



Legislation Text

File #: RFD 18-073, **Version:** 1

New Testament Baptist Church request to refund development permit fee and waive subsequent building and gas/electrical fees.

Proposed Motions

1. That Council approve the New Testament Baptist Church request to refund the development permit fees paid in the amount of \$510.
2. That Council approve the New Testament Baptist Church request to waive all subsequent building, gas and electrical fees.

Administration Recommendation

Administration does not support the request to refund the fee already paid nor the request to waive future fees for subsequent related permits. The recommendation to deny the request is based on administration's review of the County's policies, fee schedule, and bylaws specific to refunding or waiving fees. As part of that review, administration found no specific policy or other mechanism authorizing administration or Council to grant exemptions for the payment of development and/or building permit fees in this particular case.

Purpose

The property owner has requested that Council consider refunding the development permit application fee paid for the development of a modular school building and waive subsequent building permit fees.

Summary

The New Testament Baptist Church made development permit application for a 4,200 square foot modular school building to be developed on the site of the existing church. The applicant paid the \$510 development permit application fee and is requesting Council to refund this fee and waive subsequent permit fees including building, gas, electric, and plumbing. Without knowing the construction/project value, the County cannot establish the exact building permit fees; however, the minimum building permit fee is \$312 (4% Safety Code Council fee included). Administration was asked to investigate the permitting history including how fees were administered, and any policies or bylaws that might allow Council the ability to grant exemptions pertaining to payment of fees.

Prior to the 2018 development permit application, the County has processed and approved two development permit applications for the New Testament Baptist Church; the first in 1999 and the second in 2008 (approved in 2009). In both cases, the applicant paid fees and there is no record of the County returning any fees to the applicant. The development permit issued in 2009 had lapsed and in a 2011 letter, the Development Authority deemed the permit void. In that letter, the Development Authority advised the owner may apply for a new development permit and if he chose to do so, the officer would waive the fee. Although the 2011 letter states the officer will waive the fee, the statement relates to the applicant re-applying for the same development. The 2018 application is for different structures and in different locations on the site than what was applied for in 2008. Administration is therefore of the opinion that the waiver referenced in the 2011 letter does not relate to the recent application.

The Municipal Government Act gives Council the authority to establish fees in a bylaw. Fees for permits are established in the County's 2018 Fees and Charges Schedule. The Schedule sets out circumstances where fees may be refunded; however, this does not apply to development or building permit fees. Section 16.3.1 of

the Land Use Bylaw states: "... *the Development Authority, upon request at the time of application, may waive the application when an application is made by a Parkland County community-based/related group.*" As a matter of practice, the Development Authority has interpreted "*Parkland County community-based groups*" to be those groups partnering with the County to provide/maintain amenities for residents, such as arenas, ball diamonds, and community halls. There is no specific policy, schedule, or bylaw referencing Council's authority/ability to grant exemptions for payment of development/building permit fees.

For every Safety Codes permit issued, a provincial safety codes levy must be paid, so fees cannot be totally eliminated. Subsequent to 2005 when the County became fully accredited to issue safety codes permits, waiving of fees has not been the practice.

The recommendation to deny the request is based on administration's review of the County's policies, fee schedule, and bylaws specific to refunding or waiving fees. As part of that review, administration found no specific policy or other mechanism authorizing administration or Council to grant exemptions for the payment of development and/or building permit fees in this particular case.

Strategic Plan/Policy/Legal/Staff Implications:

Municipal Government Act Section 8 - Powers under bylaws. Sets out Council's authority to establish, in a bylaw, fees for licenses, permits and approvals.

Municipal Government Act Section 630.1 - Council may establish and charge fees for matters under Part 17 (Planning and Development).

2018 Fees and Charges Schedule, Schedule E lists the fees and charges for various permits.

Land Use Bylaw 2017-18 - Application for Development Permit, Section 16.3.1.

Financial Impact:

Cost: \$1,000 (estimate)

Source of Funding: NA