



ROCKY VIEW COUNTY

Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery

Procedure

PRO-309

Procedure Name:	Area Structure Plan and 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
Date Last Amended:	2020 December DD
Date Last Reviewed:	2020 December DD

Purpose

- 1 This procedure outlines the steps and decision-making process for implementing the *Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery* policy C-309.

Responsibilities

- 2 The development proponent keeps all receipts relevant to preparing the adopted area structure plan (ASP) or conceptual scheme (CS).
- 3 The development proponent uses their resources to provide all of the information required to ensure a fair and equitable determination of the recoverable costs. The development proponent provides original receipts for all costs 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.

Instructions

- 5 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.



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- 6 The County does not release the ASP or CS cost recovery fee collected from the benefitting lands to the agreement holder until
 - (1) 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.
- 7 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.
- 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 does not apply to the calculated total amount owing in the Cost Recovery Agreement.



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- 12 The Cost Recovery Agreement and application of this policy are valid for 20 years from the date Council adopted the ASP or CS and are considered terminated after this period.
- 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.
- 14 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 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.

Implementation

- 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:

Total Costs Incurred in Preparing the Area Structure Plan or Conceptual Scheme

Divided by:

(Total Plan Area ÷ Gross Area of Benefitting Lands)

Divided by:

Gross Area of Benefitting Lands



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Equals: Per Acre Value to Apply to Benefitting Lands.

- 19 If an impasse between the County and the development proponent occurs concerning the ASP or CS cost recovery fee, the County's Administration has sole discretion in determining the per acre value.
- 20 The County collects the cost recovery fee on behalf of the 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.

References and Related Documents

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



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Revision History

Amendment date(s) – Amendment
Description

Review date(s) – Review Outcome
Description

- 2020 December DD
- Amended to include Area Structure Plans and to align with the revised policy C-309.

Definitions

22 In this procedure

- (1) “agreement holder” 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;
- (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” means all parcel(s) of land in the plan area, excluding County owned lands or lands that are under the direction, control, and management of the County, but are not lands held by the development proponent and have not contributed to the costs associated with the preparation of the adopted area structure plan/conceptual scheme;
- (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;
- (5) “cost recovery agreement” means the agreement that will be signed by the development proponent responsible for the costs associated with the drafting of the



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adopted area structure plan/conceptual scheme identifying the determined recoverable costs on a per acre basis to be applied to the benefitting lands;

- (6) “cost recovery fee” means a fee determined by the County 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” means the duly elected Council of Rocky View County;
- (8) “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, the costs of preparing the adopted area structure plan/conceptual scheme. Rocky View County, or its representatives, cannot be a development proponent.
- (11) “lands” means the private titled lands in accordance with the Alberta *Land Title Act*, as amended or replaced from time to time;
- (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;
- (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.