



## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision and Development Appeal Board

**DATE:** December 16, 2020

**DIVISION:** 1

**FILE:** 03913093

**APPLICATION:** PRDP20202490

**SUBJECT:** Vacation Rental

<b>PROPOSAL:</b> Vacation Rental	<b>GENERAL LOCATION:</b> Located in the Hamlet of Bragg Creek.
<b>APPLICATION DATE:</b> August 25, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION:</b> Approved
<b>APPEAL DATE:</b> November 23, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION DATE:</b> October 30, 2020
<b>APPELLANT:</b> Michele and Joe Longo	<b>APPLICANT:</b> Teresa and Matthew Weir
<b>LEGAL DESCRIPTION:</b> Lot: 6, Block: 8, Plan 1741 EW, SE-13-23-05-05	<b>MUNICIPAL ADDRESS:</b> 79 River Drive North
<b>LAND USE DESIGNATION:</b> Residential, Residential Urban District (R-URB)	<b>GROSS AREA:</b> ± 0.22 hectares (± 0.55 acres)
<b>PERMITTED USE:</b> Discretionary Use	<b>DEVELOPMENT VARIANCE AUTHORITY:</b>
<b>PUBLIC SUBMISSIONS:</b> The application was circulated to thirteen (13) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• County Plan</li> <li>• Land Use Bylaw</li> <li>• Greater Bragg Creek Area Structure Plan</li> </ul>

### EXECUTIVE SUMMARY:

The proposal is for the operation vacation rental within an existing dwelling, single detached. The subject land is designated Residential, Rural District. The property is surrounded by residential districts and a Special Public Service District to the east. The subject land is located within the Hamlet of Bragg Creek. The parcel contains a single detached dwelling and an accessory building.

The Development Permit application was made on August 25, 2020. The Application was a result of an enforcement action and that enforcement file was closed, with application being made.

On October 29, 2020, the application was approved by the Municipal Planning Commission.

The Notice of Decision was circulated on October 30, 2020, to thirteen (13) adjacent landowners.

On November 23, 2020, Michele and Joe Longo, adjacent landowners, filed an appeal. The reasons for appeal are detailed in the agenda package.



**PROPERTY HISTORY:**

Date	File/Application #	Type	Result
August 25, 2020	PRDP20202490	Application submitted	Development Permit application made as a result of an enforcement action. The enforcement file was closed upon development permit application.
September 2, 2020		Site inspection	Inspector's comments: <ul style="list-style-type: none"> <li>• Well screened</li> <li>• Neat and tidy,</li> <li>• Adequate parking,</li> <li>• No concerns at time of inspection</li> </ul> Site photos were taken at time of inspection.
October 29, 2020		Municipal Planning Commission	Application was approved.
October 30, 2020			Notice of Decision sent to applicant and adjacent landowners.

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

Sean MacLean  
Supervisor, Planning and Development Services

WV/lt

**ATTACHMENTS:**

- ATTACHMENT 'A': Subdivision and Development Appeal Board Report
- ATTACHMENT 'B': Application Details
- ATTACHMENT 'C': Inspection Report and Site Photos
- ATTACHMENT 'D': Map Set
- ATTACHMENT 'E': Site Plan
- ATTACHMENT 'F': Notice of Decision
- ATTACHMENT 'G': Notice of Appeal

## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> August 25, 2020	<b>File:</b> 03913093
<b>Application:</b> PRDP20202490	<b>Applicant:</b> Matthew and Teresa Weir <b>Owner:</b> Matthew and Teresa Weir
<b>Legal Description:</b> SE-13-23-05-W5M <b>Municipal Address:</b> 79 River Drive North	<b>General Location:</b> Located in the hamlet of Bragg Creek
<b>Land Use Designation:</b> Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020	<b>Gross Area:</b> ± 0.22 hectares (± 0.55 acres)
<b>File Manager:</b> Wayne Van Dijk	<b>Division:</b> 1

### PROPOSAL:

The application is for the operation of a vacation rental within an existing dwelling, single detached.

*Note: the application was assessed in accordance with Land Use Bylaw C-8000-2020.*

The application is a result of an enforcement issue but that issue is resolved with this application being made. The applicants wish to utilize their property as a vacation rental property. The current dwelling is approximately 92.90 sq. m. (1000 sq. ft.) with three (3) bedrooms and two (2) bathrooms with a total of five (5) beds. The application states that there is adequate egress and a total of five (5) combination smoke/CO detectors in the dwelling, smoke extinguishers located at each exit and there is a wood burning stove that is professionally inspected annually.

The application states that the owners have a strict no-noise policy and do not allow for any events/parties to be held on the property and they also do not allow/permit any tenting and/or camping.

The applicant has stated that a large, 1.82 m (6.00 ft.), privacy fence has been constructed on the property line to the north and that they are installing sound monitoring devices around the property.

