

BYLAW 2003-07

MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17  
In the Province of Alberta

*Being a bylaw to adopt the new Municipal District of Opportunity No. 17 Municipal Development Plan.*

---

**WHEREAS** the Municipal Government Act, as amended authorizes a municipality to adopt a Municipal Development Plan; and

**WHEREAS** a new Municipal Development Plan has been prepared under the direction of Council; and

**NOW THEREFORE** the Council of the Municipal District of Opportunity No. 17, Duly Assemble Enacts As Follows:

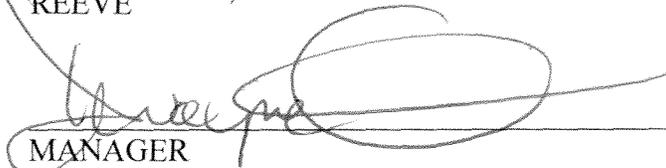
1. THAT the Municipal District of Opportunity No. 17 Municipal Development Plan, being Schedule "A" attached hereto, is hereby adopted.
2. THAT the Municipal District of Opportunity No. 17 Municipal Development Plan, Bylaw 97-07, is hereby repealed.

READ A FIRST TIME this 10<sup>th</sup> day of Sept. AD., 2003.

READ A SECOND TIME this 10<sup>th</sup> day of Sept. A.D., 2003.

READ A THIRD TIME this 10<sup>th</sup> day of Sept. A.D., 2003.

  
REEVE

  
MANAGER

**Schedule 'A'**

**MUNICIPAL DISTRICT OF OPPORTUNITY  
NO. 17**

**MUNICIPAL DEVELOPMENT PLAN**

**BYLAW 2003-07**

September 10, 2003

## CONTENTS

	<b>Page</b>
<b>PART ONE</b> <b>INTRODUCTION</b>	1
<b>PART TWO</b> <b>PLAN GOAL</b>	2
<b>PART THREE</b> <b>PLAN OBJECTIVES AND POLICIES</b>	3
1.0    LAND USE PLAN	3
2.0    COMMUNITIES	5
3.0    TRANSPORTATION AND UTILITIES	7
4.0    RECREATION AND OPEN SPACE	9
4.0    PLAN COORDINATION	12
<b>PART FOUR</b> <b>ADMINISTRATION</b>	13

## MAPS

<b>MAP 1</b> <b>LAND USE PLAN</b>	following 14
-----------------------------------	--------------

## **PART ONE - INTRODUCTION**

### **1. PLAN PURPOSE**

A Municipal Development Plan represents a set of long term goals and decisions which a municipal council has made addressing future land use change and development within its jurisdiction. The Council of the Municipal District of Opportunity No. 17 has considered it desirable to review its 1997 Municipal Development Plan and develop a new Municipal Development Plan to serve as the policy guideline for planning and coordination of development and subdivision in the Municipal District.

A Municipal Development Plan helps avoid inconsistency in decision making, promotes local goals and desires, maximizes opportunities and minimizes the unexpected. It also assists Council in rationally addressing the major issues within the community – ongoing conflicts between resource-based industries and residential land uses; hamlet growth and servicing options; the accommodation of industrial/commercial development; future transportation structure; and the acquisition and use of Reserve land for parks purposes.

It is important to realize that a Municipal Development Plan is restricted in what it can and cannot address. There are a number of matters such as land ownership, land assessment and taxation, social services programs, and oil and natural gas development which have no place in the Plan.

Any new land use or development proposal that does not comply with this Plan cannot be considered unless the Plan itself is amended to accommodate that proposal. It is also important to realize that the Municipal Development Plan is not retroactive in nature. Land uses in existence prior to adoption of the Plan which do not comply with this Plan, are permitted to continue.

### **2. PLAN FORMAT**

The goal, objectives and policies of this Plan are important as they set the standards of acceptable use, change and development. The Plan goal is established to identify a broad long term ideal which Council wishes to pursue in regards to future land use in the Municipal District. The objectives represent more detailed aspects of the Plan goal, which in turn, can be achieved through the policies which specify actions, requirements and standards.

