

Request for Decision

Title	Request to Waive Building Permit Fee Penalty Related to Approved Development Permit 305305-22-D0320
Proposed Motion	That Council refuse the request to waive double fee penalties in the amount of \$450 related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113.
Administrative Recommendation	That Council refuse the request to waive double fee penalties related to the existing accessory building in compliance with Bylaw 1611/22, the 2023 Fees and Charges Bylaw.
Previous Council / Committee Direction	<p><u>March 28, 2023 Regular Council Meeting</u> Motion 098/23: That Council refer the request to waive double fee penalties related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113 to a future Council meeting for Administration to provide a recommendation for Council's consideration.</p> <p><u>December 13, 2022 Regular Council Meeting</u> Motion 479/22: That Council give third reading of Bylaw 1611/22.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • A request has been received for Council to waive a penalty (double fees) related to an existing accessory building located at Lot 5, Block 2, Plan 772 0113 (21 23516 Township Road 560). Administration does not have the authority to waive the permit fee or penalty. • Last fall, Administration received a complaint regarding an <u>existing</u> accessory building and potential home-based mechanic business at the property. • It was confirmed that the building did not have required permits. The applicant applied for a development permit to leave the accessory building (1800ft²/167m² fabric shelter) as built. • The development permit was refused as the accessory building is too close to the front yard property line. The variance exceeded the powers of the Development Authority (Administration). • The applicant appealed the refusal to the Subdivision and Development Appeal Board (SDAB). • The SDAB granted the appeal and approved the development as built.

	<ul style="list-style-type: none"> • When the applicant applied for a development permit, he was levied a double fee penalty in accordance Schedule “C” Section 3 of Bylaw 1611/22, the 2023 Fees and Charges Bylaw, as the building was already constructed without permits. • The Fees and Charges Bylaw requires payment of a double fee when applying for building permits. The applicant has requested that these fees be waived. • Total fees for the Building Permit were: <ul style="list-style-type: none"> ○ Building Permit fee - \$450 ○ Safety Code Council Levy -\$18 ○ Penalty (2x Permit Fee) - \$450 ○ Total - \$918 <p>Analysis</p> <ul style="list-style-type: none"> • All other properties within Sturgeon County are subject to paying appropriate building permit fees including the double permit fee penalty for construction without a permit. • Administration has no historical records of approval for this development. • Administration incurs additional time to process these types of applications constructed prior to permits, particularly for building permit compliance which focuses on safety. • The building was identified through a complaint process, not through voluntary submission. <p><u>External Communication</u></p> <ul style="list-style-type: none"> • Council’s decision will be communicated to the applicant. <p><u>Relevant Policy/Legislation/Practices</u></p> <ul style="list-style-type: none"> • Bylaw 1611/22 – 2023 Fees and Charges Bylaw
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment</u></p> <p>Operational Excellence – Charging the building permit fee penalty is consistent with legislation, policies, and procedures.</p> <p><u>Organizational</u></p> <ul style="list-style-type: none"> • None. <p><u>Financial</u></p> <ul style="list-style-type: none"> • None.
<p>Alternatives Considered</p>	<p>1. That Council waive double fee penalties related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113 in the amount of \$450.</p>
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment</u></p> <p>Collaborative Governance – Waiving the building permit fee penalty is inconsistent with legislation, policies, and procedures.</p>

	<p><u>Organizational</u></p> <ul style="list-style-type: none"> • Staff resources could be impacted by future fee waiver requests. <p><u>Financial</u></p> <ul style="list-style-type: none"> • Although the amount of the penalty is unsubstantial, a decision to waive the building permit fee penalty would compel Council to consider other similar future requests on the grounds of equity.
Follow up Action	1. Advise the applicant of Council’s decision (Planning & Development Services, April 2023).
Attachment(s)	None.
Report Reviewed by:	Bonnie McInnis, Acting General Manager, Development & Strategic Services Reegan McCullough, County Commissioner – CAO

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>