consolidation is unlikely to occur in the immediate future. However, it proposes a number of potential joint access points and service connections for consideration as part of the development review process. The ultimate plan proposes potential access points should properties consolidate in the future. The potential access points should comply with appropriate MTO design standards.

### **11.8.6 Trails System**

A comprehensive Trails System, including existing and proposed new off- and on-road trails and sidewalks, is proposed to be developed generally as shown conceptually in Appendix B and in accordance with the policies of Section 11.6.5.

## **11.9 DEVELOPMENT APPLICATION PRE-CONSULTATION AND SUBMISSION REQUIREMENTS**

### **11.9.1 General**

#### **11.9.1.1 Purpose**

All development proposals in the Settlement area shall be subject to detailed review in accordance with the applicable policies of this Section. In addition, all development shall be subject to the site plan control provisions of Section 41 of the *Planning Act*, R.S.O 1990 and Section 11.9.5 of this Secondary Plan, as well as the applicable policies of Section 8.6 of the Official Plan and Sections 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan.

#### **11.9.1.2 Pre-Consultation**

- i) Consultation with the Town prior to the submission of a development application requiring Planning Act approval is encouraged and shall be required for applications for the approval of Official Plan amendments, Zoning By-law amendments, draft plans of subdivision, consents, draft plans of condominium and site plans. York Region is encouraged to participate in the Town's pre-consultation process. Other affected agencies such as Conservation Authorities are encouraged to participate, where appropriate.
- ii) The Planning Act and its regulations prescribe the submission of certain information and materials as part of development applications. The Town may require information and materials to support any development application in addition to that prescribed, including maps, drawings, reports and technical studies. The specific requirements for an application to be deemed to be a "complete" application shall be determined by the Town as part of the pre-consultation process, in consultation with the appropriate agencies including York Region and the applicable Conservation Authority.



## **11.9.2 Development Review – Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision**

### **11.9.2.1 General**

Development in the Settlement area will be limited. However, it is essential that any new uses are subject to detailed review prior to approval to ensure that they do not create additional concerns. The policies of this section establish the background information requirements and the criteria which must be satisfied for applications involving Official Plan amendments, Zoning By-law amendments and plans of subdivision.

These requirements shall generally not apply to any consent application involving three lots or less including proposals for infilling, additions or modifications to existing buildings and structures, minor changes to existing regulations or other similar changes with the exception of development in the Hwy 48 Corridor Residential Area and the Hwy 48 Corridor Commercial/Mixed Use Area (Hwy 48 designations).

Development shall not be permitted in areas which have been identified as environmentally sensitive, and the Town may apply conditions or restrictions which mitigate negative impacts on adjacent environmentally sensitive areas.

### **11.9.2.2 Information Requirements**

Unless an exemption is granted by the Town in writing as part of the pre-consultation process, the following information and material, together with any additional information and material identified in Section 7.3 of the Official Plan, shall be required to be submitted as part of an application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision, and draft plan of condominium with the exceptions noted in Section 11.9.2.1.

The required information and studies shall generally be carried out at the cost of the applicant by consultants retained by the applicant, unless it is determined by the Town, particularly where the lands area of particular sensitivity or a significant size, that the studies should be carried out by a consultant retained by the Town at the cost of the applicant.

The required information and studies, all of which shall be prepared by qualified consultants, include:

i) Background Information

Topographic mapping of the subject site and lands within 150m, at a scale of 1:2000 or greater, with a minimum of 2.5m contours and other information identifying all natural features including all trees, soil type and water related features, as well as existing buildings and structures.

ii) Plans

Detailed plans, including grading and planting plans and other documentation describing the proposed development including roads, building envelopes, areas to be retained in natural vegetation, natural areas which are intended to be enhanced, recreation facilities and trails, storm water facilities and wastewater and water services. In addition, in the Highway 48 Corridor designations, submission of a concept plan and building perspective that displays the massing and conceptual design of the building, the relationship to adjacent development and the street, as well as locations for parking, driveways and loading and service areas will be required, which considers the Highway 48 Corridor Urban Design Guidelines and Concept Plan.

iii) Storm Water Management

A surface water management study shall be submitted which identifies how storm water quality and quantity, erosion and sedimentation will be controlled and managed on site. Through a Best Management Practices approach, alternative mechanisms for treatment and control shall be identified. In addition, the rationale for these alternative measures shall be provided. In the Highway 48 Corridor designations, the study shall demonstrate no impact on the MTO drainage system.

