

## Request for Decision

<b>Title</b>	<b>Nutrien Redwater Fertilizer Penalty Refund Request</b>
<b>Proposed Motion</b>	That Council decline the request by Nutrien for credit against future permit fees in lieu of the \$16,409.50 penalty for construction without a Development Permit and Building Permit.
<b>Administrative Recommendation</b>	Administration recommends that County Council declines the request by Nutrien for credit against future fees in lieu of the \$16,409.50 penalty for construction without a Development Permit and Building Permit, as per the current Fees and Charges Schedule.
<b>Previous Council Direction</b>	October 9, 2018 - Motion 273/18: That Council direct Administration to bring back a Request for Decision to the October 23, 2018 Regular Council Meeting regarding the Nutrien Redwater Fertilizer request for credit against future fees.
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>▪ On October 9, 2018 a representative from Nutrien attended to request a refund or credit of the penalty fees of \$16,409.50.</li> <li>▪ Safety Code inspector noticed the development of extension RNO (Urea) Plant 04 while conducting an inspection onsite for a different building. According to Nutrien, they started construction in July 2017.</li> <li>▪ In late March 2018, Nutrien and Current Planning &amp; Development discussed the permit requirements and the penalties for starting development without permit approvals.</li> <li>▪ On April 4, 2018 the County sent Nutrien an invoice for the development and building permit fees for a total of \$33,379.00: <ul style="list-style-type: none"> <li>○ Project Value = \$1,950,000.00</li> <li>○ The Development Permit fee is \$784.50x2=\$1,569.00</li> <li>○ The Building Permit fee is \$15,625.00x2=\$31,250.00</li> <li>○ The Safety Code Council Levy is \$560.00 (provincial levy)</li> <li>○ Total Cost: 33,379.00</li> </ul> </li> <li>▪ On April 9, 2018 Nutrien inquired with the County on how they could appeal the double fee penalty.</li> <li>▪ On May 8, 2018 the permit was applied for and entered into the County system and development permit #305-18-D0151 was assigned.</li> </ul>

- The development permit was issued on May 16, 2018.
- Section D.3 (Penalties) of the 2018 Fees and Charges Schedule states: “Development that occurs prior to development permit issuance – Double the current application fee”.
- Section D.8 of the 2018 Fees and Charges Schedule states: “Construction without building permit issuance – Penalty Double the Current Fee”
- Council approves the Fees and Charges Schedule annually.
- Double fees for developing without approval came into effect on July 1, 2010. Double fees are a deterrent to development occurring before permits are in place, which increases compliance with County regulations such as setbacks, et cetera.

External Communication

- The Fees and Charges Schedule is approved annually by Council and is posted on the County’s website.

Relevant Policy/Legislation/Practices:

- 2018 Fees and Charges Schedule
  - Section D.3 Penalties: “Development that occurs prior to development permit issuance – Double the current application fee”.
  - Section D.8 Building Permits: “Construction without building permit issuance – Penalty Double the Current Fee”.

**Implication of Administrative Recommendation**

Strategic Plan:

Goal 1.3 – Sturgeon County manages growth for current and future developments by having transparent and consistent bylaws, policies and processes that enable responsible land development in the County

Goal 3.1 – Sturgeon County provides effective leadership and management by having bylaws and policies align with the Strategic Plan and provide clarity for consistent Council decision making and Administration implementation.




Refusing the request to apply credit towards future fees aligns with the Fees and Charges Schedule and would demonstrate the County’s commitment to collecting fees consistently.

Organizational:

Refusing the refund would be consistent with how the County has dealt with other similar situations where development has occurred without the necessary approvals in place.

Financial:

That the County would retain the \$16,409.50 penalty for developing without approvals.

<b>Alternatives Considered</b>	That Council grants a credit of \$16,409.50 to Nutrien Redwater Fertilizer for their penalty payment, to be used against future development permit and building permit fees.
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment:</u></p> <ul style="list-style-type: none"> <li>Granting a credit towards future permits or refunding the permit fees does not align with the current Fees and Charges Schedule.</li> </ul> <p><u>Organizational:</u></p> <ul style="list-style-type: none"> <li>Current Planning and Development Services would work with the Finance Department on the correct way to implement the credit.</li> </ul> <p><u>Financial:</u></p> <ul style="list-style-type: none"> <li>Future Nutrien permit fees will be reduced by \$16,409.50.</li> <li>Either a credit towards future permits or a refund of permit fees will both impact current and future Current Planning and Development Services Department budgets</li> <li>Both a credit towards future permit fees or a refund of permit fees will require funding out of the Council Contingency Reserve.</li> </ul>
<b>Follow up Action</b>	As per Council direction.
<b>Attachment(s)</b>	1. Aerial Photo
<b>Report Reviewed by:</b>	<p> Colin Krywiak, Manager, Current Planning and Development</p> <p> Collin Steffes, General Manager Integrated Growth</p> <p> Bill Minnes, County Commissioner-CAO</p>

## Strategic Alignment Checklist

**Vision:** *Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.*

**Mission:** *Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.*

Focus Areas	Not consistent	N/A	Consistent
<b>Planned Growth and Prosperity</b>			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan and MDP pg. 36)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports a strong thriving business environment to strengthen our economic foundation</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Plans for responsible growth through the MDP and regional growth plan.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Manages growth for current and future developments through:                             <ul style="list-style-type: none"> <li>○ <i>transparent bylaws, policies and processes to enable responsible land development</i></li> <li>○ <i>targeting growth around existing and identified future growth areas</i></li> </ul> </i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Maintain and Enhance Strong Communities</b>			
<i>We are committed to a safe and viable community, where our residents are provided with access to opportunities and quality of life. (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides access to programs and services that have a positive impact on residents' quality of life</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides access to safe and reliable infrastructure assets</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports the safety of people and property</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Strong Local and Regional Governance</b>			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers fiscal stability and sustainability</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Fosters collaborative intergovernmental partnerships</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Community Identity &amp; Spirit</b>			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan and MDP pg. 27)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Promotes and/or enhances residents' identification with Sturgeon County</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Support and/or collaborate with voluntary organizations in the region</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Stewardship</b>			
<i>We foster a healthy environment and minimize our impact on ecosystems. (Strategic Plan and MDP pg. 27)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Plans and partnerships that minimize environmental impact on natural areas</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides awareness of environmental issues impacting the County</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>