

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; and,
- iii) provide a strategy for the enhancement of existing development in a manner which will assist in the resolution of existing environmental concerns.

11.2 SECONDARY PLAN – STRUCTURE

11.2.1

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

11.2.2

The Secondary Plan is applicable to those lands bounded by the north lot line of Lot 23, Concessions 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 as shown on Schedule "E" to the Official Plan 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 west boundary of Schedule "E" to McCowan Road, as shown on Schedule "A" to the Official Plan.

11.2.3

The Secondary Plan policies include the following key sections:

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

11.2.4

The Ballantrae-Musselman Lake and Environs Secondary Plan generally conforms with the policies of Town of Whitchurch-Stouffville Official Plan. However, where there 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 for the Secondary Plan Area.

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 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.
- iv) To encourage the enhancement of existing development in a manner which will assist in the resolution of existing environmental concerns.

11.3.4 Principles

The Secondary Plan is based on the following key principles:

- i) 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. 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. 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 sewer and water services, as well as storm water 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 would be permitted, subject to detailed policies to minimize impacts on the natural systems and features, through infill or extension of the existing Ballantrae settlement area.

The Ballantrae settlement area includes those lands designated as "Ballantrae Community Area", "Ballantrae Future Residential Areas I and II", Ballantrae Residential Golf Course Area", "Mixed Use Area" and "Institutional Area" on Schedules "A" and "C" 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.

11.4 LAND USE STRATEGY

11.4.1 General

The land use designations for the Ballantrae-Musselman Lake and Environs Secondary Plan Area on Schedule "E" and Schedule "A" 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 Sections 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and Part III of the Oak Ridges Moraine Conservation 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 or new information provided by the Province.

Regard should also be had to the following schedules and policies of the Official Plan with respect to the interpretation of Part III of the Moraine Plan. No amendment shall be required to these schedules where minor changes are proposed, based on studies carried out in accordance with the Moraine Plan:

- 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.

Deferred
→ 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 Moraine Plan (See Appendix ORMI to the Official Plan). However, except in the Musselman Lake Community Area designation which shall be subject to the policies of that 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 on Schedule “H” 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 use, 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 Protection Zone on Schedule “H”.

11.4.2 Natural Feature Conservation Area

i) Purpose

The Natural Feature Conservation Area designation includes lands identified in the landscape inventory for the Secondary Plan Area as Areas of Natural and Scientific Interest, Environmentally Significant Areas, Wetlands, kettle lakes, Regional Forests, and upland hardwood and conifer plantation forested areas, as well as 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. The purpose of the designation is to protect and enhance these key natural features in accordance with the policies of the Oak Ridges Moraine Conservation Plan. The policies for this designation supplement the designations on Schedule “H” and the policies of 3.2.9 of the Official Plan. Where there is a conflict between the policies of this Section and the policies of Section 3.2.9, the policies of Section 3.2.9 shall prevail.

ii) **Permitted Uses**

The uses permitted in the Natural Feature Conservation Area designation shall be:

- a) legally existing uses, buildings and structures;
- b) replacement of legally 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;
- c) fish, wildlife and conservation management;
- d) recreational nature viewing and related trail uses;
- e) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems subject to the provisions of Section 11.4.2 iv) but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered;
- f) essential public and private utilities, including roads sited, designed and constructed in a way that minimizes negative impacts on natural systems, subject to the provisions of Section 11.4.2 iv) but only if the need for the project has been demonstrated and there is no reasonable alternative.

iii) **Permitted Buildings and Structures**

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

iv) **Stormwater and Erosion Control Facilities and Essential Public Utilities**

The Town shall be satisfied that proposed stormwater and erosion control facilities and essential public utilities are necessary and that no technically feasible alternative exists for their location prior to granting any necessary approvals for such works. As a basis for evaluation, the Town shall require that the proposed development conforms with the applicable development review policies of Section 11.8.2.

v) **Land Use Policies**

Where lands designated "Natural Feature Conservation 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 within, 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 Feature Conservation Area” shall be subject to the policies of Section 3.2.9 of the Official Plan.

vi) **Exception – Part Lot 16, Concession 9**

Notwithstanding any other provisions of the Plan relating to development in areas of primary aggregate resource significance, the lands in Part Lot 16, Concession 9 may be developed as a rural residential use.

vii) **Exception - East Part Lot 18, Concession 9**

Notwithstanding the provisions of this Section, one single detached dwelling shall be permitted on an existing lot of record in East Part Lot 18, Concession 9. Notwithstanding the provisions of this Section, a golf course maintenance facility may be permitted in only the existing cleared portion of the woodlot, subject to the submission of a Natural Area Management Study approved by the Town in accordance with the policies of the Plan.

