

SER-008-019

Strathcona County  
Municipal Policy Handbook

## Conceptual Schemes

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Date of Approval by Council: 09/28/04; 05/08/2007; 05/21/2013

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Lead Role: Chief Commissioner Replaces: n/a

Last Review Date: May 21, 2013 Next Review Date: 05/2016

Administrative Responsibility: Planning and Development Services

### A. Policy Statement

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The purpose of this policy is to describe the Conceptual Scheme process, set guidelines and procedures, and outline the roles and responsibilities of applicants and those reviewing the application.

The County will utilize Development Agreements, Offsite Development Levies and other mechanisms to ensure that new growth pays for itself in a fair and equitable manner and will not unduly burden the County's existing tax base.

### B. Definitions

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**Adjacent Landowner** means an owner of land which is contiguous to the land that is the subject of the Conceptual Scheme, and which includes land that would be contiguous if not for a highway, road, waterbody or railway.

**Affected Landowner** means a landowner who owns land within the boundaries of the proposed Conceptual Scheme area.

**Biophysical Assessment (BA)** means an assessment of the biological and physical elements of an ecosystem in accordance with Policy SER-009-032 – Biophysical Assessment.

**Director** means the Director of Planning and Development Services.

**First Parcel Out** means the first parcel subdivided from a previously unsubdivided quarter section. A first parcel out does not include an 80 acre (more or less) split.

**Land Use Bylaw (LUB)** means the current Strathcona County Land Use Bylaw, as amended.

**Municipal Development Plan (MDP)** means the current Strathcona County Municipal Development Plan, as amended.

**Municipal Government Act (MGA)** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

**Panhandle** means a strip of land which is intended to provide access from an adjacent road to a lot, where the proposed lot frontage is less than 5% of the total of the perimeter of the existing lot.

## **C. Guidelines**

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### **1. Statutes and Regulations**

- a) A Conceptual Scheme can be considered pursuant to the Municipal Government Act (MGA), the Subdivision and Development Regulations, and in accordance with the Municipal Development Plan (MDP) and Country Residential Area Concept Plan (CRACP).
- b) The purpose of a Conceptual Scheme is to:
  - i) provide a framework for the subsequent subdivision, rezoning and/or development of a specific area of land based on conservation design principles; and
  - ii) establish a potential plan of future subdivision that applies to the existing titled area(s) within the plan area; and
  - iii) ensure that a proposed rezoning and/or subdivision does not prohibit the ability of remnant or adjacent lots to be further subdivided in the future.

### **2. A Conceptual Scheme is Required:**

- a) In accordance with the policies of the Municipal Development Plan and the Country Residential Area Concept Plan, or
- b) Where, according to the regulations of the intended land use district or this Policy, the land being proposed for rezoning or subdivision has the potential to be further subdivided; or
- c) As determined by the Director, for a situation:
  - i) not addressed by current County policy; and
  - ii) where there is a need to co-ordinate land use planning or servicing of the affected and/or adjacent lands, and
  - iii) where a Conceptual Scheme would provide the appropriate level of planning.

### **3. Other Planning Applications**

- a) Where a Conceptual Scheme is required as a result of a proposed subdivision or rezoning, the subdivision or rezoning application shall be considered incomplete until a Conceptual Scheme has been adopted by resolution of Council.

### **4. Despite C(2) above a Conceptual Scheme is not required:**

- a) Where an Area Structure Plan or a Conceptual Scheme is already in place and the proposal is consistent with the Area Structure Plan or Conceptual Scheme; or
- b) Where the proposed subdivision is considered to be the first parcel out; or
- c) Where the proposed subdivision is of an unsubdivided quarter section which is proposed to be split into two equal parts; or
- d) Where the proposed subdivision is considered to be a severance, as defined by the Municipal Development Plan and the Land Use Bylaw; or
- e) Where the proposed subdivision is considered to be a boundary adjustment; or
- f) Within the Agricultural Small Holdings Policy Area if:

- i) the maximum density of the quarter section has not been exceeded; and
  - ii) based on the Equitable Lot Distribution Section of this Policy, only one additional lot could be considered for the existing titled area where the subdivision is proposed; or
- g) In accordance with a County Policy which indicates a Conceptual Scheme is not required.