In accordance with the requirements of Section 4.8-DP of the LSPP, an application for major development shall be accompanied by a stormwater management plan. Major development includes the creation of four or more lots, the construction of a building or buildings with a ground floor area of 500 square metres or more and the establishment of a major recreational use. Within Settlement Areas, any proposed development within the Musselman's Lake Community Area and Ballantrae Settlement Area shall demonstrate conformity with Designated Policies 6.32 – 6.34 of the Lake Simcoe Protection Plan.

#### iv) Water and Wastewater Services

Development proposals shall be accompanied by a water and wastewater services plan and include justification for the use of any private individual water and wastewater services or private communal wastewater systems, where permitted by this Plan. Development proposals shall also be supported by the appropriate engineering and hydrogeological studies.

#### v) Flood Studies

Flood studies and mapping for all watercourses with greater than a 125 ha drainage area, including identification of erosion sites and other hazard problems, shall be submitted based on terms of reference provided by the Lake Simcoe Region Conservation Authority.

#### vi) Fisheries Resource Management Study

A fisheries resource management study shall be carried out for sites, such as those along the East Holland River, where development may impact fish habitat to determine the nature of the resource, critical factors affecting the resource and its productivity and to identify enhancement opportunities.

#### vii) Natural Heritage System Assessment

Where a proposed development site includes areas designated Natural Heritage System Area on Schedule “E” or identified as Natural Heritage System in Appendix A, the required site survey will identify the boundary of the Natural Heritage System based on staking carried out by representatives of the Town and the Lake Simcoe Region Conservation Authority. A strategy for the maintenance of the Natural Heritage System shall also be provided.

#### viii) Tree Analysis

Where it is intended to remove any trees from a proposed development site, a tree analysis shall be carried out which will evaluate the nature and condition of the tree resources affected and, where deemed appropriate, provide recommendations with respect to removal based on the quality of the trees, species tolerance, proposed development impacts and opportunities for mitigation, as well as addressing the impact on any trees in the adjacent natural area particularly with respect to edge/interior protection measures required for such areas.

ix) Agricultural Code of Practice

Calculations shall be carried out with respect to the Agricultural Code of Practice where a proposed development site is adjacent to a livestock operation.

x) Cultural Heritage and Archaeological Resources

A preliminary assessment of any cultural heritage or archaeological resources on a proposed development site shall be prepared and, where appropriate, plans for preservation, removal or other approaches to any significant features.

xi) Noise Impact Study

A noise impact study where a proposed development site is adjacent to a major noise source such as a Provincial Highway, aggregate areas or industrial use.

xii) Traffic Impact Study

A traffic impact study for any proposed development in a Highway 48 Corridor designation including consideration of the Town's Access Management Guidelines.

### **11.9.2.3 Development Evaluation Criteria**

Development proposals shall generally conform with the following criteria, in addition to any other applicable policies of this Plan:

i) Storm Water Management

Storm water from the proposed development shall be treated and retained on site or within a specific area approved by the Town and where applicable will demonstrate no impact on the MTO drainage system and will satisfy the requirements of the LSPP. Water quality criteria shall be to the satisfaction of the Town, and where applicable, MTO.

ii) Groundwater Resources

Each development shall be in accordance with source protection and water resource policies in the York Region Official Plan and the South Georgian Bay Lake Simcoe Protection Plan and shall be designed to prevent impacts to groundwater quality and quantity including the sustainability of the municipal drinking water system.

iii) Wastewater and Water Services

Development shall be serviced in accordance with the policies of Section 11.7 of this Secondary Plan.

iv) Natural Heritage System Area

No development of lands in the Natural Heritage System Area designation on Schedule “E” shall be permitted, with the exception of those uses specifically outlined in Section 11.5.2.

v) Other Natural Areas

Development of other natural areas, particularly lands shown as Natural Heritage System in Appendix “A”, shall be permitted only in accordance with the provisions of Section 11.6.4 of this Secondary Plan.

