

## **Wetland Policy - Proposed Changes**

The Mississippi Valley Conservation Authority currently regulates Provincially Significant Wetlands. However, in accordance with the regulation, MVCA is expanding the regulation to include other wetlands that meet the following criteria:

- Wetlands greater than 0.5 ha (1.2 acres) in size
- Wetlands that have hydraulic connectivity (i.e. connected to a waterbody/watercourse)

The following activities would require permission within and adjacent to regulated wetlands:

- Construction, reconstruction or placing a building or structure of any kind
- Any change to a building or structure that changes its use and requires a building permit
- Grading of the site
- Temporary or permanent placing, dumping or removal of material
- Use of heavy machinery in and around the wetland

The following is a list activities that will be permitted:

- Maintenance of existing and new infrastructure (pipelines, roads, etc.)
- Conservation and recreation use
- Single lot development on existing lots of record
- Areas that have completed a Municipal Environmental Assessment
- Existing agricultural use
- Land uses with existing *Planning Act* approvals

Other uses may be permitted if it can be demonstrated that wetland functions can be mitigated or offset through replacing the wetland function that is impacted. A technical study is required. Existing uses will not require permission from the MVCA.

Vegetated buffers of 15 metres are to be recommended for new development adjacent to wetlands.

### **Proposed Policies**

#### **1.0 Guidelines for Non-Provincially Significant Wetlands**

The following policies generally apply to wetlands that are greater than 0.5 hectares in size and directly contribute to the hydrological function of the watershed through a surface water connection. Wetland Screening maps based on the best available information are updated and maintained by MVCA. These are not intended to be included in municipal planning documents.

##### **1.1 Development and Interference within Wetlands**

- 1) In general, *development* and interference in any way shall not be permitted within *wetlands*;
- 2) In general, ponds and drains shall not be permitted within *wetlands*;
- 3) Excavation of existing ponds within a *wetland* may be permitted subject to the appropriate floodplain hazard policies and provided the dredging does not have an adverse impact on the wetland feature and function and provided all dredging material is placed at a suitable distance from the wetland and the interference on the natural features and hydrologic and ecological functions of the *wetland* has been deemed to be acceptable by the MVCA;

- 4) In general, stormwater management facilities shall not be permitted within *wetlands*;
- 5) Notwithstanding Section 1.1.1, public infrastructure (e.g. roads, sewers, flood and *erosion* control works) and various utilities (e.g. pipelines) may be permitted within a *wetland* if it has been demonstrated to the satisfaction of the MVCA that the control of flooding, *erosion*, *pollution*, or the *conservation of land* will not be affected and the interference on the natural features and hydrologic and ecological functions of the *wetland* has been deemed to be acceptable by the MVCA;
- 6) Notwithstanding Section 1.1.1, *erosion* control works and conservation or restoration projects may be permitted within a *wetland* if it has been demonstrated to the satisfaction of the MVCA that the control of flooding, *erosion*, *pollution*, or the *conservation of land* will not be affected and the interference on the natural features and hydrologic and ecological functions of the *wetland* has been deemed to be acceptable by the MVCA;
- 7) Notwithstanding Section 1.1.1, development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system) may be permitted within a *wetland* if it has been demonstrated to the satisfaction of the MVCA that the control of flooding, *erosion*, *pollution*, or the *conservation of land* will not be affected and the interference on the natural features and hydrologic and ecological functions of the *wetland* has been deemed to be acceptable by the MVCA;
- 8) *Reconstruction* of existing structures may be permitted provided:
  - The replacement structure is reconstructed to its original footprint or smaller; and there is no feasible alternative location on the subject lot outside of the *wetland*.
- 9) Land uses with existing *Planning Act* approvals may be permitted. Notwithstanding Section 1.1.1, work associated with the following may be permitted:
  - Works approved through existing an Municipal Class Environmental Assessment
  - Activities on Crown Land
  - Existing agricultural uses
  - Selective tree harvesting for private use
  - Accessory buildings under 10 m<sup>2</sup>
- 10) A single dwelling and accessory building may be permitted on an *existing vacant lot of record* within a *wetland* provided:
  - a. The use, erection and location is permitted by the applicable municipal zoning by-law;
  - b. There is no alternative location for the dwelling on the subject lot outside of the *wetland*;
  - c. Hazards related to organic soils can be addressed; and
  - d. The applicant demonstrates, to the extent possible, that the *development* will not adversely affect the *wetland* feature and functions. An Environmental Impact Statement will be required to assess the ecology of the *wetland* and identify mitigation measures and best efforts to minimize impacts. If best efforts are not demonstrated to the satisfaction of MVCA, a permit may not be issued.

