



TOWN POLICY

POLICY NUMBER: 6605

REFERENCE:
Council 160.04.07

ADOPTED BY:
Town Council

PREPARED BY: Planning & Development

DATE: 18 April 2007

TITLE: **Strathmore Wetland Conservation Policy**

PAGE 1 OF 10

1. Policy Statement

1.1 The Town will:

1.1.1 prepare a wetland inventory of wetlands, wetland areas and riparian lands within the jurisdictional boundaries of the Town and proposed annexation lands.

1.1.2 develop a Wetland Policy Implementation Plan with principles and strategies to:

1.1.2.1 identify, classify and map wetlands, wetland areas and riparian lands within the Town;

1.1.2.2. conserve and/or restore wetlands, wetland areas and riparian lands wherever feasible;

- 1.1.2.3 minimize pollution and future impacts of urban stormwater runoff on wetlands, wetland areas and riparian lands; and
 - 1.1.2.4 ensure no net loss of wetlands by avoiding impacts to wetlands and wetland areas minimizing impacts to wetlands and wetland areas and requiring applicable compensation, and compensating for impacts to wetlands, and wetland areas that cannot be avoided or minimized.
- 1.1.3 incorporate the principles and strategies of the Wetland Policy Implementation Plan into:
- 1.1.3.1 statutory planning documents including the Land Use Bylaw;
 - 1.1.3.2 Town utilities and operations manuals; and
 - 1.1.3.3 any future Green Space/Open Space Plan or stormwater management Master Drainage Plan, to manage the use and development of wetlands, wetland areas and riparian lands.
- 1.1.4 utilize development setbacks from wetlands. To ensure that wetlands are protected from the impacts of development, the following development setbacks will be utilized:
- 1.1.4.1 no development shall be permitted within 30 metres of the “legal bank” of a permanent and naturally occurring wetland (Class IV-VII: Stewart and Kantrud) or such greater distance determined necessary by a qualified wetland aquatic environment specialist;
 - 1.1.4.2 no development shall be permitted within 6 metres of the “bed and shore” of an intermittent or seasonal wetland (Class II-III: Stewart and Kantrud) or such greater distance determined necessary by a qualified wetland aquatic environment specialist;

- 1.1.4.3 development of the bed and shore of an intermittent and seasonal wetland (Class II-III: Stewart and Kantrud) shall be regulated by provisions in the Land Use Bylaw;
 - 1.1.4.4 during subdivision of private land, the bed and shore of an intermittent or seasonal wetland (Class II-III: Stewart and Kantrud) shall be required to be dedicated as environmental reserve;
 - 1.1.4.5 except where approved by the Province of Alberta for such use, no wetland within the Town shall be used for the storage or dilution of untreated stormwater;
 - 1.1.4.6 wherever possible and financially feasible, when a wetland within the Town is currently authorized by the Province of Alberta for use for the storage or dilution of untreated stormwater, the Town shall use technology and land use planning activities to improve the quality of the stormwater entering the wetland; and
 - 1.1.4.7 except where approved by the Province of Alberta for other public or quasi-public purpose or roads, wetlands within the Town shall be preserved in their natural state.
- 1.1.5 recover the costs incurred by the Town to prepare wetland and riparian land inventories and assessments of appropriate development setbacks on lands that are the subject of subdivision and development applications from the development industry through normal subdivision and development servicing agreement practices. Where no development will occur in the future, as the lands have been fully developed, costs to prepare inventories and assessments of development setbacks for those lands may be recovered through monthly utility charges at rates determined by Council from time to time.

2. Scope/Reason for Policy

- 2.1 Conserving wetlands, wetland areas and riparian lands is in the overall greater public interest, as these resources play a significant role in improving water quality and quantity, reducing flooding and soil erosion, providing biodiversity, moderating climatic conditions, retaining sediments, absorbing nutrients, degrading pesticides, recharging aquifers, contributing to aesthetic urban design, and providing recreation, education, and economic opportunities for current and future generations.

