



Policy #6009

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Policy Title: Environmental Protection Guidelines for the Evaluation of Subdivision and Development Applications

Policy No.: 6009

Approval: County Council

Effective Date: January 7, 2009
Amended Date: April 27, 2016

Supersedes Policy No.: New

Policy Statement: Mountain View County (the County) may establish guidelines to facilitate the interpretation and evaluation of subdivision and development applications within the County.

Purpose: To provide Council, Administration and the public with a standard practice in the application of environmental protection measures as a condition of subdivision and development approval.

Principles:

1. The Municipal Development Plan and Area Structure plans affirm, in principle, the County's support for environmental protection tools as conditions of subdivision and development approval.
2. The Municipal Government Act affords the County an array of legal protection mechanisms and instruments that can be applied by the County as the approving authority for subdivision and development.
3. The guidelines attached to Schedule A of Procedure 6009-01 are to assist applicants, staff and Council in the evaluation, review and consideration of subdivision and development applications and shall inform the application of environmental protection tools and prescribed improvements upon land as a condition of approval.

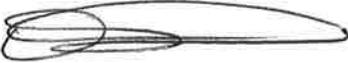
End of Policy

Procedure Title: Environmental Protection Guidelines for the Evaluation of Subdivision and Development Applications

Procedure No.: 6009-01

Approval: CAO

Effective Date: January 7, 2009
Amended Date: March 9, 2016 (P&P February 3, 2016)
Amended Date: April 27, 2016

Supersedes Procedure No.: New 

1. Definitions

- 1.1 "CAO" means Chief Administrative Officer of Mountain View County
- 1.2 "MPC" mean Municipal Planning Commission
- 1.3 "ASDAA" means the Administrative Subdivision and Development Approving Authority

2. Procedures

- 2.1 All applications for subdivision and development that contain natural features including a waterbody, wetland complex, or environmentally significant area shall be evaluated and considered under the terms and conditions as outlined in Schedule "A" - "Environmental Protection Guidelines for the Evaluation of Subdivision and Development Applications" by the Municipal Planning Commission (MPC) and/or the Administrative Subdivision and Development Approving Authority (ASDAA).
- 2.2 All applications for subdivision and development that contain a waterbody, wetland complex, or environmentally significant area which may trigger the application of protection tools and prescribed improvements upon land as contained within the attached guidelines shall be referred to the Mountain View County Agricultural Service Board for review and comment as part of the referral and circulation process.
- 2.3 Schedule "A" - "Environmental Protection Guidelines for the Evaluation of Subdivision and Development Applications" may be amended by CAO upon request of Council.

End of Procedure

A. PURPOSE OF GUIDELINES

The purpose of these guidelines is to provide direction to applicants, staff, the Administrative Subdivision and Development Approving Authority, Municipal Planning Commission, and Council on the utilization of environmental protection tools during the subdivision and development process in order to protect features and characteristics of environmental significance to the County.

B. BENEFITS OF GUIDELINES

Residents of Mountain View County have a long tradition of land stewardship and conservation. Despite this strong tradition of environmental stewardship, current efforts need to keep pace with the rapid growth taking place in the County. While farmers and landowners will continue to have a vital role in land stewardship and conservation, new partnerships must be forged in order to facilitate new stewardship opportunities and strategies to meet present demands while protecting and enhancing the environment for future generations. A number of tools are available for consideration at the municipal level to work towards environmental protection. These guidelines provide direction to applicants, staff, ASDAA, MPC, and Council by establishing what tool should be implemented when in the development or subdivision process and under what circumstances should improvements to land be prescribed to affect the environmental protection measure. Benefits of these guidelines include:

- **Provides Greater Certainty** – Environmental protection guidelines save time and money by providing greater certainty to residents who wish to develop lands deemed to be of environmental value by providing clear direction and expectations.
- **Creates a Standard** – Environmental protection guidelines will ensure that all applications are considered in a similar manner against standardized criteria.
- **Facilitates Faster Approvals** – Applications will move more quickly through the subdivision and development process as they will not be considered on an individual basis but against standards established by the environmental protection guidelines.
- **Fosters Quality of life** – Residents benefit through the enjoyment of wildlife and natural areas.
- **Enables Natural Health** – Natural areas provide services that clean the air and water and provide groundwater recharge.