### Land Use Bylaw C-8000-2020

*Section 332 Discretionary Uses*

*Vacation Rental*

*Part Eight Definitions*

a) "Vacation Rental" means a Dwelling Unit that is rented online via a hospitality service brokerage company that arranges lodging such as Airbnb, Vrbo, turnkey, HomeAway etc.

- There is one Dwelling Unit, Single-Detached on this parcel and the applicant utilizes an online brokerage service to book accommodations.

### Onsite Parking and Loading

*As per Table 5-Parking Minimums, Vacation Rental has the same parking requirements as Dwelling type.*

- No additional parking requirements at this time.

**STATUTORY PLANS:**

The site falls within The Greater Bragg Creek Area Structure Plan (Bylaw C-7602-2016). That plan does not address applications such as this and this application was assessed utilizing the Land Use Bylaw (C-8000-2020).

**INSPECTOR'S COMMENTS:**

- Well-screened, neat and tidy;
- Adequate parking;
- No concerns at time of inspection.

**CIRCULATIONS:**Development Compliance, Rocky View County

- This application is the result of an enforcement issue. As an application has been filed, Development Compliance has no comments at this time.

Utility Services

- The only comment I would have is that if they are not already hooked up to County water and wastewater that they be required to as a condition of approval.

Fire Services and Emergency Management

- No comments at this time.

Planning and Development Services - Engineering Review

- Engineering has no requirements at this time (as this is for an existing development) for this DP application.

No other comments received at time of report writing

**OPTIONS:**Option #1: (this would approve the proposed development)

APPROVAL subject to the following conditions:

**Description:**

1. That the *Vacation Rental* (Airbnb) may operate on the subject property, within the existing dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

**Permanent:**

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the *Vacation Rental* shall be limited to the dwelling, single detached.
5. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
6. That all customer parking shall be on the Owner's property at all times.





7. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
8. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
9. That the operation of the *Vacation Rental* shall be subordinate and incidental to the principal use of the dwelling unit as an owner-occupied residence.
10. That any minimal exterior modification of the structure or grounds may be considered by the County upon request, to ensure that no additional permits are required and that it is not changing the residential character of the property.

**Advisory:**

11. That a Building permit and applicable sub trade permits shall be obtained through Building Services, if required, prior to commencement of the *Vacation Rental*.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
13. That this Development Permit shall be valid until **November 25, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

Option #2: (this would not allow the proposed development)

REFUSAL as per the following reasons:

1. That in the opinion of the Development Authority, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.













ROCKY VIEW COUNTY  
Cultivating Communities

20202490  
APPLICATION FOR A  
**DEVELOPMENT PERMIT**

FOR OFFICE USE ONLY	
Fee Submitted \$515.00	File Number 039/3093
Date of Receipt Aug 25, 2020	Receipt # 2020025179

Name of Applicant Matthew Weir + Teresa Weir Email \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_

For Agent \_\_\_\_\_

Registered Owner (if not applicant) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Postal Code \_\_\_\_\_

Telephone (B) \_\_\_\_\_

(H) \_\_\_\_\_

Fax \_\_\_\_\_

**1. LEGAL DESCRIPTION OF LAND**

- a) All / part of the SE  $\frac{1}{4}$  Section 13 Township 23 Range 5 West of 5 Meridian  
 b) Being all / parts of Lot 6 Block 8 Registered Plan Number 1741EW  
 c) Municipal Address 79 River Drive N. Rocky View County, Alberta T0L 0K0  
 d) Existing Land Use Designation R-URB Parcel Size 2,231.68 m<sup>2</sup> Division 01

**2. APPLICATION FOR**

To utilize our property as a Vacation Rental.

**3. ADDITIONAL INFORMATION**

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No X  
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No X  
 (Sour Gas facility means well, pipeline or plant)  
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No X  
 d) Does the site have direct access to a developed Municipal Road? Yes X No \_\_\_\_\_

**4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF**

MATTHEW WEIR, TERESA WEIR hereby certify that X I am the registered owner  
 (Full Name in Block Capitals)

\_\_\_\_\_ I am authorized to act on the owner's behalf

and that the information given on this form  
 is full and complete and is, to the best of my knowledge, a true statement  
 of the facts relating to this application.

Affix Corporate Seal  
 here if owner is listed  
 as a named or  
 numbered company

Applicant's Signature Matthew Weir

Date August 19, 2020

Owner's Signature Matthew Weir

Date August 19, 2020

**5. RIGHT OF ENTRY**

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, MATTHEW WEIR + TERESA WEIR, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

  
SignatureAugust 19, 2020  
Date



\_\_\_\_\_

GOVERNMENT OF CANADA

We have been operating a short-term vacation rental at the address of 79 River Drive North in the Hamlet of Bragg Creek for approximately one year. The rental consists of a 1000 sqft house situated on a 0.55 acre lot that backs onto the Elbow River. The house has three bedrooms, two bathrooms and sleeps a total of six people in five beds; each bedroom has a large window that meets egress requirements. The house has a total of five combination smoke/CO detectors, one in each of the bedrooms and in the common spaces. The house has a wood burning stove that is inspected and cleaned by a certified professional on an annual basis and there is a fire extinguisher located at each exit of the house.