- 2.2 This Policy and the Wetland Policy Implementation Plan, statutory planning documents including provisions in the Land Use Bylaw, Town utilities and operations manuals, future Green Space/Open Space Plan and stormwater management Master Drainage Plan and any updates and amendments to any of them that may be issued from time to time, shall govern the administration, operations and conduct of all staff members involved in
- 2.2.1 planning and development of wetlands, wetland areas and riparian lands; and
 - 2.2.2 utilities and operational services in wetlands, wetland areas and riparian lands.
- 2.3 Implementation of this Policy will:
- 2.3.1 assist the Town to fulfill its legislative mandate, subject to other provincial legislation, in the direction, control and management of the rivers, streams, watercourses, lakes and other natural bodies of water within the municipality, including the air space above and the ground below, (section 60(1) MGA).
 - 2.3.2 ensure that legal and statutory requirements for identification and protection of provincial water resources are met, risks of pollution and loss of wetlands, wetland areas and riparian lands are mitigated; (*Provincial Land Use Policies*, section 6.3; *Water Act*, section 36, *Public Lands Act*, section 3 and section 47; *Environmental Protection and Enhancement Act*, section 96; *Stormwater Management Guidelines for the Province of Alberta*; *Environmental Reference Manual for the Review of Subdivisions in Alberta*, Chapter 4, section E-4; *Wetland Management in the Settled Area of Alberta-An Interim Policy*, *Provincial Wetland Restoration/Compensation Guide*).
 - 2.3.3 provide planning staff and operational services staff with clear, concise direction for development of buildings on or in proximity to wetlands, wetland areas and riparian lands; (sections 664 and 640(4)(l) (MGA).
 - 2.3.4 clarify to the development industry and Town staff and contractors, how to use and develop lands on or in proximity to wetlands, wetland areas and riparian lands. (MDP, ASP's and Land Use Bylaw, Utilities and Operations procedural manuals, Green Space/Open Space Plan and stormwater management Master Drainage Plan).

3. Definitions

- 3.1 Bed and Shore of a wetland means the land covered so long by the water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself.
- 3.2 Development means development as defined in the *Municipal Government Act*, R.S.A. 2000, c. M-26.1;
- 3.3 Legal Bank means the bank of a permanent and naturally occurring wetland as determined by a surveyor in accordance with the *Surveys Act*, R.S.A. 2000, c.S-40
- 3.4 Naturally Occurring Wetland means an area where water has accumulated or does accumulate to water elevations documented to have occurred under natural conditions.
- 3.5 No Net Loss means the principle of ensuring that the total wetland inventory remains stable through mitigation, which is a process to reduce wetland loss by avoiding impacts to wetlands and wetland areas; minimizing impacts and requiring applicable compensation; and compensating for impacts that cannot be avoided or minimized.
- 3.6 Pollution means non-point source impacts on the environment from substances such as sediments, nutrients, pesticides and toxic chemicals that typically reach a water body by surface or subsurface flows through adjacent lands, and the unauthorized release of any “deleterious substance” as defined in the *Fisheries Act (Canada)*, or the unauthorized “release” of any “substance” whether non-point or otherwise that may cause an “adverse effect” under provisions of the *Environmental Protection and Enhancement Act*.
- 3.7 Qualified Wetland Aquatic Environment Specialist (QWAES)” means an expert with detailed knowledge of the aquatic environment, wetland soils, wetland species, hydrology and riparian lands adjacent to wetlands that perform as habitat and their management and assessment.
- 3.8 Riparian Lands mean the lands adjacent to streams, rivers, wetlands, lakes, and other water bodies, where the vegetation and soils show evidence of being

influenced by the presence of water. Riparian areas are the green zones around lakes, rivers, and wetlands. They are the transitional zone between surface water and the drier uplands and play a vital role in the healthy functioning of both.

3.9 Town means the corporation of the Town of Strathmore and all the lands within its jurisdictional boundaries.

3.10 Wetlands means land having water at, near or above the land surface or which is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained (hydric) soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to the wet environment. (Tarnocai 1979 - Canadian National Wetlands Working Group). Degraded wetlands may not show all of these characteristics, but remain important.

3.11 Wetland Area means the flooded portion of a wetland up to and including the transition zone from aquatic to terrestrial vegetation. The same definition shall be used in the case of climatically dry wetlands.

3.12 Wetland Inventory means the identification, mapping and classification of wetlands in accordance with the Stewart and Kantrud Wetland Classification System, or any comparable or complementary classification system, and includes Class I to Class VII wetlands.

3.13 Wetland Loss means and includes infilling, altering, or physically draining the wetland, any impact to the riparian area and buffer strips, and any type of interference with the hydrology to and from the wetland.

3.14 Wetland Policy Implementation Plan means the complementary planning document that provides the background information, principles of wetland and wetland area conservation, scientific analysis, wetland inventory, and implementing, monitoring and operation and maintenance strategies for achieving no net loss of wetlands.

4. Responsibilities

4.1 Council to:

- 4.1.1 Approve this Policy pursuant to the *Municipal Government Act* RSA 2000 c. M-26 (MGA).
- 4.1.2 Review and revise this Policy as required.
- 4.1.3 Consider the allocation of resources for the successful implementation of this Policy in the annual budget process.

