

LAND USE ORDER

Kananaskis Improvement District



**KANANASKIS
IMPROVEMENT
DISTRICT**

Government of Alberta ■
Tourism, Parks and Recreation

SCHEDULE 1

PART I

DEFINITIONS

DEFINITIONS

1. The following terms are defined for the purposes of this Order:
 - (a) "Accessory Building" means a detached Building located on the same or Adjacent Parcel of Land or Disposition as a Principal Building or Principal Use and which is subordinate in area, extent and purpose to the Principal Building or Principal Use served;
 - (b) "Accessory Use" means a use located on the same or Adjacent Parcel of Land or Disposition subordinate in area, extent and purposes to the Principal Building or Principal Use served;
 - (c) "*Act*" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;
 - (d) "Adjacent" means contiguous or would be contiguous if not for a utility right of way, road, river or stream;
 - (e) "Adventure Camp" means any Disposition, Parcel of Land or portion thereof used for the operation of active outdoor recreation and may include associated Buildings and structures, including sleeping accommodations, eating establishments and Washroom Facilities;
 - (f) "Applicant" means the Disposition Holder or any other Person authorized pursuant to Part III of this Land Use Order to submit an application for Subdivision approval or a Development Permit.
 - (g) "Architectural Controls" means any limitation, requirement, device or feature respecting a Building to help ensure that it enhances or detracts minimally from the natural surroundings, or the use of the Disposition or Adjacent lands, and includes the Architectural Controls referenced in Appendix "A";
 - (h) "Building" means anything that is constructed or placed on, in, over or under land including, without limitation, residential, commercial, industrial, recreation and tourism structures, Campground structures, outdoor fireplaces, outdoor wood stoves, skiing structures, bridges, boardwalks and structures used for photography and filming;
 - (i) "Café/Coffee Shop" means a Building or part thereof which is used for the consumption of beverages (non-alcoholic) and limited types of prepared foods are offered for sale to the public for consumption

on or off the Disposition. This use shall not include the sale of alcohol;

- (j) "Campers' Centre" means a Building or part thereof which is used to provide services to campers and tourists, such as a laundry facilities, Campground registration, washrooms, shower facilities, and may include the rental of videos. This use shall not include the sale of alcohol;
- (k) "Campground" means a lot, parcel, Disposition or area of land used or intended to be used or rented for occupancy by Recreational Vehicles, including but not limited to tents, trailers, motor homes, but does not include mobile or modular homes;
- (l) "Condominium" means a Building or group of Buildings, in which units are owned individually, and the structure, common areas and facilities are owned by the Disposition Holders on a proportional basis;
- (m) "Convenience Store" means a Building or part thereof which is used for retail sale of those goods required by area residents, employees or tourists on a day to day basis. Typical uses include small food stores, drug stores, and variety stores selling confectionary tobacco, groceries, beverages, pharmaceutical and Personal care items, hardware or printed matter, or the rental of videos. This use shall not include the sale of alcohol;
- (n) "Coordinating Authority" means the Kananaskis Country Inter-departmental Consultative Committee that is appointed by this Order as the organization charged with overseeing and coordinating land use in KID;
- (o) "Crown" means Her Majesty the Queen, in right of Alberta;
- (p) "Darksky Requirements" means a limitation, requirement, device or feature intended to reduce non-natural light from emanating (directly or indirectly) into the natural surroundings and includes the details in Appendix "A";
- (q) "Day Use Facility" means a Building, structure or portion thereof used by the general public in relation to active or passive recreation which may include dining facilities, lockers, change room and related facilities but which does not include any overnight

accommodations or facilities and which only operates within set hours on a permanent or seasonal basis;

- (r) "Development" means any of the following, whether on a temporary or permanent basis:
- (i) an excavation or stockpile and the creation of either of them;
 - (ii) a Building, replacement of a Building, an addition to a Building, or any repair, modification or renovation of a Building and the construction or placing of a Building in, on, over or under land, whether or not the Building, or its replacement, addition, repair, modification or renovation is temporary or permanent;
 - (iii) a change of use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the use of the land or a Building;
 - (iv) a change in the intensity of use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the intensity of use of the land or Building;
 - (v) clearing land of trees or any cutting and removal of trees, in whole or in part;
 - (vi) the placement of trees, shrubs, grass or other Landscaping;
 - (vii) stripping, filling or grading land or any other form of land disturbance;
 - (viii) the demolition or removal of a Building;
 - (ix) the relocation of a Building;
 - (x) Landscaping;
 - (xi) a trail for pedestrians, snowmobiles, horses or all terrain vehicles and the construction, placement, alteration or removal of a trail;

- (xii) a wildlife corridor and the construction, placement, alteration or removal of a wildlife corridor;
 - (xiii) a ski run and the construction, placement, alteration or removal of a ski run;
 - (xiv) Utilities and the construction, placement, alteration or removal of Utilities;
 - (xv) a sign, retaining wall, deck and fence and the construction, placement, alteration or removal of a sign, retaining wall, deck or fence;
 - (xvi) resource extraction;
 - (xvii) the installation or intensification of lighting outside a Building or in a manner that causes illumination outside a Building;
 - (xviii) the laying out, establishment of, or construction of a parking lot or road;
 - (xix) the use or intensification of lands for storage purposes in Buildings or areas not authorized (through a Development Permit) for such storage;
 - (xx) the use or intensification of use of lands for the repair of machinery, equipment or vehicles;
 - (xxi) the use or intensification of use of lands for the parking or locating of a trailer, bunkhouse, portable Dwelling, skid shack, float home, marina or any other type of portable Building whether or not placed on foundations or affixed to the land or bed and shore of a water body;
 - (xxii) the placement or erection of a monument, flags or a flagpole;
- (s) "Development Authority" means the Person or Persons appointed by this Order as the Development Authority and charged with reviewing and deciding on Development permit applications;
 - (t) "Development Officer" means an employee of the Provincial department responsible for the KID, who holds the position of KID Development Officer, and is charged by this Order with

coordinating the Subdivision and Development permit application and review process;

- (u) "Development Permit" means a document issued under this Order that authorizes a Development;
- (v) "Dining Facility" means a Building or part thereof which is used for the consumption of food by Persons seated at booths, counters, tables or a combination thereof and is accessory to a Principal Use;
- (w) "Disposition" means every Instrument entered into or issued pursuant to provincial legislation, by which:
 - (i) an estate, right or interest in land of the Crown, or
 - (ii) any other right or privilege in respect of land of the Crown that is not an estate or interest in land,
 - (iii) is or has been granted or conveyed by or on behalf of the Crown to any Person and includes, without limitation, a conveyance, assurance, sale, lease, licence, permit, contract, agreement or letter of authority;
- (x) "Disposition Holder" means the holder of a Disposition;
- (y) "Dwelling" means a Building or portion thereof used or intended for residential occupancy on a permanent or temporary basis;
- (z) "*Environmental Protection and Enhancement Act*" means the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended or repealed and replaced from time to time;
- (aa) "Equestrian Facility" means the use of lands, Buildings or structures for the boarding of horses, the training of horses and riders, the staging of equestrian events and includes trails, stables and enclosures but does not include a race track;
- (bb) "Essential Residence" means a single family or multi-family Residence that is used solely to house staff members of commercial and recreation facilities that operate in KID, the necessity of which shall be determined by KCICC. In no event shall an Essential Residence include Condominiums, time shares or similar types of Developments;

- (cc) "Family Member" means a spouse, children, parents and the parents of a spouse;
- (dd) "FireSmart Requirements" means a limitation, requirement, device or feature intended to reduce the incidence or negative effect of uncontrolled fires from igniting or spreading, and includes the provisions in Appendix "A";
- (ee) "*Freedom of Information and Protection of Privacy Act*" means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25 , as amended or repealed and replaced from time to time;
- (ff) "*Forests Act*" means the *Forests Act*, R.S.A. 2000, c. F-22, as amended or repealed and replaced from time to time;
- (gg) "Golf Course" means a public or private area operated for the purpose of playing the game of golf and may include a club house and driving range;
- (hh) "Guest Camping" means an area of land or part thereof used for short term accommodation for recreational vehicles and occupied for the sole use of members of the family, temporary guests or Persons permanently employed on the premises and for which there is no charge to the occupant for the use of the accommodations;
- (ii) "Guest Housing" means a Building or part thereof used as short term accommodation, having no kitchen facilities, located on the same premises with a Principal Building and occupied for the sole use of members of the family, temporary guests or Persons permanently employed on the premises and for which there is no charge to the occupant for the use of the accommodations;
- (jj) "Hostel" means an establishment in which the public are provided sleeping accommodations for a single night or for less than a week at one time and does not include a hotel or a tourist home.
- (kk) "Instrument" means a plan of Subdivision and an Instrument as defined in the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed and replaced from time to time;
- (ll) "Integrated Resort Lodge" means a tourist establishment that serves as a destination point for visitors containing five or more guest rooms served by a common entrance while additional guest

rooms may have a separate entrance directly from outside the Building and which has facilities for serving meals and may include convention or banquet or convention facilities as an Accessory Use;

- (mm) "Interpretation Facility" means any Building, structure or portion thereof used as an educational facility related to the natural environment or aspects located within the natural environment and which may include Dining Facilities as an Accessory Use but which shall not include any sleeping accommodations;
- (nn) "KCICC Policies" means those policies identified by the Coordinating Authority as applying to Developments in KID, and includes, but is not limited to, those policies set out in Appendix A;
- (oo) "KID" means the Kananaskis Improvement District;
- (pp) "Landscaping" means the modification of a site through the use of any or all of the following elements:
 - (i) soft and natural Landscaping consisting of vegetation such as trees, shrubs, hedges, grass and planted ground cover;
 - (ii) hard Landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt;
 - (iii) architectural elements consisting of such features as wing walls and sculpture and may include sidewalks, pathways and amenity areas; and
 - (iv) dykes, berms and erosion control structures;
- (qq) "Lodge" means a tourist establishment containing five or more guest rooms served by a common entrance while additional guest rooms may have a separate entrance directly from the outside of the Building any which may include meeting facilities as an Accessory Use;
- (rr) "Maintenance Facility" means a Building, structure or portion thereof where equipment and materials are stored, repaired and used to maintain the Principal Building and Use;
- (ss) Managing Land Authority means Sustainable Resource Development for developments on lands administered under the

Public Lands Act, and Tourism Parks and Recreation for developments on lands administered under the Parks Act.