## 5. Application

- a) In order to be considered complete, an application for a Conceptual Scheme shall be submitted with the required fee, current certificate of title and the Permission to Enter Property Agreement for the Biophysical Assessment, along with any required report, drawing or study to the satisfaction of the County.
- b) Any report, drawing or study required in support of an application is to be provided at the applicant's expense.

## 6. Equitable Lot Distribution

- a) The total number of lots that can be considered for an existing titled area shall be determined in accordance with the following:

Existing titled area / 20 acres = number of lots considered for the existing titled area (rounded down) – the original lot = the total number of additional lots that can be considered for the existing titled area.

e.g. 160 acres / 20 = 8 lots – the original lot = 7 additional lots

100 acres / 20 = 5 lots – the original lot = 4 additional lots

80 acres / 20 = 4 lots – the original lot = 3 additional lots

60 acres / 20 = 3 lots – the original lot = 2 additional lots

50 acres / 20 = 2 lots – the original lot = 1 additional lot

40 acres / 20 = 2 lots – the original lot = 1 additional lot

20 acres or less / 20 = 1 lot – the original lot = 0 additional lots

- b) For an existing titled area which has been reduced in size due to public acquisition of land (e.g. road plans, railway plans, etc.), the number of lots that can be considered would be based on the size of that lot prior to the public acquisition of land.
- c) Lot allocation shall not be transferred from one titled area to another.
- d) When determining lot density or availability, Environmental Reserve Lots, Municipal Reserve Lots or Public Utility Lots shall not apply towards the density.
- e) This Section does not apply where a Conceptual Scheme is required to be prepared pursuant to the Country Residential Area Concept Plan.

## 7. Biophysical Assessment

- a) Where a Conceptual Scheme is not required pursuant to Section C(4)(f), a Biophysical Assessment shall still be required as part of a complete subdivision application.
- b) An existing titled area which is not eligible for an additional lot does not require the on-site portion of the Biophysical Assessment to be completed.

## 8. Overdedication of Municipal Reserve

- a) The maximum density of the quarter section may be increased:
  - i) where High or Medium Priority Environment Management Areas that are to be

- dedicated as Municipal Reserve as identified in the Biophysical Assessment Report exceeds the maximum 10% identified in the MGA; and
- ii) if the existing titled area is equal to or greater than 32.4 ha; and
  - iii) where the additional lot is accessed by an internal road which is designed and constructed in accordance with County Design and Construction Standards.
- b) Further to C(8)(a) above, in order for an additional lot to be considered for an existing titled area, a minimum overdedication of 3.24 ha shall be required.
  - c) An overdedication of no more than two additional lots per quarter section may be considered in accordance with this Section.
  - d) In situations where the existing titled area is 32.4 ha, an overdedication of only one additional lot shall be considered per each 32.4 ha titled area in accordance with this Section.
  - e) An additional lot shall not be considered due to the identification in the Biophysical Assessment Report of Environmental Reserve, Environmental Reserve Easement or Drainage Easement.

## 9. Public Input, Advertising and Notification

- a) Affected Landowner Meeting: - the County shall hold a meeting for the applicant and the affected landowners to attend. The purpose of the meeting is to explain the Conceptual Scheme process, and to provide an opportunity for landowners to describe the characteristics of the subject land and provide input to the plan. The applicant and affected landowners shall be notified of this meeting by mail. This meeting shall occur subsequent to the on-site portion of the Biophysical Assessment being completed for the area proposed for the Conceptual Scheme.
- b) Adjacent Landowner Meeting: - after a draft Conceptual Scheme has been prepared and circulated to internal departments and external agencies, an information meeting shall be held by the County that is open to the applicant, affected and adjacent landowners in order for them to provide input on the draft Conceptual Scheme. Notification of the information meeting shall be mailed to the applicant, affected and adjacent landowners.
- c) A Public Hearing regarding the proposed Conceptual Scheme shall be held as part of a regularly scheduled Council meeting, pursuant to the requirements of the Municipal Government Act. In situations where an applicant so chooses, the Public Hearing regarding the Conceptual Scheme and rezoning application can be held concurrently.
- d) Whether or not a rezoning application is required in support of a proposed Conceptual Scheme, Administration shall adhere to the advertising and notification requirements prescribed by the Municipal Government Act for a Public Hearing.