11.4.3 Underlying Natural Feature Conservation Area

i) **Purpose**

The Underlying Natural Feature Conservation Area designation recognizes the Ballantrae Sand Plain Area of Natural and Scientific Interest which largely lies under an existing residential subdivision and the Oak Ridges Moraine Till Section which is located in an active extractive industrial area. The purpose of the designation is to protect these natural features, while recognizing the existing development.

ii) **Permitted Uses, Buildings and Structures**

a) The uses, buildings and structures permitted in the Underlying Natural Feature Conservation Area designation in the southwest quadrant of Aurora Road and Highway No. 48 shall be those uses, buildings and structures permitted in the Ballantrae Community Area designation.

b) The uses, buildings and structures permitted in the Underlying Natural Feature Conservation Area designation south of Hillsdale Road shall be those uses, buildings and structures permitted in the Extractive Industrial Area designation.

iii) **Land Use Policies**

- a) Development in the Underlying Natural Feature Conservation Area designation in the southwest quadrant of Aurora Road and Highway No. 48 shall conform with the policies of the Ballantrae Community Area designation. In addition, prior to any new development which requires an official plan amendment, zoning by-law amendment or plan of subdivision, the Town shall ensure that there are no concerns with possible negative impacts with respect to the Ballantrae Sand Plain Area of Natural and Scientific Interest through discussions with the appropriate agencies.
- b) Development in the Underlying Natural Feature Conservation Area designation south of Hillsdale Road shall conform with the policies of the Extractive Industrial Area designation. In addition, prior to the rehabilitation of the pit, the Town will work with the owner to investigate the potential of making the lands available for scientific research. The Town will also seek to ensure that there are no concerns with possible negative impacts of any proposed new development as part of the rehabilitation of the pit, with respect to the Oak Ridges Moraine Till Section Area of Natural and Scientific Interest, through discussions with the appropriate agencies.

11.4.4 Extractive Rural Area

i) **Purpose**

The Extractive Rural Area designation recognizes an existing aggregate operation.

ii) **Permitted Uses**

The uses permitted shall be those uses presently existing in the Extractive Rural Area designation.

iii) **Land Use Policies**

Development in the Extractive Rural Area designation shall conform with the applicable policies of Section 4.8, Extractive Rural Area Amendment No. 84, of the Official Plan and the approval of new development after extraction is completed shall be subject to an Official Plan and zoning by-law amendment, as well as any other required approvals.

iv) **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.

11.4.5 ORM Natural Core Area

1.4.5.1 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.

1.4.5.2 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;

Deferred→

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

1.4.5.3 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 Moraine Plan (See Appendix ORMIV 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 11.4.13 and Section 4.17 of the Plan shall apply to areas identified on Schedule “E” as “Waste Disposal Special Policy Area” and “Waste Disposal Area of Influence”.

11.4.6 Ballantrae Community Area

- i) **Purpose**

The Ballantrae Community Area designation recognizes existing development in the Ballantrae settlement area.

- ii) **Permitted Uses**

The uses permitted shall be:

- a) legally existing uses, buildings and structures;
- b) 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;
- c) one single detached dwelling on an existing lot of record or a maximum of three lots by consent;
- d) limited additional commercial and institutional uses, including the conversion of existing dwellings, on lots fronting on Highway 48, subject to an amendment to the zoning by-law;

- e) low intensity recreational uses;
- f) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- g) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- h) public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a zoning by-law amendment.

iii) **Land Use Policies**

All development shall conform with the development review policies of Section 11.8 and the servicing policies of Section 11.6.

11.4.7 Ballantrae Future Residential Area

i) **Purpose**

The Ballantrae Future Residential Area designation recognizes two sites where residential subdivisions have been proposed which have been given draft plan approval. The intent of this designation is to permit the development of these subdivisions subject to the fulfillment of the conditions of draft approval and general conformity with the policies of the Secondary Plan. The registration and development of these plans of subdivision shall not require a further Official Plan amendment.

ii) **Permitted Uses**

The uses permitted shall be:

- a) legally existing uses, buildings and structures;
- b) single detached dwellings as part of a plan of subdivision;
- c) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- d) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems;

- e) public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a zoning by-law amendment.

iii) **Land Use Policies**

Residential development shall be permitted in accordance with the permitted uses of Section 11.4.7 ii) and the existing conditions of draft plan approval, subject to discussions between the Town, the Ministry of Natural Resources and the proponents to determine the need for any modifications to mitigate negative impacts with respect to natural systems and features.