We are applying for a business development licence to operate our Vacation Rental under the new Rocky View County Land Use Bylaw C-8000, 2020.

~~John~~ P. White

Matthew and Nicole Weir

[illegible]

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**W. ANG SURFATS**  
1000 Montreal West S.E.  
Calgary, AB T2M 2M4  
Tel: 248-8042  
Fax: 242-8817  
info@wangsulfats.com  
E.C. 2012-1159



# ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

**LEGAL DESCRIPTION:**  
LOT 4  
BLOCK 8 (the "Property")  
PLAN 1741 EW  
CLIENT: BISHOP (the "Client")  
CIVIC ADDRESS:  
79 RIVER DRIVE N.  
ROCKY VIEW COUNTY, ALBERTA  
Date of Title Search: MARCH 7 2018; T2N 04S 021 020 44J  
Date of Survey: MARCH 8 2018.

**CERTIFICATION:**  
I hereby certify that this report and related survey, was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors Association and supplements thereto. Accordingly, I am these standards and so of the date of this report, I am of the opinion that:

- the Plan illustrates the boundaries of the property, the improvements as shown in Part Q, Section E.5 of the Manual of Standard Practice, registered easements and right-of-way affecting the extent of the use of the property;
- the improvements are entirely within the boundaries of the property; EXCEPT DECK AND STEPS INTO ELBOW RIVER AS SHOWN
- no other encroachments exist on the Property from any registered easements situated as an adjoining interest;
- no other encroachments exist on registered easements, or right-of-way affecting the extent of the property;
- PROPERTY IS SUBJECT TO:  
1742 EW - CAMELOT RE-DEVELOPMENT AGREEMENT

**LEGEND:**  
All dimensions are in metres and decimals thereof.  
Statutory Iron Post found shown as: .  
c.s. denotes center line.  
Unless otherwise specified, the dimensions shown relate to distances from property boundaries to extent of the foundation with any of the time of the survey.  
Fences are within 0.20 metres of property line unless otherwise noted.  
Fences shown thus: .  
Gates are dimensioned to the fence line and shown thus: .  
Subject property is outlined thus: .

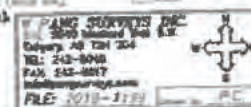
**PURPOSE:**  
This Report has been prepared for the benefit of the Property owner, subsequent owners and City of their agents, for the purpose of (a) land conveyance, support of a subdivision application, a mortgage application, a submitted to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of these parties. Where applicable, registered easements, utility rights-of-way and other legal interests affecting the extent of the property have been shown on this report. Unless shown otherwise, property corner markers have not been placed during the survey for this report. This report should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Date at Calgary, Alberta  
the 12 day of MARCH 2018.  
  
William Pang, A.L.S.  
(Copyright reserved)  
This Report is not valid unless signed by (this sign)  
and W. Pang Surveyors Inc. Personal stamp (not ink).

**SCALE = 1:400**

**Copyright © Pang Surveyors Inc. 2018.**

## DUBROVIT &amp; PANG 2003 243







ROCKY VIEW COUNTY

262075 Rocky View Point  
Rocky View County, AB, T4A 0X2403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

we SW

## Inspection Request

Roll #: 03913093 DP #: PRDP20202490

Applicant/Owner: Weir, Teresa N & Matthew R  
 Legal Description: Lot 6 Block 8 Plan 1741 EW, SE-13-23-05-05  
 Municipal Address: 79 RIVER DRIVE NORTH, Bragg Creek AB  
 Land Use: R-2  
 Reason for Inspection: Operation of a vacation rental.

## Inspection Report

Date of Inspection: Sept. 2/20

Permission granted for entrance? Yes

## Observations:

- well-screened  
 - neat + tidy  
 - adequate parking.  
 - no concerns at time of inspection

