APPENDIX ‘H’
EXCERPT FROM
SECONDARY PLAN POLICIES
AMENDMENT NO. 29
TO THE OFFICIAL PLAN
OF THE
TOWN OF MILTON

Subject: Derry Green Corporate Business Park Secondary Plan and Related
Official Plan Amendments

The following text and schedules constitute
Amendment No. 29 to the Official Plan
of the Town of Milton

June 2010
C.9 DERRY GREEN CORPORATE BUSINESS PARK SECONDARY PLAN

C.9.1 GENERAL

C.9.1.1 PURPOSE

The purpose of the Derry Green Corporate Business Park Secondary Plan is to establish a more detailed planning framework for the Derry Green Corporate Business Park Planning District in support of the general policy framework provided by the Official Plan.

It is a fundamental purpose of this Secondary Plan that:

e) development in the Secondary Plan area shall generally be consistent with the requirements and recommendations of the Subwatershed Update Study (SUS), Stormwater and Environmental Management Strategy (FSEMS), Conceptual Fisheries Compensation Plan (CFCP) and applicable Subwatershed Impact Study (SIS) as approved to the satisfaction of the Town of Milton and the Region of Halton, in consultation with Conservation Halton, and where applicable, Provincial and Federal Authorities; and

C.9.2.2 KEY DESIGN ELEMENTS

C.9.2.2.1 The following key design elements form the basis of the Secondary Plan as outlined on Schedule “C.9.A”, Derry Green Corporate Business Park Structure Plan. They include:

a) Natural Heritage System

A natural heritage system consisting of habitat complexes, watercourse corridors and buffers is a central feature of the community protecting key environmental features and providing a connection, where feasible, to the natural heritage system in the rest of the Urban Area, as well as to the surrounding rural area and, in particular, the Provincial Greenbelt to the east and south of the Secondary Plan Area. The road system will be aligned to give appropriate accessibility to the natural heritage system both physically and visually.

C.9.3.2.4 To create, in consultation with the Region of Halton and Conservation Halton, a linked natural heritage system, including a trail system, which is connected with other areas of the Town, forms a central feature of the Corporate Business Park, protects and enhances key existing natural features and which is easily accessible and visible to residents and visitors.
C.9.4.5   SIXTEEN MILE CREEK SUB-WATERSHED UPDATE STUDY

C.9.4.5.2 All new development within the Derry Green Corporate Business Park shall generally comply with the recommendations of the Subwatershed Update Study, including the use of Low Impact Development Standards. Functional recommendations, derived from the Subwatershed Update Study, principles and specifically focused on the Derry Green Corporate Business Park Secondary Plan Area will also generally apply as outlined in the Functional Stormwater and Environmental Management Strategy (FSEMS) and Conceptual Fisheries Compensation Plan (CFCP). No amendments to the Secondary Plan shall be required to implement the recommendations of the Subwatershed Update Study, FSEMS or CFCP. Such functional recommendations will be implemented through the required Subwatershed Impact Studies (SIS) as approved by the Town in consultation with Conservation Halton, the Region and any other relevant public agencies. In particular, where the Subwatershed Update Study, FSEMS or CFCP supports the realignment, relocation, elimination, replication or other modification of watercourse corridors or other key features including wetlands or changes in the locations of drainage facilities in accordance with the policies of Section C.9.5.10 of this Plan, no amendment shall be required to this Plan where such works are undertaken.

C.9.4.5.3 In addition to the Subwatershed Update Study, the Halton-Hamilton Source Protection Committee with support from the Region of Halton and the Ministry of Environment is in the process of completing the Source Water Protection Plan for Halton. Due to the strong potential for a regionally significant aquifer to be located beneath the Derry Green Corporate Business Park, the use of Best Management Practices to protect this aquifer and local water supply wells will be required for all development within this area. Subwatershed Impact Studies where necessary will need to include hydrogeological and hydrological studies to protect, improve or restore such features in accordance with Regional Guidelines.

