

Wheatland County

Request for Decision

Regular Council Meeting

August 18, 2020

Report prepared by: Cindy Ramsay



Building Permit Refund Request

Recommendation from Administration

THAT Council refund the fees collected for building permit 349349-19-B0059 in the amount of \$7,440.00.

Chief Administrative Officer's Comments

N/A

Report

Division: Division 4

Theo Muran, CEO for Sensi-Cann has requested a refund of fees paid for the approved building permit located at 39 Durum Drive, Plan 101 1307, Block 3, Lot 5. The applicant states the project has been put on hold due to the economic downfall during COVID-19; however, it should be noted that the building permit was submitted in July 2019 and issued in August 2019 with 12 months to complete construction. The applicant received the issued permit with the condition that final inspection of the building occur by August 21, 2020 or alternate arrangements made with Park Enterprises Ltd. for a permit extension.

On July 17, 2020 the applicant submitted a written request for the building permit to be given a time extension or to have fees refunded, as the permit is set to expire on August 21, 2020. Under the *Safety Codes Act Permit Regulation*, if construction has not commenced within 90 days from when the building permit was issued, the permit is considered expired; however this is not always enforced as delays can occur (e.g., weather constraints). The County will work with applicants to ensure they have adequate time to complete construction. As the applicant has had one year to start construction, granting an extension to the end of 2021 is not a realistic option, therefore the request to have the building permit fees refunded is the most reasonable option.

Fees for a commercial project are calculated based on \$8.00/\$1000 of the project value (no land value is included). The applicant paid \$25,360 for the building permit application - building permit fee of \$24,800 and \$560 for the Safety Codes Council Levy.

Wheatland County pays Park Enterprises 70% of permit fees collected for building permits, half of the 70% at issuance and the other half upon closure of the file ($\$24,800 \times 70\% = \$17,360$). Park Enterprises was paid \$8,680 for plan review and permit issuance in August 2019. The remaining fee of \$8,680 will be paid upon closure of the file, in this case, when the permit expires. Wheatland County's portion of the fee (30%) is \$7,440, which staff recommends be refunded to the applicant. The applicant has recently received an extension of their Development Permit, as they plan to start construction on a smaller building to produce edibles. While the larger facility is still in the overall plans, it is currently being put on hold.

The Safety Code Council Levy is a fee collected at the Municipality and remitted monthly to the Safety Code Council, so these fees cannot be refunded without Wheatland County incurring a loss. The Safety Code Council

Levy is calculated at 4% of the permit fee, or a minimum of \$4.50 to a maximum of \$560. In this case, the maximum fee of \$560 was collected.

As per Wheatland County Policy 2.13, Council must approve any refunds over \$1000.

Relevant Policies, Practices, and Legislation

N/A

Alignment with the Strategic Plan

N/A

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

N/A

Organizational

N/A

Financial

Wheatland County would be at a loss of \$560 if the Safety Codes Council Levy is refunded, as well as any recovery costs for internal resources involved in processing the application.

Environmental, Staff, and Public Safety

N/A

Follow-up Action / Communications

Staff to follow up with applicant with Council's Decision.

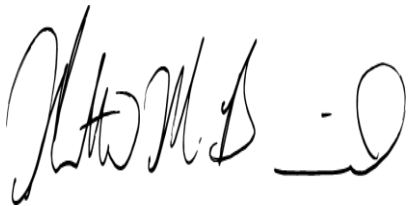
Report Approval Details

Document Title:	Building Permit Refund Request.docx
Attachments:	- BP Refund Documents.pdf
Final Approval Date:	Aug 4, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol

A handwritten signature in black ink, appearing to read "Brian Henderson". The script is cursive and fluid.

Brian Henderson