Signature: W. Weir



















































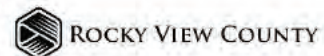
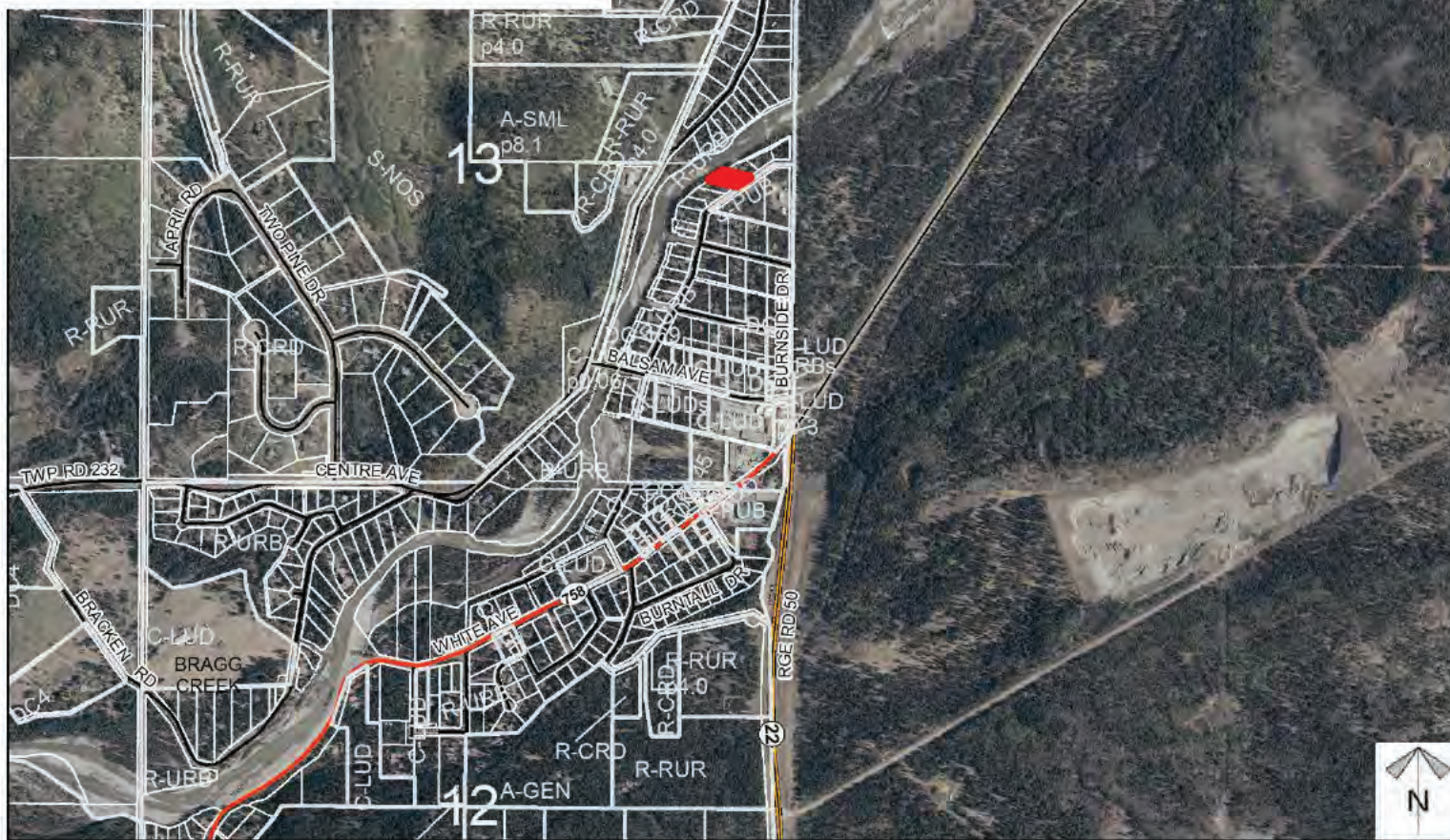
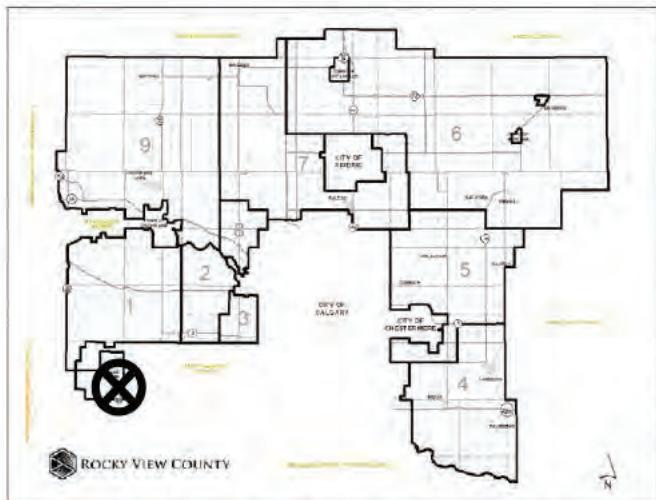








**ATTACHMENT 'D': MAP SET**



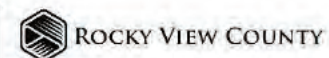
## Location & Context

Vacation Rental (existing dwelling, single detached)

Division: 1  
Roll: 03913093  
File: PRDP20202490  
Printed: October 14, 2020  
Legal: Lot 6, Plan 1741 EW,  
Block 8, within  
SE-13-23-05-W05M

