

Mackenzie County

Title	Subdivision Refund & Revisions	Policy No:	DEV002
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Purpose

The purpose of the Subdivision Refund & Revision Policy is to establish guidelines for granting refunds for cancelled or withdrawn subdivision applications and/or revisions to existing applications.

Policy Statement:

Mackenzie County does receive requests from developers to refund an application fee or to revise their existing application after an approval has been issued or their application has already been circulated. This policy will ensure consistency in addressing these requests.

Definitions:

The following definitions are used for the purpose of this policy:

Administration – means Mackenzie County Planning & Development staff;

Development Authority – means the person or body assigned by Council under section 624 of the MGA to exercise development powers; the Municipal Planning Commission of Mackenzie County.

General Provisions:

All subdivision refund and revision requests shall be provided to Mackenzie County Planning & Development staff in writing using the prescribed form (Schedule A). A subdivision refund or revision request is deemed accepted when a written and signed request is received by Mackenzie County Administration.

Guidelines:

1. **Subdivision Refunds**, by Mackenzie County Administration, will be granted in the following amounts if the subdivision application is withdrawn or cancelled at the following stages:
 - a) 75% of the application fee if the refund request is made before the Development Authority makes a decision, less the cost of postage and/or advertising if the application has already been circulated.

- b) 50% of the application fee if the refund request is made within the 14-day appeal period following a subdivision application decision.
 - c) 50% of the application fee if the refund request is made after the Development Authority has issued a subdivision application decision, but before a Development Agreement has been prepared, the latter of which will occur when the terms of the Development Agreement have been finalized, and the Development Agreement is ready for execution.
 - d) 25% of the application fee if the refund request is made after the Development Agreement has been prepared, but before the Development Agreement has been executed by the parties.
 - e) Subject to section 2, no refund will be given at any time after the Development Agreement has been executed, or the plan of subdivision or other instrument that effects subdivision has been endorsed by the Development Authority, whichever occurs first.
2. No refund will be given at any time after the Development Agreement has been executed, or the plan of subdivision or other instrument that effects subdivision has been endorsed by the Development Authority unless the subdivision cannot continue due to policies and requirements implemented by other government agencies and in which case the refund shall be 25% of the application fee.
 3. Only the original applicant or agent may withdraw or cancel a subdivision application. In the situation where the applicant and/or agent are not the registered landowner, the signature of the registered landowner is required to be included on the withdrawal/cancellation request.
 4. Only the original applicant or agent may seek to be granted a subdivision refund. If at any time during the subdivision process, the original applicant or agent withdraws the subdivision application, the application shall subsequently be considered cancelled regardless of any land sale that may have occurred.
 5. **Subdivision Refusals**, no refund will be given if an application is REFUSED by the Development Authority, in accordance to the Land Use Bylaw.
 6. **Subdivision Revisions**, if an applicant requests that a revision be made to the size, number of lots, orientation, or location (within the same parcel) of an application the following fees will be required:

Subdivision Revision/Re-Advertising Fee – to be applied when an applicant changes subdivision characteristics after circulation and/or approval. The recirculation fee is charged in accordance with the Mackenzie County Fee Schedule Bylaw.

Subdivision Application Fee – to be applied or refunded when the number of lots being created by the subdivision has increased or decreased. The subdivision application fee is charged in accordance with the Mackenzie County Fee Schedule Bylaw.

	Date	Resolution Number
Approved	2010-12-14	10-12-1135
Amended	2014-08-27	14-08-558
Amended	2021-03-24	21-03-250

Schedule "A"
Request for Subdivision Refund or Revision Form