



WADDELL PHILLIPS

April 20, 2020

Our File No. 40215

BY EMAIL – PublicSubmissions@calgary.ca

Office of the City Clerk
The City of Calgary
700 Macleod Trail SE
P.O. Box 2100, Postal Station M
Calgary, AB T2P 2M5

Attention: City Clerk

Dear Sir or Madam:

**RE: Public Hearing of Calgary City Council Planning Matters
Monday, 2020 April 27, commencing at 9:30 a.m.**

With regard to the above-referenced Public Hearing, please find attached the following:

Written Submissions of Brodylo Farms Ltd., including attachments as follows:

1. Letter to H. Chan re: Council Hearing, including attachments:
 - a. Affidavit of J. Stewart;
 - b. Affidavit of L. Chisholm;
 - c. SOLE-Declaration
 - d. SOLE-Order-Facilities-Closures-Restrictions;
 - e. SOLE-Order-International-Traveller-Self-Isolation;
 - f. SOLE-Declaration-Renewal; and
 - g. SOLE-Order-Revocation-of-Facility-Restrictions;
2. Burgess Environmental Report;
3. Appendix A to Burgess Environmental Report;
4. Brodylo PowerPoint;
5. Urban Systems letter;
6. Urban Systems report, as set out in Urban Systems letter; and
7. Statutory Declaration of Leslie Chisholm.

john@waddellphillips.ca

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We request that our clients' Written Submissions and attachments be included in the Agenda of Council for the Public Hearing of Calgary City Council Planning Matters, scheduled for Monday, 2020 April 27, commencing at 9:30 a.m.

Should you have any difficulties opening the attachments, all of which have been sent to you via TitanFile, please do not hesitate to contact Val Teichroeb @ 403-701-7725 or val@waddellphillips.ca for assistance.

Yours truly,
Waddell Phillips Professional Corporation

John Kingman Phillips
JKP/vt
Attachments

cc: H. Chan

WRITTEN SUBMISSIONS OF BRODYLO FARMS LTD.

RE: PROVIDENCE AREA STRUCTURE PLAN

(PROPOSED BYLAW 21P2020)

CITY COUNCIL HEARING ON MONDAY, APRIL 27, 2020

SUBMITTED ON:

April 20, 2020

SUBMITTED BY:

WADDELL PHILLIPS PC

Barristers

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Lawyers for Brodylo Farms Ltd.

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OVERVIEW

1. This is the second time that the Providence Area Structure Plan (“ASP”) is before City Council for approval. This new rendition of the Providence ASP suffers from the same fundamental substantive and procedural flaws that led to the original being quashed by the Court of Queen’s Bench. It should not be approved now, just as it should not have been approved in 2015.

2. These submissions are further to our letter to the City’s legal representative (Henry Chan) dated March 31, 2020 (a copy of which is attached for Council’s review and consideration). These submissions are also supplemented by a report of Gordon Johnson of Burgess Environmental, an engineer and expert in water planning matters. In addition, Leslie Chisholm, on behalf of the Brodylo Family, is submitting a series of PowerPoint slides outlining some of the substantive concerns with Providence’s planning, including incorrect or incomplete data, amongst other flaws. The present submissions provide a general overview of the concerns of the Brodylo Family and address aspects of the procedural fairness that was denied to the Brodylo Family throughout the Providence ASP process.

3. In short, the City must not allow this massive planning project, which will have an extreme detrimental impact on the Brodylo Family and other surrounding landowners, to be approved at this time. In particular,

- (a) the current Master Drainage Plan (“MDP”) contains serious and uncorrected errors;
- (b) the errors in the MDP, if not corrected, threaten to flood the Brodylo Farm and surrounding area;
- (c) City planners ignored recommendations from their own independent third party reviewers – including the need for further and better studies prior to approving the MDP and proceeding with development;
- (d) throughout the Providence ASP process the Brodylo Family has not been meaningfully consulted and was denied procedural fairness by hostile City planners;
- (e) City planners have clearly engaged in shadow planning for the Brodylo Farm and have not produced such plans, or revealed their existence, to the Brodylo Family or City Council; and
- (f) the COVID-19 pandemic threatens meaningful participation and scrutiny of a highly contentious planning decision by the Brodylo Family and the public at large.

4. The Brodylo Family is not hostile to the general development of the Providence ASP area. On the contrary, they simply want to be treated fairly and to have their interests, the interests of the environment within and surrounding Providence, and the interests of the public more generally, accounted for, respected, and protected. The City must not approve the Providence ASP without having a full picture of what it entails. This is particularly true when City planning intends to bind others in the future to the planning decisions it is making today.

5. If this Council intends to undermine the future integrity of the Brodylo Farm and its surrounding environment, as well as the property rights of the Brodylo Family, in order to advance the interests of Providence's private developers, it ought to do so candidly, openly, with a record containing complete and accurate information, and in full view of the public. Such is the minimum requirement of responsible municipal governance in a free and democratic society.

THE BRODYLO FAMILY

6. Brodylo Farms Ltd., is a family farm corporation that is owned by Leslie Chisholm, Reid Brodylo, John Brodylo, and Ellen Brodylo (together the "Brodylo Family"). The Brodylo Family owns a large farm property located at the edge of the southwest limits of the City of Calgary (the "Farm") which is approximately 129.5 hectares (320 acres) in size. The Farm contains a large wetland complex approximately 20.3 hectares (50 acres) in size that the Brodylo Family have diligently stewarded since the Farm was purchased in 1958.¹

THE PROVIDENCE ASP AND JUSTICE SULLIVAN'S DECISION

7. Providence was commenced in October 2014 as one of the City's first developer-funded ASPs. Its boundaries cover an exceptionally large area of approximately 816 hectares (2,016 acres) of land.

8. This Council approved Providence in 2015 and it was subsequently quashed on judicial review in February 2019 by Justice Sullivan of the Court of Queen's Bench.² Justice Sullivan quashed the ASP on substantive grounds (its failure to include drainage planning). He left open,

¹ Maps and photographs of the Farm's location and basic geography are provided in the report of Gordon Johnson of Burgess Environmental and in the Brodylo Family's PowerPoint presentation.

² *Brodylo Farms Ltd v Calgary (City)*, 2019 ABQB 123

as an issue that was moot in light of his decision on substantive grounds, whether the Brodylo Family was denied procedural fairness.

CORE CONCERNS ABOUT PROVIDENCE’S STORMWATER PLANNING

9. Since early 2015, the Brodylo Family has persistently raised concerns about the Providence ASP’s stormwater and drainage planning with the City and with the private development interests who are directing and funding the Providence ASP. As this Council is aware, Providence was one of the City’s first developer funded and directed ASPs. As far as the Brodylo Family is aware, the legality of such an approach to a statutory plan under the Alberta *Municipal Government Act* has not yet been tested in Court.

10. The Brodylo Family identified, from an early point, that Providence’s drainage planning was inaccurate and relied upon false assumptions about water flow into and out of the ASP boundaries. They believed that, if the drainage planning was left in the forms being proposed, the planning would threaten to create widespread flooding in areas outside of the Providence ASP borders – including onto their Farm.

11. The Brodylo Family now believes that someone sought to redirect or dam water onto the Farm in order to maximize developable land within Providence. At the same time, an expansion of water held on the Farm would set up the Brodylo Farm to function as a large stormwater retention pond, obviating the need for Providence’s developers to retain water on their properties.

12. From the available indications in EXP’s Master Drainage Plan (the “MDP”), Providence planners appear to intend to dam and flood the Farm’s wetlands by misrepresenting the pre-existing natural drainage courses flowing into the Providence ASP area from its western border. The MDP, if binding on future planning, will prohibit the restoration of proper functionality and natural water flow to a critical high-volume culvert under 53rd Street – a culvert that City employees or contractors likely damaged and clogged during prior road work and which caused significant flooding to the Brodylo Farm.

13. The core concern of the Brodylo Family, which City planners refuse explicitly to address, is that since 2015 plans were put in motion to expropriate the Farm’s wetlands and curtail potential uses of their Farm to the benefit of Providence’s development interests. The Brodylo Family’s

consistent hostility to Providence revolves around their concern about this shadow planning of their Farm and the City's failure to provide the records and details of such planning.

14. The City has kept such planning records and information hidden from the Brodylo Family – and from this Council. The Brodylo Family believes once this ASP is approved City planners move to implement their larger plans for the Brodylo Farm as the ASP, and the MDP incorporated into it, will then bind all future development – even if it contains significant and presently known errors.

CITY'S REFUSAL TO PROVIDE SHADOW PLANNING INFORMATION

15. To determine if their concerns and suspicions were justified, the Brodylo Family, over the last five years, has consistently requested access to studies and technical data from both the City and from the private developers' consultants (including EXP). The City, and the private developers behind Providence, have routinely delayed or ignored such requests until planning documents were "finalized". When information was provided, it was usually only provided piecemeal and with key data missing.

16. The Brodylo Family repeatedly requested information from the City about how the Providence development would impact their Farm. They were, and remain, concerned that Providence's planners, intentionally or otherwise, were not properly accounting for pre-development drainage patterns in the area surrounding Providence and that the Farm and its wetlands were, and are, in jeopardy. They requested that the City's Planning Department ensure the completion of all necessary studies and modelling prior to planning approval and that these, and all underlying technical information, be provided in a timely manner prior to the City's approval to the Brodylo Family for their review and comment.

17. To this end, a member of the Brodylo Family, once it became clear that the City was not providing timely access (or any access) to relevant information, requested the City's records through a *Freedom of Information and Protection of Privacy Act* ("FOIPP") request. The City refused to provide significant swathes of information when this request was made and is still preventing disclosure of key information through the use of questionable redactions. Municipal planning is the quintessential public interest concern requiring the widespread and full dissemination of information to ensure that there are real mechanisms for civic participation.

Documentation that is directly related to planning matters simply must not be withheld from the public. The Brodylo Family believes that some of the information being withheld relates to the suspected shadow planning of their Farm referred to above.

18. In addition to the City's failure to provide the existence of such shadow planning records, the Brodylo Family notes that the City and the private development interests have not provided the Brodylo Family with access to the following documents, all of which are important to providing Council with insight and information into the ramifications of approval of Providence:

- (a) Road design documentation within Providence which will allow the Brodylo Family or others to determine future culvert designs, sizes, elevations, and function, as well as where road drainage will be directed;
- (b) Stripping and grading plans which, apparently have already been approved by City planners and which will provide the Brodylo Family with some indication of what degree of water impoundment City planners anticipate on the Farm;
- (c) Data collected on buried culverts under 53rd Street that were subsequently excavated which will show the degree to which the existing roadway is permeable to water and whether 53rd Street is operating as an effective "dam" against water flow;
- (d) Piezometer groundwater flow data, including flow velocity, volume, and gradient mapping which will help the Brodylo Family and Council understand future drainage paths;
- (e) Piezometer core logs and all associated data with them including, in particular, water level, lithology, flow measurements, salinity, pH levels, and water chemistry which were taken from wells that were drilled from lands immediately to the east of 53rd Street across from the Farm;
- (f) 1:500 year flood event modelling;
- (g) Stormwater emergency escape flow routes required for a 1:100 year flood level; and
- (h) Modelling of water volumes for future retention on the Brodylo wetlands post-development.

19. None of this documentation has been made available and, if provided, it would assist the Brodylo Family or other potentially impacted parties in advising this Council of what dangers the Providence development and the MDP poses in the future.

20. If Providence, and the MDP, are to bind future development on the Brodylo Farm, the City's planners must disclose and provide *all* planning information concerning the Farm and the surrounding area to the Brodylo Family and to this Council. Otherwise, this Council cannot know what effect its decision to approve Providence will have on other landowners. *At a bare minimum, City planners and private developers should provide a public assurance to this Council that all records and information relating to planning matters concerning the Brodylo Farm were provided to the Brodylo Family and were available to Council.*

FAILURE OF THE CITY MEANINGFULLY TO CONSULT AND BIAS AGAINST THE BRODYLO FAMILY

21. While the City alleges to have engaged in “extensive consultation” with the Brodylo Family during the Providence ASP process, there is little, if any, record that will show this to be the case – aside from an occasional few open houses where the Brodylo Family was told what was happening rather than being provided an opportunity to participate. This was never a consultation – it was a private developer funded and directed project meant to serve the interests of those within Providence and not those outside of it. The City's planners were caught in an undeniable conflict of interest and sided with those directing the ASP rather than with those impacted by it.

22. From the very start, the private developers and City planners were not open or forthcoming with information about Providence. At least 14 closed-door planning meetings were held about Providence when core planning was being completed between 2014 and 2015. The Brodylo Family was excluded from all of these.³ On February 3, 2015, a member of the City's Planning Commission, advised the Brodylo Family that “only the Providence ASP's members... are invited to discuss plans.”⁴ The only access that the Brodylo Family had to information about ongoing Providence planning prior to the ASP document being completed was the very limited information

³ See included Statutory Declaration of Leslie Chisholm at para 48.

⁴ Statutory Declaration of Leslie Chisholm at paras 17-19.

that was made public at two “open house” events or the Providence website.⁵ The current Providence ASP is virtually the same as the earlier ASP – and the only difference now is that a MDP was completed.

23. City planners, when pressed by the Brodylo Family for information about Providence and for inclusion within the ASP, were hostile to them – evidenced, most notably, immediately prior to the approval of the first Providence ASP, by a City planner’s use of an alleged “legal briefing”, kept from the Brodylo Family, that was used to defame them and undermine their standing to challenge the earlier Providence ASP before this Council.⁶ The City planner then proceeded to celebrate her triumph over the Brodylo Family when Council approved the ASP with other members of the City’s Planning Department.

24. Any overtures at “consultation” with the Brodylo Family were generally a matter of providing final reports once completed, or substantially completed, and then asking for “feedback” on the reports. The Brodylo Family was not involved in early planning because, as is becoming more and more clear, their Farm was being set up to become a key stormwater retention pond for the Providence development.

25. This Council should familiarize itself with the boundaries of Providence and consider why Providence’s boundaries artificially cut out the Brodylo Farm from the initial 2006 Providence ASP study area while including areas immediately to the Farm’s south. Earlier planning covering the Providence area included the Farm within its boundaries. The Brodylo Farm was likely considered inconvenient to include in the 2015 Providence ASP boundaries as some planning interests believed that the Farm could function as a water retention area and, if the Brodylo Family was included, they would obviously fight against such a plan as this would hinder the use of their land.

26. The record before this Council plainly shows that the City has consistently treated the Brodylo Family as a nuisance to the Providence development project, rather than as landowners and residents of Calgary with interests that deserve consideration and protection. This approach

⁵ Statutory Declaration of Leslie Chisholm at paras 20, 23, 37, 39-40 and 41.

⁶ A copy of this document, and the history behind it, is provided in the publicly filed affidavit evidence of Leslie Chisholm from Brodylo Farms’ judicial review proceeding from the first Providence ASP and attached to our firm’s earlier letter dated April 1, 2020 to the City’s legal representative.

has denied the Brodylo Family fair consultation throughout all stages of Providence’s planning including, most importantly, at its initial stages when plans were likely made that would directly impact the Farm. Their voices should have been heard from the very beginning but were intentionally cut off.

27. The British Columbia Court of Appeal’s statement in *PSD Enterprises* confirming the procedural fairness obligations owed in a bylaw approval process should be kept in mind when this Council considers approval of Providence:

...a municipal council, as well as its “officers and committees”, have a duty to maintain procedural fairness at every stage of the bylaw approval process. This duty exists during “preliminary investigations” and all subsequent proceedings through to the “final result”.⁷

THE CITY’S FAILURE TO ACT ON ITS INDEPENDENT REVIEW

28. In late 2019, the City proceeded with an independent review of the MDP (the “Review”). During the Review, Urban Systems did not directly communicate with the Brodylo Family and it was not made aware of many of the Brodylo Family’s concerns about the MDP. The Review was directed by City planners and the Brodylo Family kept in the dark about the review until it was completed.

29. The Review nevertheless concluded that the MDP was flawed, relied upon inaccurate assumptions, and in need of additional studies.⁸ Key findings of the Review that were ignored or inadequately addressed in the final MDP include:

- (a) The existence of inconsistencies between the MDP and regional studies – including the MDP’s failure to explain how the Brodylo Farm’s south wetland flows southbound rather than eastbound;⁹
- (b) The MDP’s predevelopment hydrologic model is inaccurate and should be redone;¹⁰

⁷ *P.S.D. Enterprises Ltd. v New Westminster (City)*, 2012 BCCA 319 (“*PSD Enterprises*”) at para 76, **BA, Tab 21**.

⁸ A copy of the Urban Systems Review is included with these submissions.

⁹ Urban Systems Review at Section 2.

¹⁰ Urban Systems Review at Section 3.

- (c) The Brodylo Farm’s wetlands frequently spill across 53rd Street and will do so at a higher rate if the culverts are functioning and maintained properly;¹¹ and
- (d) Post-development modelling for east of 53rd Street should account for a pre-development flow rate of 2.4 L/s/ha (or more) from the Brodylo Farm’s southern wetland across 53rd Street (rather than the 1.4 L/s/ha that the MDP modelling accounts for – representing a 40% or greater reduction of water flow).¹²

30. As described in much further detail in the Brodylo Family’s PowerPoint and in the Burgess Environmental Report, Urban Systems recognized that the MDP’s modelling fails to account for proper pre-development flow rates from west to east across the Brodylo Farm’s wetlands into the Providence ASP area. The MDP was not adequately changed to accommodate this. Instead, the MDP proceeds on the assumption that damaged, buried, and poorly functioning culverts accurately account for pre-development water flow from west to east across 53rd Street. Urban Systems recommended that “a more detailed assessment of the wetland’s hydroperiod should be completed, and accommodation for wetland spill should be made in the downstream system through Qualico and Dream developments.”¹³ This should be done, in accordance with the independent review of Urban Systems, accounting for potential west to east flow rates from the Farm across 53rd Street of 2.4 L/s/ha at a minimum.

31. By proceeding with inaccurate and improper pre-development hydrological modelling, the approved MDP purports to bind the Brodylo Family to water flow rates off of their land significantly smaller than the flow rates that would naturally move from west to east. If the water cannot flow off their land, it must be retained on it. Future development will proceed with the assumption that the Brodylo Family, rather than the downstream development, must hold excess water, increasing the size of the southern wetland and flooding the surrounding environment. The City, coincidentally, can then claim for expropriation an artificially impounded water body and take land owned by the Brodylo Family for an increased stormwater pond.

¹¹ Urban Systems Review at Section 3.

¹² Urban Systems Review at section 4.2.

¹³ Urban Systems Review at Section 4.2.

32. The Urban Systems Review clearly recognizes that the pre-development hydrological modelling is flawed. It identifies that the modelling must be redone and that the Brodylo Family (and other surrounding landowners) may be bound to flawed modelling. As of today's date, the modelling has not been redone and the MDP was approved by the City's Water Resources despite its actual knowledge that the modelling was flawed.

33. It is astonishing that the City, after obtaining an independent review, then proceeded simply to ignore some of its core findings. The only explanation is that the City never intended to act on the Review and only obtained one in hopes of "checking a box" to prevent the Brodylo Family from arguing that the MDP was flawed before this Council. When this tactic backfired, City planners proceeded with a fundamentally unchanged MDP anyways.

THE COVID-19 PANDEMIC

34. The City now intends to proceed with approval of the Providence ASP while the COVID-19 pandemic is in full swing in Alberta and Calgary is in lockdown. This is not a simple run-of-the-mill plan but, rather, a massive 2,016 acre development that, the Brodylo Family understands, intends on moving quickly – with development occurring within the next few months. Public participation is critical and, due to the COVID-19 situation, will be non-existent as citizens are staying home and the City is providing little public notice of this hearing (in fact, the decision to proceed on April 27, 2020 was made on March 27, 2020).

35. My attached letter to the City's legal representation covers this issue in greater detail and explains why this approach amounts to one of the clearest denials of procedural fairness I have encountered in more than 30 years of legal practice. Please accept this letter as an extension of these submissions to this Council.

36. These submissions were prepared with great difficulty due to social distancing requirements and are rushed due to the City's very tight timetable for moving this to approval after only notifying the Brodylos of the hearing date at the end of March. We have done our best, and the Brodylo Family has done its best to meet the City's hard deadline of April 20, 2020 for submissions – a period of time covering roughly three weeks from the Brodylo Family receiving notification of the hearing and receipt of the ASP documentation smack in the middle of the greatest pandemic to hit our country in almost 100 years.

CONCLUDING COMMENTS

37. This Council has the power to approve contentious planning matters, subject, of course, to provincial and federal law. What it must not do, however, is approve a development plan with long-term and wide-ranging consequences when:

- (a) Affected parties and the general public lack relevant information – including potential shadow planning;
- (b) Planning assumptions are under a pall of suspicion from the City’s own independent reports;
- (c) City planners have failed meaningfully to consult with and consider the interests of affected parties; and
- (d) At a time when an extremely dangerous pandemic has forced the whole country into a lockdown.

38. Core democratic values underlying and justifying municipal governance are directly implicated here. We trust that Council will uphold these values and, at a minimum, put off approval of the Providence ASP until such time as it is in a position to receive meaningful and informed submissions from affected parties on a planning decision of importance to all citizens of Calgary.

All of which is respectfully submitted this 20th day of April, 2020



JOHN KINGMAN PHILLIPS

Waddell Phillips Professional
Corporation



WADDELL PHILLIPS

March 31, 2020

Our File No. 40215
Your File No. L7772

BY EMAIL – henry.chan@calgary.ca

URGENT

Law and Legislative Services
The City of Calgary
800 Macleod Trail SE
12th Floor
Calgary, AB T2G 2M3

Attention: Henry Chan

Dear Mr. Chan:

RE: April 1 and April 27, 2020 City Hearings

On March 25, 2020, our office received an email from Brendyn Seymour of the City of Calgary advising that the Committee on Planning and Urban Development (the “PUD”) is proceeding to approve the Providence ASP on April 1, 2020 and then proceeding to bring this to a City Council hearing on April 27, 2020. The correspondence we received makes clear that approval of the ASP by the PUD is a “done deal” and that any overtures about “public participation” are made to pretend that procedural fairness is being provided.

This letter serves notice that the City’s move to proceed with (re)approval of the Providence Area Structure Plan is a complete breach of all procedural fairness owed not only to the Brodylo family but also to all other landowners and members of the public who may be impacted. Most significantly, the City is acting in extreme bad faith by moving to approve a highly contentious Area Structure Plan during the COVID-19 pandemic. In my more than 30 years of legal practice, this is the absolute worst breach of procedural fairness that I have ever seen.

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THE CITY'S HOSTILITY TO THE BRODYLO FAMILY

The Brodylo family has been mistreated from the very beginning of the Providence ASP approval process. A map of the Providence ASP area shows that they were arbitrarily excluded from the ASP study area – likely in an effort to use their land for water retention and to prevent them from having knowledge of, or participating in, development planning. They were forced to bring a judicial review proceeding in the Court of Queen's Bench when the City attempted to proceed to approve the original Providence ASP without a Master Drainage Plan (MDP). They succeeded on this judicial review application and Providence was quashed. Notably, only after the ASP was quashed, did the Brodylos obtain a draft copy of the MDP for their review (but without underlying technical data or information).

The City's hostility to the Brodylo family includes overt acts by City planning members, particularly Jill Sonego, to defame and undermine the Brodylo family members to ensure that City Council would be unwilling to fairly hear their submissions when Providence first came for approval before City Council. I am including with this letter copies of documents my clients obtained by FOIPP, and which were provided in an Application Record and Affidavits of Leslie Chisholm and Judy Stewart filed in the Court of Queen's Bench as part of the Brodylos' successful judicial review proceeding of Providence.

THE CITY'S BAD FAITH DECISION TO PROCEED WITH ASP APPROVAL

From 2014 to 2020, the City appears to have had no urgency to have a proper MDP finalized for the Providence ASP. Now, for reasons that only the City (and the private development interests funding and directing Providence) knows, the Providence ASP is being rammed through, with a deeply flawed MDP, at a time when City business and the business of virtually every other industry has ground to a halt. The City is proceeding in the face of an independent third party review of the MDP that states that the MDP is seriously flawed and in desperate need of better and further studies.

It appears that the City believes that this is the most opportune time to get Providence approved as it will ensure that the Brodylos, and anyone else who may challenge Providence, will have an extremely difficult time getting proper submissions before Council and on the record. The City has taken an extremely hostile stance towards the Brodylos since they first raised issues with Providence in 2015 and this move to complete



the approval of Providence during the COVID-19 pandemic is the climax of a long line of bad faith actions by the City.

THE COVID-19 CRISIS

On March 15, 2020, the City of Calgary, pursuant to the *Emergency Management Act*, RSA 2000, c E-6.8, declared a state of emergency for the entirety of the City of Calgary's boundaries due to the pandemic spread of COVID-19. Subsequently, on March 19, 2020 the City renewed the state of emergency declaration, noting that the pandemic spread of COVID-19 continues and that the total number of cases in Calgary was increasing. As of this morning, Alberta had 690 confirmed cases, 422 of which were in Calgary. 8 Albertans have already died. I understand that, per capita, Alberta has amongst the highest number of cases of COVID-19 reported in the country to date.

On March 17, 2020, Premier Jason Kenney declared a public health emergency under the *Public Health Act*, RSA 2000, c P-37 due to the COVID-19 situation. The Province of Alberta has since required the closure of schools, day care facilities, and now all non-essential services in an effort to combat the spread of COVID-19. The Provincial Government is demanding that all persons who do not have urgent reasons to be out of the house remain at home so as to not endanger themselves or others. As of today's date, the Province is in the process of implementing significant fines and penalties for those people who carelessly endanger the lives of others. All mass gatherings are now restricted and subject to fines

Prime Minister Trudeau has long called for Canadians to stay home to the furthest extent possible. The Federal Government has now imposed mandatory quarantine rules on travellers returning to Canada, including heavy fines and jail time for those Canadians who refuse to do so. This includes a mandatory period of 14 days of isolation under the *Quarantine Act*, SC 2005, c 20.

As of March 29, 2020, Canada has 7,319 confirmed cases of COVID-19 and 82 deaths. Within the next several weeks, this number is expected to rise exponentially. Given the large number of Albertans who have tested positive, we can fairly safely presume that a good number of Albertans are soon going to be very sick – and that many more will die as a result of this contagion.



I am attaching with this letter some of the City's own bylaws and emergency orders covering COVID-19.

NOTICE OF BRODYLOS' DIFFICULTIES PARTICIPATING IN THE HEARINGS AND CONSULTING WITH COUNSEL AND EXPERTS

The COVID-19 crisis creates significant difficulties for my clients. In particular, John Brodylo, a key member of the Brodylo family, recently returned from international travel. He is subject to a government-ordered quarantine which will take him past the April 1, 2020 PUD hearing. He cannot physically meet with the other members of the Brodylo family to review and share documents, nor can he attend City hall to review any of the Providence ASP documentation that may not be publicly available.

The other members of the Brodylo family cannot access the physical resources of City hall during this time. Even if City would permit them to attend its premises to review documentation and records stored there, doing so would be dangerous to their health and the health of their family members. One member of the family, Leslie Chisholm has medical conditions which make her particularly vulnerable to the virus. In addition, one of the Brodylos' immediate family members has symptoms potentially consistent with COVID-19 and there is a risk that this individual will be sick, potentially significantly so, during the month of April.

The family, furthermore, will be unable physically to review documentation and information with their lawyers and consultants. They will be unable to attend portions of the family farm due to the stay-at-home recommendations (and a quarantine order) incumbent upon them. This means that they cannot complete physical reviews of the property and confirm whether particular data and information relied upon by the City and its consultants is accurate.

Following the City's provision of the finalized MDP in February 2020 to the Brodylo family, they have commenced investigations to determine if the studies provided within it (to the extent that they were disclosed - more on that below), are accurate. The City's third party consultant (Urban Systems) raised significant questions about the accuracy of the MDP and the Brodylo family consulted with its own expert (Gord Johnson) to review the MDP in February.



Part of Mr. Johnson and the Brodylos' review of the MDP involves physical inspection and measures of a number of different portions of the Brodylo land to verify the accuracy of information and assumptions relied upon within the MDP. They had anticipated obtaining this information in March to April of 2020 as the snow melts; however, the COVID-19 pandemic has complicated this and has prevented their expert (and the family members) from physically attending the property – given the recommendations of the Province and City to remain at home, and John's quarantine order.

CITY'S INCONSISTENT ACTIONS

We further note that our clients requested the City's cooperation in moving forward with civil litigation related to many of these same matters during the COVID-19 pandemic – including by way of teleconference or videoconference questioning. The City lawyer responsible for handling the Brodylos' civil claim for damages advised that the City was in a state of lockdown and was only able to handle essential business. I was advised that the City would not be moving their litigation forward until the COVID-19 crisis subsided. The City appears to want to create further delays for the Brodylos' civil litigation while, at the same time, forcing through MDP and ASP approvals. COVID-19 is an excuse when convenient and yet easily overcome when the City wishes to secure its own ends.

NOTICE OF LACK OF DOCUMENT PRODUCTION

Over and above these issues, the Brodylo family does not have access to all the documentation in the City's power or control related to the (new) Providence ASP. In particular, beyond what is provided in the MDP itself, the Brodylos do not have a copy of many of the studies or surveys, including technical information, underlying the MDP. This information has persistently been requested by the Brodylo family and our office. The City has, in turn, ignored these requests or advised that the information will only be made available once everything is "finalized".

Virtually every submission we have made to the City to date hits upon this point. Nevertheless, the City continues to refuse to provide this information. It is not facilitating an open and transparent process. As the MDP is now finalized, and the ASP as well it appears, the Brodylos should immediately have access to all information that provides the basis for the MDP and ASP – including all technical data relied upon. They should also have access to all correspondence between EXP, Urban Systems, and the City related to



the creation and review of the MDP and the ASP. The Brodylos, and City Council for that matter, are entitled to know the wide-range of problems that were identified with the ASP and MDP and to understand what is at stake if the MDP and ASP are flawed.

Even if the City now were to provide this information, and even if there was no COVID-19 outbreak, the Brodylo family would need significant time, potentially many months, to study and review the technical information, data, and consultations underlying the MDP and ASP. They note that the City has taken 6 years to produce the MDP. It is now asking the Brodylos to make submissions on that very document (without having any access to the underlying data and documentation not in the MDP itself) within less than a month.

The City knows that with the tight timeline for ASP approval, the Brodylo family cannot complete a full study of the ASP and the MDP data and prepare meaningful submissions to City Council. Add to this the COVID-19 pandemic and any participatory rights they may be alleged to have are no more than perfunctory.

We further note that the City's handling of John Brodylos' request under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, over almost 5 years (FOIPP File No. 005278) is completely inconsistent with a transparent and open public process. A large area planning decision is the quintessential public interest decision requiring consultation and participation and information to be provided to all stakeholders (and the public at large). The City has frustrated John's efforts to obtain some of the most significant documentation involved under extremely flimsy grounds. It is remarkable that a planning decision would require so many redactions to keep documents hidden from public access.

THE BRODYLOS' RIGHT OF MEANINGFUL PARTICIPATION IN THE CITY PROCESS

Meaningful participation is the legal requirement incumbent upon the City to meet the Brodylos' procedural fairness rights in this process. With this letter, the City is put on notice that the proposed plan to proceed with the *pro forma* approval of the ASP does not afford the necessary participatory rights that the Brodylo family has under the *Municipal Government Act*, RSA 2000, c M-26 and under basic principles of Canadian administrative law and constitutional law.



We note that many of these very procedural fairness issues were raised at the Brodylo family's previous judicial review application. Justice Sullivan, as he found in Brodylo family's favour on substantive grounds, did not make any findings on the procedural fairness matters as they were moot. The Brodylos intend to bring all of these matters before the Court once again, if the City is intent on pursuing its current path. The context of COVID-19 and the ongoing failure of the City to provide access to all relevant information to the Brodylo family accentuates the procedural fairness breaches beyond what was initially raised on judicial review of the first Providence ASP.

NOTICE OF FUTURE JUDICIAL REVIEW IF PROCEDURAL FAIRNESS IS NOT PROVIDED

If the City does not change course and respect the rights of the Brodylo family to meaningful participation in this process, including by providing access to all relevant information and providing a more reasonable date for the public approval hearing, the Brodylo family will commence a judicial review application and seek to have the Providence ASP quashed (again).

Please ensure that this letter is brought to City Council's attention and to the attention of the PUD. It should constitute part of the Certified Tribunal Record in the event that the City's ill-conceived and grotesquely unfair "public" hearings proceed in April 2020.

Yours truly,
Waddell Phillips Professional Corporation

John Kingman Phillips
JKP/JOP/vt
Attachments

c: Brendyn Semour

Form 49
[Rule 13.19]

COURT FILE NUMBER 1601-01681
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT BRODYLO FARMS LTD. and MARGARET BRODYLO, by her litigation representative, LESLIE CHISHOLM
RESPONDENT CITY OF CALGARY
DOCUMENT **AFFIDAVIT**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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AFFIDAVIT OF JUDY STEWART

Sworn on September 28, 2017

I, JUDY STEWART, of the Town of Cochrane, in the Province of Alberta, SWEAR AND SAY THAT:

1. The Brodylo family consulted with me prior to an open house on September 8, 2015 (the "Open House") that was put on by staff members from the City of Calgary ("City Staff") and developers promoting the proposed Providence Area Structure Plan (the "ASP"). I subsequently attended the Open House and, consequently, I have knowledge of the matters raised in the Applicants' fresh evidence application about the Open House.

PURPOSE OF AFFIDAVIT

2. I understand that this Affidavit will be used as part of an application to have fresh evidence admitted before the Court for judicial review of a Council decision of the City of Calgary ("City Council") which was made on December 7, 2015 to approve the ASP. I further understand that this Affidavit may be used, if permitted by the Court, as evidence in a judicial review hearing.

3. I was asked by counsel for the Applicants, John K. Phillips, to provide my assessment of what occurred at the Open House between Leslie Chisholm (“Leslie”), John Brodylo (“John”), and Reid Brodylo (“Reid”), collectively the Brodylo Family”, and various City Staff members and representatives of the developers.
4. In particular, I was asked whether, at the Open House, the members of the Brodylo Family:
 - a. Were aggressive to City Staff;
 - b. Failed to treat all people at the Open House with respect, honesty and dignity;
 - c. Were impolite, discourteous, or disrespectful to other people at the Open House;
 - d. Displayed disrespectful behavior towards Jolene Laverty and Jill Sonogo or if comments made by the Brodylo Family were “vexatious” and affected Jolene Laverty and Jill Sonogo’s dignity; and
 - e. Acted in a threatening manner.
5. At the time of swearing this Affidavit, I was not provided with the Brodylo Family’s application materials.

PROFESSIONAL BACKGROUND

6. I am a Barrister and Solicitor practicing in Alberta as a member of the Law Society of Alberta. I was called to the bar in 1998. My practice is primarily focused on municipal, environmental and water law and regulation in Alberta.
7. I was a member of Council for the Town of Cochrane, in the Province of Alberta for 9 years, serving as a Councillor for 6 years and Mayor for 3 years.
8. As an active local and regional watershed steward, I am interested, in both a professional and personal capacity, in issues relating to municipal wetland protection and management as integral components of sustainable urban development in the Calgary city-region.
9. I have extensive experience working on multi-stakeholder organizations toward municipal wetland protection and management. I served on the Alberta Water Council as an Alternate Director for many years, and, currently, I am a Director with the Alberta Lake Management Society. I also currently serve as a Director of the Calgary Region Airshed Zone (“CRAZ”) and was a Director of the Bow River Basin Council (“BRBC”) for several years. I am currently the chair of the Policy Committee for both CRAZ and BRBC where we review and report to the Board of Directors on emergent provincial and municipal natural resource management system policies, laws, and regulations - for example, the Alberta Wetland Policy.
10. In 2009, I published an article in the *Alberta Law Review* examining the implications of Section 60 of the *Municipal Government Act* and the impact that this section may have on providing authorization for Alberta municipalities to protect and manage local wetlands. The article emerged from my Master of Laws thesis entitled “Municipal Tools to Protect Wetlands and Riparian Lands in Alberta’s White Zone.”

11. In 2016, I completed my doctorate at the University of Calgary, Faculty of Environmental Design, with a dissertation that examined a reflexive legal framework for bridging organizations in regional-scale environmental governance and management.

THE BRODYLO FAMILY AND BACKGROUND TO THE OPEN HOUSE

12. I was first contacted by Leslie and Reid on or about September 2, 2015.
13. Leslie and Reid wanted to consult with me about issues the Brodylo Family were facing with respect to the ASP and its potential impact on a large wetland on their family farm.
14. I was advised by Leslie and Reid that an Open House was taking place on September 8, 2015 and that if I attended I would have the opportunity to ask questions about the ASP and the impact of future development proposed for the lands surrounding the wetland complex.
15. At the time of the Open House, I was in the process of completing my doctoral dissertation which was focused on issues of municipal governance and management of the environment – including, in particular, wetlands.
16. The Open House provided me with an opportunity to complete consulting work for the Brodylo Family and to further my research for my dissertation about the value that municipalities in the city-region were placing on permanent and naturally occurring wetlands. For example, I was researching whether municipalities in the city-region valued wetlands for the ecosystem goods and services they naturally provided to the benefit of society.

THE OPEN HOUSE

17. I arrived at the Open House earlier than most individuals, including the Brodylo Family.
18. Upon arrival, I signed in at the reception desk I was handed a brochure about the Open House. I spoke with her purposefully, to thank her for the information she had provided to me over the phone about the Open House.
19. From what I saw, the Open House was set up as simply a series of poster board props with a City Staff member, or agent of an ASP developer, standing beside each poster board. The information provided on the poster boards was not particularly sophisticated. It was more of an artistic rendering of planning ideas and an exercise in mapping, making it a sort of “show and tell.”
20. The Open House did not appear to me to be a meaningful effort to consult with landowners and stakeholders who may be affected by land development, as proposed in the ASP.
21. I went to a “wetlands” poster board and asked the City Staff member a number of questions about the City’s plans for protecting the wetland complex in and around the ASP planning area. The female who was standing next to the poster board was unable to answer my specific questions about setbacks and storm drainage management plans - for example, to direct contaminated runoff from the wetlands.

22. She directed me to a "Marcus" from the City's Water Resources department and she said he had not arrived yet. I completed this conversation before the Brodylo Family arrived at the Open House.
23. I was finally directed to Marcus Paterson ("Marcus"), the "Business Strategist" for the City's Department of Water Resources. I spoke with him about the ASP and specifically raised the issue of the large, permanent, and naturally occurring wetland on the Brodylo farm. Marcus ultimately stated to me that he did not believe that there should be separate treatment of the Brodylo property from the ASP planning area. I recall that he told me that experts in the water resources department were actually looking at proper management of wetlands on the whole landscape in the southwest aspect of the City, not just the lands included in the ASP planning area.
24. We talked at length about the importance of protecting and managing the large wetland on the Brodylo farm, and keeping storm drainage away from wetlands generally, unless the storm runoff and drainage was pre-treated in a storm drainage collection and treatment facility prior to release into the wetlands. I would like to think that Marcus was not simply humouring me when he made these statements. We had a very interesting and candid conversation and he handed me his business card before we parted.
25. While I was speaking with Marcus, the Brodylo Family arrived. I noticed Leslie was speaking with a woman in the south part of the room near the windows. At no point during this conversation did Leslie appear to be asking "rapid-fire" questions. At no point did Leslie appear to be "threatening" or "agitated". The two women seemed to be having a quiet two-person conversation, where both individuals were speaking and sharing ideas.
26. When I finished speaking with Marcus, I noticed that John and Reid were speaking with a male at the wetlands poster board, but I did not recognize the man. A female City Staff member was behind the male, who I believe may have been Jolene Laverty. I am not certain if she was the same person I spoke with briefly when I entered the Open House.
27. I walked over to listen in on John's conversation, because he appeared frustrated with the answers he was getting back from the man at the wetland poster board.
28. John stated that he had lost trust in the City in its handling of the ASP and that he did not trust the City to protect his family's wetlands during and after development of lands in the ASP planning area. He asked pointed questions about why a major transportation/transit corridor was being planned right adjacent to several wetlands in the complex, and that he could not see anywhere where the City had addressed storm drainage management and the creation of constructed wetlands to collect and treat the massive runoff that, in his opinion, should be directed away from the naturally occurring wetlands and not into them.
29. John asked, rightly in my opinion, questions about whether the City had applied the appropriate criteria for classifying the wetlands under Alberta's current system, and whether appropriate classification studies had been completed by qualified experts.
30. He also raised the issue of a blocked culvert and how, if he had not personally approached the City, the culvert would still be blocked and would have continued to flood his family's wetland and continued to destroy the lands' crop productivity.
31. In my opinion, as a past municipal mayor and councillor, John's questions were relevant to the materials presented on the ASP poster board about wetlands and answers ought to have been

forthcoming from those representing the City, who were being paid to be there to speak with people who had taken time to attend.

32. As a past town councillor and mayor, the man with whom John was speaking struck me as extremely rude and openly hostile to John. The man became increasingly annoyed and vexed without even trying to answer John's questions. The man became extremely defensive, loudly taunting and asking John if he thought City employees were incompetent. Eventually, the man yelled rather loudly at John that he didn't appreciate being told that he was incompetent.
33. I was shocked by the man's behavior, and I began to feel uncomfortable, so I left the Open House. I did not say a word throughout that situation, nor did Reid. Leslie was not anywhere near the wetland poster board when this conversation between John and the man occurred.
34. Throughout the conversation, I did not hear John say anything threatening or appear in any way to be threatening - although he was clearly exasperated by the man's aggressive behavior toward him and John was speaking louder than in his usual voice.
35. From what I did hear, John did not make any personal attacks nor did he make any inappropriate comments that could be misconstrued by a reasonable person as a "threat" or "hostile" action. He did not resort to foul or derogatory language. John simply pushed hard about key questions directly related to the City's treatment of wetlands in and near the ASP.
36. The tenor of the conversation, particularly on the part of the man at the wetland poster board made me physically uncomfortable, such that I wanted to flee immediately.
37. Within a few minutes after I signed out and left the Open House, I was joined by the Brodylo Family and we talked about the wetland and the ASP in general terms.
38. John apologized to me for my having witnessed what he called defensive and inappropriate behavior by the developer's consultant. (I was not aware that the man was not a member of City Staff). I openly wholeheartedly agreed with John from what I had witnessed. John said that the man taunted him to say the City Staff were incompetent. This conversation occurred outside the facility where the Open House was held.

OVERALL IMPRESSIONS

39. My impression of the Open House was that City Staff had adopted a strong "defensive" posture towards the Brodylo Family. City Staff were agitated by John's criticisms of the ASP process. I believe that John's questions, from what I heard, were fair, well-informed on the subject matter, and needed to be addressed by City Staff in a deliberately courteous manner. For example, John might have been invited to visit the City Staff office at a later date to discuss the matter in more depth so that both positions with respect to the wetlands might be fully explored.
40. I believe it is inaccurate (and extremely vexatious) for anyone to say that any member of the Brodylo Family displayed threatening behavior of any kind towards anyone at the Open House.
41. I believe that Leslie and Reid were very respectful throughout the Open House towards anyone they spoke to, and while John was clearly exasperated by the defensive behavior of the man by the wetland poster board, he nevertheless treated the man with respect in the circumstance where none was being

shown to him as a member of the public and an affected landowner. This is particularly true, given the remarkable and noteworthy rudeness shown toward John.

- 42. The man by the wetland poster board who was involved in the conversation with John, in my opinion, breached his obligation to the public to act with courtesy and respect to those who had come to the Open House for the purpose of gathering information from City Staff and the developer's representatives so that they could make informed submissions at subsequent public hearings.
- 43. I do not believe that anything I saw or heard that was said or done by any member of the Brodylo Family was an affront to the dignity of Jolene Laverty or Jill Sonogo. But, what I heard being said to John was an affront to me as a former elected official who understands the role of reasonable and well-informed municipal staff in these settings.
- 44. City Staff, particularly members of the City Planning Department, should be expected to handle detailed and informed questions about how City planning will impact individuals affected by such planning. They should behave reasonably and without feeling attacked when questions are asked of them. What I observed at the Open House was City Staff being wholly unprepared or unwilling to comment on matters that were of key importance to the Brodylo Family.
- 45. City Staff I spoke with, with the exception of Marcus, seemed very defensive and agitated when they were unable to answer questions that I raised about such topics as the wetlands, low impact development technologies, the design of the transit system and constructed wetlands for purposeful storm drainage collection and treatment.
- 46. I was never subsequently contacted by the City to discuss what occurred at the Open House, despite the fact that I was present throughout and despite the fact that I had signed into the event and had stayed there for a considerable time.

PURPOSE OF AFFIDAVIT

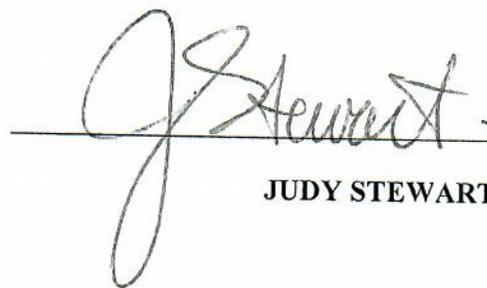
- 47. I swear this Affidavit to the best of my knowledge and recollection in support of the Applicants' application to admit fresh evidence in the Applicants' application for judicial review and potentially as evidence upon judicial review for no improper purpose.

SWORN BEFORE ME at Cochrane, Alberta,
this 28th day of September, 2017.



Commissioner for Oaths in and for the
Province of Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019



JUDY STEWART

Form 49
[Rule 13.19]

COURT FILE NUMBER 1601-01681
COURT COURT OF QUEEN'S BENCH OF
ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT BRODYLO FARMS LTD. and MARGARET
BRODYLO by her litigation representative,
LESLIE CHISHOLM
RESPONDENT CITY OF CALGARY
DOCUMENT **AFFIDAVIT**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT WADDELL PHILLIPS PC
Barristers
600, 630 – 6th Avenue SW
Calgary, AB T2P 0S8

Attention: John Kingman Phillips
Reception: (403) 617-9868
Facsimile: (403) 775-4457

AFFIDAVIT OF LESLIE CHISHOLM

Sworn on October 4, 2017

I, LESLIE CHISHOLM, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am one of the powers of attorney of the individual Applicant, Margaret Brodylo, and I am also an officer and director of the corporate Applicant, Brodylo Farms Ltd., (together "the Applicants") and, as such, I have knowledge of the matters herein except where stated to be based upon information, in which case I believe such information to be true.

BACKGROUND

2. In the Originating Application, the Applicants seek judicial review of the December 7, 2015 decision of Council and the Mayor for the City of Calgary ("City Council") approving the Providence Area Structural Plan (the "Providence ASP") without fully assessing the project's impact on the land owned by the Applicants immediately adjacent to it. The Applicants maintain that the Providence ASP failed to comply with statutory requirements under the *Municipal Government Act*, R.S.A. C-M-26 (the "MGA").

PURPOSE OF MOTION

3. On this Application, the Applicants seek:
 - a. An Order permitting the Applicants to adduce in evidence certain correspondence between City of Calgary ("City") staff members and City Council, dated December 3-4, and 9, 2015, as further particularized below as Exhibits "B", "C", "D", and "E", on judicial review;
 - b. An Order requiring the Respondent to produce fresh copies to the Applicants of correspondence between City staff members and City Council, dated December 3-4, and 9, 2015, as further particularized below as Exhibits "B", "C", "D", and "E", within 7 days of the date of the Order;
 - c. An Order requiring that the correspondence provided in Exhibit "D" of this Affidavit be treated as part of the Certified Record of Proceedings;
 - d. An Order permitting the Applicants to adduce in evidence the Affidavit of Judy Stewart, sworn September 28, 2017, at the Applicants' judicial review hearing as supporting evidence that representations made to City Council by City staff members in a December 4, 2015 memorandum were based on unsubstantiated or inaccurate information;
 - e. An Order requiring the City to disclose to the Applicants the names and positions of all persons who were present on December 7, 2015 at the *in camera* meeting of City Council, referenced at 10.5 of the Meeting Minutes in the Certified Record of Proceedings, within 7 days of the date of the Order; and
 - f. An Order allowing the Applicants leave to amend their Originating Application to include, *inter alia*, bias, appearance of bias, and inappropriate interference with a decision-maker amongst the grounds for judicial review.

FRESH EVIDENCE

The Freedom of Information Disclosures

4. On January 13, 2017, the City Clerk's Election and Information Services department at the City of Calgary (the "City") provided the Applicants with partial electronic disclosure of documents (the "Disclosures") that were requested by them pursuant to a freedom of information request under the *Freedom of Information and Protection of Privacy*. Attached hereto and marked as **Exhibit "A"** is a copy of correspondence from Meghan Maloley of the City to John Brodylo dated January 13, 2017 responding to the Applicants' request for records.
5. Upon review of the Disclosures, I recognized that certain documents within the Disclosures would briefly "flash" fully visible while I was scrolling down the page and were very faintly visible otherwise. When I opened the Disclosures in Adobe PDF software, I was able to make the faintly visible pages more clear and to view and print the documents. The Disclosures were visible within Adobe PDF software and I did not require any other software or a PDF manipulating program to view these documents.

6. On September 8, 2017, following a discussion with my lawyers, the content and subject matter of which the Applicants assert are strictly and properly solicitor-client privileged, I recognized that the documents I viewed were important to this judicial review application and that they should be entered into evidence.

7. I am providing these documents in this Affidavit and each is discussed below.

Document 1 – The Briefing Request

8. Attached hereto and marked as **Exhibit “B”** is a copy of email correspondence provided in the Disclosures from Jill Sonogo to Denise Jakal and Lesia Luciuk of the City of Calgary and from Jamal Ramjohn to Jill Sonogo and Denise Jakal dated December 3-4, 2015.
9. In the email chain, Jill Sonogo advises that Councillor Colley-Urquhart wished to move for an “*in camera*” hearing at the beginning of the Council meeting on Monday, December 7, 2015 and that she wanted to get a briefing note to Council. The email states that Ms. Colley-Urquhart wished to discuss the “Brodylo family concerns and behavior” with Council at the *in camera* hearing.
10. Ms. Sonogo and Mr. Ramjohn were actively involved throughout the Providence ASP process and, prior to the December 7, 2015 hearing, actively and publicly advocated for the Providence ASP to be approved by City Council.
11. Both Ms. Sonogo and Mr. Ramjohn were familiar with me and other members of the Brodylo family. They were openly hostile to our concerns about our wetland as well as our concerns about the process and substance of the Providence ASP. They were particularly concerned that our involvement in the Providence ASP threatened to slow the process down.
12. In the first part of the email chain provided at Exhibit “B” (the December 3, 2015 correspondence at 7:07 pm), I note, specifically, that, with respect to the legal analysis of the Applicants’ objections about and opposition to the Providence ASP process, Ms. Sonogo, who is a non-lawyer, advised Denise Jakal and Lesia Luciuk that “hint: they are not valid.”
13. The reasonable conclusion to draw from this is that, in contacting City lawyers, Ms. Sonogo was not looking for any kind of legal advice; rather, she sought a memorandum from City lawyers that would predispose City Council to approve the Providence ASP over the Applicants’ objections and opposition.
14. On December 4, 2015 at 9:05 am, Jamal Ramjohn, in an email to Ms. Jakal, requested that Ms. Sonogo put together a draft briefing document. He requested that Ms. Sonogo draft a short history of the “open house” and that she specifically mention the earlier notice of motion raised by the Applicants that was defeated. He also explicitly requested that Ms. Sonogo include in her draft administration’s position on the “appropriateness of engagement and impact of ASP on their lands.”
15. At 12:21 pm on December 4, 2015, Mr. Ramjohn emailed the draft briefing note that appears to have been completed by Ms. Sonogo to Denise Jakal. He requested that she “have a read and add anything [she’d] like.” He reiterated that the briefing note needed to be sent out by the afternoon, leaving Ms. Jakal a very short period of time to respond.

16. Mr. Ramjohn's request to Ms. Jakal on December 4, 2015 at 12:21 pm was not to obtain legal advice but rather to have Ms. Jakal simply add to what was already a *fait accompli*.

Document 2 – The Draft Council Briefing Document

17. Attached hereto and marked as **Exhibit "C"** is a chain of emails dated December 4, 2015 between Jill Sonogo, Jamal Ramjohn, Mayor Nasheed Nenshi, Councillor Dianne Colley-Urquhart and Ashley Parks.
18. Significantly, the email exchange, at 9:56 am, suggests that Ms. Sonogo was working on a briefing note, as per the request in Mr. Ramjohn's email exchange with her at 9:05 am. The exchange at 10:18 am, suggests that Ms. Sonogo completed a draft of a document for her supervisor, Mr. Ramjohn, to review. I presume that this is the draft, possibly with Mr. Ramjohn's edits, which was sent to Ms. Jakal at 12:21 pm by Mr. Ramjohn.

Document 3 – The Briefing Memorandum

19. Attached hereto and marked as **Exhibit "D"** is a copy of an email provided in the Disclosures from Denise Jakal to City Councillors and the Mayor's Office dated December 4, 2015, together with an attached memorandum, incorrectly dated May 16, 2016, from Denise Jakal and Jamal Ramjohn to all members of City Council (the "Memorandum").
20. The email states that Councillor Colley-Urquhart requested that City Council be provided with a briefing note from Law and that she believed the Memorandum was self-explanatory.
21. The Memorandum was, ostensibly, co-authored by a lawyer (Ms. Jakal) and a non-lawyer (Mr. Ramjohn). It provides factual assertions (without supporting evidence or documentation) and strong conclusions to be reached on the basis of these unsupported factual assertions.
22. The Memorandum includes highly inflammatory and factually inaccurate comments about my family.
23. Significantly, the Memorandum alleges a breach of the Respectful Workplace Policy at an open house on September 8, 2015 (inaccurately stated in the Memorandum as September 9, 2015), at which Ms. Sonogo and Mr. Ramjohn were both present.
24. Ms. Sonogo was an individual who was involved in filing a complaint against my family with the City's corporate security after the open house. She alleged to the City's corporate security that she was upset that her professional competence was questioned at the open house (a fact which further demonstrates Ms. Sonogo's adverse position to my family and its interests).
25. It is my understanding that Judy Stewart, who was present at the September 8, 2015 open house, is filing an Affidavit with the Court attesting to the inaccuracy of the representations made to City Council about the occurrences at the open house.

26. The Memorandum advises, for no reason relevant to the decision to be made by City Council, that my family was “known to Corporate Security” and that we “will be watched closely at the Public Hearing” even though it is readily conceded that we were never deemed to be a danger. The purpose of this statement was to disparage our reputation and standing before City Council and to make it difficult for our family to obtain a fair hearing about the impact of the Providence ASP on our wetland.
27. It is impossible to tell what sections of the Memorandum were written by Mr. Ramjohn (or, more likely, ghost written by Ms. Sonogo) and what sections were written by Ms. Jakal.
28. The Memorandum, at times verbatim, repeats what Ms. Sonogo directed for inclusion in the “legal briefing” in her December 3, 2015 email at 7:07 pm. The following are but a few simple examples of just how closely the Memorandum follows Ms. Sonogo’s language:
- a. Memorandum – “The Brodylo family was notified of the ASP and no violation of the Municipal Government Act has occurred.”

Ms. Sonogo’s email – “The Brodylo family... were notified of the ASP and no violation of the requirements of the Municipal Government Act has occurred.”
 - b. Memorandum - “The approval of the ASP will have absolutely no effect on the Brodylo wetland...”

Ms. Sonogo’s email – “Approval of the ASP will have absolutely no effect on their wetland...”
 - c. Memorandum – “Planning staff have engaged the Brodylo family to a higher degree than any adjacent landowner previously involved in an ASP process...”

Ms. Sonogo’s email – “We have engaged with [the Brodylo family] to a much greater extent than we ever have with a landowner adjacent to an ASP area.”
 - d. Memorandum - “All necessary studies have been undertaken for the ASP and all City policies have been followed.”

Ms. Sonogo’s email – “The requisite studies have been done” and “all Citywide policies regarding environmental protection are being followed.”
29. Given that Ms. Sonogo revealed in her email correspondence with Mr. Ramjohn that she was preparing a “draft” of a memorandum the morning of December 4, 2015, that Ms. Sonogo was asked by City lawyers to provide information about “corporate security concerns” (about which City lawyers had no information), and given how closely the Memorandum follows the language of Ms. Sonogo’s December 3, 2015 email, I believe that Ms. Sonogo likely drafted all or most of the Memorandum.
30. The Memorandum clearly reveals little, if anything, in the nature of meaningful legal advice – particularly given that Ms. Sonogo and Mr. Ramjohn had already, in substance, drafted the full Memorandum as of 12:21 pm on December 4, 2015 (it was sent to City Council at 3:39 pm on December 4, 2015).

