

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:	Council
Adoption Date:	2009 July 28
Effective Date:	2009 July 28
Date Last Amended:	2020 December 22
Date Last Reviewed:	2020 December 22

Purpose

- 1 This policy establishes the process for development proponents to recover a proportional amount of monies used in preparing a developer-funded area structure plan (ASP) and/or a conceptual scheme (CS) that has been adopted by Council.



Policy Statement

- 2 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.
- 3 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

- 4 The Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery process applies
 - (1) to the gross area of land contained within the plan area minus the area of lands held by the County and the area of lands owned by the development proponent who prepared the ASP or CS (total gross land area - (area of lands held by the County + area of lands owned by development proponent));

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- (2) 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
 - (3) only once to the benefitting lands contained within the plan area.
- 5 This policy applies only to a developer-funded ASP and/or a CS adopted by Council.
- 6 Council evaluates applications for cost recovery on a case-by-case basis and applies this policy at its discretion.
- 7 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.
- 8 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.
- 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

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- (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.
 - 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"> • <i>Municipal Government Act</i>, RSA 2000, c M-26 • <i>Land Titles Act</i>, RSA 2000, c L-4
Related 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 Policy C-322, <i>Area Structure Plan Priority</i> • Rocky View County Procedure-309 <i>Developer-Funded Area Structure Plan and Conceptual Scheme Cost Recovery</i>
Related Procedures	
Other	<ul style="list-style-type: none"> • n/a



Policy History

Amendment Date(s) – Amendment
Description

Review Date(s) – Review Outcome
Description

- 2020 December 22
- Amended to include Area Structure Plans as eligible for cost recovery and update to current policy standards.



Definitions

17 In this policy

- (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 (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;
- (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, 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 (CS)” 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 is signed by the development proponent responsible for the costs associated with preparing the adopted ASP or CS identifying the recoverable costs on a per acre basis to be applied to the benefitting lands;

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- (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 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;
- (12) “plan area” means all of the parcels of land guided by the adopted ASP or CS 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.