C. POLICY FRAMEWORK

The ability of the County's approval authorities to require environmental protective measures is largely restricted to the implementation of protection tools and requirements as a condition of subdivision and/or development. The authority to apply these and other tools as conditions of subdivision and development is derived from the *Municipal Government Act (MGA)* which provides statutory guidelines for the implementation and registration of tools including:

- Environmental Reserve
- Environmental Reserve Easements
- Restrictive Covenants
- Riparian and Ecological Enhancement Projects
- Development Agreements

Other strategic planning frameworks affecting planning in the County include: the Provincial Land Use Policies, the County's Strategic Directions Plan, the Municipal Development Plan, and Area Structure Plans, as well as specialized reports pertaining to the identification and classification of environmentally significant areas in the County. Each of

these documents have established pertinent directions with respect to the protection of lands considered environmentally sensitive and/or significant in the County.

D. SCOPE OF APPLICATION REVIEW

The relevant considerations in the evaluation of subdivision and development are guided provincially by the *Municipal Government Act* and the *Subdivision and Development Regulations* and municipally by the Municipal Development Plan, Land Use Bylaw and Area Structure Plans in effect. Provisions within these documents clearly outline that during subdivision, the subdivision authority must consider the characteristics of the entire parcel of land proposed to be subdivided, not just the suitability and condition of the proposed parcel. Subdivision applications are often amended based on considerations or characteristics of the prevailing parcel of land including existing and adjacent development, topographical considerations, drainage characteristics, geotechnical conditions, and access arrangements. As such, this assessment of prevailing characteristics is also carried out when assessing development applications in the examination of prevailing environmental features and establishing recommended conditions of approval, including the implementation of environmental protection tools and mechanisms.

E. TOOLS

ENVIRONMENTAL RESERVE

Environmental Reserve (ER) is an uncompensated dedication of land that may occur only during the subdivision process. Ownership of the affected land turns over to the County and thus public access is generally permitted, usually in the form of natural area parks. Dedication of ER is to ensure that undevelopable lands are not developed, that environmentally significant areas are retained in their natural state and to allow for the provision of public natural areas. The areas considered for ER are determined by the *Municipal Government Act*, but generally include lands which are not stable to be developed upon, due to slope or flood risk or the lands adjacent to water bodies. ER may not be requested if the proposed parcel will be the first parcel out of a previously unsubdivided quarter, if the lots to be created are larger than 16.0 hectares (39.5 acres), smaller than 0.8 hectares (1.98 acres), or where the land has already been subject to ER. The Municipality benefits from the use of ER as a high degree of environmental protection is ensured and because ER is generally a simple, non-expensive tool to implement. Landowners benefit from the use of ER as the landowner is no longer taxed on lands that are not developable, and development is restricted from potentially hazardous lands. As well, the public will benefit from the provision of public natural areas and where appropriate legal and physical access to areas of recreational significance.

ENVIRONMENTAL RESERVE EASEMENT

Environmental Reserve Easement (ERE) follows many of the above mentioned qualities of an ER dedication, except for the fact that ERE means that the landowner retains ownership of the entire parcel. Due to the fact that land remains in private ownership, public access is only allowed by discretion of the private owner. Because this is an easement agreement, it is registered on the landowner's Certificate of Title and runs with the land, binding future owners. Land subject to an ERE is to remain in its natural state, and the designation is not compensated for. ERE may be used in place of ER, and will only apply during the same situations as ER. The Municipality benefits from the use of ERE as a high level of protection is achieved. As well, ERE is typically a straightforward and non-expensive tool to implement. Landowners benefit as they are able to retain ownership of the entire parcel and the easement land still counts towards lot size and setback requirements. As well, no public access is allowed on the easement lands, which is an important aspect within an agricultural setting.