## **PART TWO - PLAN GOAL**

### **1. PLAN GOAL**

To protect and develop communities within the Municipal District of Opportunity No. 17 while providing the necessary opportunities for using the Municipal District's resource land base, and to provide for industrial and economic diversification within the overall context of well-planned growth, change and development.

### **2. BASIS**

The Plan goal is based upon an evaluation of various land use issues and concerns facing the Municipal District. This goal becomes the guiding principle and foundation of this Plan.

As noted within the 1997 Municipal Development Plan, a significant amount of land in the Municipal District is used for resource acquisition and processing. The Council foresees these industries as being important to the long term social and economic welfare of the Municipal District. However, it is deemed necessary that the Plan goal be directed towards protecting the predominantly residential nature of the communities within the Municipal District while promoting the diversification of industry. In this manner, an environment will be provided which benefits both industry and the communities. It is recognized that there are sufficient areas of the Municipal District which can accommodate non-residential land uses without jeopardizing the communities. The Plan goal, therefore, encourages opportunities for well planned growth and development. This will promote a diversification of the Municipal District's economic base.

## **PART THREE - PLAN OBJECTIVES AND POLICIES**

### **1.0 - LAND USE PLAN**

#### **OBJECTIVES**

- To minimize conflicts between resource based and non-resource based land uses.
- To minimize the negative impact of resource based industrial operations on the quality of the communities' environments.
- To minimize the negative impact of resource based operations on the quality of the natural environment.

#### **POLICIES**

- 1.1 The Resource Use Area and the Community Areas within the Municipal District of Opportunity No. 17 shall be established as designated on Map 1.
- 1.2 The Resource Use Area refers to those relatively large areas as defined on Map 1 which are predominantly used for agriculture or non-agricultural resource extraction such as forestry, oil and gas exploration and extraction, and mineral exploration and extraction. The predominant use of the land within this Area shall be for resource exploration, extraction and processing, and/or for farming.
- 1.3 Within the Resource Use Area, the Municipal District shall encourage the Province to convert more land currently delineated to be within the "Green Zone" (that is, Crown-owned lands) to be within the "White Zone" (that is, privately-owned and potentially privately-owned lands), and to patent and sell "White Zone" land.
- 1.4 Within the Resource Use Area, the Municipal District shall encourage the Province to allow private development on both White Zone and Green Zone lands.
- 1.5 Within the Resource Use Area, development shall be designed so as to minimize the impact on the natural environment, and to mitigate, as much as possible, all negative impacts. The Municipal District shall encourage the Province to abide by this policy in developments and in the use of forestry and mineral (including oil and gas) resources under its jurisdiction.
- 1.6 The Community Area refers to the hamlet communities within the Municipal District - Calling Lake, Sandy Lake, Wabasca (formerly Wabasca-Desmarais), Red Earth, Chipewyan Lake, Loon Lake, Peerless Lake, and Trout Lake. Other than for Red Earth, these communities are predominantly residential in nature,

with other community-related uses such as commercial, public, institutional, and industrial uses being secondary. The community of Red Earth is located on top of and surrounded by a major resource extraction and processing area, and therefore the community components of that Community are intertwined with the resource extraction and processing activities of the area.

- 1.7 Development within the communities of Chipewyan Lake, Loon Lake, Peerless Lake, Trout Lake and Sandy Lake will be predominantly residential in nature, with limited municipal piped services.
- 1.8 Development in Calling Lake and Wabasca will be predominantly residential in nature, with some commercial, institutional and industrial development in appropriate locations which do not interfere with or conflict with the predominant residential land use.
- 1.9 Development in Red Earth will be both residential and resource-based industrial in nature, with commercial uses serving the residents, the industry, and the traveling public in suitable locations.
- 1.10 Within each patented quarter section in the Resource Use Area in which the predominant use of the land is agriculture, the subdivision of a maximum of two parcels shall be permitted, including subdivision as a result of fragmentation. Of these two parcels, only one parcel shall be for residential use.
- 1.11 Where agricultural land is taken for roads, rail lines, pipelines, transmission lines, etc., the Municipal District should endorse only those proposals which minimize the fragmentation of agricultural land.
- 1.12 The Municipal District will ask the Natural Resources Conservation Board and its staff to strictly abide by the regulations adopted pursuant to the Agricultural Operation Practices Act in the consideration of all proposals for the establishment or expansion of confined feeding operations, and will use those regulations in considering whether to approve a new development in proximity to a confined feeding operation.
- 1.13 Development agreements shall be required as a condition of approval for subdivision of land within the Municipal District.