(tt) "Medical Facility" means a Building, structure or portion thereof where medical professionals, including but not limited to Emergency Medical Technicians, physicians, dentists, chiropractors, provide diagnosis and treatment to the general public but does not contain any overnight accommodations;

(uu) "Motor Vehicles" means:

(i) a vehicle propelled by any power other than muscular power, or

(ii) a moped

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

(vv) "Non-Conforming Building" means a Building:

(i) that is lawfully constructed or lawfully under construction at the date the Order affecting the Building or the land on which the Building is situated becomes effective, and

(ii) that on the date the Order becomes effective does not, or when constructed will not, comply with the Order;

(ww) "Non-Conforming Development" means a Development, including a Non-Conforming Building or a Non-Conforming Use:

(i) that has been approved on or before the day on which this Order comes into force, and

(ii) that on such date does not, or when constructed will not, comply with this Order;

(xx) "Non-Conforming Use" means a lawful specific use:

- (i) being made of land or a Building or intended to be made of a Building lawfully under construction at the date of an Order affecting the land or Building becomes effective; and
 - (ii) that on the date the Order becomes effective does not, or in the case of a Building under construction will not, comply with the Order;
- (yy) "Non-Essential Residence" means a Residence that is not an Essential Residence;
- (zz) "Non-Motorized Trail" means any land or part thereof which is used for a trail but shall not be used by any motorized vehicles or equipment, including but not limited to off-highway vehicles and snow mobiles;
- (aaa) "Office(s)" means a Building or part thereof used for the practice of a profession, the carrying on of a business, the conduct of administration but excludes such uses as retail sales, manufacturing, assembly or storage of goods and is accessory to the Principal Use;
- (bbb) "Parcel of Land" means:
- (i) where there has been a Subdivision, any lot or block shown on a plan of Subdivision that has been registered in a land titles Office;
 - (ii) where a Building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of Subdivision that has been registered in the land titles Office, all those lots or blocks;
 - (iii) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title;
- (ccc) "*Parks Act*" means the *Provincial Parks Act*, R.S.A. 2000, c. P-35, as amended or repealed and replaced from time to time;
- (ddd) "Person" means any individual, association, firm, partnership, incorporation company, corporation, agent or trustee;

- (eee) "Power Generation Facility" means any Building, structure, portion thereof or equipment used to generate power, including but not limited to, containers, heat exchangers, piping and other transfer mechanisms, controls and related structural support for transporting and storing power;
- (fff) "Principal Building" means any Building which is carried on the principal purpose for which the Disposition is used;
- (ggg) "Principal Use" means any use which is carried on the Principal Use for which the Disposition is used;
- (hhh) "*Public Lands Act*" means the *Public Lands Act*, R.S.A. 2000, c. P-40, as amended or repealed and replaced from time to time;
- (iii) "Recreational Vehicle" means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle or self-propelled and includes, but is not limited to, travel trailers, tent trailers and motor homes;
- (jjj) "Recreation Hall" means a Building or part thereof designed and equipment for the conduct of sports, leisure activities and other recreational activities;
- (kkk) "Recreation Policy" means the Kananaskis Country Recreation Policy, dated May 1999, as amended or repealed and replaced from time to time;
- (III) "Residence" means a Dwelling with one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently as a primary Residence or part time as a vacation or secondary Residence;
- (mmm) "Resource Extraction" means a Development for the exploration, on-site removal, extraction, and primary processing of raw materials found on or under the site, or accessible from the site and includes all mining activities, the extraction of gravel, sand and clay, timber harvesting, petroleum and gas exploration and extraction, and the construction and use of pipelines. Stripping of top soil is not a Resource Extraction use;

- (nnn) "*Safety Codes Act*" means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time;
- (ooo) "Ski Resort" means a commercial establishment where snow skiing facilities are provided and may also include the sale, rental and repair of skis and related equipment, eating establishments, licensed premises, together with necessary and accessory Buildings and structures;
- (ppp) "Solid Waste Facility" means a place where garbage, refuse or domestic waste is dumped, destroyed or stored in suitable containers but does not include liquid industrial waste or hazardous waste;
- (qqq) "Storage" means any Building, structure, enclosure or part thereof which is used to store materials and equipment associated with the Principal Use and which is screened from view from Adjacent parcels, lands or roadways and does not include the mini storage or any storage for which the Disposition Holder charges a fee;
- (rrr) "Structural Alteration" means any enlargement or diminution to a Building whether horizontally or vertically, or a change to the design or support of a load bearing wall or foundation;
- (sss) "Substantially Complete" means to the point of construction that allows the Disposition Holder to lawfully occupy and use the Development for the intended purposes, and only requires minor aesthetic work to complete;
- (ttt) "Subdivision" means the division of a Parcel of Land by an Instrument and "subdivide" has a corresponding meaning;
- (uuu) "Subdivision and Development Appeal Board" means the Board established in this Order to hear appeals on Subdivision decisions, Development permit application decisions and stop orders;
- (vvv) "Subdivision and Development Authority" means the Persons appointed by this Order as the Subdivision and Development Authority;
- (www) "Subdivision and Development Forms Regulation" means the regulation made under the *Act* and numbered AR 215/95 as amended or repealed and replaced from time to time;

- (xxx) "Subdivision and Development Regulation" means the regulation made under the *Act* and numbered 212/95 as amended or repealed and replaced from time to time;
- (yyy) "Subdivision Authority" means the Person or Persons appointed by this Order as the Subdivision Authority and charged with reviewing and deciding on Subdivision applications;
- (zzz) "Sub-Regional Integrated Resource Plan" means the Kananaskis Country Sub-Regional Integrated Resource Plan, dated March 4, 1986, as amended or repealed and replaced from time to time;
- (aaaa) "Swimming Pool" means a water-filled enclosure, permanently constructed, and which may be located in a Building or part thereof or outside within a fenced enclosure, which may be used for swimming purposes having a depth of more than 0.6 meters but does not include an existing natural body of water or stream;
- (bbbb) "Town Site" means an urban Development including a gathering of Residences;
- (cccc) "Utilities" means Building installations for water or steam, sewage disposal, public transportation operated by or on behalf of KID, irrigation, drainage, fuel, electric power, heat, waste management, telecommunications, residential and commercial street lighting;
- (dddd) "Utility Building" means a Building used for Utilities or a utility;
- (eeee) "Washroom Facility" means a Building or portion thereof which contains toilet facilities and may contain shower or bath facilities which is located separate and apart from any type of sleeping or cooking facilities;
- (ffff) "*Wilderness Act*" means the *Wilderness Areas, Ecological Reserves and Natural Areas Act*, R.S.A. 2000, c. W-9, as amended or repealed and replaced from time to time.
- (gggg) "Work Camp" means one or more Buildings established to accommodate Persons who are employed in mining, lumbering, construction, drilling, resource exploration, filming industry or any other similar industry, or to accommodate Persons during a special event occurring in or in the vicinity of KID, and includes the land on which the Building or Buildings are situated and generally provides facilities for sleeping, the preparation and serving of food;

PART II

SUBDIVISION and DEVELOPMENT PRINCIPLES

Principles

2. Land use decisions, plans and policies in KID shall be made having regard to the following principles:
 - (a) The lands within KID shall be put to uses that balance the protection and preservation of the natural environment with planned, beneficial and orderly Development;
 - (b) In particular, park lands, reserve lands and recreation areas shall be protected and preserved for the purpose of providing opportunities for present and future generations to understand, appreciate and experience Alberta's natural heritage;
 - (c) Industrial Development and Resource Extraction shall be allowed within the Public Lands District subject to Disposition issuance under the Public Lands Act.
 - (d) To the greatest extent possible, commercial Development and not-for-profit developments shall be directed outside of KID;
 - (e) No Development of a Town Site or Non-essential Residences shall be allowed; and
 - (f) New Development shall comply with FireSmart Requirements, and to the extent appropriate, changes to existing Development shall comply with FireSmart Requirements.
 - (g) New Development shall comply with Darksky Requirements, and to the extent appropriate, changes to existing Development shall comply with Darksky Requirements.

A. No Development Without a Permit

3. No Development shall take place in KID unless an application for the Development has been approved and a Development permit has been issued by the Development Authority.

B. Permit Exceptions

4. Notwithstanding the requirement for all Developments to be authorized by a Development permit, the following Developments are exempt from this requirement:
- (a) Completion of a Development lawfully under construction at the date this Order comes into effect, provided that the Development is completed in accordance with the terms of any approval, permit or Disposition approving the Development.
 - (b) Maintenance or repair of Utilities carried out by or on behalf of a federal, provincial or municipal authority on land that is publicly owned or controlled; or
 - (c) Developments undertaken by or on behalf of the Crown, on land that is publicly owned or controlled.
 - (d) interior alterations, renovations and maintenance to a Building, provided that such alterations, renovations and maintenance do not do any of the following:
 - (i) require a permit or approval under the *Safety Codes Act* or its regulations; or
 - (ii) consist of a Structural Alteration.
 - (e) Subject to (f) below, exterior alterations, renovations and maintenance to a Building that do not do any of the following:
 - (i) change the appearance of the Building (including a change in colour to the Building);
 - (ii) require a permit or approval under the *Safety Codes Act* or its regulations; or
 - (iii) consist of a Structural Alteration.
 - (f) Replacement of roofing or siding that is less than 10% of the total roofing or siding area;
 - (g) The use of a Building or a part thereof as a temporary polling station, returning officer's headquarters, candidates' campaign Office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

- (h) Flood control and hydroelectric dams;
- (i) The erection of towers and poles, television and other communication aerials, masts or towers where:
 - (i) Such structures are to be used for cellular telephone or personal communication services signal transmission;
 - (ii) Such structures have been authorized through a Disposition;

C. Discontinued and Non-Conforming Developments

- 5. A Development may be continued unless the use of land or a Building comprising the Development is discontinued for a period of 6 consecutive months or more, in which case, any future use of the land or Building must conform with this Order, and will require a new Development Permit.
- 6. If a Development typically operates on a seasonal basis, that Development is not considered to be discontinued if the cessation of the use of lands or Buildings is temporary, due to a change in season, unless the Development is discontinued for a period of 12 consecutive months or more.
- 7. In determining whether a Development is Discontinued, only the actual cessation of the use is relevant; the Disposition Holder's intentions to recommence the use are irrelevant.
- 8. Upon submission of any Development Permit application on or Adjacent to a Disposition on which a Non-Conforming or Discontinued Development exists, (or a Development that breaches the requirements of this Order or a Development Permit) exists, at the discretion of the Development Officer, the Development Authority may refuse the Development Permit applied for, or may make such conditions as are appropriate for the issuance of the Development Permit applied for. Without limiting the generality of the foregoing, this may include elimination of any Non-Conforming, Discontinued or breaching Development.
- 9. Non-Conforming Development that has not been discontinued as determined by Sections 5, 6 and 7 above may continue until a Development Permit application is received by the Development Authority in relation to the same Disposition, or a Disposition to the Applicant respecting abutting or nearby lands. Upon the Development Permit being

approved, the Development Authority may require that any existing Development located on the Disposition (or the abutting or nearby Dispositions) be brought into conformance with this Land Use Order.