In addition, all development shall be subject to the site plan control provisions of Section 11.8.5 of this Secondary Plan.

11.4.8 Ballantrae Future Residential Area II

i) **Purpose**

The Ballantrae Future Residential Area II designation recognizes future development areas for the settlement of Ballantrae. The intent of the designation is to permit the development of these lands by plan of subdivision subject to the stringent controls with respect to negative impacts on natural systems and features, particularly with respect to servicing.

ii) **Permitted Uses**

The uses permitted shall be:

- a) legally existing uses, buildings and structures;
- b) 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;
- c) single detached dwellings as part of a plan of subdivision or on a maximum of three lots by consent;
- d) one single detached dwelling on an existing lot of record;
- e) limited commercial and institutional uses on lots fronting on Highway 48 as part of a plan of subdivision;
- f) low intensity recreational uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a zoning by-law amendment;

- g) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- h) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- i) public uses sited, designed and constructed in a way that minimizes negative impacts on natural systems and subject to a zoning by-law amendment.

iii) **Land Use Policies**

- a) Residential development, other than a single detached dwelling on a lot of record, shall be permitted only by plan of subdivision or a maximum of three lots by consent, in accordance with the permitted uses of Section 11.4.8 ii) and the development review policies of Section 11.8 of the Secondary Plan.

In addition, such development shall only be permitted, subject to the servicing policies of Section 11.6, where it can be serviced in a manner approved by the Town, the Region of York, the Region of York's Medical Officer of Health, the Ministry of Environment and Energy and the Ministry of Natural Resources with:

- a communal water and sewer system; or,
- a communal water system and individual private sewage treatment facilities.

Further, development on a communal water system and individual private sewage treatment facilities shall have a minimum lot size of 0.5 hectares, while development on a communal water and sewer system may have a minimum lot size of 0.2 hectares.

- b) Limited commercial and institutional development which do not generate more than 4,500 litres of sewage per day shall be permitted as part of a proposed residential plan of subdivision subject to the provisions of Section 11.4.8.iii)a). However, such development shall be:
 - located at the intersection of Highway 48 and a collector or local road; and,
 - small scale and compatible with the surrounding uses with respect to matters such as height, setbacks and landscaping.

- c) Other permitted development which requires a zoning by-law amendment shall conform with the development review policies of Section 11.8.12.
- d) 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 the 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.
- e) 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.
- f) 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.

The hedgerow shall have a minimum width of 5 meters 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.

- g) 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 metres.

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.

11.4.9 Musselman Lake Community Area

i) Purpose

The Musselman Lake Community Area designation recognizes existing development in the Musselman Lake settlement area and prohibits new development. However, redevelopment of existing developed areas 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 sewer and water services, as well as storm water management practices which reduce negative impacts on the kettle lakes and have the potential to enhance water quality in the kettle lakes.

ii) Permitted Uses

The uses permitted shall be:

- a) legally existing uses, buildings and structures;
- b) 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 an amendment to the zoning by-law, and, provided that the Town, and with the Health Protection Division of the Regional Health Services Department are satisfied there will be no negative impact on the functioning of the existing sewage facilities or improved sewage facilities;
- c) one single detached dwelling on an existing lot of record subject to an amendment to the zoning by-law and provided that the Town, in consultation with the Regional Health Department, is satisfied that the proposed development can be serviced with private sewage facilities which shall not include a sewage holding tank;

- d) low density residential uses as part of a plan of subdivision through the redevelopment of existing uses;
- e) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- f) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- g) 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.

iii) **Land Use Policies**

- a) No new uses, buildings and structures shall be permitted without an amendment to the zoning by-law with the exception of:
 - modification of 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; and,
 - stormwater and erosion control facilities and public and private utilities sited, designed and constructed in a way that minimizes negative impacts on natural systems.

In addition, such development shall conform with the applicable development review policies of Section 11.8 and the provisions of Section 11.4.1.

- b) The redevelopment of existing uses for new low density residential development shall require approval of a plan of subdivision 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 11.8 and any other required studies, that it:
 - can be demonstrated that the resulting redevelopment will have the potential to enhance water quality in any kettle lake which is affected by surface drainage from the site; and,
 - conforms with the development review policies of Section 11.8 and any other applicable policies of the Secondary Plan.

- c) All other development shall require a zoning by-law amendment and shall conform with the development review policies of Section 11.8 and the provisions of Section 11.4.1.
- d) 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 11.8.3 ii) and iii) and development shall be subject to the site plan control provisions of Section 11.8.5.

