



Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery

Procedure

PRO-309

Procedure Name:	<u>Area Structure Plan and</u> Conceptual Scheme Cost Recovery
Procedure Number:	PRO-309
Procedure Owner:	Planning and Development
Adopted By, Date:	Executive Director, Community Development Services, 2020 December DD
Effective Date:	2009 July 28
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Purpose

- 1 ~~Under Policy 309 on conceptual scheme cost recovery, T~~his procedure outlines the steps and decision-making process for implementing the Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery ~~process in Rocky View~~ Policy C-309.

Responsibilities

- ~~23~~ 2 ~~The Applicant or Landowner will be required to track and maintain responsibility of all receipts related to the preparation of the Base Document of the Conceptual Scheme. The development proponent keeps all receipts relevant to preparing the adopted area structure plan (ASP) or conceptual scheme (CS).~~
- ~~8~~ 3 ~~The Agreement Holder development proponent~~ uses their resources to provide all of the information required to ensure a fair and equitable determination of the ~~R~~recoverable ~~C~~costs. ~~The Agreement Holder will be responsible for providing development proponent provides original receipts for all costs solely associated with the creation of the Base Document associated with preparing the adopted ASP or CS and provides all other information required by Administration prior to signing the Cost Recovery Agreement.~~
- 4 ~~Council evaluates applications for cost recovery on a case-by-case basis and applies this procedure and policy C-309 at its discretion.~~

Statement Instructions

- ~~1~~ 5 ~~Upon receipt of an application by the County from any landowner of benefiting lands for:~~
- ~~a. ——— Redesignation of;~~
 - ~~b. ——— Subdivision of;~~
 - ~~c. ——— Development Permit for; or~~



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d. ~~_____~~ An application to adopt an Appending Document respecting;

~~Administration may charge and collect the appropriate Conceptual Scheme Cost Recovery Fee. Once the subdivision or development authority (as applicable) approves a subdivision or development permit application, the relevant authority may impose conditions to collect fees from benefitting lands associated with an active ASP or CS Cost Recovery Agreement.~~

2.6 ~~The Conceptual Scheme Cost Recovery Fee collected from the Benefiting Lands will not be released to the Agreement Holder until Council approves/adopts the proposed Redesignation, Subdivision or Development Permit, or an application to adopt an Appending Document which the Benefiting Lands applied for or after any appeal of such a decision. The County does not release the ASP or CS cost recovery fee collected from the benefitting lands to the agreement holder until~~

a(1) ~~Where Benefiting Lands have previously approved land use changes, subdivision endorsement and/or adoption of their Appending Document, prior to the adoption of a Conceptual Scheme Cost Recovery Agreement, Administration will not collect fees retro actively and the fees will be determined to be outstanding until such time an application for land use, subdivision, development permit and/or application to adopt an Appending Document for those lands is received by the County. the subdivision approval affecting the benefitting lands is endorsed by the subdivision authority; or~~

(2) ~~the development permit affecting the benefitting lands is issued by the development authority.~~

3 ~~Where a Conceptual Scheme Cost Recovery Agreement applies, Administration will collect the Cost Recovery for Conceptual Scheme Fee identified in the Cost Recovery Agreement, at the time the Applicant or Landowner submits their application to the County.~~

4.7 ~~The Conceptual Scheme Cost Recovery Fee collected from the Benefiting Lands will be refunded to the Applicant/Landowner, should the proposed Redesignation, Subdivision or Development Permit, or application to adopt an Appending Document not be approved / adopted by Council. The fee will then be considered outstanding at the time that another application is made to the County to approve/adopt a Redesignation, Subdivision or Development Permit, or an application to adopt an Appending Document for the subject Benefiting Lands and will be collected at that time. In the event that a subdivision or development approval affected by a Cost Recovery Agreement is not endorsed or issued, and the approval lapses, any ASP or CS cost recovery fee paid to the County in relation to the approval is returned to the applicant/owner of the benefitting lands.~~