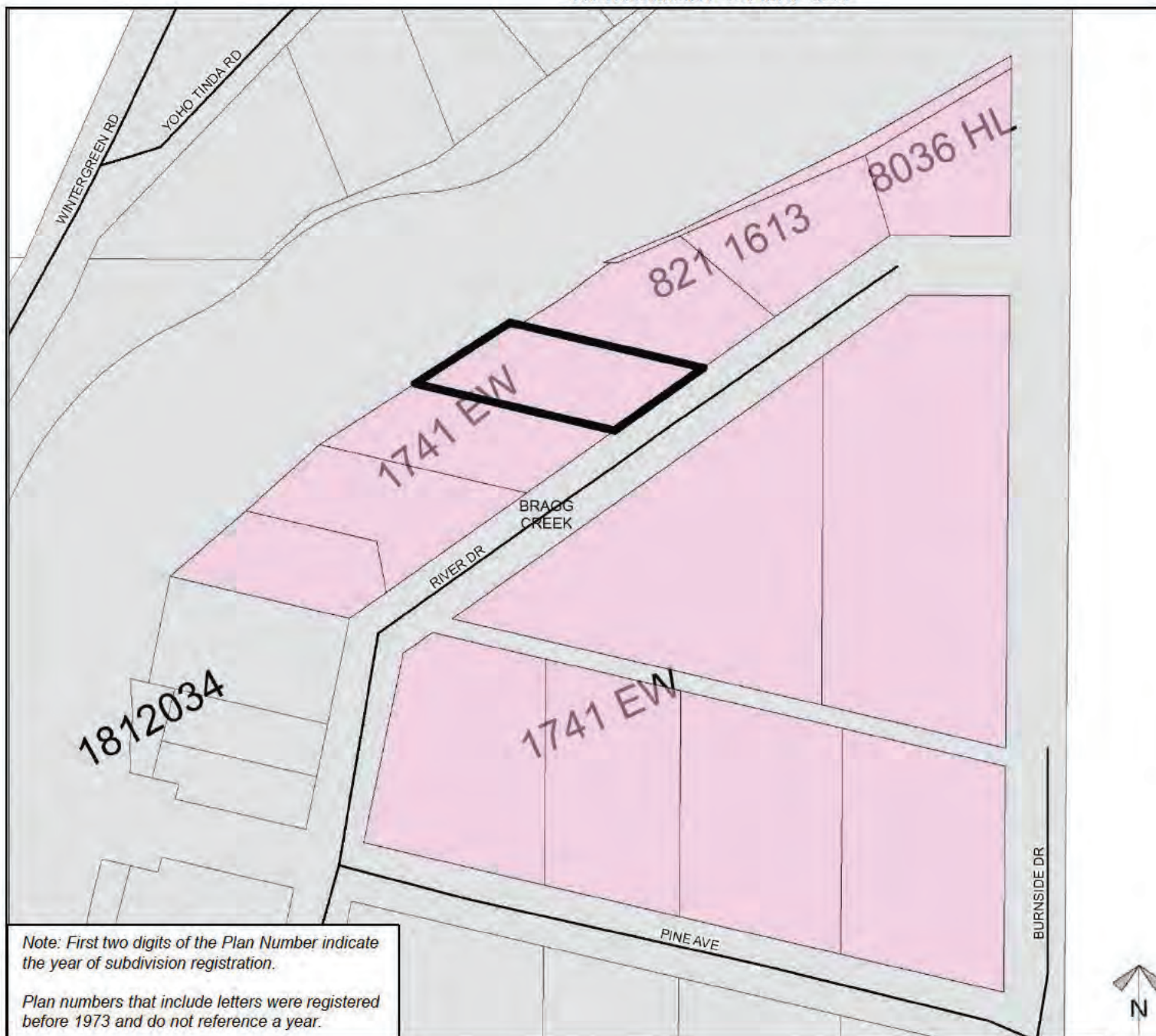


ATTACHMENT 'D': MAP SET



**Landowner  
Circulation  
Area**

Vacation Rental (existing  
dwelling, single detached)



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

Legend

Support



Opposition



Division: 1  
Roll: 03913093  
File: PRDP20202490  
Printed: October 14, 2020  
Legal: Lot 6, Plan 1741 EW,  
Block 8, within  
SE-13-23-05-W05M

# ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

**LEGAL DESCRIPTION :**  
LOT 6  
BLOCK 8  
PLAN 821 1613 (the "Property")  
CLIENT : BISHOP (the "Client")  
CIVIC ADDRESS :  
79 RIVER DRIVE N.  
ROCKY VIEW COUNTY, ALBERTA

Date of Title Search : MARCH 7, 2018 : Title No. 661 080 443  
Date of Survey : MARCH 8, 2018.