RESTRICTIVE COVENANT

Under the *Municipal Government Act*, municipalities may request Restrictive Covenants (RC) in order to ensure that land is not used for an unsuitable purpose. In cases such as these, RC may be used in place of ER or ERE. This makes

it possible for the development or subdivision authority to approve a development or subdivision and require that the applicant enter into a Restrictive Covenant Agreement when ER or ERE are not possible to require. RC may only place restrictions on the use of a parcel of land, however it is not regulated that the land must remain in its natural state as is required by ER or ERE. Additionally, as it is a covenant, it is placed upon the landowner's Certificate of Title and runs with the land, binding future owners. The Municipality may benefit from the use of RC as they can be requested in situations when ER or ERE cannot occur or are not warranted due to the prevailing disturbance of the lands. Landowners may benefit from the use of restrictive covenants as land subject to the covenant does not necessarily have to remain within its natural state as it does with Environmental Reserve or Environmental Reserve Easement and could thereby allow for a degree of use consistent with the intent and purpose of the covenant. An example of such may be land disturbed around a significant waterbody whereby the covenant prescribes that the use of the specified lands may be undertaken in a manner that ensure that the lands are retained in a natural and healthy state to support riparian rejuvenation. By virtue of this restriction in the covenant, an obligation is placed on the landowner to undertake such measures necessary to support the covenant such as in this case could include controlled grazing, riparian fencing, offsite watering, and weed control. Therefore Restrictive Covenants are not as limited in use as Environmental Reserve or Environmental Reserve Easements and provide a greater degree of flexibility to be applied and developed in an array of circumstances.

RIPARIAN AND ECOLOGICAL ENHANCEMENT PROJECT

In lieu of a Restrictive Covenant the applicant may receive approval to apply under the County's Riparian Ecological Enhancement Program (REEP) as outlined in Policy/Procedure #6309 Riparian and Ecological Enhancement Program Funding. If not eligible, a Riparian Health Assessment will be required for the subject lands.

DEVELOPMENT AGREEMENT

Under the *Municipal Government Act*, municipalities may request that a landowner enter into a Development Agreement (DA) as a condition of subdivision or development approval. In most instances, Development Agreements that have been focused on specifies a landowner's obligation for the construction of municipal improvements, security requirements, inspection procedures and warranty periods. Notwithstanding, given the flexibility within a Development Agreement, Mountain View County has often utilized these tools to register additional restrictions on title including but not limited to: building envelopes, setback restrictions, grading requirements, architectural controls and other matters as deemed appropriate during the subdivision and/or development of the property. Given the broad flexibility afforded by this tool, a DA registered on title can serve to restrict the use and development on a portion of land for environmental protection purposes in a fashion similar to a Restrictive Covenant. The Municipality may benefit from the use of DA as they can be requested in situations when ER or ERE cannot occur. Landowners may benefit from the use of a Development Agreement as land subject to the restriction does not necessarily have to remain within its natural state as it does with Environmental Reserve or Environmental Reserve Easements. Therefore Development Agreements are not as limited in use as Environmental Reserve or Environmental Reserve Easements and provide greater flexibility in the preparation process that reduces the burden to the landowner.

F. DEVELOPMENT EXEMPTIONS

The following development MAY be excluded from the application of the prescribed tools and protection measures at the time of development permit application:

- Dwelling Unit
- Ancillary Buildings and Uses
- Dugouts
- Holiday Trailer & Recreational Vehicle
- Signs & Advertising

- Farm Subsidiary Occupation
- Bed & Breakfast
- Home Occupation
- Deck & Roof Covers

The application of the prescribed tools and protection measures at the time of development shall be based on review of the scope and intensity of the above referenced development.

