

# Mackenzie County

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| <b>Title</b> | <b>Subdivision Refund &amp; Revisions</b> | <b>Policy No:</b> | <b>DEV002</b> |
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## Purpose

Establish guidelines for granting refunds for cancelled or withdrawn subdivision applications and/or a revision to an application.

## Policy Statement

Mackenzie County sometimes receives requests from developers to refund an application fee and from time to time requests to revise their application after an approval has been made. This policy will ensure consistency in addressing these requests.

## General Provisions

For the purpose of this policy, Mackenzie County Administration means "Mackenzie County administrative staff".

All subdivision refund and revision requests shall be provided to Mackenzie County Administration in writing using the prescribed form. A subdivision refund or revision request is deemed received 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by Mackenzie County Administration, will be granted in the following amounts if the subdivision application is withdrawn or cancelled at the following stages: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 fee, if the refund request is made before the Municipal Planning Commission makes a decision or if the request is made within 14 days after the date by which the Municipal Planning Commission is required to render a subdivision decision pursuant to the Subdivision and Development Regulation, A.R. 43/2002, whichever occurs first.

Notwithstanding, if an agreement is made pursuant to section 681 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, to extend the time for the Municipal Planning Commission to render a decision on the subdivision application, then the 75% refund of the fee, if the refund request is made before the Municipal Planning Commission issues a written decision or if the request is made within 14 days after the extended date by which the Municipal Planning Commission is required to render a subdivision decision, whichever occurs first.

- b) If the entering into a Development Agreement with the County constitutes a condition of subdivision approval, then 50% of the fee if the refund request is made after the Municipal Planning Commission 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.
  - c) If the entering into a Development Agreement with the County constitutes a condition of subdivision approval, then 25% of the 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.
  - d) If the entering into a Development Agreement with the County does not constitute a condition of subdivision approval, then 50% of the fee if the refund request is made after the Municipal Planning Commission has issued a subdivision application decision, but before the plan of subdivision or other instrument that effects the subdivision has been submitted to the Municipal Planning Commission.
  - e) If the entering into a Development Agreement with the County does not constitute a condition of subdivision approval, then 25% of the fee if the refund request is made after the plan of subdivision or other instrument that effects subdivision has been submitted to the Municipal Planning Commission, but before the Municipal Planning Commission has endorsed the plan of subdivision or other instrument that effects subdivision pursuant to section 657 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.
  - f) 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 Municipal Planning Commission, 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 Municipal Planning Commission, whichever occurs first, 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 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 in accordance to the Land Use Bylaw.
6. **Subdivision Revisions**, if an applicant requests that a revision be made to the size of an application the following fee will be required:

\$250.00 (To cover the cost of any additional advertising fees)

Recirculation Fee – to be applied when applicant changes acreage sizes after circulation and or approval.

|                 | <b>Date</b> | <b>Resolution Number</b> |
|-----------------|-------------|--------------------------|
| <b>Approved</b> | 14-Dec-10   | 10-12-1135               |
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