Document 4 – The “Wetland Killer” Meme

31. Attached hereto and marked as **Exhibit “E”** is a true copy of an email provided in the Disclosures, dated December 9, 2015, from Ms. Sonogo to several City staff members, including Jolene Laverty and Mr. Ramjohn, and potentially to outside parties (I do not know the identity of each individual listed in the email).
32. Attached to the email is a meme, apparently made by Breanne Harder (another City staff member) which included a photograph of Ms. Sonogo with “WETLAND KILLER” in bold lettering at the top and “ASP STILL APPROVED” at the bottom (the “Meme”).
33. At the bottom of the email, Ms. Sonogo thanks the individuals listed in the email for their “hard work on the plan” and that she looked forward to seeing them at “our Celebration / Lessons Learned session next week!”
34. Ms. Sonogo also states that she “didn’t have [her] poker face on during the discussion about the wetland” suggesting that Ms. Sonogo was only “pretending” to care about the wetland issues and simply wanted the Providence ASP approved.
35. The email and attached Meme demonstrates that:
 - a. City staff were well informed of Ms. Sonogo’s adverse interest towards my family and our concerns about the state of our wetland;
 - b. City staff, and particularly Mr. Ramjohn and Ms. Laverty, shared Ms. Sonogo’s adverse position towards my family;
 - c. City staff believed that the approval of the ASP over my family’s objections was a “personal victory” for Jill Sonogo; and
 - d. Ms. Sonogo, Mr. Ramjohn and the other City staff members did not take the wetland protection concerns we raised seriously.
36. Ms. Sonogo sent the Meme to the various recipients on December 9, 2015, only two days after our hearing.

Use at the Hearing

37. At the hearing of our motion before City Council on December 7, 2015, City Council adjourned for an *in camera* discussion of a “legal briefing” immediately before our lawyer, John K. Phillips, made submissions, on our behalf, in opposition to the proposed Providence ASP.
38. A motion was made by Councillor Colley-Urquhart that City Council “Receive the Legal Briefing...” This motion was adopted and Council proceeded to convene *in camera* at 10:09 am. All of this is clearly shown at 10.5 of the Meeting Minutes from the hearing, which is provided in the Certified Record of Proceedings. For ease of the Court’s reference, I am providing a copy of the relevant portion of the Meeting Minutes as **Exhibit “F”** to this Affidavit.

39. For the above reasons, I believe that the Memorandum prepared by Ms. Jakal and Mr. Ramjohn (and likely Ms. Sonego), which was sent to City Council on December 4, 2015, was subsequently reviewed by City Council *immediately* before City Council heard and rendered a decision on our motion before them.
40. The minutes from the hearing reveal that Council adopted to “keep the In Camera discussions confidential pursuant only to Section 27(1) of the *Freedom of Information and Protection of Privacy Act*” thereby claiming that the *in camera* discussions concerned matters that were not to be subject to public disclosure only because they were solicitor-client privileged.
41. The context, and City Council's inappropriate claim to privilege of the Memorandum under Section 27(1) of the *Freedom of Information and Protection of Privacy Act*, suggest that City Council, other than Ms. Colley-Urquhart and possibly the Mayor, were not aware that the key findings of the Memorandum were the opinions and conclusions of a non-lawyer.
42. City Council was also likely not advised that Ms. Sonego was, as suggested by the above evidence, the chief author of the Memorandum and that Ms. Sonego (and Mr. Ramjohn) were adverse in interest to the Brodylo family.

Individuals Present at the In Camera Session

43. The Applicants do not know if only City Council and the Mayor met for the *in camera* session or whether other parties were also present.
44. Prior to the *in camera* session commencing, however, I saw several individuals that I did not recognize as City Council members or the Mayor proceed with Councillor Colley-Urquhart into the vicinity of the *in camera* meeting.
45. The City has not disclosed the identities of all persons present at the *in camera* session wherein the December 4, 2015 Memorandum was reviewed.

Lack of Disclosure of the Memorandum

46. The contents, or even a summary, of the December 4, 2015 Memorandum were neither revealed to me nor to any of the other Applicants before we made submissions before City Council.
47. The Memorandum was not included in the Certified Record provided by the Respondents.
48. It does not appear that the City considered even providing a “redacted” version of the Memorandum to the Applicants at any point prior to the hearing.
49. The other Applicants and I were misled that the Memorandum reviewed by City Council was a true “legal briefing” providing proper legal advice to City Council about specific legal issues raised on our motion.
50. The Applicants were never informed that the Memorandum was co-authored by an adversely interested party who was a non-lawyer (Jamal Ramjohn and likely Jill Sonego)

and that the purpose of the Memorandum was explicitly to undermine our submissions and reputation before City Council.

51. We were never advised that there were matters raised in the Memorandum that had nothing to do with legal advice.
52. At our hearing before City Council on December 7, 2015, the Applicants were never given an opportunity to address the specific allegations made against them in the Memorandum, to challenge the factual assertions made about the consultation process, or to address the allegation that "all efforts have been taken to ensure that any development within the ASP area will not negatively affect the wetland."
53. We were not given the opportunity to challenge what, if any, evidence supported the specific allegations and conclusions made in the Memorandum.

Conclusions

54. For these reasons, we believe that, from the start, we were never given a fair hearing before City Council.
55. City staff members that were hostile, and adverse in interest, to the Applicants were actively involved in the preparation and drafting of the Memorandum and used the Memorandum as an opportunity to attack our position, through the guise of a confidential "legal briefing".
56. The Memorandum was never subjected to open and public challenge; rather, the Memorandum was deliberately kept hidden.
57. I believe that the use of the Memorandum by City staff, City lawyers, and Councillor Dianne Colley-Urquhart was highly improper and can only be rectified by a Court on judicial review.

ORDER REQUESTED

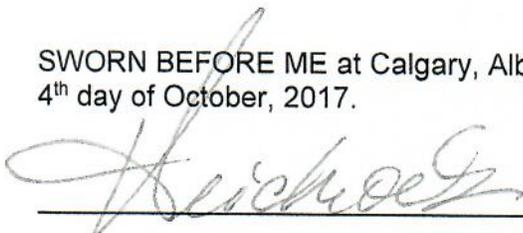
58. Consequently, together with the other Applicants, I respectfully request that this Honourable Court provide an Order:
 - (a) granting leave to put the documents provided at Exhibit "B", Exhibit "C", and Exhibit "D" of this Affidavit into evidence before the Court on judicial review;
 - (b) requiring the Respondent to produce fresh copies of the documents provided at Exhibits "B", "C", "D", and "E" of this Affidavit from its records, and without redactions, to the Applicants within 7 days;
 - (c) requiring inclusion of the document provided at Exhibit "D" in the Certified Record;
 - (d) granting leave to put the Affidavit of Judy Stewart, sworn September 28, 2017, into evidence on judicial review;
 - (e) providing the names and positions of all persons who were in attendance at the *in camera* meeting of City Council on December 7, 2015; and

(f) permitting the Applicants to amend their Originating Application to raise additional grounds for judicial review.

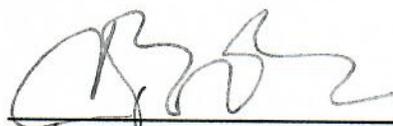
PURPOSE OF AFFIDAVIT

59. I swear this Affidavit for the purpose of this Application and judicial review of the decision of the Respondent to approve the Providence ASP and for no improper purpose.

SWORN BEFORE ME at Calgary, Alberta, this
4th day of October, 2017.



Commissioner for Oaths in and for the Province
of Alberta



LESLIE CHISHOLM

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019



THE CITY OF
CALGARY

CITY CLERK'S
ELECTION AND INFORMATION SERVICES #8

2017 January 13

John Brodylo
40 Chapala Heath SE
Calgary, AB T2X 3P9

Dear John Brodylo:

RE: Final Response to Request for Access to Information
FOIP Request No.: 2016-G-0169

ISC: Confidential

This is Exhibit "A" referred to
in the Affidavit of

LESLIE CHISHOLM

Sworn before me this 4th day

of OCTOBER A.D., 2017

[Signature]
A Commissioner for Oaths in and for Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019

This is in response to your request for access to information of The City of Calgary in accordance with the *Freedom of Information and Protection of Privacy Act (The Act)*.

Please find enclosed a CD containing records responsive to your request. This office will not provide additional copies of these records.

Some of the records requested contain information that is exempted from disclosure under *The Act*. Within these records we have severed records and withheld some records in accordance with the following applicable sections:

- Section 17 – Disclosure harmful to personal privacy
- Section 17(4)(g) - Name of individual with other personal information or that would reveal other personal information.
- Section 24(1)(a) - Advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council
- Section 24(1)(b)(i) - Consultations and deliberations involving officers or employees of a public body.
- Section 25(1)(b) - Disclosure harmful to economic and other interests of a public body.
- Non-responsive - Records that are non-responsive to the request.

Additionally, the records outlined below, are not disclosed under this FOIP Request because they are exempt in their entirety from disclosure under *The Act*.

<u>Record Number or Range</u>	<u>Applicable Section(s)</u>
City of Calgary FOIP Pages: 00001382-00001384	s.4(1)(l)(v) – The Act does not apply to a record made from information in the Land Titles Office.
00001488-00001490	s.4(1)(l)(iii) - The Act does not apply to a record made from information in the Office of the Registrar of Corporations.
City of Calgary FOIP Pages: 0000197-0000198, 0000725-0000736, 0000835	s.24(1)(a) & s.24(1)(b)(i) – Advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council <i>and</i> advice from Officials <i>and</i> consultations and deliberations involving officers or employees of a public body.
City of Calgary FOIP Pages: 0000316, 0000436-0000446, 0000998	s.24(1)(b)(i) – Advice from Officials – consultations or deliberations involving officers or employees of a public body.
City of Calgary FOIP Pages: 0000274, 0000369, 0000371-0000373, 0000375-0000376, 0000380	s.27(1)(a) & s.24(1)(b)(i) – Privileged information <i>and</i> advice from Officials – consultations or deliberations involving officers or employees of a public body.
City of Calgary FOIP Pages: 0000303, 00001319, 00001320, 00001344, 00001395, 00001396- 00001411, 00001414, 00001415- 00001425, 00001430-00001448, 00001454-00001462, 00001497- 00001499, 00001501, 00001502, 00001623, 00001624, 00001744, 00001799, 00001800, 00001844- 00001848, 00001851, 00001855, 00001856, 00001872-00001882, 00001886, 00001889-00001897, 00001919	s.27(1)(a) – Privileged information.
City of Calgary FOIP Pages: 00001412, 00001413, 00001426- 00001429, 00001449, 00001450, 00001453, 00001470, 00001471, 00001494, 00001718-00001738, 00001740-00001743, 00001746-	s.27(1)(c) – Information in correspondence between an agent or a lawyer of a public body.

<p>00001749, 00001852, 00001853, 00001854, 00001901-00001903, 00001916-00001918, 00001923</p>	
<p>City of Calgary FOIP Pages: 0000335</p>	<p>s.27(1)(a) & s.24(1)(a) – Privileged information <i>and</i> advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council <i>and</i> Advice from Officials</p>
<p>City of Calgary FOIP Pages: 0000315, 0000383-0000384, 0000490, 00001321, 00001325-00001329, 00001898-00001900</p>	<p>s.27(1)(a) & s.24(1)(b)(i) – Privileged information <i>and</i> advice from Officials – consultations or deliberations involving officers of a public body.</p>
<p>City of Calgary FOIP Pages: 00001495, 00001496, 00001500, 00001859-00001862</p>	<p>s.27(1)(a) & s.27(1)(c) - Privileged information <i>and</i> information in correspondence between an agent or a lawyer of a public body.</p>
<p>City of Calgary FOIP Pages: 0000323, 0000848, 00001219-00001221, 00001348-00001351, 00001354-00001360, 00001379, 00001380, 00001503- 00001514, 00001611-00001616</p>	<p>s.27(1)(a) & s.24(1)(a) & s.24(1)(b)(i) - Privileged information <i>and</i> advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council <i>and</i> advice from Officials <i>and</i> consultations and deliberations involving officers of a public body.</p>
<p>City of Calgary FOIP Pages: 00001385, 00001386, 00001472- 00001479, 00001486, 00001487, 00001491-00001493, 00001617- 00001622, 00001632-00001638, 00001642, 00001643, 00001750- 00001798, 00001801-00001843, 00001849, 00001850, 00001863- 00001868, 00001883-00001885, 00001887, 00001888, 00001904- 00001913, 00001920-00001922, 00001924-00001968</p>	<p>s.27(1)(a) & s.27(1)(b) - Privileged information <i>and</i> information prepared by or for an agent or lawyer of a public body.</p>
<p>City of Calgary FOIP Pages: 00001914, 00001915</p>	<p>s.27(1)(a) & s.27(1)(b) & s.27(1)(c) - Privileged information <i>and</i> information prepared by or for an agent or lawyer of a public body <i>and</i> information in correspondence between an agent or a lawyer of a public body.</p>
<p>City of Calgary FOIP Pages: 0000509-0000563, 00001388-00001394,</p>	<p>s.29(1) – Information that is or will be available to the public.</p>

00001713-00001717, 00001978-00002226	Non-Responsive – Records that are non-responsive to the request.
City of Calgary FOIP Pages: 0000288-0000291, 0000312-0000314, 0000370, 0000374, 0000395, 0000432, 0000482, 0000491, 0000608, 0000618, 0000620, 0000678-0000680, 0000683- 0000684, 0000686, 0000687, 0000688, 0000690, 0000691, 0000692, 0000694, 0000695, 0000815, 0000817, 0000850, 0000923, 0000944, 0000975, 0000982, 00001026, 00001172, 00001296, 00001381, 00001485, 00001569, 00001570, 00001640, 00001641, 00001644, 00001645, 00001739	
City of Calgary FOIP Pages: 0000299-0000302, 0000361, 0000362, 0000385, 0000386, 0000408, 0000423- 0000431, 0000434, 0000435, 0000452, 0000455, 0000458, 0000459, 0000474- 0000477, 0000481, 0000484, 0000488, 0000489, 0000503, 0000504, 0000507, 0000508, 0000567-0000572, 0000582, 0000590, 0000599-0000605, 0000611- 0000615, 0000642, 0000673-0000675, 0000685, 0000689, 0000693, 0000700, 0000701-0000703, 0000708, 0000713, 0000714, 0000716-0000718, 0000812, 0000816, 0000823, 0000824, 0000829- 0000831, 0000836, 0000837, 0000840, 0000841, 0000846, 0000849, 0000851, 0000852, 0000855-0000857, 0000862, 0000887, 0000894, 0000896-0000900, 0000902, 0000903-0000909, 0000921, 0000928, 0000936, 0000942, 0000950, 0000951, 0000954-0000958, 0000968, 0000969, 0000971-0000974, 0000981, 0000985, 0000987, 0000988, 0000989, 0000995, 0000996, 0000997, 0000999- 00001003, 00001005, 00001006, 00001008-10001015, 00001017- 00001019, 00001021-00001023, 00001028, 00001030-00001171, 00001174-00001190, 00001197, 00001198, 00001200-00001217, 00001224-00001290, 00001309-	Duplicates – Records that are duplicates of other pages.

00001315, 00001345-00001347, 00001353, 00001361, 00001571- 00001573, 00001575-00001610, 00001646-00001712, 00001745, 00001857, 00001858, 00001869- 00001871, 00001969-00001976	
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Outlined below are the pages that are publicly available with their location and source:

- City of Calgary FOIP pages 0000509-0000563: Letter and supporting documents delivered to the City Clerk's Office from Phillips and Gill LLP (their file number: 40215).
- City of Calgary FOIP pages 00001388-00001394: Statement of Claim documents from court file number 1601-01193 (Court of Queen's Bench of Alberta)
- City of Calgary FOIP pages 00001713-00001717: Originating application documents from court file number 1601-01681 (Court of Queen's Bench of Alberta)
- City of Calgary FOIP pages 00001978-00001979: Certified Record of Proceedings from court file number 1601-01681
- City of Calgary FOIP pages 00001980-00002226: City of Calgary Council Minutes held 2015 December 7 including the Proposed Providence Area Structure Plan. These documents can be found online by searching the City's Electronic Legislative Management System (ELMS). The address is: <http://agendaminutes.calgary.ca/sirepub/meetresults.aspx>

Section 65 of the *Freedom of Information and Protection of Privacy Act* provides that an applicant may make a written request to the Office of Information and Privacy Commissioner of Alberta (OIPC) to review this decision. You have 60 days from the date of this notice to request a review. A request for review is sent to:

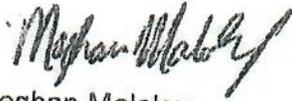
Office of the Information & Privacy Commissioner of Alberta
410, 9925 – 109 Street
Edmonton, Alberta, T5K 2J8

The *Request for Review* form is available under the Resources tab on the Commissioner's website www.oipc.ab.ca or you can call 1-888-878-4044 to request a copy.

 Section 67(1) of *The Act* requires the OIPC to provide a copy of a request for review to The City and other parties who may be affected by the review. Please ensure that the request does not contain information that you do not wish to share.

If you have questions, please write to me at The City of Calgary #8, P.O. Box 2100,
Station 'M', Calgary, AB T2P 2M5, call me at 403-476-4112, or email to:
meghan.maloley@calgary.ca

Sincerely,



Meghan Maloley

BEC/mm

Enclosures: (1 CD)

Ritchie, Janus

Boobys

From: Jakal, Denise
Sent: Friday, December 04, 2015 8:44 AM
To: Sonogo, Jill V.; Luciuk, Lesia
Cc: Lockwood, Scott; Ramjohn, Jamal
Subject: RE: Providence Development SW Calgary Hearing Monday

I'll need some time to read through this but the one thing I don't think I can answer is the security piece. Can you put together a summary of what happened, who you talked to in Corporate Security and what was advised. I will run it past Owen Keyes.

From: Sonogo, Jill V.
Sent: Thursday, December 03, 2015 7:07 PM
To: Jakal, Denise; Luciuk, Lesia
Cc: Lockwood, Scott; Ramjohn, Jamal
Subject: FW: Providence Development SW Calgary Hearing Monday
Importance: High

This is Exhibit "B" referred to in the Affidavit of

LESLIE CHISHOLM

Sworn before me this 4th day

of OCTOBER A.D., 2017

[Signature]

A Commissioner for Oaths in and for Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2017

Hi Denise and Lesia,

Remember that family with the land adjacent to the Providence ASP area? Back in July, Councillor Colley-Urquhart took forward the Notice of Motion to consider adding their land in but the motion was defeated.

Well, they have now submitted to Council a 50-page document opposing the ASP (see attachment), and the document includes a letter from the landowner that was signed by a Commission of Oaths (not sure how this is helpful) and also a letter from their lawyer. Their submission is attached here.

They also sent the email below to all of Council and to 5 media outlets. This afternoon, I spoke with Councillor Colley-Urquhart and she requested that the Law department send a briefing note to all of Council by tomorrow afternoon outlining the following:

- An analysis of the validity of the claims the lawyer makes in his submission (hint: they are not valid);
- Some sort of advice as to how their issues can be dealt with at Council; and
- A summary of the security concerns that resulted from that open house event where City staff were threatened and how they are being addressed for the Public Hearing on Monday.

I realize this is very last minute but we are kind of stuck. I can help coordinate the briefing note if you like. The points I would hit are:

- There has been meaningful engagement and consultation with the Brodylo family. We have engaged with them to a much greater extent than we ever have with a landowner adjacent to an ASP area.
- The Brodylo family, and other adjacent landowners, were notified of the ASP and no violation of the requirements of the Municipal Government Act has occurred.
- Approval of the ASP will have absolutely no effect on their wetland and all Citywide policies regarding environmental protection are being followed.
- The requisite studies have been done and the wetland has been taken into account to the extent necessary at this level of planning.
- The Brodylo family broke The City's Respectful Workplace Policy and threatened City staff at an Open House.

Councillor Colley-Urquhart also shared with me today that she would like to make a motion at the beginning of the Council meeting on Monday to move in-camera to discuss the Brodylo family concerns and behaviour.

Can you please let me know how we can best get this briefing note out to Council by tomorrow afternoon?

193

Ramjohn, Jamal

From: Ramjohn, Jamal
Sent: Friday, December 04, 2015 12:21 PM
To: Ramjohn, Jamal; Jakal, Denise
Cc: Sonogo, Jill V.; Luciuk, Lesia; Lockwood, Scott
Subject: RE: Providence Development SW Calgary Hearing Monday
Attachments: Brodylo - Council briefing note.docx

Denise:

Attached is a draft of the Briefing Note for Council. Can you have a read and add anything you'd like?

Need to send out this aft.

Best,

Jamal.

From: Ramjohn, Jamal
Sent: Friday, December 04, 2015 9:05 AM
To: Jakal, Denise
Cc: Sonogo, Jill V.; Luciuk, Lesia; Lockwood, Scott; Ramjohn, Jamal
Subject: Re: Providence Development SW Calgary Hearing Monday

Thanks Denise.

Jill, thanks for coordinating this. I am in the office at 1pm for our meeting with Cllr Demong and I can review with you after that. Can you put a draft together with the points below? One page max with bulleted points. Note a very short history including the Open House issue and NOM that was defeated. Include Administration's position on appropriateness of engagement and impact of ASP on their lands.

Send to Denise and she can add legal aspects and speak to the 50 pager in brief.

Sent from my iPad

On Dec 4, 2015, at 8:44 AM, Jakal, Denise <Denise.Jakal@calgary.ca> wrote:

I'll need some time to read through this but the one thing I don't think I can answer is the security piece. Can you put together a summary of what happened, who you talked to in Corporate Security and what was advised. I will run it past Owen Keyes.

From: Sonogo, Jill V.
Sent: Thursday, December 03, 2015 7:07 PM
To: Jakal, Denise; Luciuk, Lesia
Cc: Lockwood, Scott; Ramjohn, Jamal
Subject: FW: Providence Development SW Calgary Hearing Monday
Importance: High

Hi Denise and Lesia,

Parks, Ashley

From: Sonogo, Jill V.
Sent: Friday, December 04, 2015 4:20 PM
To: Parks, Ashley
Subject: FW: Providence
Attachments: Brodylo - Council briefing note.docx

This is Exhibit "C" referred to
in the Affidavit of

LESLIE CHISHOLM

Sworn before me this 4th day
of OCTOBER A.D., 2017

[Signature]
A Commissioner for Oaths in and for Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019

From: Sonogo, Jill V.
Sent: Friday, December 04, 2015 10:18 AM
To: Ramjohn, Jamal
Subject: RE: Providence

s.17(1)

Draft is attached for your review.

From: Ramjohn, Jamal
Sent: Friday, December 04, 2015 10:16 AM
To: Sonogo, Jill V.
Subject: RE: Providence

Language. ☺

Soooo, I thought *Non-Responsive* I swooped in to see if you needed help. ☺

From: Sonogo, Jill V.
Sent: Friday, December 04, 2015 10:05 AM
To: Ramjohn, Jamal
Subject: FW: Providence

Holy fuck. She copied the mayor.

From: Colley-Urquhart, Diane
Sent: Friday, December 04, 2015 10:03 AM
To: Sonogo, Jill V.
Cc: Mayor Nenshi
Subject: Re: Providence

s.24(1)(a)

Dicu
Sent from my diPhone
www.councillordiane.ca
www.calgary.ca/ward13
@BigRedyyc

On Dec 4, 2015, at 9:56 AM, Sonogo, Jill V. <Jill.Sonogo@calgary.ca> wrote:

Hey, just FYI I am putting together the briefing note this morning.

s.24(1)(b)

s.24(1)(b)

Did you see this s.17(1) story in the news?

<http://www.metronews.ca/news/calgary/2015/12/03/farmer-protesting-proposed-providence-development.html>

Jill

Jill Sonogo
Planner, North Area
Local Area Planning & Implementation
The City of Calgary
Telephone: 403.268.2266
Mobile: 403.968.5056

Cole, Andrea

From: Jakal, Denise
Sent: Friday, December 04, 2015 3:39 PM
To: Councillors; Mayor's Office
Cc: Stanley, Rollin; Cole, Glenda; Fielding, Jeff; Sonogo, Jill V.; Ramjohn, Jamal; Lockwood, Scott; Key, Owen
Subject: briefing note re Providence ASP (Item 10.5)



Brodylo - Council
briefing not...

Hello all: Cllr Colley-Urquhart requested that Law send a briefing note to Council on this matter given some concerns that have been raised. I believe the briefing note is self-explanatory but should have questions or concerns please contact me.

Denise Jakal, M.A., LLB.
Barrister and Solicitor
Manager, Planning and Environment
Legal Services Division, Law
The City of Calgary | Mail code: #8053
T 403.268.6471 | F 403.268.4634 | calgary.ca
Floor 12, Municipal Building - F2, 800 Macleod Tr. S.E.
P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

s.27(1)(a) & s.27(1)(b)

THIS DOCUMENT AND ITS CONTENTS ARE SUBJECT TO SOLICITOR CLIENT PRIVILEGE OR LITIGATION PRIVILEGE AND ARE EXEMPTED INFORMATION UNDER SECTION 27(1) OF THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. NEITHER THIS DOCUMENT NOR ITS CONTENTS MAY BE DISCLOSED IN WHOLE OR IN PART, BY EXCERPT, PARAPHRASE OR SUMMARY WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CITY SOLICITOR.

This is Exhibit "D" referred to
in the Affidavit of
LESLIE CHISHOLM
Sworn before me this 4th day
of OCTOBER A.D., 2017

A Commissioner for Oaths in and for Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019



Memo

DATE: 2016 May 16
TO: All members of City Council
From: Denise Jakal and Jamal Ramjohn
RE: Providence Area Structure Plan -- Brodylo Family

Background

The Providence Area Structure Plan (ASP) will come before Council on 2015 December 07. A family who owns land outside the plan area ("Brodylo family") has submitted to Council a 50-page package outlining opposition to the plan.

Within this package the Brodylo family makes assertions regarding:

- Their participation in the planning process;
- Perceived effects on their wetland;
- The City's role in adding their land into the ASP; and
- The accuracy and completion of studies required for the ASP.

The family has also contacted the media (2015 December 03) regarding their opposition to the plan.

Consultation with the Brodylo Family *s.27(1)(a) & s.27(1)(b)*

City Planning staff were first contacted by the Brodylo family in 2015 February. Between 2015 February and 2015 September, staff met with the family and/or representatives six (6) times and corresponded with them over 30 times.

The family's initial concern was their land not being included in the ASP. Staff consistently communicated the process to the family as to how their land could be added into the ASP and on 2015 July 27, Councillor Colley-Urquhart brought forward to Council a Notice of Motion to consider adding the land into the ASP. The motion was defeated at Council.

Corporate Security

Since then, the actions of the Brodylo family have become increasingly aggressive. On 2015 September 09, the family attended a public open house for the Providence ASP and were aggressive to City staff. An investigation was undertaken by The City's Corporate Security and who determined that the family broke Respectful Workplace Policy by making threats to City staff. The family was specifically notified of the Respectful Workplace Policy and have been advised that they will be asked to leave the council meeting if they are not in compliance with it. The family is now known to Corporate Security and will be watched closely at the Public Hearing. Corporate Security advises that they believe that adequate security is currently in place for Monday's meeting but extra security will be provided if required.

Preliminary Response to Lawyer's Submission:

Importantly, Council should note the following:

- The Brodylo family was notified of the ASP and no violation of the Municipal Government Act has occurred (The MGA requires that in preparing an ASP, the City must provide a means for a person affected to make suggestions and representations and notify the public of those means);
- The approval of the ASP will have absolutely no effect on the Brodylo wetland and all efforts have been taken to ensure that any development within the ASP area will not negatively affect the wetland (The MGA makes clear

- that the adoption of an ASP does not require a municipality to undertake any projects referred to in it and an ASP can best be described as setting out aspirational goals that will be amended as more detailed planning is done);
- Planning staff have engaged the Brodylo family to a higher degree than any adjacent landowner previously involved in an ASP process and have provided more than ample opportunity to participate;
 - The City has made every effort to assist the Brodylo family in their effort to be included in the ASP; and
 - All necessary studies have been undertaken for the ASP and all City policies have been followed.

Recommendations for the Public Hearing

In addition to the consultation with administration as mandated by the MGA, the Brodylo family will have the opportunity to make submissions at the public hearing. In that regard, there is no special direction that can be offered to council outside of normal practice.

If council has concerns about the adequacy of public consultation, whether or not the ASP is consistent with the MDP or whether the studies upon which administration is relying are adequate, those questions should be asked of administration and the public in council chambers.

We trust this assists.

Denise Jakal, Manager, Planning and Environment, Law

Jamal Ramjohn, Coordinator, Local Area Planning and Implementation. ^{s.27(1)(a) & s.27(1)(b)}

THIS DOCUMENT AND ITS CONTENTS ARE SUBJECT TO SOLICITOR CLIENT PRIVILEGE OR LITIGATION PRIVILEGE AND ARE EXEMPTED INFORMATION UNDER SECTION 27(1) OF THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. NEITHER THIS DOCUMENT NOR ITS CONTENTS MAY BE DISCLOSED IN WHOLE OR IN PART, BY EXCERPT, PARAPHRASE OR SUMMARY WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CITY SOLICITOR.

Martin, Terry Lyn

From: Lavery, Jolene
Sent: Wednesday, December 09, 2015 1:05 PM
To: Veenstra, Valerie J.
Subject: FW: Providence ASP
Attachments: IMG_2445.PNG; ATT00001.txt

:)

-----Original Message-----

From: Sonogo, Jill V.
Sent: Wednesday, December 09, 2015 12:55 PM
To: Shaw, Travis T.; Lavery, Jolene; Saunders, Patrick; Churchman, Pat; Fellows, Kari; LaFreniere, Dennis; Wiwjorra, Lothar; Hbeichi, Sarah; Weleschuk, Austin J.; Sheldrake, Matthew; Parks, Ashley; Majcherkiewicz, Filip M.; Lisowski, Jakub; Kurji, Asif; Cook, Derek
Cc: Duff, Jennifer E.; Ramjohn, Jamal
Subject: Providence ASP

Good afternoon everyone,

Just wanted to let you know that after a lengthy discussion and some opposition to the plan from the Bamford and Brodylo families, the Providence ASP was approved by Council last night with no amendments.

In other news, Breanne Harder made the attached meme. I guess I didn't ~~show~~ my poker face on during the discussion about the wetland.

Thanks so much everyone for your hard work on the plan and I look forward to seeing you at our Celebration/Lessons Learned session next week!

Jill

This is Exhibit "E" referred to
in the Affidavit of
LESLIE CHISHOLM
Sworn before me this 4th day
of OCTOBER A.D., 2017

A Commissioner for Oaths in and for Alberta

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019

WETLAND KILLER

s.17(1)

ASP STILL APPROVED

This is Exhibit "F" referred to
in the Affidavit of

LESLIE CHESTNUT

Sworn before me this 4th day

of OCTOBER 10, 2017

(Legal Briefing)

A Commissioner for Oaths in and for Alberta

MISCELLANEOUS- PROVIDENCE AREA STRUCTURE PLAN, PROVIDENCE
(WARD 13), WEST OF PROPOSED SOUTHWEST RING ROAD AND
NORTH OF SPRUCE MEADOWS TRAIL SW, BYLAW 48P2015,
CPC2015-220

The public portion of this Report will be dealt with under the Calgary Planning
Commission Section contained in today's Agenda.

V. TEICHROEB
A Commissioner for Oaths
for the Province of Alberta
My Appointment Expires on
January 31, 2019

IN CAMERA, Moved by Councillor Woolley, Seconded by Councillor Sutherland, that, in
accordance with Section 197 of the *Municipal Government Act* and Section 27(1) of the
Freedom of Information and Protection of Privacy Act, Council now move into the Committee
of the Whole, In Camera, at 10:09 a.m., in the Council Lounge, to discuss a confidential
matter with respect to Report CPC2015-220.

CARRIED

The Committee of the Whole recessed In Camera and reconvened in the Council Chamber
at 10:20 a.m. with Mayor Nenshi in the Chair.

RISE AND REPORT, Moved by Councillor Colley-Urquhart, that the Committee of the Whole
rise and report to Council.

CARRIED

ADOPT, Moved by Councillor Colley-Urquhart, Seconded by Councillor Jones, that with
respect to Report CPC2015-220, the following be adopted:

That Council:

1. Receive the Legal Briefing with respect to Report CPC2015-220; and
2. Keep the In Camera discussions confidential pursuant to Section 27(1) of the *Freedom of Information and Protection of Privacy Act*.

CARRIED

6. CONSENT AGENDA

This item was dealt with following the conclusion on the Public Hearing.

6.2 ROADS ZERO BASED REVIEW UPDATE: 2015 UPDATE REPORT, TT2015-0792

6.3 RESIDENTIAL STREET DESIGN POLICY - 3 YEAR UPDATE, TT2015-0686



March 15, 2020
20:51 Hrs

DECLARATION OF A STATE OF LOCAL EMERGENCY

WHEREAS a local emergency exists in the city of Calgary due to the pandemic spread of COVID-19;

THEREFORE pursuant to Section 21 of the *Emergency Management Act* (R.S.A. 2000 c. E-6.8) and Section 4 of The City of Calgary *Bylaw 25M2002*, the Local Emergency Committee declares that a state of local emergency exists within the entirety of The City of Calgary boundaries;

AND FURTHER the Local Emergency Committee hereby authorizes the Director of the Calgary Emergency Management Agency the authority to exercise any power or function of the Committee for the duration of the state of local emergency, including the authority to issue orders pursuant to Section 24 of the *Act*.

LOCAL EMERGENCY COMMITTEE

Mayor

Print name:

Nabeel K. Nanshi

Signature:

[Handwritten Signature]

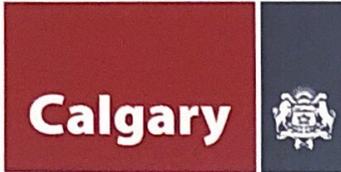
Councillor

Print name:

GIAN CARLO CARRA

Signature:

[Handwritten Signature]



March 15, 2020

2053 Hrs

ORDER: FACILITY CLOSURES AND RESTRICTIONS

WHEREAS a State of Local Emergency was declared for The City of Calgary on March 15, 2020 to address the COVID19 pandemic

AND WHEREAS the Local Emergency Committee delegated to the Director of the Calgary Emergency Management Agency the authority to exercise any power or function of the Committee for the duration of the state of local emergency, including the authority to issue orders pursuant to Section 24 of the Act.

IT IS HEREBY ORDERED

1. The following facilities shall be closed to the public effective 12:01AM March 16, 2020:

- a. Recreation Facilities as follows:
 - i. All City owned and operated fitness centres, pools and arenas
 - ii. Gray Family Eau Claire YMCA
 - iii. Glencoe Club
 - iv. Calgary Winter Club
 - v. Remington YMCA at Quarry Park
 - vi. Great Plains Arena
 - vii. Shane Homes YMCA at Rocky Ridge
 - viii. Brookfield YMCA at Seton
 - ix. Westside Recreation Centre
 - x. Melcor YMCA at Crowfoot
 - xi. Shawnessy YMCA
 - xii. Saddletowne YMCA
 - xiii. Cardel Rec South (includes South Fish Creek Rec Association)
 - xiv. Vivo Centre for Healthier Generations
 - xv. Genesis Centre (includes NECCS)
 - xvi. Trico Centre for Family Wellness
 - xvii. Repsol Centre

b. Calgary Public Libraries

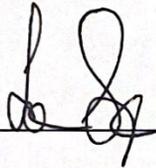
-2-

2. The occupancy of all other facilities shall be restricted to the lesser of 250 persons or 50% of Occupancy Load approved by Calgary Fire Department, excluding:
 - a. Grocery/food stores
 - b. Shopping centres
 - c. Big Box Commercial Retail as contemplated in Land Use Bylaw 1P2007
 - d. Casinos
 - e. Pharmacies
 - f. Airport
 - g. Offices
 - h. Public transit
 - i. Alberta Health Services Facilities, Shelters, Care Centres

3. It is recommended that all businesses encourage as many staff to work from home as possible and take steps to enable such working arrangements on a longer-term basis.

Tom Sampson,
Director, Calgary Emergency Management Agency

Signature: _____

A handwritten signature in black ink, appearing to be 'Tom Sampson', written over a horizontal line.



March 17, 2020

SOLE 15032020/2

1600 Hrs

ORDER: INTERNATIONAL TRAVELLER SELF-ISOLATION REQUIREMENT

WHEREAS a State of Local Emergency was declared for The City of Calgary on March 15, 2020 to address the COVID-19 pandemic.

AND WHEREAS the Local Emergency Committee authorized the Director of the Calgary Emergency Management Agency to exercise any power or function of the Committee for the duration of the state of local emergency, including the authority to issue orders pursuant to Section 24 of the *Act*.

AND WHEREAS the Chief Medical Officer of Health for the Province of Alberta has urged all international travellers to self-isolate upon their return to Alberta.

AND WHEREAS at the present time Calgary is one of only two Western Canadian cities where international air travellers are permitted to arrive.

IT IS HEREBY ORDERED:

- Any individual who (a) has travelled internationally, regardless of the mode of transportation used, (b) has arrived in Calgary on or after March 17, 2020 and (c) for whom Calgary is their final destination; shall take all reasonable steps to self-isolate for 14 days following their arrival in Canada effective immediately.

This restriction does not apply to international travellers who do not leave the premises of the Calgary International Airport or who are merely stopping over in Calgary on route to their final destination, and is subject to reasonable exceptions, including visits to medical doctors, hospitals and pharmacies.

**Authorized: Tom Sampson,
Director, Calgary Emergency Management Agency**

Signature: _____

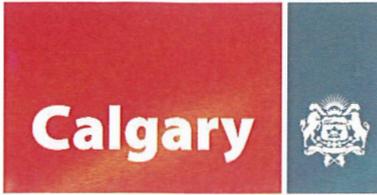
Concurred: Local Emergency Committee

Signature: _____

Nasheed K. Nenshi,
Mayor

Signature: _____

GIAN CARLO CARRA, COUNCILOR
CHIEF, EMERGENCY MANAGEMENT COMMITTEE



March 19, 2020
14:30 Hrs

RENEWAL: DECLARATION OF STATE OF LOCAL EMERGENCY

WHEREAS on March 15, 2020, a local emergency existed in the city of Calgary due to the pandemic spread of COVID-19;

WHEREAS pursuant to Section 21 of the *Emergency Management Act* (R.S.A. 2000 c. E-6.8) and Section 4 of The City of Calgary *Bylaw 25M2002*, on March 15, 2020, the Local Emergency Committee declared a state of local emergency within the entirety of The City of Calgary;

WHEREAS pursuant to section 22(4) of the *Emergency Management Act*, a declaration of a state of local emergency lapses 7 days after its making by the local authority unless it is earlier cancelled by the Minister or terminated by the local authority or unless it is renewed by the local authority;

WHEREAS the local emergency continues to exist, as the pandemic spread of COVID-19 continues and the confirmed number of cases in Calgary is increasing;

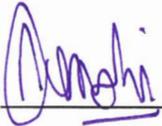
THEREFORE pursuant to Sections 21 and 22 of the *Emergency Management Act* (R.S.A. 2000 c. E-6.8) and Section 4 of The City of Calgary *Bylaw 25M2002*, the Local Emergency Committee declares that the State of Local Emergency is renewed;

AND FURTHER the authority conferred to the Director of the Calgary Emergency Management Agency under the March 15, 2020 Declaration of State of Local Emergency will continue for the duration of the state of local emergency;

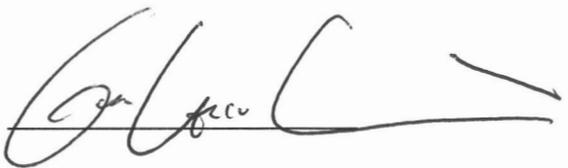
AND FURTHER the Orders issued under the March 15, 2020 Declaration of State of Local Emergency that were in effect immediately prior to declaring this renewal will continue in force.

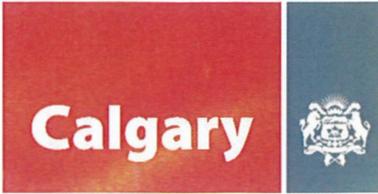
LOCAL EMERGENCY COMMITTEE

Mayor

Signature:  _____

Councillor

Signature:  _____



March 19, 2020
12:23 Hrs

SOLE 15032020/3

ORDER: REVOCATION OF FACILITY RESTRICTIONS

WHEREAS a State of Local Emergency was declared for The City of Calgary on March 15, 2020 to address the COVID19 pandemic;

AND WHEREAS the Local Emergency Committee authorized the Director of the Calgary Emergency Management Agency to exercise any power or function of the Committee for the duration of the state of local emergency, including the authority to issue orders pursuant to Section 24 of the *Emergency Management Act*;

AND WHEREAS on March 15, 2020, an Order was issued under the State of Local Emergency directing the closure of certain facilities to the public and occupancy reduction of other facilities;

AND WHEREAS on March 17, 2020, the Province of Alberta declared a State of Public Health Emergency pursuant to the *Public Health Act* and issued an order directing the closure of certain facilities and restricting occupancy of other facilities, making the March 15, 2020 State of Local Emergency Order redundant.

IT IS HEREBY ORDERED

1. Effective immediately, the Order regarding Facility Closures and Restrictions Authorized by the Director, Calgary Emergency Management Agency on March 15, 2020 is revoked.
2. For Clarity, the State of Local Emergency declared on March 15, 2020 remains in effect.

**Authorized: Tom Sampson,
Director, Calgary Emergency Management Agency**

Signature: _____

Concurred: Local Emergency Committee

Signature: _____

Nanshi
Nasheed K. Nanshi
Mayor

Signature: _____

Gian Carlo Ceneri, C.M.R. Ward 9
CHAIR, EMC

South Wetland Assessment Report
SE ¼ 35-22-2 W5M
Brodylo Family Farm

Submitted to:

Waddell Phillips
Privileged and Confidential

Date:

April 1, 2020

Burgess Environmental

24 Strathlorne Crescent SW

Calgary, Alberta, T2P 1M8

Telephone: (403) 249 1684

Email: burgessenv@shaw.ca

Author:

Gordon J. Johnson, M.Sc., P.Eng.

President

Burgess Environmental

Burgess Environmental

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EXECUTIVE SUMMARY

The Brodylo Family Farm (Brodylos Property) is located on the East ½ of Section 35, Township 22, Range 2, W5M, near the southwest edge of the Calgary city limits. The South Wetland is located in the south portion of the Brodylos Property and has been represented as ‘crown claimed’ in a Master Drainage Plan (MDP) that was recently completed by EXP (2020) and accepted by the City of Calgary (City, 2020).

The Brodylos are concerned that the South Wetland has been represented incorrectly in this MDP and have two principle concerns in this regard, as follows:

- The size, water storage volume and ecological function of the South Wetland have been over-represented in the MDP because flow out of the South Wetland has been blocked by 53rd St SW and the prolonged blockage of the culvert that was originally installed to allow the South Wetland to spill.
- The MDP increases the volumes of water stored in the South Wetland, which suggests that the South Wetland is being used as a large stormwater impoundment by the MDP, which precludes its value as a wetland and prejudices the potential development of the Site.

The South Wetland drains to the east, across 53rd St. SW and ultimately into Fish Creek. Aerial photographs of the area indicate that the South Wetland has increased in size since approximately the year 2005. Prior to that time the ponded area within the South Wetland typically varied from 4 to 6 hectares, and occasionally dried up during years of low precipitation. This accumulation of water in the South Pond is attributed by the impoundment created by 53rd St. SW coupled with the blocking of the culvert underneath 53rd St. SW that conveys spillage from the South Wetland. This flooding of the South Pond has resulted in mortality of willow shrubs and cottonwood around the perimeter of the pond, the proliferation of noxious weeds, undesirable plants and invasive species, which has significantly diminished the South Wetland’s value.

In the predevelopment case, the MDP model simulations over-represent the size of the South Wetland, ignore the presence of the drainage culvert, which prevents the South Wetland from draining. This results in impoundment of water more than 0.9 m higher than the invert of the culvert, the current high-water level of the South Wetland. In the post-development case, the MDP model simulations treat the South Wetland as a stormwater retention pond. This results in impoundment of water more than 2 m higher than the invert of the culvert. It will be impossible to conserve the remaining quality of the South Wetland under these conditions.

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The Brodylos concerns were validated by an independent third party review completed by Urban Systems on behalf of the City. At a minimum, the MDP should be re-written, taking into account all of the recommendations of Urban Systems, including the recommendations to redo the modeling work based on detailed analyses of the wetlands throughout the area, and incorporating the drainages across 53rd St. SW. The MDP should not be reviewed and accepted by the City until corrections are made and the concerns of the Brodylos are given legitimate consideration.

The representation of the South Wetland prejudices development of the Brodylos Property in a number of ways, as follows:

- most of the south half of the southern quarter of the Brodylos Property is rendered undevelopable
- the rate of water release required by this MDP for the South Wetland area is more than 40% lower than the rate release target for the MDP area as a whole
- the south half of the Brodylos Property will require extensive grading and importation of fill to establish the requisite grades required by the development concept
- the Brodylos are forced to use a large trunk, substantially at their cost, to route water around the eastern developments, away from the directions of natural drainage determined by other studies

The South Wetland is being used as a stormwater retention reservoir to the benefit of surrounding developers and to the detriment of the Brodylos.

A basic premise of the MDP is that the South Wetland is conserved, most likely through Crown claim. The concept of Crown ownership of wetlands is meant to apply to permanent, natural water bodies to conserve, restore, protect and manage Alberta's wetlands of the highest value. Accordingly, this basic premise of the MDP is flawed for the following reasons.

- The South Wetland is no longer natural as it has been significantly altered and harmed by the flooding caused by the construction of 53rd St. SW and the subsequent clogging of the culvert that was installed beneath 53rd St. SW.
- Review of historical aerial images shows that the South Wetland used to dry up during periods of low precipitation; hence, it may not be considered permanent.
- It is not possible to *conserve, restore, protect and manage* the South Wetland in the context of the accepted MDP because the South Wetland will be completely flooded.
- The South Wetland is no longer a *wetland of the highest value* as contemplated by the Alberta Wetland Policy, if it ever was. Whatever ecologic value remains with the South Wetland will be further degraded by implementing the MDP concepts as developed by EXP.

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1 INTRODUCTION

1.1 Background

The Brodylo Family Farm (Brodylos Property) is located on the East ½ of Section 35, Township 22, Range 2, W5M, near the southwest edge of the Calgary city limits. The Site has been cultivated for years and is currently being used for annual crop production. A large wetland is located in the south portion of the Site (South Wetland), which has been represented as ‘crown claimed’ in a Master Drainage Plan (MDP) that was recently completed by EXP (2020) on behalf of a consortium of developers in the area and was accepted by the City of Calgary (City, 2020).

The Brodylos are concerned that the South Wetland has been represented incorrectly in this MDP and have two principle concerns in this regard, as follows:

- The size, water storage volume and ecological function of the South Wetland have been over-represented in the MDP because flow out of the South Wetland has been blocked by 53rd St SW and the prolonged blockage of the culvert that was originally installed to allow the South Wetland to spill.
- The MDP increases the volumes of water stored in the South Wetland, which suggests that the South Wetland is being used as a large stormwater impoundment by the MDP, which precludes its value as a wetland and prejudices the potential development of the Site.

The Brodylos retained Burgess Environmental Ltd. (Burgess) to assess the South Wetland in the context of these concerns, the final MDP and its acceptance by the City.

The location of the Site is shown in Figure 1-1 and an aerial view of the Site is shown in Figure 1-2. Aerial views of the South Wetland in 1999 and 2016 are shown in Figures 1-3 and 1-4, respectively.

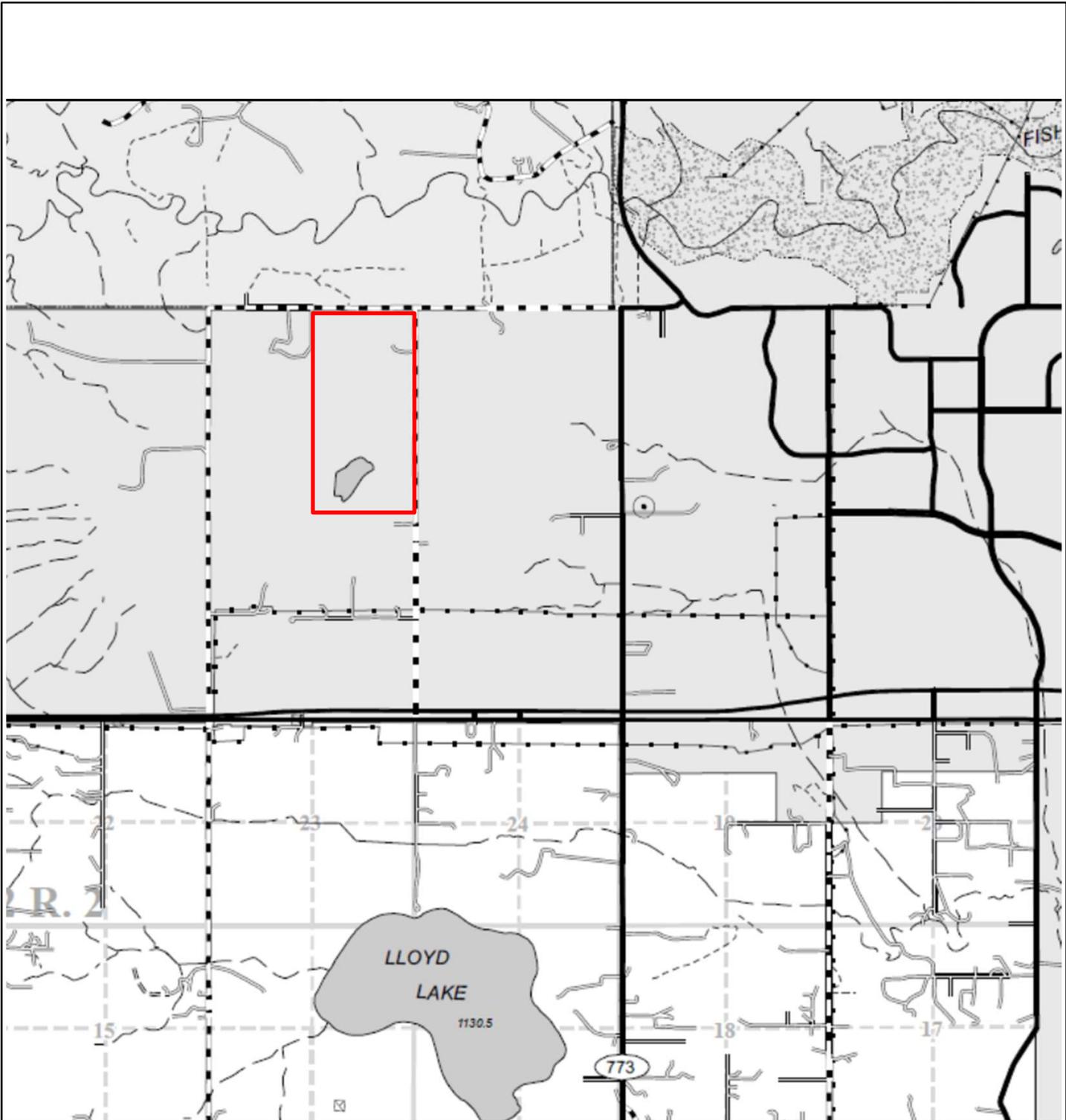
1.2 Purpose and Scope

This assessment evaluates the past and current condition of the South Wetland with regard to the accumulation of water and its potential causes, including the potential impact of 53rd Street SW. An assessment of the MDP, its implications to the south portion of the Brodylos Property and the South Wetland within the MDP is also provided.

The scope of this assessment included the following tasks:

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- Inspection and analysis of drainage systems associated with the Brodylos Property and surrounding lands, including the influence of 53rd Street SW on flows out of the South Wetland.
- Analysis of aerial photographs of the Brodylos Property and surrounding area to evaluate potential changes in water accumulation in the South Wetland over time.
- Evaluation of precipitation records collected at the City of Calgary to assess rainfall trends relative to historical average and water impoundment volumes in the South Wetland and other wetlands in the area.
- Wetlands assessment and classification.
- Review of the MDP with specific focus on the South Wetland and how it is represented in the pre-development and post-development cases.
- Review of comments and recommendations provided by Urban Systems (2020) in its third party review of an earlier draft version of the MDP (EXP, 2018).



Site Area



BURGESS ENVIRONMENTAL

Brodylo Family

Location Map

Date: 3/31/2020

Project #: BROD-01

Figure 1-1



Site Location



BURGESS ENVIRONMENTAL

Brodylo Family

Aerial View of Brodylos Property

Date: 3/31/2020

Project #: BROD-01

Figure 1-2



BURGESS ENVIRONMENTAL Brodylo Family
Aerial View of South Wetland (2003)

Date: 3/31/2020

Project #: BROD-01

Figure 1-3



BURGESS ENVIRONMENTAL

Brodylo Family

Aerial View of South Wetland (2016)

Date: 3/31/2020

Project #: BROD-01

Figure 1-4

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2 SITE DESCRIPTION

2.1 General

The Brodylos Property is located near the southwest limits of the City of Calgary and is used for agriculture. The Brodylos Property is located immediately west of 53rd Street SW and immediately south of 146th Avenue SW, both rural gravel roads. The Southwest Ring Road is located approximately 1km to the east of the Site, and will connect with Highway 22X, which is located approximately 1.5km to the south. The Southwest Ring Road is currently under construction, which is expected to increase development in the area.

The Brodylos Property and surrounding area are in the Southern Alberta Uplands physiographic region, within the Okotoks Upland district of the Western Benchlands Division section. This region is characterized by poorly drained ground surfaces that are covered with relatively low permeability till soils. The Brodylos Property and surrounding area are also in the Foothills Parkland Natural Subregion, which is dominated by grasslands with patches of aspen-poplar parklands and cattail marsh or willow-sedge wetlands (Natural Regions Committee 2006).

2.2 Topography and Drainage

The Brodylos Property and surrounding area is characterized by slightly hummocky terrain that is poorly drained, with flat-lying to gently rolling uplands and kettle depressions. The area in general drains to Fish Creek, which is located approximately 1km north of the northern boundary of the Brodylo property and confluences with the Bow River approximately 12km to the east of the Site. Portions of the surrounding area also drain to Pine Creek, which drains lands located south of the Brodylos Property. Local depressions form seasonal wetlands, particularly in spring in early summer. Larger depressions that are fed by larger drainage areas also form semi-permanent or permanent wetlands.

Within the south half of the Brodylos Property, surface runoff drains to the South Wetland, which occupies a large portion of the SE ¼ 35-25-2 W5M and drains to the east, across 53rd Street SW. Drainage in the area east of 53rd St SW was interpreted to be further to the east then north into Fish Creek (Agra, 2000). The eastern end of the South Wetland was intersected by 53rd Street as the land across the road is also poorly drained and was likely historically connected to the South Wetland. The drainage feature east of the South Wetland is poorly defined.

Figure 2-1 illustrates the drainage pattern for the Site and surrounding area as interpreted from historical aerial photographs. Depressions that form seasonal wetlands and small ponds dot the landscape. If the drainage areas feeding these depressions are large enough, the depressions form seasonal wetlands or ponds. If the drainage areas are small the depressions typically dry up.

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Many have been incorporated into farming operations. In times of very high runoff, these depressions overflow to drainage courses that ultimately flow into Fish Creek.

The Brodylos Property contains three depressions that have formed wetlands: 1) the larger wetland that covers the south portion of the SE ¼ 35-25-2 W5M, which is referred to as the South Wetland; and, 2 & 3) two narrow wetlands in the same drainage course within the NE ¼ 35-25-2 W5M that are seasonal. The Brodylos Property and surrounding lands are located on a dish-shaped plateau with relief on the order of 5 m. The closest permanent surface water course in the area is Fish Creek, which is located approximately 1.5 km to the north of the Site.

All wetlands on the Brodylos Property drain to the east across 53rd Street SW, eventually draining into Fish Creek. The downstream drainage courses associated with these wetlands is best defined by historical aerial photographs because these areas have been largely cultivated, which obscures the natural drainage course.

2.3 Climate

The climate statistics for the area have been taken from the Environment Canada (2017) weather station that is located at the City of Calgary airport. Calgary has a dry to humid continental climate with severe winters, warm summers and strong seasonality. The average temperature is 4°C, and varies from mean daily temperature of -10°C in January to 16°C in July. Total annual precipitation averages 420 mm. Table 2.1 summarizes the average monthly and yearly precipitation for the Calgary Airport. The Calgary International Airport is located approximately 30 km to the north and slightly east of the Site. Recent climatic conditions are described in Section 3.4 and in Table 3.1.