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- ~~3 — Where a Conceptual Scheme Cost Recovery Agreement applies, Administration will collect the Cost Recovery for Conceptual Scheme Fee identified in the Cost Recovery Agreement, at the time the Applicant or Landowner submits their application to the County.~~
- ~~4 — The Conceptual Scheme Cost Recovery Fee collected from the Benefiting Lands will be refunded to the Applicant/Landowner, should the proposed Redesignation, Subdivision or Development Permit, or application to adopt an Appending Document not be approved / adopted by Council. The fee will then be considered outstanding at the time that another application is made to the County to approve/adopt a Redesignation, Subdivision or Development Permit, or an application to adopt an Appending Document for the subject Benefiting Lands and will be collected at that time.~~
- ~~5 — Recoverable Costs are contained in Table 1, and are intended to recover only the expenditures solely related to the preparation of the Base Document and are to be paid proportionately by all lands within the Conceptual Scheme Plan Area, on a per acre basis.
 - ~~a. — Recoverable Costs are to be submitted and evaluated by the County, which at its sole discretion can approve or refuse a submitted receipt.~~~~
- ~~6 — Should an item be identified but not listed in Table 1, but used in the preparation of the Base Document, Administration in its discretion may accommodate a written request to include the document, as long as it pertains to the preparation of the Base Document.~~
- ~~7 — There is no intention that there is a “profit” or cost recovery beyond the actual costs to prepare the Base Document.~~
- ~~9 — Where an original receipt shows a cost associated with both the creation of the Base Document and an Appending Document, that portion of total cost which relates solely to the Base Document will be determined by the persons or companies that issued the receipt or provided the service.
 - ~~a. — The persons or companies responsible will provide, in writing, to Administration a signed affidavit confirming the said amount as fair and equitable for the work completed on the Base Document. Failing receipt of such documentation, Administration may set the Recoverable Costs based upon the information received pursuant to its discretion provided for herein.~~~~
- ~~10 — The intended development proponent shall provide all applicable original receipts, and other information required by Administration, prior to signing of the Cost Recovery Agreement.~~



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- 8 The ASP or CS cost recovery fee applies once to each benefitting land parcel within the plan area, as defined in the applicable Cost Recovery Agreement.
- 9 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 preparing 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.
- 10 The County evaluates the application for cost recovery and the receipts submitted by the development proponent to determine recoverable costs. In reviewing whether costs are reasonable and relevant to the adopted ASP or CS, the County considers
 - (1) the Terms of Reference or Council direction for the adopted ASP or CS;
 - (2) the policies and technical requirements of any relevant statutory plans; and
 - (3) any applicable County policies or standards guiding the planning process or technical studies.
- 11 Interest ~~shall not be applied or collected~~ does not apply to the calculated total amount owing in the Cost Recovery Agreement.
- 12 The Cost Recovery Agreement and application of this ~~P~~policy are valid for ~~a period of ten (10) years from the date the Conceptual Scheme is adopted by Council and will be considered terminated after this period. The County will not be responsible for any cost recovery that has not materialized due to lack of development.~~ 20 years from the date Council adopted the ASP or CS and are considered terminated after this period.
- 13 The applicant will be required to submit in writing to Rocky View a request for extension of the Conceptual Scheme Cost Recovery thirty (30) calendar days prior to expiry. Administration will evaluate the request and at its sole discretion grant a maximum of a 10-year extension to apply to those lands for which the preparation of a Base Document of a Conceptual Scheme has been prepared. Administration will notify the applicant in writing of the outcome of their request.