D. Development Permit Rules

Duration of Permit

10. Unless otherwise provided by this Order, a Development Permit remains in effect unless:
 - (a) the Development for which the Development Permit is issued is not to the point of Substantial Completion within 12 months of the date the permit is issued;
 - (b) the Development permit has been suspended pursuant to a stop order; or
 - (c) the Development is cancelled by the Development Authority pursuant to paragraph 20.
11. The Development Authority may extend the Development permit (and more than one extension may be granted), provided that:
 - (a) Any extension shall be granted prior to the expiry of the Development Permit;
 - (b) No development permit shall be extended beyond 36 months from the date of original issuance

Reapplication

12. When an application for a Development permit or Subdivision approval is refused by the Development Authority, Subdivision Authority or Subdivision and Development Appeal Board, the Subdivision Authority or Development Authority may refuse consideration of the same or a similar Development or Subdivision, on the same area of land by any Applicant for a 12 month period from the date of refusal.

Non Transferable

13. A Development Permit or Subdivision approval is not transferable from the Disposition Holder to whom (or on whose behalf) it was issued without the prior written consent of the Development Authority or Subdivision Authority which granted the permit or approval.

Relationship of this Order to Dispositions

14. If a provision of this Order is inconsistent or in conflict with a provision of a Disposition, the provision of the Disposition prevails.

E. Subdivision and Development Permit Conditions

15. Every Development Permit and Subdivision approval issued is deemed to contain the following conditions, namely:
 - (a) strict compliance with all applicable federal, provincial and municipal enactments and approvals, including but not limited to obtaining all required permits, licenses and approvals. The determination of what enactments are applicable shall be the sole responsibility of the Applicant;
 - (b) strict compliance with all requirements of the Disposition;
 - (c) strict compliance with all information submitted with the Development Permit or Subdivision approval (unless the ultimate Development Permit or Subdivision approval varied the requirements from the information submitted);
 - (d) a requirement that the Applicant supply a Real Property Report, or such other report prepared by a professional with designations acceptable to the Subdivision or Development Authority, that the Development or Subdivision (or the requirements of the approval) have been complied with, unless determined not necessary by the Subdivision or Development Authority. In addition to the Real Property Report, the professional shall supply confirmation acceptable to the Subdivision or Development Authority, at the foundation stage, that the location and siting of the foundation is in conformance with the plans approved by the Development Permit or Subdivision Approval; and
 - (e) a requirement that the Applicant install a water meter, at their own cost and expense, in accordance with KID standard for all

Developments which connect to any pressurized water system where water is supplied by any source other than an approved water well located on the land.

16. The Subdivision Authority or the Development Authority may impose, with respect to any Subdivision application or Development application the following conditions:
- (a) the installation or construction of Utilities, excluding telecommunications and related works, with all costs and expenses to be borne by the Applicant, to the satisfaction of the Development Officer;
 - (b) the Applicant enter into and fulfill the requirements of an agreement or interim agreement with KID, which shall form part of such Subdivision approval or Development permit, to do any or all of the following:
 - (i) to construct or pay for the construction of a road which, in the sole discretion of the Subdivision Authority or the Development Authority determines, is required to give access to the Subdivision or the Development;
 - (ii) to construct or pay for the construction of:
 - A. a pedestrian pathway system which, in the sole determination of the Subdivision Authority or the Development Authority, is required to serve the Development or Subdivision; or
 - B. pedestrian pathways to connect the pedestrian pathway system serving the Subdivision or the Development with a pedestrian pathway system that serves or is proposed to serve an Adjacent Subdivision or Development;
- or both;
- (iii) to construct or pay for the construction of
 - A. off-street or other parking facilities, and
 - B. loading and unloading facilities;
 - (iv) to construct, place or alter wildlife corridors or pay for the construction, placement, alteration or removal of wildlife

corridors, as determined by the Subdivision Authority or the Development Authority;

- (c) require that the Applicant provide security to ensure the Applicant complies with this Order and the Subdivision approval or the Development permit, which security may include, but is not limited to an irrevocable letter of credit or charge against the site or both; and
 - (d) in the case of a Subdivision, impose any other conditions permitted to be imposed by the Subdivision and Development Regulation on a Subdivision approval issued by the Subdivision Authority.
17. In addition to the conditions which may be imposed on a Development Permit as set out in Section 15 above, The Development Authority may also, with respect to any Development, impose the following conditions:
- (a) require the Applicant to obtain and maintain insurance coverage on such terms as the Development Authority may require, including without limitation, naming KID as an additional named insured under terms and with carriers as required by the Development Authority including but not limited to comprehensive general liability coverage and automotive accident coverage; and
 - (b) impose any other conditions that the Development Authority deems appropriate; including without limitation, requirements respecting maintenance of infrastructure (including private infrastructure, Utilities and roads) Landscaping, Architectural Controls, FireSmart Requirements or Darksky Requirements;

F. Enforcement

18. Any Person who :
- (a) commences a Development or Subdivision and fails or neglects to obtain a Development permit or Subdivision approval;
 - (b) fails or neglects to comply with a condition of a Development permit or Subdivision approval;
 - (c) fails or neglects to comply with a stop order; or
 - (d) fails to comply with this Order

is guilty of an offence.

Stop Order

19. If after a Development permit or Subdivision approval has been issued, the Development Authority or Subdivision Authority becomes aware that:
- (a) the application for the Development permit or Subdivision approval contains a misrepresentation;
 - (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the Development permit or Subdivision approval;
 - (c) the Development permit or Subdivision approval was issued in error; or
 - (d) the Development or Subdivision contravenes this Order or the Development permit or Subdivision approval (or its express or implied requirements or conditions),

the Development Authority or Subdivision Authority may, by written notice to the Applicant at the address given in the Development permit application or Subdivision application, order the Applicant, the Disposition Holder, the Person in possession of the land or Building or the Person responsible for the contravention, or any or all of them to:

- (e) stop the Development, Subdivision or use of the land or Building in whole or part as directed by the notice;
 - (f) demolish, remove or replace the Development; or
 - (g) carry out any other actions required by the notice so that the Development, Subdivision or use of the land or Building complies with this Order and either the Subdivision approval or the Development permit application.
20. In the event of non-compliance with all or some of the terms of the stop order, within the time limit stated in the stop order or within a reasonable time as determined by the Development or Subdivision Authority, the Development or Subdivision Authority may cancel the Development Permit or Subdivision Approval.

21. In the event of non-compliance with all or some of the terms of the stop order, within the time limit stated in the stop order or within a reasonable time as determined by the Development or Subdivision Authority, in addition to the rights provided to the Development or Subdivision Authority as outlined in Section 18 or 19 above, the Development or Subdivision Authority are authorized to remedy the non-compliance which work shall be completed at the cost of the recipient of the stop order and the determination of what work may be required and what if any work will be completed is within the sole discretion of the Development or Subdivision Authority.
22. A stop order may be appealed to the Subdivision and Development Appeal Board by any Person directly affected by the stop order.
23. The provisions of Part 13, Divisions 4 and 5 of the *Act* shall apply to the enforcement of this Order and to Subdivision and Development permit decisions issued under this Order, with the exception of sections 547, 548 and 558. Any order issued pursuant to sections 545 or 546 of the *Act* may be appealed to the Subdivision and Development Appeal Board by the Person who receives such an order.

PART III

SUBDIVISION and DEVELOPMENT REVIEW PROCESS

SUBDIVISION AND DEVELOPMENT AUTHORITY

24. The Kananaskis Subdivision and Development Authority is hereby established and shall consist of six members being; one member of KID Council, appointed by KID Council, and five members of the Coordinating Authority, as follows:
 - (a) one Director with responsibilities under the *Parks Act* for KID;
 - (b) one Manager with responsibilities under the *Parks Act* for KID, appointed by the Coordinating Authority;
 - (c) one Manager with responsibilities under the *Public Lands Act* for KID, appointed by the Coordinating Authority;
 - (d) one Manager, Tourism Development, appointed by the Coordinating Authority; and
 - (e) the Chief Administrative Officer for KID.
25. In the case where a Person holding one of the above positions is unable to participate on the Subdivision and Development Authority for any reason and another Person has been appointed to act in that Person's position, the acting appointee shall be a member of the Subdivision and Development Authority in place of the position's incumbent.
26. The Subdivision and Development Authority shall be co-chaired by the Director with responsibilities under the *Parks Act* for KID and the Manager with responsibilities under the *Public Lands Act* for KID.
27. A quorum of the Subdivision and Development Authority shall be 5 members.
28. The Subdivision and Development Authority shall determine the procedures and rules of conduct that apply to its operation as the Subdivision Authority and the Development Authority. These procedures and rules of conduct shall be available to the public, on request.
29. Any member of the Subdivision and Development Authority having a pecuniary interest within the meaning of Part 5, Division 6 of the *Act*, in a Subdivision application or a Development Permit application, shall declare that interest in writing and step down from hearing the matter. The written decision to step down shall be given to the Recording Secretary and included in the record of proceedings.

30. A pecuniary interest in a Subdivision application or a Development Permit application does not arise from a member's employment in a Provincial department that is the Applicant, a party to a Disposition pertaining to the application or a referral organization that may comment on the application.
31. The Subdivision and Development Authority shall provide an annual report to the Coordinating Authority on the number and type of Subdivision applications and Development permit applications that have been reviewed by the Authority, the outcome of the applications and the effectiveness and efficiency of land use policies and procedures that apply to KID.