Table 2.1
Precipitation Data for Calgary Airport

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Rainfall (mm)	0.1	0.1	2.2	10.8	46.1	93.9	65.5	57	41.7	7.5	1.5	0.3	326.4
Snowfall (cm)	15.3	14.5	22.7	18.8	11.9	0.1	0	0	3.9	10	16.6	15	128.8
Total Precipitation (mm)	9.4	9.4	17.8	25.2	56.8	94	65.5	57	45.1	15.3	13.1	10.2	418.8

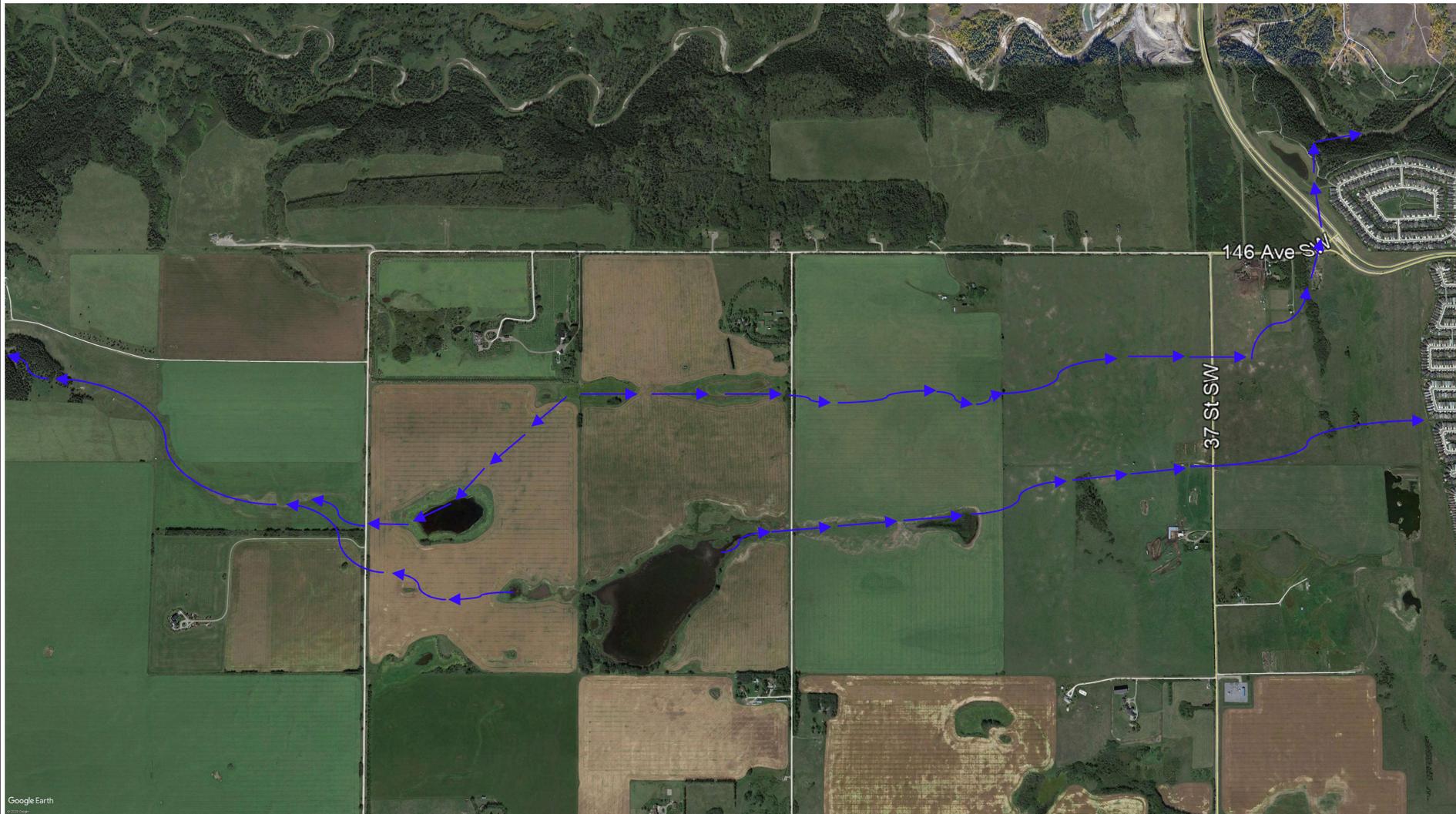
Based on the physiography of the Site, it is expected to experience slightly higher precipitation and slightly lower temperatures than the Calgary airport.

2.4 Historical and Current Land Use

Historically, the Site and surrounding lands have been used for agriculture, either as pasture or for annual crop production. Some residential development has occurred to the east of 37th Street

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SW, approximately 2 km to the east of the east boundary of the Site. The Southwest Ring Road is currently under construction and will follow an alignment approximately coincident with 37th Street SW. The Southwest Ring Road joins into Highway 22X approximately 1.5 km south of the Site, just to the north and west of Spruce Meadows equestrian facility. Development plans are in process to the east of Brodylos Property that are being advanced by Qualico and Dream, which are sponsors of the MDP that was completed by EXP (2020).



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Brodylo Family

Interpreted Site Drainage Pattern

Date: 4/19/2020

Project #: BROD-01

Figure 2-1

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3 SOUTH WETLAND ASSESSMENT

3.1 General

Assessment of the South Wetland involved the following tasks, which are described further, below:

- assessment of the hydrology of the area
- inspection of the Brodylos Property
- review of recent and historical aerial images of the South Wetland relative to precipitation records
- ecological assessment of the South Wetland
- analysis of the size of the South Wetland to determine the cause of expansion

3.2 Site Hydrology

The South Wetland collects runoff from the south part of the Brodylos Property, including a small portion of the lands to the south and west of the Brodylos Property. The drainage area is bound to the east by 53rd Street SW, to the north by the northern wetlands on the Brodylos Property, and to the west and south by breaks in topography. The interpreted approximate drainage boundary feeding the South Wetland is shown in Figure 2-1. A more detailed determination of this drainage boundary is presented in the MDP (EXP, 2020), which determined that the catchment area of the South Wetland is approximately 95 ha.

The water level in the South Wetland is heavily influenced by the seasonal variations in evaporation and precipitation. During periods of snow melt and relatively heavy rains the open-water area within the South Wetland increases in size, and diminishes in size during warm and dry periods. Given that the Site and surrounding lands are located on a small plateau, the South Wetland is expected to act as an area of groundwater recharge. Based on the low hydraulic conductivity of the underlying till, the rate of water seepage out of the South Wetland is expected to be very low.

During periods of high precipitation and runoff, the South Wetland overflows to the east, through the culvert underlying 53rd Street SW, to a low-lying area located within the farmland to the east of the Site. From there, the lands east of 53rd St SW appear to drain further east and north to Fish Creek, though these drainage features are poorly defined. Review of historical aerial photographs suggests that this drainage course used to be better defined (see Figure 3-1). It is likely that the drainage features have been obscured by cultivation.

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3.3 Site Inspections

The Brodylos Property was visited and inspected on four occasions in 2017, on July 11, 16 and 20, and August 11. The following points summarize the principle observations made during these visits.

1. At the time of the visits the culvert was blocked by silt and sand. These soils were likely eroded from the perimeter of the South Wetland during high flow events and settled in the culvert. There was no recent indication of flow through this culvert as conditions in 2017 were dry relative to historical averages.
2. The low-lying lands to the east of the South Wetland were dry at the time of the visits, with no indication of recent water ponding. The two wetlands located within the central part of the Brodylos Property were dry at the time of the August site visit.
3. The lands to the north of the South Wetland were cultivated and were being used to grow canola. Wetlands vegetation was encroaching on this area. Review of the precipitation records at the Calgary Airport indicates that precipitation experienced in 2017 through to the end of August was nearly 20% lower than the historical average.
4. Lands to the west were cultivated and there is no indication that there is an outlet from the South Wetland that drains in this direction.
5. Closer to the edge of the open water zone, a small number of mature cottonwood trees are dead, dying or experiencing stress. A larger number of willow shrubs located around the historical perimeter of the South Wetland were also submerged and dead.
6. Lands around the perimeter of the South Wetland were cultivated. Most of the land between the edge of the cultivated land and the edge of the water is dominated by a variety of non-desirable wetland plants and weeds.
7. A large proportion of the South Wetland (estimated 8 hectares) contained water during the August Site visit. The marsh and wet-meadow zones around the open-water did not have ponded water at the time of the early August Site visit.

Water levels in the South Wetland were consistently high throughout the growing season of 2017, despite experiencing below average precipitation. This contrasts with historical images of the South Wetland prior to 2005 that indicate the South Wetland typically shrank and occasionally dried up during periods of low precipitation (see Section 3.4).

3.4 Review of Aerial Photographs

Review of historical aerial photographs and more recent satellite images was completed to compare recent and historical water levels in the South Wetland and surrounding lands and wetlands. Aerial images were obtained for different 17 years, from 1924 to present, to develop an appreciation of the current water levels in the South Wetland relative to the historical levels.

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Appendix A provides copies of the historical aerial photographs relied upon for this review. Table 3.1 summarizes observations made from the photos and precipitation data. Blue and yellow shading indicate annual precipitation more than 10% above (wet) and below (dry) the average annual precipitation, respectively. Note that for 1999 onwards the precipitation data is presented for the 12 months ending June 30 of the year of the aerial image. Precipitation totals for years prior to 1999 are presented for the calendar year and are shown in italics.

While there are many factors that influence the amount of water that is present in the South Wetland at any given point in time, the trend is clear from the review of aerial images. The South Wetland has grown in area and impounded water volume since approximately 1999, and that 53rd Street SW appears to act as an impoundment preventing water from draining out of the South Wetland. This trend now persists through wet, average and dry periods, which suggests that the volume of water in the South Wetland is not influenced by precipitation alone, and that the observed changes are at least in part the result of outlet blockage.

Table 3.1
Review of Aerial Photographs and Site Observations

Photo Date	Pond Area (ha)	Wetland Area (ha)	Central Wetland	West Wetland	East Wetland	Precipitation (mm) 12 mo. prior	Comments
1924	4	8	Dry	Dry	n/a	617	Dry conditions over image area
1948	<2	n/a	n/a	n/a	n/a	454	Wetlands appear healthy
1950	6	8	n/a	n/a	n/a	443	
1962	Little water	10	Dry	n/a	n/a	284	Surrounding lands appear dry
1979	Little water	<12	Dry	n/a	n/a	285	Dry conditions over image area
Late Summer, 1999	6	12	Wet	n/a	n/a	538	Wetlands green and vibrant
Fall, 2001	4	12	Dry	n/a	n/a	394	Dry conditions over image area
April 29, 2002	4	12	Dry	Dry	Dry	276	Dry conditions over image area
July 4, 2005	6	12	Full	Full	Full	495	All wetlands in image are full
May 30, 2007	11	16	½ Full	½ Full	Dry	554	Most wetlands in image partly full
September 13, 2008	12	20	½ Full	½ Full	Dry	436	Appears relatively wet for Sept.
August 20, 2011	11	20	½ Full	½ Full	Wet	534	
September 7, 2012	13	22	½ Full	½ Full	Dry	557	Appears relatively wet for Sept.
July 12, 2013	9	22	¾ Full	Full	Dry	507	Flow blockage evident at 53 rd St.
July 28, 2014	14	22	Wet	Full	Wet	437	Flow blockage evident at 53 rd St.
August 22, 2015	12	22	Wet	Full	½ Full	343	Evidence of release to east wetland
September 8, 2016	13	22	Wet	Full	Dry	442	

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3.5 South Wetland Ecological Assessment

Assessment and classification of the South Wetland was completed with the assistance of Ms. Andrea Borkenhagen, who visited the Site on July 16th, 2017, and helped evaluate information collected (by the author) during the full Site inspection completed on August 11th, 2017.

The objectives of the wetlands assessment are to gain insight into the changing conditions of the South Wetland with the goal of better understanding the cause(s) and effects associated with these changed conditions. The wetlands assessment included the following:

- reviewing of aerial images,
- delineating the perimeter of the South Wetland,
- identifying the dominant wetland species,
- evaluating the wetland condition based on the occurrence and integrity of native and non-native trees, shrubs, and herbaceous wetland species, and
- evaluating the impacts to the surrounding agricultural land.

The South Wetland is now considered a Class V Permanent Pond (Stewart and Kantrud 1971) and contains a permanent open-water zone with a peripheral deep-marsh zone of bulrush (*Scirpus acutus*) and cattail (*Typha latifolia*). The shallow-marsh is dominated by reed canary grass (*Phalaris arundinacea*), the wet-meadow by foxtail barley (*Hordeum jubatum*), Canada thistle (*Cirsium arvense*), and field sow thistle (*Sonchus arvensis*). The occurrence of these shallow-marsh and wet-meadow species suggests a slightly brackish water quality and undesirable wetland condition around the margins.

The current open-water and deep-marsh zones are of normal vegetative quality, despite remnants of dead tree and shrub snags. However, the shallow-marsh and wet-meadow are of low vegetative quality as they are dominated by undesirable and invasive wetland plants. Species of particular concern are reed canary grass, Canada thistle, and field sow thistle.

Reed canary grass typically establishes in saturated wetland areas that do not have standing water for much of the year, but once the species establishes, it can endure periodic inundation. The species also occurs in roadside ditches, and meadows. Reed canary grass is not listed as a noxious weed in the Alberta Weed Control Act (Province of Alberta 2016) but can be problematic as it excludes other species, forming dense monocultures and reducing plant biodiversity. Mechanical removal is difficult as tillage causes re-sprouting from fractured tillers, although continuous mowing can deplete belowground plant stores over longer time periods. Aquatic approved herbicides are most commonly used as a control method in mid-summer or late fall but requires require several applications over several years to be effective.

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Canada thistle is considered a noxious weed in the Alberta Weed Control Act (Province of Alberta 2016). This species produces large quantities of highly dispersible seed, so anthropogenic dispersal is a concern. Canada thistle thrives in disturbed areas, such as roadsides and overgrazed pastures. The species is also found in springs and marshy edges of wet prairies and meadows that are adjacent to disturbed areas. Once established in an area, Canada thistle reduces light, nutrient, and space availability for other species, thus altering the structure of plant communities and reducing plant biodiversity. Removal of Canada thistle requires multiple years of control actions. Both herbicide and mechanical removal techniques are effective, but multiple years of both late-spring and fall treatments are needed for effectively reducing populations.

Field sow thistle is considered a noxious weed in the Alberta Weed Control Act (Province of Alberta 2016), and is prohibited in Calgary Parks. Field sow thistle thrives in heavy, moist soils, but also can be found in drier disturbed areas. The species is aggressive and has very deep roots, making it difficult to control. Additionally, field sow thistle produces high quantities of viable seed, making dispersal problematic. Mechanical control methods tend to be most effective when done successively. Continual mowing and or tilling will deplete root reserves over time, while single or few control events will cause re-sprouting and thus increased abundance. Herbicides have been shown to be effective when applied during the bud or pre-bud stage.

3.6 Analysis of the South Wetland Size

General

The volume of water that accumulates in wetlands is a function of the following inter-related factors, which were evaluated herein as part of the South Wetland assessment.

- Surface geometry/hydrology. Controlling factors include: the watershed (catchment) geometry and area; the area and depth of the localized depression that forms the wetland; and the elevation and geometry of the wetland outlet. During periods of very high runoff, wetlands will overflow, spilling water into the surrounding downstream drainage course; hence, water will not accumulate in a wetland for any significant length of time at elevations higher than the invert of the drainage outlet.
- Precipitation and evaporation trends (Water Balance). During periods of high precipitation and/or runoff, water accumulates in wetlands. During periods of low precipitation, higher temperatures and low humidity, water evaporates and transpires out of wetlands.
- Groundwater seepage. Groundwater can seep into a wetland or it can seep out of the wetland, depending on whether the water surface within the wetland is above or below the local groundwater surface. Groundwater flow is typically of very minor importance in the Alberta foothills, where the South Wetland is located, because the surface till has

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very low permeability. The South Wetland would act as an area of groundwater recharge (water from the wetland would seep into the ground) because it is located on a plateau.

Geometry and Hydrology

The catchment area and characteristics of the catchment area were determined by EXP (2020) to evaluate pre-development flows. The catchment area (S-23) was divided into 2 subareas: S-23W, which comprises 18 hectares and is located primarily west of the Brodylos Property; and, S-23E, which comprises 77 hectares and is located primarily on the Brodylos Property. Combined, the areas comprise 95 hectares, which is the watershed area that contributes flow into the South Wetland.

The culvert crossing 53rd St SW is the current outlet for the South Wetland. The controlling elevation of this drainage outlet is the invert elevation of the culvert beneath 53rd St SW (1,166.8 to 1,166.9 masl, Table 2.1 of the MDP(EXP, 2020)), which should correlate to the normal, high-water level of the South Wetland. Water would not accumulate higher than this elevation for any significant period of time during a high runoff event and the water level would gradually diminish below this elevation during drier periods of net evaporation. Accordingly, the maximum size of the South Wetland should correlate to the area within 1,166.8/1,166.9 m contour, which is approximately 7 hectares (Appendix E, MDP, EXP (2020)).

This is referred to as the maximum size because it is not possible to determine the elevation of the drainage outlet of the South Wetland prior to construction of 53rd St SW as the road construction altered the landscape. It is possible that the original outlet elevation of the South Wetland was lower than 1,166.94 masl.

Water Balance

A simple water balance analysis of the South Wetland was completed to assess the area of a water body that could be sustained by the 95 hectare catchment area of the South Wetland during average periods of precipitation. This area was then compared to the observed historical area of water impoundment to identify if other factors were affecting the size of the South Wetland pond. The following parameters were retrieved from reliable government publications to assist in this analysis:

- average annual precipitation - 412 mm (Canadian Climate Normals 1971-2000 Station Data, Government of Canada, Calgary International Airport)
- average annual evaporation from a shallow pond - 756 mm (City of Calgary Stormwater Management and Design Manual, 2011)
- average annual evapotranspiration - 74% of total precipitation (Evaporation and Evapotranspiration in Alberta, Alberta Government, 2003)

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- average groundwater recharge - 41 mm (Evaporation and Evapotranspiration in Alberta, Alberta Government, 2003)

The area of the ponded water was adjusted to determine the ponded area that could be sustained by a 95-hectare catchment area, during average annual precipitation conditions (see Table 3.2). The analysis indicates that the 95-hectare catchment area could sustain a ponded area of 14 hectares assuming no spillage occurred from that pond. During wet years, the ponded area would be larger and during dry years it would be smaller, again assuming no spillage from the pond.

Review of the ponded water area observed in aerial photographs taken prior to 2005 indicates the ponded area is significantly smaller, varying between 4 and 6 hectares in normal and wet years, and nearly drying up in dry years. The reasonable explanation for the observed ponding is that significant volumes of water were spilled out of the South Wetland prior to 2005.

Table 3.2
Water Balance for South Wetland Area

Water Gains/Losses	Precipitation		Average Year	
	Area (ha)	R _c	Precipitation (mm)	Total (m ³)
Precipitation	95	N/A	412	391400
Grass Farmland	81	-0.74	412	-247185
Net Pond Evaporation	14	1	-756	-105265
Groundwater Recharge	95		-41	-38950
Totals				0

This water balance clearly changed from the historical norms, causing an increase in the volume and area of impounded water in the South Wetland. Review of the aerial photos summarized in Table 3.1 indicates that the increase in the area and volume of the South Wetland has occurred since 1999. Eleven aerial photographs have been taken over this period, representing a cross-section of dry, wet and average years. The annual precipitation that occurred prior to these eleven aerial images represents a cross-section of dry, normal and wet years. The total average annual precipitation over the period is only slightly wetter than the long-term average precipitation. Accordingly, precipitation trends are not the cause of this increase. This conclusion is supported by the high water levels that were observed in the South Wetland in 2002, 2014 and 2017, following extended periods of relatively dry weather.

Observations made during a site visit completed on August 11, 2017 are particularly insightful. The Site had not experienced significant rainfall for approximately 1 month and had experienced

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above-average temperatures for about 3 weeks. The South Wetland was relatively full of water, which contrasted with the nearby wetlands that were completely dry.

Taking these observations into account, it is concluded that blockage of the South Wetland outlet culvert has caused the increase of impounded water observed in the South Wetland that has occurred since approximately 2005. The blockage of flow out of the South Wetland is clearly evident in the aerial image taken in 2008 (see Figure 3-3).

These conclusions are evidence-based and are supported by simple, reliable hydrologic analyses. In my opinion, evidence-based analysis is most reliable in this case because over a period of time it accounts for all of the factors that would affect water accumulation in the South Wetland. It is also possible to complete more rigorous hydraulic analyses, but this would not be more accurate or reliable. This method would require the topography of the catchment area to be 'recreated' using LiDAR and historical aerial images, and water balances to be calculated based on complex data extrapolated from the airport weather station. Each of these steps introduces significant uncertainty, as does the numerical simulations that are used to calculate the water balances.



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Historical View of South Wetland Drainage (2002)

Date: 3/31/2020

Project #: BROD-01

Figure 3-1



Note: South Wetland is essentially dry following a period of low precipitation



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**Historical View of South Wetland
(1979)**

Date: 3/31/2020

Project #: BROD-01

Figure 3-2



BURGESS ENVIRONMENTAL Brodylo Family
Aerial Image of South Wetland showing Impoundment by 53rd St SW (2008)
Date: 3/31/2020 Project #: BROD-01 **Figure 3-3**

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4 REVIEW OF MASTER DRAINAGE PLAN

4.1 General

Review of the MDP prepared by EXP and accepted by the City of Calgary was completed to assess the way that the South Wetland is being represented in the MDP relative to the Brodylos concerns described in Section 1.1. Specific aspects of MDP that are most relevant to this review include the following:

- natural drainage patterns determined within the area of the MDP
- pre-development flows modeled for the South Wetland catchment area and drainage point
- post-development flows modeled
- comments and recommendations made by Urban Systems and how those comments and recommendations were addressed in the MDP

4.2 Drainage Patterns and South Wetland

The existing drainage patterns of the MDP study area as interpreted by EXP are illustrated in Figure 4-1 (EXP (2020) Figure MDP.06). The figure shows the areas contributing to flows into the South Wetland as S23E and S23W, and discharge to the east across 53rd St. SW, which is consistent with the interpretation summarized in Section 3. From this point, EXP (2020) interprets the drainage to be east and then south, ultimately discharging to the Pine Creek watershed. This interpretation is inconsistent with the interpretation summarized in Section 3 as well as the interpretations of regional studies completed prior to the MDP (Agra, 2000).

Figure 4-2 (EXP (2020) Figure MDP.04) illustrates the Catchment Boundaries in the MDP study area. This figure illustrates the South Wetland water impoundment at an approximate elevation of 1168 masl, which is more than one m higher than the reported culvert invert elevation of 1166.8 to 1,166.9 masl. It also clearly illustrates 53rd St. SW acting as a dam impounding water in the South Wetland, which is how the South Wetland was represented in the MDP based on my review of the Pre-Development model output included in the MDP (see Section 4.3).

A fundamental assumption of the MDP is that the South Wetland is conserved through the development process. A fundamental premise of this assumption is that the South Wetland is crown claimable under provincial legislation. This premise may not be correct. While the South Wetland has impounded water on a continuous basis in recent years, this is not the case through its documented history. This aspect is acknowledged in the air photo review (Section 3.7) completed in the MDP (EXP, 2020). The South Wetland only starting impounding water on a

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permanent basis as a result of the construction of 53rd St. SW and the more recent plugging of the culvert since at least 2007 (EXP, 2020, Section 3.7). This aspect is discussed further in Section 5 of this report.

4.3 Pre-Development Hydrologic Assessment

Insight into the manner by which the South Wetland was represented in the MDP in the pre-development (current) case was inferred from the computer model inputs and outputs included in Appendix E of the MDP (EXP, 2020). Observations of the information included in Appendix E that are relevant to the Brodylos concerns and/or the South Wetland are summarized as follows.

- The Existing Wetland Staged Storage table represents the South Wetland (Wetland 6) as full and impounding an area of 7 hectares at the onset of the single event and 60-year modeling cases. This is represented by a starting water elevation of 1,166.8 in each of the simulations, which corresponds to the invert elevation of culvert. Runoff generated by the two simulations then accumulates in the South Wetland above this starting elevation.
- In the single event simulation (1 in 100 years, 24 hour rainfall event) EXP predicts a peak water surface elevation of 1,167.50 masl, 0.7 m above the invert of the culvert (Node Depth Summary), which corresponds to an additional impoundment volume of 86,000 m³, over and above what is already assumed to be a full wetland. Flow out of the South Wetland throughout this event is calculated to be 0, even though the water level is 0.7m higher than the base of the culvert (Storage Volume Summary). A base assumption of the model appears to be that the South Wetland can flood to an elevation of 2 m higher than the invert elevation of the culvert (Node Summary), which is significantly higher than the elevation of the crest of the road at this location.
- In the long-term simulation (60 years) EXP predicts a peak water surface elevation of 1,167.72 masl, 0.92 m above the invert of the culvert (Node Depth Summary), which corresponds to an additional impoundment volume of 127,000 m³, over and above what is already assumed to be a full wetland (Storage Volume Summary). Maximum flow out of the South Wetland throughout this 60-year period is calculated to be 0.011 m³/s, even though the water level is 0.92m higher than the base of the culvert at peak level and averages 0.44 m higher than the base of the culvert throughout the 60-year period.

Both the single event and long-term simulations are completely inappropriate and inaccurate as they portray flow in and out of the South Wetland for a number of reasons. First, they both assume that the South Wetland is completely full of water at the onset of each simulation. Second, they both assume that the culvert draining the South Wetland is either absent or is inoperative. In the case of single event simulation (the 1 in 100 years, 24 hour rainfall event),

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absolutely no water flows out of the South Wetland. In the long-term simulation it is assumed that the culvert is blocked or absent over the entire 60-year period. Third, there is no allowance for overflow of 53rd St. SW, which would be the spilling mechanism for the South Wetland if the culvert was either not present or completely blocked.

4.4 Post-Development

Insight into the manner by which the South Wetland was represented in the MDP in the post-development case was inferred from the computer model inputs and outputs included in Appendix F of the MDP (EXP, 2020). Observations of the information included in Appendix E that are relevant to the Brodylos concerns and/or the South Wetland are summarized as follows.

- The total catchment area that contributes flow into the South Wetland is increased from 95 hectares to 120 hectares (S16 in Figure 4-3 (EXP, 2020, Figure MDP.07)). This will clearly increase the amount of runoff that is directed to the South Wetland and the stormwater ponds in Area S16.
- The operating elevations of the stormwater ponds, and by extension the South Wetland, vary between a low of 1,166.0 masl and 1,169 masl. The maximum water surface elevation is 2.2 m higher than the invert elevation of the existing culvert that drains the South Wetland across 53rd St. SW.
- In the single event simulation (1 in 100 years, 24 hour rainfall event) EXP predicts a peak water surface elevation of 1,168.50 masl, 1.7 m above the invert of the existing culvert, which corresponds to a total impoundment volume of 234,000 m³. The maximum flow out of Area S16 throughout this event is calculated to be 0.168 m³/s, which corresponds to 1.4 l/s/ha (SU16, Node Depth Summary), significantly lower than the 1 in 100 years runoff rate target of 2.42 l/s/ha.
- In the long-term simulation (60 years) EXP predicts a peak water surface elevation of 1,169.07 masl, 2.27 m above the invert of the existing culvert (SU16, Node Depth Summary), which corresponds to a maximum total impoundment volume in Area S16 of 268,000 m³. The maximum flow out of Area S16 throughout this event is calculated to be 0.203 m³/s. A base assumption of the model appears to be that the South Wetland can flood to an elevation more than 2 m higher than the invert elevation of the existing culvert (Figure MDP.07), which is significantly higher than the present elevation of the crest of the road at this location.

The post-development servicing concept is inappropriate. It makes it more difficult to develop the Brodylos Property for a number of reasons, as follows. First, the concept adds to the area that drains into the Brodylos Property and by extension into the South Wetland, while maintaining

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that single stormwater release point. This is because runoff from of a portion of the Dream property located west of the Brodylo Property is now being directed onto the Brodylos Property. Second, it elevates the perimeter elevation of the stormwater ponds (minimum 1,169.07 masl) to more than 2 m higher than the elevation of the current maximum water level in the South Wetland (1,168.8 masl). This will require significant regrading of the south portion of the Brodylos Property and will very likely require the importation of large volumes of fill to achieve grades to drain to the stormwater ponds. Third, the very nature of the South Wetland will be utterly destroyed by flooding as predicted maximum water levels exceed the current maximum water level in the South Wetland by over 2 m. Fourth, the flow out of the south portion of the Brodylos Property for the 1 in 100 year, 24 hour rainfall event is 1.4 l/s/ha, which is 40% lower than the runoff rate target for this event. In other words, the Brodylos Property is being used to store water so that other developers in the MDP area can release stormwater at higher rates.

4.5 Urban Systems Third Party Review

In an effort to address the Brodylos concerns, the City retained an independent company (Urban Systems) to complete a third-party review of the Providence MDP application. Urban Systems' reviewed the draft Providence MDP (May 2018) and met with the City and EXP on weekly basis throughout the review period. Urban Systems' review is presented in a report dated December 2019 that was signed off by Urban Systems on February 3, 2020. The following recommendations were made in the Urban Systems report that are relevant to the South Wetland and its potential future development. The underlying text *in italics* summarizes how these comments were addressed in the final MDP that was accepted by the City.

1. Section 2 of the Urban Systems report describes how the MDP divides drainage into Fish Creek and Pine Creek, as well as its assumptions regarding predevelopment drainage. It recommends that the MDP provide more extensive rationale explaining the basis of these decisions and their potential implications to developments in the area. Urban Systems made this recommendation because EXP's representations of the drainage boundaries (to Fish Creek and to Pine Creek) are inconsistent with regional studies.

The final MDP that was accepted by the City provides some additional explanation but does not specifically address the issue raised by Urban Systems. It is not clear that the South Wetland ultimately flows to the south and into drainage course SE as is depicted in the MDP (see Figure 4-1).

2. In Section 3, Urban Systems concludes that the predevelopment hydrologic model was inaccurate and should be redone. Section 3 also concludes that the drainages from the Brodylo lands, including the Brodylo wetlands, were inaccurately represented by the draft

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MDP and that these wetlands would spill 'frequently' across 53rd Street SW were functioning culverts maintained by the City. Urban Systems recommends redoing the hydrologic model, with correct input parameters and proper surveys of the wetlands.

EXP did not alter the predevelopment flow conditions in their stormwater as was recommended by Urban Systems. No flows from the South Wetland across 53rd St SW were incorporated into their model. The MDP does acknowledge the easterly drainage of the Brodylo wetlands across 53rd St SW; however, it does not account for these flows in its pre-development runoff simulations (see Section 4.3).

3. Section 4.2 recommends that developments located east of 53rd St SW should assume fully functioning culverts across 53rd St SW and that the pre-development flows likely exceed the Fish Creek release rate of 2.4 l/s/ha, which will result in oversize requirements of the downstream facilities and minor system.

The post development modeling allows for a release rate of 1.4 l/s/ha out of the South Wetland and south half of the Brodylos Property, more than 40% lower than the runoff rate target that is applied to the MDP area as a whole.

4. Urban Systems recommends that sub-catchments S16, S17, S18, S19, S20, S21N, S21S should discharge to Providence stormwater trunk and not to the drainage course C-SE and that a hydrologic study be completed if this drainage course is to be preserved.

This change appears to have been made.

4.6 Implications to Brodylos

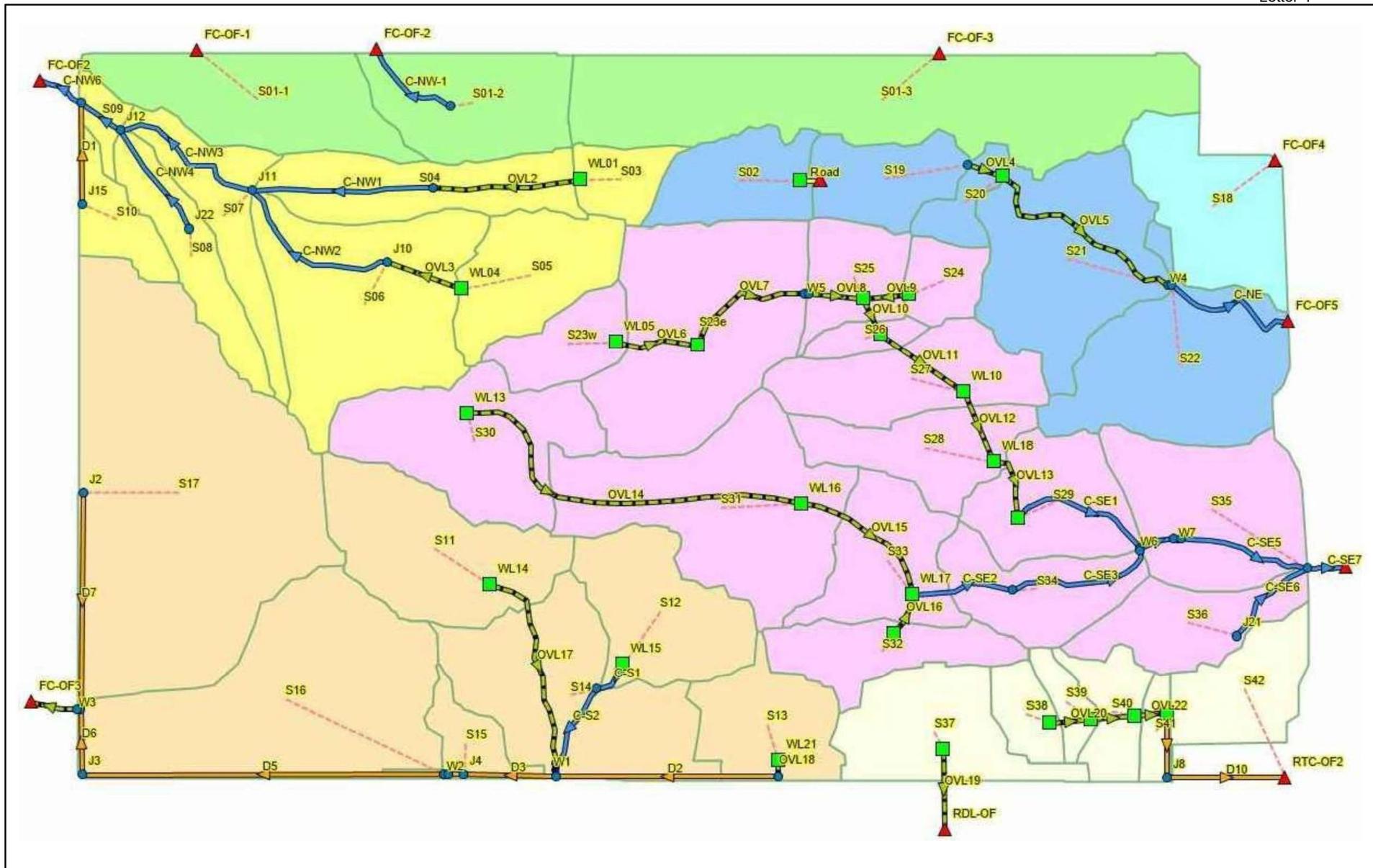
The primary implications of the City accepting the final MDP are summarized as follows.

- Directing the ultimate drainage from the South Wetland to the east and south, and ultimately into the main stormwater trunk increases the cost of this infrastructure and the proportion of the costs potentially attributable to the Brodylos. This flow should be directed to the north and should be accommodated in these initial land developments. This would be consistent with past regional studies (Agra, 2000) and the recommendations of Urban Systems (2020).
- The South Wetland is represented as a full wetland with a permanent water level coincident with the elevation of the invert of the culvert that drains the South Wetland. This is inconsistent with the historical size of the South Wetland, which is much smaller. This directly affects the developable area of the Brodylos Property.

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- The pre-development flow regimes continue to represent 53rd St SW as a flow barrier. Failure to accommodate these flows in the downstream developments east of 53rd St. SW will continue the flooding of the Brodylos Property that has caused the increase in size of the South Wetland.
- The elevations of the post-development ponds on the Brodylos Property set the minimum grade for the adjacent development. This elevation is more than 2 m higher than the current maximum water level of the South Wetland and over 1 m higher than the current elevation of 53rd St. SW at the South Wetland. This will require significant regrading of the south portion of the Brodylos Property and will very likely require the importation of large volumes of fill to achieve grades to drain to the stormwater ponds.
- The flow out of the south portion of the Brodylos Property for the 1 in 100 year, 24 hour rainfall event is 1.4 l/s/ha, which is 40% lower than the runoff rate target for this event. In other words, the Brodylos Property is being used to store water so that other developers in the MDP area can release stormwater at higher rates.

The Brodylos concerns were validated by the independent third party review completed by Urban Systems on behalf of the City. At a minimum, the MDP should be re-written, taking into account all of the recommendations of Urban Systems, including the recommendations to redo the modeling work based on detailed analyses of the wetlands throughout the area, and incorporating the drainages across 53rd St. SW. The MDP should not be reviewed and accepted by the City until corrections are made and the concerns of the Brodylos are given legitimate consideration.



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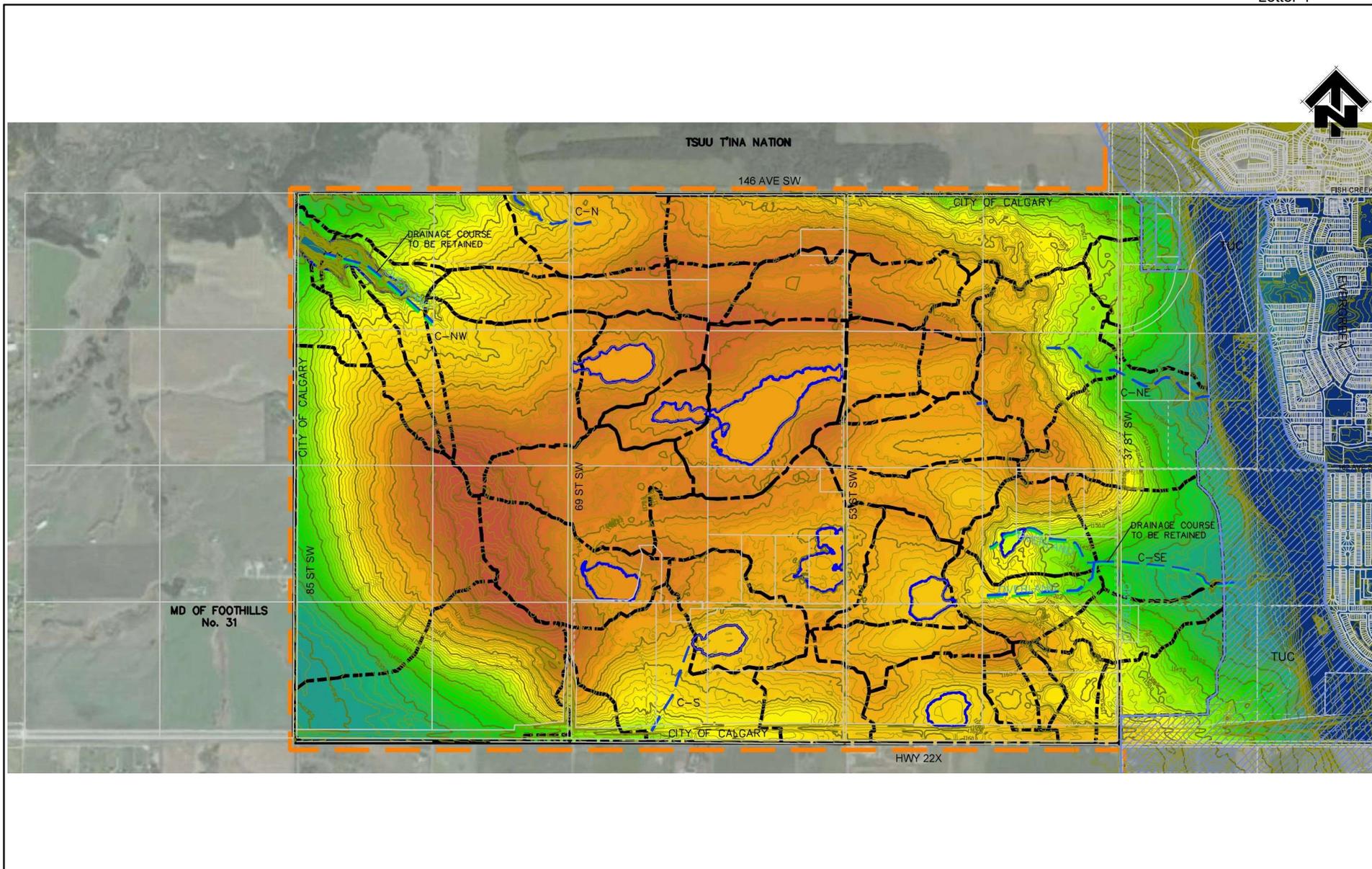
Brodylo Family

**Master Drainage Plan Outfall
 Catchments (source: EXP, 2020)**

Date: 3/31/2020

Project #: BROD-01

Figure 4-1



LEGEND:

-  CITY LIMITS BOUNDARY LINE
-  PONDING LOCATIONS
-  DRAINAGE COURSE
-  DRAINAGE COURSE TO BE RETAINED
-  CATCHMENT BOUNDARYS

BURGESS ENVIRONMENTAL

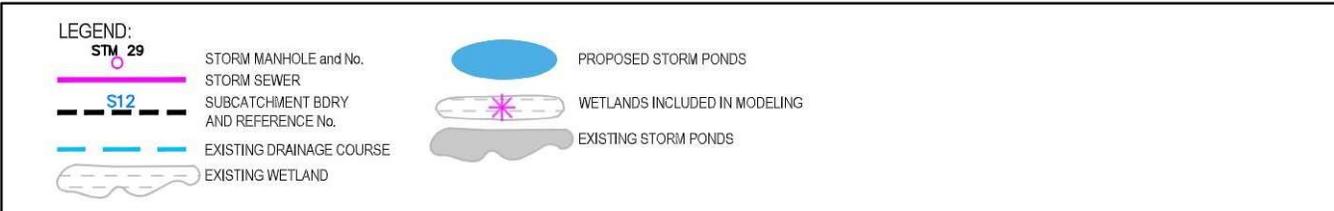
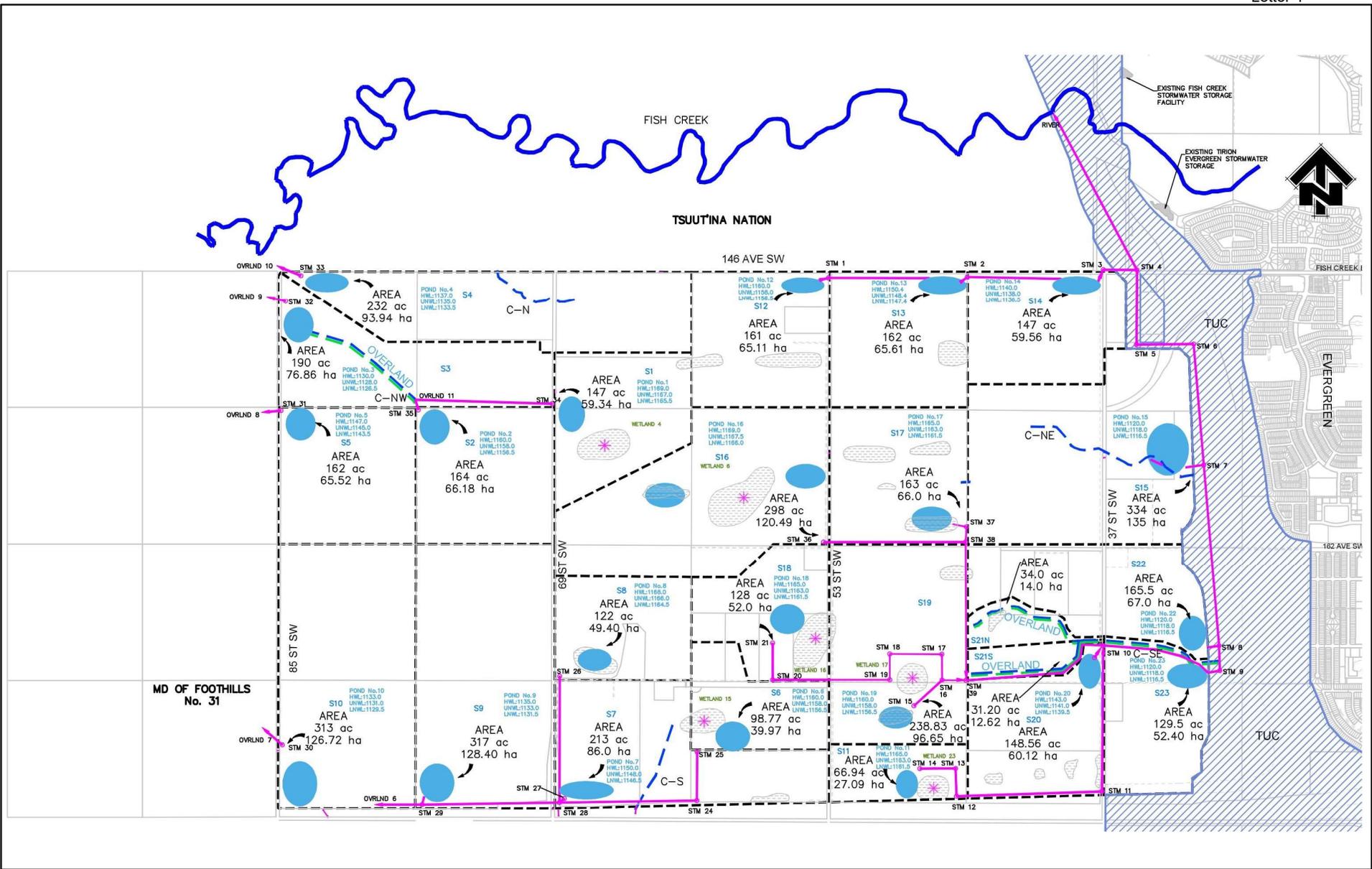
Brodylo Family

Master Drainage Plan Existing Catchment Boundaries (source: EXP, 2020)

Date: 3/31/2020

Project #: BROD-01

Figure 4-2



Brodylo Family

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Master Drainage Plan Post Development Servicing Concept (source: EXP, 2020)

Date: 3/31/2020	Project #: BROD-01	Figure 4-3
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5 REGULATORY ASPECTS

5.1 MDP Process

The MDP process did not involve meaningful consultation with the Brodylos. I am aware of only one meeting that was held with the Brodylos. In that meeting EXP refused to accept most of the errors in the MDP that were brought to their attention by the Brodylos, Sheffer Andrews Ltd. and Burgess. These errors were later confirmed by Urban Systems.

The City implemented the third party review ostensibly to address the concerns of the Brodylos. The Brodylos had little or no input into the development of the Terms of Reference for the third-party review or the selection of the consultant to complete this review. Neither the Brodylos nor Urban Systems were given an opportunity to review if or how their concerns were incorporated into the final MDP that was accepted by the City. Many meetings were held between the City, EXP and Urban Systems during the review period and the Brodylos were not asked to participate in any of these meetings. None of the recommendations that were made by Urban Systems that directly affect the Brodylos appear to have been incorporated into the final MDP that was accepted by the City after 1 day of review.

5.2 Crown Claimable Wetlands

The process of the Crown claiming ownership of wetlands is enabled by Section 3 of the Public Lands Act, which states:

3. *(1) Subject to subsection (2) but notwithstanding any other law, the title to the beds and shores of*
 - a) *all permanent and naturally occurring bodies of water, and*
 - b) *all naturally occurring rivers, streams, watercourses and lakes,**is vested in the Crown in right of Alberta and a grant or certificate of title made or issued before, on or after May 31, 1984 does not convey title to those beds or shores.*

This section of the Public Lands Act is extended to wetlands through the Water Act and the Alberta Wetlands Policy (2013) under the Water Act. The Alberta Wetlands Policy states that *the provincial government is responsible for claiming ownership to the bed and shore of a permanent and or naturally occurring body of water within a wetland.*

The basic premise of these powers is described by the policy's mission statement, below.

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The goal of the Alberta Wetlands Policy is to provide strategic direction to conserve, restore, protect and manage Alberta's wetlands, to sustain the benefits that they provide to the environment, society and the economy. To achieve this goal, the policy will focus on the following outcomes:

- 1. Wetlands of the highest value are protected for the long-term benefit of Albertans.*
- 2. Wetlands and their benefits are conserved and restored in areas where their losses have been high.*
- 3. Wetlands are managed by avoiding, minimizing, and if necessary replacing, lost wetland value.*
- 4. Wetland management considers regional context.*

In my opinion, the premise of the MDP that the South Wetland is to be preserved and presumably claimed by the crown is flawed for the following reasons.

1. The South Wetland, in its current state, is not natural as its bed, shore and associated vegetation have been completely altered and significantly harmed by the flooding caused by the construction of 53rd St. SW and the subsequent clogging of the culvert that was installed beneath 53rd St. SW to convey spill from this wetland during periods of high runoff. Section 3.5 documents the harm that has been caused to the South Wetland as a result of the flooding.
2. The body of water within the wetland may not have been 'permanent' as contemplated by the legislation and policy, but rather may be the result of the impoundments noted above. Review of historical aerial images shows that the South Wetland used to dry up during periods of dry weather. The size, nature and extent of the South Wetland is completely changed.
3. The objective in this case cannot be to *conserve, restore, protect and manage* the South Wetland for the benefit of the environment or its wetland qualities. The pre-development case modeled by EXP (2020) contemplates increasing the high-water level in the south Wetland by up to 0.9 m. The post-development concept will result in increases to the high-water level of over 2 m. These changes cannot possibly result in the conservation, restoration or protection of the South Wetland. A far more likely motivation for keeping the South Wetland is for it to act as a stormwater retention reservoir to the benefit of surrounding developers and to the detriment of the Brodylos.
4. The South Wetland is no longer a *wetland of the highest value* as contemplated by the Alberta Wetland Policy (see Section 3.5), if it ever was. Whatever ecologic value remains with the South Wetland will be further degraded by implementing the MDP concepts as reported by EXP (2020).

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5.3 Constructive Taking

Although the intent of this section is not to provide a legal opinion on this matter, the representation of the South Wetland in this MDP that was accepted by the City may even be considered a constructive taking. From a technical perspective and in my opinion, the South Wetland is clearly being utilized in the MDP as a stormwater retention pond and is not being preserved as a wetland. No attempt has been made to incorporate the existing hydrology of the South Wetland into either the pre-development modeling case, or the post-development concept or model. Further, no attempt has been made in the MDP to maintain or restore its ecological value as a wetland. Indeed, the simulations and assumptions included in the MDP involve massive inundation of the wetland, as is described in Sections 4.4 and 4.5, and is counterproductive to the Alberta Wetlands Policy's stated goals.

Contrary to earlier drafts, the final MDP that was accepted by the City now states that *future Staged Master Drainage Plans (SMDPs) must adhere to the stormwater concepts and policies established in the Providence Area Structure Plan (ASP) as informed by this MDP*. The intent of this particular statement, which was accepted by the City, would appear to be to require development to comply with the Post-Development concept (see Figure 4-3). It clearly provides the Brodylos very little flexibility regarding the development of their property and essentially precludes the economic development of most of the southern half of the SE ¼ of 35-25-2 W5M. This will not benefit the environment or the public.

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7 CLOSURE

This report has been prepared for Waddell Phillips. The text contained herein presents the opinions of Gordon J. Johnson, M.Sc., P.Eng. that are based on review of documentation and inspection and work carried out by Burgess Environmental Ltd. regarding the South Wetland of the Brodylo Farm, which is located in the southwest corner of the City of Calgary, Alberta, within SE ¼ of 35-25-2 W5M. This report represents the opinions of Burgess Environmental Ltd. that are based on publicly available data, and observations made during site visits.

All data contained herein has been reviewed and interpreted by, or under the direct supervision of Gordon J. Johnson, P.Eng.

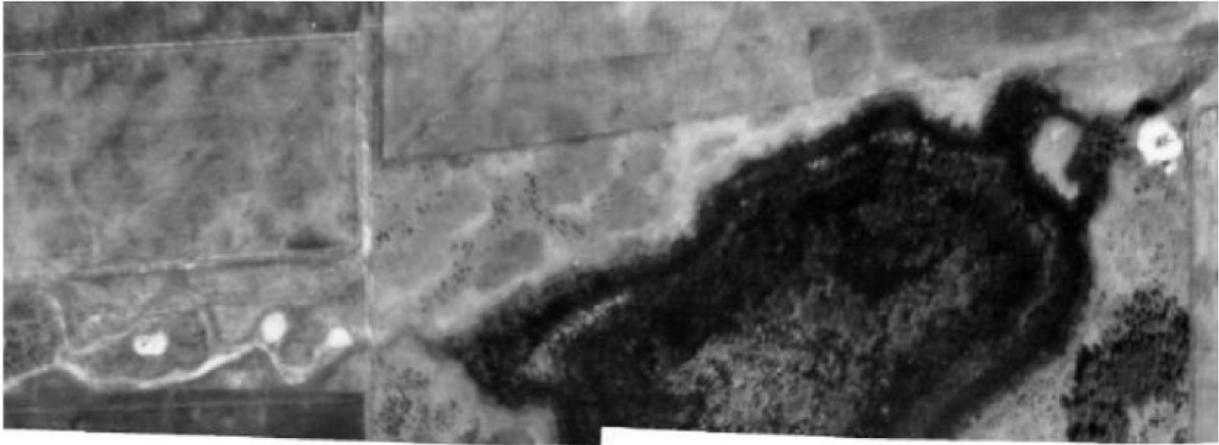
April 1, 2020



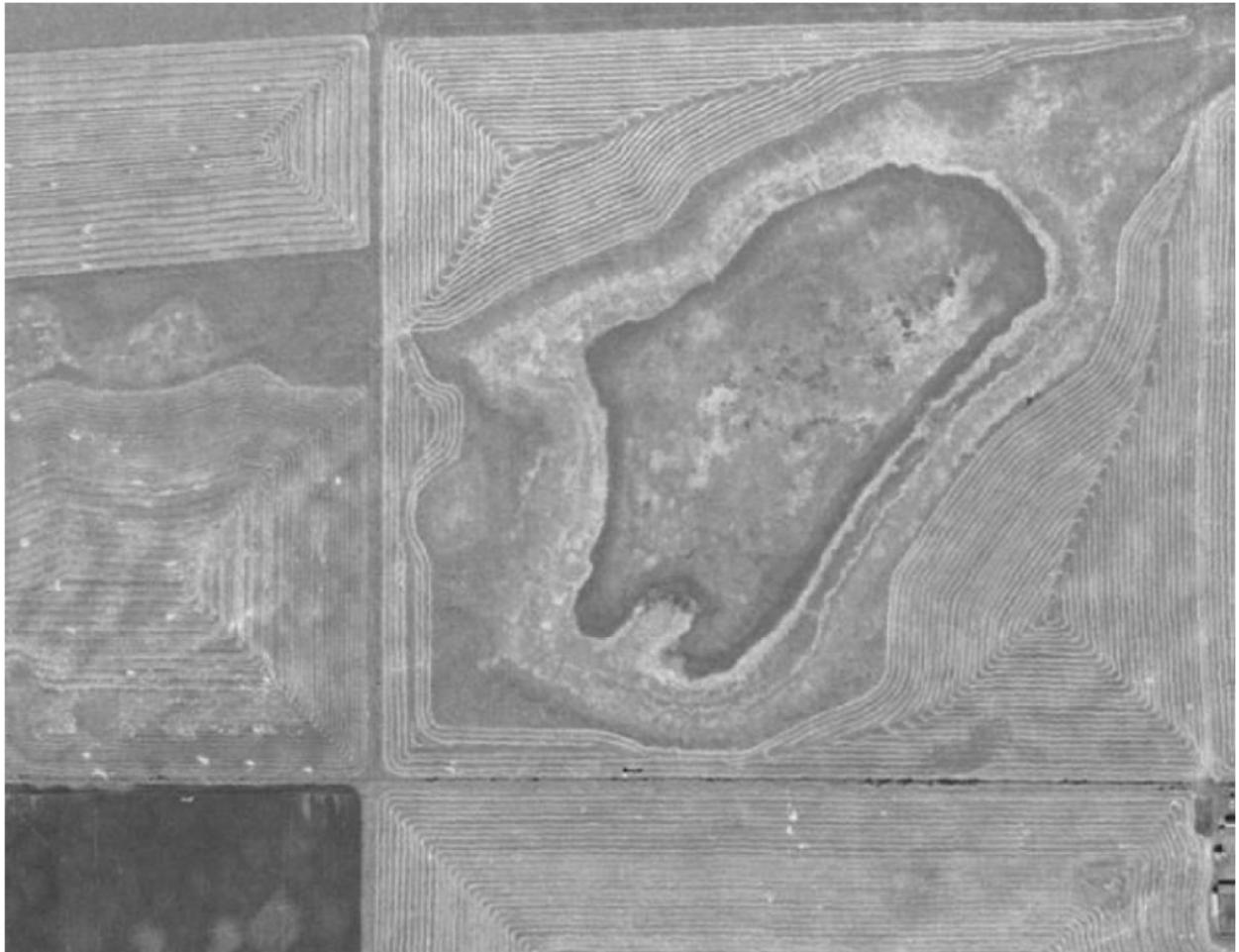
Gordon J. Johnson, M.Sc., P.Eng.
Burgess Environmental Ltd.