C.9.4.5.4 Subwatershed Impact Studies, are required for Sub-watershed Impact Areas identified as part of the FSEMS as a submission requirement for a complete application. The study areas can be modified or consolidated subject to the approval of the Town, in consultation with the Conservation Authority and the Region of Halton. The goal of the Subwatershed Impact Studies will be to achieve a greater level of detail in the integration of land use, servicing and stormwater management. The objectives of the studies will be:

a) identification of a preferred servicing plan (including public/private utilities);
b) identification of a preferred road layout;
c) integration of stormwater management facilities;
d) consideration of integrating recreation opportunities with stormwater management;
e) phasing and cost sharing in areas of multiple ownership;
f) validation of fisheries mitigation and compensation; and
g) refinement of the Natural Heritage System in a manner which is generally consistent with the FSEMS and the CFCP.

Further, the Subwatershed Impact Studies will also provide, in addition to any applicable requirements of Section C.9.4.5.3:

a) an appropriate assessment of terrestrial resources and associated ecological
functions within the Natural Heritage System;
   b) conceptual plan demonstrating how a net gain in habitat or ecological functions or both can be achieved;
   c) preliminary environmental protection plan demonstrating how high constraint terrestrial features (core areas), linkages and heritage trees will be protected and enhanced using buffers and tree preservation measures; and,
   d) conceptual plan outlining how the Natural Heritage System will be altered and/or refined in accordance with the policies and objectives in the FSEMS and clearly demonstrating compatibility with the Natural Heritage System developed in adjacent Subwatershed Impact Areas.

C.9.4.6.4 Natural Heritage System

The Natural Heritage System as designated on Schedules “C.9.A” and “C.9.B” is comprised of:

a) Lands designated “Natural Heritage System” on Schedule “C.9.B”

The role of these lands shall be determined in accordance with the policies of Section C.9.5 of this Plan.

b) Stormwater Management Facilities/Low Impact Development Technologies

Stormwater management facilities shall be permitted in all land use designations on Schedule “C.9.B”. Notwithstanding the foregoing, stormwater management facilities shall not be permitted in the Natural Heritage System except in accordance with the policies of Section C.9.XXXXXX. Low impact development (LID) practices shall also be permitted in all land use designations in accordance with an approved SIS. Stormwater management facilities and LID practices shall be designed, where possible, to be linked with the natural heritage and open space system.

C.9.4.6.11 Public Infrastructure and Services

a) Federal, Provincial, Regional and Town-owned and/or operated public infrastructure and services are permitted to be located within any land use designation, except the Natural Heritage System designation, subject to the completion and approval of an Environmental Assessment or where such public infrastructure and services are required as a condition of approval under the Planning Act.

b) Notwithstanding the foregoing, public infrastructure such as roads, above and below ground utilities including water and wastewater mains, storm sewers, gas lines, underground telecommunications infrastructure and stormwater management outlets may be located within the Natural Heritage System designation subject to the satisfactory demonstration of the following:
There are no feasible alternatives to the proposed location; and

The degree of intrusion is minimized to the extent possible.

c) Consideration will be given to the location of public utilities within the public rights-of-way, as well as on private property. Utilities will be grouped/clustered or combined where possible to minimize visual and environmental impacts. The Town will encourage utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lighting standards and transit shelters.

C.9.5.1.6 Natural Heritage Oriented Area

Lands designated “Business Park Area” with a “Natural Heritage Oriented Area” overlay designation on Schedule “C.9.B” shall be reviewed by the Town in accordance with the Urban Design Guidelines. In particular:

a) development shall be designed to ensure that buildings and other uses not only capitalize on their location, but that they are sensitive to impacts on the surrounding natural systems;

b) careful consideration shall be given to the design of impervious surfaces and other factors that impact on stormwater management;

c) Natural Heritage Supporting Areas and Restoration Areas which may be located on the site and which have been identified through the Subwatershed Update Study, Areas 2 and 7, 2010 and Functional Stormwater and Environmental Management Strategy (FSEMS) shall be considered for integration into the development where feasible in such a way as to link them to the Natural Heritage System; and,

d) development shall be designed with a campus-like design to achieve better integration with the surrounding Natural Heritage System.

C.9.5.4 NATURAL HERITAGE SYSTEM

C.9.5.4.1 Purpose

Within the Derry Green Corporate Business Park Secondary Plan, the “Greenslands A Area”, “Greenslands B Area” and “Greenslands Restoration Area” designations as established in the Official Plan are collectively designated “Natural Heritage System” in order to better reflect the systems approach taken to ensure the protection, preservation and enhancement of the key features, buffers and linkages of which it is composed.