SUBDIVISION REVIEW PROCESS

A. Subdivision Authority

32. The Subdivision Authority is hereby established and shall consist of the Subdivision and Development Authority.

B. Roles and Responsibilities

33. The Subdivision Authority shall have the roles and responsibilities as set out in the Subdivision and Development Regulation.

C. Application

34. An application for Subdivision shall be governed by the Subdivision and Development Regulation, with the exception that section 6 of the Subdivision and Development Regulation shall not apply.
35. An application for Subdivision shall be made to the Subdivision Authority, through the Development Officer, in writing, in the form set out in the Subdivision and Development Forms Regulation.
36. An application for Subdivision shall be made by an employee or agent of the Crown, a registered Disposition Holder of land or the Disposition Holder's agent, by a Person granted a Disposition or that Person's agent or by a representative or agent of a utility corporation.
37. An application for Subdivision, other than an application on behalf of the Crown, shall be accompanied by such fee as is prescribed by the Coordinating Authority from time to time.

D. Notice

38. The Development Officer shall give notice of the Subdivision application in accordance with section 653 of the *Act*.

E. Decision

39. The Subdivision Authority shall make a decision within 30 days of receipt of a complete application for Subdivision or 60 days if the Subdivision Authority determines, in their sole discretion, that the Subdivision application is complex, unless the Applicant has entered into an agreement with the Subdivision Authority to extend the 30 or 60 day time limit (as the case may be). In no event shall the time extension exceed 75 days from the date of the receipt of a completed application. The decision may be made with or without conditions.
40. A decision of the Subdivision Authority shall not be final until the decision is provided in writing and signed by the Authority.
41. The decision shall be sent by ordinary mail to the Applicant, the referral agencies under the Subdivision and Development Regulations and shall be posted at the information board in Kananaskis Village, within 72 hours of the decision being signed.

F. Appeal

42. Only the Applicant or a referral organization may appeal the decision to the Subdivision and Development Appeal Board.

DEVELOPMENT REVIEW PROCESS

A. Development Authority

43. The Development Authority is hereby established and shall consist of the Subdivision and Development Authority.

Roles and Responsibilities

44. The roles and responsibilities of the Development Authority are:
- (a) to receive all Development permit applications from the Development Officer and to determine if an application is complete;

- (b) to refer an application:
 - (i) pertaining to a Disposition, the Provincial department that entered into the Disposition;
 - (ii) pertaining to Crown land managed under the *Public Lands Act*, the Provincial department responsible for the *Public Lands Act*;
 - (iii) pertaining to the cottage Residences in the Lower Kananaskis Lake Division, the Cottage Association Executive, in addition to the Provincial department entitled to a referral under (b)(i);
 - (iv) pertaining to proposed Developments in the Direct Control Districts, the Provincial department with primary responsibility for the Direct Control District, in addition to any other Provincial department entitled to a referral under paragraph 43 (b)(i) and (ii);
 - (v) at the Development Authority's discretion, the Coordinating Authority or other Provincial department;

and each referral organization shall have 15 days in which to provide the Development Authority with comments, if any, on the application;

- (c) if, in the opinion of the Development Authority it is appropriate to do so, to extend the time period for a referral organization to provide comments under paragraph 43 (b). In no event shall the time extension exceed 75 days;
- (d) at the Development Authority's discretion, to call a public meeting for those applications where the Development Authority deems it appropriate to have input from the public, or from Persons affected by the proposed Development. The Development Authority shall decide in its sole determination who is a "Person affected" and entitled to be heard at the public meeting; and
- (e) in reviewing a Development permit application;
 - (i) to comply with this Order, the enactments and Dispositions that pertain to the application, the Recreation Policy and the Sub-Regional Integrated Resource Plan; and

- (ii) to have regard to all KCICC policies that pertain to the application, the comments received from the referral organizations and the comments received at any public meeting;
- 45. A decision on a Development permit application shall either;
 - (a) approve the application, with or without conditions; or,
 - (b) deny the application.
- 46. Once a complete Development permit application has been received, the Development Authority shall make a decision within 30 days, or 60 days if the Development Authority determines, in their sole discretion, that the application is for a complex Development, with such days commencing:
 - (a) from the date on which comments from the referral organizations are due; or
 - (b) in the case where an environmental impact assessment is required, from the later of the date on which the environmental impact assessment is received or the date that all comments from referral organizations are due,

unless the Applicant has entered into an agreement with the Development Authority to extend the 30 or 60 day time limit (as the case may be). However, in no case shall the extension extend past 75 days from the dates referred to in clauses (a) or (b) of this section.
- 47. A decision of the Development Authority shall not be final until the decision is provided in writing and signed by the Authority.
- 48. The decision shall be sent by ordinary mail to the Applicant and any affected party who requests a copy of the decision, within 72 hours of the decision being signed.
- 49. A Person affected by a decision of the Development Authority may appeal the decision to the Subdivision and Development Appeal Board.

B. Development Permit Application Requirements

- 50. An application for a Development permit shall be made to the Development Authority, through the Development Officer.

51. An application for a Development Permit shall be made by a representative or agent of the Province, a registered Disposition Holder of land or the Disposition Holder's agent, by a Person granted a Disposition or that Person's agent or by a representative or agent of a utility corporation.
52. In the case of an Applicant other than Crown employees and agents, an application for a Development permit shall be accompanied by such fee as is prescribed by the Coordinating Authority from time to time.
53. No Development shall be approved unless and until the Applicant has satisfied all prerequisites for the Development under any applicable legislation, and received the requisite approvals that may be required from the Managing Land Authority, Natural Resources Conservation Board, Alberta Energy Utility Board and any other applicable body.
54. Unless the Development Authority, or the Development Officer as authorized by the Development Authority, specifies otherwise, an application for a Development Permit shall be accompanied by the following:
 - (a) a detailed narrative setting out:
 - (i) the existing use of the land;
 - (ii) a description of the proposed use or uses;
 - (iii) the proposed time period for operation (ie. seasonal or year-round; ongoing or short-term);
 - (iv) a description of Adjacent land and uses and the surrounding environmental conditions;
 - (v) requirements for all existing and proposed Utilities;
 - (vi) a detailed construction plan including, without limitation, estimated timelines, plans for phasing construction and location where materials or soil will be stockpiled; and
 - (vii) in the case where an environmental impact assessment is not required, an environmental overview of the effects of the Development on the surrounding environment;

- (b) a copy of any environmental impact assessment that has been undertaken;
- (c) the estimated commencement and completion dates, including Substantial Completion;
- (d) a site plan showing the following information:
 - (i) north arrow;
 - (ii) scale of plan (minimum 1/200);
 - (iii) legal description of subject land;
 - (iv) property boundary line; and
 - (v) yard dimensions;
- (e) location and size of existing and proposed Buildings including:
 - (i) Building height dimensions;
 - (ii) setback measurements from any Building to property or boundary lines;
 - (iii) existing or proposed utility infrastructure;
 - (iv) gross floor area of Buildings; and
 - (v) yard coverage by Buildings;
- (f) plans showing:
 - (i) the elevations and a perspective of the proposed Development;
 - (ii) a description of exterior finishing materials; and
 - (iii) the floor plan and, in the case of Buildings used for accommodation, the number of guest or residential units with all staff units shown and labeled;

- (g) a vicinity map of appropriate scale, showing the location of the proposed Development in relation to:
 - (i) access roadways;
 - (ii) significant landscape features on the subject land and in close proximity to the proposed Development; and
 - (iii) Adjacent land and uses;
- (h) a plan showing the number, location and dimensioned layout of existing and proposed parking areas, entrances and exits, adjoining streets, avenues and lanes;
- (i) dimensioned layout of existing and proposed:
 - (i) garbage and storage areas;
 - (ii) fencing, and screening;
 - (iii) signs;
- (j) a plan showing all easements and utility rights of way;
- (k) Landscaping plans showing the existing topography and clearly identifying:
 - (i) the type, size and number of vegetation that is to be retained or removed;
 - (ii) the dimensions and layout of soft and hard Landscaping;
 - (iii) the dimensions and layout of pedestrian circulation, open space systems, screening, berms, slopes, and retaining walls; and
 - (iv) the grade of the land and drainage patterns;
- (l) a copy of the authority under which the application is made (such as legislative authority, certified copy of title to the site or the Disposition);
- (m) an address for notification;

- (n) photographic prints showing the site in its existing state;
 - (o) data to show:
 - (i) how the form, mass and character of the proposed Development will relate to neighbouring Developments;
 - (ii) how the design, materials and finish of the principal facades of the proposed Development will relate to the natural landscape, any neighbouring Buildings, the Architectural Controls, the FireSmart Requirements, and Darksky Requirements set out in Appendix "A" to this Order;
 - (p) in the case of a proposed retaining wall, the design prepared by a professional engineer;
 - (q) a soils report prepared by a professional geotechnical engineer;
 - (r) any other information requested by the Development Authority to determine the potential impact of the proposed Development on the environment, activities and Developments in close proximity to the proposed Development;
 - (s) In the case of a Disposition Holder, a copy of the Disposition including a copy of all operating conditions; and
 - (t) In the case of a Disposition Holder, written consent from the Managing Land Authority, evidenced by a signature from the appropriate personnel of the Managing Land Authority on the Development Permit application indicating that the proposed Development complies with the Disposition and any operating conditions of such Disposition.
55. If required by the Development Authority, all plans and specifications for the Development shall be prepared by a qualified, registered Alberta architect, landscape architect, engineer or Alberta Community Planner.
56. Two copies of all plans, specifications and narratives shall be submitted as part of the application and the Development Authority may require that the Applicant provide additional copies. All plans and specifications shall be no larger than 11x17 inches.

CONCEPT PLAN

57. If the Subdivision or Development Authority deems appropriate, the Applicant will be required to prepare and submit a Concept Plan (satisfactory to KCICC) prior to approving a Subdivision or a Development Permit. The Concept Plan shall outline future Developments in relation to the Disposition. The purpose and intent of a Concept Plan is to coordinate future Development on and Adjacent to the Parcel of Land or Disposition area, including cumulative effects. KCICC may require that the Concept Plan application include all elements of a Subdivision or Development Permit application. Submission to or approval of (express or implied) of a Concept Plan by the Subdivision or Development Authority does not authorize any of the Development or proposed Subdivisions thereon, but simply serves as a relevant planning consideration in relation to subsequent Development Permit or Subdivision applications.