1924 (Air photo)



1948 (Air photo)



1962 (Air photo)



1979 (Air photo)



Late Summer, 1999 (Air photo)



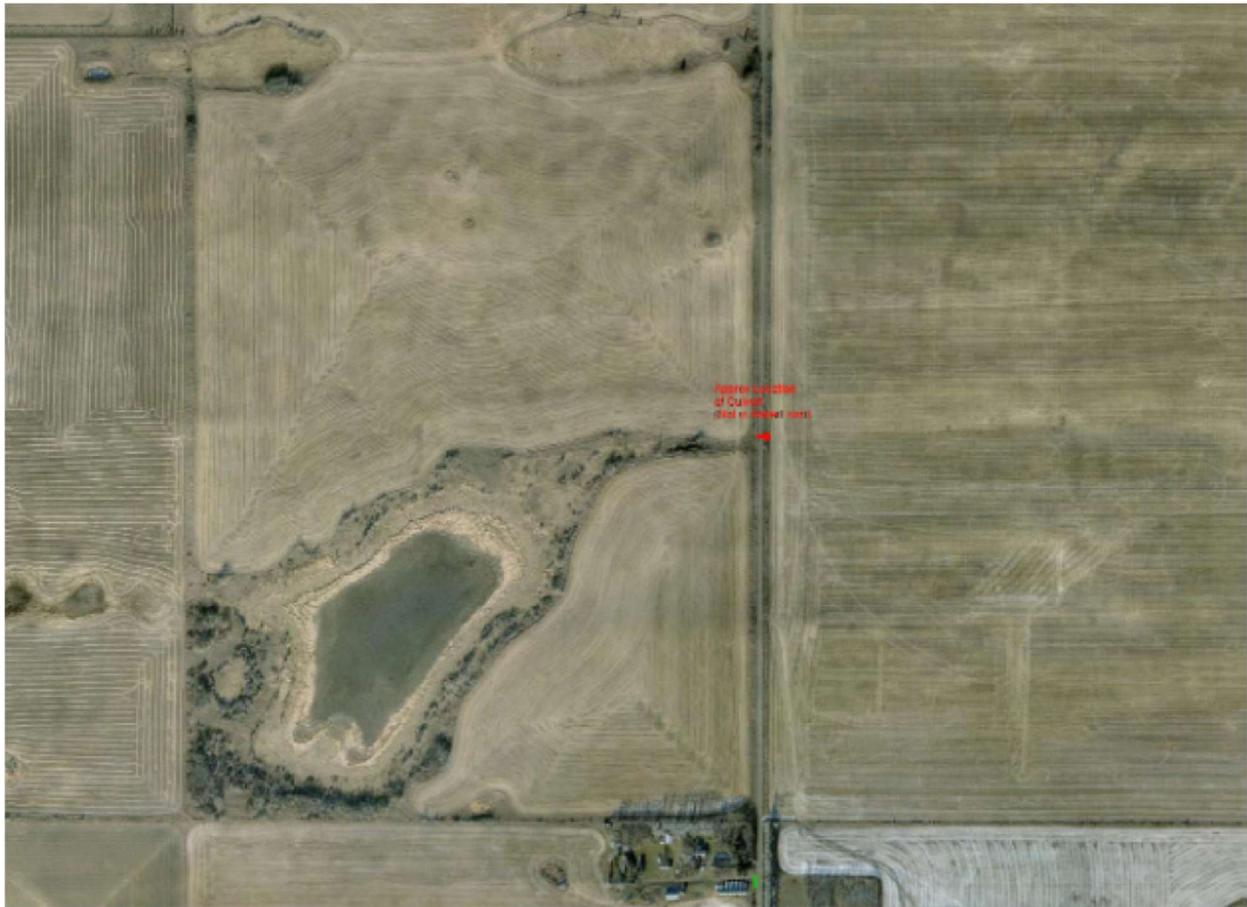
Fall, 2001 (Air photo)



April 29, 2002 (Google Earth)



2003 (Air photo)



2004 (Air photo)



July 4, 2005 (Google Earth)



May 30, 2007 (Google Earth)



September 13, 2008 (Google Earth)



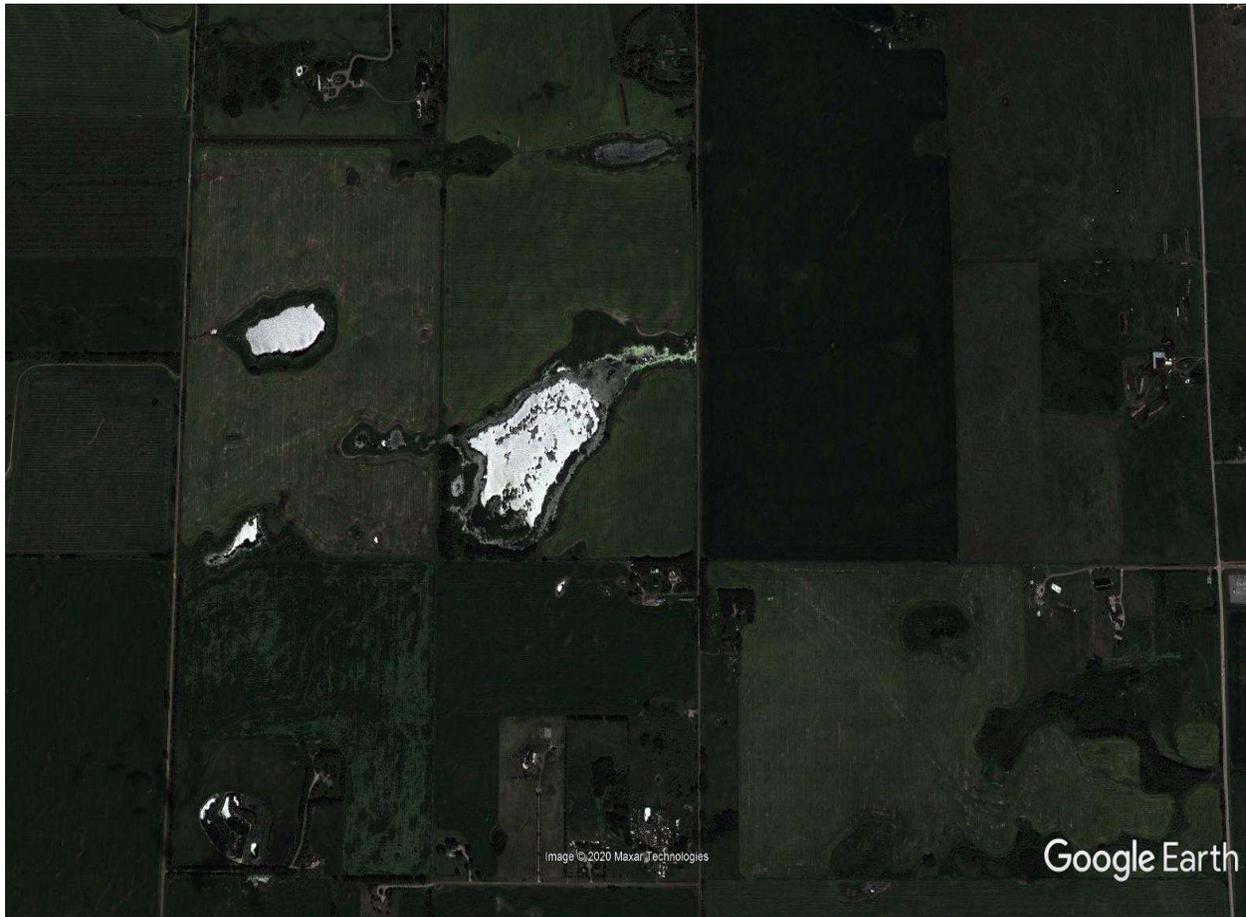
2009 (Air photo)



August 20, 2011 (Google Earth)



September 7, 2012 (Google Earth)



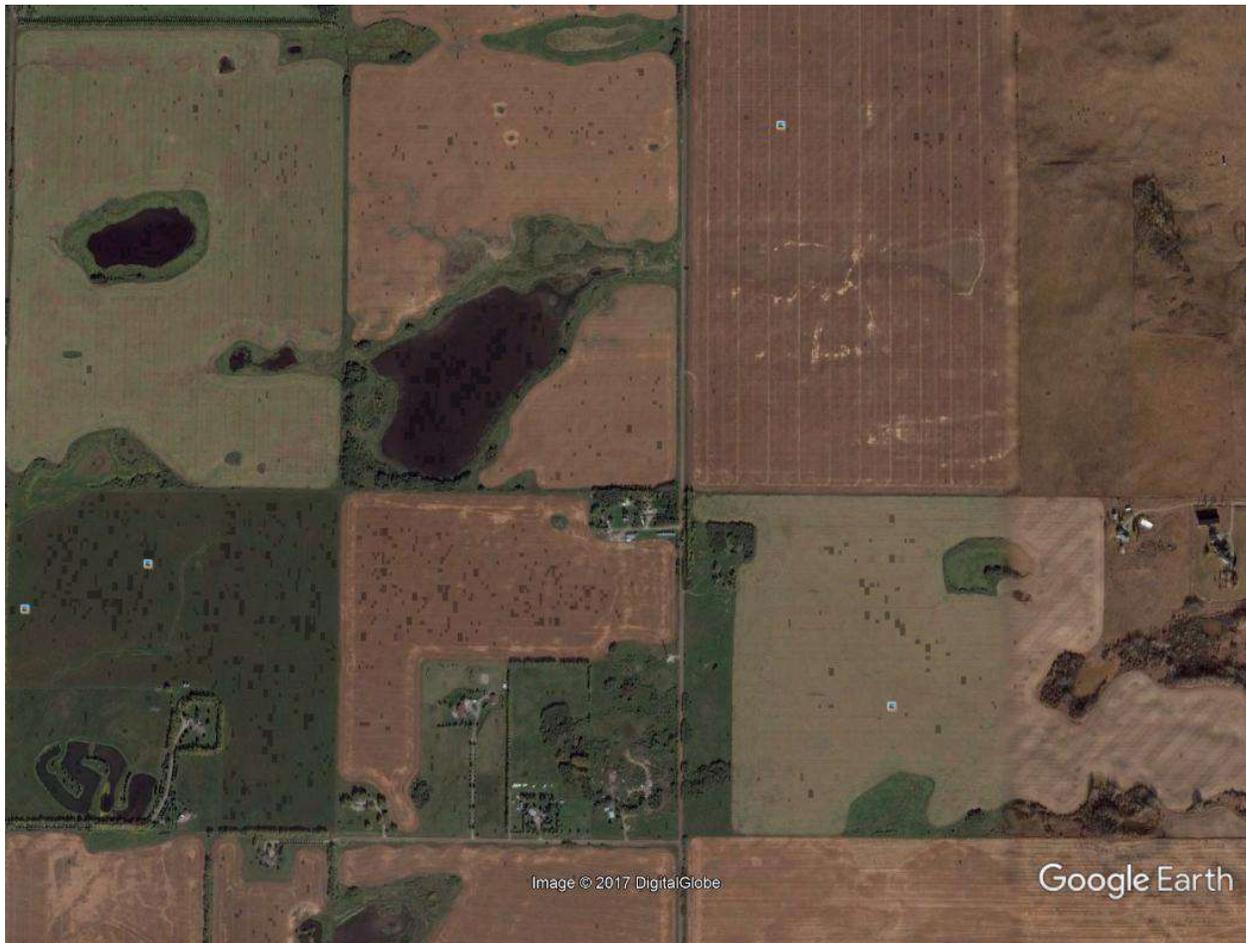
July 12, 2013 (Google Earth)



July 28, 2014 (Google Earth)



August 22, 2015 (Google Earth)

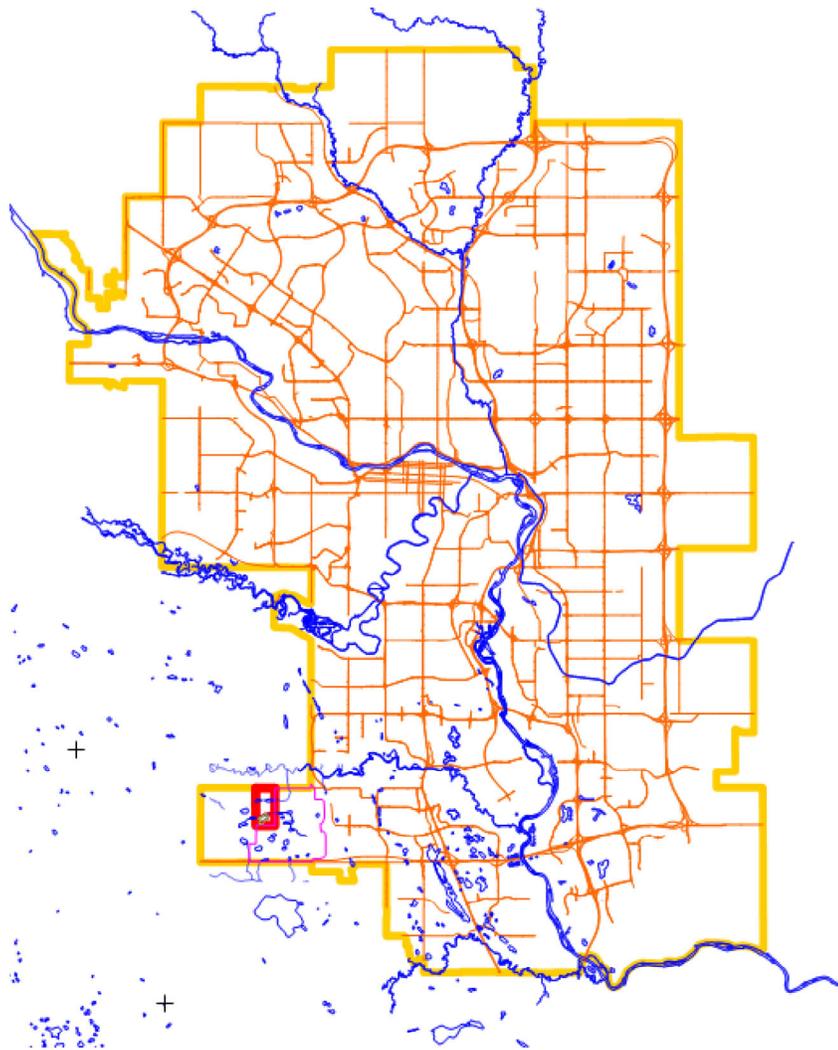


September 8, 2016 (Google Earth)

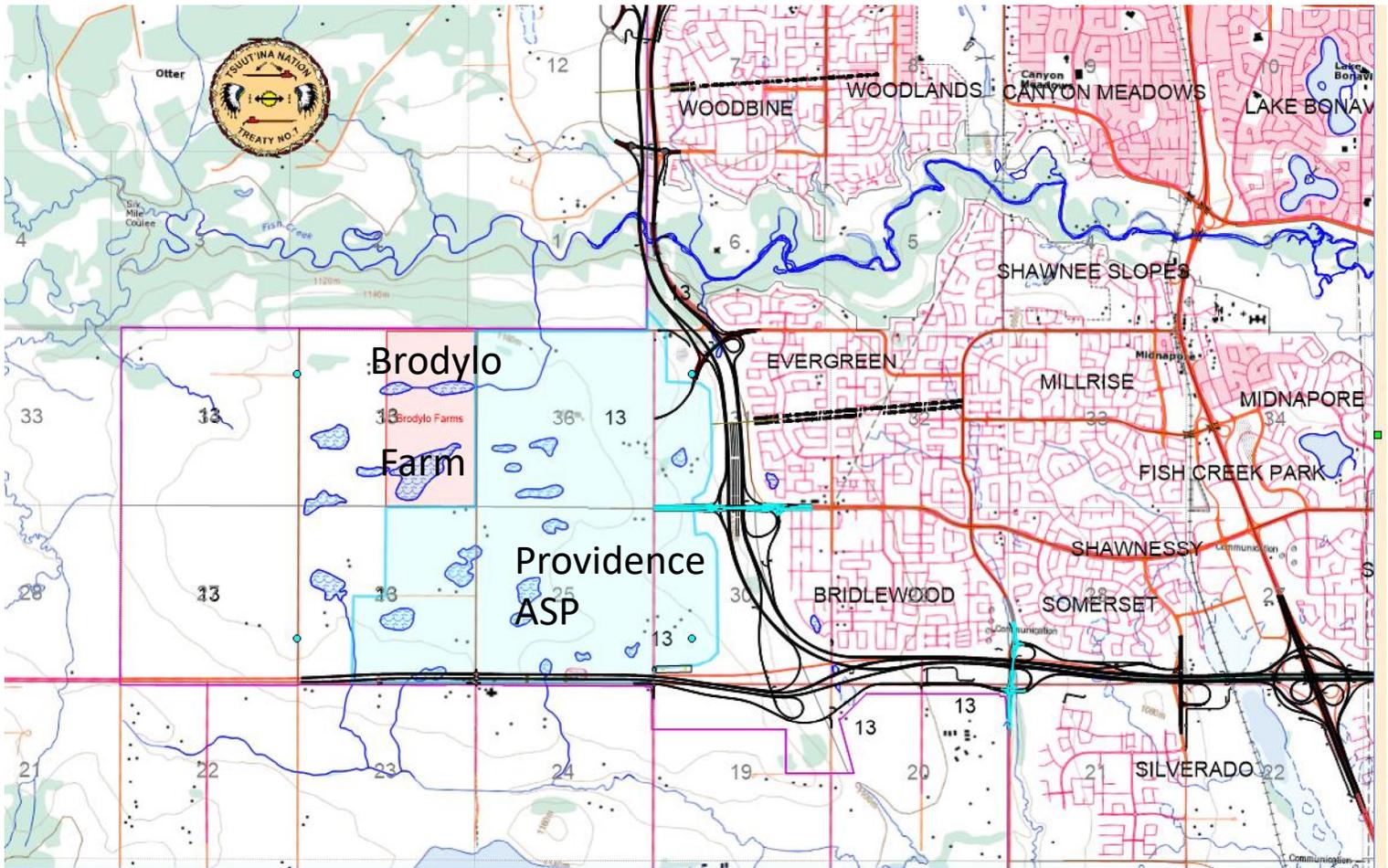
Providence ASP April 2020 Ward 13

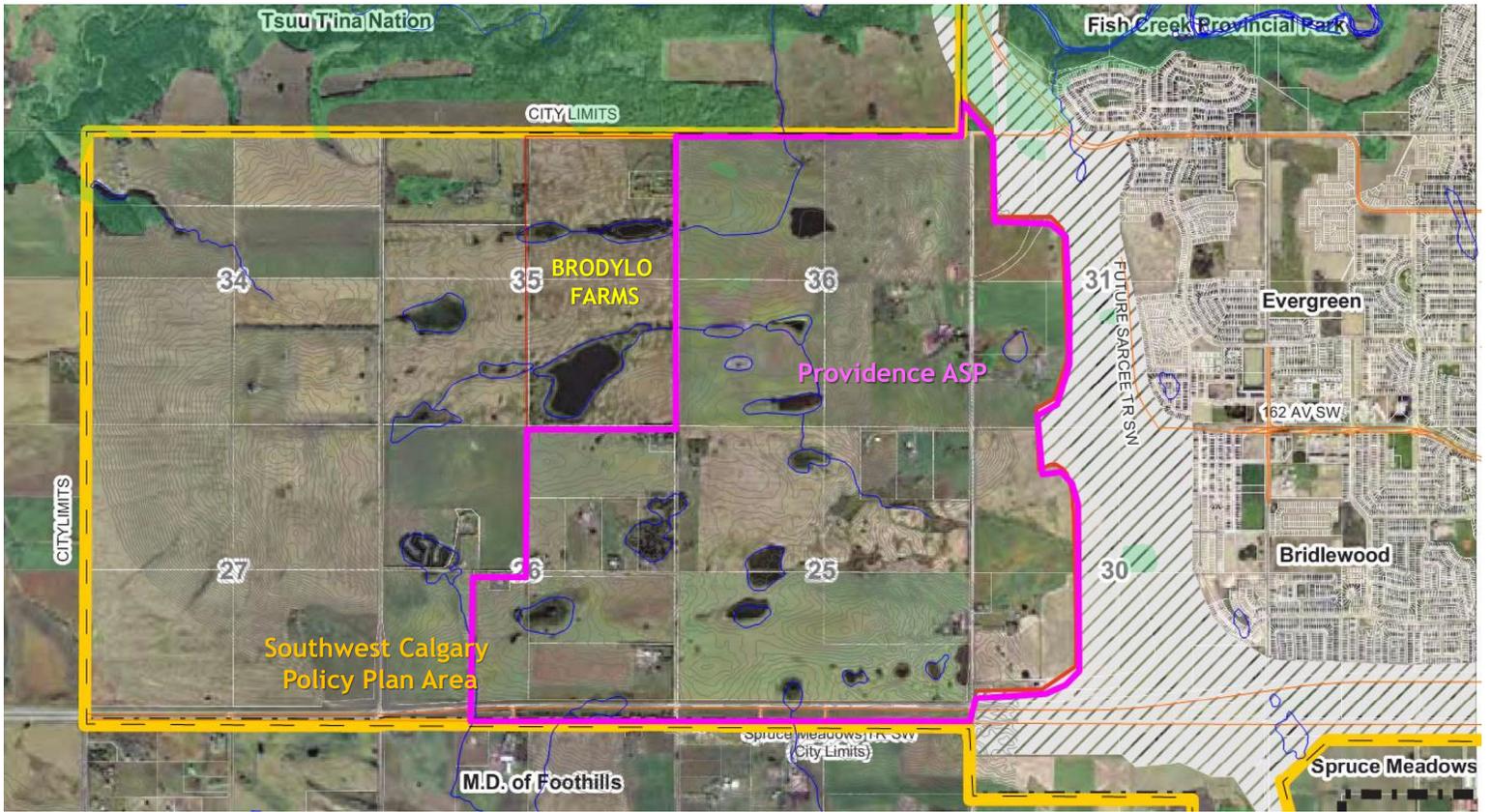
**April 27, 2020 Public Hearing
Calgary City Council Meeting
Brodylo Family Objection to Approval**

City of Calgary Map Brodylo Farm Location - Red Box



Providence ASP in Blue Shading, Brodylo Farm in Red Shading





Providence Area Land Ownership Map



Source: Dream Developments Consultant, EXP Providence Sanitary Sewer Servicing Study, 2016-05-12

Why The Brodylo's Object to Providence ASP Approval

The 2020 Providence Master Drainage Plan (2020 MDP) has been designed by the City of Calgary administration and its contractors to intentionally and unreasonably transfer the burden of storm water management from offsetting developers onto Brodylo Farms.

The City of Calgary Water Resources Department has recently been provided a Third Party Review of the Master Drainage Plan by Urban Systems that outlines serious drainage problems. Additional reviews by two other stormwater experts indicate that the issues raised by Urban Systems have not been addressed and that the 2020 MDP is seriously flawed and needs to be redone. The City has shown reckless disregard for of the damage to Brodylo Farms and the foreseeable and preventable public safety hazard this poses.

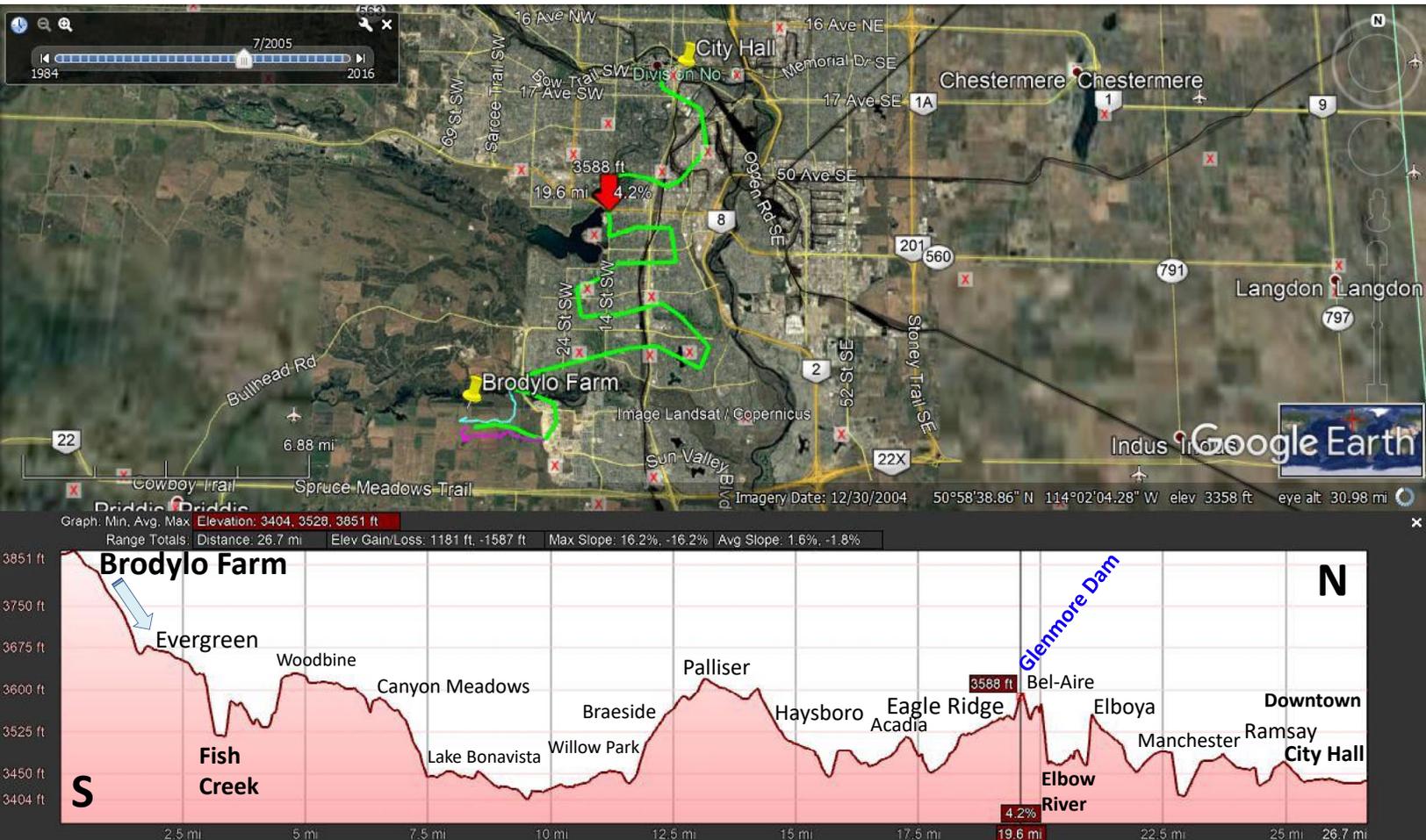
The City plans to further dam up the natural drainage along 53rd street in direct contravention of the Water Act, the Public Lands Act and Best Practices as outlined in the Calgary Stormwater Management and Design Manual. This will exacerbate the ongoing flooding problem on Brodylo property that the City of Calgary created and transform Brodylo Farms into a **REGIONAL STORMWATER MANAGEMENT FACILITY.**

Why City Council should Reject the Providence ASP Approval

- The City of Calgary is relying on the overarching principals set out in **the Fish Creek Drainage Study** as a precedent for approving the 2020 Providence Master Drainage Plan and subsequently this ASP.
- The Fish Creek Drainage Study states that building a regional stormwater management facility on the **height of land** comprising Brodylo Farms is a bad idea.
- Road widening in the area, including 53rd Street caused plugging of the two primary culverts that accommodates west to east downdip water drainage off our property.
- Synchronous to road widening, the City lengthened and upgraded the diameter and design of all culverts in the Providence area EXCEPT the two major culverts along 53rd Street, which allows drainage outflow from our property, thereby **turning the road into a Dam**.
- The City of Calgary installed a new culvert crossing in 2008 at 146th Avenue and 53rd Street, which allows for northward drainage across 146th Avenue from Qualico's land, yet ignored an obvious need for drainage at the site of the two buried culverts servicing our property.
- The **'53rd Street Dam'** poses an ongoing and avoidable risk of containment failure that will escalate exponentially once development is allowed to go forward. The City's plan poses a significant **public safety hazard** with foreseeable risk of downslope property loss that poses a enormous future municipal and provincial liability.
- Given this foreknowledge, the City of Calgary's decision to approve the MDP is misguided.

Brodylo Farm to City Hall Profile

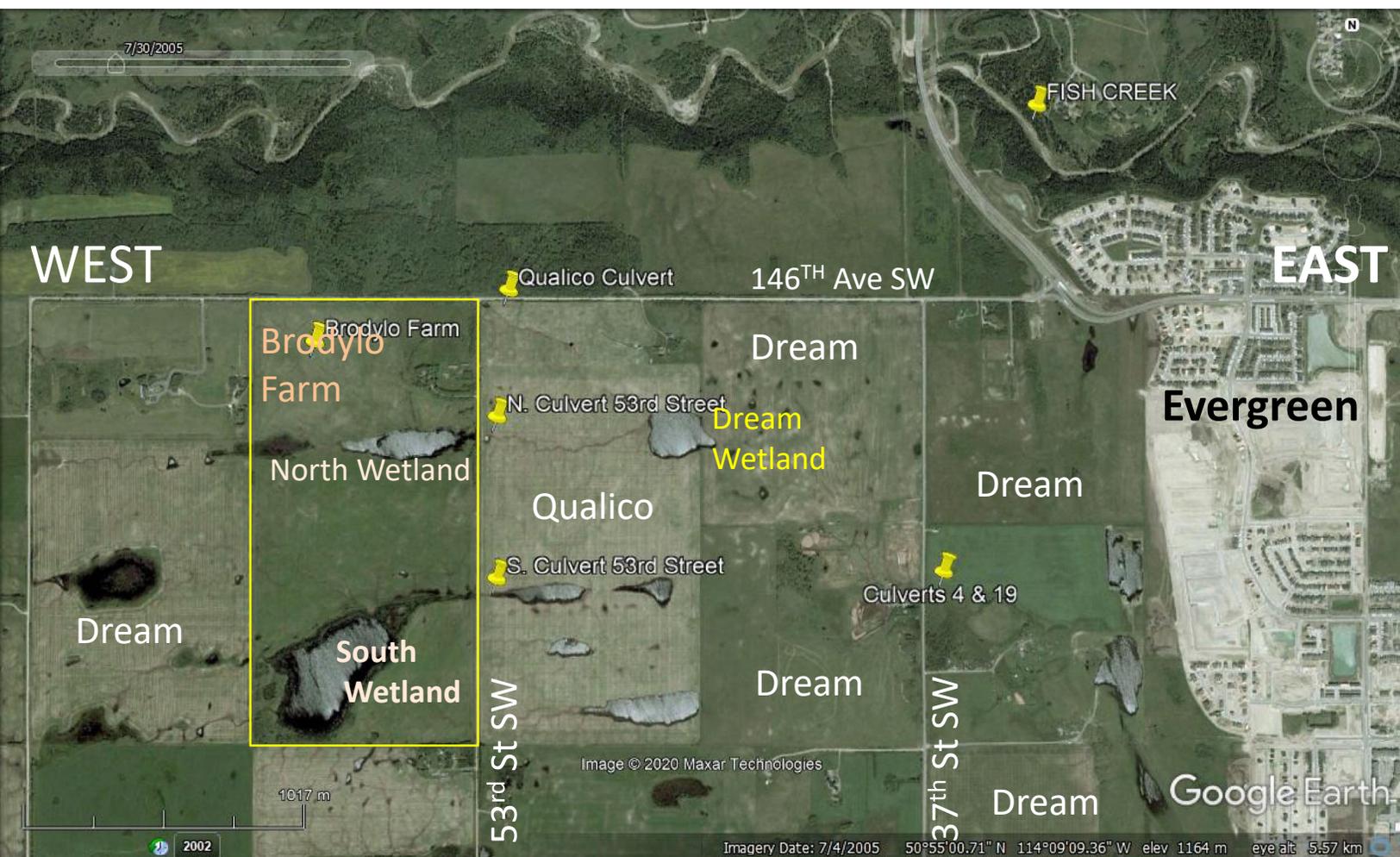
Shows Relative Elevation of Calgary Neighbourhoods Along South-North Green Line



Brodylo Farm Sits on a Hilltop

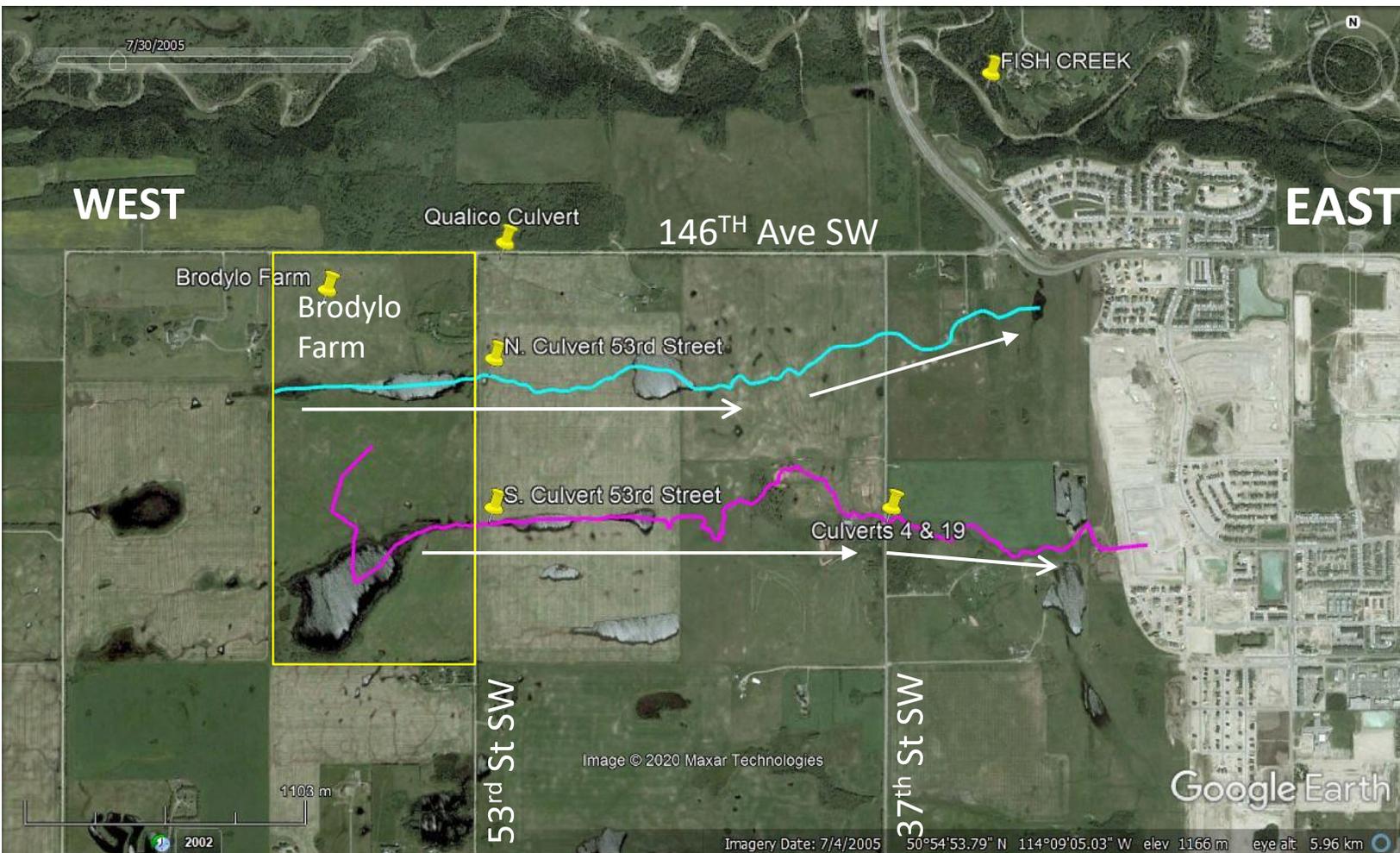
Note to Reader: Data used in Elevation Profiles in this document are provided by Google Earth and as such are limited by the resolution and accuracy of that data. Additional insight in areas immediately surrounding Brodylo Farm are obtained from 62 years of personal historical knowledge.

Drainage Paths from Brodylo Farms Flow East and provide water for wetlands downhill. Best Shown following wet periods – (dark lines),
Google Earth photo from July 2005



Annotated Drainage Paths from Brodylo Farms Shown by Blue Line from North Wetland and Pink Line from South Wetland.

Photo from July 2005



Best Practices for Wetlands

Fish Creek Drainage Study

Calgary Storm Water Management and Design Manual

Alberta Wetland Policy

- Turning Wetlands into Stormwater Management Facilities Destroys them.
- City of Calgary administration not following it's own Best Practices

Providence Area Annexed in 1989

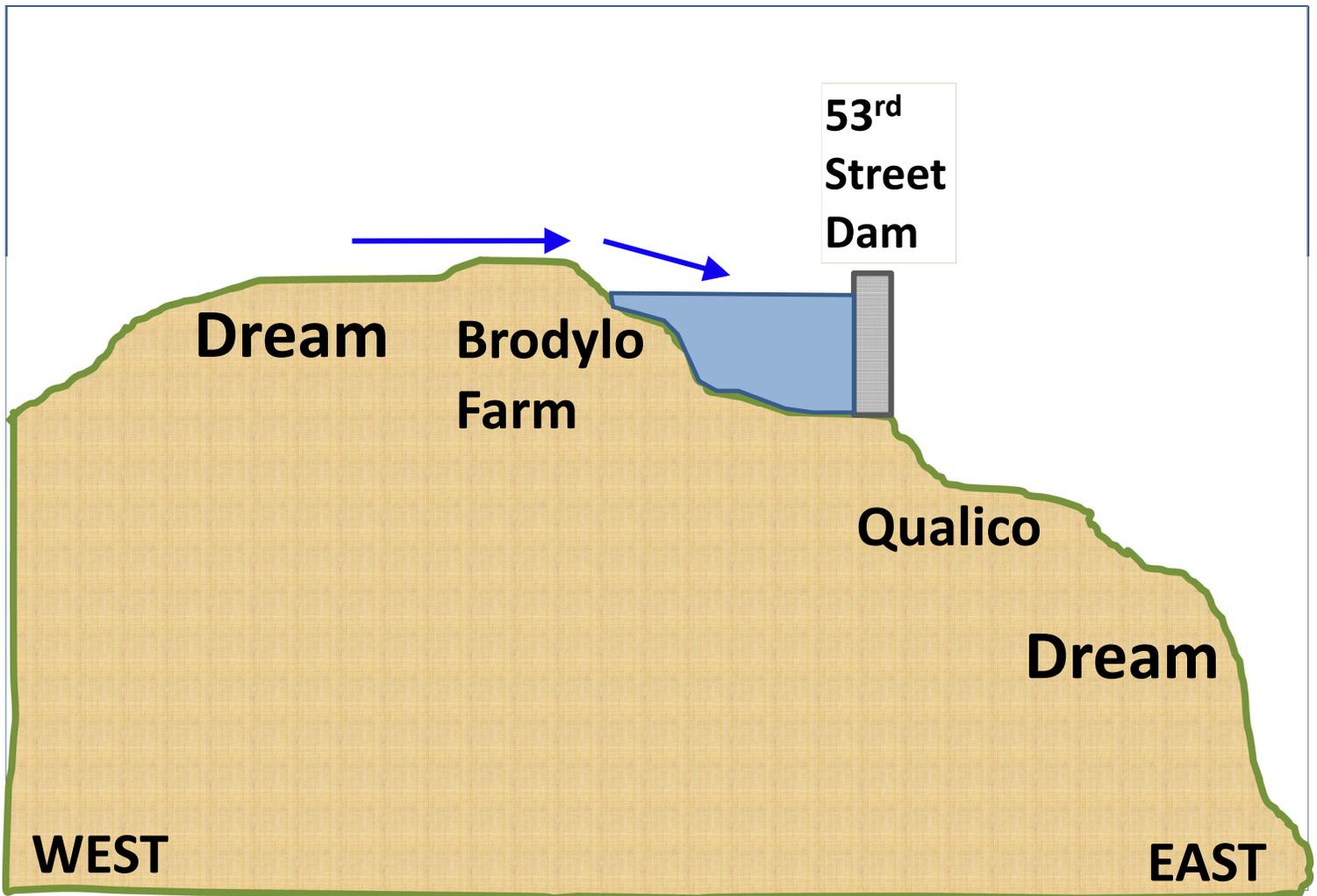
City of Calgary Imposed a 30 year Moratorium on Subdivision, which allowed them to:

- Prevent Acreage Development
- Plan For and Implement Proper Drainage that follows natural topography unimpeded by patchwork development
- Moratorium prevented a patchwork developments that would chop up drainage, impound water and flood offsetting landowners is contrary to City of Calgary Storm Water Management and Design Manual Policy, Planning Policy, Roads Policy, Provincial Policy and Best Practices.

Moratorium Provided the City a Blank Slate, which gave them a Huge Opportunity to ‘Do It Right’

Schematic Profile

How a N-S Road at 53rd Street Will Dam Water on Brodylo Farm



Why would anyone build a Massive Stormwater Retention Facility on the top of a hill?

What is the risk?

- Damming by 53rd Street, a North-South Road with blocked culverts, has impounded water and flooded our farm.
- 53rd Street acts as a Dam, but is not built to the engineering specs of a Dam.
- 2020 MDP Drainage Modelling grossly underestimates the amount of stormwater generated by offsetting developer lands.
- Developer Storm ponds are grossly undersized.
- The Developer-Funded Plan to turn our regionally high hilltop farm into a stormwater storage facility will put unreasonable risk on all neighbourhoods downslope.
- Our farm is a hilltop where water does not naturally collect and historical Maps show it never did.

Photo Summer 2013. View Looking West at dammed water on Brodylo Farm west of blocked culvert on 53rd Street showing extensive flooding. Note our fence under water. **Post Development water discharge will massively exceed this volume and the height of road.**



Photo looking east from location of 53rd Street culvert shortly after it is unblocked. Water is flowing East through the open culvert. (Photo April 2015)

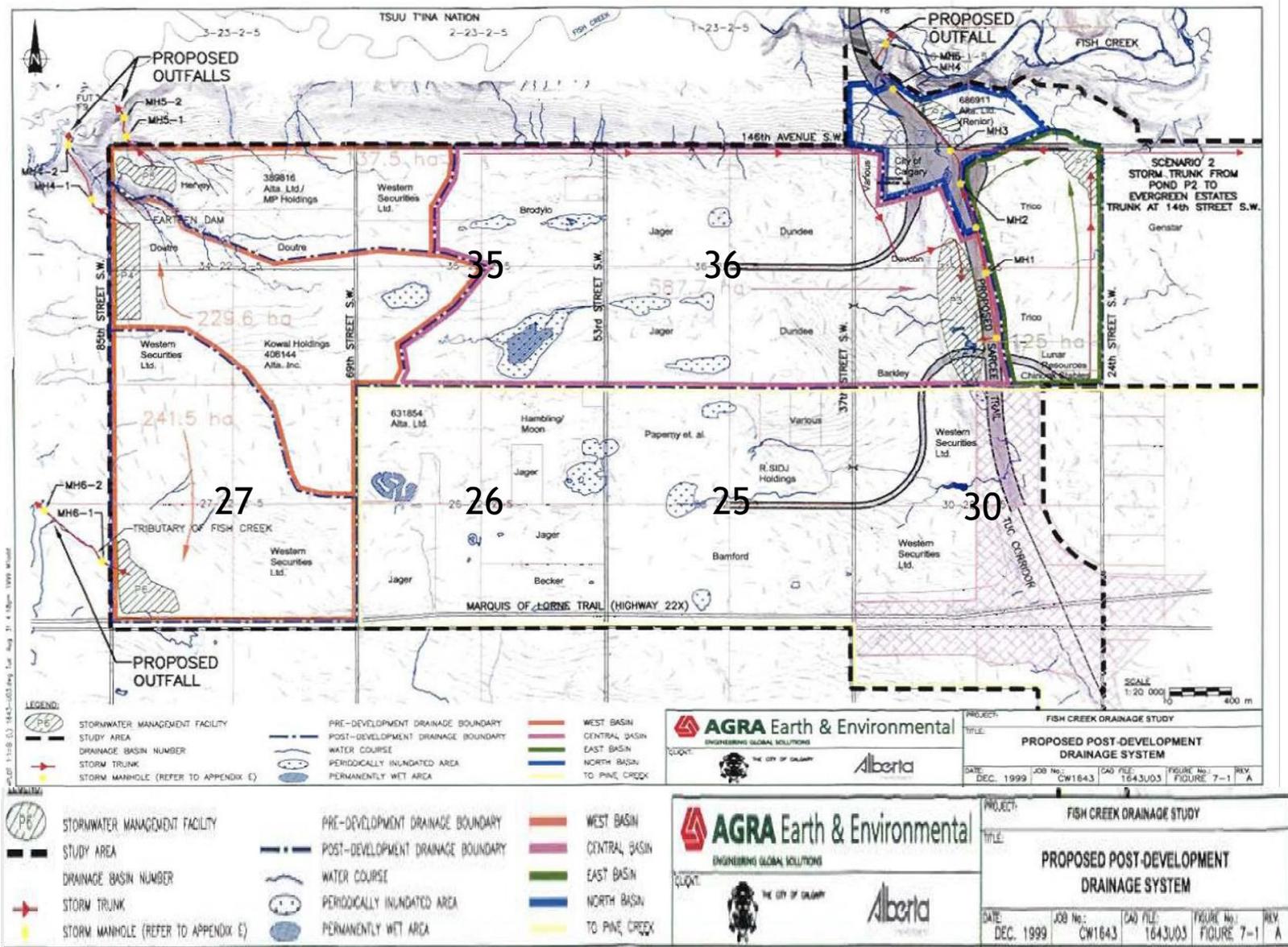


Looking East at Qualico Wetland

**GREEN STAKE MARKS
CULVERT; PLACED BY
CITY OF CALGARY
ROADS DEPARTMENT**

FISH CREEK DRAINAGE STUDY Pg. 155 & 190:

“Figure 7-1 indicates that it would be difficult to utilize the wetland as a stormwater facility without considerable regrading of the surrounding area.”



Fish Creek Drainage Study Figure 7-1 Proposed Post-Development Drainage System

Historical Maps show no wetlands Existed prior to building 53rd Street Damming and Impounding water on our farm

- 53rd Street acts as a Dam when no functioning culverts are in place.
- Wetlands are not Natural accumulations of water on our hilltop farm.
- Our family planted most of the trees surrounding the wetlands to enhance these areas.
- These are man-made water features.
- North wetland contains a cattle dug-out and two artificial trenches.
- As flooding expanded around wetlands, the arable land shrunk as ground became too soft to support machinery.
- Wetlands to the west of 53rd Street continue to show an expanded footprint due to soil erosions and redeposition near outflow points proximal to the culverts and due to ongoing blockage or re-blocking these culverts.

Current undersized, damaged and again buried state of culvert crossing at 53rd Street servicing the east drainage of the southern wetland.

Photos taken August 22, 2019 1:04 PM

Reported to Alberta Environment and City of Calgary for repairs

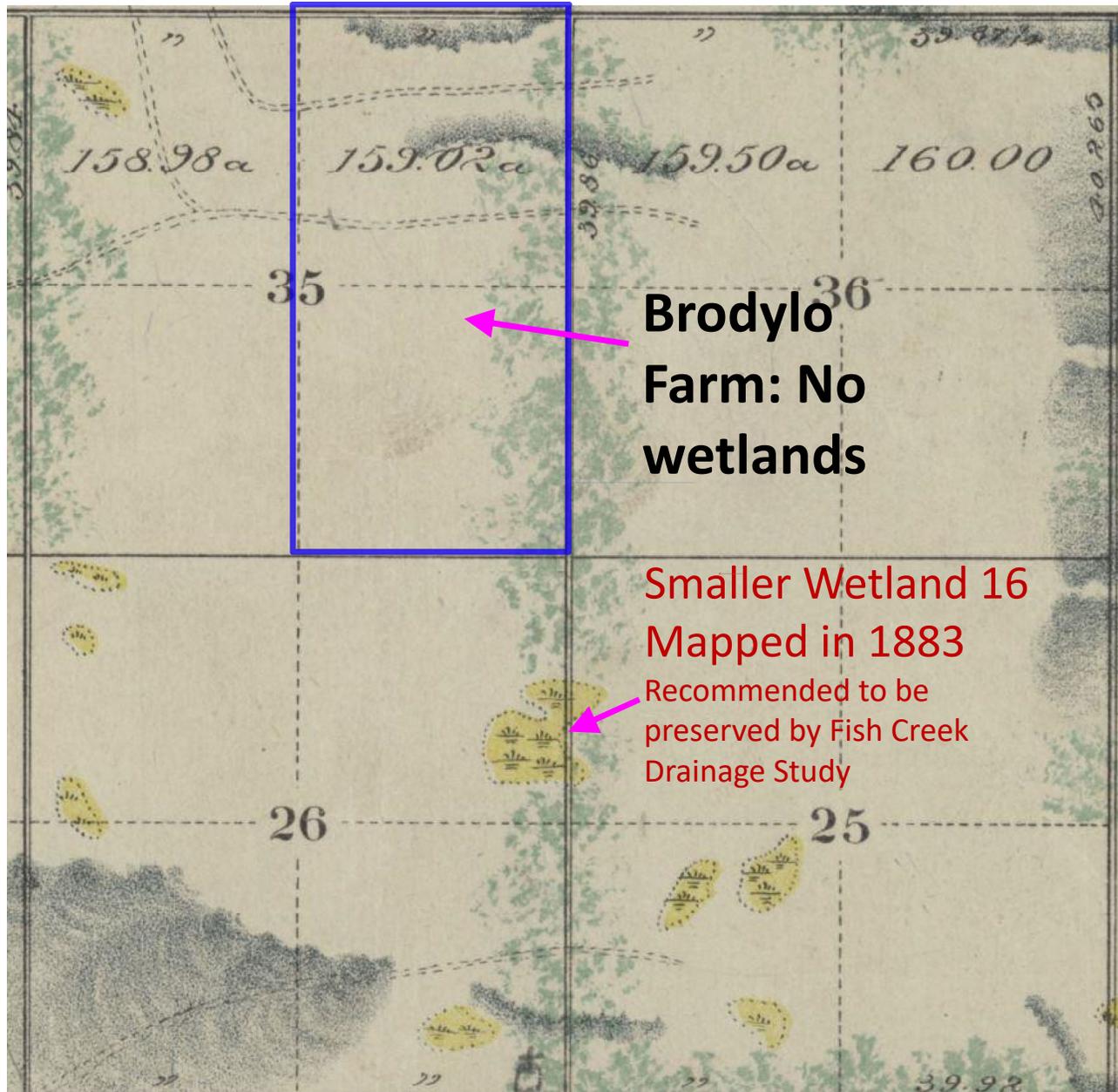
As of todays date no repairs have been made.



CPR Arrives Map circa 1883

Note the Impact of 53rd Street on Damning Water on **Brodylo Lands, DLS NE35-22-2W5** – No Road, No Water, No Wetlands

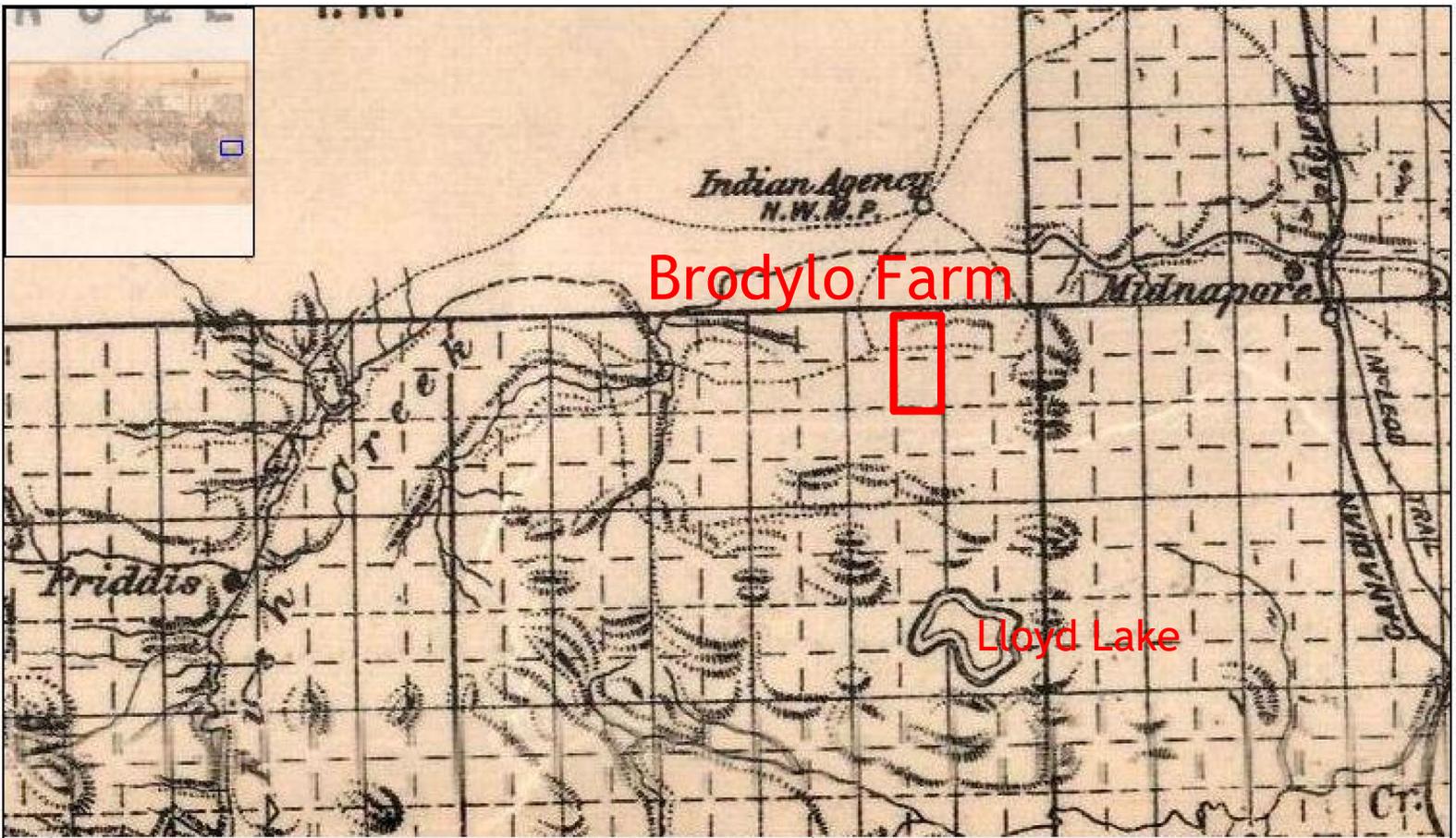
https://en.wikipedia.org/wiki/Dominion_Land_Survey



Notice No Wetlands are Present on Brodylo Farm Land as 53rd Street had not been built yet and Impoundment had not occurred at this time. Note also that even minor wetlands were mapped by DLS due to their importance for cattle ranchers during land grant process.