All proposals shall incorporate a strategy for maximizing the protection of any wooded areas, significant hedgerows or individual trees identified in the tree analysis.

vi) Landform Considerations

The applicant must demonstrate that the planning, design and construction of the development shall minimize changes to the basic topographic character of the site and keep grading to the absolute minimum required, having regard for drainage issues.

vii) Watercourse and Lakes

All streams, rivers, ponds and lakes shall be maintained or enhanced as distinct ecosystems, and lands immediately adjacent to these watercourses should be retained or rehabilitated to a natural self-sustaining state wherever possible. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for the retention/restoration of riparian features such as intermittent streams and drainage swales, will be evaluated on a site by site basis and some modifications to these features may be approved where deemed appropriate.

viii) Traffic Impact

Development in the Highway 48 Corridor in the Ballantrae settlement area shall satisfy the Town’s Access Management Guidelines.

ix) General

Development shall implement the applicable recommendations of the background studies prepared as required by Section 11.9.2, including the protection or conservation of significant cultural heritage and archaeological resources where required, and generally conform to the applicable policies of Sections 8 and 4.2 of the Official Plan.

### **11.9.3 Development Review – Consents**

#### **11.9.3.1 General**

Consents may be discouraged in the Ballantrae and Musselman Lake settlement areas because of the location on the Oak Ridges Moraine. However, consents shall be permitted when the following criteria are satisfied and in accordance with the applicable policies of the Oak Ridges Moraine Conservation Plan.

##### **i) Legal or Technical Purposes**

A consent may be granted for legal or technical purposes such as a boundary adjustment, easement or rights-of-way where a separate lot is not being created. A consent may be granted where two or more detached dwelling units exist on a lot of record at the time of approval of this Plan. Consents of this nature shall only be permitted where it can be demonstrated through appropriate studies to the satisfaction of the Town and York Region that the severed and retained lands can be adequately serviced in accordance with the servicing policies of this Plan.

##### **ii) Improvement of an Existing Environmental Problem**

A consent may be granted where it will contribute to the improvement of an existing environmental problem such as the addition of lands to an existing undersized lot.

##### **iii) Preservation of a Natural Area**

A consent may be granted where it will assist in the preservation of a natural area or a part of the Natural Heritage System identified in Appendix A such as the addition of a wooded area to another existing wooded area with the intention of preserving both areas or the creation of a trail system.

##### **iv) Maximum Number of Lots to be created by Consent**

A consent for a maximum of 3 lots (1 retained, 2 created) may be granted in the “Ballantrae Residential Area” or the “Musselman Lake Community Area” designations if it is determined that a plan of subdivision is unnecessary, the consent satisfies the

minimum lot size requirements of the Town, and if the consent(s) is/are in conformity with the applicable policies of this Plan.

The policies of this Section establish the background information requirements and the criteria which must be satisfied for applications involving consents.

#### **11.9.3.2 Information Requirements**

Unless an exemption is granted by the Town in writing as part of the pre-consultation process, the following information and material, together with any additional information and material identified in Section 7.3 of the Official Plan, shall be required to be submitted as part of an application for a consent.

All consent applications shall include detailed mapping, plans and any other information required to allow evaluation of the proposal including detailed plans, where applicable, such as grading and landscaping plans and other documentation:

- i) Describing the proposed consent;
- ii) Demonstrating how stormwater, erosion and sedimentation will be controlled on site; and,
- iii) Describing existing landscaping and trees and any modifications proposed to the landscaping and trees.

In addition, a traffic impact study shall be required for any proposed consent in a Highway 48 Corridor designation including consideration of the Town's Access Management Guidelines.

#### **11.9.3.3 Development Evaluation Criteria**

Any proposed consent shall generally conform with any of the applicable criteria in Section 11.9.2.3.

### **11.9.4 Development Review – Minor Variances**

#### **11.9.4.1 General**

The policies of this Section establish the background information requirements and the criteria which must be satisfied for applications involving minor variances.