APPEAL PROCESS

A. Subdivision and Development Appeal Board

58. The Kananaskis Subdivision and Development Appeal Board is hereby established and shall consist of the Assistant Deputy Minister with responsibility under the *Parks Act* for KID, the Assistant Deputy Minister with responsibility under the *Public Lands Act* for KID and an Assistant Deputy Minister of the department responsible for administration of the *Municipal Government Act*. Each Assistant Deputy Minister may appoint a delegate to sit on the Subdivision and Development Appeal Board in his or her place.
59. No member of the Subdivision Authority or the Development Authority may sit on the Subdivision and Development Appeal Board.
60. Three members of the Subdivision and Development Appeal Board constitute a quorum.
61. The Subdivision and Development Appeal Board shall determine the procedures and rules of conduct that apply to its operation. The Subdivision and Development Appeal Board shall make its procedures and rules of conduct available to the public, on request.
62. Any member of the Subdivision and Development Appeal Board having a pecuniary interest within the meaning of Part 5, Division 6 of the *Act*, in a Subdivision appeal or a Development permit appeal, either personally or through a Family Member shall declare that interest in writing and step

down from a hearing. The written decision to step down shall be given to the Recording Secretary and included in the record of proceedings.

63. A pecuniary interest in a Subdivision appeal or a Development Permit or Stop Order appeal does not arise from a member's employment in a Provincial department that is the Applicant for Subdivision or the Development Permit, a party to a Disposition pertaining to the subject of the appeal or a referral organization that may comment on the application.

B. Appeal

64. An appeal to the Subdivision and Development Appeal Board shall be commenced by filing a notice of appeal with the Development Officer within 21 days of the date on which the Subdivision Authority or the Development Authority signed the decision being appealed. In the case of an appeal of a Development permit decision, the Subdivision and Development Appeal Board shall decide in its sole determination who is a "Person affected" and entitled to appeal.
65. The written notice of appeal shall:
 - (a) identify the proposed Subdivision or the proposed Development;
 - (b) include a copy of the written decision being appealed; and
 - (c) state the reasons for the appeal.
66. The Subdivision and Development Appeal Board shall decide, in its sole discretion, to conduct the appeal hearing by requesting the parties to the appeal to either attend an oral hearing or to submit written submissions or both.
67. In the case of an oral hearing, the Subdivision and Development Appeal Board shall:
 - (a) schedule the hearing on a date within 60 days after the date on which the notice of appeal was filed; and
 - (b) give the parties to the appeal at least 14 days notice in writing of the hearing date.

68. In the case of a hearing by written submissions, or by both oral and written submissions, the Subdivision and Development Appeal Board shall:
- (a) schedule receipt of the written submissions within 60 days after the date on which the notice of appeal was filed;
 - (b) give the parties to the appeal at least 20 days notice in writing of the date on which the written submissions must be received by the Subdivision and Development Appeal Board; and
 - (c) if oral submissions are to also be made:
 - (i) schedule the hearing on a date within 20 days after receipt of the written submissions; and
 - (ii) give the parties to the appeal at least 14 days notice in writing of the hearing date.
69. With either an oral hearing or a hearing by written submissions, the Subdivision and Development Appeal Board shall:
- (a) in the case of Development Permit appeals, decide in its sole discretion, how notice shall be given to Persons affected by the decision under appeal;
 - (b) hear from the appellant, a representative of the Subdivision Authority or the Development Authority and, in the case of a Development Permit appeal, any other Person affected by the decision under appeal, as determined by the Subdivision and Development Appeal Board in its sole discretion;
 - (c) hear evidence in any manner that the Subdivision and Development Appeal Board considers appropriate, and the Subdivision and Development Appeal Board is not bound by the rules of law respecting evidence applicable to judicial proceedings;
 - (d) in reviewing a Subdivision or Development permit decision, comply with this Order and all Dispositions that pertain to the application as well as have regard to all KCICC policies that pertain to the application; and

- (e) render a decision in writing within 90 days after concluding the oral hearing or receiving the written submissions.
70. A decision of the Subdivision and Development Appeal Board shall either;
- (a) allow the appeal, with or without conditions;
 - (b) deny the appeal; or
 - (c) if there was new information raised at the appeal hearing, the Subdivision and Development Appeal Board may send the matter back to the Development Authority or the Subdivision Authority for reconsideration.
71. A decision of the Subdivision and Development Appeal Board shall not be final until the decision is provided in writing and signed by the Subdivision and Development Appeal Board.
72. The decision shall be sent by ordinary mail to the appellant, the Applicant for the Development Permit, any affected party, as determined by the Subdivision and Development Appeal Board, who requests a copy of the decision, within 72 hours of the decision being signed.
73. The Subdivision and Development Appeal Board has exclusive and final jurisdiction to hear appeals on Subdivision decisions, Development Permit application decisions and stop orders. No decision, order, directive, ruling, proceeding, report or recommendation of the Subdivision and Development Appeal Board shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Subdivision and Development Appeal Board or any of its proceedings.

COORDINATING AUTHORITY

74. The Kananaskis Coordinating Authority is hereby established for the purposes of overseeing and coordinating land use in KID. The Coordinating Authority may also be known as the Kananaskis Country Interdepartmental Consultative Committee or "KCICC".
75. KCICC shall be made up of employees from the departments responsible for parks, fish and wildlife, forests, public lands, environment, infrastructure, transportation, and tourism who are selected by the Minister after receiving recommendations from each of these departments.

76. In making appointments to the Coordinating Authority, the Minister:
- (a) shall appoint the employees holding the offices that make up the Subdivision and Development Authority;
 - (b) shall appoint the Chief Administrative Officer of KID; and
 - (c) may make additional appointments, as he or she considers necessary.
77. The roles and responsibilities of the Coordinating Authority are to:
- (a) oversee and coordinate land use in KID;
 - (b) review and advise on policies governing land use in KID;
 - (c) review and advise on decisions affecting land use in KID, including without limitation, Developments, resource allocation agreements, management plans and land and water policies;
 - (d) seek public input regarding policy or Development issues, as the Coordinating Authority determines is appropriate; and
 - (e) develop a long-term land use plan for KID.
78. The Coordinating Authority shall be co-chaired by a Director of the department with responsibilities under the *Parks Act* for KID and by a Director of the department with responsibilities under the *Public Lands Act* for KID.
79. The Coordinating Authority shall have the authority, without approval from the Minister, to amend, alter and replace from time to time all appendices which form part of this Order.
80. The Coordinating Authority may prescribe fees for processes referred to in this Land Use Order, including fees for submission of applications, Concept Plans, and appeals. If fees are prescribed by the Coordinating Authority, payment of the fee is required prior to application, Concept Plan or appeal being processed. In relation to an appeal, the payment of the fee is required prior to expiry of the appeal period, otherwise the appeal is not valid. The Subdivision or Development Authority may waive the required payment of a fee.

81. The Coordinating Authority may prescribe forms for addressing applications or other processes referred to in this Land Use Order.

ADMINISTRATION SUPPORT

A. Development Officer

82. The roles and responsibilities of the Development Officer are:
- (a) to coordinate the Development Permit review process;
 - (b) to receive and review all applications for a Subdivision approval or a Development Permit and determine whether further information is required;
 - (c) to refer all Subdivision applications to the Subdivision Authority;
 - (d) to refer all Development Permit applications to the Development Authority; and
 - (e) to provide a bimonthly report to the Subdivision and Development Authority on the number and type of Subdivision applications and Development Permit applications that have been processed, identifying issues to be addressed and making recommendations on the resolution of the issues.

B. Minutes, Notification and Records

83. Administrative support shall be provided by the Provincial Department responsible for KID. Administrative support shall include:
- (a) organizing and taking minutes at meetings of the Subdivision and Development Authority, the Subdivision Authority, the Development Authority, the Coordinating Authority and the Subdivision and Development Appeal Board;
 - (b) advertising and sending out notifications of any public meetings; and
 - (c) maintaining records for the Subdivision and Development Authority, the Coordinating Authority and the Subdivision and Development Appeal Board.

PART IV

LAND USE DISTRICTS

DISTRICTS

84. Kananaskis is divided into six main Land Use Districts, as follows:
- (a) Provincial Park
 - (b) Wildland Park
 - (c) Ecological Reserve
 - (d) Recreation Area
 - (e) Public Land
 - (f) Direct Control, including sub-districts
85. These Land Use Districts are shown on the Land Use Map in Appendix "B"¹. With the exception of the Direct Control Districts, the Land Use Districts are based on land classifications under provincial enactments. Districts will change from time to time in accordance with any changes to the classification of land within the Districts under such enactments.

PROVINCIAL PARK DISTRICT

Purpose

86. A Provincial Park is established under the *Parks Act* for the purpose of:
- (a) preserving the natural environment and protecting specified areas of geological, cultural, ecological or other scientific interest;
 - (b) conserving and managing flora and fauna; and
 - (c) facilitating outdoor recreation.

¹ **Note:** The area shown as the Direct Control Districts on the Land Use Map are approximations only. The land area of each Direct Control District is the area stated on the Certificate of Title or, if there is no separate title for the Direct Control District, the area that has been granted for the Development or Developments located within the specific Direct Control District and reference should be made to the Certificate of Title, Disposition or other approval authorizing the Development, as applicable.

Land Use

87. The land use allowed in a Provincial Park District is determined by the *Parks Act*, the Dispositions issued under that Act and the Recreation Policy.

WILDLAND PARK DISTRICT

Purpose

88. A Wildland Park is established by Order in Council for the purpose of:
- (a) preserving the natural environment and critical ranges for sheep, elk, cougar, grizzly bear and mountain goats;
 - (b) providing opportunities for exploration of the wilderness heritage in an undisturbed state; and
 - (c) providing opportunities for backcountry recreational uses such as hiking, trail riding, mountain biking, hunting, fishing and camping, as well as guiding and outfitting commercial activities;

Land Use

89. The land use allowed in a Wildland Park District is determined by the Order in Council establishing the Wildland Park, the *Parks Act*, the Dispositions issued under that Act and the Recreation Policy.