The purpose of the Natural Heritage System designation in the Derry Green Corporate Business Park Secondary Plan Area is:
a) to protect areas which have been identified as having environmental significance based on the functional recommendations of the Sixteen Mile Creek Areas 2 and 7 Subwatershed Update Study, the FSEMS and CFCP for the Derry Green Corporate Business Park Secondary Plan Area; and,

b) to establish a Natural Heritage System, achieving enhanced natural habitat areas and ecological functions that will be resilient to the impacts of the adjacent urban development.

C.9.5.4.2 Criteria for Designation

The lands in the Natural Heritage System on Schedules "C.9.A" and "C.9.B" consist of the following key features and functions:

a) habitat complexes consisting of valleylands, forest, thicket, meadow, wetland and associated restoration areas;

b) watercourse corridors; and,

c) buffers.

C. 9.5.4.3 Permitted Uses

The Natural Heritage System designation on Schedules “C.9.A” and “C.9.B” means that only the following uses may be permitted subject to the policies of this Section:

a) recreational trails and similar non-intensive recreation uses;

b) forest, wildlife and fisheries management;

c) archaeological activities in accordance with Provincial Ministry requirements;

d) transportation and public infrastructure in accordance with Section C.10.4.6; and,

e) stormwater management facilities in accordance with Section 10.5.8.6 c) (iii).

C. 9.5.4.4 Criteria for Habitat Complexes

The FSEMS identifies the location of habitat complexes consisting of valleylands, forest, thicket, meadow, and wetland and associated restoration areas. The boundaries of habitat complexes shall be determined in accordance with the recommendations of an approved SIS on the basis of the following criteria:
a) key NHS areas as defined in the FSEMS;

b) goals and conservation priorities in the FSEMS; and

c) targets and implementation details in the FSEMS.

C. 9.5.4.5 Criteria for Watercourse Corridor Design

The FSEMS and CFCP identify the approach for watercourse corridor design to be followed in the SIS. The dimensions of watercourse corridors, exclusive of the required buffers set out in C.9.5.4.6, measured from stable top of bank to stable top of bank, shall be determined in accordance with the recommendations of an approved SIS on the basis of the following criteria:

a) Meander belt width for natural channel design, including 10% safety factor, and all required fisheries compensation/habitat;

b) Maintenance of existing riparian storage volumes;

c) Watercourse corridors designated to contain Regional Storm storage shall be sized accordingly;

d) Construction of a stable valley wall from the floodplain at the toe of the valley wall to the proposed finished grade at the top of valley wall; and,

e) Provision of flood protection for adjacent properties up to and including the Regional Storm event.

C. 9.5.4.6 Criteria for Buffers

Buffers shall be provided in accordance with the following:

a) Watercourse Corridors:
10 metres from the greatest hazard (Regional Storm flood plain or stable top of bank), except where a trail is planned to be located within the buffer, in which case an additional 5 metres will be added to the buffer width and the trail will be located within the outer 5 metre portion of the buffer in accordance with Schedule C.10.B.

Notwithstanding the foregoing, where a trail is located within a stormwater management facility adjacent to a watercourse buffer, an additional 5 metre buffer width will not be required.
b) Woodlots:
10 metres from the drip line except where a trail is planned to be located within the buffer in which case an additional 5 metres will be added to the buffer width and the trail will be located within the outer 5 metre portion of the buffer in accordance with Schedule C.9.A. Where a trail is located within an existing utility easement or an adjacent stormwater management facility, an additional 5 metres buffer width shall not be required.

c) Sixteen Mile Creek (Main Branch):
generally 30 metres from the greater of the existing physical top of bank or the stable top of bank limit along both sides of the main valley;

d) Wetlands:
   (i) 30 metres from the boundary of all Provincially Significant Wetlands of any size;
   
   (ii) 15 metres from the boundary of all other wetlands;

e) Hedgerows
10 metres from the drip line. Trails may be located within these buffers without augmentation of the 10 m buffer width.