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- ~~14~~ Within this policy, the Cost Recovery Agreement will be bound to the Agreement Holder and not to titled lands. (moved to Policy)
- 13 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.
- ~~20-14~~ The Applicant or Landowner must provide all receipts within thirty (30) calendar days of;
- ~~a.~~ The Motion of Council to enter into the Conceptual Scheme Cost Recovery Agreement for previously adopted Conceptual Schemes;
 - ~~b.~~ The adoption of a Conceptual Scheme where the Cost Recovery for Conceptual Scheme Policy Applies;
- The development proponent provides all receipts within 120 days from Council's resolution to enter into the ASP or CS Cost Recovery Agreement for the relevant adopted ASP or CS.
- ~~15.~~ Previously adopted Conceptual Schemes will be reviewed by Administration to determine if they meet the following criteria in order to qualify for the Conceptual Scheme Cost Recovery Policy:
- ~~a.~~ The Conceptual Scheme must have been adopted by Council as Municipal Policy, and;
 - ~~b.~~ The Conceptual Scheme has been adopted by Council within the last 3 years, and;
 - ~~c.~~ The Applicant or Landowner will provide proof of consent from 51% of all current titled landowners, and;
 - ~~d.~~ Any request for review of this policy in relation to adopted Conceptual Schemes shall only be made by the Applicant or Landowner that paid for the preparation of the Base Document of the Conceptual Scheme, and;
 - ~~e.~~ Council must direct Administration through a Motion of Council to apply the Conceptual Scheme Cost Recovery Policy to the previously adopted Conceptual Scheme, and;
 - ~~f.~~ The Applicant or Landowner shall provide and submit to the County all original receipts, accompanied by a Cost Recovery for Conceptual Scheme Summary identifying Recoverable Costs incurred in the preparation of the Base Document in support of the determined Conceptual Scheme Cost Recovery Fee in accordance with this policy, and;
 - ~~g.~~ Final acceptance of a previously adopted Conceptual Scheme, Conceptual Scheme Cost Recovery Fee, under the Conceptual Scheme Cost Recovery Policy shall be subject to the discretion of Council.
- 21 15 The Applicant or Landowner must sign the Conceptual Scheme Cost Recovery Policy within;
- ~~a.~~ Ninety (90) calendar days of the Motion of Council for and Applicant or Landowner to enter into the Conceptual Scheme Cost Recovery Policy for previously adopted Conceptual Schemes, or;
 - ~~b.~~ Ninety (90) calendar days of the Adoption of a Conceptual Scheme where the Cost Recovery for Conceptual Scheme Policy Applies;



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~~If the agreement is not signed within this timeline the Conceptual Scheme Cost Recovery Policy will not be applied and thereby, no fees to reimburse the Agreement Holder will be collected by the County and no Recoverable Costs will be reimbursed to the party or parties which prepared the Base Document;~~

~~The development proponent enters into an ASP or CS Cost Recovery Agreement within 180 days from Council's resolution to enter into the agreement for the relevant adopted ASP or CS. If the Agreement is not signed within this timeline, the Area Structure Plan and Conceptual Scheme Cost Recovery policy is not applied.~~

~~16. Notwithstanding 15.c, where the Applicant or Landowner is unable to provide proof of consent from 51% of all current titled landowners, Council in its discretion may apply Policy/Procedure 309 to all Benefiting Lands contained within the Conceptual Scheme area where Council deems that the Cost Recovery for Conceptual Scheme Policy should apply;~~

~~17. Disputes on the policy and its implementation will be resolved by the Director of Planning and Community Services.~~

~~18. All Conceptual Plans shall be within the current boundaries of Rocky View County to qualify for implementation of the policy. Land withdrawn from the County boundaries of Rocky View County will no longer be subject to this policy and the applicable Cost Recovery Agreement. (moved to Policy)~~

~~19. Once submitted and accepted by the County, the Conceptual Scheme Cost Recovery Agreement will not be reviewed, re-evaluated or amended to accommodate costs previously unaccounted for. (moved to Policy)~~

~~22. Should an Applicant/Landowner choose not to participate in the Conceptual Scheme Cost Recovery Policy but is directed by Council, the Applicant/Landowner shall confirm in writing their request to exempt them from the Conceptual Scheme Cost Recovery Policy.~~

Implementation

~~24. The Applicant or Landowner is responsible for submitting a satisfactorily completed Cost Recovery for Conceptual Scheme Summary to the County for review, identifying all monies spent for the creation of the Base Document identifying an Applicant or Landowner determined Per Acre Recoverable Value, to be reviewed by the County at its sole discretion.~~

~~25. Upon submission of the Cost Recovery for Conceptual Scheme Summary which identifies a Cost Recovery for Conceptual Scheme Fee determined by the Applicant or Landowner, the County will review and evaluate the Summary for consistency and fairness and provide to the Applicant or Landowner;~~