## 1.2 Development within Other Areas (Adjacent Lands to a *Wetland*)

### 1.2.1 Areas within 30 Metres of a *Wetland*

- 1) In general, *development* shall not be permitted within 30 metres of the boundary of a *wetland*;
- 2) Notwithstanding Section 1.2.1.1, public infrastructure (e.g. roads, sewers, flood and *erosion* control works) and various utilities (e.g. pipelines) may be permitted within 30 metres of a *wetland* if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA;
- 3) Notwithstanding Section 1.2.1.1, conservation or restoration projects may be permitted within 30 metres of a *wetland* if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA;
- 4) Notwithstanding Section 1.2.1.1, *development* associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system) may be permitted within 30 metres of a *wetland* if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA;
- 5) A single dwelling on an existing vacant lot of record, minor additions to existing buildings/structures, accessory building/structures (less than 50 m<sup>2</sup>), and reconstruction of existing buildings may be permitted provided it has been demonstrated to the satisfaction of MVCA that:
  - a. all *development* (including grading) is located outside the wetland and maintains as much buffer as feasible;
  - b. a minimum vegetated buffer of 15 metres from the wetlands is established;
  - c. disturbances to natural vegetation communities contributing to the hydrologic function of the wetland are avoided;
  - d. the overall existing drainage patterns will be maintained;
  - e. disturbed area and soil compaction is minimized;
  - f. where appropriate, *development* is located above the high water table;
  - g. all septic systems are located a minimum of 15 metres from the wetland and a minimum of 0.9 metres above the water table;
  - h. impervious areas are minimized;
  - i. *best management practices* are used to:
    - Maintain water balance
    - Control sediment and erosion
    - Buffer wetlands
    - Limit impact of *development* on wildlife species
- 6) Notwithstanding Section 1.2.1.1, *development* associated with the importation of *fill* for the construction of a private access road, associated filling and lot grading may be permitted within 30 metres of a *wetland* on a constrained lot if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA, the *development* does not affect the control of flooding, and MVCA *floodproofing* guidelines and access standards can be achieved. A technical study may be requested to assess the hydrologic impact.

- 7) Notwithstanding Section 1.2.1.1, structural repairs to an existing *building* or *structure* may be permitted within 30 metres of a *wetland* if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA;
- 8) Notwithstanding Section 1.2.1.1, *development* may be permitted within 30 metres of a *wetland* if the proposed *development* does not encroach further into the setback from the *wetland boundary* than existing *development* and if the interference on the *hydrologic functions* of the *wetland* has been deemed to be acceptable by the MVCA;
- 9) In instances where there are two or more natural hazards associated with a *development* proposal, the greater setback allowance will be applied.

### **Offsetting**

Where development is permitted and it is clear that impacts to the wetland cannot be mitigated, offsetting measures will be required to address matters related to the control of flooding, erosion, pollution and the conservation of land. The level of offsetting required shall be determined based on the ecological and hydrologic characteristics of the feature affected, scope of the project and distance from the area affected. The Environmental and/or Hydrologic Impact Assessment procedures in the Appendices shall be used as a tool to justify and support offsetting measures, to the satisfaction of the Conservation Authority.