## 10. Other Plan Considerations

- a) A proposed Conceptual Scheme is not required to plan for the maximum number of lots that could be considered for an existing titled area pursuant to the MDP and this Policy, if the Director determines that:
  - i) due to geology, topography, hydrology, waterbodies, soils or reserve dedication requirements the subject area would not be suitable for the maximum number of lots, or
  - ii) if the only way to access a potential undeveloped lot is via a panhandle.
- b) Unless proposed reserve lots, environmental features, or existing structures do not allow for it, the lots proposed in a Conceptual Scheme shall be planned to be as large and as close to equitable in size as possible.
- c) Any new access locations to County grid roads shall, wherever possible, be joint

accesses in accordance with County Design and Construction Standards.

- d) Conceptual Schemes for rural residential purposes shall be prepared by Strathcona County Planning and Development Services in accordance with County policies and regulations.
- e) Conceptual Schemes proposed in the Agri-Industrial Transition Policy Area shall be prepared by the owners/developers planning consultant in accordance with County policies and regulations.

### **11. Inactive Application**

- a) At the discretion of the Director, a file closure letter may be sent to the applicant advising that the application will be closed, if due to the inactivity of the applicant, there has been no progression of the application to conclusion for at least six (6) months.
- b) Notification to the applicant regarding the lack of progression of an application prior to a file closure letter being sent may include written or e-mail correspondence, meetings, or phone calls.

### **12. Council Process and Approval**

- a) Following a Public Hearing to consider a Conceptual Scheme, Council may:
  - i) Adopt the proposed Conceptual Scheme by resolution;
  - ii) Defeat the proposed Conceptual Scheme;
  - iii) Refer the Conceptual Scheme back to Administration for further consideration of comments and concerns presented at the Public Hearing.
- b) Where a developer proposes to name a development area, roads, parks, and public facilities, the proposed names must be brought forward to Council for adoption by resolution prior to third reading of a Conceptual Scheme and/or rezoning bylaw. The naming of a development area, etc. shall be in accordance with County Policy SER-008-011.

### **13. Amendments**

- a) A Conceptual Scheme adopted by Council resolution may be amended by a resolution of Council, subject to the provisions of this Policy.
- b) Where the Director determines an amendment is required to correct clerical, technical, grammatical or typographical errors, or does not materially affect the Conceptual Scheme in principle or substance, a Public Hearing regarding the amendment is not required.

### **14. Re-Application**

- a) Should a proposed Conceptual Scheme be defeated by Council, the applicant has the opportunity to address the reasons to which the Resolution was defeated. If the applicant addresses and resolves the issues that were of concern to Council and/or the public to the satisfaction of the Director, a new application may be considered.

## **D. Roles and Responsibilities**

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### **Land Development Services (LDS) is responsible for:**

- a) Processing of applications.
- b) Preparation of rural residential Conceptual Schemes.
- c) Referring applications to internal County departments and external agencies.
- d) Receiving and summarizing referral comments and sending them to the applicant.
- e) Facilitating meetings between applicants, affected or adjacent landowners and members of Administration, as required, to resolve planning and engineering issues.
- f) Hosting the affected landowner and the public information meeting.
- g) Preparing reports and recommendations for Council consideration.
- h) Preparing Department Procedures in support of this Policy and to provide additional information on application and process requirements.
- i) Reviewing plans, reports and studies submitted with applications for conformity with the County's Design and Construction Standards and other related standards documents, as approved by Council from time to time.
- j) Providing comment on the application from the perspective of the County's Municipal Development Plan and other County planning policy documents.

### **Development Services (DS) is responsible for:**

- a) Providing comment on the application from the perspective of the County's Land Use Bylaw.

### **Environmental and Open Space Planning (EOSP) is responsible for:**

- a) Preparing the Biophysical Assessment Report required for the Conceptual Scheme.
- b) Providing comment on the application from the perspective of the County's environmental policies.

### **Land Management Services (LMS) is responsible for:**

- a) Providing comment on the application from the perspective of the legislation and Policies that govern the use of County-owned lands.

### **Director, Planning and Development Services (PDS) is responsible for:**

- a) The review and approval of applications for submission to Council.
- b) Final determination of reserve dedications.
- c) Final determination of density.

### **Other County departments, including but not limited to Recreation, Parks & Culture, Transportation & Agriculture Services, and Emergency Services are responsible for:**

- a) Reviewing applications for conformity to relevant County policies, standards and other guidelines.
- b) Providing written comment on the application with respect to issues related to the department's interests.
- c) Meeting with Land Development Services and the applicant(s), as required, to resolve issues related to applications.