G. CONCEPTUAL OVERVIEW OF PROTECTION TOOL APPLICATION

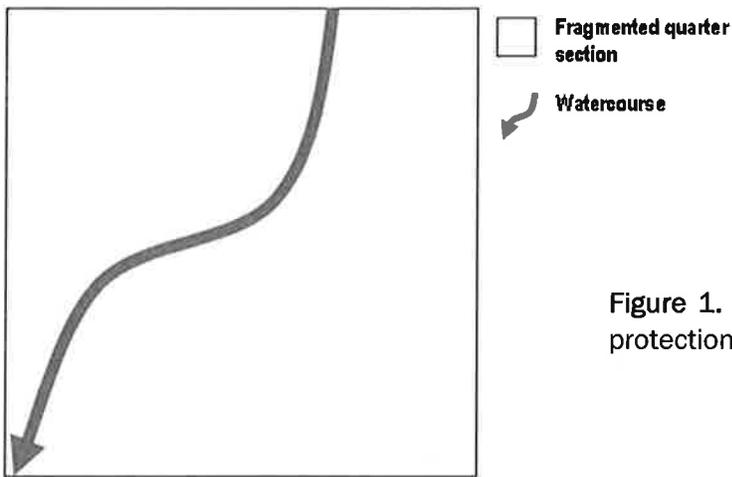


Figure 1. Quarter section prior to implementation of protection measures.

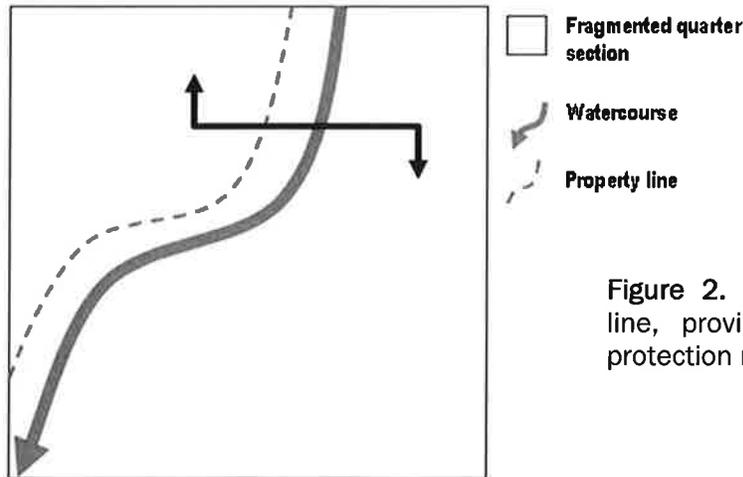
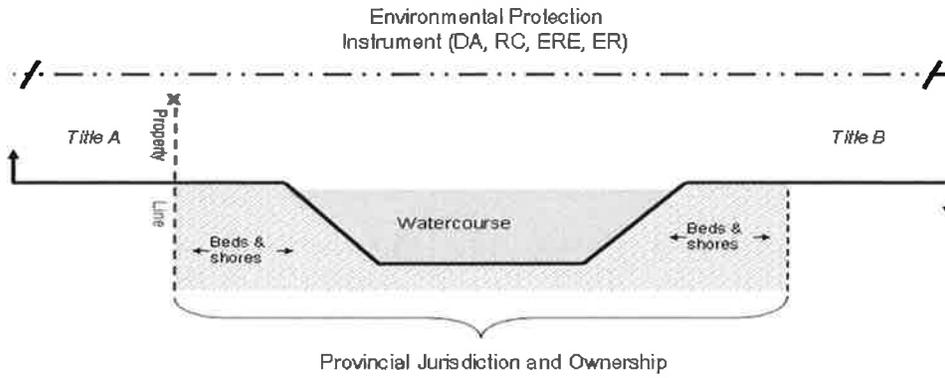


Figure 2. Quarter section illustrating potential property line, provincial ownership, and extent of applied protection measure in plan (left) and section (below).