#### **11.9.4.2 Information Requirements**

Unless an exemption is granted by the Town in writing as part of the pre-consultation process, the following information and material, together with any additional information and material identified in Section 7.3 of the Official Plan, shall be required to be submitted as part of an application for minor variances.

All minor variance applications shall include detailed plans, where applicable, such as grading and landscaping plans and other documentation:

- i) Describing the proposed development;
- ii) Demonstrating how stormwater, erosion and sedimentation will be controlled on site; and,
- iii) Describing existing landscaping and trees and any modifications proposed to the landscaping and trees.

In addition, a traffic impact study may be required in a Highway 48 Corridor designation including consideration of the Town's Access Management Guidelines.

#### **11.9.4.3 Development Evaluation Criteria**

Any proposed minor variance shall generally conform with the following criteria, in addition to any other applicable policies of the Secondary Plan:

- i) Storm Water Management

Storm water from the proposed development shall be treated and retained on site or within a specific area approved by the Town and where applicable will demonstrate no impact on the MTO drainage system. Water quality shall meet limits established by the Town, and where applicable MTO.

- ii) Wastewater and Water Services

Any existing private wastewater or water services shall be brought up to a standard approved by the Town and York Region. New development shall be serviced in accordance with the policies of Section 11.7 of this Secondary Plan.

- iii) Natural Heritage System Area

No development of lands in the Natural Heritage System Area designation on Schedule "E" shall be permitted, with the exception of those uses specifically outlined in Section 11.5.2.



#### iv) Landform Considerations

The applicant must demonstrate that the planning, design and construction of the development shall minimize changes to the basic topographic character of the site and keep grading to the absolute minimum required, having regard for drainage issues.

#### v) Watercourses and Lake

All streams, rivers, ponds and lakes shall be maintained or enhanced as distinct ecosystems, and lands immediately adjacent to these watercourses should be retained or rehabilitated to a natural self-sustaining state wherever possible. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for the retention/restoration of riparian features such as intermittent streams and drainage swales, will be evaluated on a site by site basis and some modifications to these features may be approved where deemed appropriate.

#### vi) Traffic Impact

Development in the Highway 48 Corridor shall satisfy the Town's Access Management Guidelines.

### **11.9.5 Site Plan Control**

Lands within the Ballantrae and Musselman Lake Settlement Areas shall be designated as a Site Plan Control Area, to be used by the Town as required for detailed control of development. Site plans will conform with the policies of this Secondary Plan, and, notwithstanding the provisions of Section 11.9.2.3 of this Secondary Plan, the policies of the Community Design Strategy in Section 6.5 and Section 8.6, Site Plan Control, of the Official Plan.

The key objective of site plan control in this area shall be to minimize negative impacts on natural systems particularly the ground and surface water resources. Therefore, the Town shall use the site plan control process to ensure appropriate management of these resources for all development including additions or other minor changes to a site.

Applications for site plan control shall be subject to the Development Review requirements of Section 11.9.2 of this Secondary Plan including the information requirements, unless an exemption is granted by the Town in writing as part of the pre-consultation process.

### **11.9.6 Scale, Scope and Timing of Submissions**

- i) The scale, scope and timing of any required information and material identified in Section 11.9, particularly any reports and technical studies, is dependent on the nature of the proposal, its relationship to adjacent land uses and the type of planning approval required.
- ii) The Town may, and where directed by this Plan shall, at its discretion, and after consultation with the applicant, require that the required reports and studies be carried out by a consultant retained by the Town at the cost of the applicant. The Town may also, as an alternative, require a peer review by an appropriate public agency or by a professional consultant retained by the Town at the applicant's expense. In either case, the applicant shall have input to the establishment of the terms of reference for such a study or peer review and a specific cost limit shall be established prior to the commencement of the study.

### **11.9.7 Complete Application**

An application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision, consent or draft plan of condominium shall be considered complete under the *Planning Act* only when all the following items have been provided to the Town:

- i) An application form;
- ii) Any information or materials prescribed by statute;
- iii) A pre-consultation form;
- iv) Any supporting information or materials required to be provided in accordance with Section 7.3; and,
- v) The prescribed application fee.