1907 early topo map

No indication of wetland



1924 Air photo

Road is evident. First *documented* form of drainage blocking at outflow

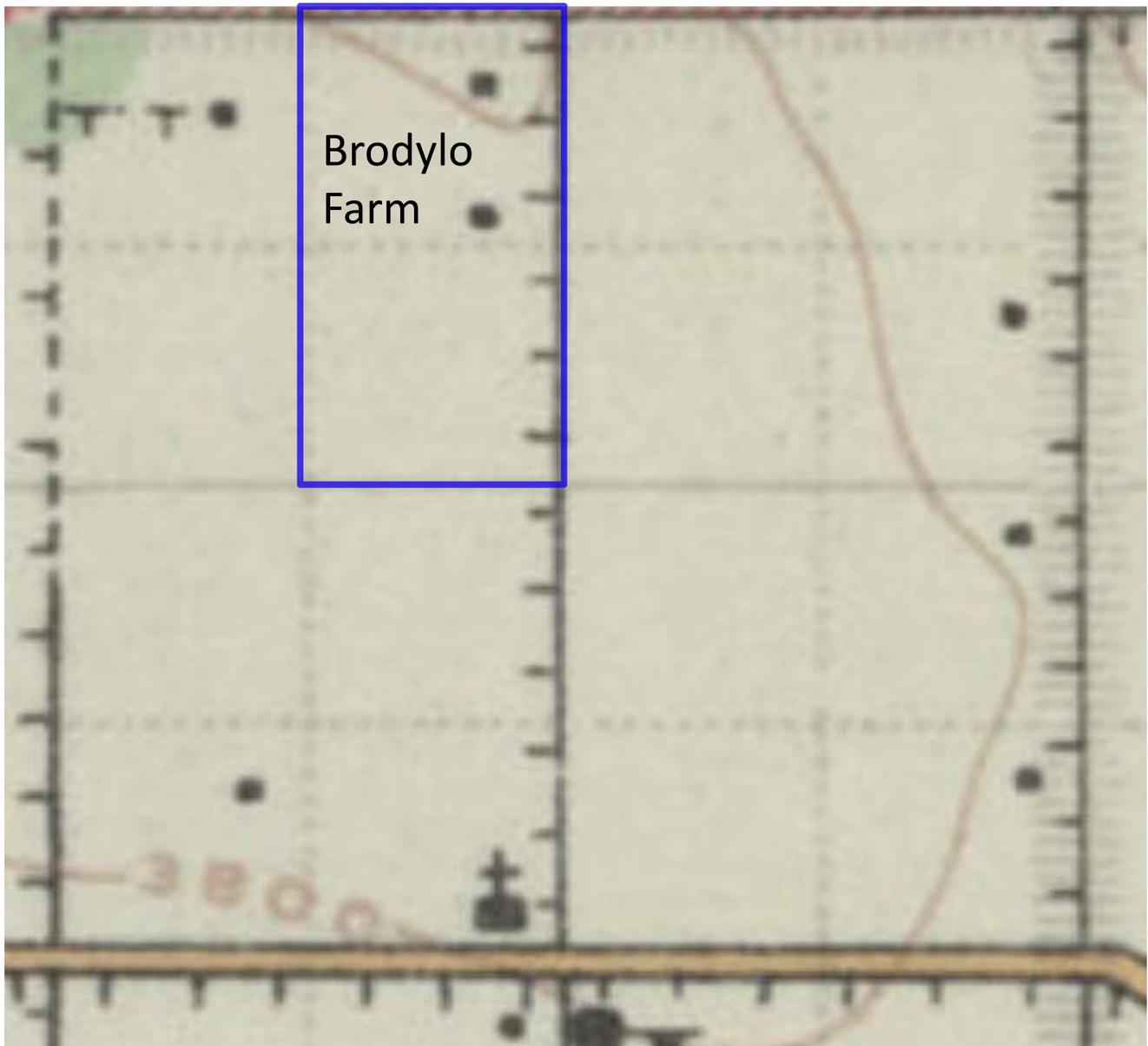


**Approximate
Location
where Culvert
was later
installed
Culvert
installed circa
1950**

February 1926 Topo Map

Drawn and Printed at the Office of the Topographic Survey of Canada,
Ottawa, February 1926 with data collected prior to this date.

**Road Class 3 ('Local Road Well Travelled'), Telephone lines
shown on map.**



Legend from 1926 Topo Map

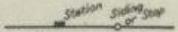
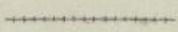
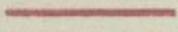
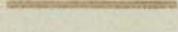
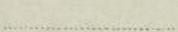
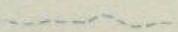
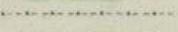
R.6 114° 45'

R.5

114° 30' R.4

Drawn and printed at the office of the Topographical Survey of Canada, Ottawa.
 February, 1926

Reference

<i>Railway, steam, single track</i>	
" electric	
<i>Road, class 1, trunk road</i>	
" " 2, secondary thoroughfare	
" " 3, local road well travelled	
" " 4, " " slightly travelled	
<i>Pack trail or path</i>	
<i>Non-perennial stream</i>	
<i>Marsh</i>	
<i>Alkaline flat</i>	
<i>Non-permanent lake</i>	
<i>Heavy woods</i>	
<i>Light woods, park lands, bluffs and scrub</i>	
<i>Power transmission line</i>	
<i>Sand</i>	
<i>Telegraph or telephone along road</i>	
" " not along road	

Magnetic Declinations, July, 1925

<i>Calgary</i>	24° 54' E. of N.
<i>High River</i>	23° 52' E. of N.
<i>Parkland</i>	23° 36' E. of N.
<i>Pekisko</i>	24° 40' E. of N.
<i>Radnor</i>	24° 22' E. of N.

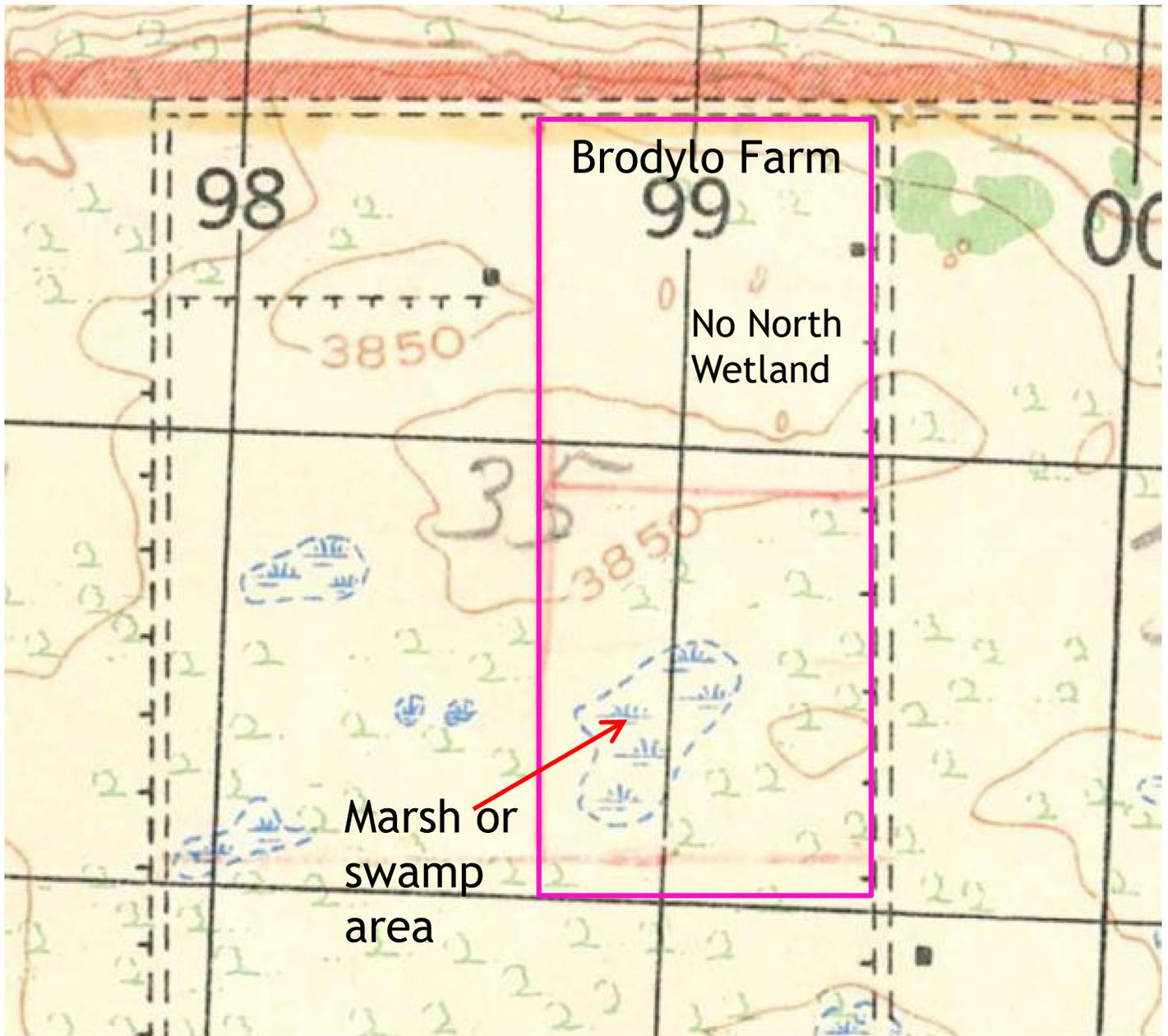
Declinations are decreasing 4½' annually.

356
 568
 190

1931 Topo Map

Culverts are included on the map, but no culverts are shown on 53rd St.

North Wetland is absent and South Wetland indicated as 'swamp or marsh' on legend in SE 35



2002 Air Photo

Cultivation right to 53rd Street. Approximately 30 Acre wetland beginning to expand



2008

Gradual expansion of South Wetland visible in historical record of Google Earth Airphotos near culvert at 53rd Street.



2008 Close up,
Green is crop and dark areas are wet



Extensive Tree Death due to Flooded roots. Photo Winter 2015



City Roads Department cleared blocked culvert in April 2015 despite denial that a culvert even existed. *(FOIP obtained internal city email proves city knew culvert existed and conducted a search of it's exact location one year prior and placed a green stake to mark it)*



City Roads crew clear 1950's era culvert.



Soil erosion around entire wetland perimeter leading to sediment redeposition and infilling of natural outfall drainage, loss of topsoil and cropland



April 2017

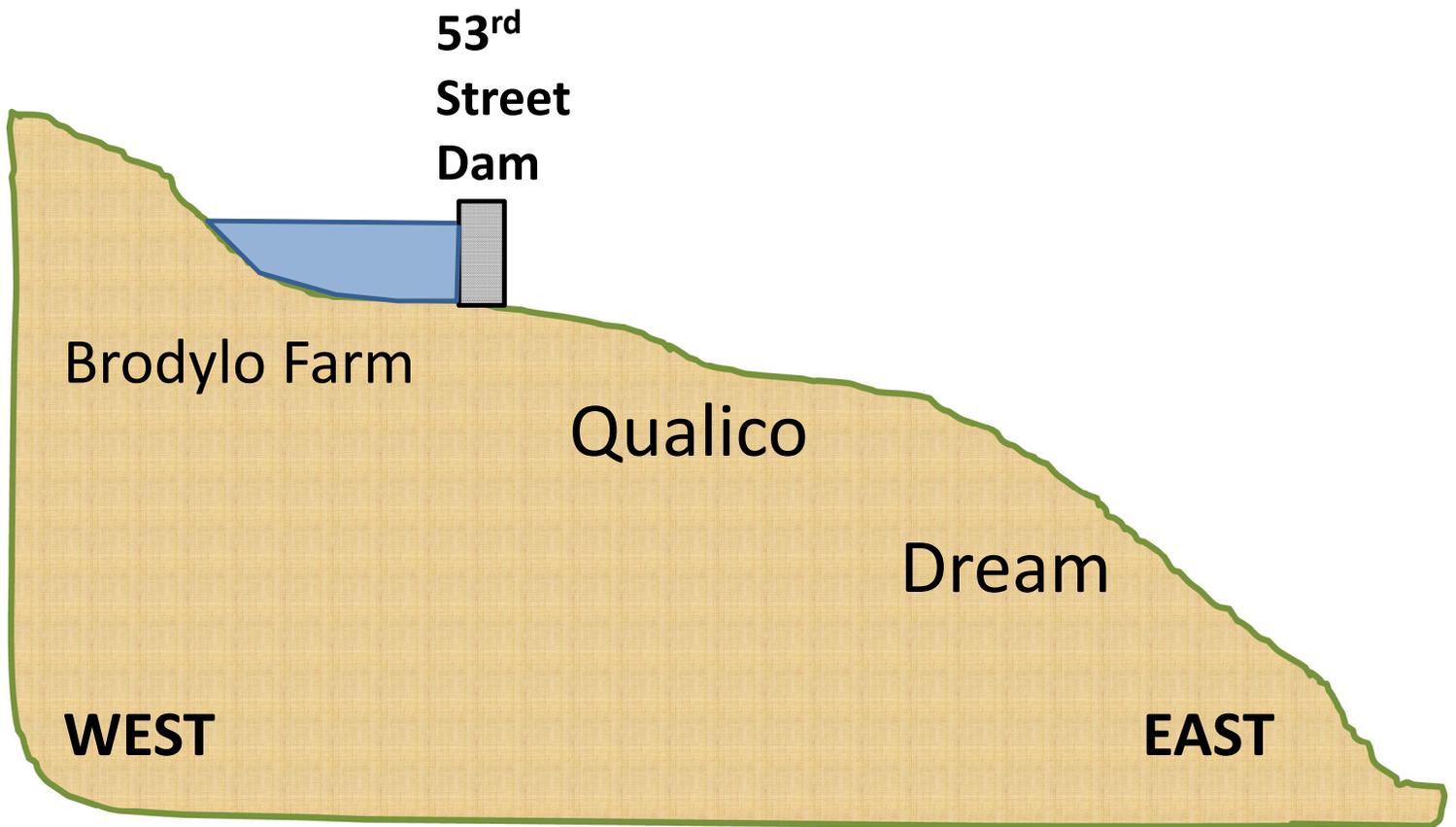
Boot-tromped clay pile dumped on culvert inlet on West side of 53rd Street culvert. Freshly discarded coffee cups and cigarette butts found near boot prints. Note water almost level with road top surface.



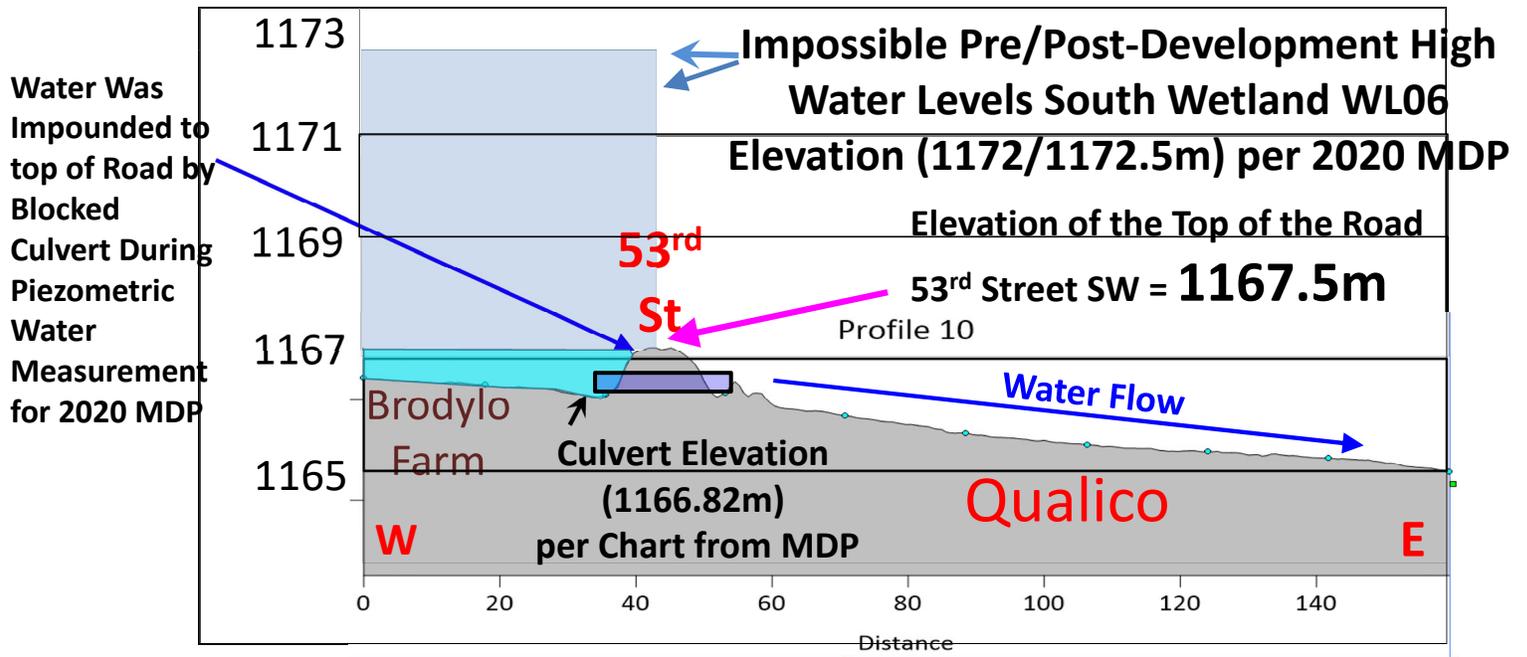
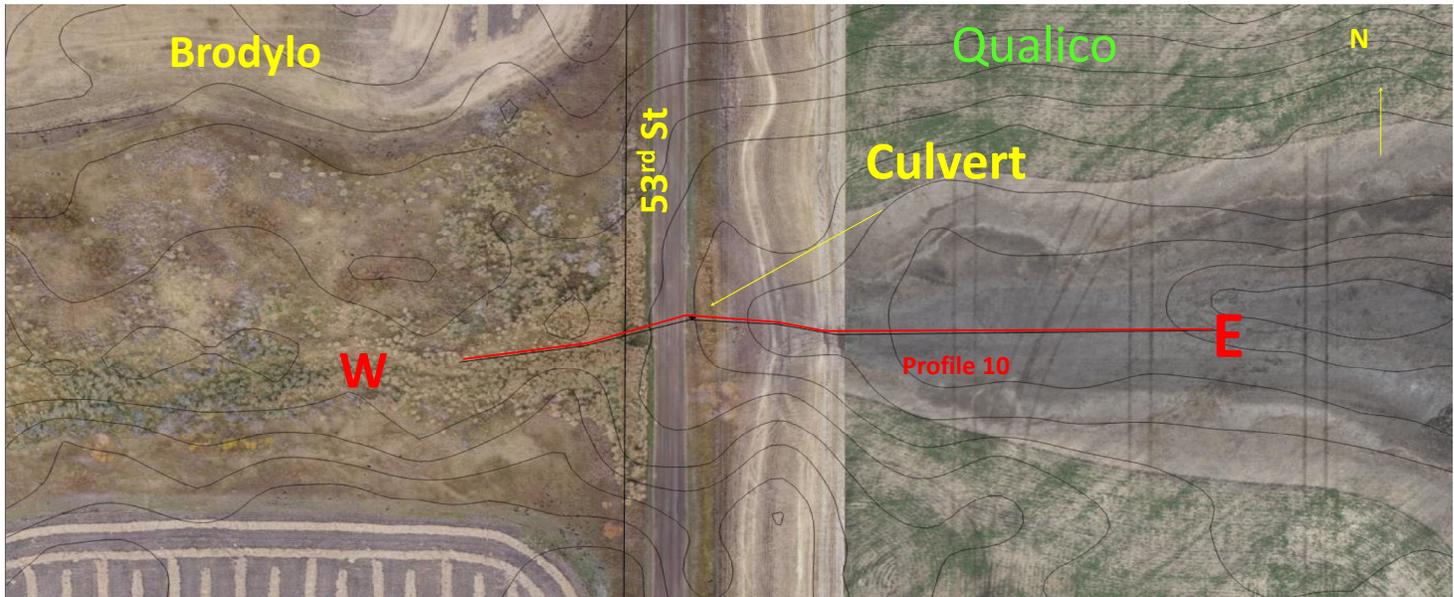
View Looking East at the East side of culvert (CLV5) on 53rd Street. Wetland is regularly cultivated and City of Calgary biologists have downgraded the class of wetland from 3-4 to 2 which allows for it to qualify for it to be in-filled and compensation paid elsewhere.



Schematic Profile N-S Road at 53rd Street Dams Water on Brodylo Farm



West to East Culvert Profile at 53rd Street SW Between Brodylo Wetland (#6) and Lake Qualico

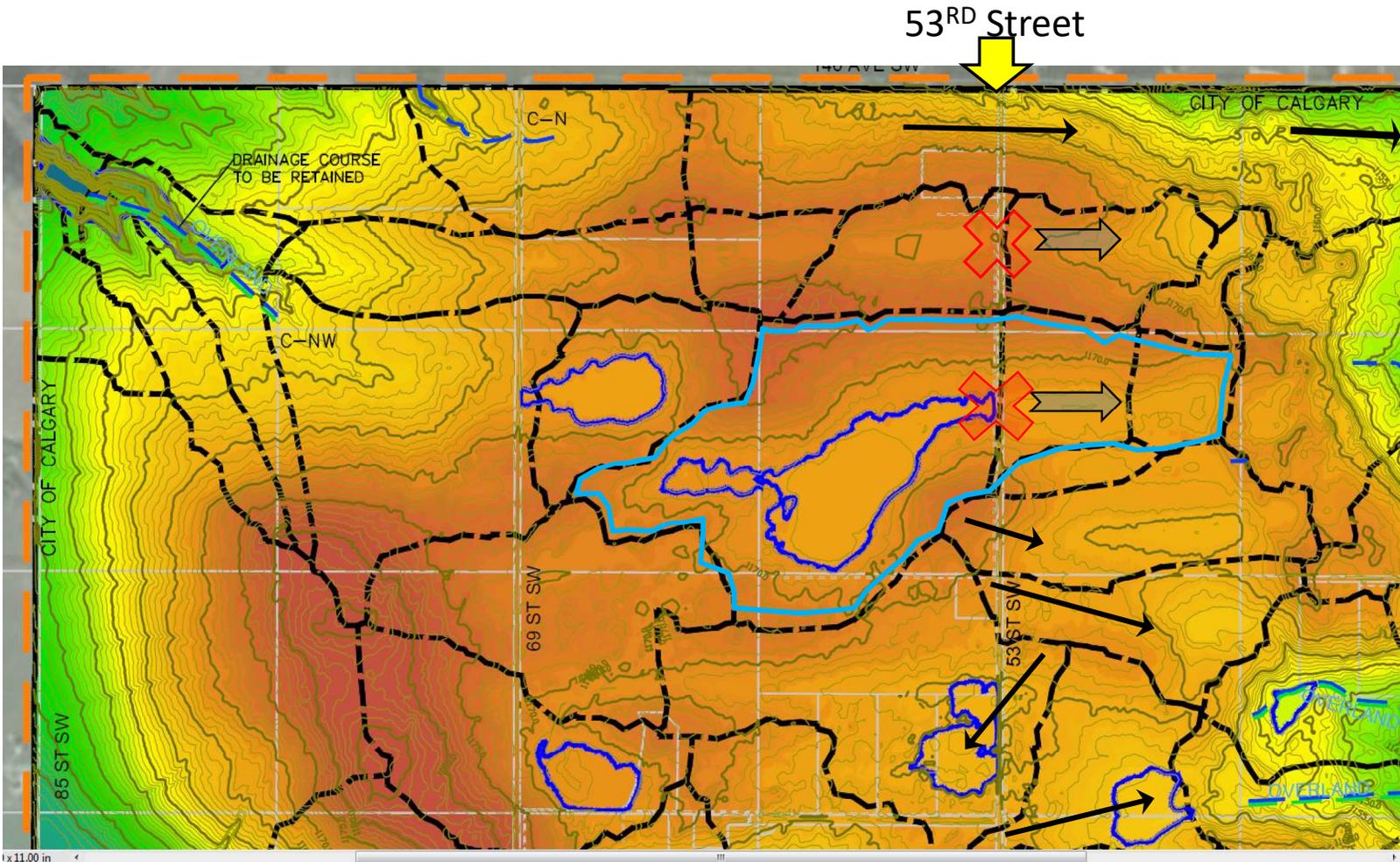


Input Data Used in Drainage Modelling Radically Alters Drainage Model Results: If Data Assumptions are Incorrect, the Model Results are Incorrect

- **From Page 37 of the 2020 MDP: Computer Modelling of Drainage Runoff (PCSWMM Modelling):**
- ***“Computation of runoff by SWMM5 is based on a number of physical parameters which includes catchment area, length/width, slope, imperviousness, Manning ‘n’, depression storage and infiltration.”***

#1 INCORRECT CATCHMENT AREAS AND SIZES

2020 MDP Map #4 Topography and Catchment Areas



2020 MASTER DRAINAGE PLAN CATCHMENT BOUNDARIES SHOWN BY BLACK DASH LINE
INCONSISTENT AND SELECTIVE USE OF 53RD STREET, ALTERNATELY AS A
CATCHMENT BOUNDARY () OR NOT () DESPITE CULVERTS
BEING PRESENT AT BOTH BOUNDARY LOCATIONS

FISH CREEK DRAINAGE STUDY CATCHMENT AREA = LIGHT BLUE, CROSSES 53RD STREET
OUTLINE FROM 2020 MDP MAP #4 1167.5M TOP OF ROAD ELEVATION = MAXIMUM
FLOOD WATER ELEVATION = DARK BLUE

City of Calgary Storm Water Management Policy Manual States:

Drainage boundary area is usually determined by drainage or watershed.

Drainage area should not be based on jurisdictional or property boundaries.

1.4.5 Master Drainage Plans (MDPs)

A Master Drainage Plan (MDP) is typically a stormwater drainage plan prepared for a large drainage area serviced by (usually) a single outfall. The drainage boundary area is usually determined by existing drainage boundaries or by watershed plans. The drainage area should not be based on jurisdictional or property boundaries, as this may not provide the best servicing concept for the area. The MDP generally covers a portion of the area served by the watershed plan.

The MDP should be developed through the evaluation of alternatives that provide an acceptable level of service while meeting the objectives of the WP and satisfying any constraints imposed by topography, land uses, and land ownership. The MDP should identify and locate major stormwater ponds, other BMPs, trunk sizes and servicing routes, overland drainage routes, water quality requirements, and land requirements. Preliminary designs of the major ponds and BMPs may be developed and included in the plan.

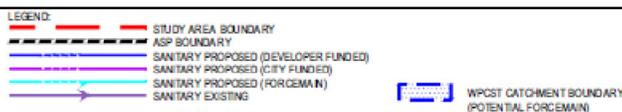
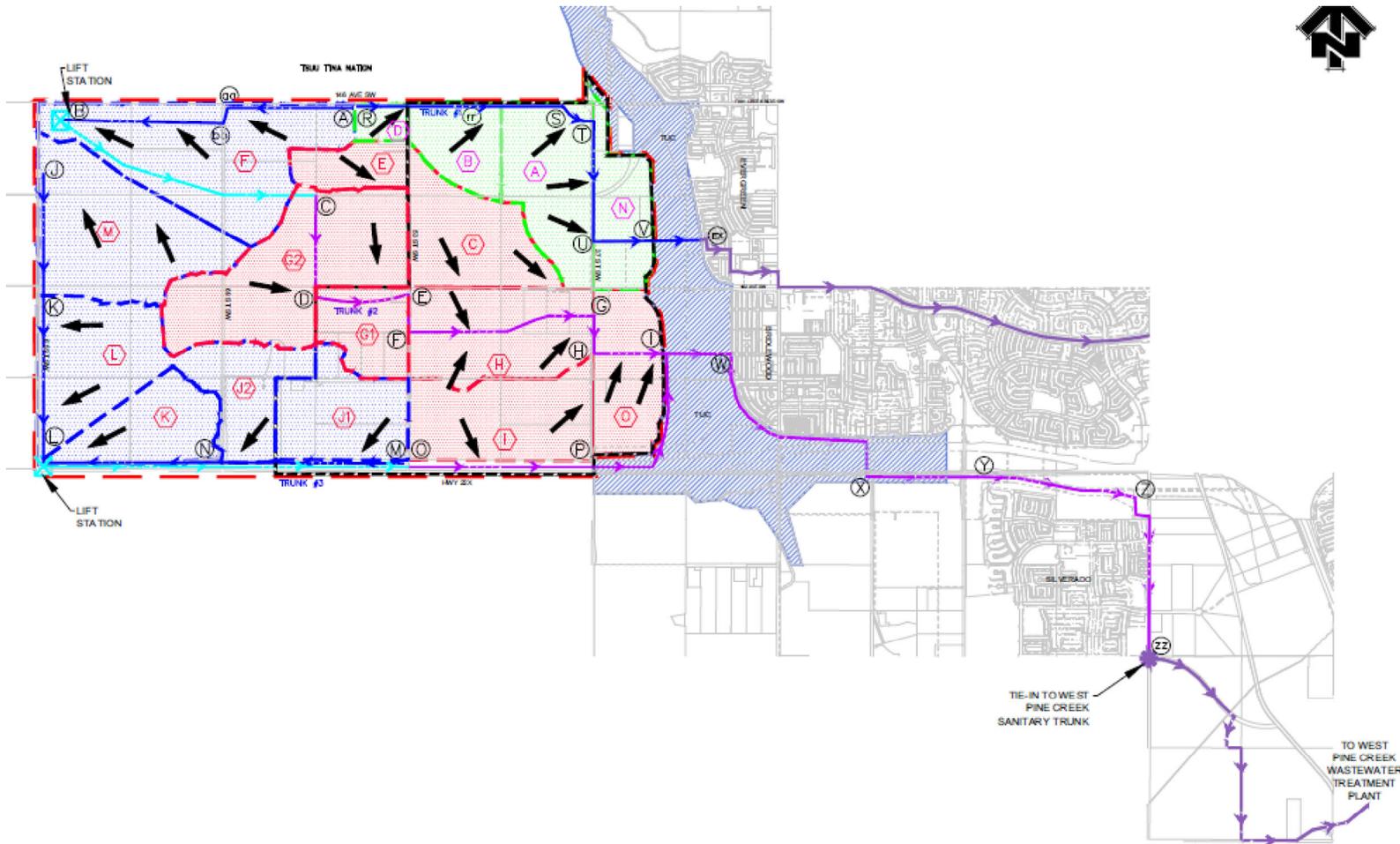
This level of planning is typically administered by The City of Calgary, while development of the MDP is normally undertaken by Water Resources. However, if the area is being developed ahead of the scheduled budget, the developer/consultant will undertake development of the MDP in consultation with The City (Water Resources) and the Province (Alberta Environment). Refer to CHAPTER 11: TECHNICAL REQUIREMENTS for more information.

1.4.6 Staged Master Drainage Plans (SMDPs)

A Staged Master Drainage Plan (SMDP) is essentially a stormwater drainage plan

Providence Area Gravity Based Sanitary Sewer Plan

Catchment Areas Changed Again for Sewer Plan Related to Lift Station Cost Allocation. Compare with Pre- and Post-Development Catchment area maps.



PROJECT NAME:
**PROVIDENCE SANITARY
 SERVICING STUDY**

PROJECT NO.: 05Y-47000-01 DATE: 04.23.2015 SCALE: NTS

TITLE:
SANITARY SERVICING LAYOUT OPTION 3

FIGURE NO.:
18

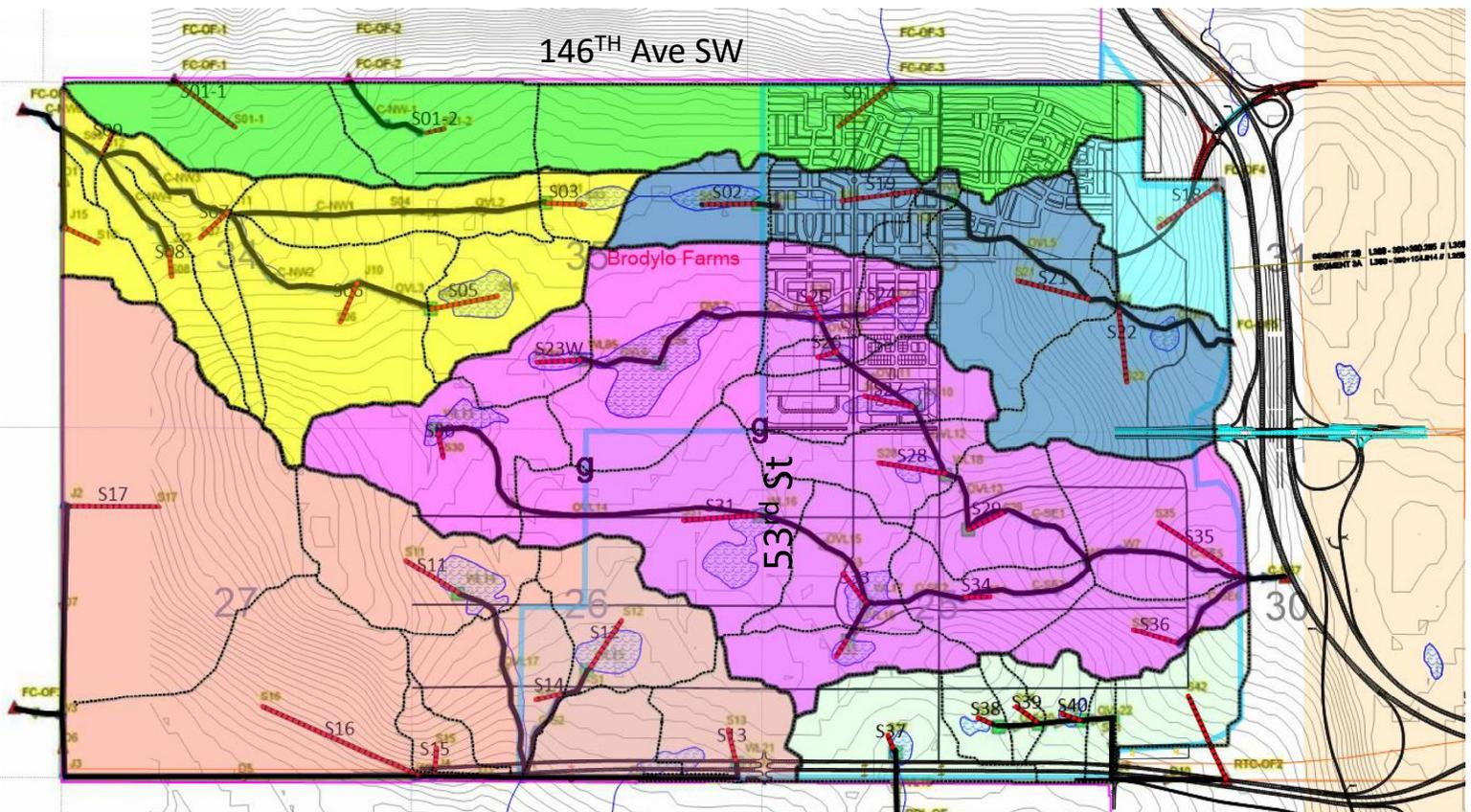
2020 MDP: Map 6 Outfall Catchments

From 2020 MDP pg. 21: “Figure MDP.06 - Outfall Catchments shows the subcatchments contributing to each of the identified natural drainage channels and areas discharging directly off site.”

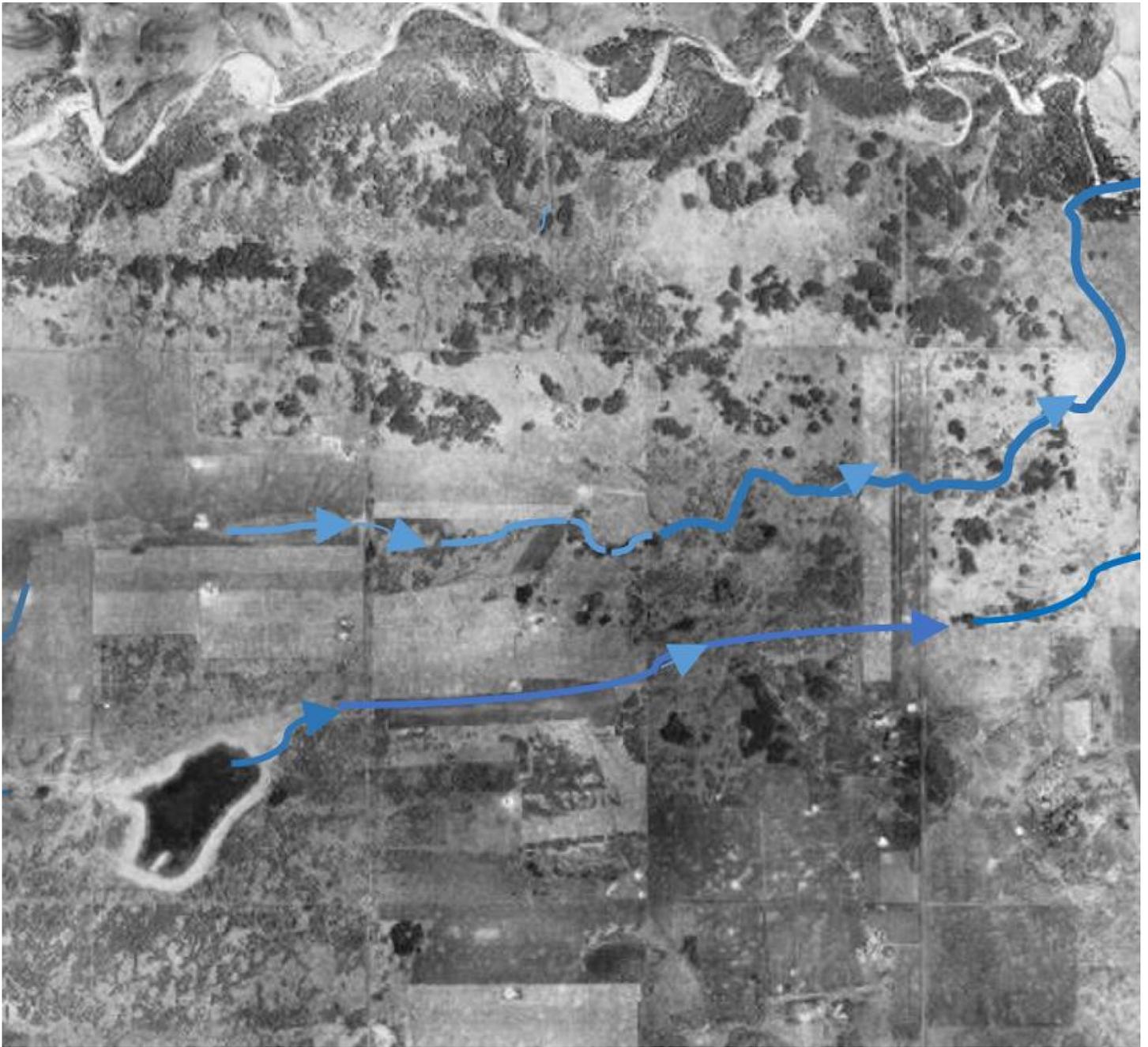
Drainage Catchment Areas and Drainage Flow Paths - Are incorrect and do not follow natural drainage, topographic contours or gravity.

PCSWMM Drainage modelling of Storm Water Volumes uses data derived from incorrect water shed catchment areas.

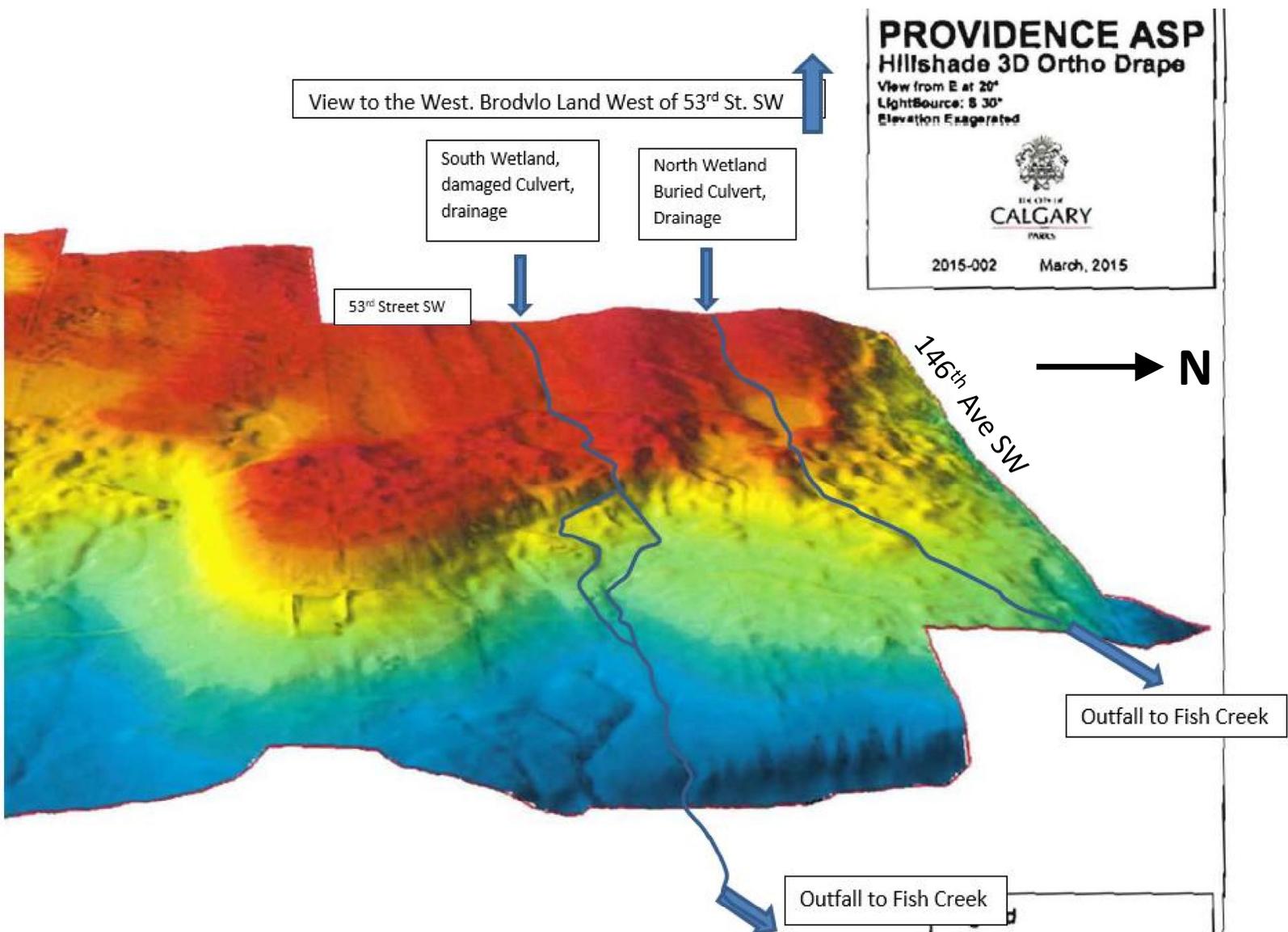
PINK AREAS GROUPED WITH BRODYLO SOUTH WETLAND
BLUE AREAS GROUPED WITH BRODYLO NORTH WETLAND



City of Calgary 1924 Airphoto with North and South Wetland Drainage Annotated in Blue



3D Topography with Drainage Outfall from North and South Wetlands on Brodylo Farm View Looking West (Red is High, Blue is Low)

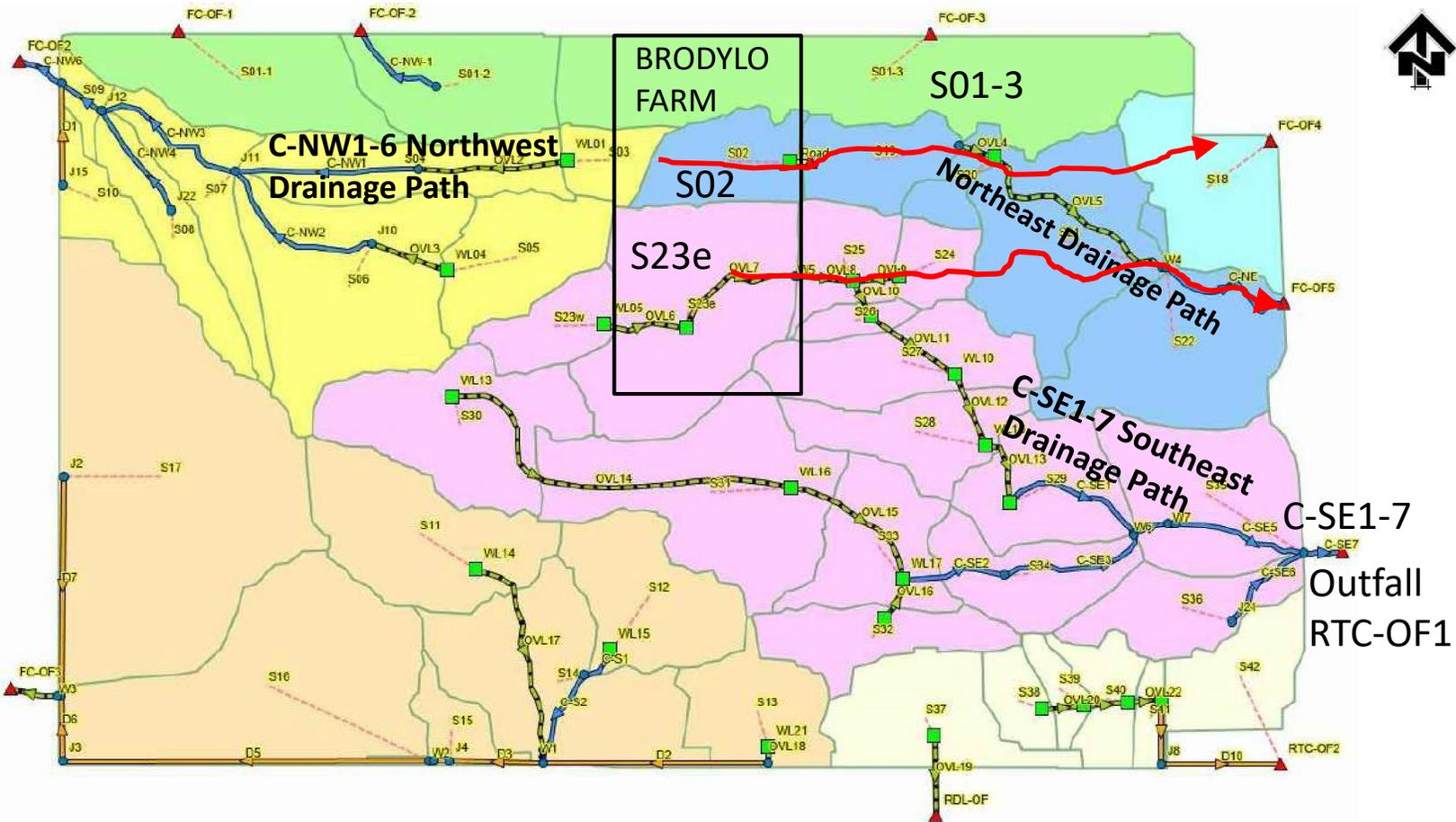


Correct Drainage Paths from Brodylo Farms Shown in Blue Outflow from North Wetland and Pink outflow from South Wetland.

Photo from July 2018 Showing Ring Road Construction



HOW DO THE DRAINAGE PATHS ACTUALLY GO?



MDP 2020 Map 6: Outfall Catchment Map

CORRECT drainage flow paths marked in red

2020 MDP Table 3.3 List of Natural Predevelopment Drainage Courses for Contributing Catchment Areas

Table 3.3 — Drainage Courses

Location	PCSWMM subcatchment ID	Bottom Width (m)	Depth (m)	Transect
Northwest Drainage Course				
C-NW-1 Branch	S01-2	0	3.65	SL-152
C-NW1 Branch	S02 to S04	5	2.3	B-B1
C-NW2 Branch	S05 to S06	0	2.2	A-A
C-NW3 Branch	S02 to S07	0	7.6	B-B2
C-NW4 Branch	S08	0	6.2	C-C
C-NW5 Branch	S02 to S09	20	11.7	B-B3
C-NW6 Branch	S02 to S10	20	11.7	B-B3
South Drainage Course (C-S)	S12 to S14	0	0.8	H-H
Northeast Drainage Course (C-S)	S19 to S22	0	2.5	G-G
Southeast Drainage Course				
C-SE1 Branch	S23 to S29	5	0.9	D-D
C-SE2 Branch	S30 to S33	5	0.4	E-E1
C-SE3 Branch	S23 to S34	5	0.4	E-E1
C-SE4 Branch	S23 to S35	15	1	E-E2
Southeast Drainage Course				
C-SE5 Branch	S23 to S36	10	1.1	E-E3
C-SE6 Branch	S23 to S36	10	6	F-F
C-SE7 Branch	S23 to S36	10	3	E-E4

Northwest Drainage Course

Catchment Area S02 = North Wetland

Data Used has Flow going Westward from our property as indicated by “**S02** to S04, S07, S09, S10, S14 which are west of our farm.

but flow goes Eastward across 53rd toward Qualico property through road near plugged culvert. Model pg 137 claims C-NW1 outfalls at RTC-OF2; it does not.

Southeast Drainage Course

Catchment Area S23 = South Wetland

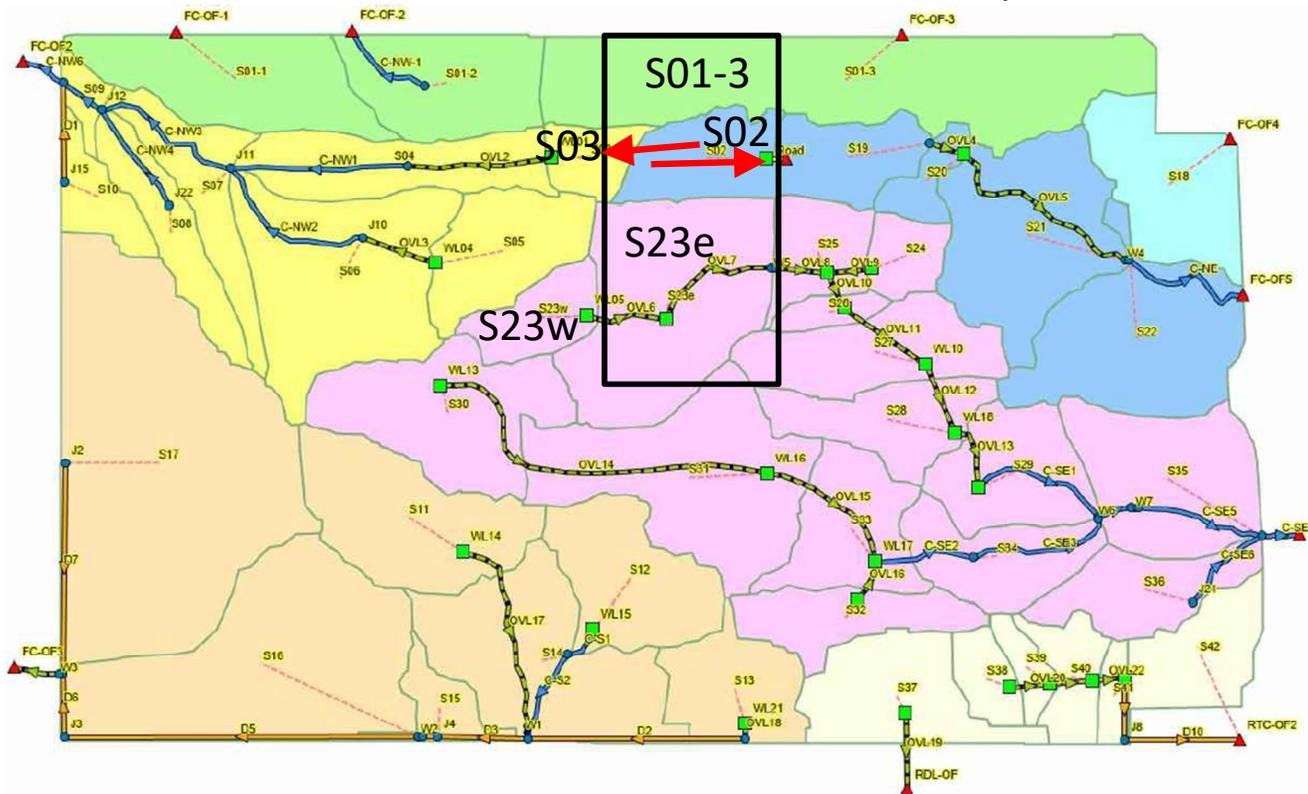
Table Shows Drainage path connecting southeast (i.e. to C-SE1, C-SE3, C-SE4, C-SE5, C-SE6, C-SE7). Drainage actually flows due east. Table and map 6 are wrong as a W-E ridge blocks flow toward the Southeast. Model Pg 137 claims outfall at RTC-OF1; it dose not.

#3 INCORRECT DRAINAGE FLOW DIRECTION FOR INCORRECT DRAINAGE PATHS USING INCORRECT CATCHMENT AREAS WHICH ARE INCORRECTLY GROUPED TOGETHER

DRAINAGE FLOW DIRECTIONS REVERSE FROM PRE-DEVELOPMENT TO POST-DEVELOPMENT FROM EAST TO WEST AND WEST TO EAST

Catchment area map 6 shows our North wetland connected to the Blue Grouping and flowing east, but Table 3.4 shows data used in calculations has North Wetland flowing west into C-NW channel system of the Yellow Grouping. Furthermore, our North wetland flows due east and then north into the Green area, not south as shown in the Blue Group.

Our South Wetland is shown flowing east despite 53rd street being called a catchment boundary and connecting to C-SE Pink Group. Drainage does not flow SE, Rather it flows due east across the blue Group area.



#4 INCORRECT Input Data into Drainage Modelling:

Table 2.1 Culvert Input Data, 2020 MDP in Blue vs 2018 MDP in Brown. Notice No Correction made to Incorrect Manning Number, which should be 0.024 for Corrugated Steel Pipe not 0.013 for Smooth Concrete pipe.