## **2.0 - COMMUNITIES**

### **INTENT**

The communities within the Municipal District serve different roles and functions. Wabasca and Red Earth provide a wide range of commercial, industrial, institutional and residential services; Calling Lake provides a lesser range of such services; Sandy Lake, Trout Lake, Chipewyan Lake, Loon Lake and Peerless Lake provide a residential lifestyle augmented by the convenience of very limited local services. While recognizing that growth of communities is desirable, it is also evident that settlements can be negatively impacted by adjacent resource-based land uses. The intent of this objectives/policies section is to maintain the viability, function and role of existing communities by coordinating future development and expansion in accordance with the spirit of the Plan goal.

### **OBJECTIVES**

- To ensure, where possible, that Community Areas have enough land within their respective boundaries to undertake comprehensive land use planning and development of appropriate servicing schemes.
- To ensure that community growth and expansion occurs in an effective and orderly manner.
- To encourage growth and expansion of existing Community Areas while discouraging the premature and unnecessary withdrawal of land currently in resource use.
- To ensure that lands needed for future community expansion are not used prematurely or indiscriminately in a manner that would preclude or significantly increase costs for conversion to community uses.

### **POLICIES**

- 2.1 The function of a Community Area shall be one of providing residential opportunities augmented with local commercial development and community related services.
- 2.2 Calling Lake, Chipewyan Lake, Loon Lake, Peerless Lake, Red Earth, Sandy Lake, Trout Lake, and Wabasca shall be designated as Community Areas.
- 2.3 The communities of Sandy Lake, Chipewyan Lake, Loon Lake, Peerless Lake, and Trout Lake shall function without sewage collection and/or water distribution systems until such time as population, economic and environmental circumstances warrant it.

- 2.4 Future subdivision and development within Community Areas which may jeopardize existing ground water supplies or quality or pose problems for sewage disposal shall not be permitted.
- 2.5 Within the Community Areas of Calling Lake, Red Earth and Wabasca, subdivision and development shall be at a density which makes most efficient and economical use of the water and sewage servicing systems. However, that shall not preclude development occurring in these communities without municipal piped services if the sites are suitable and if the cost of the extension of the piped services to the site of the proposed development would be too high.
- 2.6 Manufactured home park development may be permitted within a Community Area.
- 2.7 Where an Area Structure Plan exists as a means of facilitating detailed land use planning specific to the needs of an individual Community Area, any development occurring shall conform with the provisions of that Plan.
- 2.8 The Area Structure Plans for Calling Lake, Red Earth, and Wabasca will be reviewed and updated during the life of this Municipal Development Plan.
- 2.9 Though there are no Area Structure Plans for Sandy Lake, Chipewyan Lake, Loon Lake, Peerless Lake and Trout Lake, proposals for subdivision and development within those Community Areas will be carefully assessed upon application. Conditions of approval will be designed so as to minimize any potential for land use conflicts.
- 2.10 All development within Community Areas shall abide by any Provincial regulations respecting separation from sour gas. In this respect, should any development or subdivision be proposed in the proximity of sour gas facilities, that proposal shall be circulated to appropriate Provincial agencies before any consideration of any approval is given.

## **3.0 - TRANSPORTATION AND UTILITIES**

### **INTENT**

The development of transportation and utility systems can have a significant impact on land use change within the Municipal District. However, certain types of transportation and utility development are beyond the direct control of the local municipality. The intent of this objectives/policies section is to provide polices which encourage compatible, economic and efficient service and utility related development.

