



# Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery

Council Policy

C-309

Policy Number:	C-309
Policy Owner:	Planning and Development Services
Adopted By:	
Adoption Date:	YYYY Month DD
Effective Date:	2009 July 28
Date Last Amended:	TBD
Date Last Reviewed:	TBD

## Purpose

- ~~This policy establishes the process for development proponents To provide a mechanism for applicants and landowners to recover a proportional amount of monies used in preparing a developer-funded the preparation of a base document of a area structure plan (ASP) and/or a conceptual scheme (CS) that has been adopted by Council. The policy will apply only to the Benefiting Lands contained within the Conceptual Scheme Area.~~



## Policy Statement

- Rocky View County (the County) recognizes the need to promote cost effective planning for future development and orderly growth within the County, through the Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery process.
- The County recognizes that Developer-Funded ASPs or CS may benefit lands in the plan area by facilitating development that may not have been identified by the County, or by initiating that development sooner than what would be possible with only County resources.



## Policy

- The Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery process applies shall:



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- a.(1) ~~only to the benefiting lands to the gross area of land~~ contained within the plan area conceptual scheme plan area, ~~minus the area of lands held by the County and the area of lands owned by the development proponents who funded the ASP or CS (total gross land area - (area of lands held by the County + area of lands owned by development proponent))~~;
- b. ~~apply on a per acre basis and be identified as a Conceptual Scheme Cost Recovery fee;~~
- c.(2) ~~Apply with an application for redesignation, subdivision, development permit or an application to adopt an appending document (where in instances where Rocky View County has required an applicant or landowner to prepare planning documents and studies that benefit parcels other than the originating lands) is submitted; to lands contained within an approved subdivision or development permit, that was facilitated by an adopted ASP or CS, and only if those lands receive a demonstrable benefit from the ASP or CS, as determined by the subdivision/development authority; and~~
- d.(3) ~~Apply only once to the benefitting lands contained within the plan area, an identified conceptual scheme area.~~
- 5 ~~This policy applies only to a developer-funded ASP and/or a CS adopted by Council.~~
- 46 ~~Council evaluates applications for cost recovery on a case-by-case basis and applies this policy at its discretion. The Conceptual Scheme Cost Recovery process policy shall be applied at Council's discretion.~~
- 37 ~~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;~~
- The County and development proponent enter into a Cost Recovery Agreement after Council passes a resolution to apply this policy to the adopted ASP or CS.



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- 58 Delineating costs and applying for cost recovery for a conceptual scheme under this policy shall be the responsibility of the applicant or landowner. The development proponent provides the County with receipts for all costs associated with preparing an adopted ASP or CS, and applies for cost recovery as outlined in this policy and procedure 309. Costs eligible for recovery include, but are not limited to
- (1) planning costs for policy drafting, public engagement, research, and agency/intermunicipal discussions; and
  - (2) technical costs for completion of all relevant studies (e.g. transportation, servicing, fiscal analysis, stormwater, environmental and geotechnical) that demonstrate the feasibility and impacts of the proposed land use strategy.
- 9 The maximum amount recoverable by the development proponent within a Cost Recovery Agreement is the lesser of the following:
- (1) \$300,000; or
  - (2) the total costs incurred by the development proponent for preparing the adopted ASP or CS, minus the costs attributed to the development proponent's own lands (calculated on a per acre basis).
- 10 Owners of benefitting lands shall pay costs to the County, in accordance with the Cost Recovery Agreement signed by the County and development proponent (or their representative), as a condition of a subdivision or development permit approval, and at the discretion of the subdivision or development authority, as applicable. Costs are generally calculated on
- (1) the gross area of the subdivided lands, or the footprint of a development approved within the development permit; and
  - (2) the amount that these lands contribute to the overall benefitting land area, as defined within the Cost Recovery Agreement.
- 11 ASP and CS Cost Recovery Agreements are valid for 20 years from the date Council adopted the ASP or CS and are considered terminated after this period.
- 12 If a development proponent does not receive the full amount of cost-recovery fees due to a lack of development, the County is not responsible for paying recovery fees for lands that remain undeveloped in the plan area.