11.4.10 Site Specific Policies

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 11.4.16 and 3.2.9 of the Plan and the relevant provisions of the zoning by-law.

11.4.11 Institutional Area

i) 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.

ii) Permitted Uses

The uses permitted shall be:

- a) institutional uses;
- b) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems; and,
- c) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems.

iii) **Land Use Policies**

- a) The designation recognizes an existing institutional complex on the eastern boundary of the Ballantrae settlement area on the north side of the Aurora Road. Additional development of this area shall be permitted only in accordance with the development review policies of Section 11.8 and the servicing policies of Section 11.6 of the Secondary Plan.
- b) 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:
 - located on lands designated Ballantrae Community Area or Ballantrae Future Residential Area II;
 - frontage on Highway 48 or the Aurora Road;
 - compatible with any existing or proposed adjacent residential uses with respect to matters such as height, setbacks and landscaping; and,
 - in accordance with the relevant provisions of the Secondary Plan including the development review provisions of Section 11.8 and the servicing provisions of Section 11.6 and the institutional policies of Section 9 of the Official Plan.

11.4.12 Mixed Use Area

i) **Purpose**

The Mixed Use Area designation recognizes an existing industrial use and provides direction with respect to the redevelopment of the site.

ii) **Permitted Uses**

The uses permitted shall be:

- a) legally existing uses, buildings and structures;
- b) 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;
- c) limited commercial uses with frontage on Highway 48;

- d) low density residential uses as part of a plan of subdivision or a maximum of three lots by consent;
- e) institutional uses;
- f) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- g) public and private utilities, including roads, sited, designed and constructed in a way that minimizes negative impacts on natural systems.

iii) **Land Use Policies**

- a) The designation recognizes an existing industrial use on the northern boundary of the Ballantrae settlement area on the east side of Highway 48 and any modifications to that use, including expansion of the use or the introduction of a similar use to the site.
- b) Proposals for new development shall require a zoning by-law and may also require a plan of subdivision where residential development or a mix of uses is proposed. Such development shall also meet the following criteria:
 - commercial and institutional uses shall have frontage on Highway 48;
 - where it can be serviced in a manner approved by the Town, the Region of York, the Health Protection Division of the Regional Health Services Department, the Ministry of the Environment and Energy and the Ministry of Natural Resources with a communal water and sewer system; or, a communal water system and individual private sewage treatment facilities;
 - development is compatible with any existing or proposed adjacent residential uses with respect to matters such as height, setbacks and landscaping; and,
 - is in accordance with the relevant provisions of the Secondary Plan including the development review provisions of Section 11.8 and the servicing provisions of Section 11.6 and the applicable policies of the Ballantrae Future Residential Area II policies of Section 11.4.8.

11.4.13 Waste Disposal Area Zone of Influence

i) **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.

ii) **Permitted Uses**

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

iii) **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.

11.4.14 Kettle Lake Drainage Area

i) **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 provides special policies to limit negative impacts of new development on the kettle lakes.

ii) **Permitted Uses**

The uses permitted shall be those in the underlying land use designations on Schedule "E" of the Secondary Plan.

iii) **Development Policies**

The policies of 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.

11.4.15 Ballantrae Residential Golf Course Area

i) 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.

ii) Permitted Uses

The uses permitted shall be:

- a) a golf course, including a driving range, pro shop ancillary parking and a maintenance and operations facility;
- b) a community centre/clubhouse and uses incidental and accessory to the foregoing, including recreational and leisure facilities;
- c) detached, semi-detached and townhouse dwelling units as part of a plan of condominium;
- d) conservation uses and related trail network;
- e) stormwater and erosion control facilities sited, designed and constructed in a way that minimizes negative impacts natural systems;
- f) private roads sited, designed and constructed in a way that minimizes negative impacts on natural systems;
- g) private wastewater treatment facilities sited, designed and constructed in a way that minimizes negative impacts on natural systems.

iii) Land Use Policies

- a) 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.

- b) 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.
- c) 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 the Region of York have been made.