(1166.8M) CLV5 = Outlet for Wetland #6 on our Property

Table 2.1 – Existing Drainage Infrastructure

CULVERT LABEL	DESCRIPTION & FIELD NOTES	Upper Invert (m)	Lower Invert (m)	Pipe Run Length (m)	Pipe Slope (%)	Nominal Pipe Diameter (mm)	Manning n	Pipe Capacity (L/s)	Velocity (m/s)	Pipe Material
CLV1	800mm CSP	1150.12	1148.60	40.535	3.75%	825	0.024	1868.8	3.50	CSP
CLV2	800mm CSP	1145.78	1145.86	13.578	-0.59%	825	0.024	1244.3	2.63	CSP
CLV3	600mm CSP	1128.06	1128.18	11.164	-1.07%	600	0.024	1050.3	3.63	CSP
CLV4	500mm CSP	1139.66	1139.33	11.793	2.80%	450	0.024	374.7	2.40	CSP
CLV5	300mm CSP	1166.82	1166.94	13.922	-0.86%	300	0.013	157.2	2.21	CSP
CLV6	220mm STEEL PIPE	1141.39	1141.28	6.599	1.70%	225	0.013	48.5	1.64	Steel
CLV7	900mm CSP	1138.07	1137.75	25.625	1.25%	900	0.024	2564.4	3.98	CSP

Reference: Survey July 2015, EXP

Client: Dream Development
 Project Name: Providence ASP
 Project Number: CGY-00047001-00
 Date: May 28, 2018

Table 2.1 – Existing Drainage Infrastructure

CULVERT LABEL	DESCRIPTION & FIELD NOTES	Upper Invert (m)	Lower Invert (m)	Pipe Run Length (m)	Pipe Slope (%)	Nominal Pipe Diameter (mm)	Manning n	Pipe Capacity (L/s)	Velocity (m/s)	Pipe Material
CLV1	800mm CSP	1150.12	1148.60	40.535	3.75%	825	0.024	1868.8	3.50	CSP
CLV2	800mm CSP	1145.78	1145.86	13.578	-0.59%	825	0.024	1244.3	2.63	CSP
CLV3	600mm CSP	1128.06	1128.18	11.164	-1.07%	600	0.024	1050.3	3.63	CSP
CLV4	500mm CSP	1139.66	1139.33	11.793	2.80%	450	0.024	374.7	2.40	CSP
CLV5	300mm CSP	1166.82	1166.94	13.922	-0.86%	300	0.013	157.2	2.21	CSP
CLV6	220mm STEEL PIPE	1141.39	1141.28	6.599	1.70%	225	0.013	48.5	1.64	Steel
CLV7	900mm CSP	1138.07	1137.75	25.625	1.25%	900	0.024	2564.4	3.98	CSP

Reference: Survey July 2015, EXP

Pre-Development PCSWMM Node Depth Summary

Assumed Road elevations and depth to Culvert Invert Elevation:

South Wetland Road Elevation: 1167.5 m, Culvert Elevation: 1166.8 + 0.7m = 1167.5 m

North Wetland Road Elevation: 1170.39 m – 1.09 m = Culvert @ 1169.3 m

 Node Depth Summary

Node	Type	Average Depth Meters	Maximum Depth Meters	Maximum HGL Meters	Time of Max Occurrence days hr:min	Reported Max Depth Meters
J1	JUNCTION	0.79	1.27	1140.93	0 10:57	1.27
J-1	JUNCTION	0.06	0.21	1165.21	0 07:41	0.21
J10	JUNCTION	0.12	0.40	1162.20	0 07:51	0.40
J11	JUNCTION	0.26	0.67	1151.17	0 08:13	0.67
J12	JUNCTION	0.05	0.20	1122.70	0 08:06	0.20
J13	JUNCTION	0.04	0.18	1156.68	0 07:34	0.18
J31	JUNCTION	0.28	0.79	1150.91	0 09:43	0.79
J32	JUNCTION	0.13	0.26	1141.65	0 07:49	0.26
J4	JUNCTION	0.20	0.36	1149.36	0 11:09	0.36
J5	JUNCTION	1.87	3.36	1131.42	0 09:00	3.36
J6	JUNCTION	0.14	0.34	1155.34	0 10:09	0.34
J8	JUNCTION	0.06	0.13	1148.13	0 14:24	0.13
J9	JUNCTION	0.06	0.21	1165.65	0 07:49	0.21
FC-OF-1	OUTFALL	0.00	0.00	1165.00	0 00:00	0.00
FC-OF2	OUTFALL	0.05	0.20	1108.20	0 08:07	0.20
FC-OF-2	OUTFALL	0.05	0.20	1146.20	0 07:41	0.20
FC-OF3	OUTFALL	0.21	0.47	1128.30	0 09:02	0.47
FC-OF-3	OUTFALL	0.00	0.00	0.00	0 00:00	0.00
FC-OF4	OUTFALL	0.00	0.00	1115.00	0 00:00	0.00
FC-OF5	OUTFALL	0.16	0.37	1121.62	0 07:40	0.37
RDL-OF	OUTFALL	0.00	0.00	1157.00	0 00:00	0.00
RTC-OF1	OUTFALL	0.16	0.42	1125.42	0 07:57	0.42
RTC-OF2	OUTFALL	0.06	0.13	1113.13	0 14:24	0.13
WL02-Spill	OUTFALL	0.00	0.00	1169.30	0 00:00	0.00
WL01	STORAGE	0.36	0.39	1171.69	0 09:05	0.39
WL02	STORAGE	0.97	1.09	1170.39	1 00:00	1.09
WL03	STORAGE	0.70	0.80	1163.40	1 00:00	0.80
WL04	STORAGE	0.30	0.36	1167.96	1 00:00	0.36
WL05	STORAGE	0.51	0.58	1168.18	0 12:43	0.58
WL06	STORAGE	0.63	0.70	1167.50	1 00:00	0.70
WL07	STORAGE	0.66	0.73	1166.03	1 00:00	0.73
WL08	STORAGE	0.82	0.90	1166.70	1 00:00	0.90
WL09	STORAGE	0.40	0.45	1166.75	0 13:09	0.45
WL10	STORAGE	0.61	0.70	1165.00	1 00:00	0.70

Pre-Development PCSWMM Node Summary

WL02 = North Wetland; WL06 = South Wetland

Invert Elevation= **Culvert Elevations (WL02= 1169.3m; WL06= 1166.8m);**

Max Depth = Assumed Wetland Water Depth = 2m

Node Summary

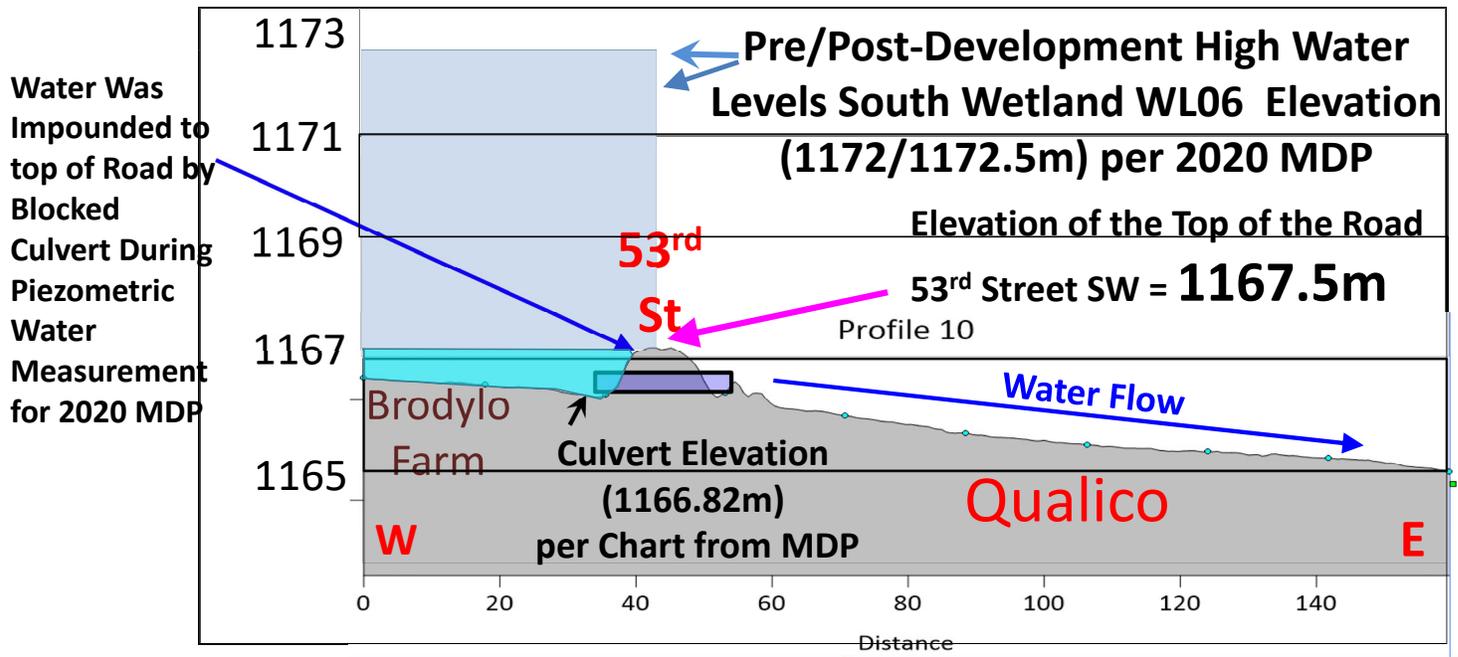
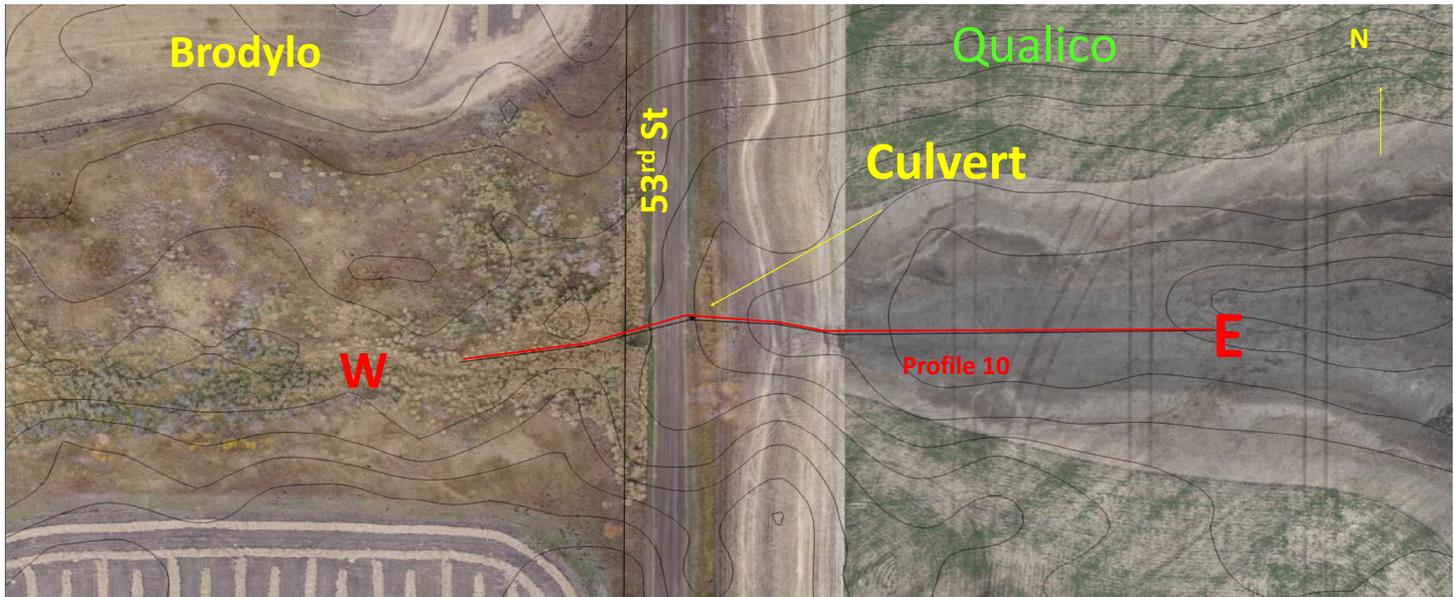
Name	Type	Invert Elev.	Max. Depth	Ponded Area	External Inflow
J1	JUNCTION	1139.66	2.50	0.0	
RTC-OF1	OUTFALL	1125.00	3.55	0.0	
RTC-OF2	OUTFALL	1113.00	1.00	0.0	
WL02-Spill	OUTFALL	1169.30	0.10	0.0	
WL01	STORAGE	1171.30	0.70	0.0	
WL02	STORAGE	1169.30	2.00	0.0	

WL03	STORAGE	1162.60	2.00	0.0	
WL04	STORAGE	1167.60	2.00	0.0	
WL05	STORAGE	1167.60	2.00	0.0	
WL06	STORAGE	1166.80	2.00	0.0	
WL07	STORAGE	1166.10	2.00	0.0	
WL08	STORAGE	1165.80	2.00	0.0	

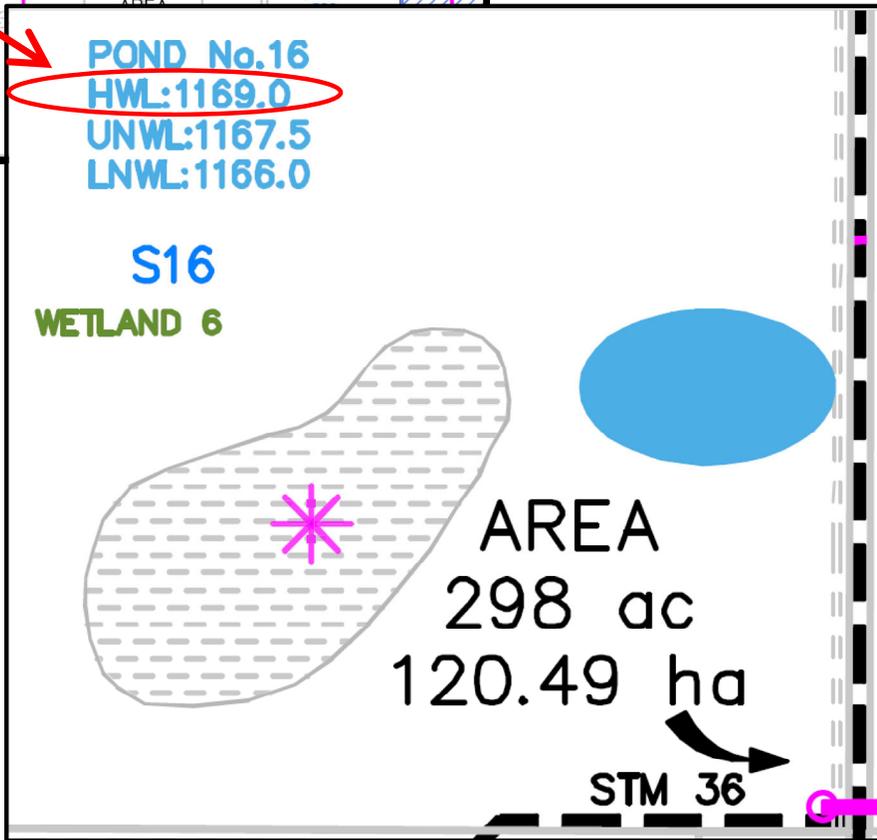
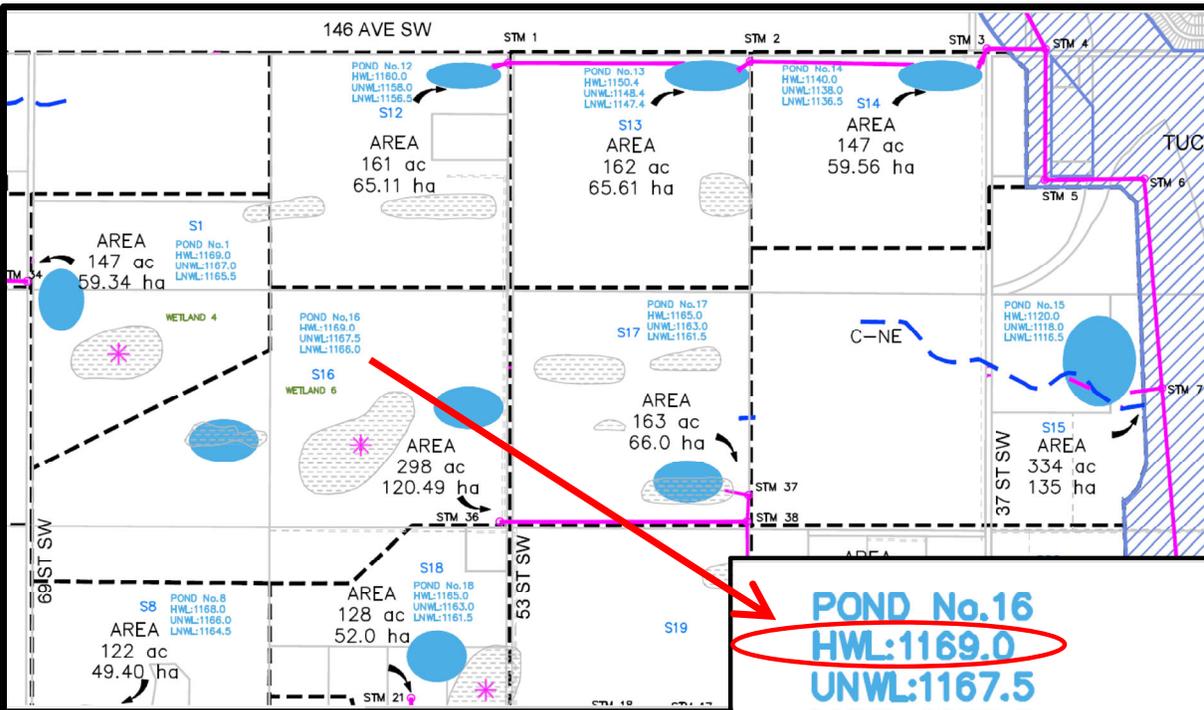
#5 INCORRECT Pre and Post Development Input Assumptions for Wetland area, Depth, Bathymetry and Elevation of water levels etc.

- From page 43 of the 2020 MDP:
- *“To provide water to the wetlands to be retained, a stormwater facility is proposed to be constructed adjacent to the wetland, with SWMF upper normal water level (UNWL) matching the high-water level of the wetland. For the purpose of this MDP, an analysis of the proposed Wetland/Pond set-up was performed for three wetlands expected to be retained.”*
- **Our South Wetland was selected (WL06).** The MDP does not recognize the culvert as functioning. 2020 MDP Map 7 lists **1169 m** as being equal to the High water level, but PCSWMM model uses **1170 m**. The model assumed 2m for water depth, which was not measured and is inaccurate. Lidar was used to derive the elevation of the base of the wetland, but where water is present, as it was during at the time the Lidar was surveyed, the data represents the top surface of the water not the subaqueous ground elevation (or bathymetry). As a result, 2 m is added to the surface of the high water elevation of 1170 m to 1172 m. The South culvert elevation is recorded in the MDP as **1166.8m** and the road elevation there is recorded **1167.5 m**. It is impossible that water could be dammed on our property at levels higher than these. Water is modelled at an elevation **5.7m (18.7 ft) higher than it is physically possible.**
- All the data used to model pre and post-development water storage, discharge, evaporation, infiltration, imperviousness and size of the wetland is incorrect. Yet their model still predicts flooding of our South Wetland by at least 0.5m resulting in Post-Development water levels exceeding **1172.5 m.**

West to East Culvert Profile at 53rd Street SW Between Brodylo Wetland (#6) and Lake Qualico



2020 MDP Map 7, Post-Development Servicing Concept



South Wetland

Pond 16 = SU16, for WL06 = Wetland 06 = South Wetland – SubCatchment S23e
 WL05 = Part of WL06 wetland complex on Dream Property approved to turn WL05 into a storm pond and direct water into WL06 on Brodylo Farm

North Wetland

Pond 12 = SU12 = Wetland 12 = North Wetland – SubCatchment S02

Storm Pond #16 Calculated Data Related to Wetland #6 on Our Property

Pond 16		Pond 17	
Invert Elev.	1163.7	Invert Elev.	1159.0
Depth (m)	Area (m ²)	Depth (m)	Area (m ²)
0	39583	0	17143
1.25	45114	1.25	20874
2.5	50958	2.5	24918
3.24	51680	3.24	25424
3.26	52407	3.26	25935
3.5	52650	3.5	26106
4	53138	4	26450
5	58128	5	30000
5.5	60698	6	33750
5.8	62264	6.3	34914

6.3 m not 5.8 m

1163.7M + 5.8M = 1169.5M ELEVATION FOR SURFACE OF WATER IN WETLAND #6 ON OUR PROPERTY

2020 MDP PCSWMM Post-Development Tables use Storm Pond Invert Elevation of 6.3m not 5.8m. Therefore, the assumed South Wetland Pre-Development High water level is **1170 m**

The top of the 53rd Street is 1167.5 m

Invert Elevations Used in Post Development PCSWMM Tables do not match Pseudo Pond Stage Storage Curve Tables, SU16 = Pond for catchment area S23, WL06, SU12 = Pond Catchment area S12. S02. WL02

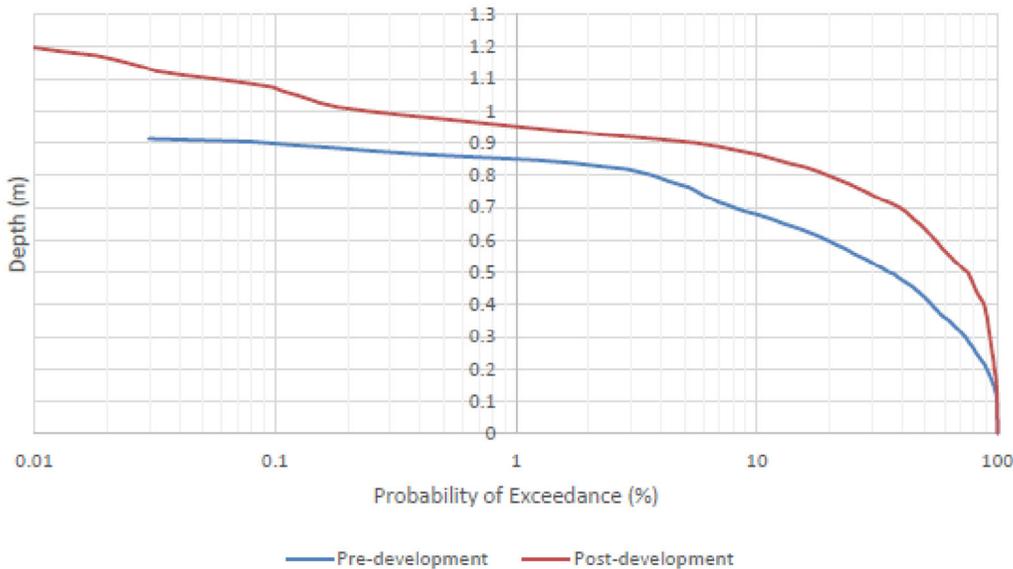
 Node Summary

Name	Type	Invert Elev.	Max. Depth	Ponded Area	External Inflow
1	JUNCTION	1126.50	2.50	0.0	
2	JUNCTION	1124.50	2.50	0.0	
J13	JUNCTION	1163.50	2.50	0.0	
J14	JUNCTION	1155.00	5.00	0.0	
J15	JUNCTION	1142.00	5.00	0.0	
SU12	STORAGE	1154.00	6.30	0.0	
SU13	STORAGE	1144.00	6.30	0.0	
SU14	STORAGE	1134.00	6.30	0.0	
SU15	STORAGE	1114.00	6.30	0.0	
SU16	STORAGE	1163.70	6.30	0.0	
SU17	STORAGE	1159.00	6.30	0.0	
SU18	STORAGE	1160.70	6.30	0.0	
SU19	STORAGE	1157.20	6.30	0.0	
SU2	STORAGE	1155.00	6.30	0.0	
SU20	STORAGE	1137.00	6.30	0.0	
SU22	STORAGE	1125.00	6.30	0.0	
SU23	STORAGE	1125.00	6.30	0.0	
SU3	STORAGE	1124.00	6.30	0.0	
SU4	STORAGE	1131.00	6.30	0.0	
SU5	STORAGE	1141.00	6.30	0.0	
SU6	STORAGE	1157.00	6.30	0.0	
SU7	STORAGE	1144.00	6.30	0.0	
SU8	STORAGE	1164.70	6.30	0.0	
SU9	STORAGE	1129.00	6.30	0.0	

1163.7 m
+ 6.3 m =
1170 m

South Wetland Hydroperiod from 2020 MDP (WL06)

Wetland 6 Depth-Duration



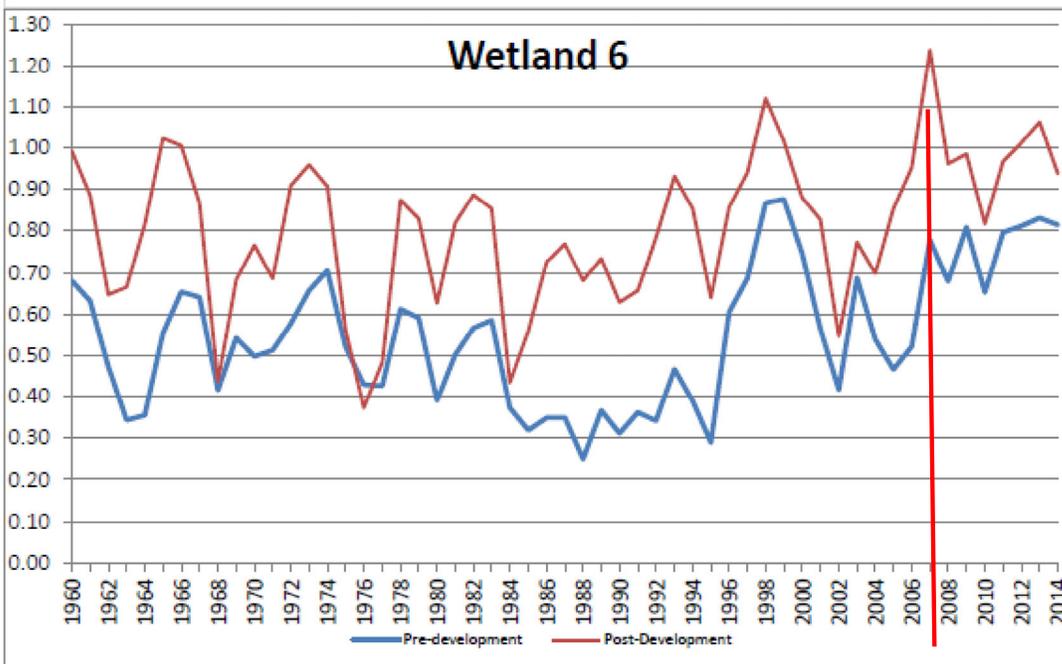
2020 MDP Modelling of Wetland Water Levels

Pre (Blue) & Post (Red) Development

Probability of Exceedance (%)
 Pre vs. Post-Development Water Levels in Wetland #6, Located on Brodylo Farm Lands

Model Predicts 100% Possibility of Flooding of Our Land Post-Development

Lidar surface represents the top of water not the bottom of the wetland if filled with water, which is listed as 1170m for WL06. Minimum flooding modelled is 0.5 m. Water depth used in model = 2m above that = 1172.5m Flood Elevation



Water Levels for Pond SU16 –Wetland WL06

Pre-Development Water Storage Volume Summary of all Wetlands in Providence

WL02= North Wetland; WL06 = South Wetland

WL02 = Modelled to contain **11,960 m3** @ 19% Full = 62,947 m3 @ 100% Full = 16.8 Swimming Pools

WL06 = Modelled to contain **86,486 m3** @ 23% Full = 376,026 m3 @ 100% Full = 100.3 Swimming Pools

 Storage Volume Summary

Storage Unit	Average Volume 1000 m3	Avg Pcnt Full	Evap Pcnt Loss	Exfil Pcnt Loss	Maximum Volume 1000 m3	Max Pcnt Full	Time of Max Occurrence days hr:min	Maximum Outflow CMS
WL01	5.762	37	0	0	6.469	41	0 09:05	0.287
WL02	8.801	14	0	0	11.960	19	1 00:00	0.000
WL03	17.329	24	0	0	20.373	28	1 00:00	0.739
WL04	19.846	10	0	0	23.637	12	1 00:00	0.017
WL05	6.822	6	0	0	8.437	8	0 12:43	0.021
WL06	75.825	20	0	0	86.486	23	1 00:00	0.000
WL07	10.858	11	0	0	13.182	13	1 00:00	0.000
WL08	9.158	18	0	0	10.752	21	1 00:00	0.000
WL09	2.715	7	0	0	3.243	8	0 13:09	0.007
WL10	18.937	15	0	0	23.004	18	1 00:00	0.000
WL13	9.619	7	0	0	14.296	11	0 10:35	0.413
WL14	23.184	22	0	0	28.896	27	1 00:00	0.000
WL15	13.166	11	0	0	16.795	14	0 14:32	0.083
WL16	36.385	24	0	0	47.060	31	1 00:00	0.053
WL17	9.726	12	0	0	14.888	18	1 00:00	0.000
WL18	11.678	25	0	0	14.157	30	1 00:00	0.003
WL19	1.690	1	0	0	3.892	2	0 08:27	0.968
WL21	6.266	13	0	0	8.968	19	0 09:35	0.427
WL22	9.001	10	0	0	11.391	13	0 11:45	0.092
WL23	26.954	24	0	0	31.081	28	1 00:00	0.000
WL24	4.908	17	0	0	5.871	21	0 12:29	0.016
WL25	1.312	2	0	0	2.184	4	0 08:35	0.176
WL26	3.532	11	0	0	5.300	17	0 10:11	0.244
WL27	5.024	29	0	0	6.945	40	0 14:20	0.107

PCSWMM Link Flow Summary: Volume of Water Modelled to Outfall from Wetlands: 2020 MDP

CLV5 = Culvert at South Wetland, OVL6 = Overland flow from Dream Property from west side of South Wetland, OVL7 = Overland flow from Brodylo Land across 53rd Street, W5 = Weir Dam at 53rd St. Culvert Location; Road = Road at North Wetland buried culvert;
 Note: All outflow listed as ZERO, except massive amount of water modelled to inflow from Dream's property (OVL6) to the West of Brodylo property into South Wetland = WL06
 Grossed up to a full 24 hour flow

 Link Flow Summary

Water flowing out of South Wetland = Zero

Link	Type	Maximum Flow CMS	Time of Max Occurrence days hr:min	Maximum Veloc m/sec	Max/ Full Flow	Max/ Full Depth	Maximum Volume m3
CLV1	CONDUIT	1.064	0 08:20	2.21	0.85	0.98	30.13
CLV2	CONDUIT	1.202	0 11:18	2.51	2.60	1.00	9.67
CLV3	CONDUIT	0.988	0 07:55	3.49	3.41	1.00	4.47
CLV4	CONDUIT	0.329	0 10:48	2.46	1.52	0.95	2.60
CLV5	CONDUIT	0.000	0 00:00	0.00	0.00	0.00	0.00
CLV6	CONDUIT	0.029	0 07:47	0.98	1.16	0.97	0.35
OVL4	CONDUIT	1.170	0 07:31	0.27	0.19	0.85	2353.17
OVL5	CONDUIT	0.000	0 00:00	0.00	0.00	0.50	9967.11
OVL6	CONDUIT	0.021	0 12:43	0.01	0.00	0.39	1844.89
OVL7	CONDUIT	0.000	0 00:00	0.00	0.00	0.00	0.00
OVL8	CONDUIT	0.000	0 00:00	0.00	0.00	0.37	1299.30
OVL9	CONDUIT	0.000	0 00:00	0.00	0.00	0.37	1119.96
Road	CONDUIT	0.000	0 00:00	0.00	0.00	0.00	0.00
W1	WEIR	0.000	0 00:00			0.00	0.00
W2	WEIR	0.000	0 00:00			0.00	0.00
W3	WEIR	8.221	0 08:07			0.36	0.00
W4	WEIR	0.163	0 10:58			0.07	0.00
W5	WEIR	0.000	0 00:00			0.00	0.00
W6	WEIR	1.624	0 07:49			0.10	0.00
W7	WEIR	0.000	0 00:00			0.00	0.00

Culvert at South Wetland

Dream Water flowing into South Wetland

Road at North Wetland

Weir @ culvert CLV5



Pre-Development PCSWMM Outfall Loading Summary: 2020 MDP

No Drainage is Modelled to Outfall from North Wetland WL02 or South Wetland WL06

Storage Volume Summary

Storage Unit	Average Volume 1000 m3	Avg Pcnt Full	Evap Pcnt Loss	Exfil Pcnt Loss	Maximum Volume 1000 m3	Max Pcnt Full	Time of Max Occurrence days hr:min	Maximum Outflow CMS
WL01	5.762	37	0	0	6.469	41	0 09:05	0.287
WL02	8.801	14	0	0	11.960	19	1 00:00	0.000
WL03	17.329	24	0	0	20.373	28	1 00:00	0.739
WL04	19.846	10	0	0	23.637	12	1 00:00	0.017
WL05	6.822	6	0	0	8.437	8	0 12:43	0.021
WL06	75.825	20	0	0	86.486	23	1 00:00	0.000
WL07	10.858	11	0	0	13.182	13	1 00:00	0.000
WL08	9.158	18	0	0	10.752	21	1 00:00	0.000
WL09	2.715	7	0	0	3.243	8	0 13:09	0.007
WL10	18.937	15	0	0	23.004	18	1 00:00	0.000
WL13	9.619	7	0	0	14.296	11	0 10:35	0.413

Outfall Loading Summary

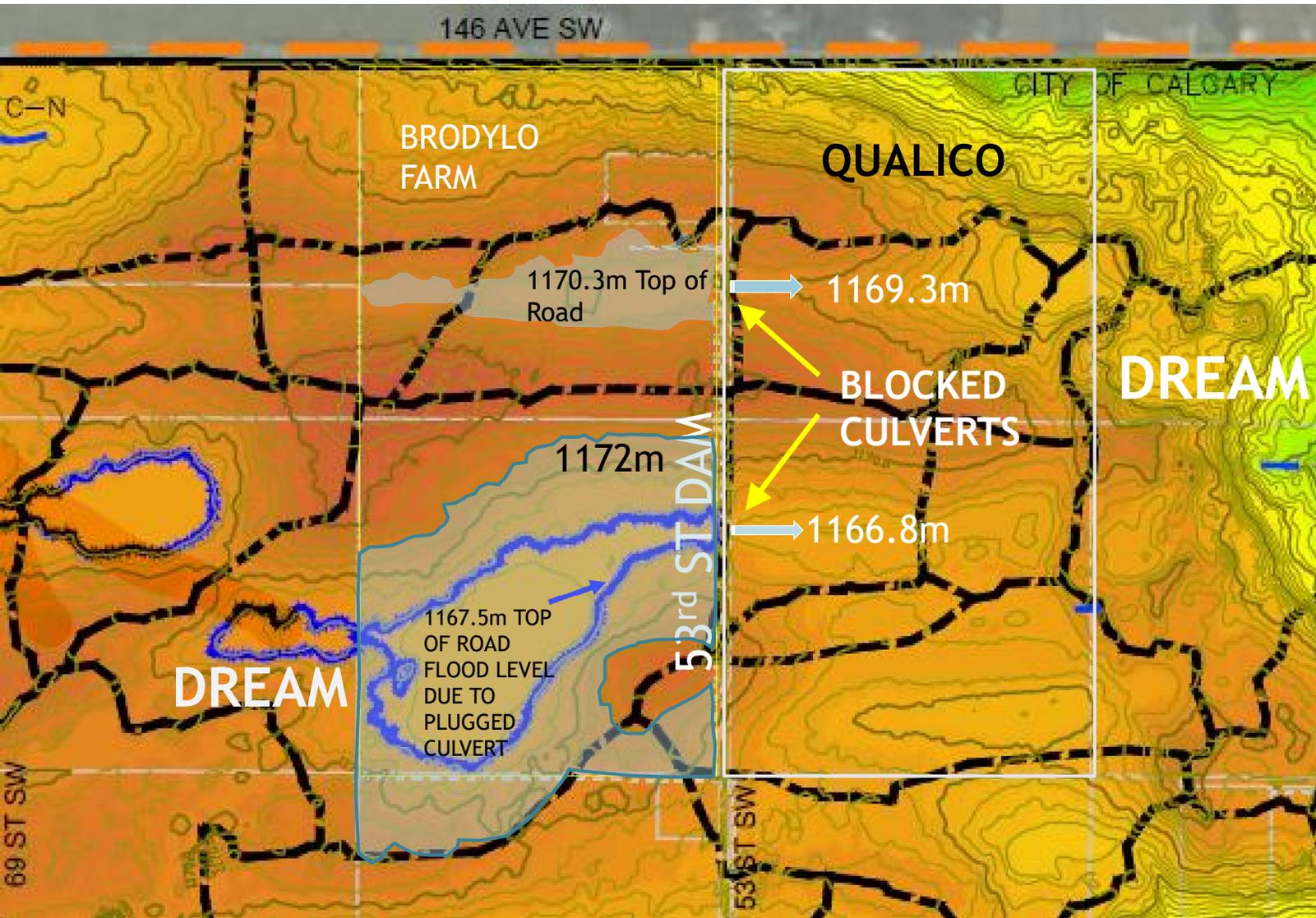
South Wetland Volume =
86,486m3 @ 23% Full
= 376,026m3 @ 100% Full

= 100.3 Olympic Sized
Swimming Pools
OR = 433.6m x 433.6m x 2 m
deep giant pool

Outfall Node	Flow Freq Pcnt	Avg Flow CMS	Max Flow CMS	Total Volume 10^6 ltr
FC-OF-1	49.19	0.437	1.244	14.270
FC-OF2	95.81	1.051	6.326	66.042
FC-OF-2	82.51	0.231	1.281	12.463
FC-OF3	81.99	1.997	6.563	112.546
FC-OF-3	49.22	1.002	2.852	32.711
FC-OF4	45.96	0.417	1.281	12.630
FC-OF5	82.52	0.654	2.588	36.910
RDL-OF	0.00	0.000	0.000	0.000
RTC-OF1	82.35	0.847	3.049	46.599
RTC-OF2	82.89	0.192	0.736	10.962
WL02-Spill	0.00	0.000	0.000	0.000
System	59.31	6.828	23.003	345.133

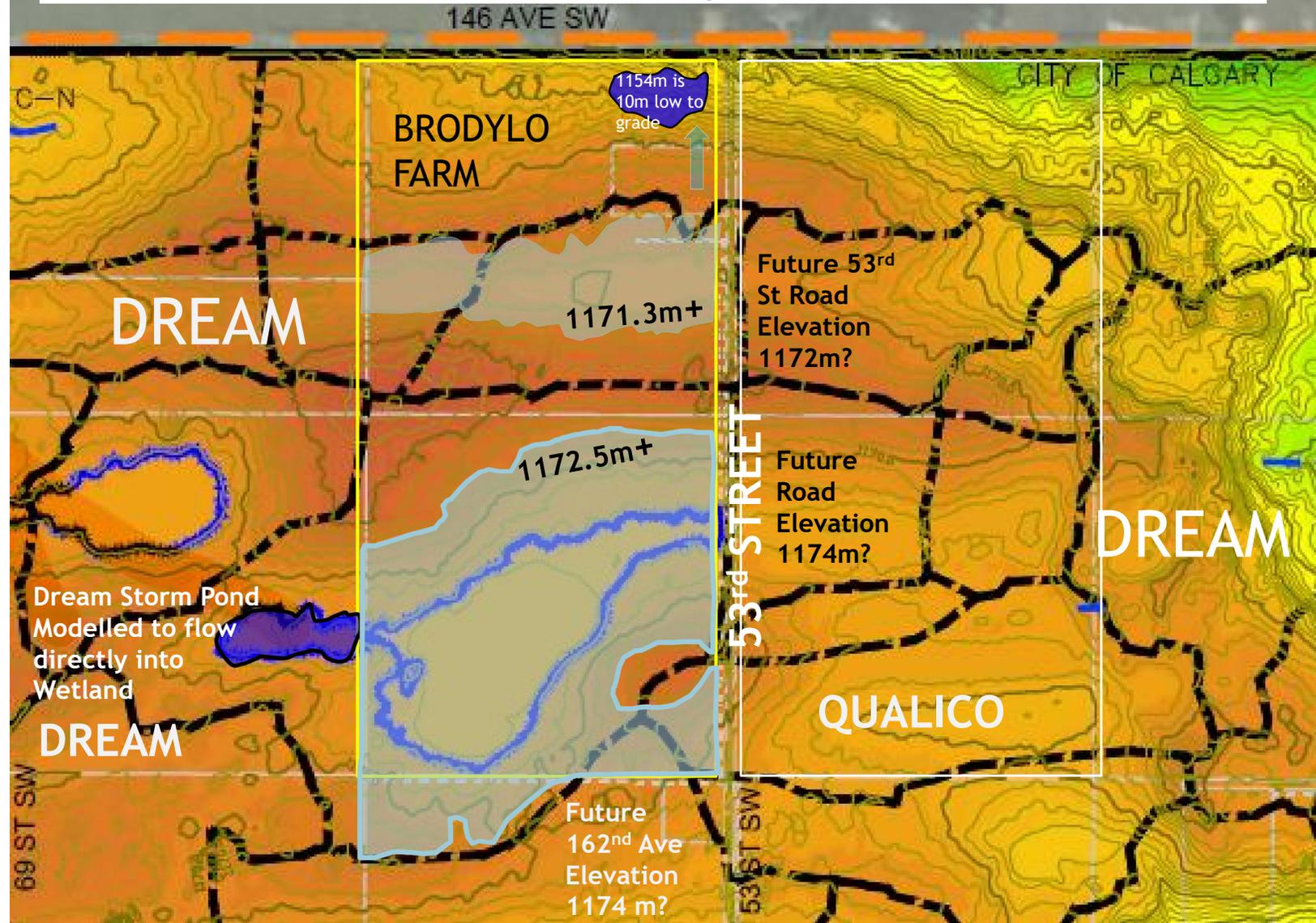
PRE-DEVELOPMENT WATER LEVELS SHOWN IN LIGHT BLUE AS MODELLED BY 2020 Master Drainage Plan

1172M AT THE NORTH WETLAND; 1170.3 M AT THE SOUTH WETLAND



CATCHMENT AREAS DO NOT FOLLOW NATURAL DRAINAGE CONTOURS. NOTE 53RD STREET USED AS A BOUNDARY ONLY NEAR CULVERT LOCATIONS AND NOT AS A BOUNDARY ALONG THE REST OF THE ROAD. 37TH AND 53RD STREETS NOT TREATED AS BOUNDARIES ALONG 146TH AVE. ROADS CANNOT BE USED AS DRAINAGE BOUNDARIES ACCORDING TO BEST PRACTICES AND REGULATION

**POST-DEVELOPMENT WATER RETENTION AND STORM PONDS
MODELLED BY 2020 MDP; South Wetland = WL06 1172.5m-1174m;
North Wetland = WL02 1171.3m+ or spill to 146 Ave.**



FUTURE DRAINAGE DESIGN:

CATCHMENT AREAS = 53RD STREET = DAM, 162ND AVENUE = DAM

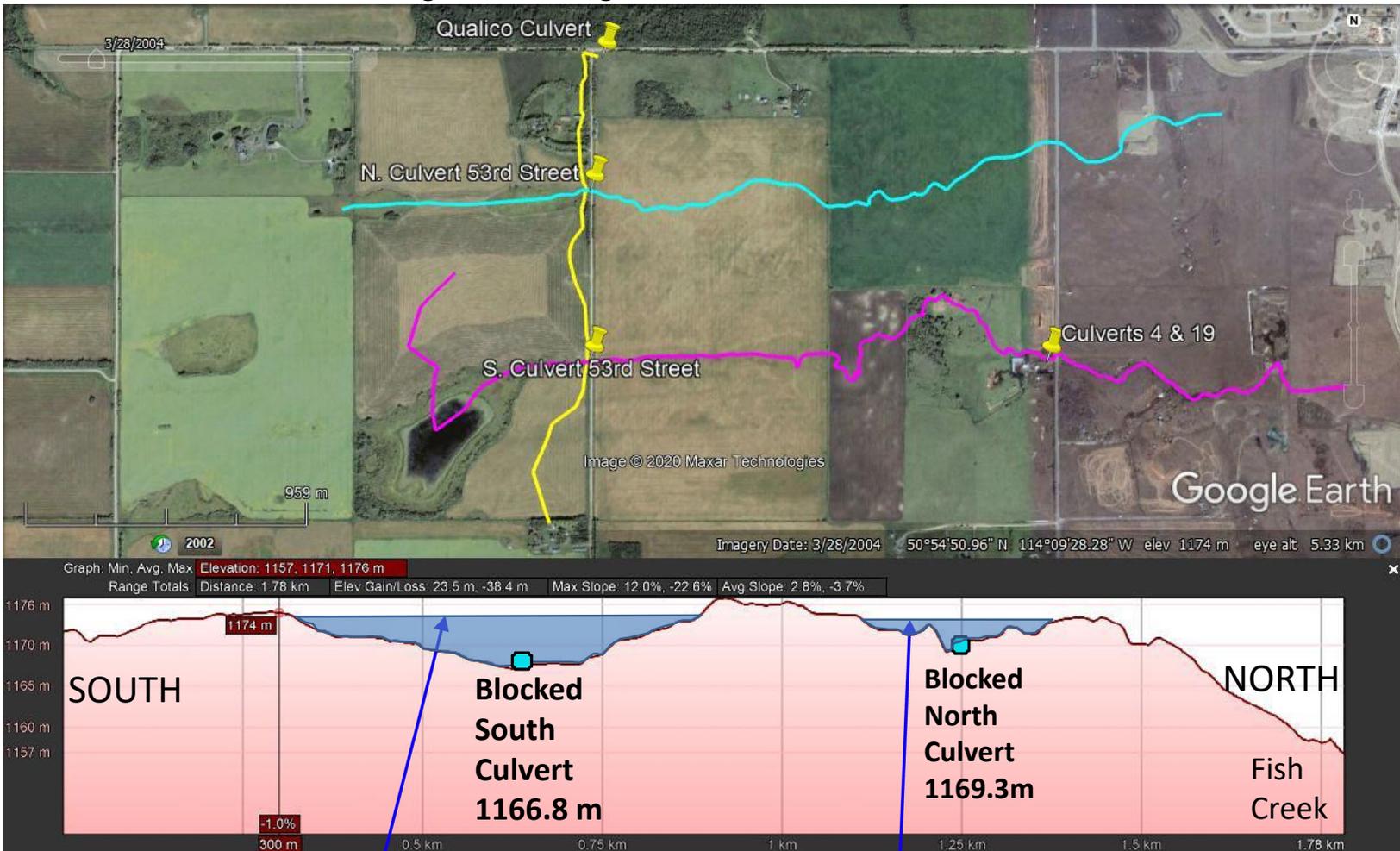
CULVERTS REMOVED, PERMANENT IMPOUNDMENT OF OUTFLOW,

RESULT: EXTENSIVE FLOODING TO OUR FARM, CONVERSION TO REGIONAL STORMWATER MANAGEMENT FACILITY

MAP #7 SHOWS STORM POND ON DREAM LAND WEST OF US AS DIRECTLY CONNECTED TO OUR WETLAND WATER DIRECTED INTO SOUTH WETLAND FROM OFFSETTING LANDOWNERS AND TWO MAJOR ROADS

Brodylo Farm Area Topography: South to North Profile Along 53rd Street (Along Yellow Line) With Future Post-Development Flood Water Levels Annotated in Blue

From Google Earth Images and Profiles Public Data 3/28/2004



Post Development Flood Level 1172.5-1174 m

Post Development Flood Level 1171.3m-1172.5 m

Flood level Post Development will depend on the height 53rd Street and 162 Avenue are built up above grade. Offsite grading may also impact flooding.

Size Comparison

Glenmore Reservoir vs. Flooded South Wetland

Glenmore Reservoir

- Max. length: 4.1 km (2.5 mi)
- Max. width: 0.9 km (0.56 mi)
- Surface area: 3.84 km² (1.48 sq mi)
- Average depth: 6.1 m (20 ft)
- Max. depth: 21.1 m (69 ft)
- Surface elevation: 1080 m (3540 ft)
- average flow velocity: 20-30 cubic metres per second (CMS)
- **Average Stored Volume: 22,509,000m³**
- **= 6002 Swimming Pools**

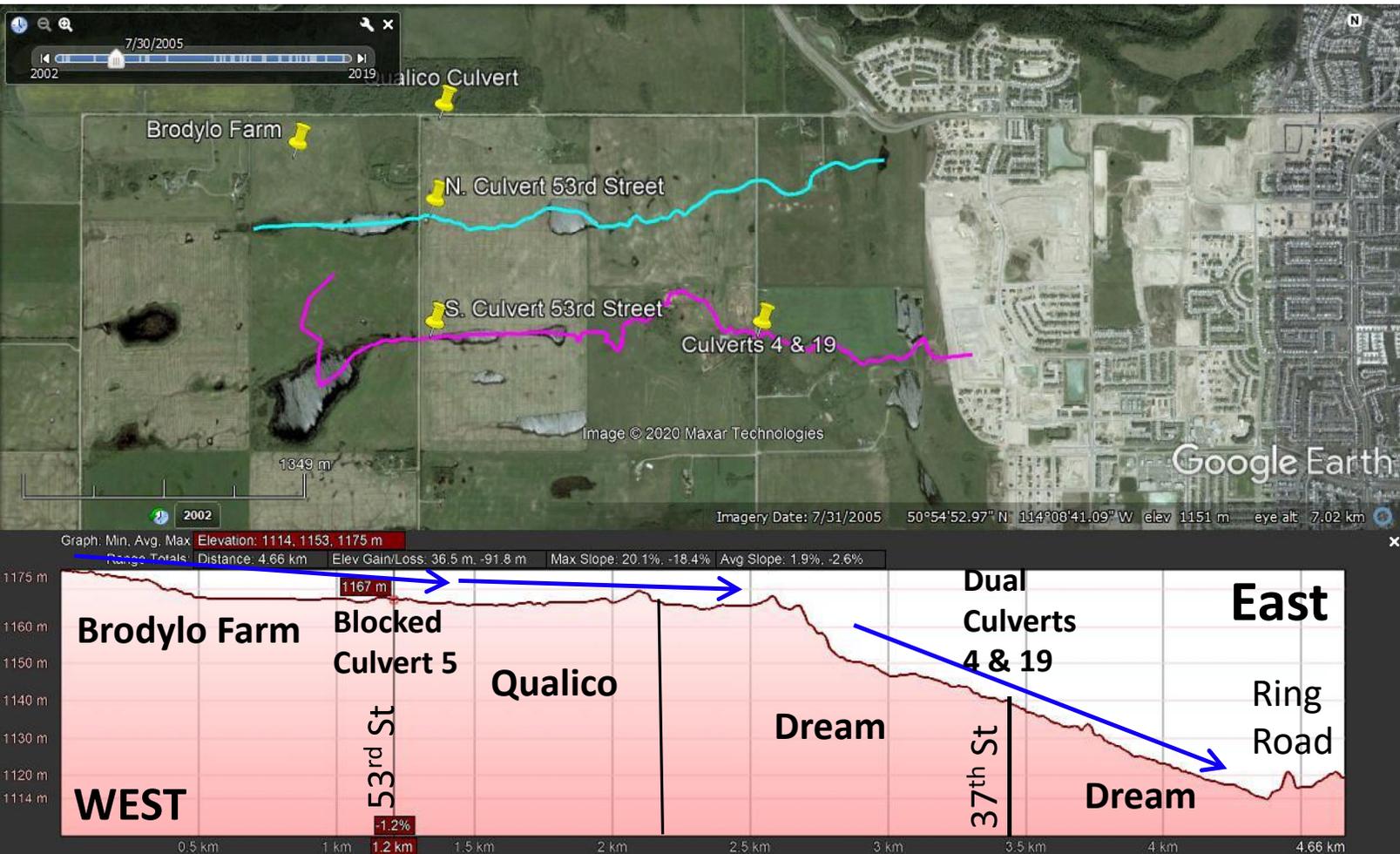
Post-Development South Wetland Est. Per 2020 MDP

- Max. length: 433.6 m (0.27 mi)
- Max. width: 434 m (0.27 mi)
- Surface area: 434 m² (0.27 sq mi)
- Average depth: 5.7 m (19 ft)
- Max. depth 7.2 m (24 ft)
- Modelled elevation range 1166.8-1172.5 m (3828-3852 ft)
- Max. water elevation: 1174 m (3852 ft)
- Surface elevation: 1172.5-1174 m (3847-3852 ft)
- average inflow velocity: 9.9 cubic metres per second (CMS)
- **Average Stored Volume: 1,073,629m³**
- **= 286.3 Swimming Pools**
- **Max Stored Volume: 1,356,163m³**
- **= 361.6 Swimming Pools**

SOUTH WETLAND

- South Wetland = 2020 MDP WL06
- 2020 MDP models Pre-development drainage from subcatchment areas S23e, AND S23w, but allows no outflow along natural drainage east across 53rd St. culvert to S25.
- Post-development subcatchment area 16 modelled to accommodate water from S05, S30, S31, S06, S27, S23e, S23w, S25, S26.

South Wetland Drainage Path (Pink) Flows West to East Across 53rd Street Damaged Culvert July 2005



Porous and Permeable Glacial Till and Sandstone near surface on Qualico Land helps water seepage eastward downdip

Government of Alberta

Water Well Drilling Report

[View in Imperial](#) [Export to Excel](#)

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

GIC Well ID 377602
 GoA Well Tag No.
 Drilling Company Well ID
 Date Report Received 1986/03/18

Well Identification and Location										Measurement in Metric	
Owner Name s.17(1)	Address RR 9				Town CALGARY		Province		Country CANADA	Postal Code T2J 5G5	
Location	<i>1/4 or LSD</i> SE	<i>SEC</i> 36	<i>TWP</i> 22	<i>RGE</i> 2	<i>W of MER</i> 5	<i>Lot</i>	<i>Block</i>	<i>Plan</i>	<i>Additional Description</i>		
Measured from Boundary of _____ m from _____ m from				GPS Coordinates in Decimal Degrees (NAD 83) Latitude <u>50.910385</u> Longitude <u>-114.146178</u>				Elevation _____ m How Elevation Obtained Not Obtained			
				How Location Obtained Not Verified							

Drilling Information	
Method of Drilling Cable Tool	Type of Work New Well
Proposed Well Use Stock	

Formation Log		Measurement in Metric
Depth from ground level (m)	Water Bearing	Lithology Description
0.30		Topsoil
1.83		Gray Clay & Boulders
11.89		Brown Clay & Sandstone Layers
48.77		Gray Shale & Sandstone Ledges
56.39	Yes	Light Gray Water Bearing Sandstone
60.96		Gray Shale & Sandstone Ledges

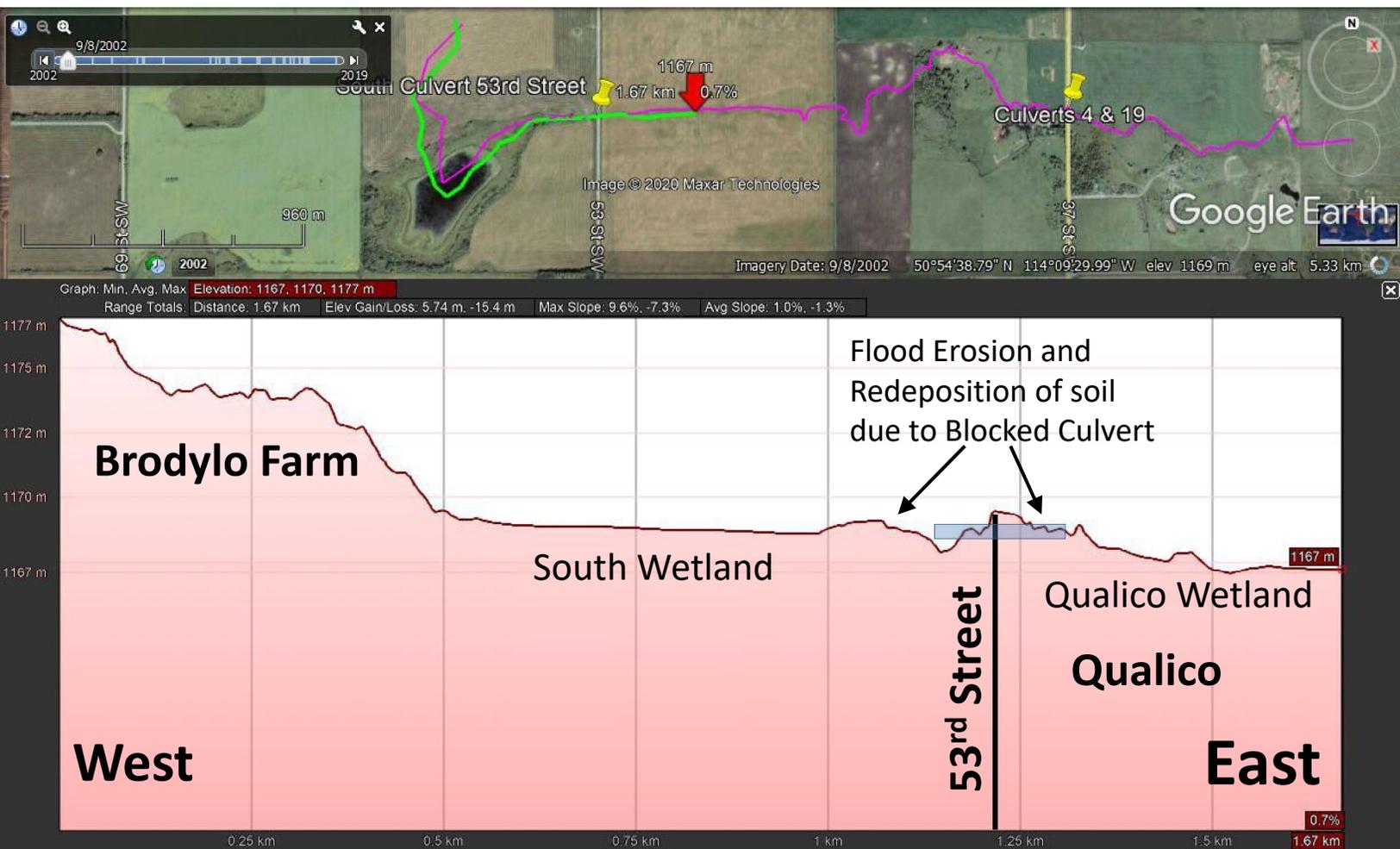
Yield Test Summary			Measurement in Metric
Recommended Pump Rate _____ L/min			
Test Date	Water Removal Rate (L/min)	Static Water Level (m)	
1985/12/28	43.19	42.06	

Well Completion				Measurement in Metric
Total Depth Drilled	Finished Well Depth	Start Date	End Date	
60.96 m	60.96 m	1985/12/18	1985/12/28	
Borehole				
Diameter (cm)		From (m)	To (m)	
Surface Casing (if applicable)			Well Casing/Liner	
Steel			Steel	
Size OD : <u>14.12 cm</u>		Size OD : <u>11.43 cm</u>		
Wall Thickness : <u>0.478 cm</u>		Wall Thickness : <u>0.000 cm</u>		
Bottom at : <u>16.76 m</u>		Top at : <u>0.00 m</u>		
		Bottom at : <u>60.96 m</u>		
Perforations				
		Diameter or		

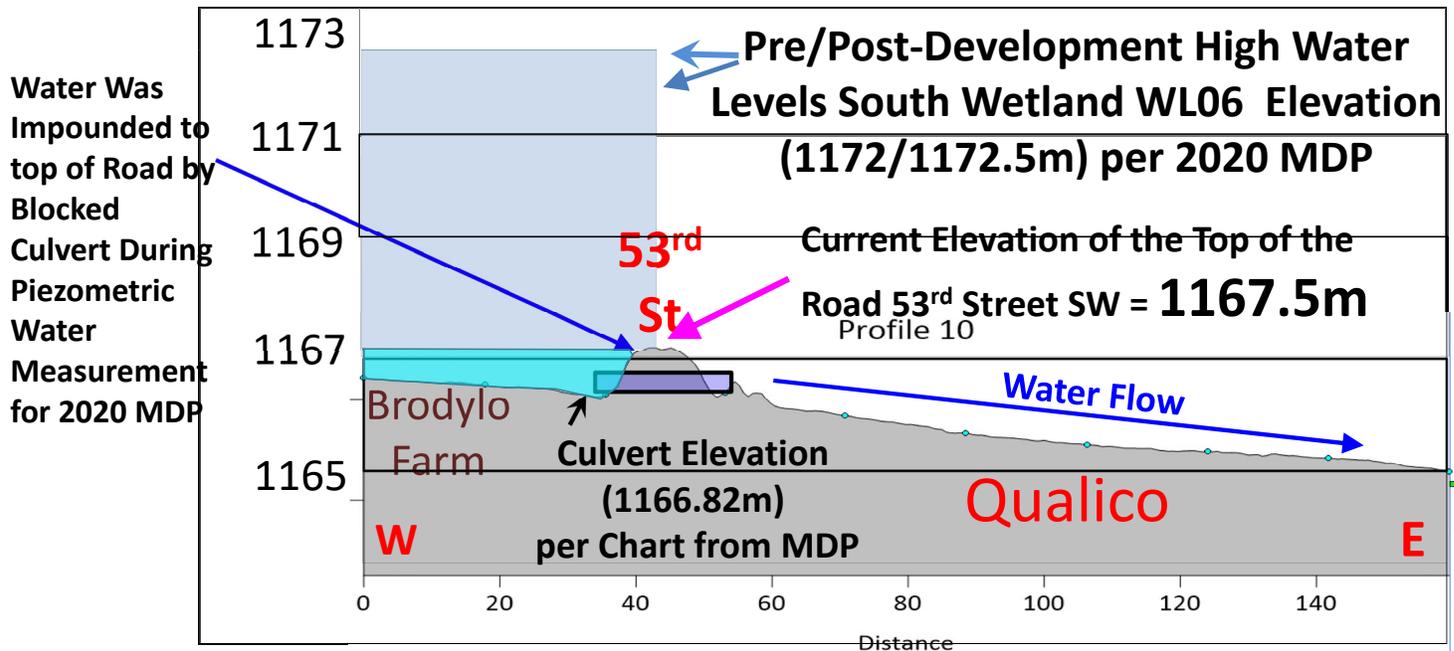
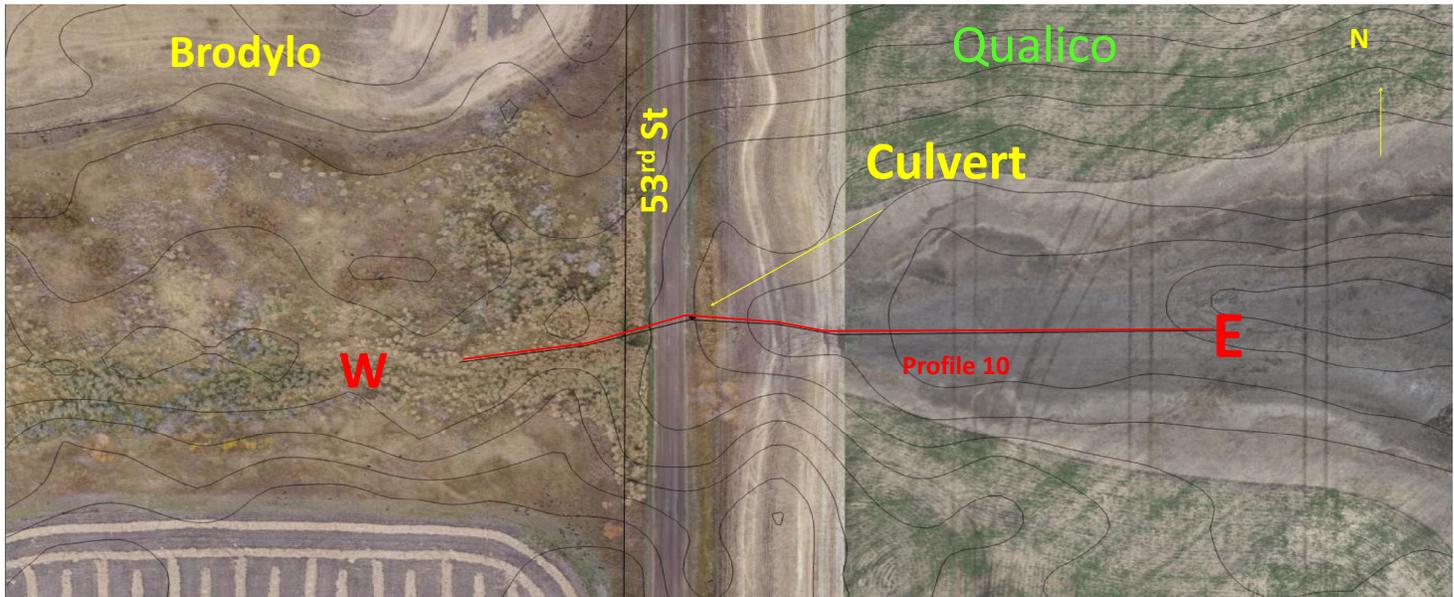
**From The City of Calgary and Alberta Environment
CW1643
Fish Creek Drainage Study
July 2000 - Final Report**

- **Drainage Area #3** is in the west-central portion of the study area and based on the topography appears to be self-contained, draining to some small, localized depressions. The majority of these depressions appear to be wet during springtime and subsequently dry up during summer except for a "permanent" **wetland in SE1/4-35-22-2-W5** which appears to be wet year-round. Further discussion of the wetlands can be found in Section 5, Biophysical Assessment. While Drainage Area #3 area appears to be self-contained, **if sufficient runoff were to occur to "fill" this area it would likely spill to Drainage Area #4.**
- **Drainage Area #4** in the central portion of the study area and drains to a major meltwater channel in **Sections 30 and 31-22-1-W5** (See Figure 3-1).