4.2 Town Manager to:

- 4.2.1 Approve and implement any procedures relative to this Policy.
- 4.2.2 Periodically update and verify the implementation of policies and procedures associated with this Policy.

4.3 Senior Urban Planner and Director of Engineering and Operations to:

- 4.3.1 Ensure incorporation of this Policy in all statutory planning documents, including Land Use Bylaw provisions.
- 4.3.2 Ensure development of the Wetland Policy Implementation Plan, and incorporation of the principles and strategies of the Wetland Policy Implementation Plan in all statutory planning documents and provisions of the Land Use Bylaw.
- 4.3.3 Inform supervisors and managers in Planning and Engineering of procedures to allow the successful implementation of this Policy.
- 4.3.4 Recommend budget requirements for preparing the Wetland Policy Implementation Plan and any required procedural manuals.

- 4.3.5 Develop and recommend for adoption by Council, Land Use Bylaw amendments as required to implement the Wetland Policy Implementation Plan.
 - 4.3.6 Recommend budget requirements for preparing, monitoring and updating the wetland inventory.
 - 4.3.7 Ensure that there is no net loss of wetlands and wetland areas within the jurisdictional boundaries of the Town.
 - 4.3.8 Make recommendations to Town Manager of necessary policy and procedural amendments.
- 4.4 Director of Engineering and Operations to:
- 4.4.1 Ensure implementation of this Policy in all Town facilities, utilities and operational services that may impact wetlands, wetland areas and riparian lands.
 - 4.4.2 Recommend budget requirements for, and ensure development of a Green Space/Open Space Plan and a stormwater management Master Drainage Plan.
 - 4.4.3 Recommend budget requirements for long term operation and maintenance of wetlands, wetland areas and riparian lands conserved in accordance with this Policy.
 - 4.4.4 Inform supervisors and managers of procedures to allow the successful implementation of this Policy in all Town facilities, utilities and operational services that may impact wetlands, wetland areas and riparian lands.
- 4.5 All Employees to:

4.5.1 Understand and adhere to this Policy.

5. Review and Reporting

5.1 Administration shall conduct a review of the Wetland Conservation Policy and Wetland Policy Implementation Plan every two years, and shall make recommendations in a report to Council for policy revisions, bylaw provisions or amendments, and the use of technological advances.

6. References/Resources

6.1 *Alberta's Wetlands: A Law and Policy Guide*, Arlene Kwasniak, Environmental Law Centre, July 2002

6.2 The *Alberta Provincial Wetlands Policy* is proposed to be available online by spring 2007

6.3 *City of Calgary Wetland Conservation Plan*, City of Calgary, 2004, www.calgary.ca

Conserving Edmonton's Natural Areas: A Framework for Conservation, Planning in an Urban Landscape, Alberta Environmental Network, the City of Edmonton, 2001

6.4 *Environmental Reserves Setback Guidelines, Discussion Draft*, City of Calgary, August, 2006, www.calgary.ca

6.5 *Focus on Wetlands*, Alberta Environment, February, 2003, www3.gov.ab.ca

6.6 *Provincial Land Use Policies*, Order in Council 522/96, Alberta Municipal Affairs, November, 1996

6.7 *Provincial Wetland Restoration/Compensation Guide*, Alberta Environment, November, 2005

6.8 *Riparian Areas-A User's Guide to Health*, Lorne Fitch, Cows and Fish Program, April, 2004, www.cowsandfish.org

6.9 *Stewart Kantrud Wetland Classification System*: Stewart, Robert E. and Harold A. Kantrud. *Classification of natural ponds and lakes in the glaciated prairie region*. Resource Publication 92. Bureau of Sport Fisheries and Wildlife. U.S.

- Fish and Wildlife Service. Washington, D.C. (Northern Prairie Wildlife Research Centre) 1971
- 6.10 *Stormwater Management Guidelines for the Province of Alberta*, Alberta Environmental Protection, January, 1999
- 6.11 *Subdivision and Development Regulation, Alberta Regulation 43/2002* Municipal Government Act
- 6.12 *Town of Strathmore Land Use Bylaw*, Bylaw #89-20
- 6.13 *Town of Strathmore Municipal Development Plan*, Bylaw #98-11
- 6.14 *Town of Strathmore Master Drainage Plan*, UMA, 2002
- 6.15 *Town of Strathmore Wetland Conservation Plan*, Tom Sadler, August, 2005
- 6.16 *Water for Life: Alberta's Strategy for Sustainability*, Government of Alberta, November, 2003 www.waterforlife.gov.ab.ca
- 6.17 *Wetland Management in the Settled Area of Alberta-An Interim Policy*, Alberta Water Resources Commission, Edmonton, May, 1993