- d) 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.
- e) 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.
- f) A Responsibility/Default Agreement shall be executed with the Region of York for the communal wastewater treatment facility. The agreement shall address the following and any other matters deemed appropriate by the Region of York, and the Town:
 - i) financial guarantees that no public funds will be required in the case of malfunction;
 - ii) operation and maintenance standards;
 - iii) easements, rights-of-entry and inspection;

- iv) performance monitoring; and
 - v) guaranteed rate structures.
- g) 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 the Region of York.
 - h) No building permits shall be issued until approval is received from the Ministry of Environment and Energy for the communal wastewater system and the owner has entered into a Responsibility Agreement with the Region of York. Standards for operating these systems will form part of the Certificate of Approval from the Ministry of Environment and Energy.
 - i) 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.
 - j) 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.

iv) **Special Implementation Policies**

- a) 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 sewage treatment facilities, the preparation of a Master Servicing Plan, a Master Grading Plan, an Infrastructure Staging Plan, a Natural Resources Management Plan and a Streetscape Plan.
- b) 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 sewage treatment plant, the Region of York shall confirm that a financial security arrangement has been completed, to the satisfaction of the Region.

- c) Prior to final approval of any phase of the related plan of subdivision, for development subsequent to the initial 180 units, the Region of York shall review the results of an environmental monitoring program, to be provided by the developer at his own cost, and confirm that the development is not resulting in adverse environmental impact on the soils, groundwater and surface water quality and quantity.
- d) 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:
 - i. The results of an environmental monitoring program demonstrating to the satisfaction of the Town, the Region of York 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.
 - ii. The results of a monitoring program demonstrating to the satisfaction of the Town and the Region of York that the communal wastewater treatment plant is functioning in accordance with the requirements of the Responsibility Agreement and applicable provincial statutes with the respect to the operation of wastewater treatment plants.
 - iii. 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 the Region of York.
 - iv. The Region of York confirming that adequate water supply is available.
 - v. 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.
- e) The entire development shall be subject to the site plan control provisions of the *Planning Act*.

- f) 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 the Region of York.
- g) 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.

11.4.16 ORM – Natural Linkage Area

11.4.16.1 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 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.

11.4.16.2 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) Unserviced 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 aggregate 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.

Deferred→

11.4.16.3 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 Moraine Plan (See Appendix ORMIV). 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”.

11.4.17 ORM – Countryside Area

11.4.17.1 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 Moraine 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.

11.4.17.2 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;

Deferred→

- 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;**
- xiii) Mineral aggregate operations in accordance with Section 4.6.4.4 of this Plan;
- xiv) Wayside pits in accordance with Section 4.6.4.4 of this Plan;
- xv) Agriculture-related uses;
- xvi) Major Recreational uses as described in Section 38 of the Moraine Plan (See Appendix ORMIV) provided that such uses shall not be permitted in prime agricultural areas;
- xvii) Accessory uses.

11.4.17.3 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 Moraine Plan (See Appendix ORMIV). 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 Recreation Uses

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

11.5 NATURAL ENVIRONMENT CONSERVATION STRATEGY

11.5.1 Purpose

The restrictions on the type and amount of new development which is provided for in the Ballantrae-Musselman Lake and Environs Secondary Plan should ensure that no 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 particularly:

- i) some contamination of the shallow ground water system; and,
- ii) elevated nutrient levels in Musselman Lake.

The intent of the Natural Environment Conservation Strategy is to establish a program for the correction of these current problems. This 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 and Energy, 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, lands are identified which contribute to natural systems and processes such as forested areas not included in the Natural Feature Conservation Area designation on Schedule "E" to the Official Plan and suggested linkage areas between major natural features, based on the Natural Features and Conservation Plan prepared for the Town as part of the basis for the Secondary Plan. These areas which are shown in Appendix A to the Official Plan, will be studied as part of specific development applications to determine the appropriateness and feasibility of incorporating them into the development plan.

11.5.2 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:

i) **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:

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

ii) **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.

iii) **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*.

iv) **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 11.8.5 of this Secondary Plan.

11.5.3 Public Resource Management Practice

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

i) **Management Practice Audit**

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

ii) **Musselman Lake Shoreline Roads**

The Town shall complete its assessment of the Musselman Lake shoreline roads and prepare a plan for rerouting or redesigning such roads as the Town's financial situation permits to reduce any negative impacts on the Lake, working in conjunction with the Region of York and private landowners and in accordance with the applicable policies of the Moraine Plan.

iii) **Drainage Outlets to Musselman Lake**

The Town shall complete its assessment of the drainage outlets to Musselman Lake and prepare a plan for eliminating or redesigning such outlets 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 Moraine Plan.

iv) **Other Agencies**

The Town shall work with other agencies, particularly the Region of York 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).

