

POLICY

#309



ROCKY VIEW COUNTY
Cultivating Communities

Title:
Conceptual Scheme Cost Recovery

Legal References:
Municipal Government Act

Policy Category:
Planning and Community Services

Cross References:
Policy: 170-1
Procedure: PRO-309

Effective Date: July 28, 2009
Revision Date:

Purpose:

To provide a mechanism for applicants and landowners to recover a proportional amount of monies used in the preparation of a base document of a Conceptual Scheme. The Policy will apply only to the Benefiting Lands contained within the Conceptual Scheme Area.

Definitions:

- "Conceptual Scheme" means planning documents and technical studies/reports which have been prepared to provide policy guidance in the event of future applications for redesignation, subdivision and development for the specific grouping of lands identified within the Conceptual Scheme Plan Area, excluding County owned lands or lands that are under the direction, control and management of the County. The Conceptual Scheme is composed of a Base Document and Appending Documents;
- "Conceptual Scheme Plan Area" means all of the parcels of land which are to be guided by the Conceptual Scheme policies and is set within the Base Document, excluding County owned lands or lands that are under the direction, control and management of the County;
- "Base Document" means Conceptual Schemes that affect all lands within the established Conceptual Scheme Plan Area;
- "Appending Document" means the specific site policies, designs and requirements affecting a portion of the total Conceptual Scheme Plan Area and is adopted as an addendum to the Conceptual Scheme;
- "Originating Lands" means the parcel(s) of lands that initiated the Conceptual Scheme process or were given direction to prepare a Conceptual Scheme in and for the Conceptual Scheme Plan Area. These lands would typically be the first Appendix to the Conceptual Scheme and the owners of these lands are responsible for the preparation of the Base Document;
- "Benefiting Lands" means all parcel(s) of land, excluding County owned lands or lands that are under the direction, control and management of the County, that were included within the Conceptual Scheme Plan Area, but are not Originating Lands and have not contributed to the capital costs associated with the preparation of the Base Document. These lands would typically be the subsequent Appendices to the Conceptual Schemes Base Document;
- "Conceptual Scheme Cost Recovery Fee" means a fee determined by the County, in its discretion, based upon the Recoverable Costs of a Conceptual Scheme, and charged from time to time by the County to the Owners of Benefiting Lands upon an application by such Owner for a Redesignation, Subdivision or Development Permit, or an application to adopt an Appending Document, which is related to or in respect of that Owners' Benefiting Lands.
- "Cost Recovery Agreement" – refers to the agreement that will be signed by the Applicant or Landowner responsible for the costs associated with the drafting of the Base Document identifying the determined Recoverable Costs on a per acre basis to be applied to the Benefiting Lands;
- "Agreement Holder" – refers to the signatory of the Cost Recovery Agreement;
- "Council" – refers to the Council for Rocky View County;
- "County" – refers to the local government known as Rocky View County;
- "Lands" – means the private titled lands in accordance with the Land Title Act, as amended;
- "Subdivision" – means subdivision as defined in the Municipal Government Act;
- "Redesignation" – refers to changing the use of land, as prescribed in the Land Use Bylaw (C-4841-97), as amended by Rocky View County, from the existing land use designation to any other land use

designation.

- “Applicant or Landowner” – Refers to that person or persons acting on behalf of the intended Agreement Holder of the Cost Recovery for Conceptual Scheme Policy. The intended Agreement Holder may be the Applicant or Landowner or an authorized person acting on their behalf.

Policy Statements:

1. Rocky View recognizes the need to promote cost effective planning for future development and orderly growth within the County, through a Conceptual Scheme Cost Recovery process.
2. The Conceptual Scheme Cost Recovery process shall:
 - a. Only apply to the benefiting lands contained within the Conceptual Scheme area
 - b. Apply on a per acre basis and be identified as a Conceptual Scheme Cost Recovery fee
 - c. Apply with an application for redesignation, subdivision, development permit or an application to adopt an appending document (where Rocky View has required an applicant or landowner to prepare planning documents and studies that benefit parcels other than the originating lands) is submitted
 - d. Apply only once to the benefiting lands contained within an identified Conceptual Scheme area.
3. The Conceptual Scheme Cost Recovery process can only be applied to a Conceptual Scheme through a motion by Council:
 - a. After the adoption of the Conceptual Scheme by Council, or;
 - b. Concurrently with a motion of Council for an Applicant to enter into the preparation of a Conceptual Scheme in support of an Application submitted to the County, or;
 - c. Through a motion of Council in response for direction brought forth by Administration seeking Councils recommendation for the Conceptual Scheme Cost Recovery Policy to be applied to a previously adopted Conceptual Scheme that complies with the policies contained herein;
4. The Conceptual Scheme Cost Recovery process shall be applied at Council's discretion;
5. Delineating costs and applying for cost recovery for a Conceptual Scheme under this policy shall be the responsibility of the Applicant or Landowner.