

Having been duly posted on the 1st day of May, 1995 and the public having the opportunity to comment on the propriety of the following regulation will be duly promulgated and become effective on the 8th day of May, 1995.

**RE: ADMINISTRATIVE REGULATION NO. 2-95
Zoning and Development Code
City of Grand Junction**

ISSUED BY: /s/ Larry Timm _____ Date
Larry Timm, Community Development Director

Topic:

Refunds of development review fees

Background:

On occasion there are situations where a petitioner submits an application for development review and then decides to withdraw the application. The petitioner then often makes a request for a refund of the fees paid. The only reference the Zoning and Development Code (ZDC) makes regarding refunds is in Section 6-7-1 F. which states, "The applicant may request, in writing, cancellation of the project at any time. Cancellation of any project by an applicant will result in forfeiture of the required fees." However, this language is in the section regulating subdivisions and thus only applies to subdivisions. Also, on occasion, the processing of a subdivision or other type of development application is delayed due to the City's need to conduct more study or develop policy. The ZDC is silent on the issue of refunds for development applications (other than subdivisions) which are withdrawn or cancelled by the applicant. The ZDC is also silent on the issue of refunds for development applications (including subdivisions) which are delayed by the City's need to do more study or develop policy.

If an application is withdrawn prior to agency comments being due, the planning staff does not have to compile the comments and do a staff report and recommendation. In addition, if an application is withdrawn prior to legal advertising, additional cost is not incurred by the City for the legal advertisement. The average estimated cost for publishing notice in the newspaper is currently \$50. Allowing a partial application refund may be warranted when complete staff review has not occurred and the petition has not been advertised.

Administrative Interpretation:

When a development application other than a subdivision is permanently withdrawn by the petitioner or their representative prior to the date that response to comments are due, a 25% refund of the original application fee may be granted. If the application is withdrawn by the petitioner prior to the placing of the legal advertisement an additional refund equal to the current

average estimated cost for legal advertising may be granted.

In situations where the City needs an extended time to evaluate development impacts or establish City policies, and the applicant decides to withdraw the application for this reason, the Administrator may grant a partial or full refund for a subdivision or other type of development application to the extent that is reasonably warranted. Generally, these refunds will be limited to instances where the City must delay processing a development application to study an issue or a City-wide concern.

In any case, no refund shall be given without a written request and justification from the petitioner or their representative.