C. 9.5.4.7 Natural Heritage System Policies

a) The boundaries of the Natural Heritage System designations on Schedules “C.9.A” and “C.9.B” have been delineated in a conceptual manner based on the functional recommendations of the Sixteen Mile Creek, Subwatershed Planning Study, Areas 2 and 7 Subwatershed Update Study and FSEMS for the Derry Green Corporate Business Park Secondary Plan Area. These boundaries are subject to field verification as part of the preparation of the Subwatershed Impact Studies, and having regard for the policies of Conservation Halton.

b) Where as part of the subwatershed planning process or in the FSEMS and the approval of the Subwatershed Impact Study(s) it is recommended that the boundary of the Natural Heritage System can be altered through the removal, restoration and/or modification or realignment of watercourse corridors, or the relocation, modification or elimination of restoration areas, or the modification or elimination of wetlands subject to the replication of their function elsewhere in the Natural Heritage System within the Derry Green Corporate Business Park Secondary Plan, and the Town approves the recommendation, in consultation with Conservation Halton, the recommended
alteration of the Natural Heritage System boundary can be made without further amendment to this Plan where such works are undertaken in accordance with an approved SIS. Further, the Natural Heritage System designation shall be deemed to apply to all lands within the modified boundaries and an adjacent land use designation shall be deemed to apply to any lands removed from the Natural Heritage System designation.

c) Endangered and threatened species were identified in the Derry Green Corporate Business Park Secondary Plan Area through the Subwatershed Update Study. Prior to subdivision registration and/or site servicing, the proponent will be required to address impacts, if any, to endangered and threatened species through consultation with the Ministry of Natural Resources.

d) The lands within the Natural Heritage System designation are considered to be a crucial part of the proposed Natural Heritage System and Open Space System intended for the Milton Urban Area and shall be acquired by the Town of Milton in accordance with the policies of Section B.5.9.3.7 of this Plan. However, where any land within the Natural Heritage System designation is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor that such lands shall be purchased by the Town or other public agency, but may be acquired by dedication to the Town through the development approval process.

e) Lands within the Natural Heritage System designation shall be enhanced and restored in accordance with the recommendations of the approved FSEMS, CFCP and SIS. Any requirements for restoration planting shall be in accordance with Town standards as set out in the FSEMS.

C. 9.5.4.8 Implementation – Lands Adjacent to Natural Heritage System

Prior to development of lands adjacent to the Natural Heritage System, and subsequent to the preparation of the required Subwatershed Impact Study, as a condition of draft plan approval or prior to site plan approval where necessary, the Town may require the preparation of a detailed implementation plan which defines mitigation plans including matters such as maintenance of clean surface water contribution to watercourses and wetlands, grading, edge management, acceptable construction practices and building placement on each development site. The implementation plan will reflect the recommendations of the Subwatershed Impact Study.

C.9.5.6 ENVIRONMENTAL LINKAGE AREA – PIPELINE EASEMENT
Further to, and in accordance with, the policies of Section B.3.13, Environmental Linkage Area, of this Plan, the following policies apply to the Environmental Linkage Area – Pipeline Easement designation on Schedule "C.9.B" which consists of the Union Gas (or any successor in title) High Pressure Gas Transmission Line Easement and adjacent lands:

a) It is an objective of this Secondary Plan to develop the lands in the Environmental Linkage Area – Pipeline Easement as a part of the natural heritage system for the Derry Green Corporate Business Park Planning District;

b) The permitted uses, in addition to those in Section 3.13.2 of this Plan shall include gas pipelines and related facilities, recreational trails, seating areas, recreation facilities such as athletic fields, bocce ball courts and tennis courts, creeks and buffers and vehicle parking lots. However, parking lots shall be restricted to light weight facilities on the Union Gas Easement;

c) No significant structures shall be permitted in the Environmental Linkage Area – Pipeline Easement; and,

d) All uses of, and development within, the Union Gas Easement, including any site alteration, grading or landscaping works, shall be subject to the approval of Union Gas Limited, in consultation with the Town.