11.5.4 Natural Feature Enhancement Area

Natural Feature Enhancement Areas are shown in Appendix A to this Secondary Plan. They include lands identified in the Natural Features Conservation and Management Plan prepared as a basis for the Secondary Plan which contribute to natural systems and processes such as forested areas not included in the Natural Feature Conservation Area designation, suggested links between major natural features and areas which include intermittent streams and swales. The purpose of identifying these lands is to

provide information about areas which may include natural features which should be considered for protection and enhancement or areas where the creation of linkages between major natural features is appropriate.

Where development of a lot which includes lands in the Natural Feature Enhancement Area is proposed, the Town shall generally require submission of a natural area management study in accordance with the provisions of Section 11.8 to identify whether the areas have any environmental and socio-economic value and their exact boundaries. This requirement shall apply for applications involving official plan amendments, zoning by-law amendments and plans of subdivision.

However, such a study may not be required, if in the opinion of the Town, the natural features or linkages between the natural features will not be negatively impacted. A natural area management study shall not be required for proposals involving:

- i) an existing single detached residential lot in which the enhancement area on the property is four hectares or less in size;
- ii) infilling;
- iii) new buildings or structures, as well as additions or modifications to existing buildings or structures on an existing lot; and,
- iv) minor changes to existing regulations or similar changes.

The results of the study will be used by the Town as a basis for assessing the need to protect and enhance the lands in the Natural Feature Enhancement Area or the creation of linkages in such areas. The actual area to be protected may be modified, reduced in size, deleted or relocated (e.g. relocation of a linkage feature or drainage swale), without an amendment to the Official Plan based on the results of the natural area management study, other studies submitted as part of the development application, and any other relevant matters identified as part of the assessment of the application.

However, the Town should generally be satisfied that the proposed changes will not negatively affect:

- i) the function of any lands in the Natural Feature Conservation Area designation; and,
- ii) the protection of lands which incorporate a river, stream, pond or lake or other riparian lands such as intermittent streams or seepage areas which contribute to streamflow and downstream fish and fish habitats.

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 park land 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 Feature Enhancement Area where development is prohibited, for the purpose of calculating permitted density, coverage and open space for development on the remaining portion of the lot; and,
- ii) the integration of such areas into individual lots or privately owned common open space areas, while maintaining control over their use through site plan control agreements under Section 41 of the *Planning Act* to which only the Town and the landowner are parties.

11.6 STRATEGY – WATER AND SEWER SERVICING STRATEGY

11.6.1 Existing Servicing

The Ballantrae-Musselman Lake and Environs Secondary Plan Area is served by private sewer and water services. A municipal communal water system, the Ballantrae /Musselman Lake Water Works project, has been proposed for the Ballantrae and Musselman Lake settlement areas as a result of the contamination of a number of wells in the area. An environmental assessment for the proposed 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 was operational as of January 1, 1997.

11.6.2 Future Servicing Outside Settlement Areas

New and existing development outside the areas designated "Ballantrae Community Area", "Ballantrae Future Residential Areas I and II", "Mixed Use Area", "Institutional Area" and "Musselman Lake Community Area" will be limited. Existing development will continue to use private sewer services. New development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, the Region of York, the Health Protection Division of the Regional Health Services Department, the Ministry of Environment and Energy and the Ministry of Natural Resources that the land can be adequately serviced using the highest available evaluation standards and most recent techniques and equipment.

11.6.3 Future Sewer and Water Servicing Ballantrae and Musselman Lake Settlement Areas

i) Limited Infilling and Redevelopment

Limited infilling and the redevelopment of existing lots in the areas designated "Ballantrae Community Area", "Ballantrae Future Residential Areas I and II",

"Mixed Use Area" and "Institutional Area" on Schedule "E" may be permitted on private sewer and municipal water services. In addition, although new development in the Musselman Lake Community Area designation shall be extremely limited, infilling and the development of existing lots of record may be permitted on private sewer and municipal water services subject to the policies of Section 11.4.9.

In all these designations, such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, the Region of York, the Health Protection Division of the Regional Health Services Department, the Ministry of Environment and Energy and the Ministry of Natural Resources that the land can be adequately serviced using the highest available evaluation standards.

ii) **Plan of Subdivision – Ballantrae Future Residential Area I**

Any development by plan of subdivision in the areas designated Ballantrae Future "Residential Area I" shall be served in accordance with the policies for that designation in Section 11.4.7 iii) of this Secondary Plan.

iii) **Plans of Subdivision – Ballantrae and Musselman Lake Settlement Areas**

Any development by plan of subdivision in the areas designated "Ballantrae Community Area", "Ballantrae Future Residential Area II", "Mixed Use Area", and "Institutional Area" shall be served by:

- a) a municipal communal water and sewer system; or,
- b) a municipal communal water system and individual private sewage treatment facilities.