### **OBJECTIVES**

- To minimize any negative impacts associated with the development of linear transportation, communication, or utility facilities and services.
- To ensure that necessary facilities, utilities, or services associated with land use and development are provided and in place when required.
- To ensure that land use and development in the vicinity of existing or proposed transportation, communication or utility facilities/services are regulated such that it does not interfere with their operation, upgrading or future expansion.
- To ensure that municipal services and utilities are provided in an economical and efficient manner and are reflective of need, environmental constraints, land use considerations and existing infrastructure.

### **POLICIES**

#### **GENERAL**

- 3.1 The Municipal District shall encourage the location of transportation and utility lines and facilities in a manner which:
  - (a) encourages the integration of transportation routes and utility lines within defined corridors;
  - (b) discourages the creation of fragmented parcels of land between rights-of-way; and
  - (c) minimizes the impacts on recreational, historical or wildlife resource areas.
- 3.2 Where proposed transportation and utility lines and facilities may adversely affect adjacent lands or land uses, the Municipal District shall recommend or require as

a condition of development of the line or facility such buffering as deemed appropriate to minimize any negative impacts.

- 3.3 The Municipal District may require future subdivision or development proposals adjacent to transportation and utility lines and facilities to provide such buffering as deemed appropriate.
- 3.4 The Municipal District shall encourage new transportation and utility rights-of-way to avoid existing residential areas and areas designated for residential expansion. Where such lines must locate in close proximity to residential areas, they should be designed to be compatible with future growth.
- 3.5 Major Two-Lane Highways, shown on Map 1, shall be considered as arterial roads and developed to arterial road standards relating to width, grades, site lines and access. Minor Two-Lane Highways, shown on Map 1, shall be considered as collector roads and developed to collector road standards relating to width, grades, site lines and access. Service roads for Major and Minor Two-Lane Highways shall be considered to be local internal subdivision roads and developed to appropriate standards. All other roads in the Municipal District shall be considered either local Municipal District roads, or local internal subdivision roads, and developed to appropriate standards.
- 3.6 The Municipal District shall develop and implement a program of maintenance and improvement for the Municipal District road system designed to enhance traffic flow.
- 3.7 All municipal infrastructure systems, such as new roads, sewage collection and water distribution systems, and sanitary waste disposal sites created as a result of private development, which may include dedication to the Municipal District or subdivision, shall only be assumed by the municipality if the system has been constructed or upgraded to a standard which is acceptable to the Municipal District and which meets or exceeds all appropriate Provincial and Federal standards.
- 3.8 The Municipal District shall encourage those involved in the exploration and development of natural resources to construct access roads to Municipal District standards wherever possible. The Municipal District shall assume responsibility of such roads only if they are developed to Municipal District standards and if the access road is maintained by the resource industry for a suitable period of time.
- 3.9 Direct access from private property onto either Major or Minor Two-Lane Highways shall be discouraged and limited wherever possible.
- 3.10 The Municipal District shall endeavor to cooperate wherever appropriate with other municipalities and/or the provincial government with planning,

development and operation of sanitary waste disposal facilities and sewage lagoons.

## **AIRPORTS**

- 3.11 In order to minimize safety hazards around airports, the Municipal District shall encourage the regulation of building heights in the areas around all publicly licensed and paved airports in the Municipal District.

## **4.0 - RECREATION AND OPEN SPACE**

### **INTENT**

The Municipal District of Opportunity No. 17 is characterized by a relative abundance of resources which are ideally suited for a variety of outdoor recreation activities. In anticipation of increasing use pressures on these resources, it is the intent of this objectives/policies section to encourage diversified recreational development appropriate to the capabilities of these resources and the intent of the Plan goal, and to provide for the acquisition of Reserves pursuant to Provincial legislation. As well, it is the intent of these policies that the Community Areas be provided with parks as suggested by Provincial legislation.

### **OBJECTIVES**

- To provide diversity in recreation opportunities.
- To provide recreation development which is compatible with the capabilities and characteristics of the natural environment and surrounding land uses.
- To provide for the comprehensive management of recreation opportunities on lake and river shoreline areas.
- To ensure that high quality recreation resources are not jeopardized through premature or incompatible development.
- To encourage quality development of outdoor recreation resources as a means of promoting tourism in the Municipal District.
- To recognize that non-development and preservation of natural areas contribute significantly towards the promotion of tourism in the Municipal District.
- To acquire land for park purposes during the subdivision process to meet some of the needs of future inhabitants of the Municipal District.