ECOLOGICAL RESERVE DISTRICT

Purpose

90. An Ecological Reserve is established to preserve and protect in perpetuity a system of representative, special and outstanding natural landscapes and features as well as landscape-related prehistoric, historic and cultural resources of Alberta.
91. An Ecological Reserve is established under the *Wilderness Act* for the purpose of preserving unique public lands for ecological conservation and research. Land designated as a Reserve:
- (a) is representative of a natural ecosystem in Alberta;

- (b) contains areas that serve as an example of an ecosystem that has been modified by man and that offers an opportunity to study the recovery of the ecosystem from that modification;
- (c) contains rare or endangered native plants or animals that should be preserved;
- (d) contains unique or rare examples of natural biological or physical features; and
- (e) is suitable for scientific research associated with the studies of natural ecosystems.

Land Use

92. The land use allowed in an Ecological Reserve District is determined by the *Wilderness Act* and the Recreation Policy.

RECREATION AREA DISTRICT

Purpose

93. A Recreation Area District is established under the *Parks Act* for the purpose of facilitating outdoor recreation.

Land Use

94. The land use allowed in a Recreation Area District is determined by the *Parks Act*, the Dispositions issued under that Act and the Recreation Policy.

PUBLIC LAND DISTRICT

Purpose

95. Public lands are lands of the Crown. In KID, the Public Land District includes all Crown land that is not included in one of the other districts.

Land Use

96. The land use allowed in a Public Land District is determined by the *Public Lands Act*, the *Forest Act*, the Dispositions issued under those Acts, the Recreation Policy and the Sub-Regional Integrated Resource Plan.

97. Without limiting the application of the Sub-Regional Integrated Resource Plan, this means Development in the Public Land District shall adhere to the following priorities:
- (a) maintenance of water quality, quantity and flow regime;
 - (b) provision of a wide range of recreational, leisure and tourism opportunities;
 - (c) maintenance of the abundance, diversity, distribution and recreational use of the fish and wildlife resource;
 - (d) provision for the management and Development of renewable and non-renewable natural resources, including range, energy, timber and fur resources;
 - (e) protection of historical and archaeological resources and protection of selected representative and unique areas of natural interest; and
 - (f) maintenance and encouragement of research, education and interpretation programs;

DIRECT CONTROL DISTRICTS

Purpose

98. The purpose of the Direct Control Districts are to enable the Development Authority to exercise detailed and extensive control over the use and Development of land or Buildings within this District.

General DC District

99. Certain unique uses are classified under the DC-General District, namely the following areas:
- (a) Alberta Provincial Rifle Association (DC-1)
 - (b) Burns Resources Patent Land (Private Land) (DC-2)
 - (c) CODA (Calgary Olympic Development Association) Camp – Haig Glacier (DC-3)
 - (d) CODA (Calgary Olympic Development Association) – Bill Warren Training Centre (DC-4)

- (e) Highwood House (DC-5)
- (f) TransAlta (Hydro Power Facilities) (DC-7)
- (g) University of Calgary Research Centre (DC-8)
- (h) Those areas referenced under Appendix A

Clustered DC Districts

- 100. Certain uses have been grouped or clustered into similar land use districts where possible. While these districts remain Direct Control the principles and provisions are intended to provide further clarification of and guidance for the general uses common to each grouping.
- 101. The following areas have been previously designated Direct Control Districts, and have now been clustered into land use types:
 - (a) Barrier Lake Facility Zone (DC-TR1)
 - (b) Boulton Concession (DC-C1)
 - (c) Boundary Stables (DC-TR2)
 - (d) Bow Valley Store (DC-C2)
 - (e) Boys and Girls Club Camp Adventure (DC-AC1)
 - (f) Camp Horizon (Easter Seals) (DC-AC2)
 - (g) Evan Thomas Facility Zone (DC-TR3)
 - (h) Fortress Junction (Service Centre) (DC-3)
 - (i) Fortress Mountain Resort (DC-TR4)
 - (j) Golf Course (DC-TR5)
 - (k) Golf Course Staff Housing (DC-TR6)
 - (l) Highwood House (DC-C4)
 - (m) Kananaskis Village (DC-TR7)
 - (n) Lower Kananaskis Lake Subdivision (DC-SR-1)
 - (o) McLean Creek (DC-C5)

- (p) Mount Engadine Lodge (DC-TR8)
- (q) Mount Kidd RV Park (DC-CG1)
- (r) Mount Kidd Staff Housing (DC-CG2)
- (s) Nakiska Ski Area (DC-TR9)
- (t) Kananaskis Wilderness Hostel (DC-TR10)
- (u) Sundance Lodges (DC-TR11)
- (v) Tim Horton Children's Foundation (DC-AC3)
- (w) YMCA (Leased Land) (DC-AC4)
- (x) YMCA (Private Land) (DC-AC5)
- (y) Those Districts referenced under Appendix A;

Land Use

102. Notwithstanding the listed discretionary uses outlined in the grouped DC districts, the Development Authority shall determine the land use that may be allowed in each Direct Control District and may impose such standards and conditions it considers appropriate to regulate that use. Likewise, the Subdivision Authority shall determine the Subdivisions that may be allowed in each Direct Control District.
103. In determining the land use that may be allowed and standards and conditions that are appropriate to regulate that use, the Development Authority shall comply with this Order, all relevant enactments and Dispositions and, to the extent that they apply, the Recreation Policy, Sub-Regional Integrated Resource Plan, and other KCICC Policies and Management Plans.
104. Development Permit applications in the Seasonal Residential area shall comply with regulations prescribed in Section 104.5 DC – Seasonal Residential District and the Architectural and Development Standards set out in Appendix “A” to this Order. If there is an inconsistency between the regulations in Section 104.5 and the Standards in Appendix “A”, the regulations in Section 104.5 shall apply.

SECTION 104.1 DC-GENERAL DISTRICT

The general purpose of the DC-General District is to group unique Developments, as well as to enable the Development Authority to exercise detailed control over the use, location and Development of land of Buildings within this District.

104.1.1. Permitted Uses

- (a) There are no permitted uses for this District.

104.1.2. Discretionary Uses

- (a) All uses are discretionary as prescribed in the relevant Development Permit

104.1.3. Existing DC General Sites

- (a) Alberta Provincial Rifle Association (DC-1)
- (b) Burns Resources Patent Land (Private Land) (DC-2)
- (c) CODA (Calgary Olympic Development Association) Camp – Haig Glacier (DC-3)
- (d) CODA (Calgary Olympic Development Association) – Bill Warren Training Centre (DC-4)
- (e) Highwood House (DC-5)
- (f) Lower Kananaskis Lake Subdivision (DC-6)
- (g) TransAlta (Hydro Power Facilities) (DC-7)
- (h) University of Calgary Research Centre (DC-8)

SECTION 104.2 DC-Adventure Camp District (DC-AC)

The general purpose of the Direct Control-Adventure Camp District is to accommodate and regulate a combination of Adventure Camp activities and fixed roof accommodations in support of the major recreational use, as well as to enable the Development Authority to exercise detailed control over the use, location and Development of land or Buildings within this district.

104.2.1. Permitted Uses

- (a) There are no permitted uses for this district.

104.2.2. Discretionary Uses

- (a) Adventure Camp
- (b) Campground
- (c) Lodge
- (d) Dining Facility Accessory to Principal Use
- (e) Recreation Hall
- (f) Office(s) Accessory to Principal Use
- (g) Maintenance Facility Accessory to Principal Use
- (h) Swimming Pool
- (i) Equestrian Facility, including trails, stables and enclosures
- (j) Non-Motorized Trail
- (k) Residence Accessory to Principal Use
- (l) Guest Housing Accessory to Principal Use
- (m) Guest Camping Accessory to Principal Use
- (n) Accessory Buildings or Accessory Uses
- (o) Other Buildings or Uses at the discretion of the Development Authority

104.2.3. Existing DC-AC sites

- (a) Boys and Girls Club Camp Adventure (DC-AC1)
- (b) Camp Horizon (Easter Seals) (DC-AC2)
- (c) Tim Horton Children's Foundation (DC-AC3)
- (d) YMCA (Leased Land) (DC-AC4)
- (e) YMCA (Private Land) (DC-AC5)
- (f) Camp Cadacisu (DC-AC6)
- (g) Junior Forest Wardens Campsite (DC-AC7)

SECTION 104.3 DC-COMMERCIAL DISTRICT (DC-C)

The general purpose of the Direct Control – Commercial District is to accommodate and regulate a combination of commercial activities and fixed roof accommodations in support of tourist and camping related activities, and any other similar industries; as well as to enable the Development Authority to exercise detailed control over the use, location and Development of land or Buildings within this district.

104.3.1. Permitted Uses

- (a) There are no permitted uses for this district

104.3.2. Discretionary Uses

- (a) Convenience Store
- (b) Campers' Centre
- (c) Café / Coffee Shop
- (d) Office(s) Accessory to Principal Use
- (e) Maintenance Facility
- (f) Residence Accessory to Principal Use
- (g) Accessory Buildings or Accessory Uses
- (h) Other Buildings or uses at the discretion of the Development Authority

104.3.3. Existing DC-C Sites

- (a) Boulton Concession (DC-C1)
- (b) Bow Valley Store (DC-C4)
- (c) Fortress Junction (Service Centre) (DC-C3)
- (d) Highwood House (DC-C4)
- (e) McLean Creek (DC-C5)

SECTION 104.4 DC-Campground District (DC-CG)

The general purpose of the Direct Control-Camp Ground District is to accommodate and regulate a combination of outdoor camping activities, as well as to enable the Development Authority to exercise detailed control over the use and Development of land or Buildings within this district.

104.4.1. Permitted Uses

- (a) There are no permitted uses for this district

104.4.2. Discretionary Uses

- (a) Campground
- (b) Interpretation Facility
- (c) Day Use Facility
- (d) Dining Facility Accessory to Principal Use
- (e) Recreation Hall
- (f) Office(s) Accessory to Principal Use
- (g) Maintenance Facility Accessory to Principal Use
- (h) Swimming Pool
- (i) Equestrian Facility
- (j) Non-Motorized Trail
- (k) Residence Accessory to Principal Use
- (l) Accessory Buildings and Accessory Uses
- (m) Other Buildings or uses at the discretion of the Development Authority.

104.4.3. Existing DC-CG sites

- (a) Mount Kidd RV Park (DC-CG1)
- (b) Mount Kidd Staff Housing (DC-CG2)

SECTION 104.5 DC – Seasonal Residential District (DC-SR)

The general purpose of the Direct Control-Seasonal Residential District is to accommodate and regulate the non-essential residences that form the Lower Kananaskis Lake Subdivision and the Bow Valley Cabins, as well as to enable the Development Authority to exercise detailed control over the use and development of land or buildings within this district.