A municipal communal water and/or sewer system is a system for which the Region of York or the Town is responsible either through:

- a) assumption of ownership; or,
- b) via an agreement whereby the Region or Town agrees to assume the system in the event of default by the owner.

The water system used for such developments may be the proposed Ballantrae-Musselman Lake Water Works project, a modification of that project or individual communal systems developed for one or more subdivisions. Where individual systems are developed they shall be constructed so that they may be connected to the Ballantrae/Musselman Lake Water Works project, or a modification of that project, if it is built.

In all these designations, such development shall only be permitted provided it is demonstrated through appropriate studies to the satisfaction of the Town, the Region of York, the Health Protection Division of the Regional Health Services Department, the Ministry of the Environment and Energy and the Ministry of Natural Resources that the land can be adequately serviced using such systems using the highest available evaluation standards.

11.6.4 Ballantrae/Musselman Lake Water Works

The Ballantrae/Musselman Lake municipal water supply system became operational as of January 1, 1997. All existing and proposed development within the communities of Ballantrae and Musselman Lake shall be connected to the municipal water supply system.

11.7 TRANSPORTATION STRATEGY

11.7.1 General

The transportation facilities in the Ballantrae-Musselman Lake and Environs Secondary Plan Area will generally comply with the policies of Section 10, Transportation Policy and the designations on Schedule "I" of the Official Plan and Sections 3.2, 5.8.3, 5.10 and 8.16 of the Official Plan and in accordance with the applicable policies of the Moraine Plan.

11.7.2 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 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.

11.7.3 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.

11.7.4 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 the Region of York to continue to investigate the potential for the reconstruction and/or realignment of Regional Road 69 on the proposed route on Schedule "B" to the Official Plan or other options 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.

11.8 DEVELOPMENT APPLICATION PRE-CONSULTATION AND SUBMISSION REQUIREMENTS
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11.8.1 General

i) Purpose

All development proposals in the Secondary Plan 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 11.8.5 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.

ii) Pre-Consultation

- a) 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. The Region of York is encouraged to participate in the Town's pre-consultation process. Other affected agencies such as conservation authorities are encouraged to participate, where appropriate.
- b) 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 the Region of York and the applicable conservation authority.

11.8.2 Development Review – Official Plan Amendments, Zoning By-Law Amendments, Plans of Subdivision

i) General

Development in the Secondary Plan area will be limited and shall be located in areas which are not environmentally sensitive. 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. However, these requirements shall generally not apply to any application involving five lots or less including proposals for infilling, additions or modifications to existing buildings and structures, minor changes to existing regulations or other similar changes. Notwithstanding the above, such 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.

ii) 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 subsection i).

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 are 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:

a) Background Information

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

b) 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 sewer and water services.

c) Storm Water Management

A surface water management study shall be submitted which identifies how stormwater 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.

d) Sewer and Water Services

A communal sewer and water services plan and/or justification for the use of private sewer and/or water services. These proposals shall be supported by the appropriate engineering and hydrogeological studies including the installation of at least one observation well on site where the use of groundwater resources is involved.

e) Flood Studies

Flood studies and mapping for all watercourses with greater than a 125 hectare 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.

f) 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.

g) Natural Area Management Study

Where the site includes areas designated Natural Feature Conservation Area on Schedule "E", an analysis of natural systems shall be carried out in accordance with the provisions of Section 11.4.2. Where the site includes areas identified as Natural Feature Enhancement Area on Appendix 'A' to this Plan, a natural area management study shall generally be required in accordance with the provisions of Section 11.5.4. These studies will also provide a strategy for maximizing the amount of natural area protected on the site where appropriate and procedures for its maintenance which do not require substantial public involvement.

h) Tree Analysis

Where it is intended to remove any trees from the 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.

i) Agricultural Code of Practice

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

j) Heritage and Archaeological Resources

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

k) Noise Impact Study

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

iii) **Development Evaluation Criteria**

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

a) **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. Water quality criteria shall be to the satisfaction of the Town, the Ministry of Natural Resources, the Lake Simcoe Region Conservation Authority and the Ministry of Environment and Energy.

b) **Ground Water Resources**

Each development shall be at least theoretically self sustaining with respect to ground water protection.

c) **Sewer and Water Services**

Development shall be serviced in accordance with the policies of Section 11.6 of this Secondary Plan.