### **POLICIES**

#### **RECREATION USES**

- 4.1 Within the Municipal District, specialized public-serving recreation uses such as organized campgrounds, day use areas, picnic sites, lodges, hiking and ski trails, and other similar uses as developed by either private or public interests will be allowed in almost all areas other than in the intensively residential portions of the communities, provided that they do not interfere with resource extraction and processing industries.

- 4.2 All recreation development shall be designed to fit into the surrounding natural landscape, particularly in terms of siting, scale and visual impact.
- 4.3 Development shall not exceed, in the opinion of the Municipal District, the physical carrying capacities of the site and adjacent areas to support such uses.
- 4.4 Developers of recreational developments shall be required to install, where necessary and appropriate, adequate onsite water systems and sewage disposal systems which have been approved by the authority having jurisdiction.
- 4.5 Spaces for day use, picnicking, camping and similar activities shall be suitably organized and clearly marked. Adequate lake access and parking facilities shall be provided where appropriate.
- 4.6 The Municipal District shall encourage the development of additional public-serving recreation opportunities and facilities.

### **RESERVE PARCELS**

- 4.7 Within Community Areas, the full 10% Municipal Reserve dedication as provided for in Provincial legislation will be taken by the Municipal District at the time of subdivision.
- 4.8 Lands that are subject to a flood hazard or potential erosion due to steep or unstable slopes shall be taken by the Municipal District as Environmental Reserve at the time of subdivision.
- 4.9 In subdivisions adjacent to lakes, Reserves shall include sufficient shorelands so as to provide adequate waterfowl and fish habitat, and lake access. Much of that Reserve shall be taken as Environmental Reserve. Some, which is not immediately adjacent to the lake, but which is to be used for park or playground area, for walkways or parking areas, may be taken as Municipal Reserve.
- 4.10 The Municipal District will develop policies for the acquisition, use and administration of Reserve lands adjacent to lakes with the overall goal of the policies being the protection of the natural environment. Such lands will primarily be used to provide for protection of the natural environment and public access to the public resource - the water body. However, use of the Reserve lands by neighboring landowners will also be a consideration and provided for within these policies.
- 4.11 The Municipal District will develop policies for the use and administration of all Environmental Reserve lands with the overall goal of the policies being the protection of the natural environment. Such lands will primarily be used to provide for protection of the natural environment. However, use of

- Environmental Reserve lands outside Community Areas by neighboring landowners will also be a consideration and provided for within these policies.
- 4.12 Dedications of land for Municipal Reserve should be taken in Community Areas during the subdivision process. If there is an Area Structure Plan for the Community Area, the location of such lands will be determined by that Plan.
  - 4.13 Municipal Reserve dedications should be concentrated in a few large parcels on suitable sites, rather than scattered throughout the area of subdivision.
  - 4.14 In order to provide for more suitable, larger areas for municipal recreation uses and facilities, the Municipal District should consolidate and acquire land in areas most suited for public use.
  - 4.15 Reserves within a subdivision shall, where possible, be designed to connect with nearby public land or with reserves in adjacent subdivisions.
  - 4.16 In subdivisions in Community Areas where Reserves are due, but land is not a reasonable option for the Municipal District due to the proximity of other Reserve parcels or the small size of the Reserve which would be due, money in lieu of the Reserve may be taken by the Municipal District if so decided by the Municipal District's Subdivision Authority. In such cases, such funds shall be divided with School Authorities in accordance with agreements between the Municipal District and the School Authorities. The funds remaining to the Municipal District shall be used to acquire or develop park land within the Municipal District.
  - 4.17 When Municipal Reserves are due in subdivisions in the Resource Use Area, money in lieu of the Reserve shall be taken by the Municipal District. Funds shall be divided with School Authorities in accordance with agreements between those Authorities and the Municipal District, and the remainder shall be used to acquire or develop park land within the Municipal District.