South Wetland Culvert Profile Detail (Green Line) Google Earth Data August 2002



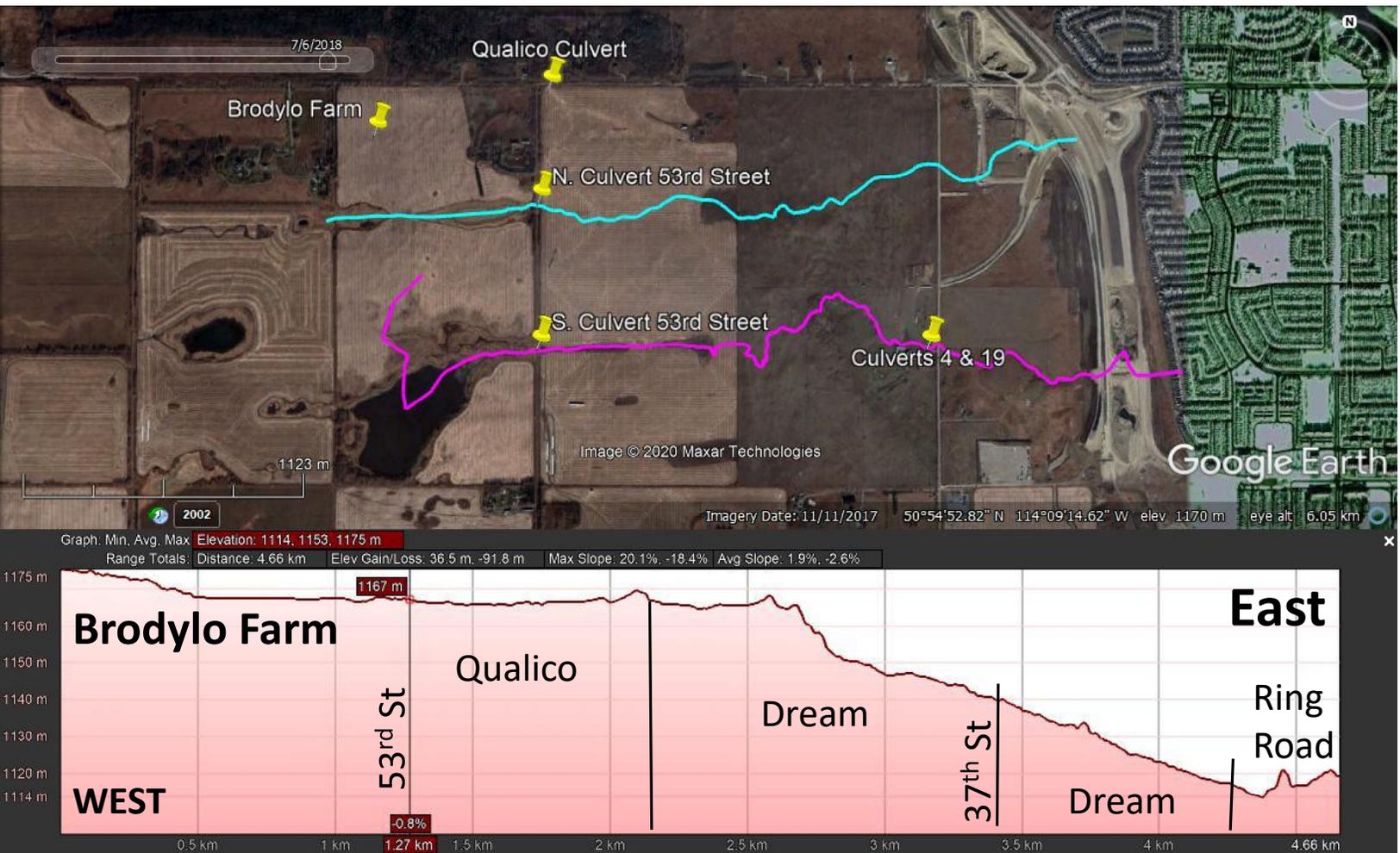
West to East Culvert Profile at 53rd Street SW Between Brodylo Wetland (#6) and Lake Qualico



Damming Effect Dependent on road impoundment and offsite alterations to grade. What are the Future Road Heights????

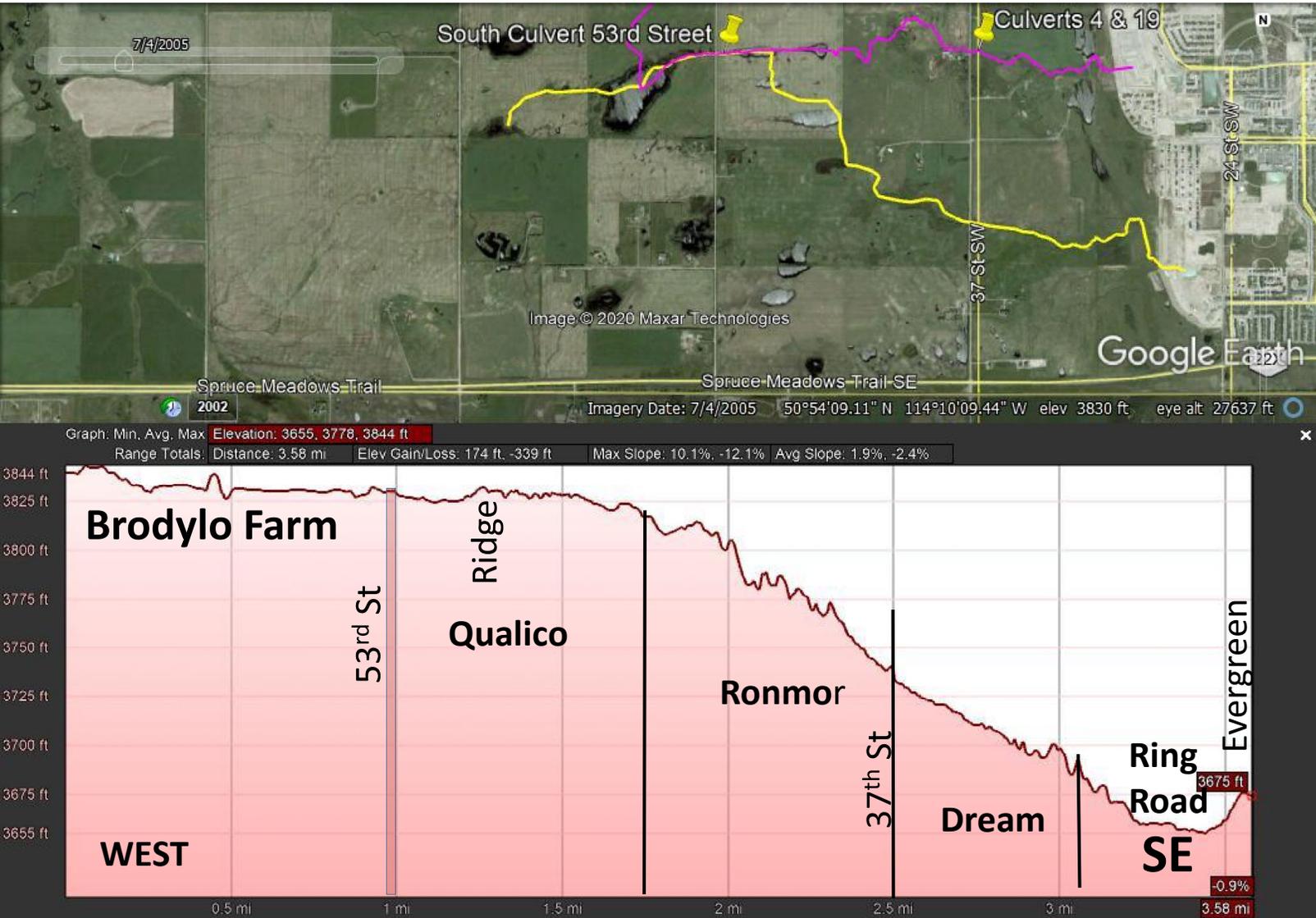
South Wetland Drainage Path Profile Shown by Pink Line

Google Earth Data July 2018 Showing Ring Road



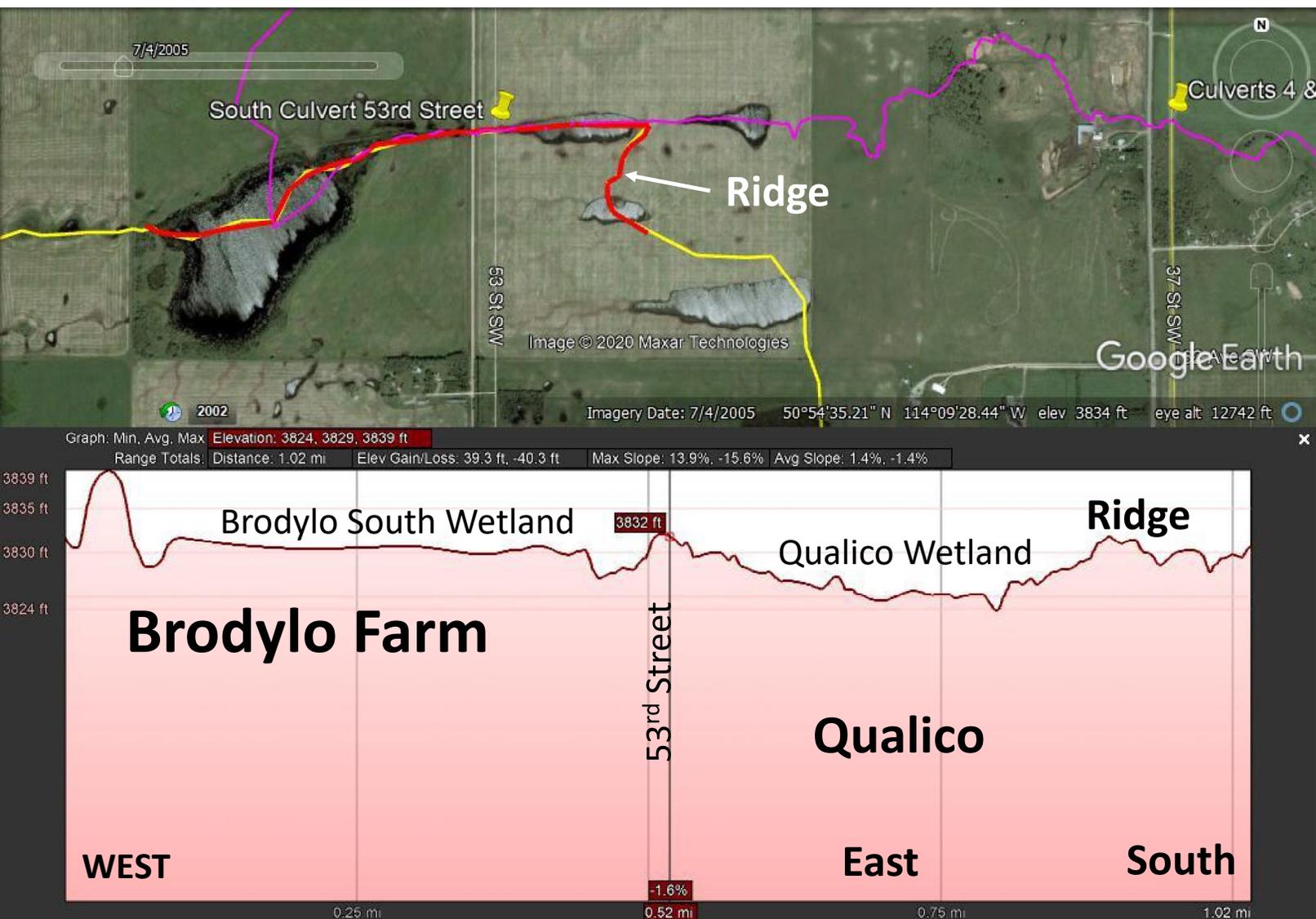
2020 MDP Southeast Drainage Path C-SE

Profile in Yellow



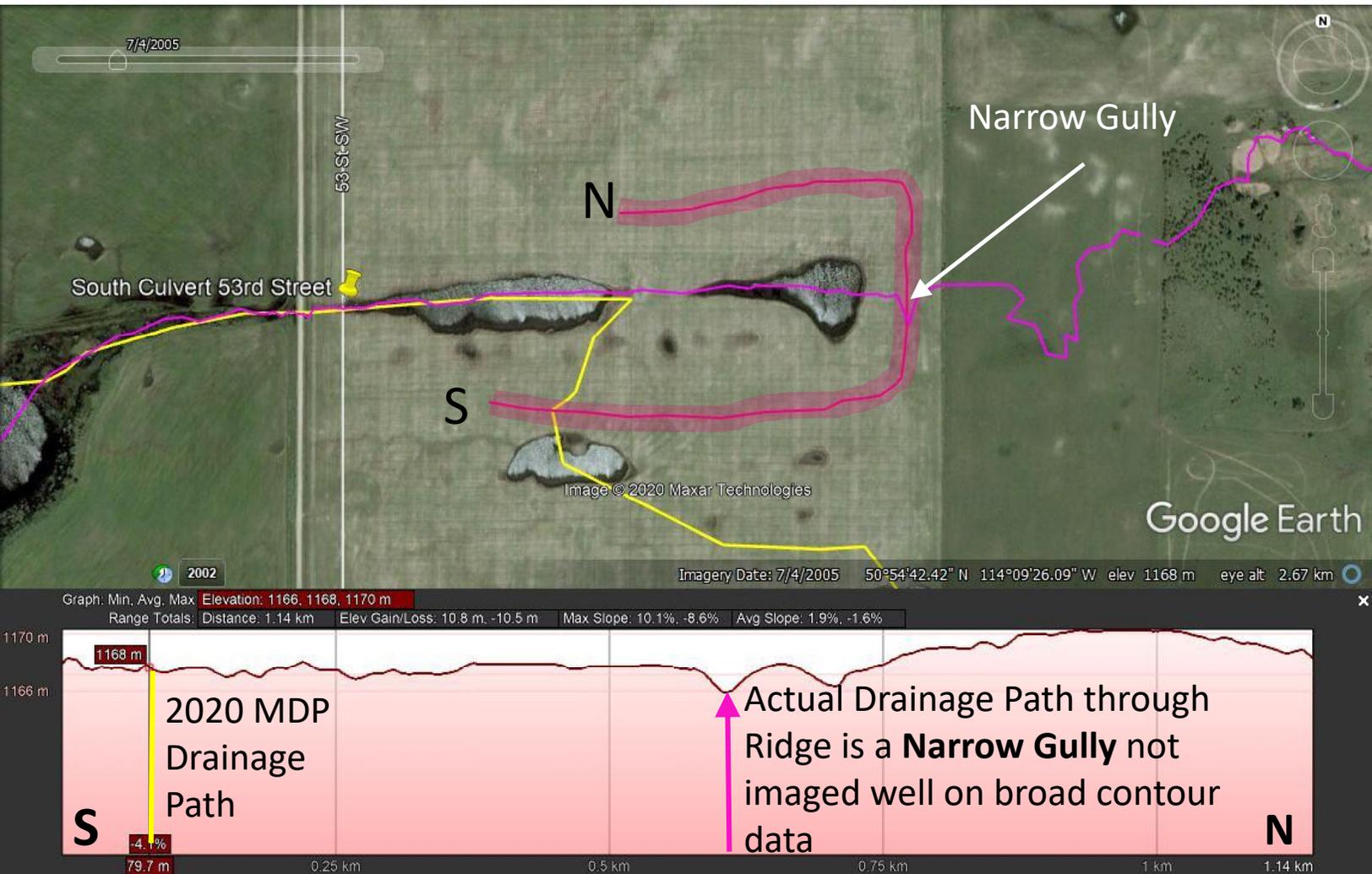
Actual Drainage Path from Brodylo South Wetland shown by Pink Line

C-SE Detail showing Ridge on Qualico Land Preventing South Flow as Modelled by EXP (Profile Detail along red line)



Outflow from Lake Qualico

Semi-Circle Profile (Highlighted Pink) below shows crossing points with 2020 MDP path (yellow line) vs. Actual Drainage Path (Pink line)
Flow Travels East (Pink) not South (Yellow)



NORTH WETLAND

- **North Wetland**
- 2020 Master Drainage Plan (MDP) = WL02 in 2020 MDP
- Predevelopment Sub-Catchment Area = S02

- Post Development Drainage catchment Area = S12
- Culvert buried and pre-development flow volumes not included in model

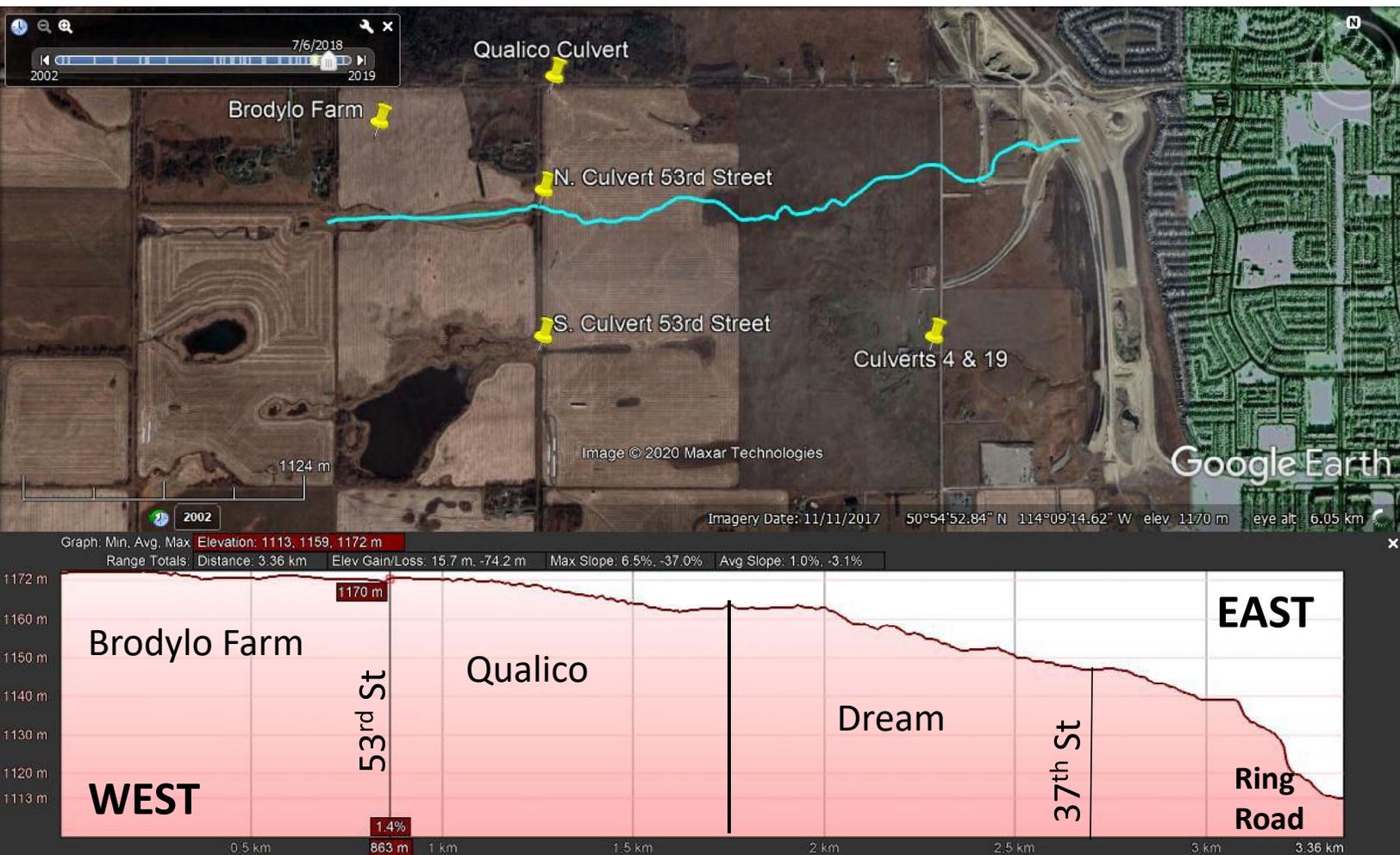
North Wetland Drainage Profile

Blue Line, Google Earth Data July 2005

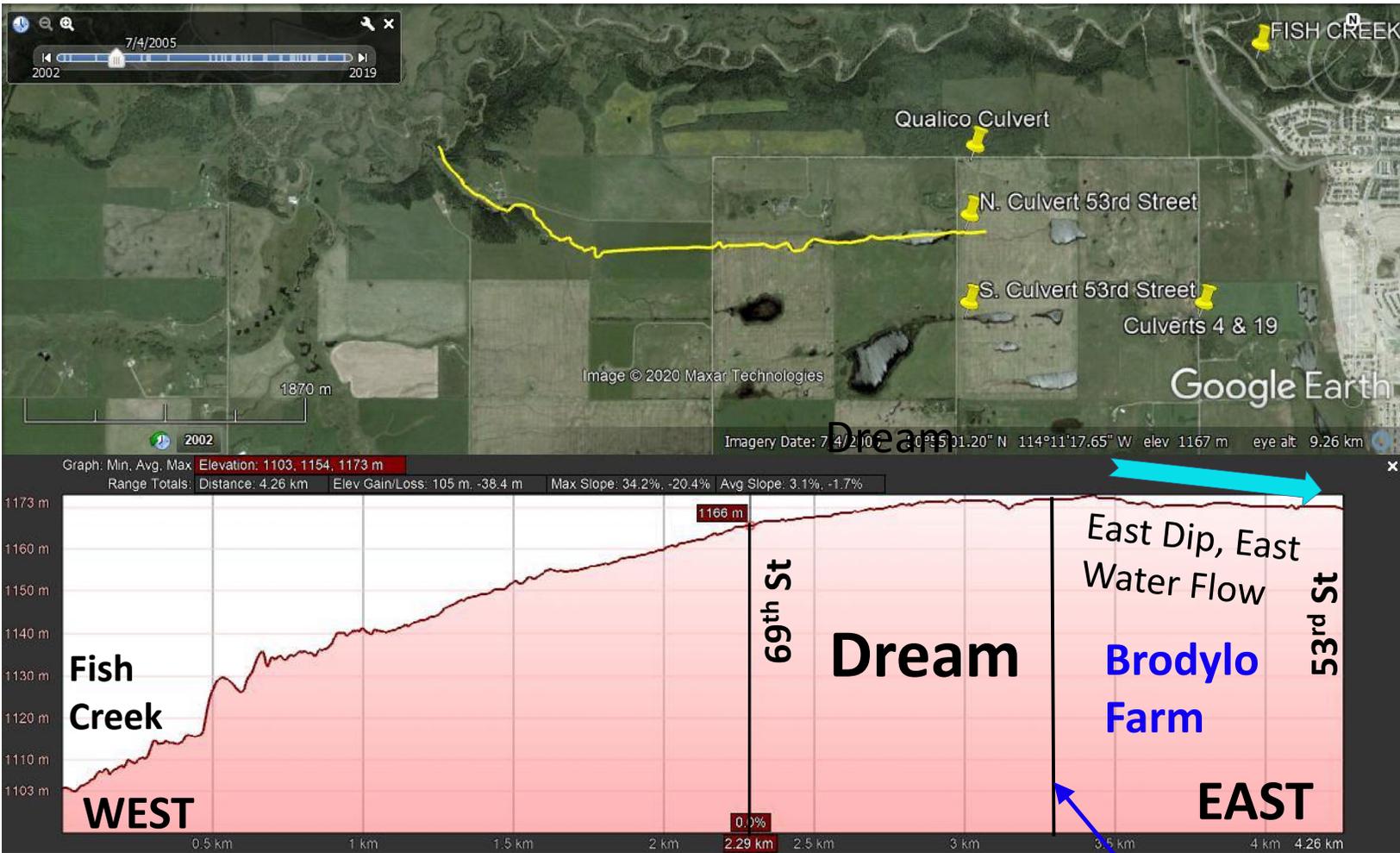


North Wetland Drainage

Blue Line, Google Earth Data July 2018

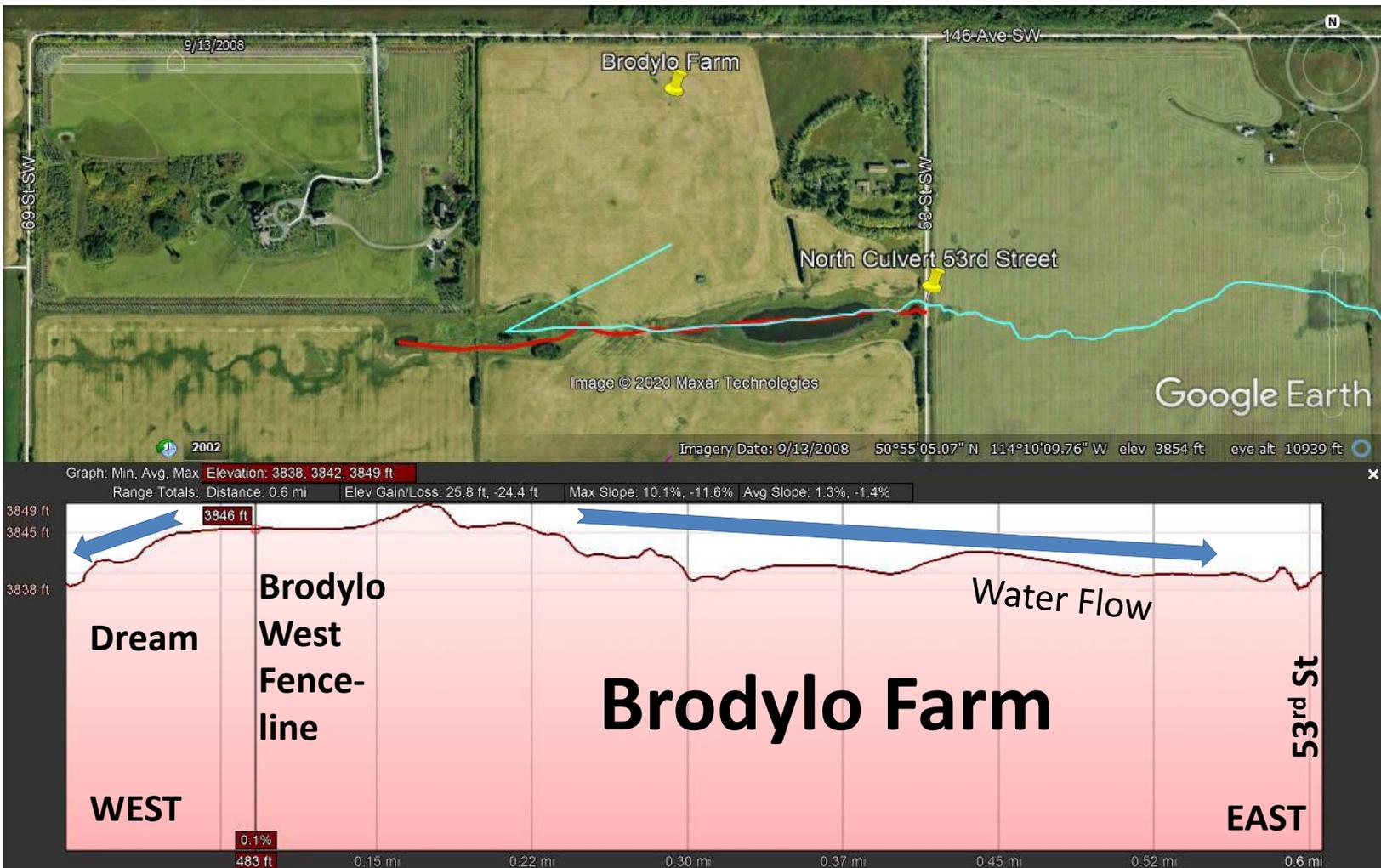


2020 MDP Northwest Drainage C-NW Regional Profile Yellow Line North Wetland = S02 in MDP



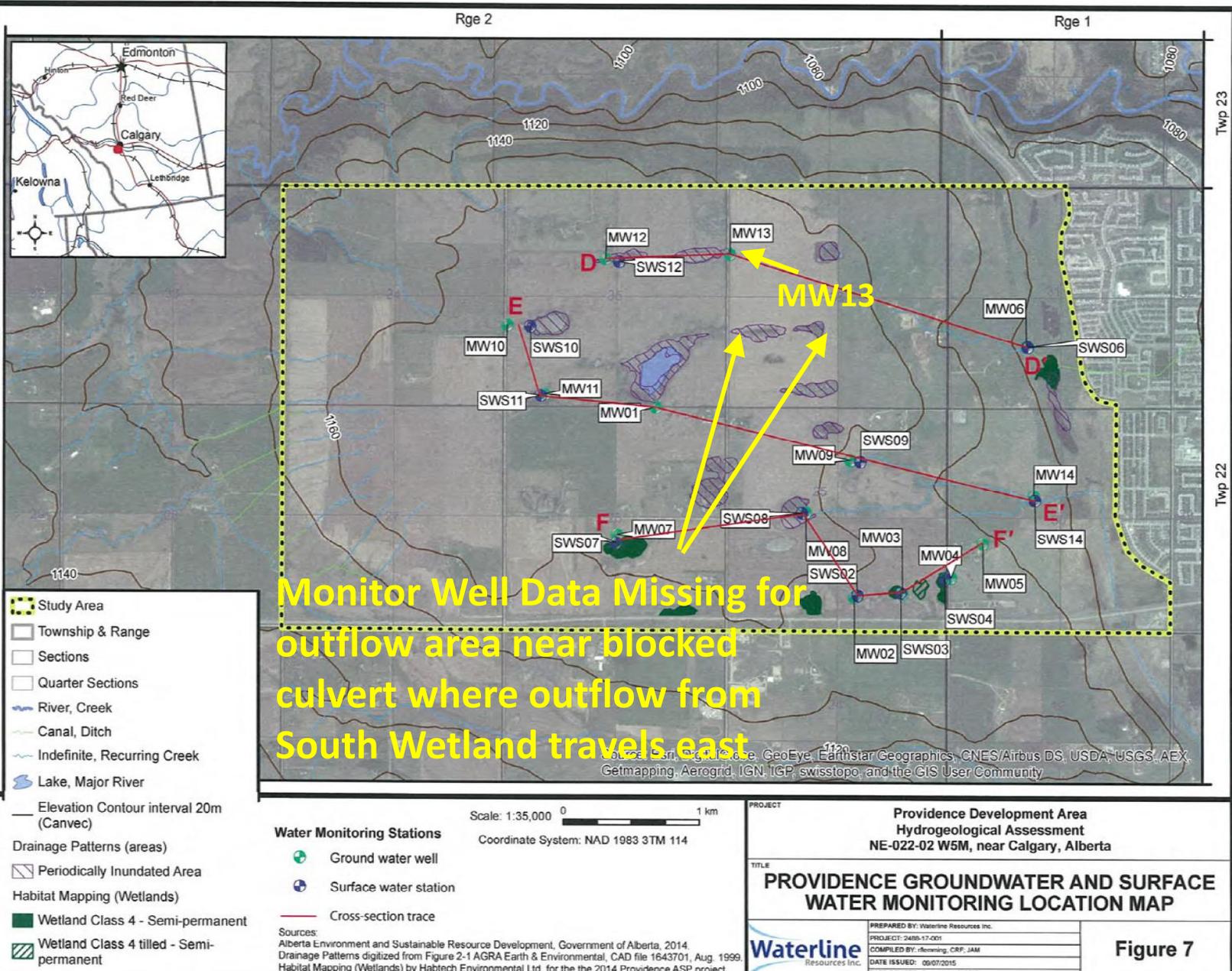
Brodylo West
Fence-Line

2020 MDP Northwest Drainage Channel C-NW Detail Red Line Profile



Waterline Hydrogeological Assessment: Figure 7. Ground Water Monitoring Location Map

MW13 Located east side of 53rd Street on Qualico Land near North Wetland Buried Culvert



Waterline Groundwater Monitoring Results

Data for North Wetland at MW13, Water present up to 1169.7 m

Data missing for wells east of 53rd St culvert at South Wetland

mbtoc = meters below top casing

Providence Development Area

Hydrogeological Assessment

NE-022-02 W5M, Near Calgary, Alberta

Submitted to Providence Landowner Group c/o Dream Development

Table 3: Providence Groundwater/Surface Water Network - Water Level Data

Location	Date	Time	Depth to Water		Elevation (masl)		
			mbtoc	mbgl	TOC	Ground	Water
MW12	2017-May-10	08:05	1.63	0.53	1173.15	1172.06	1171.52
MW13	2015-Jun-24	12:18	3.34	2.39	1171.58	1170.62	1168.24
MW13	2015-Nov-13	16:45	2.45	1.50	1171.58	1170.62	1169.13
MW13	2016-Apr-08	14:00	3.37	2.42	1171.58	1170.62	1168.21
MW13	2016-Nov-23	14:20	3.51	2.56	1171.58	1170.62	1168.07
MW13	2017-May-09	12:20	1.92	0.97	1171.58	1170.62	1169.66
MW14	2015-Nov-13	15:30	7.26	6.50	1131.77	1131.01	1124.51
MW14	2016-Apr-07	11:30	7.09	6.33	1131.77	1131.01	1124.68
MW14	2016-Nov-23	10:00	5.89	5.13	1131.77	1131.01	1125.88
MW14	2017-May-09	09:00	5.68	4.92	1131.77	1131.01	1126.09
SWS02	2015-Dec-01	12:45	1.28	-	-	1159.00	-
SWS02	2017-May-09	15:45	0.27	-	-	1159.00	-
SWS03	2015-Dec-01	12:15	1.33	0.36	1157.97	1157.00	1156.64
SWS03	2016-Apr-08	12:30	1.02	0.05	1157.97	1157.00	1156.95
SWS03	2017-May-09	15:15	Inaccessible	Inaccessible	1157.97	1157.00	Inaccessible
SWS04	2015-Dec-01	14:30	>1.34	>0.08	1155.26	1154.00	>1153.92
SWS04	2016-Apr-07	10:00	>1.26	>0.00	1155.26	1154.00	>1154.00
SWS04	2016-Nov-23	09:00	>1.26	>0.00	1155.26	1154.00	>1154.00
SWS06	2015-Dec-01	15:55	>0.70	>0.24	1120.94	1120.00	>1120.24

Monitor Well Data MW13: East Side of Buried Culvert on 53rd St at North Wetland

Providence Development Area
 Hydrogeological Assessment
 NE-022-02 W5M, Near Calgary, Alberta
 Submitted to Providence Landowner Group c/o Dream Development

Table 2: Providence Groundwater/Surface Water Network - Installation Details

Location	UTM Coordinates			Depth		Elevation (masl)				Hydraulic Conduct. (m/s)	Formation Screened	Installation Date		
	Grid Zone	Easting	Northing	Borehole (mbgl)	Well (mbtoc)	Ground	Top of Casing	Sand Pack					Screen	
								Top	Bottom				Top	Bottom
MW01	-	698903.941	5643271.066	9.0	10.21	1169.07	1170.13	1166.22	1159.92	1165.92	1159.92	6E-8	Silty clay	2015-Jun-02
MW02	-	700414.448	5641941.634	6.0	6.54	1159.44	1160.36	1157.12	1153.82	1156.82	1153.82	3E-9	Clay	2015-Jun-01
MW03	-	700766.939	5641982.223	4.5	5.00	1157.59	1158.62	1156.92	1153.62	1156.62	1153.62	9E-9	Clay, silty clay	2015-Jun-01
MW04	-	701115.92	5642114.034	7.9	9.06	1152.21	1153.31	1148.35	1144.25	1147.25	1144.25	4E-6	Sandy clay, clayey silt	2015-Jun-01
MW05	-	701337.577	5642366.638	4.8	5.90	1142.94	1143.90	1141.30	1138.00	1141.00	1138.00	2E-6	Silty clay, siltstone	2015-Jun-01
MW06	-	701595.34	5643820.185	4.5	5.58	1120.79	1121.80	1119.52	1116.22	1119.22	1116.22	5E-5	Clay, sandy clay, gravelly clay, silty clay	2015-Jun-03
MW07	-	698659.01	5642323.554	4.5	5.50	1161.95	1162.93	1160.73	1157.43	1160.43	1157.43	3E-9	Clay	2015-Jun-02
MW08	-	700034.482	5642542.419	4.5	5.63	1161.38	1162.33	1160.00	1156.70	1159.70	1156.70	3E-6	Clay	2015-Jun-02
MW09	-	700344.669	5642943.026	4.0	5.01	1153.82	1154.87	1153.16	1149.86	1152.86	1149.86	2E-5	Clay	2015-Jun-02
MW10	-	697789.347	5643829.271	4.0	4.90	1167.50	1168.54	1166.94	1163.64	1166.64	1163.64	7E-9	Clay	2015-Jun-03
MW11	-	698082.569	5643337.512	4.0	4.99	1170.98	1171.92	1170.23	1166.93	1169.93	1166.93	2E-6	Clay, sandstone	2015-Jun-03
MW12	-	698490.918	5644338.763	3.6	4.82	1172.06	1173.15	1171.23	1168.33	1170.93	1168.33	3E-7	Clay, sandstone	2015-Jun-03
MW13	-	699400.339	5644407.409	3.5	4.64	1170.62	1171.58	1168.74	1166.94	1170.62	1166.94	---	---	---

Location	UTM Coordinates			Depth		Elevation (masl)			
	Grid Zone	Easting	Northing	Borehole (mbgl)	Well (mbtoc)	Ground	Top of Casing	Sand Pack	
								Top	Bottom
MW01	-	698903.941	5643271.066	9.0	10.21	1169.07	1170.13	1166.22	1159.92
MW02	-	700414.448	5641941.634	6.0	6.54	1159.44	1160.36	1157.12	1153.82
MW03	-	700766.939	5641982.223	4.5	5.00	1157.59	1158.62	1156.92	1153.62
MW04	-	701115.92	5642114.034	7.9	9.06	1152.21	1153.31	1148.35	1144.25
MW05	-	701337.577	5642366.638	4.8	5.90	1142.94	1143.90	1141.30	1138.00
MW06	-	701595.34	5643820.185	4.5	5.58	1120.79	1121.80	1119.52	1116.22
MW07	-	698659.01	5642323.554	4.5	5.50	1161.95	1162.93	1160.73	1157.43
MW08	-	700034.482	5642542.419	4.5	5.63	1161.38	1162.33	1160.00	1156.70
MW09	-	700344.669	5642943.026	4.0	5.01	1153.82	1154.87	1153.16	1149.86
MW10	-	697789.347	5643829.271	4.0	4.90	1167.50	1168.54	1166.94	1163.64
MW11	-	698082.569	5643337.512	4.0	4.99	1170.98	1171.92	1170.23	1166.93
MW12	-	698490.918	5644338.763	3.6	4.82	1172.06	1173.15	1171.23	1168.33
MW13	-	699400.339	5644407.409	3.5	4.64	1170.62	1171.58	1168.74	1166.94

Waterline Hydrogeological Assessment Chloride buildup suggests water from 53rd St flowing east downdip onto Qualico Land

Chloride measured from Providence monitoring wells (Figure 13) show elevated concentrations in wells completed proximal or immediately downhill from nearby roads:

- 69th Street (MW10);
- 53rd Street (MW13); and
- 37th Street (MW02, MW03, MW04, MW05, MW06, MW14).

The most likely source of the elevated chloride concentrations in the aforementioned wells is road salt or something comparable that the city is applying to roads during the winter. These monitoring wells have been removed from the baseline groundwater chemistry discussion.

THANK YOU

February 4, 2020

File: 3009.0002.01

The City of Calgary
Water Resources Business Unit
625 – 25th Avenue SE
Calgary, Alberta

Attention: Michal Ubar, M.Sc., P.Eng.

**RE: Providence Master Drainage Plan – Third Party Review
Final Report**

Urban Systems is pleased to submit the final report for the Third-Party Review of the Draft Providence Master Drainage Plan. The review was undertaken at the request of the City of Calgary and is funded by Dream Asset Management Corporation (Dream), acting on behalf of the Providence Landowners Group.

The Draft Providence Master Drainage Plan (MDP) was completed by EXP Services Inc. in support of the Providence Area Structure Plan (ASP). During the ASP and MDP development process, concerns regarding the proposed drainage strategy have been expressed by Brodylo Family, who own two quarter-sections of land immediately west of the ASP boundary. These concerns have ultimately triggered the need for an impartial and independent third-party review of the MDP. The scope of the review was set out in the Terms of Reference, prepared by the City of Calgary. The project stakeholders include the City of Calgary and Dream, representing the Providence Landowners Group.

During the review process, regular meetings were held with the project stakeholders. The attached final report summarizes the review findings and the outcome of discussions with project stakeholders, and provides recommendations that should be considered in the subsequent stormwater reports.

Sincerely,

URBAN SYSTEMS LTD.



Liliana Bozic, P.Eng.
Senior Engineer

/LB
Enclosure - Report

cc: Jim Grandan, Dream

U:\Projects_CALL3009\0002\01\IR-Reports-Studies-Documents\ProvidenceMDP-Report\Cover letter 02-04-2020.docx



PROVIDENCE MASTER DRAINAGE PLAN REVIEW

Urban Systems Ltd.
Suite 101, 134 - 11 Avenue SE,
Calgary, AB T2G 0X5

3009.0002.01

www.urbansystems.ca

DECEMBER 2019

PREPARED FOR:
THE PROVIDENCE LANDOWNERS GROUP
THE CITY OF CALGARY

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Appendix A Figures

Appendix B Technical Memoranda

1.0 INTRODUCTION

1.1 Background

Urban Systems Ltd. (Urban) has been retained by the City of Calgary and the Providence Landowners Group to undertake a third-party review of the Draft Providence MDP, dated 28 May 2018, and completed by EXP Services (the MDP).

The study area covers approximately 1,600 hectares and includes the Providence ASP area as well as undeveloped lands to the west of the ASP boundary. **Figure MDP-02** shows the location of the Providence ASP and the MDP study boundary, within the context of the City of Calgary.

During the ASP and MDP development process, several concerns regarding the proposed drainage strategy have been expressed by Brodylo Family, who own two quarter-sections of land immediately west of the ASP boundary. These concerns have ultimately triggered the need for an impartial and independent third-party review of the MDP. The provision for the third-party review is also included in the Terms of Reference for the MDP study.

1.2 Review Scope

The scope of the review was set out in the Terms of Reference provided by the City of Calgary and further refined during the Project Initiation meeting. It includes a detailed review of the following:

- Proposed servicing strategies, catchment areas, and boundary conditions
- Pre-development catchment hydrology and modelling
- Post-development servicing, oversize areas, pond locations, trunk alignments
- Impacts to off-site areas
- Impacts to Brodylo lands under the existing conditions, assuming development of Providence ASP lands
- Servicing strategies for Brodylo Family lands post-development

In additions, the scope included two stakeholder meetings, preparation and submission of two technical memos, and the preparation of the final report. For reference, the technical memos are included in the **Appendix B**.

1.3 Background Documents

The following information was provided by the City of Calgary and EXP, and was considered in our review:

- Draft Providence MDP, dated 28 May 2018, by EXP (the MDP)
- Supporting BI and Hydrogeological Assessment reports
- PCSWMM model files
- LIDAR, DAS files
- South West Calgary Ring Road Master Drainage Plan Segment 3, and associated engineering drawings (SWCRR-MDP), Parsons, 2018
- Fish Creek Drainage Study (FCDR), Agra Earth and Environmental, 2000
- Pine Creek Drainage Study, AMEC Earth and Environmental, 2007
- Draft Providence MDP, Stantec, 2007
- Brodylo Farms - Draft Providence MDP Review by Scheffer Andrew Ltd., dated 06 June 2019

Although other pertinent information is available (such as more recent versions of the MDP, the SMDP reports for Qualico and Dream Developments, the City of Calgary review comments, correspondence between the City and the Brodylo Family representatives), this information was not provided to Urban and is not included in this review.

The figures in this report are taken from the MDP, or other supporting documents such as the Fish Creek Drainage Study and the SWCRR-MDP. The figure sources are noted in the nomenclature (i.e. Figure MDP-01 is Figure 1 from the MDP report).

2.0 WATERSHED CONTEXT

2.1 General

The servicing concepts developed in the MDP are based on the assumption that, regionally, the study area is in the Fish Creek watershed. According to previous approved drainage studies (Fish Creek Drainage Study, Pine Creek Drainage Study, and SWCRR-MDP), the Providence MDP area is split between the Fish Creek and Pine Creek watersheds, with approximately 800 hectares draining to Pine Creek via Radio Tower Creek. The pre-development drainage boundary noted in the Fish Creek Study is shown on **Figure 1-1-FCDS**. The SWCRR MDP, completed in 2018, accounted for an oversize in the SWCRR storm system for 800 hectares of Providence at Pine Creek watershed targets of 1 L/s/ha for flow rate and 17 mm for average annual discharge volume.

The pre-development catchment and subcatchment boundaries delineated in the Fish Creek Study are shown on **Figure 2-1-FCDS**. According to the study:

- Drainage Area #1 (subcatchments 1A, 1B, 1C, and 1D) drain to Fish Creek
- Drainage Area #2 drains south to Pine Creek
- Drainage Area #3 (includes the south Brodylo wetland) is mostly self-contained, but spills to Drainage Area #4
- Drainage Area #4 drains to a natural drainage channel (referred to as C-SE in the MDP). From the available topographical information, it was not possible to determine whether this channel drains north to Fish Creek or south to Pine Creek. However, the review of historical photographs and regional geology mapping indicates that the area is self-contained with runoff infiltrating into the ground.
- Drainage Area #5 and #6 drain to Fish Creek.

Although the Fish Creek Drainage Study acknowledges that it cannot be determined whether the channel C-SE drains north to Pine Creek or south to Fish Creek and further states that the runoff likely infiltrates into the ground, it should be noted that the watershed boundary established in both the Fish Creek and Pine Creek drainage studies still shows this catchment in the Pine Creek watershed.

Further, the Fish Creek Drainage Study set post-development drainage boundaries taking into consideration the uncertainties with pre-development drainage, by effectively splitting post-development drainage between the two watersheds. The post-development drainage boundaries are shown on **Figure 7-1-FCDS**. The area south of 162nd Avenue SW and east of 69th Street SW, which includes ten quarter-sections of developable land, was identified as future drainage area to Pine Creek.

2.2 Recommendations

Fish Creek is a provincial water body with a drainage plan approved by both Alberta Environment and Parks (AEP) and the City of Calgary. Any change in drainage boundaries and deviation from the Fish Creek Drainage Study should, therefore, be discussed with AEP and the City. This is especially important since a Water Act approval will be required for the future Providence outfall to Fish Creek. In order to facilitate the approval for changed drainage boundaries, the MDP should include the following information:

- Detailed information, including topographical and historical photo review, that provides the rationale for the boundary change, and the statement that the central catchment (drainage to C-SE) in fact drains to Fish Creek under pre-development conditions. A review of groundwater flow can help with this, since shallow groundwater table configuration often reflects the surface topography. A detailed hydrogeological study was completed as part of the Fish Creek Drainage Study, and its findings and the hydrogeological cross-sections can be used to inform the boundary change.
- A rationale why the area identified as Drainage Area #2 on **Figure 2-1-FCDS**, that clearly drains to Pine Creek, should be included in the boundary change. Adjusting the boundaries to reflect land ownership, in post-development scenario this will likely include the five quarter-sections immediately north of Hwy 22X and east of 69th Street SW.
- A detailed assessment of impacts to the Fish Creek hydrology and channel stability, due to this drainage boundary change. While it is acknowledged that impacts would likely be minimal, the analysis should still be completed and included in the MDP, and it should be based on the methodology described in the Fish Creek Drainage Study. Specifically, the Fish Creek Study emphasizes that the cumulative work increase in the channel, as a result of post-development flows, has the greatest impact on channel stability. With the additional drainage area, the increase in work should be calculated and the impacts to stream stability thresholds estimated.
- A confirmation that the drainage boundary change does not negatively impact the development potential of lands within Tsuut'ina Nation and Foothills County that drain to Fish Creek.

3.0 PRE-DEVELOPMENT HYDROLOGY REVIEW

3.1 General

The MDP acknowledges that the pre-development model calibration was not successful. The pre-development rates and volumes (14 L/s/ha and 63 mm, respectively) appear high for the existing conditions, considering the topography and the depressional storage within the area. The post-development stormwater targets are based on Fish Creek (and potentially Pine Creek) Study and are not impacted by the pre-development analysis the MDP. However, a more accurate and detailed pre-development assessment should be undertaken to properly assess the following:

- Off-site flows (rates and volumes) to Tsuut'ina Nation lands and the Foothills County. Several culverts in 146th Avenue SW currently convey pre-development flows from Providence ASP area to Tsuut'ina lands. There are also existing drainage channels (e.g. C-NW) that convey pre-development runoff from western Providence lands to Foothills County. These flows may have to be maintained post-development to preserve the hydrology of off-site areas.
- Wetland hydroperiods for the wetlands intended for preservation. In the MDP, wetland hydroperiods are compared to an uncalibrated model.
- Flow duration and exceedances for the drainage course C-SE (**Figure MDP-07**), which the City wishes to preserve. Again, an understanding of pre-development hydrology of this drainage course is important when developing strategies for its preservation.

3.2 Impacts to Brodylo Lands

Both Brodylo quarter-sections drain east to Providence ASP area, and both north and south Brodylo wetlands spill east across 53rd Street SW. In the MDP, the Brodylo wetlands are represented incorrectly, with the north wetland shown to drain west, and south wetland never spilling in the model, even though a culvert is present. Based on our review of topography, road grades, extent of wetland ecological area and elevations, and historical aerial photographs, it appears that the north wetland overtops the road at elevation of 1071.4 m and spills east quite frequently, even without a functioning culvert. The south wetland, likewise, should shows a spill towards Qualico lands quite frequently, based on the existing culvert location and elevations.

A more accurate representation of Brodylo wetland hydroperiods should be undertaken and included in the revised MDP. This is especially important since accommodation of wetland overflows must be provided within Qualico and Dream developments, east of Brodylo lands.

3.3 Recommendations

The recommendations summarized below can improve the reliability of the pre-development model and help in the assessment of wetland hydroperiods and spill volumes. These recommendations should be included in the revised MDP, and if that is not possible, then appropriate pre-development assessments should be included in the SMDPs.

- Consideration should be given to calibrating infiltration, evapotranspiration, overland Manning's coefficients and flow lengths. The pervious depression storage of 1.6 mm is too low for undeveloped agricultural lands.
- Storage curves for wetlands should be detailed to the full depth of storage nodes to get correct storage volumes. In the current model, wetland storage volumes have been overestimated because the storage curves were extrapolated incorrectly. This is likely the reason why wetland spills were underestimated.
- For important wetlands, a bathymetry survey should be completed so the storage volumes could be represented accurately. Where bathymetry is not available, reasonable assumptions should be made. Model can be calibrated to the extent possible using aerial photos that show reasonable extent of open water in wetlands.
- The catchment S23 should be routed to WL06 (south Brodylo wetland) and not to WL05. This correction will better represent the hydrology of WL06 and should result in frequent spills east, especially after the overestimation of WL05 is corrected.
- For both north and south Brodylo wetlands, information on the frequency, rate and average annual volume of spills should be included, so that proper accommodation should be made within downstream developments.