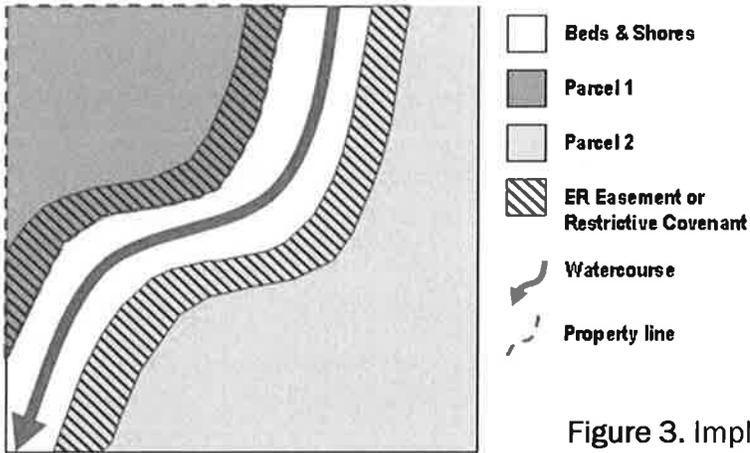


Figure 3. Implementation of Environmental Reserve Easement (ERE) or Restrictive Covenant in plan review.

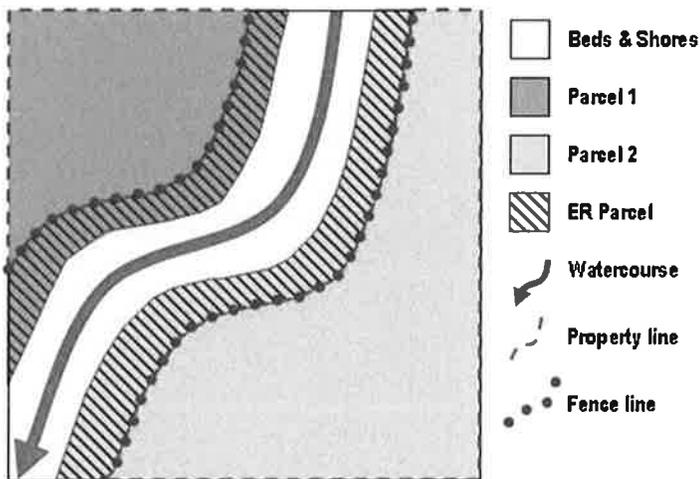


Figure 4. Implementation of Environmental Reserve (ER) parcel with fencing requirements.

Riparian area prior to implementation of protection measure

Riparian area recovering to healthy state



Implementation of protection measure



Implementation of protection measure



H. APPLICATION MATRIX

CLASSIFICATION	DESCRIPTION*	TOOLS						PROTECTION MEASURES			
		IMPLEMENTATION OF BMP	PRESCRIBED TOOLS					ADJACENT LAND USES DISTURBED**		ADJACENT LAND USES UNDISTURBED**	
			ER	ERE	RC	REEP	DA	VOLUNTARY	REQUIRED	VOLUNTARY	REQUIRED
Class D Water Bodies & Class I Wetlands	Low sensitivity water bodies and ephemeral wetlands.	X						Controlled Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary		Controlled Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary	
Class A-C Water Bodies & Class II - VII Wetlands	Highest to moderate sensitivity water bodies and temporary wetlands, seasonal ponds and lakes, semi permanent ponds and lakes, permanent ponds and lakes, alkali ponds and lakes, and fen (alkaline bog)		X	X	X	X	X		No Cultivation No Structures No ATV/OHV Use Approved Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary Fencing) †	Approved Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary Fencing) †	No Cultivation No Structures No ATV/OHV Use
Class 1-4 ESA Areas	Lands classified as environmentally significant in the 2008 Summit ESA study exhibiting various degrees of sensitivity.		X	X	X	X	X		No Cultivation No Structures No ATV/OHV Use Approved Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary Fencing) †		No Cultivation No Structures No ATV/OHV Use Approved Crossings Provision of Offsite Watering Riparian Pasture Fencing with Controlled Grazing or Riparian Exclusionary Fencing) †

* For more complete descriptions of the above mentioned classes please see Appendix explanatory notes.