**CERTIFICATION :**  
I hereby certify that this report and related survey, was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly, I attest these standards and as of the date of this report, I am of the opinion that:

1. the Plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 6.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements and right-of-way affecting the extent of the title to the property;
2. the improvements are entirely within the boundaries of the property, EXCEPT DECK AND STEPS INTO ELBOW RIVER AS SHOWN
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property;
4. no visible encroachments exist on registered easements, or right-of-way affecting the extent of the property;
5. PROPERTY IS SUBJECT TO:  
1742 EW -- CAVAT INC. DEVELOPMENT AGREEMENT

**LEGEND :**  
All dimensions are in metres and decimal thereof.  
Boundary iron pins found shown thus :   
Iron Bar found shown thus :   
e.g. distance corner mark  
Unless otherwise specified, the dimensions shown relate to distances from property boundaries to extent of the foundation walls only of the time of the survey.  
Fences are within 0.30 metres of property line unless otherwise noted.  
Fences shown thus :   
Eaves are dimensioned to the leave line and shown thus :   
Subject property is outlined thus :

**PURPOSE :**  
This Report has been prepared for the benefit of the Property owner, subsequent owners and any of their agents, for the purpose of (a) land conveyance, support of a subdivision application, a mortgage application, a statement to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of these parties. Where applicable, registered easements, utility rights-of-way and other legal interests affecting the extent of the property have been shown on this report. Unless shown otherwise, property corner markers have not been placed during the survey for this report. This report should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of the property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at Calgary, Alberta  
this 18 day of MARCH, 2018

Elsom Pang, A.L.S.  
(Copyright reserved)

This Report is not valid unless original signature (blue ink), and H. Pang Surveys Ltd. Personal stamp (red ink).

**SCALE = 1:400**

**ALBERTA LAND SURVEYORS' ASSOCIATION**  
P: 84  
H. PANG SURVEYS INC.

**H. PANG SURVEYS INC.**  
P.O. Box 10000, Unit 204  
Calgary, AB T2C 2K4  
Tel: 243-8888  
Fax: 243-6887  
info@hspang.com  
File: 2018-1189



# ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

**LEGAL DESCRIPTION:**  
LOT 6  
BLOCK 8 (the "Property")  
PLAN T-41 EW  
CLIENT: BISHOP (the "Client")  
CIVIC ADDRESS:  
79 RIVER DRIVE N.  
ROCKY VIEW COUNTY, ALBERTA  
Date of Title Search: MARCH 7, 2019; TRN No. 021 090 443  
Date of Survey: APRIL 6, 2019

**CERTIFICATION:**  
I hereby certify that this report and related survey, was prepared and performed under my personal supervision and in accordance with the standards of the Practice of the Alberta Land Surveyors' Association and supplements thereto, according to the standards and as of the date of this report, I am of the opinion that:

- the Plan illustrates the boundaries of the property, the improvements and easements shown thereon and in accordance with the standards of the Practice of the Alberta Land Surveyors' Association and supplements thereto, and right-of-way affecting the extent of the use of the property;
- the improvements are entirely within the boundaries of the property; EXCEPT DECK AND STEPS INTO ELBOW RIVER AS SHOWN;
- no visible encroachments exist on the Property from any improvements situated on an adjoining property;
- no visible encroachments exist on registered easements, or right-of-way affecting the extent of the property;
- PROPERTY IS SUBJECT TO:  
1742 EW - CAMELOT RE: DEVELOPMENT AGREEMENT

**LEGEND:**  
All dimensions are in metres and decimals thereof.  
Statutory Iron Pin found shown thus: .  
Iron Bar found shown thus: .  
c.m. denotes center mark.  
Unless otherwise specified, the dimensions shown relate to distances from property boundaries to extent of the foundation walls only at the time of the survey.  
Fences are within 0.20 metres of property line unless otherwise noted.  
Fences shown thus: .  
Easements are dimensioned to the boundary and shown thus: .  
Subject property is outlined thus:

**PURPOSE:**  
This Report has been prepared for the benefit of the Property owner, subsequent owners and any of their agents, for the purpose of (a) land conveyance, support of a subdivision application, a mortgage application, a submitted to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of those parties. Where applicable, registered documents, utility rights-of-way and other legal interests affecting the extent of the property have been shown on the report. Unless shown otherwise, property center markers have not been placed during the survey for this report. This report should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

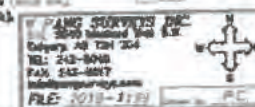
Dated at Calgary, Alberta  
this 12 day of MARCH, 2019.

William Pang, A.L.S.  
(Copyright reserved)  
This Report is not valid unless signed by (NAME AND)  
and W. Pang Surveyors Inc. Printed stamp (red ink)

**SCALE = 1:400**

**ALBERTA LAND SURVEYORS' ASSOCIATION**  
Calgary AB T2N 2E4  
TEL: 243-8048  
FAX: 242-8017  
info@alberta-land-surveyors.com  
FILE: 1019-3189

## DUBROVNIK &amp; FANG LIBRARY NO. 2043





262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## Decision of the Municipal Planning Commission

This is not a development permit

Teresa N & Matthew R Weir

**Development file #:** PRDP20202490

**Issue Date:** October 30, 2020

**Roll #:** 03913093

Rocky View County's Municipal Planning Commission conditionally approves your August 25, 2020 development permit application for the operation of a vacation rental within an existing dwelling, single detached at 79 River Drive North subject to the conditions as follows:

### Description:

1. That the *Vacation Rental* (Airbnb) may operate on the subject property, within the existing dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

### Permanent:

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the *Vacation Rental* shall be limited to the dwelling, single detached.
5. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
6. That all customer parking shall be on the Owner's property at all times.
7. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
8. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
9. That the operation of the *Vacation Rental* shall be subordinate and incidental to the principal use of the dwelling unit as an owner-occupied residence.