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- 13 Interest does not apply to the calculated total amount owing in the Cost Recovery Agreement.
- 14 Any ASP or CS Cost Recovery Agreement is bound to the agreement holder and not to titled lands.
- 15 All ASPs and CS shall be within the current boundaries of Rocky View County to qualify for cost recovery under this policy. Land withdrawn from the boundaries of Rocky View County will no longer be subject to the policy and procedure and the applicable Cost Recovery Agreement.
- 16 Once submitted and accepted by the County, the ASP or CS Cost Recovery Agreement is not reviewed, re-evaluated, or amended to accommodate costs previously unaccounted for.



### References

Legal Authorities	<ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>, RSA 2000, c M-26</li> <li>• <u><i>Land Titles Act</i>, RSA 2000, c L-4</u></li> <li>• </li> </ul>
Related Plans, Bylaws, Policies, etc.	<ul style="list-style-type: none"> <li>• <u><i>Rocky View County Master Rates Bylaw</i> as amended or replaced from time to time</u></li> <li>• <u><i>Rocky View County Policy C-322, Area Structure Plan Priority</i></u></li> </ul>
Related Procedures	<ul style="list-style-type: none"> <li>• <u><i>Rocky View County Procedure-309 Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery</i></u></li> </ul>
Other	<ul style="list-style-type: none"> <li>• n/a</li> </ul>



### Policy History

Amendment Date(s) – Amendment Description	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
Review Date(s) – Review Outcome Description	<ul style="list-style-type: none"> <li>• <u>Ameded to include Area Structure Plans as eligible for cost recovery and update to current policy standards.</u></li> </ul>





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### Definitions

17 In this policy:

- (1) “agreement holder” ~~refers to~~ means the signatory of the Cost Recovery Agreement. The intended agreement holder may be the development proponent or an authorized person acting on their behalf;

~~“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;~~

- (2) “Area Structure Plan (ASP)” means the planning documents prepared, in accordance with the Municipal Government Act, 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 plan area, excluding County owned lands or lands that are under the direction, control, and management of the County;

~~“Applicant or Landowner” means the 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.~~

~~“Base Document” means Conceptual Schemes that affect all lands within the established Conceptual Scheme Plan Area;~~

- (3) “benefitting 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 and are not lands held by the development proponent and have not contributed to the costs associated with preparing the adopted ASP or CS.

- (4) ~~“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-plan area, excluding County owned lands or



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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;~~

(5) "Cost Recovery Agreement" ~~refers to~~ means the agreement that will be signed by the development proponent responsible for the costs associated with ~~the drafting of preparing the adopted ASP or CS area structure plan/conceptual scheme~~ identifying the determined recoverable costs on a per acre basis to be applied to the benefitting lands;

(6) ~~"Conceptual Scheme Cost Recovery Fee"~~ means a fee determined by the County, ~~in its discretion, based upon the Recoverable Costs of a Conceptual Scheme, based upon the policies herein,~~ and charged by the County to the owners of benefitting lands upon approval of an application by such owner for a subdivision or development permit which is related to that owners' benefitting lands.

(7) "Council" ~~refers to the Council for Rocky View County;~~ means the duly elected Council of Rocky View County;

(8) "County" refers to the local government known as Rocky View County; means Rocky View County;

(9) "development proponent" means a landowner within the area structure plan/conceptual scheme area, or their representative, that incurred wholly, or in part, the costs of preparing the adopted area structure plan/conceptual scheme. Rocky View County, or its representatives, cannot be a development proponent;

(10) "lands" means the private titled lands in accordance with the Land Title Act, as amended or replaced from time to time;

(11) "Municipal Government Act" means the Province of Alberta's Municipal Government Act, RSA 2000, c M-26, as amended or replaced from time to time;

~~"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~~



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~~Conceptual Scheme and the owners of these lands are responsible for the preparation of the Base Document;~~

- (12) "plan area" means all of the parcels of land guided by the adopted Area Structure Plan and/or the Conceptual Scheme and excluding County owned lands or lands that are under the direction, control and management of the County;

~~"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 POL-309 Page 2 designation.~~

- (13) "Rocky View County" means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires; and

- (14) "subdivision" means subdivision as defined in the Municipal Government Act.