** Disturbed = Cultivated, livestock accesses area, pasture land

Undisturbed = Unbroken, ungrazed, no structures, no oil and gas facilities, no recreational vehicle activity, no disturbance of affected lands

*** Please note that site specific characteristics may exist that may alter Mountain View County's recommendation for protection measures

† Should livestock be present currently or if a change in land use occurs within or adjacent to an ERE, RC, or DA designated area then necessary improvements may be required to ensure the designated area remains in a healthy state (Riparian Health Assessment of

70% or higher) as per the definition of healthy in the "Caring for the Green Zone: Riparian Health Assessment for Streams & Small Rivers" Field Workbook provided by Cows and Fish. These requirements may be prescribed and defined as explicit conditions of subdivision or development approval. Recommendations for prescribed improvements shall be based on the above guidelines, existing land use and riparian health assessment completed by department staff upon a site visit. Recommendations for specific improvements

such as those noted shall be discussed with Ag. Services staff and detailed when being brought forward to MPC or ASDAA for approval based on the condition of the natural feature, and active land uses.

I. APPENDIX

WATERBODY CLASSIFICATION

The province has classed water bodies into 4 classes A, B, C, and D.

Class A - highest sensitivity; habitat areas are sensitive enough to be damaged by any type of activity within the water body; known habitats in water body critical to the continued viability of a population of fish species in the area. Includes mapped and unmapped.

Class B - high sensitivity; habitat areas are sensitive enough to be potentially damaged by any type of activity within the water body; habitat areas important to continued viability of a population of fish species in the area. Includes mapped and unmapped.

Class C - moderate sensitivity; habitat areas are sensitive enough to be potentially damaged by unconfined or unrestricted activities within a water body; broadly distributed habitats supporting local fish species populations. Includes mapped and unmapped.

Class D - low sensitivity; fish species as defined under this Code of Practices for Watercourse Crossings, not present. Includes mapped and unmapped.

Alberta Environment, Guide to the code of practice for watercourse crossings, including guidelines for complying with the code of practice. April 2002

<http://www3.gov.ab.ca/env/water/Legislation/CoP/WatercourseGuide.pdf>

WETLAND CLASSIFICATION SYSTEM

Seven major classes of wetlands in natural basins are recognized on the basis of ecological differentiation. **Each class is distinguished by the vegetation zone occurring in the central or deeper part and occupying 5 percent or more of the total wetland area being classified.** The classes are designated by Steward and Kantrud as follows:

Class I - Ephemeral Wetlands:

The wetland-low-prairie zone dominates the deepest part of the pond basin. Typically have free surface water for only a short period of time after snowmelt or storm events in early spring. Because of the porous condition of the soils, the rate of water seepage from ephemeral wetlands is very rapid after thawing of the underlying frost seal. They may be periodically covered by standing or slow moving water. Water is retained long enough to establish some wetland or aquatic processes. They typically dominate by vegetation such as Kentucky blue grass, goldenrod and other wetland or low prairie species.

Class II - Temporary Wetlands:

The wet-meadow zone dominates the deepest part of the wetland area. A peripheral low-prairie zone is usually present. The wetland is periodically covered by standing or slow moving water. They typically have open water for only a few weeks after snowmelt or several days after heavy storm events. Water seepage is fairly rapid, but surface water usually lingers for a few weeks after spring snowmelt and for several days after heavy rainstorms at other times of the year. Water is retained long enough to establish wetland or aquatic processes. They are dominated by wet meadow vegetation such a fine-stemmed grasses sedges and associated forbs.

Class III - Seasonal Ponds and Lakes:

The shallow-marsh zone dominates the deepest part of the wetland area. Peripheral wet-meadow and low-prairie zones are usually present. Shallow marsh vegetation generally occurs in the deepest zone, which is usually dry by midsummer. They are typically dominated by emergent wetland grasses, sedges and rushes.