C.9.5.7 ENVIRONMENTAL LINKAGE AREA

Further to, and in accordance with, the policies of Section B.3.13, Environmental Linkage Area, of this Plan, the following policies apply to the Environmental Linkage Area designation on Schedule “C.9.B” which consists of the local scale linkage components of the greenlands/natural heritage and open space system identified through the Subwatershed Update Study, Areas 2 and 7, 2010 and FSEMS:

a) The Environmental Linkage Area designation is shown conceptually on Schedule “C.9.B”. This designation is designed to protect lands which have the potential to form linkages in the greenlands/natural heritage and open space system. The designation includes in some cases existing features such as hedgerows, intermittent flow channels or overland flow routes, which have the potential to be rehabilitated or enhanced to form the basis for the linkage, while recognizing that these areas would not generally be subject to any corridor or buffer requirements. They may also be areas where there are no existing features, but where trails or landscape areas could be created to form a linkage.

b) The permitted uses shall be those in Section B.3.13.2 and recreational trails.

c) It is the objective of the Town to have the lands in the Environmental Linkage Area designation, where their protection is recommended through the Subwatershed Impact Study, dedicated to the Town. However, where any land designated under the Environmental Linkage Area is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor that such lands shall be purchased by the
Town or other public agency; although the Town shall ensure that consideration is given to acquisition of these features through the development approval process.

d) Development in areas designated “Environmental Linkage Area” shall be in accordance with the policies in Sections B.3.13.3 of the Plan.

C.9.5.10 STORM WATER MANAGEMENT FACILITY/LOW IMPACT DEVELOPMENT PRACTICES

C.9.5.10.1 The Stormwater Management Facility designation on Schedules “C.9.A” and “C.9.B” represents a general location for these facilities. The location and configuration of the Stormwater Management Facilities shall be more specifically delineated in the FSEMS. They will be further refined through the applicable Subwatershed Impact Studies and through Stormwater Management Plans prepared in support of individual development applications. Through these studies and plans careful consideration shall also be given to the use of low impact development (LID) practices for stormwater management including the design of impervious surfaces and other factors that impact on stormwater management. Through these studies, the management of stormwater from public property, including Regional roadways shall also be accommodated.

C.9.5.10.2 Stormwater Management Facility sites may be relocated or consolidated without an amendment to this Plan, subject to the approval of the Town and relevant agencies, provided alternative sites are consistent with the goal, objectives and policies of this Secondary Plan and the Sixteen Mile Creek, Subwatershed Update Study, Areas 2 and 7, 2010, FSEMS, Conceptual Fisheries Compensation Plan and Subwatershed Impact Studies.

C.9.5.10.3 Stormwater management facilities shall be permitted in all land use designations on Schedule “C.9.B”. Notwithstanding the foregoing, stormwater management facilities shall not be permitted in the Natural Heritage System except in accordance with the policies of Section C.9.XXX. Low impact development (LID) practices shall also be permitted in all land use designations in accordance with an approved SIS. Stormwater management facilities and LID practices shall be designed, where possible, to be linked with the natural heritage and open space system.

C.9.6.1.4 Notwithstanding the foregoing policies of Section C.9.6.1.2:

a) Federal, Provincial, Regional and Town owned and/or operated public infrastructure and services as permitted by Section C.9.XXX may proceed at any time even if the precise requirements of Section C.9.6.1.2 above have not been satisfied; and,

b) The Town may, at its sole discretion, but subject to the Regional Municipality of Halton’s confirmation of available servicing, determine that a regionally or locally-significant employment development proposal within the Secondary Plan...
that falls outside of Phase 1 can proceed, even if the precise requirements of Section C.9.6.1.2 above are not fully met, if it can be demonstrated to the Town that such a proposal is in accordance with the general purpose and intent of the general goal and objectives of the Derry Green Corporate Business Park Secondary Plan, and if there are no unacceptable negative impacts to the Town or the Regional Municipality of Halton as determined by Council at its sole discretion.

C.9.6.1.5
C.9.6.5 COMPLETE APPLICATION REQUIREMENTS

All privately initiated planning applications, except those under Section 45 of the Planning Act, shall satisfy the requirements of Section B.5.3.4 of this Plan with respect to the requirements of a complete application. In addition, the SUS, FSEMS and CFCP must have been completed to the satisfaction of the Town and the Region of Halton, in consultation with Conservation Halton, and where applicable, Provincial and Federal Authorities. Further, prior to or the making of any application for draft plan approval a Subwatershed Impact Study (SIS) shall be prepared in accordance with the policies of Section C.9.4.5.4 of this Plan. An application for draft plan approval shall not be considered to be complete unless it reflects the results of the SIS, or provides justification for changes to the SIS satisfactory to the Town.