



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO.: 90-61-9

BY-LAW NO. 90-61-9 ENTITLED : BY-LAW AMENDING THE PERMITS AND CERTIFICATES BYLAW NO. 90-61 IN ORDER TO ENSURE CONSISTENCY WITH THE MONTRÉAL AGGLOMERATION LAND USE AND DEVELOPMENT PLAN BY ADDING PROVISIONS RELATED TO THE PROTECTION OF WETLANDS OF INTEREST TO BE PRESERVED OR RESTORED

ADOPTION PROCEDURE

Notice of motion:	June 9, 2025
Adoption - draft:	June 9, 2025
Publication:	June 13, 2025
Public consultation:	July 3, 2025
Adoption - second draft:	
Publication:	
Application request:	
Registration procedure:	
Adoption of by-law:	
Certificate of compliance:	
Publication:	
Coming into force:	

- WHEREAS in accordance with Section 58 of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1), the Town of Kirkland must adopt a concordance by-law to comply with the new requirements of the Land Use and Development Plan of the Montréal Agglomeration;
- WHEREAS a notice of motion for this by-law was given at the regular sitting of the Municipal Council held on June 9, 2025;
- WHEREAS in accordance with Section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of this draft by-law were made available to the public;
- WHEREAS the preamble forms an integral part of this draft by-law;

SECTION 1

Appendix 1 – DEFINITIONS of By-Law no. 90-61 is amended by adding, after the definition of “THOROUGHFARE”, the following definitions:

“WETLAND CHARACTERIZATION STUDY:

A study to determine the exact delineation of a wetland and its protection area, carried out by an expert in the field and respecting the requirements set out in Appendix 2 of this By-Law. For the purposes of this By-Law, the delineation of a wetland resulting from a characterization study takes precedence over that of a wetland appearing on the “Wetlands of Interest” map annexed to the Planning Program.

WETLAND PROTECTION AREA:

An area of land 30 meters wide that borders a wetland of interest to be protected or restored, as identified on the “Wetlands of Interest” plan annexed to the Planning Program.”

SECTION 2

Article 3.2 of By-Law no. 90-61 is amended by adding the following paragraphs o) and p) :

- « o) All applications for a permit or certificate of authorization for the exercise of a use, for the construction or alteration of a principal building, or for the completion of work, proposing an encroachment or additional encroachment into a wetland of interest to be protected or restored, or into its protected area, identified on the “Wetlands of Interest” map annexed to the Planning Program, must be accompanied by a wetland characterization study.

Despite the foregoing, a characterization study is not required in the case of the reconstruction of a building with the same footprint or in the cases referred to in paragraph p).

- « p) For a property located outside a wetland of interest to be protected or restored, identified on the “Wetlands of Interest” map annexed to the Planning Program, legally occupied and developed in its entirety, all applications for a permit or certificate of authorization for a new usage, a new structure or a new construction, including all reconstruction or extension, completed within the protection area of a wetland must be accompanied by:
- i. a certificate of location of the lot on which the work area targeted by the application is illustrated;
 - ii. the permit or certificate of authorization related to the occupation and development of the property when such was required, or, failing that, an indication of the date or period when these works were carried out;
 - iii. Photographs or any other document demonstrating that the work area targeted by the application has been anthropized and does not constitute a natural space.

SECTION 3

The Permits and Certificates By-Law no. 90-61 is amended by the addition, as Appendix 2, of the document attached to this by-law as Appendix A.

SECTION 4

The present by-law comes into force according to law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk

DRAFT

APPENDIX A**APPENDIX 2 – WETLAND CHARACTERIZATION STUDY**

This document outlines the minimum requirements for a wetland characterization study that must be submitted in accordance with the provisions of the Permits and Certificate By-Law No. 90-61 and the Site Planning and Architectural Integration Program By-Law No. SPAIP-2022-55.

Such a study aims to determine the exact boundaries of a wetland and its protection area in order to assess whether any constructions, uses, works, and, if applicable, activities such as excavation, backfill, displacement of humus or non-invasive native vegetation, or cadastral operations fall within this boundary. In such cases, the study specifically aims to identify the composition of the wetland and its protection area.

The following sections specify the requirements and basic elements that must be included in a wetland characterization study, as well as any additional information to be provided.

1 – REQUIREMENTS**PRODUCTION**

The characterization study must be carried out by an expert in the field, in accordance with best practices and must be signed by the person or persons who conducted the field surveys and observations.

NORMATIVE REFERENCE

The characterization study must comply with the standards of the Ministry of the Environment, the Fight Against Climate Change, Wildlife and Parks (hereinafter referred to as the MELCCFP), as outlined in the document *Guide for Identifying and Delineating Wetlands in Southern Quebec* (hereinafter referred to as the “MELCCFP Guide”). This document is available at the following address (French):

<https://www.environnement.gouv.qc.ca/eau/rives/guide-identif-dellimit-milieux-humides.pdf>

SURVEY METHODOLOGY

The surveys must be conducted during the vegetative period, which runs from May 1 (or two after the final spring thaw) to October 15 (or the first autumn frost).

The validity of these surveys is five years.

The surveys must cover all wetlands present on the site subject to the applicant’s request. When a wetland extends onto adjacent properties, it may be necessary to include a portion of those properties in the survey to ensure the study covers at least 10% of the total area of the wetland.

The surveys must minimally include one survey station per wetland and one survey station per protection area.