Class IV - Semi Permanent Ponds and Lakes:

The deep-marsh zone dominates the deepest part of the wetland area. Shallow-marsh, wet-meadow, and low-prairie zones are usually present, and isolated marginal pockets of fen zones occasionally occur. Deep marsh vegetation is found in the central zone, and coarse emergent plants or submerged aquatics like cattails, bulrushes, and pondweeds are present. They frequently maintain surface water throughout the growing season.

Class V - Permanent Ponds and Lakes:

The permanent-open-water zone dominates the deepest part of the wetland area and generally devoid of vegetations. Peripheral deep-marsh, shallow-marsh, wet-meadow, and low-prairie zones are often present, and isolated marginal pockets of fen zone occasionally occur. Submergent plants may be present in the deepest zone, while emergent plants are found along the edges.

Class VI - Alkali Ponds and Lakes:

The intermittent-alkali zone dominates the deepest part of the wetland area. Peripheral shallow-marsh, wet-meadow, and low-prairie zones are usually present. A deep-marsh zone is normally absent except occasionally for isolated patches near marginal seepage areas. A few isolated pockets of fen zone are normally present along the margins. Deep water is typically not permanently present. Alkali wetlands are characterized by a pH above 7 and a high concentration of salts. The dominant plants are generally very salt tolerant. These wetlands are especially attractive for shore birds.

Class VII - Fen (Alkaline Bog) Ponds:

The fen zone dominates the deepest part of the wetland area. Peripheral wet-meadow and low-prairie zones are often present. Vegetation characteristic of fens occasionally dominates the central areas of pond basins, but more frequently occurs as isolated pockets along the margins of typical ponds and lakes. Surface water is sometimes lacking in this zone, although the bottom soils are normally saturated by alkaline ground-water seepage. Most bottom

soils in the deeper portions have the consistency of soft muck or ooze. In many cases, fen zones could be considered quagmires with floating or quaking surface mats of emergent vegetation. Springs are sometimes present, and these are usually on raised mounds of wet organic material that are covered with mats of dense vegetation. Specific conductance (micromhos/cm³) measurements of surface water indicate that fen zones are in the slightly brackish salinity range.

Illustrations of the spatial relations of vegetational zones in the major classes of ponds and lakes are shown in figure 2. Normally, wetland classes are easily distinguished in the field. Occasionally, a pond or lake intermediate between two classes will be encountered in which the deepest part of the wetland area is occupied by a mixture of species characteristic of two different zones. In such a case the class designation would depend on which characteristic species group represents more than 50 percent of the vegetation growth in the deeper central area.