10. That any minimal exterior modification of the structure or grounds may be considered by the County upon request, to ensure that no additional permits are required and that it is not changing the residential character of the property.

**Advisory:**

11. That a Building permit and applicable subtrade permits shall be obtained through Building Services, if required, prior to commencement of the *Vacation Rental*.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
13. That this Development Permit shall be valid until **November 25, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).



Jerry Gautreau, Chair  
Municipal Planning Commission

*This is not a development permit*



**ROCKY VIEW COUNTY**  
Cultivating Communities

**Notice of Appeal**  
Subdivision and Development Appeal Board  
Enforcement Appeal Committee

<b>Appellant Information</b>		
Name of Appellant(s) <i>Michele &amp; Joe Longo</i>		
<div style="background-color: black; height: 50px;"></div>		
<b>Site Information</b>		
Municipal Address <i>79 River Drive N</i>	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <i>Lot 6 Block 8 Plan 1741</i>	
Property Roll # <i>03913093</i>	Development Permit, Subdivision Application, or Enforcement Order # <i>PRDP20202490</i>	
<b>Appealing Conditions</b>		
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order
<b>Reasons for Appeal (attach supporting documents if required)</b>		
<p><i>Attached.</i></p> <div style="text-align: center;"> </div>		

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-290-1401.

*[Signature]*  
Appellant's Signature

*Nov 20/20*  
Date



**Subject:** FW: Re[3]: [EXTERNAL] - Vacation rental regulation  
**From:** [HMclnnes@rockyview.ca](mailto:HMclnnes@rockyview.ca)  
**Sent:** 2020-09-18 11:13:50 AM  
**To:** [REDACTED]  
**CC:** [TCochran@rockyview.ca](mailto:TCochran@rockyview.ca); [GNijjar@rockyview.ca](mailto:GNijjar@rockyview.ca)

Good Morning Michele,

Our Executive Director discussed your situation with me, as you and I had a similar conversation a few weeks back.

Rocky View County understands the situation you are currently under, and whereas we cannot control an application or the decision once it has been submitted, we can offer to waive the appeal fees. As this is a new use under our Land Use Bylaw, our Executive Director, Theresa Cochran has agreed to this waiver, to allow you the opportunity to file an appeal if you feel the conditions set do not address the concerns you currently have with the operation.

I hope that helps to alleviate at least one of the concerns you have. Unfortunately, our office has no further control on the outcome of an application at this point, it will need to run through the process as identified by the Municipal Government Act.

Please let us know if we can be of further assistance to you. As I mentioned in our conversation, please feel free to reach out to me if you have any questions or require help regarding what can be a complicated process. I'll be happy to assist you.

Best Regards,

HEATHER MCINNES

Acting Supervisor Development Compliance and Development | Planning and Development Services

ROCKY VIEW COUNTY

262075 Rocky View Point | Rocky View County | AB | T4A 0X2

Phone: 403-520-8153

[hmcinnes@rockyview.ca](mailto:hmcinnes@rockyview.ca) | [www.rockyview.ca](http://www.rockyview.ca)  
[developmentcompliance@rockyview.ca](mailto:developmentcompliance@rockyview.ca)

This e-mail, including any attachments, may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of this information is prohibited and unlawful. If you received this communication in error, please reply immediately to let me know and then delete this e-mail. Thank you.

We are appealing the conditions of this development as the conditions described in the Decision of the MPC which could help us are either inapplicable to our situation or unenforceable and there doesn't currently exist any bylaws or conditions for this new land use that address its unique issues.

We require enforceable conditions because this development which began operating August 2019 has affected the use and enjoyment of our property. These have been the main issues:

- Parties daytime and late night which affect my ability to work from home, enjoy our backyard in peace, and sleep at night. The owner of this full-time vacation rental chose to market to groups, it's rented an estimated 90% of the time and the owner lives in Calgary. The RCMP hasn't responded when we've called either for parties or trespassing as this is a low priority call. Bylaw Enforcement told us they don't respond while a party is happening due to the danger of coming to a party where unknown people may be drunk/high and have weapons. So we or another neighbour have had to go and confront these groups usually late at night and it is incredibly stressful.
- Wood smoke, heavier than what we typically see here, almost every day there are guests in the rental. We can handle some smoke but not at this volume all year, this heavy, and inside our house. This has meant keeping our windows closed in the summer, has restricted when we can use our backyard and has changed when and how we can use our furnace and make-up air to limit the smoke from coming in our air intake as we've yet to find an air filter that can block smoke without damaging our furnace.
- One-off issues that if there was an on-site owner or manager we wouldn't be experiencing. This includes: disruptive late night arrivals, dangerous outdoor fires (in dry windy conditions the day before a ban comes on or during a fire ban) burning a noxious substance, extra people camping in the driveway which is right beside our bedroom window, outdoor lights left on all night which shine directly in our living room window. We're less concerned about these as they're infrequent but they add to the stress of having no consistency of what we're living next door to.