## **HISTORIC RESOURCES**

- 4.18 The Municipal District shall encourage and may support the efforts of public or private agencies in the acquisition, restoration, preservation, conservation or interpretation of historic resources in the Municipal District.
- 4.19 The Municipal District may consider designating valuable historic sites, such as burial grounds, and buildings within the Municipal District as Municipal Historic Sites, where it considers such action to be in the public interest.
- 4.20 The Municipal District shall encourage the Province to designate valuable historic sites and buildings within the Municipal District as Provincial Historic Sites, where it considers such action to be in the public interest.

## **5.0 - PLAN COORDINATION**

### **INTENT**

The Municipal District of Opportunity No. 17 is surrounded by other municipalities and has within it a number of settlements by First Nations. In addition, a number of new First Nation settlements may be established, separating them from the municipal corporation, over the next few years. The Municipal District will work closely with both surrounding municipalities and with the First Nations to best serve its inhabitants and industries. It is the intent of this objectives/policies section to encourage coordination of development activity with other such jurisdictions.

### **OBJECTIVES**

- To provide for coordination of development activity with adjacent municipalities and the First Nations located within the Municipal District.

### **POLICIES**

- 5.1 All proposals for amendments to this Plan or the Land Use Bylaw, subdivision, or development for lands located within 3.2 km of an adjacent municipality will be circulated to that municipality for comment and input before a decision on the proposal is made.
- 5.2 All proposals for amendments to this Plan, an Area Structure Plan, or the Land Use Bylaw, for subdivision or for development of lands which may impact a First Nation's lands, will be circulated to that First Nation for comment and input before a decision on the proposal is made.
- 5.3 It is recognized as the intent of Council to discuss the possibility of entering into joint planning projects with the First Nations located within the Municipal District's boundaries.

## **PART FOUR - ADMINISTRATION**

### **1. AUTHORITY OF THE PLAN**

- 1.1 This Plan shall be adopted by Municipal District of Opportunity No. 17, as the Municipal District of Opportunity No. 17 Municipal Development Plan.
- 1.2 Subdivision and development of lands within the Municipal District of Opportunity No. 17 shall be in accordance with the provisions of this Plan. The term "development" as used in the context of this Plan, shall only refer to that development as defined in the Municipal District's Land Use Bylaw which requires a development permit.
- 1.3 Council shall encourage the Provincial and Federal governments to have regard for the provisions of this Plan in the development and redevelopment of Crown lands, and in the formulation of Provincial and Federal policies and programs within the Municipal District of Opportunity No. 17.

### **2. LAND USE BYLAW**

- 2.1 When this Plan or any part thereof takes effect, the Land Use Bylaw in effect in the Municipal District of Opportunity No. 17 shall be amended to conform to this Plan.
- 2.2 No provisions of this Plan shall require the Land Use Bylaw to pre-designate lands for community expansion, residential, commercial, industrial, resource extraction, manufactured home park, recreation, institutional or other similar uses.

### **3. AMENDMENT**

- 3.1 Should changing conditions necessitate an amendment to the Plan, the amendment shall be adopted by bylaw.
- 3.2 In order to ensure that a proper evaluation is made of the impact of a proposed amendment on the goal, objectives and policies of the Plan, the following criteria shall apply to consideration of an amendment:
  - (a) a formal request for amendment shall be submitted to Council with the appropriate fee;
  - (b) the request shall be in the form of a written brief demonstrating the implications and relationship of the proposed amendment with respect to the goal, objectives and policies of the Plan;

- (c) during deliberation on the proposed amendment, Council may refer the request to such agencies as it considers necessary for comment;
- (d) Council may request such information as it deems necessary to reach a decision on the proposed amendment;
- (e) Council may proceed to amend the Plan.

#### **4. REVIEW**

4.1 The planning process is a dynamic process, subject to inevitable change. With this Plan being a major component in the Municipal District planning process, it is intended that this Plan will be subject to periodic review. Review of the Plan may be initiated in the following ways:

- (a) a complete or partial review due to economic, social, or technical developments or environmental considerations;
- (b) a complete review at least once every five years; or
- (c) a complete or partial review as a result of a Plan amendment request.