## **11.10 IMPLEMENTATION AND INTERPRETATION**

### **11.10.1 General**

The implementation and interpretation of this Secondary Plan shall generally be in accordance with the provisions of Sections 8 and 9 of the Official Plan.

### **11.10.2 Consultation with Other Agencies**

The Town shall consult with other agencies as required, particularly the Ministry of Natural Resources, the Ministry of Environment, Conservation and Parks, the Ministry of Municipal Affairs, the Lake Simcoe Region Conservation Authority and York Region, with respect to any matters which result from the implementation of this Plan.

### **11.10.3 Master Environmental Servicing Plan**

A Master Environmental Servicing Plan may be prepared for the Ballantrae-Musselman Lake Secondary Plan area, or portions thereof, to deal with storm water drainage, water supply system, provision of sanitary wastewater disposal and environmental matters related to ground water quality, prior to development approval. The Town shall work with landowners to determine if such a plan is necessary, and the area or areas to which it should be applied.

### **11.10.4 Development Agreements**

#### **11.10.4.1 Development Charges**

Prior to the approval of any development proposal for the lands designated Ballantrae Residential Area, Hwy 48 Corridor Residential Area and Hwy 48 Corridor Commercial/Mixed Use Area, if applicable, the Town shall be satisfied that a suitable functional servicing study has demonstrated that the development proposal is feasible.

#### **11.10.4.2 Other Financial Requirements**

Prior to draft plan approval of any subdivision or condominium development, or site plan approval, in the Ballantrae and Musselman Lake settlement areas, the Town may require the owner to enter into area landowner cost-sharing servicing agreements and subdivision agreement, or site plan agreement, with the Town, if applicable, including front ending requirements that will ensure that the development can be adequately

served and that an appropriate contribution has been secured by the Town toward the provision of community services.

In particular, prior to the approval of any development proposal for the lands designated Ballantrae Residential Area, Hwy 48 Corridor Residential Area and Hwy 48 Corridor Commercial/Mixed Use Area, the following conditions shall be met:

- i) Prior to the approval of development, the Town and York Region shall be satisfied as to the availability of water supply and wastewater servicing capacity and approvals for a wastewater treatment system by the Town, York Region and MECP to accommodate the development. This may require front ending agreements and limitations to be placed on development; and,
- ii) Prior to the registration of any development, the owner shall have entered into a subdivision agreement or site plan agreement, including any front ending requirements with the Town and/or York Region that will identify the capital expenditures associated with the servicing of the lands and process for contributions from benefitting owners.

#### **11.10.4.3 Cost Sharing**

Where the Owner has entered into a Developers' Group agreement(s), if applicable, prior to the release for registration of any phase of the Draft Plan, the Trustee(s) of the applicable Developers' Group(s) shall deliver a release(s) to the Town indicating the Owner has satisfied all conditions of the Developers' Group agreement(s) and the Trustee(s) has no objection to the registration of the applicable phase of the plan. The Owner acknowledges that where it has elected to make alternative arrangements to ensure the fair and equitable cost sharing of community infrastructure and facilities, the Town shall notify the Trustee(s) of the local Developers' Group(s) of such arrangements at least 60 days prior to the release for registration of any phase of the Draft Plan.

#### **11.10.4.4. Developers' Group Agreement(s)**

The Town may require that directly benefitting landowners with applications for development enter into an agreement or agreements to address the sharing of the common costs of development, if applicable.

That the locations of proposed public infrastructure such as roads, stormwater management facilities or the provision of other community facilities identified in Ballantrae and Musselman Lake settlement areas have been incorporated without regard to property ownership. In order to ensure that all affected property owners

contribute equitably towards the provision of community and infrastructure facilities such as parks, roads and road improvements, internal and external services, stormwater management facilities, the Town may require, if applicable, that as a condition of development approval, development proponents enter into one or more Developers' Group Agreements to address the sharing of these costs.

The Owner shall agree in the Subdivision Agreement that the holding zone provisions shall not be removed by the Town until the conditions outlined in the Zoning By-law have been satisfied to the satisfaction of the Town.