104.5.1. Permitted Uses

- (a) There are no permitted uses for this district.

104.5.2. Discretionary Uses

- (a) Single-family recreational cottage.
- (b) One (1) Accessory building.
- (c) Other facilities at the discretion of the development authority.

104.5.3 Existing DC-SR sites

- (a) Lower Kananaskis Lake Subdivision (DC-SR1)
- (b) Bow Valley Cabins (DC-SR2)

104.5.4. Setback Requirements

The minimum setback requirements for this district are outlined as follows:

- (a) Front Yard – 9.14 m (30 ft) or 20% of lot depth, whichever is greater.
- (b) Side Yard - 6.1 m (20 ft) or 20% of lot width, whichever is greater.
- (c) Rear Yard – 7.62 m (25 ft)
- (d) Interpretation: where lots are located Adjacent to the lake, the lakeside boundary shall be interpreted as being the front of the lot. For other lots, the roadside boundary shall be interpreted as the front of the lot.

104.5.5. General Requirements

The following policies apply to all lots within this district:

- (a) Building Style – all new buildings shall be in keeping with the Canadian alpine wilderness style.
- (b) Building Siding – the use of natural exterior material that are capable of achieving a Minimum ULC Class “A” fire rating and colours shall be encouraged, including wood and stone, in earth-tone colour schemes.
- (c) Building Footprint- the maximum building footprint, including all buildings and structures on the lot, including stairwells, decks, attached carports, attached garages, utility buildings, etc., shall be 278 m² (3000 sq.ft.) or a maximum of 20% of the lot size, whichever is less. The maximum building footprint of the main building shall not exceed 185m² (2,000 sq. ft.) inclusive of stairwells, decks, attached carports and attached garages.
- (d) Building Height – the maximum height of buildings, measured from finished grade to roof peak on the upslope side of the building, in this district shall be as follows:
 - i) Principal Building - 9 m (30 ft)
 - ii) Accessory Building - 5m (16.4 ft)
- (e) Roofing Materials – the use of acceptable roofing materials, as per Sections 121-123 Appendix A – Additional Provisions of the Land Use Order, shall be required.
- (f) Fences – fences shall not be permitted in this district.
- (g) Recreational Vehicles (RV) and Motor Vehicles (MV)
 - i) RVs and MVs shall not be allowed on the lakefront community reserve,
 - ii) RVs shall not be allowed to be used as permanent dwelling units in this district,
 - iii) RVs and MVs shall not be allowed to be stored permanently outdoors on lots within this district.

- iv) RVs shall not be allowed to be parked on the roadside for more than 24 consecutive hours within a seven (7) day period, and
 - v) MVs shall not be allowed to be parked on the roadside for more than 72 consecutive hours within a seven (7) day period.
- (h) Motor Vehicles – a Motor Vehicle that does not contain valid registration and insurance shall not be parked or stored outdoors on any lot within this district or on the road.
 - (i) Guest Camping – guest camping shall not be permitted in this district.
 - (j) Lake Front Community Reserve – permanent structures shall not be permitted in the lake front community reserve.
 - (k) FireSmart – all lots shall demonstrate compliance with the FireSmart Requirements as set out in Appendix A – Additional Provisions of the Land Use Order, to the satisfaction of the approving authority.
 - (l) DarkSky – all lots shall comply with DarkSky Requirements as set out in Appendix A- Additional Provisions of the Land Use Order, to the satisfaction of the approving authority.
 - (m) Utilities
 - i) Water:
 - A. all water wells must be located on the subject lot which it serves; and
 - B. all lots must connect to a community pressurized water system, if available.
 - ii) Water Meter – all Development shall have a water meter on the subject lot which it serves if a pressurized system is used unless the subject lot is serviced by a water well;
 - iii) Septic –septic systems are not permitted within this District;
 - iv) Wastewater – wastewater holding tanks must be installed on the subject lot which it serves;

- v) Propane Tanks shall be located on the subject lot which it serves; and
 - vi) All utilities shall require government approval prior to any drilling or installation.
- (n) Community Consultation – all applications for development within this district may be required to include a community consultation component, prior to consideration by the approving authority. The objectives of the consultation requirements are to:
- i) Ensure that all lease holders who may be affected by a proposed development receive notice of that development and full particulars on the extent, scope and anticipated/known timing of the development;
 - ii) Ensure that the development applicant is fully apprised of the development and building requirements of this district and has access to the names and addresses of the lease holders who may be affected by the proposed development;
 - iii) Ensure that there is a process of public consultation and input which is appropriate to the scope and the extent of the development application;
 - iv) Provide record of consultation with their immediately Adjacent neighbours (leaseholders) prior to submitting their development application the Development Officer of the Kananaskis Improvement District;
 - v) Provide record of the communication and community input obtained with respect to the proposed development to the Development Officer of the Kananaskis Improvement District; and
 - vi) At the discretion of the approving authority, a formal public meeting (at the sole cost of the applicant) may be required prior a decision on the application, to ensure that adequate opportunity exists for the community to hear all the pertinent details of the project and to provide input for consideration.
- (o) Discretion – these policies may be relaxed by the approving authority at their discretion.

SECTION 104.6 DC-Tourist Recreation (DC-TR) District

The general purpose of the Direct Control-Tourist Recreation District is to accommodate and regulate a combination of Tourist related recreational activities and fixed roof resort accommodations in support of the major recreational use, as well as to enable the Development Authority to exercise detailed control over the use, location and Development of land or Buildings within this district.

104.6.1. Permitted Uses

- (a) There are no permitted uses for this district

104.6.2. Discretionary Uses

- (a) Ski Resort
- (b) Golf Course, including club house and driving range
- (c) Integrated Resort Lodge, including convention facilities if Accessory to Principal use
- (d) Equestrian Facility
- (e) Hostel
- (f) Accessory Buildings or Accessory Uses
- (g) Other Buildings or uses at the discretion of the Development Authority

104.6.3. Existing DC-TR sites

- (c) Barrier Lake Facility Zone (DC-TR1)
- (d) Boundary Stables (DC-TR2)
- (e) Evan Thomas Facility Zone (DC-TR3)
- (f) Fortress Mountain Resort (DC-TR4)
- (g) Golf Course (DC-TR5)
- (h) Golf Course Staff Housing (DC-TR6)

- (i) Kananaskis Village (DC-TR7)
- (j) Mount Engadine Lodge (DC-TR8)
- (k) Nakiska Ski Area (DC-TR9)
- (l) Kananaskis Wilderness Hostel (DC-TR10)
- (m) Sundance Lodges (DC-TR11)

SECTION 104.7 DC - Work Camp District (DC- WC)

The general purpose of the Direct Control - Work Camp District is to accommodate and regulate camps for workers associated with resource exploration, resource extraction, lumbering, construction, filming related camps, and any other similar industries, or to accommodate Persons during a special event occurring in or in the vicinity of KID, as well as to enable the Development Authority to exercise detailed control over the use, location and Development of land or Buildings within this district.

104.7.1 Permitted Uses

- (a) There are no permitted uses for this district

104.7.2 Discretionary Uses

- (a) Work Camp
- (b) Accommodations Accessory to Principal Use
- (c) Washroom Facility
- (d) Dining Facility Accessory to Principal Use
- (e) Recreation Facility Accessory to Principal Use
- (f) Medical Facility Accessory to Principal Use
- (g) Office(s) Accessory to Principal Use
- (h) Maintenance Facility Accessory to Principal Use
- (i) Storage Accessory to Principal Use
- (j) Power Generation Facility
- (k) Solid Waste Facility
- (l) Accessory Buildings and Accessory Uses
- (m) Other Buildings or Uses at the discretion of the Development Authority

104.7.3 Existing DC-WC sites

- (a) There are currently no Work Camps approved within the KID

APPENDIX A

Additional Provisions

(Note – all appendices may be amended by
Coordinating Authority)

ADDITIONAL DEFINITIONS

105. **KCICC Policies** – the KCICC Policies shall include the following, including any amendments:
- (a) Kananaskis County Sub-Regional Integrated Resource Plan (March 1986);
 - (b) Kananaskis Country Recreation Policy (May 1999);
 - (c) Kananaskis Country Vegetation Management Strategy (2008);
 - (d) Kananaskis Improvement District Wildland/Urban Interface Plan (June 2008); and
 - (e) Other policies adopted from time to time.
106. **Management Plans** – The Management Plans shall include the following, including any amendments:
- (a) Elbow-Sheep Wildland Provincial Park Management Plan (September 1998);
 - (b) Plateau Mountain Ecological Reserve Management Plan (January 2000);
 - (c) Bow Valley Protected Areas Management Plan (September 2002);
 - (d) Evan-Thomas Provincial Recreation Area Management Plan (October 2004);
 - (e) Peter Lougheed & Spray Valley Provincial Parks Management Plan (April 2006);
 - (f) Sheep River Provincial Park and Bluerock Wildland Provincial Park Management Plan (July 2008);
 - (g) Other Management Plans adopted from time to time.

ARCHITECTURAL CONTROLS AND DEVELOPMENT STANDARDS

107. The objectives of the Architectural Controls and Development standards are:

- (a) To develop architectural and Development standards for all Developments within the boundaries of KID;
- (b) To establish standards that will ensure that all Development within the boundaries of KID meets or exceed FireSmart and Darksky Requirements and the Kananaskis Improvement District Wildland/Urban Interface Plan in relation to FireSmart Requirements;
- (c) To ensure that Developments that are used by, accessible to, or visible to members of the public are properly designed, environmentally sustainable and capable of LEED Silver Certification;
- (d) To preserving as much as possible of the natural environment, a careful analysis by the Disposition Holder (or the Disposition Holder's consultant or agent) at each location is extremely important. Designing with the land requires an environmental inventory which records the existing wild life, vegetation, geography, topography, soils drainage and climactic conditions. An understanding of these factors will afford the opportunity of presenting the best possible comprehensive solutions in concert with the natural surroundings in terms of siting for, balance and harmony. Buildings will be tailored to natural surroundings, textures and existing infrastructure; and
- (e) To ensure that the Requirements are adhered to for all Developments within the boundaries of KID. However, if the Coordinating Authority determines that it is impractical to follow all of the criteria of the Requirements (in which case alternative solutions may be considered by the Coordinating Authority).