Our most significant issue used to be repeated trespassing which caused me to feel unsafe and without privacy at home. We had several instances of individuals and groups directly behind our house which is mostly windows facing to the river. We let the owner know but he didn't take any action. We eventually put up a privacy fence and asked the owner to pay half the cost of materials which he did. We haven't noticed any trespassing since.

We felt that our best hope of getting the owner to address our issues was to journal everything over many months and present it in an objectively worded document because altogether it would have more impact. We gave them the journal June 28 and told them they would be needing to get a development permit which they didn't know. We offered to meet with them if they wanted to discuss. They never followed up with us to apologize or let us know if anything would change.

Parties and noise did decrease after that but we assumed it was because it was now July, the minimum stay was longer and nightly rate was likely higher so there were better guests. We also thought the threat of needing a permit was somehow keeping things in check and we suspected noise monitors had been installed. We were worried that once the permit was approved the loud parties would return. Notice of the approved permit came out in early November. The following Friday we had to call the RCMP on a loud late-night party. They didn't come but the party ended at 11:30.

Because we've had no communication or assurances from the owner, no relationship where trust has been developed, and the severity of the loss of our enjoyment and use is so significant, we require enforceable conditions for this development to operate. We can't take the risk of being trapped in this situation with nothing to protect us for the three year period the permit covers. Here are the details of our two main issues we're hoping conditions can mitigate.



### **Parties/Noise**

This rental is occupied primarily by Airbnb groups an estimated 90% of the time. In high season, it's about two empty nights per month and now in low season it seems to be empty about two nights per week. The vast majority of guests are not away in the day; they are at the rental and in the backyard if weather allows. Noise, and the music they used to bring, gets amplified if they're near the river and carries far. I work from home and would like to be able to have the windows open on a nice day or perhaps work outside. We also like to sleep with the windows open for the fresh air and sound of the river but between the parties and smoke we have to keep our windows closed most the time.

Sometimes more people come out for the party but don't stay overnight. There is no bylaw against daytime parties so we typically wait until 10:00 and then try to decide if it's likely to end soon, if we can put up with it or we need to go deal with it. We have had weeks where it was a loud party most days and nights.

We did know from RVC that if we called in every instance of an issue to Bylaw Enforcement or the RCMP their permit would likely get denied but we desperately just needed the parties to stop and hoped there would be other solutions. Also, it wasn't always possible to determine if the party was next door because of how sound travels in the river valley. This meant getting out of bed to walk up the street to confirm it was the Airbnb. We then had a choice to call Bylaw Enforcement who we knew wouldn't come or, seeing as we were now up, going over ourselves to try to shut it down.

### **Wood Smoke**

The wood smoke is almost every day and night that the rental is occupied, summer and winter, and seems to be about 5-10 hours per day. Whether indoor or outdoor, these are not clean burning fires. We told the owner we thought there was an issue with his firewood and perhaps guests didn't know how to make a proper fire indoors. Poor firewood means heavier stronger-smelling smoke that doesn't rise and instead stays low and lingers. Outdoor fires can leave our backyard in a haze and often the haze extends to the river valley which can ruin a nice clear sunny day and our freedom to be outside unless the wind is in our favour. It is exhausting to have so little access to fresh air at home and I get a sore throat from the smoke if I'm in it too long.

We think the smoke might not be as heavy since we spoke to the owner on June 28 as the river valley hasn't been full of smoke since but we still get haze in our yard quite often.

The novelty of a wood fire wears off when you're a resident but tourists seem to want it for the duration of their stay and with high occupancy at the rental this goes far beyond what we'd be dealing with if a typical resident lived there. Also, my experience is that residents who like frequent fires invest in quality fireplaces, chimneys and firewood because they're the ones having to breathe and see their own smoke.

We're currently experimenting with different kinds of furnace filters and it seems the ones dense enough to block smoke (the finest particles to block) can restrict airflow to the point where you can damage the furnace and we've been told not to use those by our furnace supplier.

### **These are the relevant conditions in the MPC Decision but they aren't enforceable.**

Condition #9 (the Vacation Rental shall be subordinate and incidental to the principal use of the dwelling as an owner-occupied residence) isn't applicable as this is a full-time vacation rental.

Condition #8 addresses noise, smoke, fumes and glare however I was told by RVC Bylaw Enforcement this would be too subjective to be enforceable.