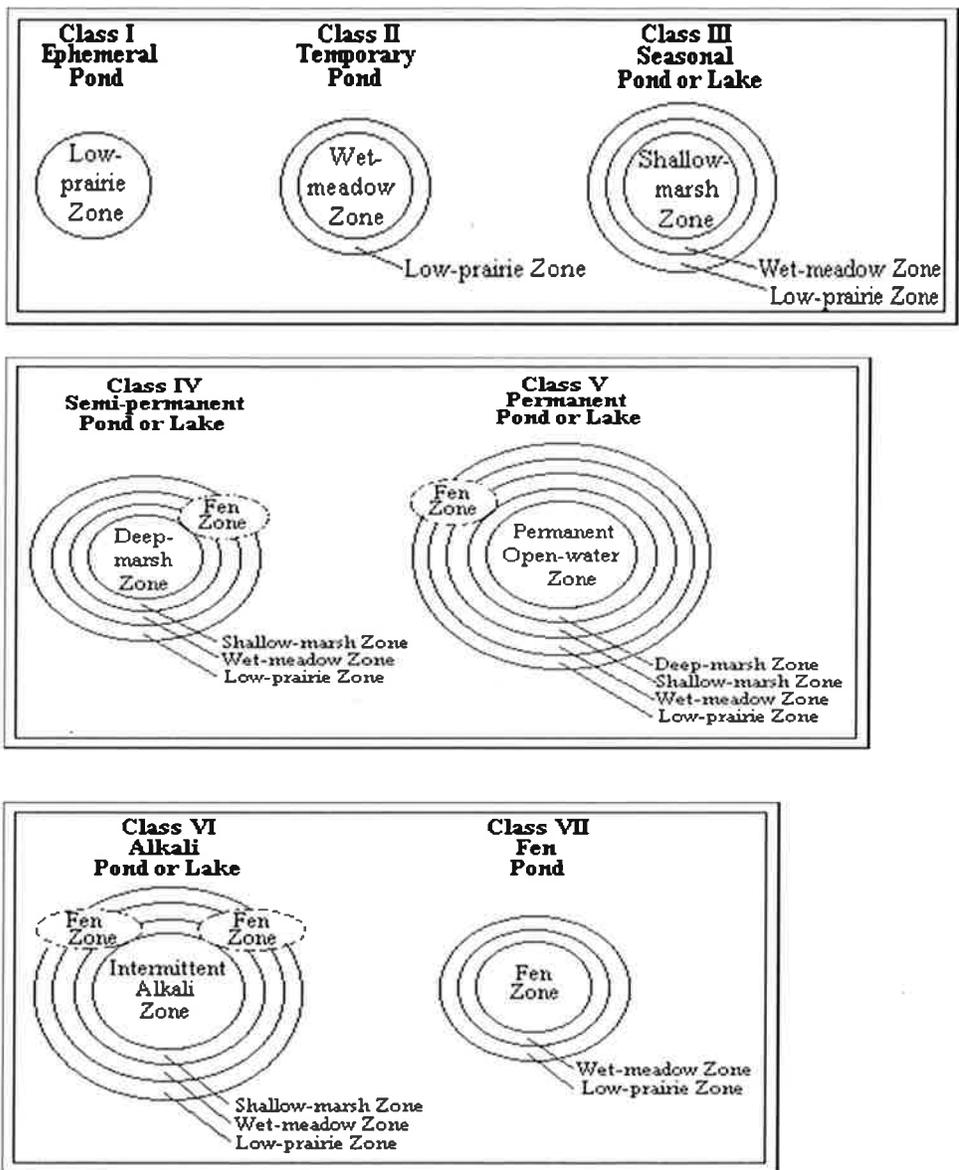


Figure 2. Spatial relation of vegetation zones in major classes of natural ponds and lakes.

This Wetland information is based on the following source: Stewart, Robert E., and Harold A. Kantrud. 1971. 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. Jamestown, ND: Northern Prairie Wildlife Research Center Online.

<https://pubs.er.usgs.gov/publication/rp92>

ENVIRONMENTALLY SIGNIFICANT AREA CLASSIFICATION SYSTEM

In addition the above provincial classification, Mountain View County has completed an assessment and documentation of environmentally significant areas in the County. These areas have been regarded as essential to protecting overall biodiversity, natural ecosystem functions, wildlife movement corridors and public values. The study has identified and classified areas in the County as Class 1-4 that are considered as follows:

ESA -1 (Very High Significance)

- High habitat quality for rare and common wildlife and native plant species
- Unique ecological area, uncommon in local area
- Low level of disturbance as indicated by heavy weed or invasive plant species presence, agricultural land development (land use alteration), industrial development (including oil and gas development) and other land fragmentation (i.e. recreational development)
- Sensitive to disturbance
- Typically meets more than three ESA criteria

ESA – 2 (High Significance)

- Limited high and predominantly moderate habitat quality for rare and common wildlife and native plant species
- Limited distribution in the local area but not uncommon
- Low to moderate level of disturbance
- Typically meets three or fewer ESA criteria

ESA – 3 (Moderate Significance)

- Limited moderate and predominantly low habitat quality for common wildlife and naïve plant species
- Moderate to high level of disturbance
- Typically meets two ESA criteria

ESA – 4 (Low Significance)

- Low habitat quality for common wildlife and native plant species
- Area highly disturbed
- Typically meets one ESA criterion

To acquire more information on the method and criteria for the classification of environmentally significant areas within Mountain View County please refer to *Environmentally Significant Areas: Mountain View County* completed by Summit Environmental Consultants in October 2008.