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- a. ~~A revised Per Acre Value determined by the County at its discretion through the evaluation of the Cost Recovery for Conceptual Scheme Summary, or;~~
- b. ~~The Cost Recovery Agreement confirming the Cost Recover for Conceptual Scheme Fee.~~
- 16 Once approved by Council to enter into an ASP or CS Cost Recovery Agreement, development proponents submit
- (1) a summary of all valid receipts contributing to the total incurred costs by the development proponent in preparing the adopted ASP or CS; and
 - (2) a calculation of the total area of land in acres and hectares covered by the ASP or CS, and the area of land within the plan area that is held by the development proponent and other parties that contributed to the costs of the ASP or CS.
- 17 The County reviews and evaluates the submitted receipts and land area and provides the following to the development proponent:
- (1) a per acre value applied to benefitting lands within the ASP or CS; and
 - (2) a template Cost Recovery Agreement confirming the terms of the cost recovery.
- 18 The per acre value applied to benefitting lands is calculated using the following formula:
- $$\begin{aligned} & \text{Total Costs Incurred in Preparing the Area Structure Plan or Conceptual Scheme} \\ & \quad \text{Divided by:} \\ & \quad \text{(Total Plan Area } \div \text{ Gross Area of Benefitting Lands)} \\ & \quad \text{Divided by:} \\ & \quad \text{Gross Area of Benefitting Lands} \\ & \quad \text{Equals:} \\ & \quad \text{Per Acre Value to Apply to Benefitting Lands.} \end{aligned}$$
- 26 19 If an impasse between the County and the ~~Applicant or Landowner~~ development proponent occurs ~~concerning the determination of the~~ ASP or CS cost recovery fee, the County's Administration has sole discretion in determining the per acre value.
- 27 20 The County ~~will~~ collects the ~~Cost Rrecovery for Conceptual Scheme Ffee~~ on behalf of the ~~Applicant or Landowner on lands subject to the Cost Recovery Agreement contained within the identified Conceptual Scheme Plan Area in accordance with the protocols contained within this~~



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document, using the agreed Cost Recovery for Conceptual Scheme Fee agreed upon by the County and the Applicant or Landowner: agreement holder on benefitting lands subject to the Cost Recovery Agreement.

21 All ASP or CS Cost Recovery Agreements note that the subdivision authority or development authority has the sole discretion to determine whether to apply the cost recovery fee to a subdivision or development permit approval within the plan area. In making a determination, the subdivision authority/development authority considers whether

- (1) the ASP or CS facilitated the approval of the subdivision/development permit; and/or
- (2) the lands subject to the subdivision/development permit approval received a demonstrable benefit from the ASP or CS.

Submittals

28 ~~The Applicant/Landowner will provide to the County, the Cost Recovery for Conceptual Scheme Summary, signed by the principle responsible party, declaring that all receipts submitted to the County represent "Recoverable Fees" associated with the preparation of the Base Document of the Conceptual Scheme.~~

29 ~~The Applicant/Landowner is to submit to the County a completed Cost Recovery for Conceptual Scheme Summary, identifying the recoverable dollar amount per gross acre, for all lands contained within the conceptual scheme area, accompanied by all original receipts identifying "Recoverable Fees", associated with the preparation of the Base Document of the Conceptual Scheme.~~

Excluded Costs

- ~~• GST / PST and other applicable taxes~~
- ~~• Disbursements/Overhead/Bonuses/Commissions~~
- ~~• Kilometers/Travel Expenses~~
- ~~• Marketing Expenses~~
- ~~• Personal Expenses~~

Table 1:

Applicable Studies

- ~~• Market Analysis (Commercial/Institutional)~~
- ~~• Stormwater Management Plan~~
- ~~• Traffic Impact Assessment~~
- ~~• Biophysical Assessment~~



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- ~~Geotechnical Assessment~~
- ~~Slope Stability Analysis~~
- ~~Environmental Overview/Review~~
- ~~Environmental Site Assessment – Phase One~~
- ~~Environmental Site Assessment – Phase Two~~
- ~~Environmental Site Assessment – Phase Three~~
- ~~Historical Overview~~
- ~~Hydro-Geological Report~~
- ~~Weed Management Plan~~
- ~~Construction Management Plan~~
- ~~Recreation Plan~~
- ~~Supplementary documentation in accordance with Section 6~~

Other Recoverable Costs

- ~~Consultant/Principle Fees~~
- ~~Base Document publishing costs~~
- ~~Air Photos~~
- ~~Print/Media Advertisements for the purposes of Advertising Open Houses, not for the purposes of marketing.~~
- ~~Land Owner notification material~~
- ~~Rental Hall Fees~~

~~Those costs deemed suitable by Administration, at its discretion, in accordance with Section 6.~~

References and Related Documents

Legislation

- [Municipal Government Act, RSA 2000, c M-26](#)
- [Land Titles Act, RSA 2000, c L-4](#)

Plans, bylaws, policies, etc.