ARCHITECTURAL AND DEVELOPMENT STANDARDS

108. Exterior Lighting

- (a) All exterior lighting shall be energy efficient and comply with the Darksky Requirements.

BUILDING LOCATION AND LANDSCAPING

109. All Building construction and siting shall incorporate FireSmart Requirements and the requirements outlined in the Kananaskis Improvement District Wildland/Urban Interface Plan in relation to FireSmart Requirements.

BUILDING DESIGN

110. The Building design is to incorporate recycled materials and energy efficiencies (LEEDS) where practical. The overall design and Development shall ensure that the facility is environmentally sustainable with and emphasis on proven, energy efficient, long lasting materials.

WATER, WASTEWATER AND SOLID WASTE SYSTEM DESIGN

111. All design relating to water must meet applicable permits and conditions from Alberta Environment. Tie-into existing regional system may be required.
112. Existing residential Subdivisions must have holding tanks which will ensure that wastewater is collected and trucked to be disposed at an approved treatment facility. All other Development will tie-into the existing Alberta Environment approved collection and treatment system.
113. Solid waste handling and recycling facilities must be animal-proof.

FIRESMART REQUIREMENTS

114. All construction practices, methods, and materials are subject to approval by the Coordinating Authority prior to starting any construction, and shall be in conformance with the FireSmart Requirements (distributed and available at request) and the requirements outlined in the Kananaskis Improvement District Wildland/Urban Interface Plan in relation to FireSmart Requirements.

BUILDING MATERIALS

115. The following are the selected materials to be used throughout KID. They are selected on the basis of their enduring quality, texture, colour, and fire-resistance.

EXTERIOR

116. **Stucco:** Exterior stucco shall have suitable pattern and colour to blend in with the natural surroundings, and shall be subject to approval by the Coordinating Authority.
117. **Cedar Siding:** Cedar siding shall be 19mm x 184mm nominal board size channel cut western red cedar species and sawn surface finish with a minimum ULC (Underwriters Laboratories of Canada) Class "A" fire

resistance rating. Siding shall be stained with wood stain as outlined in Section 120 below. Cedar siding that does not meet the fire rating requirement shall be allowed for repairs on existing where the repair is less than 10% of the total siding area.

118. **Metal Siding:** Siding shall conform to one of the following guidelines:
- (i) Horizontal Siding shall be Seamless Steel Siding or equivalent, 8" width, in a medium brown color; and
 - (ii) Vertical Siding shall be Seamless Steel Siding or equivalent, 8" width, in a medium brown color.

All siding shall be installed to manufacturers' specifications by a qualified installer.

119. **Masonry Stone:** Stone facing shall be natural split-face rundle stone and suitable coursed for random rubble pattern. Colour to be blue and grey.
120. **Wood Stain:** Cedar siding and exterior trims shall be finished with two or more coats of Natural Tone Cedar, for cedar siding (semi-transparent for new or non-faded, solid for weathered) and Oxford Brown for all trim. Stain must meet noted colors; any variance to color must be approved.

ROOFING

121. **Metal Roofing:** Metal roofing systems shall be a Standing Seam Roof, minimum 20" seam to seam, minimum seam height of 1", minimum 26 gauge steel, in a dark brown or dark green color, installed to manufacturers' specifications.
122. **Recycled Rubber/Composite Roofing:** Rubber/Composite roofing systems shall be the EuroSlate Synthetic Slate Tile roof system in slate color and style, or the Enviroshake in dark grey or dark brown color and style.
123. **Cedar Shakes:** Cedar roofing shakes shall only be used for repairs on existing cedar shake roofs where the repair is less than 10% of the total roof area.

BUILDING NOTES

124. All construction practices, methods, and materials are subject to approval by Coordinating Authority, prior to starting any construction, and shall be in conformance with the FireSmart Requirements and the requirements

outlined in the Kananaskis Improvement District Wildland/Urban Interface Plan in relation to FireSmart Requirements; distributed and available at request.

125. For any applicable Development, the proponent shall be required to get all Building, gas, plumbing, electrical, private sewage disposal or any other applicable permits from the appropriate authority, and ensure, where required, that all gas, plumbing, electrical, sewage and any other applicable connections and components are inspected and approved by a Safety Codes Officer.
126. Garbage screens shall consist of a wing wall extended from the structure which complements the Building motif.
127. All cornerboards, trim and detailing products shall match the Building standard and are not otherwise covered in this Standard.
128. Log structures (which are not covered in this Standard) will be evaluated on an individual basis by KCICC.

CONSTRUCTION PROCESS

129. The Development of Buildings and facilities will be controlled and approved through the Order.

FIRESMART REQUIREMENTS

130. Any Development Permit application shall (unless exempted by the Development Authority include a Wildfire Risk Assessment (WRA) by a qualified Registered Professional Forester (RPF) or Registered Professional Forest Technologist (RPFT).
131. The WRA should include the following minimum information:
 - (a) Existing wildland/urban interface hazard and risk;
 - (b) Proposed infrastructure Development standards;
 - (c) Proposed Landscaping and vegetation management standards;
 - (d) Recommendations to minimize the wildland/urban interface hazard to the proposed Development;
 - (e) Evaluation criteria shall include structure siting and setbacks from slope, as well as hazard and risk; and

- (f) Generally, roofing and siding materials shall have fire resistance characteristics. Roofing materials shall be limited to metal or recycled rubber/composite with ULC Class "A" fire-rated materials, or other alternate materials acceptable to the Development Authority and conforming to the Alberta Building Code and FireSmart Requirements. All roof replacements exceeding 10% of roof area shall follow these requirements.
132. Infrastructure, including the following infrastructure shall have fire resistance characteristics:
- (a) Access road standards;
 - (b) Bridge capacities and dimensions;
 - (c) Fire suppression water supply requirements; and
 - (d) Utility installation
133. Vegetation management and Landscaping standards within and Adjacent to the Disposition including the following:
- (a) Priority Zone 1 Landscaping requirements should promote the use of fire-resistive species and materials and the Development and maintenance of a fuel-free zone around all Buildings; and
 - (b) Ensuring and maintaining fuel reduction within the FireSmart Zones 2 and 3.

DARKSKY REQUIREMENTS

134. All on-site lighting shall be located, oriented and shielded so as not to adversely affect Adjacent properties and or wildlife.
135. All on-site lighting shall be justified by the Applicant as necessary to the safe operation of the facility.
136. The lighting or orientation of a sign must not adversely affect any surrounding areas.
137. Security lighting should be equipped with motion sensors to eliminate any unnecessary use.
138. Necessary outdoor lighting should be placed on timers and be turned off by 11:00 pm nightly

139. Lighting choices should demonstrate compliance with Darksky Requirements and/or Light Pollution Abatement practices.

APPENDIX B
LAND USE DISTRICT MAP

Schedule 2
Provisions of Part 17 applicable to KID

1. The following provisions of Part 17 of the *Municipal Government Act* apply to KID, as modified below. In the event of any inconsistency between this Appendix and the Land Use Order, the Land Use Order shall govern. References to “as modified by the Land Use Order” means as modified expressly or as modified by implication to be consistent with provisions of the Land Use Order.
 - a. Section 620;
 - b. Section 621;
 - c. Section 622 applies only to the extent that land use policies specify that they are applicable to KID;
 - d. Section 630 except that all references to “designated officer” shall be replaced with “a member of the issuing authority”;
 - e. Section 637 applies except that KID shall have no obligation to prepare “statutory plans” and for purposes of section 637 “statutory plans” shall include all long-term land use plans, in whatever form, adopted from time to time;
 - f. Section 646;
 - g. Section 651.1;
 - h. Section 651.2;
 - i. Section 652, subject to and as modified by the Land Use Order;
 - j. Section 653, subject to and as modified by the Land Use Order;
 - k. Section 654(1) and (3), as modified by the Land Use Order;
 - l. Section 657, except subsection (1)(c), and subsection (6) is amended by replacing “council” with “Subdivision Authority”;
 - m. Sections 658, 659 and 660 apply except that all references to “council” shall be replaced by the “Subdivision Authority” and all references to “bylaw” shall be replaced with “written decision of the Subdivision Authority”;
 - n. Divisions 8 and 9, except that section 661 and 664 shall not apply to lands held by the Crown, and all references to “council” shall be replaced with “Subdivision Authority”, and all references to “bylaw” shall be replaced with “written decision of the Subdivision Authority”.



ALBERTA
TOURISM, PARKS AND RECREATION

*Office of the Minister
MLA, Calgary-Shaw*

MO 10/10 TPR

MINISTERIAL ORDER

Whereas the Minister of Tourism, Parks and Recreation is responsible for the administration of the Kananaskis Improvement District (“KID”);

And Whereas the *Municipal Government Act* applies to all municipalities and Improvement Districts’

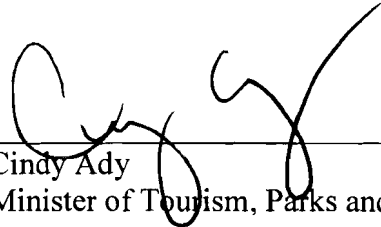
And Whereas the Minister desires to make provision for land use planning and development in KID by adopting a Land Use Order, under Part 17 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as modified by this Order and Land Use Order.

I, Cindy Ady, Minister of Tourism, Parks and Recreation, pursuant to Section 586 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 hereby order as follows:

1. The revised Land Use Order attached hereto as Schedule 1 (the “Land Use Order”) is hereby adopted and shall apply to all land use planning and development in KID as therein provided.
2. Land use planning and development in KID shall be governed by the provisions of the Land Use Order and the provisions of Part 17 of the *Municipal Government Act* (the “Act”) to the extent and only to the extent they are required to give effect to the Land Use Order or are expressly adopted by this Order or the Land Use Order.

3. In addition to any provisions of the Act adopted by the Land Use Order, the provisions of Part 17 of the Act set out in Schedule 2, with the modifications set out therein, apply to KID.
4. The provisions of Divisions 4 and 5 of Part 13 of the Act, except for sections 547, 548 and 558, shall apply to the administration of the Land Use Order.
5. Ministerial Orders 16/05 and 07/02 are hereby replaced by this Order

Dated at Edmonton, Alberta the 13th day of July, 2010.



Cindy Ady
Minister of Tourism, Parks and Recreation