d) **Significant Natural Areas**

No development of lands in the Natural Feature Conservation Area designation shall be permitted, with the exception of those uses specifically outlined in Section 11.4.2. Development of lands immediately abutting or adjacent to lands in the Natural Feature Conservation Area designation shall be permitted only if it can be demonstrated that such development will not adversely affect the special environmental requirements of such lands. Further, in evaluating any development proposal in or adjacent to a wetland area, the Town shall have regard for the Provincial Wetlands Policy Statement.

e) **Other Natural Areas**

Development of other natural areas, particularly lands shown as Natural Feature Enhancement Areas in Appendix A, shall be permitted only in accordance with the provisions of Section 11.5.4 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.

f) 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.

g) Watercourses 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.

h) General

Development shall implement the applicable recommendations of the background studies prepared as required by Section 11.8.2, and generally conform to the applicable policies of Sections 8 and 4.2 of the Official Plan.

11.8.3 Development Review - Severances

i) **General**

Severances may be discouraged in this area because of its location on the Oak Ridges Moraine. However, severances shall be permitted when the following criteria are satisfied and in accordance with the applicable policies of the Moraine Plan.

a) Legal or Technical Purposes

A severance 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 severance may be granted where two or more detached dwelling units exist on a lot of record at the time of approval of this Plan. Severances of this nature shall only be permitted where it can be demonstrated through appropriate studies to the satisfaction of the Town and the Region of York that the severed and retained lands can be adequately serviced in accordance with the servicing policies of this Plan.

b) Improvement of an Existing Environmental Problem

A severance 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.

c) Preservation of a Natural Area

A severance may be granted where it will assist in the preservation of a natural area such as the addition of a wooded area to another existing wooded area with the intention of preserving both areas.

d) Maximum Number of Lots to be created by Consent.

A severance for a maximum of 3 lots (1 retained, 2 created) may be granted in the "Ballantrae Community Area", "Ballantrae Future Residential Area II" and "Mixed Use Area" designation if it is determined that a plan of subdivision is unnecessary, the severance satisfies the minimum lot size requirements of the Regional Health Services Department and/or Town, and if the severance(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 severances.

ii) **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 severance.

All severance 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:

- a) describing the proposed severance;
- b) demonstrating how stormwater, erosion and sedimentation will be controlled on site; and,
- c) describing existing landscaping and trees and any modifications proposed to the landscaping and trees.

iii) **Development Evaluation Criteria**

Any proposed severance shall generally conform with any of the applicable criteria in Section 11.8.2 iii).

11.8.4 Development Review – Minor Zoning Amendments and Variances

i) **General**

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

ii) **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 zoning amendments and variances.

All minor zoning by-law amendments and variance applications shall include detailed plans, where applicable, such as grading and landscaping plans and other documentation:

- a) describing the proposed development;
- b) demonstrating how stormwater, erosion and sedimentation will be controlled on site; and,
- c) describing existing landscaping and trees and any modifications proposed to the landscaping and trees.

iii) **Development Evaluation Criteria**

Any proposed minor zoning by-law amendment or variance shall generally conform with the following criteria, in addition to any other applicable policies of the Secondary Plan:

a) **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. Water quality shall meet limits established by the Town.

b) Sewer and Water Services

Any existing private sewer or water services shall be brought up to a standard approved by the Town and the Region of York's Medical Officer of Health. New development shall be serviced in accordance with the policies of Section 11.6 of this Secondary Plan.

c) Significant Natural Areas

No development of lands in the Natural Feature Conservation Area designation shall be permitted, with the exception of those uses specifically outlined in Section 11.4.2. Development of lands immediately abutting or adjacent to lands in the Natural Feature Conservation Area designation shall be permitted only if it can be demonstrated that such development will not adversely affect the special environmental requirements of such lands. Further, in evaluating any development proposal in or adjacent to a wetland area, the Town shall have regard for the provincial Wetlands Policy Statement.

d) 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.

e) Watercourses 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.

11.8.5 Site Plan Control

The entire area within the Ballantrae-Musselman Lake and Environs Secondary Plan shall be designated as a proposed 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 8.2.3 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 shall be subject to the Development Review requirements of Section 11.8.2 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.

11.8.6 Scale, Scope and Timing of Submissions

- i) The scale, scope and timing of any required information and material identified in Section 11.8, 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.

11.8.7 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

11.9 IMPLEMENTATION AND INTERPRETATION

11.9.1 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.

11.9.2 Consultation with other Agencies

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

11.9.3 Environmental/Master Servicing Plan

An Environmental/Master Servicing Plan shall 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 sewage 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."