- [Rocky View County Master Rates Bylaw as amended or replaced from time to time.](#)
- [Rocky View County Area Structure Plan Priority Policy C-322](#)
- [Rocky View County Policy C-309 Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery](#)
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Related procedures

- n/a

Forms and templates

- n/a



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Other

- n/a

Revision History

Amendment date(s) –
Amendment Description

- 2020 December DD

Review date(s) – Review Outcome
Description

- Amended to include Area Structure Plans and to align with the revised policy C-309.

Definitions

22 In this procedure

- (1) “agreement holder” ~~refers to the signatory of the Cost Recovery Agreement~~ 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;

~~“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.~~

- (2) “area structure plan” 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;

- (3) “benefitting lands” ~~refers to all other~~ 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 plan area that were included within the Conceptual Scheme Plan Area,~~ but are not ~~Originating Lands~~ lands held by the development proponent and have not contributed to the ~~capital~~ costs associated with the preparation of ~~the Base Document.~~ the adopted area structure plan/conceptual



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scheme. ~~These lands would typically be the subsequent Appendices to the Conceptual Schemes Base Document;~~

- (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 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;~~

- (5) “cost recovery agreement” ~~refers to~~ means the agreement that will be signed by the ~~Applicant or Landowner~~ development proponent responsible for the costs associated with the drafting of ~~the Base Document~~ adopted area structure plan/conceptual scheme identifying the determined ~~R~~recoverable ~~C~~costs on a per acre basis to be applied to the benefitting lands;

~~“Cost Recovery for Conceptual Scheme Summary”—Refers to a summary document prepared by the Applicant/Landowner, summarizing all costs associated with the preparation of the Base Document of a Conceptual Scheme. The Summary shall consist of a table referencing the enclosed original receipts organized by date, company/consultant, associated costs and an explanation/rationale on how the receipt applies to the creation of the Base Document of a Conceptual Scheme.~~

- (6) ~~“Conceptual Scheme Cost Recovery Fee” refers to~~ means a fee determined by the County, ~~in its discretion,~~ based upon the policies herein ~~Recoverable Costs of the Conceptual Scheme,~~ and charged ~~from time to time~~ by the County to the owners of ~~B~~benefitting ~~L~~lands upon ~~application to adopt an Appending Document, which is related to or in respect of approval of an application by such owner for a subdivision or development permit which is related to that O~~owners' ~~B~~benefitting lands;

- (7) “Council” 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 authority” means a body created by Council through bylaw with the responsibility to make subdivision and development decisions on behalf of the municipality;

- (10) “development proponent” means a landowner within the area structure plan/conceptual scheme area, or their representative, that incurred wholly, or in part,



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the costs of preparing the adopted area structure plan/conceptual scheme. Rocky View County, or its representatives, cannot be a development proponent.

~~“Excluded Costs”—refers to that portion of total expenditures that will not be accepted or included in determining the Conceptual Scheme Cost Recovery Fee.~~

~~“Kilometers/Travel Expenses”—refers to any travel related expenses/costs associated with the preparation of the Base Document and preparation of any Studies in support of the Base Document of the Conceptual Scheme.~~

- (11) “lands” means the private titled lands in accordance with the Alberta *Land Title Act*, as amended or replaced from time to time;

~~“Marketing Expenses”—refers to those costs associated with the selling of a product which has no relation to the creation of the Base Document of a Conceptual Scheme.~~

~~“Personal Costs”—refers to those costs as determined by the County that do not apply to the creation of the Base Document of a Conceptual Scheme.~~

- (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 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, as amended or replaced from time to time.