For a wetland larger than 3,000 m², additional survey stations must be planned. A minimum of one station in the wetland and one station in the protection area must be provided for every additional 3,000 m² of wetland present on site.

2 – BASIC ELEMENTS**MANDATORY CONTENT**

Every characterization study must include the following elements:

- i. Cartographic data related to the delineation of:
 - a. Wetlands to be protected or restored and their protection areas, as identified in the “Wetlands of Interest” map annexed to the Planning Program;
 - b. Waterways and other adjacent wetlands, as identified in the “Ecologically Significant Areas” map annexed to the Planning Program;

The professional responsible for the study using field surveys must validate this data. If the data gathered during field surveys differ from the reference data, the study must provide an explanation and justification for the discrepancies;

- ii. The dates of the field surveys;

- iii. The mapped locations of the survey stations;
- iv. The *Wetland Identification and Delineation Form*, completed for each survey station, available in Appendix 5 of the MELCCFP Guide. Each form must include information on vegetation, soil, and hydrological indicators in accordance with the MELCCFP Guide;
- v. The type or types of wetland (pond, marsh, swamp, or bog) and their riparian, isolated, or partially riparian or isolated character. The riparian character signifies that the wetland is fed by the waterway (floodplain of the waterway) and is thus an integral part of the waterway. The isolated character signifies that the wetland is fed through precipitation, snowmelt, or groundwater. A wetland that is hydrologically connected by a waterway but drains into it is considered isolated;
- vi. Indication of the formation of a wetland complex when there is a presence of multiple wetlands;
- vii. The type or types of terrestrial environments (forest stand, shrubby fallow land, grassy fallow land, anthropogenic elements, etc.) on the site subject to the characterization study;
- viii. At least one representative photoshoot per survey station, including at least one photograph of the wetland and one photograph of the terrestrial area (protection area);
- ix. The location and a photograph of each flow bed that has at least one of the following characteristics:
 - a. The flow bed is connected to a wetland on the site subject to the characterization study;
 - b. The flow bed runs through the protection area of a wetland;
- x. A site plan prepared by an expert, showing at minimum
 - a. The property limits;
 - b. The limits recorded by the expert in charge of the study related to:
 - i. The wetland;
 - ii. The protection area;
 - iii. The littoral limit, if applicable;
 - iv. The bank, if applicable;
 - v. The boundaries of floodplains, if applicable;
 - c. The existing location of uses, building, and lots;
- xi. A plan showing at minimum:
 - a. The projected location of uses, buildings, works, excavation, backfill, movement of humus or non-invasive native vegetation, and cadastral operations;
 - b. The limits of the work area.

ADDITIONAL CONTENT

When the mandatory content of the study demonstrates that the uses, buildings, works, or activities are located within a wetland of interest to be protected or restored, or within its protection area, the characterization study must include the following elements:

- i. For all homogenous stands (terrestrial and wetland environments):
 - a. Their surface area;
 - b. The occurrence of dominant, co-dominant and secondary species for each stratum (herbaceous, shrub, and tree);
 - c. The absolute and relative coverage percentage of each plant species;
 - d. A description of the drainage type and slope;
 - e. The nature of the soil (hydromorphic or not);

- f. The thickness of peat, if applicable;
- g. The hydrological indicators;
- h. The presence of the water table within the first 30 centimeters, if applicable;
- ii. For homogeneous tree or shrub stands (terrestrial and wetland environments, excluding herbaceous stands):
 - a. The average height of the stands;
 - b. The age of tree stands;
 - c. A description of the successional stage (climax stage);
 - d. The structure (even-aged or uneven-aged);
 - e. The percentage of canopy cover;
- iii. For wetlands:
 - a. Indication concerning the applicability of a mosaic effect between wetlands;
- iv. For aquatic environments:
 - a. The cartographic data from the “Ecologically Significant Areas” map annexed to the Planning Program. It is important to validate the status of all flow beds present, even if the map in the Planning Program does not indicate the presence of waterways.
 - b. The limit of the shoreline, the bank, and, if applicable, flood zones, when there is a watercourse on the site covered by the study, as defined in article 4 of the *Regulation respecting activities in wetlands, bodies of water and sensitive areas* (chapter Q-2, r. 0.1);

To this effect, the characterization study must also indicate the section and year of the flood recurrence levels for the identified flood zones;
- v. In cases of environmental loss:
 - a. The location and surface area of natural environments preserved or affected by homogeneous stand (temporary or permanent encroachment);
 - b. The projected canopy loss due to the implementation of the uses, buildings, works, or activities involving excavation, backfill, or displacement of humus or non-invasive native vegetation.

3 – ADDITIONAL INFORMATION TO BE PROVIDED

- i. The geospatial data in Shapefile format (in NAD 83, MTM zone 8) related to:
 - a. The boundaries of a wetland, along with data concerning adjacent lands within a distance of at least 30 meters on either side of the site under study;
 - b. The boundaries of the protection area of a wetland covered by the characterization study;
 - c. The location of survey stations.

Bibliography

Lachance, D., G. Fortin and G. Dufour Tremblay (2021). *Guide for Identifying and Delineating Wetlands in Southern Quebec – December 2021 version*, Québec, Ministère de l’Environnement et de la Lutte contre les changements climatiques, Direction adjointe de la conservation des milieux humides, 70 p. + annexes, [Online], <https://www.environnement.gouv.qc.ca/eau/rives/guide-identif-dellimit-milieux-humides.pdf>.