



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: October 30, 2023

APPLICATION FILE NUMBER: 23D 217

LANDOWNERS: BARKHAS BATBAYAR, IGOR KOVALCHUK, OLGA KOVALCHUK

APPLICANT: BARKHAS BATBAYAR

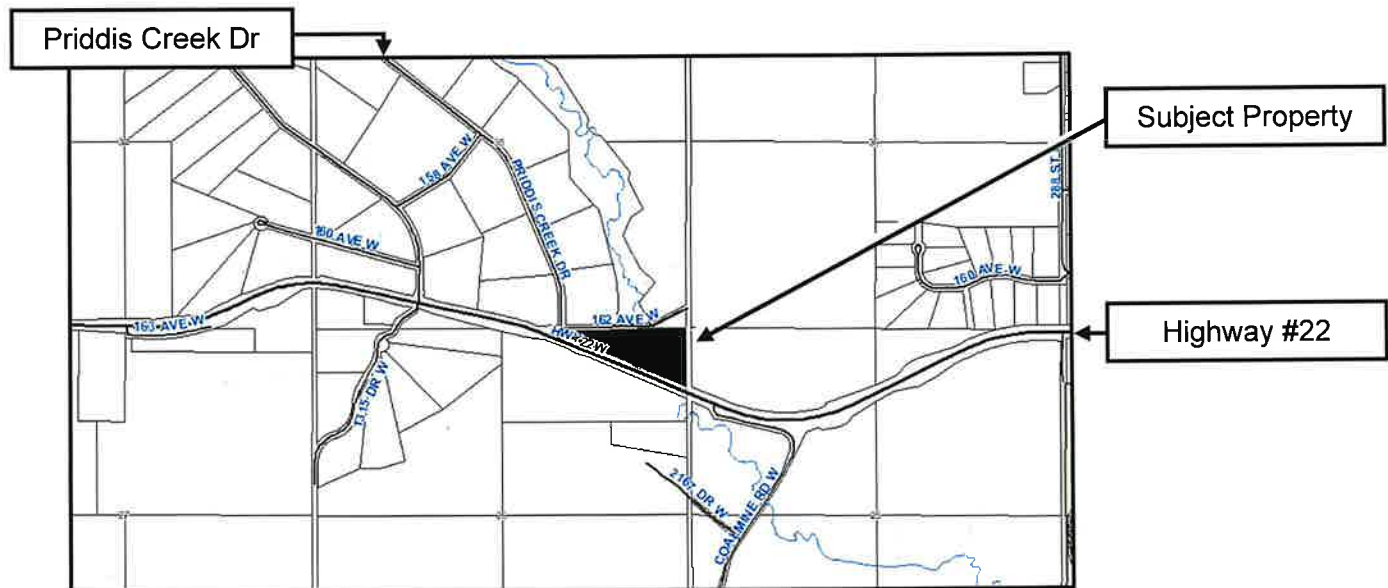
PROPOSAL DESCRIPTION: CONSTRUCT A SINGLE FAMILY DWELLING

LEGAL DESCRIPTION: PTN. NE 26-22-04 W5M

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an 18.40 acre Country Residential district parcel that is located adjacent to the east side of Priddis Creek Drive, and bounded by 162nd Avenue west on the north and Highway #22 on the south.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application dated August 30, 2023 was submitted to Foothills County, proposing that a Dwelling, Single Family be constructed on the subject property.

1. A single family dwelling is proposed to be constructed on the property.
2. The site plan submitted with the application shows that the proposed location for the dwelling would meet setback requirements under the Land Use Bylaw 60/2014 however, it does denote "Soft Ground" in the area of the proposed development.

As per sections 4.2.1.23 and 13.1 of Land Use Bylaw 60/2014 the issuance of a development permit for a Dwelling, Single Family as proposed within this application, would not be required.

Section 9.17.5 of Land Use Bylaw 60/2014 identifies that information which must accompany an application for development permit respecting Lot Grading. No required information/supporting plans in this regard were received by this office.

This office is unable to consider the issuance of a development permit for:

- a. development that is permitted without one,
- b. Lot Grading, without detailed information and appropriate reporting having been submitted.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County respecting the application for construction of a Dwelling, Single Family; on the subject parcel being Portion of NE 26-22-04 W5M has been considered by the Development Officer and is **REFUSED** subject to the following.

REFUSAL DESCRIPTION:

Section 683.1(1) of the Municipal Government Act states that a development authority must, within 20 days after the receipt of an application for development permit, determine whether the application is complete.

On September 13, 2023, a notification was sent via email, giving the applicant and landowners notice that the application was incomplete and providing 17 days to provide clarification as to the intent of the application and/or provide missing components.

Further, Section 683.1(8) of the Municipal Government Act states that if the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6) the application is deemed to be refused.

Should the applicant appeal this refusal to the Development Appeal Board, the Board holds jurisdiction only to determine whether this is to be considered a complete application, or an incomplete application. If determined to be complete, it will be sent back to the Development Officer for a final decision to approve or refuse based upon the Land Use Bylaw.

NOTES:

This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Sections 685(1) of the Municipal Government Act, a person affected by this decision has a right of appeal.