

PROCEDURE

#PRO-309



Legal References: Municipal Government Act	Title: Conceptual Scheme Cost Recovery
Cross References: Policy 309	Procedure Category: Planning and Development Effective Date: July 28, 2009 Revision Date:
<p>Purpose: Under Policy 309 on conceptual scheme cost recovery, this procedure outlines steps and decision-making guidelines for implementing the conceptual scheme cost recovery process in Rocky View.</p> <p>Definitions:</p> <ul style="list-style-type: none"> • “Conceptual Scheme” – refers to 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” – refers to 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” – refers to the Conceptual Schemes policies that affect all lands within the established Conceptual Scheme Plan Area; • “Appending Document” – refers to 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” – refers to 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” – refers to all other 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; • “Recoverable Costs” – refers to that portion of the total expenditure incurred by the Applicant or Landowner of the Originating Lands which are solely related to the preparation of the Base Document as approved by the County in accordance with Table 1, of the Conceptual Scheme Cost Recovery Policy as determined by the County; • “Conceptual Scheme Cost Recovery Fee” – refers to 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 County4; 	

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

Statement:

1. 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
 - d. An application to adopt an Appending Document respecting;Administration may charge and collect the appropriate Conceptual Scheme Cost Recovery Fee.
2. 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.
 - a. 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.
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.
8. The Agreement Holder will use their resources to provide all of the information required to ensure a fair and equitable determination of the Recoverable Costs. The Agreement Holder will be responsible for providing original receipts for all costs solely associated with the creation of 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 Agreement Holder shall provide all applicable original receipts, and other information required by Administration, prior to signing of the Cost Recovery Agreement.
11. Interest shall not be applied or collected.
12. The Cost Recovery Agreement and application of this Policy will be 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.
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.
14. Within this policy, the Cost Recovery Agreement will be bound to the Agreement Holder and not to titled lands.
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.
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.
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.
20. 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;
21. 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;

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;

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

23. 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.
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;
 - 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.
26. If an impasse between the County and the Applicant or Landowner occurs concerning the determination of the Cost Recovery for Conceptual Scheme Fee, the County's Administration has sole discretion in determining the per acre value.
27. The County will collect the Cost Recovery for Conceptual Scheme Fee 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 document, using the agreed Cost Recovery for Conceptual Scheme Fee agreed upon by the County and the Applicant or Landowner.

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
- 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.