4.0 POST-DEVELOPMENT SERVICING REVIEW

4.1 General

The post development servicing concept proposed in the MDP is presented on **Figure MDP-08**. It is noted that a large area (subcatchments S16, S17, S18, S19, S20, S21N, S21S) is shown to discharge post-development flows to the drainage course C-SE at the rate of 2.4 L/s/ha. Using this rate for post-development discharge to an existing drainage course will impact its hydrology. Further, the post-development flows in C-SE are not picked up in the proposed Providence stormwater trunk.

Stormwater management facilities along the west study boundary discharge overland to Foothills County at rates of 2.4 L/s/ha. This discharge regime can negatively impact the hydrology of drainage courses west of the MDP boundary since the volume of discharges would be a lot higher compared to pre-development conditions. Furthermore, post-development area that is proposed to discharge to Fish Creek through Foothills County is larger than pre-development area, since it includes areas in the Pine Creek watershed.

4.2 Impacts of Culverts under 53rd Street SW

Impacts of culverts under 53rd Street SW were considered under a scenario where Brodylo lands remain undeveloped, while Qualico and Dream develop.

The south Brodylo wetland WL06 appears to meet the criteria for Crown-claimed water body and will likely be preserved. As recommended in the Section 3.0, a more detailed assessment of the wetland's hydroperiod should be completed, and accommodation for wetland spill should be made in the downstream system through Qualico and Dream developments. The analysis should consider the elevations and capacities of the existing south culvert. It is possible that the flow rate through the culvert is higher than Fish Creek release rate of 2.4 L/s/ha. In addition, downstream storage facilities may have to be oversized to accommodate the spill volumes from WL06.

The north Brodylo wetland WL02 currently spills east across the 53rd Street SW. If the north culvert is uncovered and made operational, then oversize in the downstream Qualico and Dream storm system should be based on the capacity of this culvert. Again, a thorough assessment of the north Brodylo wetland hydroperiod should be completed and used to inform design options and oversize requirements for downstream facilities and minor system.

4.3 Post-development Servicing Flexibility for Brodylo Lands

4.3.1 South quarter-section

One stormwater facility is proposed for servicing of south Brodylo quarter-section, and storm system oversize at 2.4 L/s/ha is provided in the future downstream pipe system. This is adequate for servicing of future Brodylo development. The wetland WL06 is slated for preservation, and accommodation of its overflows should be accounted for in Qualico and Dream stormwater conveyance systems, as well as in the capacity of downstream ponds.

4.3.2 North quarter-section

Servicing for north Brodylo quarter-section is provided in one stormwater facility in the north-east corner, discharging to the future storm trunk in 146th Avenue. Oversize is included in Qualico and Dream storm system for drainage from the NE Brodylo pond, based on 65 ha at 2.4 L/s/ha. The Brodylo family has expressed concerns that this servicing configuration does not allow enough flexibility for future development. Further, they are concerned that this servicing concept does not consider the topography of the land, which includes a 4 m high ridge through the middle of the quarter-section.

A typical land development project often includes significant grading and changes to existing topography. There is usually higher cost associated with larger grading exercises, however this cost would be quite low compared to the cost of a two-pond scenario. Regardless, additional servicing flexibility for Brodylo lands can easily be provided, since the Qualico and Dream system will have to be oversized to accommodate the spill from the north Brodylo wetland. This oversize can be used to provide servicing for potential two-pond scenario for Brodylo north quarter-section. In this case, a second storm facility (pond or constructed wetland) would replace the existing north wetland WL02. The assumption is that the north Brodylo wetland will be removed post-development, and that connection from Brodylo storm ponds to the Qualico storm system is readily available (i.e. pipe inverts are deep enough to allow discharge from Brodylo storm ponds to Qualico system).

4.4 Recommendations

The post-development servicing concept should be revised to include the following recommendations:

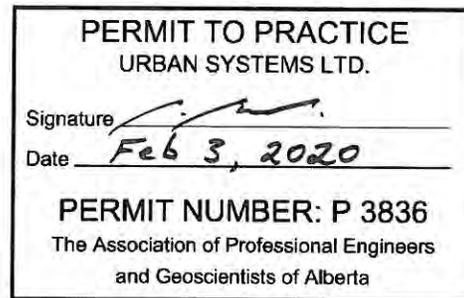
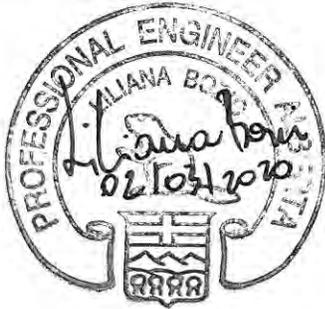
- The piped drainage from subcatchments S16, S17, S18, S19, S20, S21N, S21S should discharge to Providence stormwater trunk and not to the drainage course C-SE.
- As the City wishes to preserve the drainage course C-SE, a more accurate assessment of its pre-development hydrology should be completed. To ensure that pre-development flow regime is maintained in C-SE to the extent possible, pre-development and post-development flow duration curves should be compared.
- The MDP should include a discussion and clarification statements about post-development off-site discharges to Foothills County and Tsuut'ina Nation lands. The wet ponds along the west study boundary cannot become operational until downstream stormwater infrastructure in Foothills County is available. Discharge to the existing drainage course C-NW is not a feasible solution since its pre-development hydrology will be impacted by post-development flows from Providence. The pre-development flows to Tsuut'ina lands should be maintained; how this will be achieved should be outlined in the MDP, along with any recommendations for more detailed assessments at SMDP stage.
- Since it is established that Brodylo lands drain east, the MDP should include a discussion on how Brodylo drainage is accommodated, both in existing (pre-development) conditions, and after Brodylo lands develop. Oversize in both minor and major system for Brodylo flows should be included in Qualico and Dream stormwater system.
- A more detailed assessment of Brodylo wetland hydroperiods should be completed to estimate the spill. A bathymetry survey for the south wetland would help to ensure that the stage-storage curve is correct.
- Adequate servicing flexibility for future development of Brodylo lands should be accommodated:
 - Oversize in Qualico and Dream storm system should be provided for drainage from the NE Brodylo pond, based on 65 ha at 2.4 L/s/ha. This provides servicing flexibility for Brodylo, should they decide to have one pond for servicing of north quarter-section. This scenario is already presented in the MDP.
 - Oversize that will be provided in the Qualico and Dream system for accommodation of pre-development flows from the north wetland (WL02) can be used to provide servicing for potential two-pond scenario for Brodylo north quarter-section. In this case, a second storm facility (pond or constructed wetland) would replace the existing north wetland WL02.

5.0 CORPORATE AUTHORIZATION

This report, titled Providence Master Drainage Plan Review, was prepared for the Providence Landowners Group and the City of Calgary. The material in this report reflects the best judgement of Urban Systems Ltd. based on the information available at the time of preparation. Any use that the third party makes of this report, or reliance on or decisions made based on it, is the responsibility of the third party. Urban Systems Ltd. accepts no responsibility for damages, if any, suffered by a third party as a result of decisions made or actions taken based on this report.

URBAN SYSTEMS LTD.

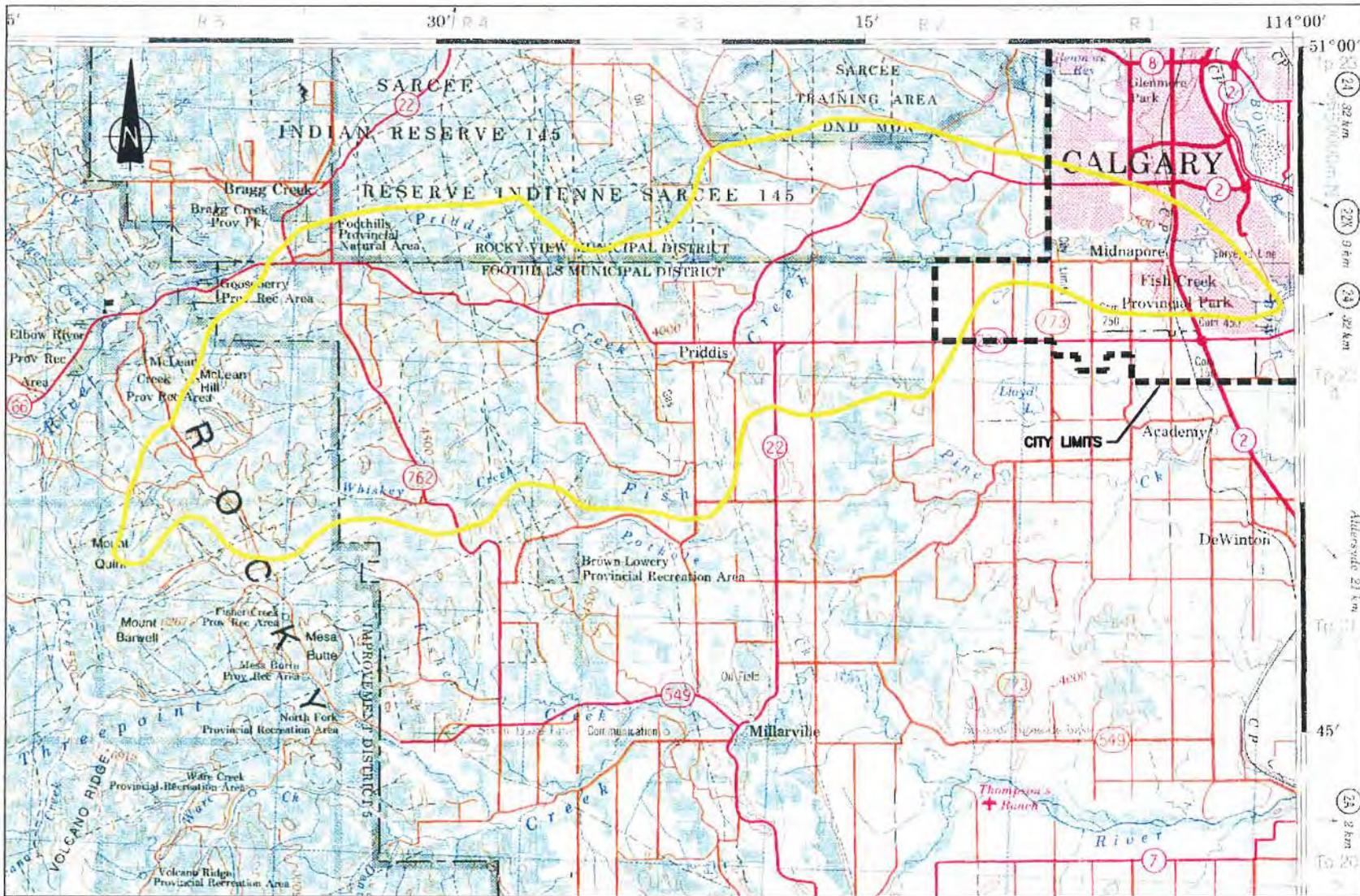
Prepared by:



Liliana Bozic, M.Sc. P.Eng.
Senior Engineer

Appendix A

FIGURES



LEGEND:

- WATERSHED BOUNDARY
- CITY LIMITS

AGRA Earth & Environmental
 ENGINEERING GLOBAL SOLUTIONS

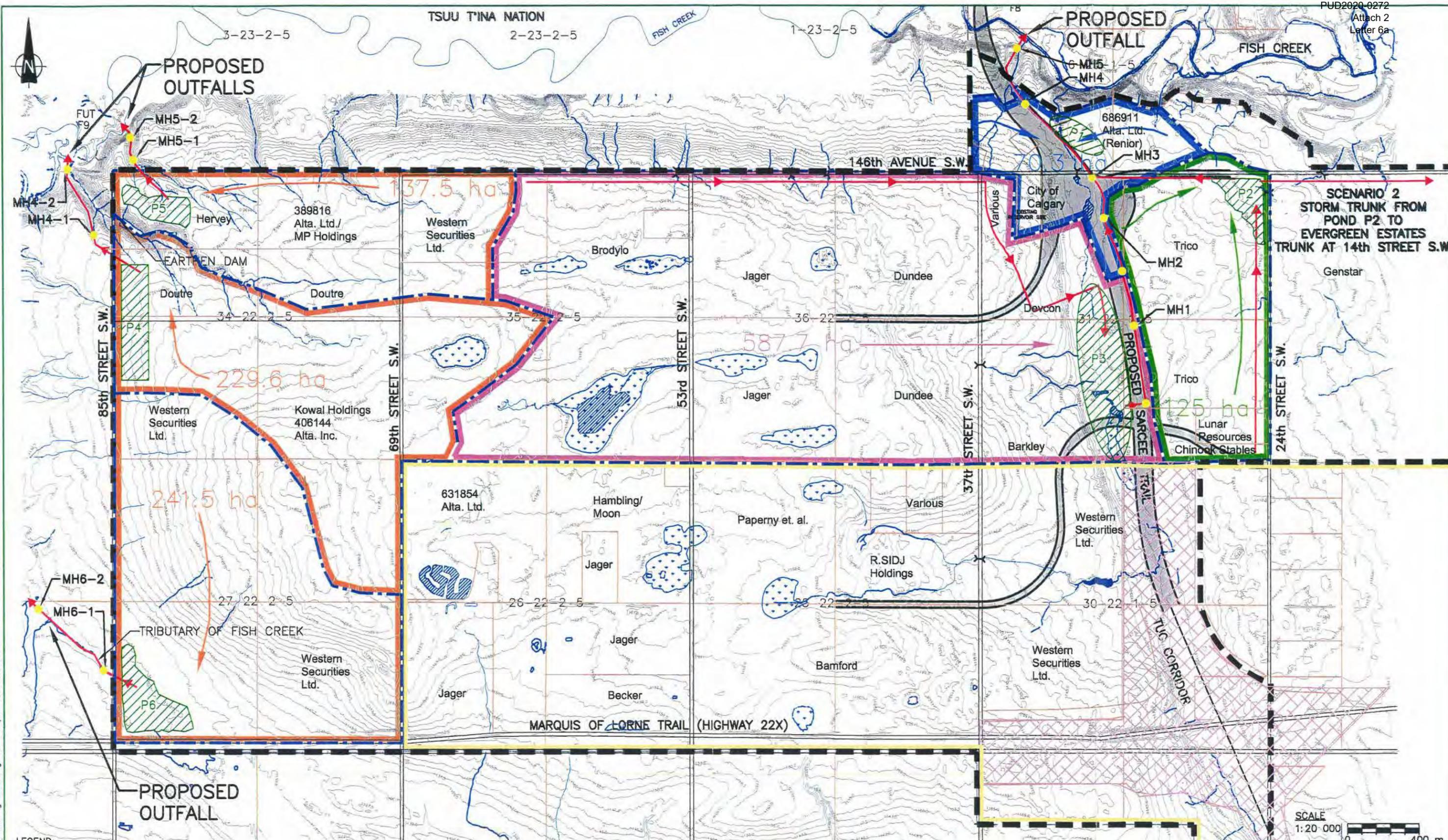
CLIENT: THE CITY OF CALGARY

Alberta
 ENVIRONMENT

PROJECT: **FISH CREEK DRAINAGE STUDY**

TITLE: **FISH CREEK BASIN**

DATE: AUG. 1999	JOB No.: CW1643	CAD FILE: 1643U04	FIGURE No.: FIGURE 1-1	REV. A
--------------------	--------------------	----------------------	---------------------------	-----------



*PLOT 1:1=B (L) 1643-U03.dwg Tue, Aug. 31 4:18pm 1999 M.Todd

- LEGEND:**
- STORMWATER MANAGEMENT FACILITY
 - STUDY AREA
 - DRAINAGE BASIN NUMBER
 - STORM TRUNK
 - STORM MANHOLE (REFER TO APPENDIX E)
 - PRE-DEVELOPMENT DRAINAGE BOUNDARY
 - POST-DEVELOPMENT DRAINAGE BOUNDARY
 - WATER COURSE
 - PERIODICALLY INUNDATED AREA
 - PERMANENTLY WET AREA
 - WEST BASIN
 - CENTRAL BASIN
 - EAST BASIN
 - NORTH BASIN
 - TO PINE CREEK



AGRA Earth & Environmental
ENGINEERING GLOBAL SOLUTIONS

CLIENT: THE CITY OF CALGARY

PROJECT: FISH CREEK DRAINAGE STUDY				
TITLE: PROPOSED POST-DEVELOPMENT DRAINAGE SYSTEM				
DATE: DEC. 1999	JOB No.: CW1643	CAD FILE: 1643U03	FIGURE No.: FIGURE 7-1	REV. A

Appendix B

TECHNICAL MEMORANDA

MEMORANDUM

Date: November 20, 2019
File: 3009.0002.01
Subject: Providence MDP 3PR – Preliminary Review
Page: 2 of 4

(Figure 2). The oversize is provided based on Pine Creek targets, i.e., it is assumed that the 17 mm volume target will be met within the development, and that the release will be restricted to 1.05 L/s/ha.

- When the decision was made to transfer drainage from approximately 800 hectares of future development from Pine Creek watershed to Fish Creek watershed, was impact to the hydrology of Fish Creek considered? This will be a requirement for the Water Act application.
- Fish Creek is a provincial water body with an approved drainage plan. Has there been any discussion with AEP on adding additional area to its catchment?
- What is the rationale for applying Fish Creek release rate to these transfer areas, rather than using a lower “blended rate” (i.e., the contributing areas are increased, but the total discharge is not, resulting in a lower rate for benefiting transfer lands as well as lands actually in Fish Creek watershed)?

Pre-development Hydrology Assessment Review

A review of surface elevation data received from EXP determined that subcatchment S02 drains east. The north Brodylo wetland (WL02) drains east as the lowest elevation adjacent to the wetland is 53rd Street at an approximate elevation of 1071.4 m.

The surface elevation data was compared to the wetland curves and wetland connectivity outlined in the pre-development models. Several storage curves (WL02, WL05, WL06 etc.) are not detailed to the full depth of the storage nodes. This means that the storage curve is extrapolated based on the last two points of the curve and will result in incorrect storage volumes.

Entire catchment S23 was routed to WL05 whereas most of the catchment would discharge directly to WL06. It would be more appropriate to break catchment S23 into two separate entities that discharge separately to WL05 and WL06. Furthermore, the storage curve for WL05 was not detailed to the full depth and resulted in overestimation of storage volume. This is especially important when all of catchment S23 is routed to WL05 and only its spills contribute flows to WL06.

- Why was pervious depression storage considered as the only calibration parameter and reduced to a value (1.6 mm) that is too low for undeveloped agricultural lands? Was consideration given to calibrating infiltration, evapotranspiration, overland Manning's coefficients or flow lengths?
- How were storage curves derived? For wetlands that were filled with water at the time of aerial survey, how were the curves extrapolated to depths below the surface water elevation?
- The pre-development rates and volumes (14 L/s/ha and 63 mm, respectively) appear high for the existing conditions, considering the topography and the depressional storage within the study area.

Post-development Review

The MDP states that there are no plans to exceed pre-development flows or discharge to natural drainage courses within the study area. However, in the post-development servicing concept, a large area (subcatchments S16, S17, S18, S19, S20, S21N, S21S) discharges to drainage course C-SE. The assumed release rate is 2.4 L/s/ha, which is a 1:100-year rate for Fish Creek. Using this rate for post-development discharge to an existing drainage course is unlikely to preserve its pre-development hydrology or result in no increase to flows compared to existing conditions.

MEMORANDUM

Date: November 20, 2019
File: 3009.0002.01
Subject: Providence MDP 3PR – Preliminary Review
Page: 3 of 4

- Was any additional analysis completed to assess impacts to the drainage course from post-development discharges (i.e., comparison of pre- and post-development flow-duration curve, etc.)? This will be a requirement under the Water Act.

The post-development drainage from subcatchments S16, S17, S18, S19, S20, S21N, S21S (i.e., the post-development flow in C-SE) is not picked up in the storm trunk within TUC that is servicing Providence lands to Fish Creek.

- How is this drainage managed? Details on the ultimate destination of this flow should be provided in the MDP. If it is managed in the SWCRR drainage system, has there been any discussion with Alberta Infrastructure?

Ponds proposed along the west study boundary all appear to discharge overland to Foothills County at rates of 2.4 L/s/ha. This discharge regime is not mimicking the pre-development hydrology of drainage courses west of the MDP boundary. Furthermore, post-development area that is proposed to discharge to Fish Creek though Foothills County appears to be larger than pre-development area, since it includes areas currently in Pine Creek watershed.

- Has a drainage impact assessment been done for these proposed discharges? Have the landowners or the County been contacted? This will be a requirement under the Water Act.

The review of topography established that pre-development subcatchment S02 drains east. Based on review of aerial photos, it appears that north Brodylo wetland WL02 spills east (across 53rd Street) to Qualico lands frequently. The south Brodylo wetland (Wetland 6) currently does not show a spill in the model, even though a culvert has been found and the review of aerial photos indicates that this wetland also spills east frequently.

- We understand that some accommodation for Brodylo lands has been provided in the Qualico storm system and that this is addressed in the Qualico's SMDP. We have not reviewed this SMDP. However, the MDP should include a discussion on how Brodylo drainage is accommodated, both in existing (pre-development) conditions, and after Brodylo lands develop.

Other comments:

- Option 1 for drainage of subcatchment S11 proposes to discharge post-development flows overland to Hwy 22X ditch. This flow will end up in the SWCRR drainage system, to which Pine Creek discharge targets apply.
- It is noted that, within the body of the report, post-development wetland hydroperiods were compared to an uncalibrated pre-development model. Post-development models received from EXP do not include any retained wetlands.

Areas of Focus for Detailed Review:

Focus areas for detailed review will be discussed in the Stakeholder Meeting #1, but it is anticipated to include:

- Detailed review of existing hydrology, including spill locations of wetlands and depressions,
- Impacts of existing drainage infrastructure (e.g. culverts).
- Relevance and significance of the north culvert under 53rd Street SW.

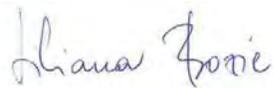
MEMORANDUM

Date: November 20, 2019
File: 3009.0002.01
Subject: Providence MDP 3PR – Preliminary Review
Page: 4 of 4

- Connectivity of the culvert to the north wetland within the Brodylo Family lands and impacts to the wetland if the drainage path through the culvert is re-established.
- Evaluation of the post-development drainage strategy, including storm trunks, pond locations, and locations for tie-ins from external areas to provide maximum servicing flexibility

Sincerely,

URBAN SYSTEMS LTD.



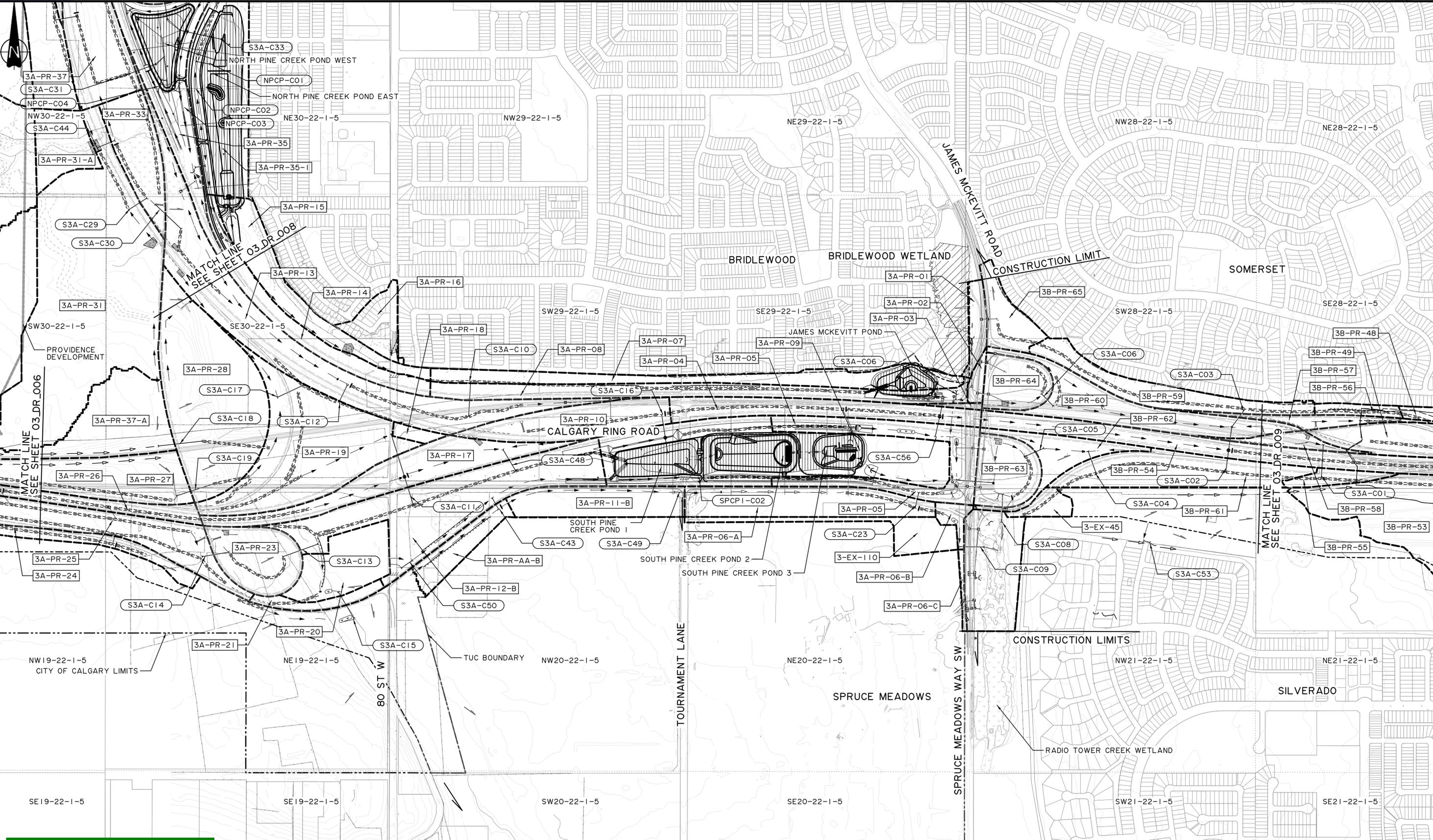
Liliana Bozic, P.Eng.
Senior Engineer

/LB
Attachment - Figures

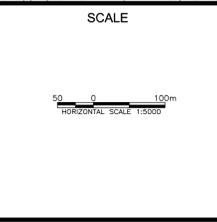
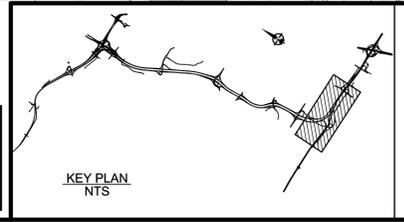
cc: Yury Dobronravov, John Parsons

https://urbanpulse-my.sharepoint.com/personal/ydobronravov_urbansystems_ca/Documents/Documents/ProvidenceMDP3PR-Memo#1.docx

DRAWING: 03_DR_007
 CONTRACT: 16944
 HIGHWAY: 201:06
 DESCRIPTION: HWY 201:06 - SOUTHWEST CALGARY RING ROAD - SEGMENT 3 - PROPOSED CONDITIONS - MASTER DRAINAGE PLAN - SHEET 2 OF 4
 PHOTO: NA
 DATE: 2016-12-28
 BY: MCELHANEY
 SURVEYED:
 DEPARTMENT BAR CODE:



Approved for Construction by KGL
 09/05/2017 4:51:23 PM
ISSUED FOR CONSTRUCTION
 July 31, 2018
KGL | PARSONS



CONSULTANT
KGL
PARSONS
 The Association of Professional Engineers and Geoscientists of Alberta
 JOB No. 476002

DESIGNER
 PERMIT TO PRACTICE
 PARSONS INC.
 PERMIT NUMBER: P07013
 DATE: 2018-08-01

CHECKER
 PROFESSIONAL ENGINEER ALBERTA
 JULY X. SUN
 DATE: 2018-08-01

PROFESSIONAL ENGINEER ALBERTA
 MAGGIE CHESTNUT
 DATE: 2018-08-01

REV	DATE	REVISION	BY
3	2018-07-31	CAD UPDATES. NO DESIGN CHANGES	LS
2	2018-02-12	CAD UPDATES. NO DESIGN CHANGES	LS
1	2017-10-16	NDC-0042/0059 & CAD COMMENTS	VB

Alberta Transportation			
HWY 201:06 SOUTHWEST CALGARY RING ROAD PROPOSED CONDITIONS MASTER DRAINAGE PLAN SHEET 2 OF 4			
CONTRACT	HIGHWAY	SHEET	DRAWING
16944	201:06	OF	03_DR_007

2017/2018

MEMORANDUM

Date: December 5, 2019
To: Michal Ubar, Jim Grandan
cc: Dale Johnson, Luis Narvaez,
From: Liliana Bozic
File: 3009.0002.01
Subject: Providence MDP 3PR – Review of Brodylo Servicing

Introduction

Urban Systems Ltd. has been retained by the Providence Landowners Group to undertake a third-party review of the Draft Providence MDP, dated 28 May 2018, and completed by EXP Services (the MDP). On 20 November 2019 we submitted a Memo #1, with a summary of our review including the MDP principles, servicing strategies, boundary conditions, pre-development hydrology assessment, and post-development servicing.

This memo provides a summary of detailed review related to servicing of Brodylo lands. The areas of focus for detailed review were discussed in the Stakeholder Meeting held on 21 November 2019, and include:

- Pre-development hydrology - Brodylo lands
- Impacts of existing culverts (north and south) under 53rd Street SW
- Evaluation of the post-development drainage strategy, including storm trunks, pond locations, and locations for tie-ins from external areas to provide maximum servicing flexibility

As with the previous memo, it should be noted that our review is limited to the information we received from EXP and Water Resources. We understand that subsequent to the submission of Memo #1, EXP has been working to incorporate comments in the MDP update, and that a meeting was also held with AEP to discuss conditions for changing the Fish Creek watershed boundaries.

Pre-development Hydrology – Brodylo Lands

Our review determined that Brodylo lands drain east, and that both north and south Brodylo wetlands spill east across 53rd Street SW. Since the wetlands are represented incorrectly in the MDP analysis (i.e. north wetland is shown to drain west, while south wetland shows no spill at all, even though a culvert is acknowledged), there is no information in the report about the spill frequency or return period. The Scheffer Andrew report includes a discussion on Page 6 based on their review of Qualico's SMDP. It appears that in this SMDP, wetland analysis has been performed, and it is concluded that north wetland will not spill east for events up to 1:100 year return period (this is with no culvert found). Based on our review of topography, road grades, wetland ecological area and elevations, and aerial photos, it appears that the north wetland spills east much more frequently, even without a functioning culvert. The south wetland, likewise, should show spill towards Qualico lands quite frequently, based on the existing culvert location and elevations.

We understand that the pre-development model is uncalibrated, and that there are difficulties with obtaining accurate information on Brodylo wetlands, since Brodylo lands are private property and outside of ASP boundary. Nevertheless, a more accurate representation of Brodylo wetland hydroperiods should be undertaken and included in the revised MDP. This is especially important since accommodation of wetland

MEMORANDUM

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Subject: Providence MDP 3PR – Review of Brodylo Servicing
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overflows must be provided within Qualico and Dream developments. Some recommendations for a more accurate analysis of wetland hydrology are:

- Storage curves for wetlands should be detailed to the full depth of storage nodes to get correct storage volumes. In the current model, wetland storage volumes have been overestimated because the storage curves were extrapolated incorrectly. This is likely the reason why wetland spills were significantly underestimated.
- Where bathymetry is not available, reasonable assumptions should be made. Model can be calibrated to the extent possible using aerial photos that show reasonable extent of open water in wetlands.
- The catchment S23 should be routed to WL06 (south Brodylo wetland) and not to WL05. This correction will better represent the hydrology of WL06 and should result in frequent spills east.

For both north and south Brodylo wetlands, the MDP should include information on the frequency, rate and average annual volume of spills so that proper accommodation should be made within downstream developments.

Impacts of Culverts under 53rd Street SW

Impacts of culverts under 53rd Street SW were considered under a scenario where Brodylo lands remain undeveloped, while Qualico and Dream develop.

The south Brodylo wetland WL06 appears to meet the criteria for Crown-claimed water body and will likely be preserved. As mentioned in the previous section, the wetland overflow should be properly estimated, and accommodation for this flow should be made in the downstream system through Qualico and Dream developments. The analysis should take into account the elevations and capacities of the existing south culvert. It is possible that the flow rate through the culvert is higher than Fish Creek release rate of 2.4 L/s/ha. In addition, downstream storage facilities may have to be oversized to accommodate the spill volumes from WL06.

If the north culvert is uncovered and made operational, then oversize in the downstream system should be based on the capacity of this culvert. Again, a thorough assessment of the north Brodylo wetland hydroperiod should be completed and used to inform design options and oversize requirements for downstream facilities and minor system.

Post-development Servicing Flexibility for Brodylo Lands

South quarter-section

In the MDP, one stormwater facility is proposed for servicing of south Brodylo quarter-section, and adequate storm system oversize, at 2.4 L/s/ha, is provided in the future downstream pipe system.

The only additional consideration is accommodation of wetland WL06 overflows, which should be accounted for in either minor system of overland system, as well as in the downstream ponds.

North quarter-section

In the MDP, servicing for north Brodylo quarter-section is provided in one stormwater facility in the north-east corner, discharging to the future storm trunk in 146th Avenue. The Brodylo family has expressed concerns that this servicing configuration does not allow servicing flexibility for future development. Further,

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they are concerned that this servicing concept does not consider the topography of the land, which includes a 4 m high ridge through the middle of the quarter-section.

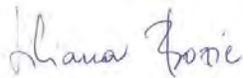
A typical land development project often includes significant grading and changes to existing topography. There is usually higher cost associated with larger grading exercises, however this cost would be quite low compared to the cost of a two-pond scenario. Regardless, we feel that adequate servicing flexibility for Brodylo lands can easily be accommodated, as follows:

- Oversize in Qualico and Dream storm system should be provided for drainage from the NE Brodylo pond, based on 65 ha at 2.4 L/s/ha. This provides servicing flexibility for Brodylo, should they decide to have one pond for servicing of north quarter-section. This scenario is already presented in the MDP.
- Oversize that will be provided in the Qualico and Dream system for accommodation of pre-development flows from the north wetland (WL02) can be used to provide servicing for potential two-pond scenario for Brodylo north quarter-section. In this case, a second storm facility (pond or constructed wetland) would replace the existing north wetland WL02.

We are assuming that the north Brodylo wetland will be removed post-development, and that connection from Brodylo storm ponds to the Qualico storm system is readily available (i.e. pipe inverts are deep enough to allow discharge from Brodylo storm ponds to Qualico system).

Sincerely,

URBAN SYSTEMS LTD.



Liliana Bozic, P.Eng.
Senior Engineer

/LB

cc: Yury Dobronravov, John Parsons

CPC2015-220
ATTACH 4
LETTER 5

RECEIVED

2015 NOV 26 AM 9: 02

THE CITY OF CALGARY
CITY CLERK'S

STATUTORY DECLARATION

I, Leslie Chisholm, residing in Calgary, Alberta, do solemnly declare:

1. I make this statutory declaration on behalf of my mother, Margaret Brodylo, and Brodylo Farms Ltd. (collectively the "Brodylo Family"), who each own a portion of what is defined below as the Brodylo Land for the purpose of convincing City Council of the necessity to vote against approving the Providence Area Structure Plan (the "Providence ASP"), which is scheduled to be considered at a Public Hearing of Council on December 7, 2015 (the "Public Hearing").

2. Approval of the Providence ASP at the Public Hearing is premature and creates a significant and unknown risk to the environment and land because the proponents of the Providence ASP have failed to complete most of the requisite studies that are necessary for Council to make any informed decision on the advisability of the ASP. In addition, even the drafts of those incomplete studies have not been produced to parties who have vested interests in the Providence ASP and lands adjacent to it. Moreover, the City of Calgary (the "City") has not permitted the Brodylo Family, whose land is directly impacted by the proposed ASP, to have any meaningful consultation or involvement in the process.

3. The premature approval of the Providence ASP may lead to irreversible damage to the wetlands contained within the Providence ASP and adjacent to its arbitrary boundary and an unfair depreciation of property values on adjacent properties.

4. This is one of the first developer funded ASPs in the City of Calgary. It is intended to reduce the period of time for approval of the ASP from two to three years down to one year. It is particularly concerning that this new initiative appears to have caused the City to sacrifice both the interests of some land owners and indeed its own policies regarding wetlands, the environment and natural habitats, for the benefit of the economic interest of developers.

BACKGROUND

5. My family has owned and actively farmed the land consisting of approximately 129.50 hectares, which is located within the east half of Sec 35-22-2W5M (the "Brodylo Land") since 1958. The municipal address of the Brodylo Land is 15015 - 53rd Street SW. A portion of the

lands have traditionally been used for the purpose of farming, a substantial component of the property consists of a slough that is a functioning wetland (the “**First Wetland**”).

6. The Brodylo Family has worked to maintain the First Wetland as a natural habitat. It is a seasonal graminoid freshwater marsh that covers an area of 20.3 hectares in the south end of the Brodylo Land. It is home to various species of migratory waterfowl and other wildlife. The First Wetland is bordered by mature trees that provide protection to the many species of birds and wildlife that exist within the area. Native trees including balsam poplar, willow and white spruce have been planted. Brodylo Farms has prevented trespassing and hunting on the Brodylo Land, and have maintained a border around the First Wetland where spraying and cultivation cannot occur, in order to maintain the wetland’s integrity.

7. The Brodylo Land is adjacent to the west and north of the arbitrary border of the Providence ASP at 53rd Street and 162 Avenue South West and is intrinsically affected by this development. Attached hereto and marked as **Exhibit “A”** are copies of area maps.

8. The First Wetland drains under 53rd Street, Southwest into another wetland located on the east side of 53rd Street, Southwest, which is within the border of the Providence ASP, through a culvert owned and maintained by the City of Calgary (the “**Culvert**”).

9. A portion of the Brodylo Land is now owned by my mother and the remainder of the land is owned in trust by Brodylo Farms Ltd.

10. My brother, Reid Brodylo (“**Reid**”), and I are directors of Brodylo Farms Ltd.

11. My mother had continued to live at the farm after the death of my father. However, in 2007, my mother’s health declined and my brothers, Reid and John Brodylo (“**John**”), and I became fully engaged in looking after her and a power of attorney was put in place. As such, Reid and I have power of attorney to act on behalf of our mother, who is now 89 years old and who continues to reside at a hospital, where she was admitted on January 3, 2015.

12. My brothers, John and Reid, and I are actively involved in protecting the interests of my mother and the interests of Brodylo Farms Ltd., including their interests in the Brodylo Land.

13. As such, the Brodylo Family ought to have been consulted at the time that the City decided to proceed with the Providence ASP; however, as will be detailed below, this has not been done and, in fact, the City has appeared to have taken steps to actively not notify the Brodylo Family. Once the Brodylo Family discovered the existence of the project, the City failed to provide us with any studies or reports that show how the Providence ASP will impact the Brodylo Land.

INTERACTIONS WITH THE CITY

14. It has recently come to my understanding that an ASP had originally been started in 2006, and at that time, no meaningful consultation with the Brodylo Family had occurred. As such, the Brodylo Land may or may not have been included in that plan and that it did not go ahead at that time for unknown reasons.

15. In October 2014, the process for approving the Providence ASP was commenced anew, but for a reason that has yet to be disclosed by the City, it did not include the Brodylo Land. Notwithstanding the fact that the Brodylo Land was directly adjacent to the Providence ASP, Brodylo Family were never provided proper notice about the Providence ASP.

16. On February 2, 2015, I first learned about the Providence ASP while watching the news.

17. On February 3, 2015, I emailed Jill Sonego ("Sonego"), Planner for the Local Area Planning, Planning and Development, for the City, advising her that Brodylo Land was adjacent to the Providence ASP and that the Brodylo Family has a vested interest in the future development and ought to be included in decisions that take place. Attached hereto and marked as Exhibit "B" is a copy of my email exchange with Sonego, starting February 3, 2015.

18. On February 3, 2015, Sonego advised me by email that it was their goal to carry out consultation with all affected landowners.

19. On February 9, 2015, I spoke with Sonego on the phone and, contrary to her email of February 3, 2015, I was advised that only the Providence ASP's members (those within the arbitrary ASP boundaries) are invited to discuss plans.

20. On March 26, 2015, John and I attended the Providence ASP Open House, since this was open to the public.

15

21. On April 13, 2015, John attended a meeting with Sonego and Jamal Ramjohn (“**Ramjohn**”), Co-ordinator Local Area Planning, Planning and Development, for the City, where he inquired about “shadow planning” of the Brodylo Land, which Ramjohn said he would provide, and Sonego offered to meet John monthly.

22. On April 22, 2015, John was informed by a third party that Councillor Diane Colley-Urquhart would not help us to have the Brodylo Land included in the Providence ASP because we are not developers.

23. As a result of the lack of response from the City regarding our efforts to be included in the Providence ASP and their failure to provide us with the necessary studies and reports to understand what affect the Providence ASP would have on the Brodylo Lands, including its wetlands, we retained Robert Weston (“**Weston**”) of ERW Consulting Inc. to assist us. Weston has extensive experience in town planning and development and was retained to act as our agent.

24. I am advised by Weston, that on June 4, 2015, he spoke to Sonego about the Providence ASP boundaries being changed to the boundaries proposed in 2006, which included the Brodylo Land. Sonego and Jennifer Duff, of Planning and Development for the City, advised Weston that the addition of the Brodylo Land to the Providence ASP could delay the project for a year. This is notwithstanding the fact that the Brodylo Family first informed the City it wanted to be included in the Providence ASP in February and the ASP process only started in October 2014. Attached hereto and marked as **Exhibit “C”** is a copy of Weston’s letter, dated June 4, 2015.

25. In the June 4, 2015 letter, Weston further advised that he was informed by Sonego that the development would likely not start for several years due to infrastructure shortages in the area and proper transportation linkages which will require the completion of Stoney Trail.

26. If the development will not start for several years, as suggested by Sonego, it seems unreasonable for the City to rush the approval of the Providence ASP, without first completing the necessary studies and ensuring that there is proper and thorough consultation with all parties that are affected by this project so as to preserve wetlands and related natural habitats and to permit the landowners to be treated fairly.

27. On June 11, 2015, John, Reid, Weston and I attended Providence ASP Open House and met with Councillor Dianne Colley-Urquhart to discuss the above-noted issues.

28. On June 22, 2015, John, Reid, Weston and I then attended a meeting with Councillor Colley-Urquhart regarding the Providence ASP, among other issues, wherein she agreed to submit a notice of motion to Council to have the Brodylo Land included in the Providence ASP.

29. On June 22, 2015, the Brodylo Family first received official notice of the Providence ASP, by way of a letter postmarked June 19, 2015 and dated June 9, 2015. Attached hereto and marked as **Exhibit "D"** is a copy of the City letter dated June 9, 2015.

30. On June 24, 2015, John, Reid, Weston and I attended a meeting with Ramjohn and Sonego wherein Ramjohn advised that it was likely too late to extend the boundary of the Providence ASP to include the Brodylo Land. He further advised that boundary was set pursuant to the storm water boundary, which was set in 2013. At the same meeting, Sonego accused us of not caring about the wetland, but that our only motivation was to try to increase our property value.

31. We have not been provided any opportunity to review any study or report showing what was done to determine the storm water boundary for the Providence ASP and why this boundary would have excluded the Brodylo Land.

32. On July 8, 2015, John, Reid, Weston and I attended a meeting with Sonego where she once again alleged the Brodylo Family's sole motivation for the inclusion of the Brodylo Land in the Providence ASP was to increase the value of the Brodylo Land. Attached hereto and marked as **Exhibit "E"** is a copy of the Weston's Minutes dated July 8, 2015.

33. On July 20, 2015, Councillor Colley-Urquhart submitted the notice of motion to City Council whereby the Brodylo Family was seeking to include the Brodylo Land in the current Area Structure Plan process now. The developers and others submitted letters advising that the inclusion of the Brodylo Land in the Providence ASP would significantly delay the approval of the ASP.

34. Notwithstanding that no studies or reports were provided to City Council at that time which provided any evidence that the addition of the Brodylo Land would significantly delay the approval of the Providence ASP, City Council dismissed the motion. It was subsequently learned, as detailed

below, that the studies required for the City to approve the Providence ASP, were not even close to being completed at that time. Those same studies are not expected to be completed until 2016, well after the Providence ASP is to be voted on by council. There is no evidence that Council was even informed of the absence of completed studies and reports at the time it refused to order the inclusion of the Brodylo Land in the ASP.

35. On September 8, 2015, I on behalf of the Brodylo Family wrote to Sonogo advising that the Brodylo Family was not properly notified of the Providence ASP, in contravention of the *Municipal Government Act*, Part 17, and have been denied any opportunity to ensure that our lands are appropriately planned for future urban development in conjunction with the Providence ASP's lands. Attached hereto and marked as Exhibit "F" is a copy of the letter dated September 8, 2015.

36. In that letter, I raised various concerns that I had raised before about the Providence ASP, including, but not limited to the following:

- a. The Providence ASP proposes a location of future schools, high speed transit, roads, recreation centers and bike paths around the wetlands on the Brodylo Land, which would be devastating to the wetlands;
- b. The City has failed to complete a proper assessment of the functionality of the wetlands on the Brodylo Land or elsewhere in the Providence ASP; and
- c. The City has failed to properly assess the impact of the wetlands found on the Brodylo Land and elsewhere in the Providence ASP.

37. In addition, the Brodylo Family requested in the letter copies of all documents, reports, studies emails, meeting minutes, diarized phone calls, meeting notes and any other materials that pertain to the Brodylo Lands and the Providence ASP.

38. On September 9, 2015, I attended the Providence Open House with John and Reid.

39. On September 29, 2015, Ramjohn replied to my letter of September 8, 2015, advising that the Southwest Regional Policy Plan started in 2005 and the Providence ASP originally started in 2007, but was restarted in 2015. At that time, Ramjohn directed me to the website, but did not provide any reports and studies that were completed for the Providence ASP. The website did not

contain any of the studies or reports either. Attached hereto and marked as **Exhibit "G"** is a copy of Ramjohn's letter of September 29, 2015.

40. On November 14, 2015, as we still had not received any of the requested reports or studies that were done for the Providence ASP, Weston attempted to obtain them on behalf of the Brodylo Family. Attached hereto and marked as **Exhibit "H"** is a copy of Weston's letter of November 14, 2015.

41. On November 19, 2015, Ramjohn wrote back to Weston and advised that the studies and reports would not be completed until 2016. Attached hereto and marked as **Exhibit "I"** is a copy of Ramjohn's letter of November 19, 2015.

42. As set out in Ramjohn's letter, the following reports and studies have not yet been completed and are not expected to be completed before the Public Hearing:

- a. Biophysical Inventory prepared by ECOTONE Environmental LTD. was approved by The City (Parks), but there may be supplemental information from ongoing monitoring and field work required;
- b. Environmental Sensitive Areas / Natural Inventory Report: SW Regional Policy Plan was completed in 2004, which would have included Brodylo Land, but nothing was completed since that time;
- c. Master Drainage Plan is underway for the Providence ASP, but will not be complete until 2016 because a full year of water monitoring is required;
- d. Study to consider surface and subsurface connection of large water body was completed in 2004. A further study is being done as part of the Master Drainage Plan, specifically a study of the connection between the wetlands on the Brodylo Land and in the Providence ASP, but it will not be completed until 2016;
- e. The Biophysical Impact Assessments, which confirms the delineation of Environmental Open Space to be retained as Environmental Reserve areas to be modified as other types of open space and/or areas to be developed, is not completed, but will be for the Outline Plan/ Land Use Amendment stage;

- f. The development scale and “development impact” on adjacent sites is done for the Outline Plan / Land Use Amendment Stage, notwithstanding the ASP does provide the “type of use” (such as neighbourhoods) and proposed locations of ancillary uses (such as schools); and
- g. The EOS Study Areas noted within the Providence ASP will be evaluated at the Outline Plan / Land Use Amendment stage through the review of Biophysical Impact Assessments that will be submitted at that time by the developers.

43. The only research or studies that the City offered to provide us access to in their letter of November 20, 2015 was the draft Biophysical Inventory. Ramjohn advised that we could review the report by contacting the Parks Department. On November 21, 2015, I left a message for Chris Manderson of the Parks Department to inquire about reviewing the Biodiversity Inventory, but as of the date of swearing the Statutory Declaration he has not returned my call.

44. On November 24, 2015, Ramjohn advised Weston that he could review the report on November 26, 2015, which is the date that the submissions are due for the Public Hearing.

45. In addition to the Brodylo Family’s concerns about the incomplete reports and studies, we are also concerned that the Master Drainage Plan and the Biophysical Inventory studies will be inaccurate as a result of issues we had with the culvert under 53rd Street SW being blocked, which resulted in the wetlands on the Brodylo Farm being flooded and presumably less water present in the wetlands that are within the Providence ASP.

46. After discovering the flooding wetlands on the Brodylo Land in February 2015, we immediately reported it to the City and in April 2015 the City advised that the culvert that ran under 53rd Street SW between the Brodylo Land and the Providence ASP, had been intentionally plugged with debris. This was made worse by the City’s widening of the roads without extending the length of the culverts which caused the ends of the culverts to be covered with gravel. Since that time, the debris has largely been cleared, but there are ongoing issues about the size of the culvert and the City’s failure to maintain the culvert. The culvert is not the subject of the Public Hearing, but for the fact that the blocked culvert could have adversely impacted the results from

the Master Drainage Plan and the Biophysical Inventory Studies. We of course cannot know this since we have not had an opportunity to review either of these studies.

47. The blocked culvert was likely the reason that the owners of the property that is part of the ASP Providence directly east of the blocked culvert were able to presumably obtain a permit to cultivate the wetlands on their property. Attached hereto and marked as **Exhibit "J"** is a copy of photographs of the freshly cultivated land east of the Brodylo Land.

48. As of the date of completing this statutory declaration, meetings with the Providence ASP land owners have occurred on the following dates – all of which we, the Brodylo Family, were excluded from attending or participating:

- a. December 3, 2014;
- b. December 17, 2014;
- c. January 29, 2015;
- d. February 24, 2015;
- e. March 12, 2015;
- f. March 24, 2015;
- g. April 8, 2015;
- h. April 21, 2015;
- i. May 7, 2015;
- j. May 21, 2015;
- k. June 4, 2015;
- l. June 7, 2015;
- m. July 7, 2015; and

n. July 30, 2015.

49. The Brodylo Family has never been advised in advance of those meetings and were never given the opportunity to attend despite the fact that we are clearly interested parties.

SUMMARY POSITION

50. The Providence ASP's western boundary fails to be defined by stormwater drainage boundaries or transportation boundaries, two (2) of the most commonly used determinants of ASP boundaries.

51. The Brodylo lands fall within the Providence ASP Drainage Basin and a master drainage plan cannot be prepared in isolation of the largest natural water feature in the Providence ASP area.

52. The level of planning in the Providence ASP and extensions of key infrastructure into the adjacent lands have caused "de facto" planning of the Brodylo Land. However, the necessary studies particularly of the Brodylo Wetland have not been undertaken. Importantly, these studies will not be undertaken until there is a further ASP, possibly in years and even in decades. The inclusion of the Brodylo Wetland itself, and indeed all of the lands which drain into the Brodylo Wetland requires the completion of the appropriate environmental and biophysical studies. These completed studies should form some of the cornerstones of the design of the Providence ASP.

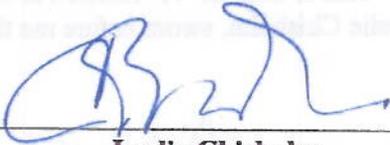
53. We have provided this Council with documentation of the City's failure to correctly size and maintain a culvetry located under a municipal road and the negative impacts that this has had on one landowner (Brodylo) and the benefit that it has inadvertently conferred on an adjacent landowner (Qualico).

54. In summary, on behalf of the Brodylo Family, it is clearly premature to consider approval of the Providence ASP – key information that would permit an informed decision is not before the City Council and directly affected landowners, including the Brodylo Family, have been denied any reasonable opportunity to be heard throughout the process. Even in respect of this Public Hearing, the treatment of the Brodylo Family has defeated our ability to meaningful participate in this hearing. The result is that the conduct of the proponents of the Providence ASP and the City

personnel responsible has discriminated against and marginalized the Brodylo Family and Lands and we ask City Council to deny approval of the Providence ASP. If the ASP is to proceed, the appropriate time should be taken to do it properly and to provide all stakeholders, including City Council, with sufficient information to allow meaningful input and proper decision making.

I make this solemn declaration, conscientiously believing it to be true and knowing it is the same force and effect as if made under oath.

SWORN BEFORE ME at the
City of Calgary, in the Province
of Alberta on November 25
2015.



Leslie Chisholm

J. Hilbrecht
Commissioner for taking affidavits

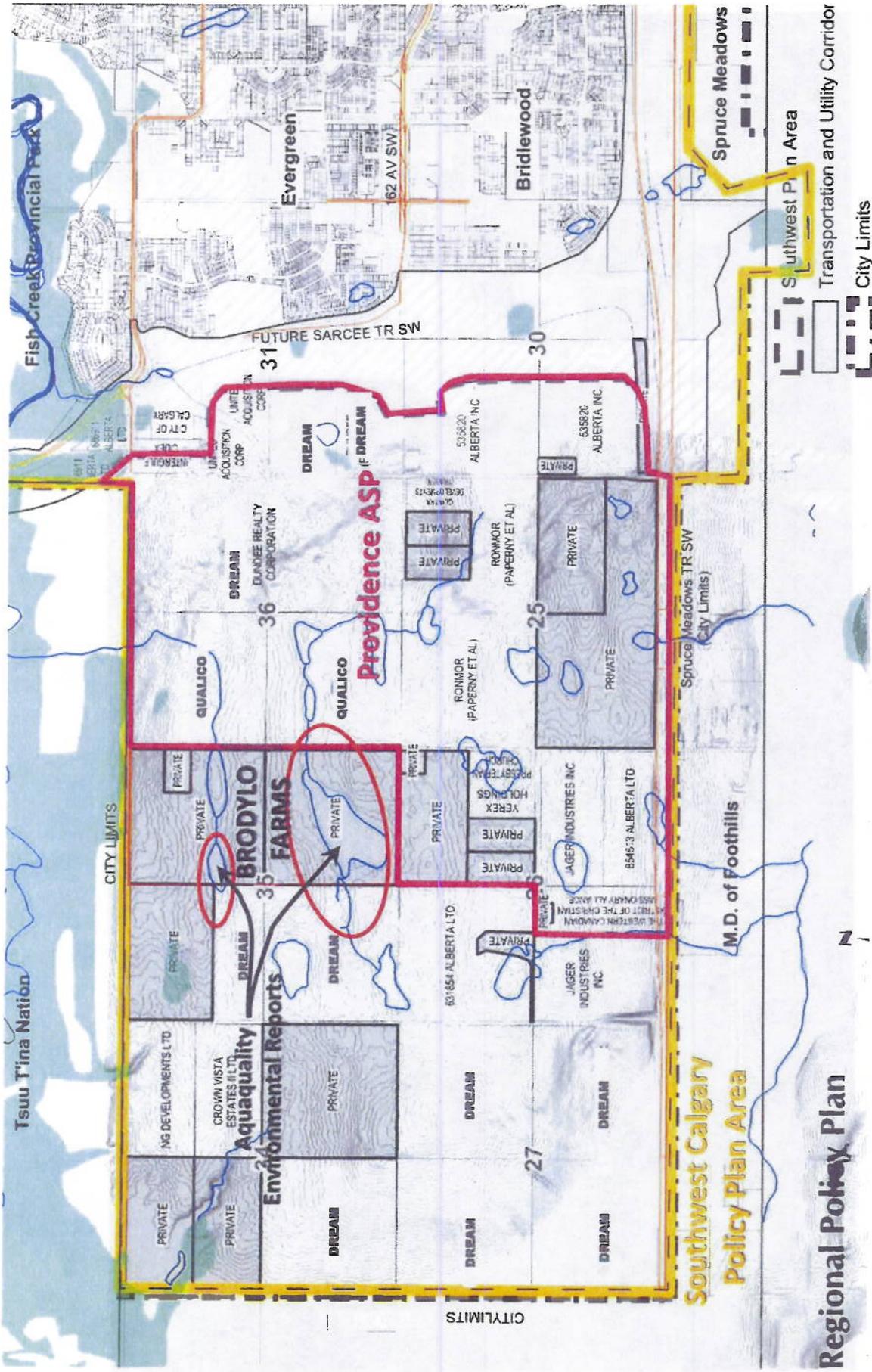
Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and to
the Province of Alberta
Expires March 29, 2018

This is Exhibit "A" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015



A COMMISSIONER FOR TAKING AFFIDAVITS

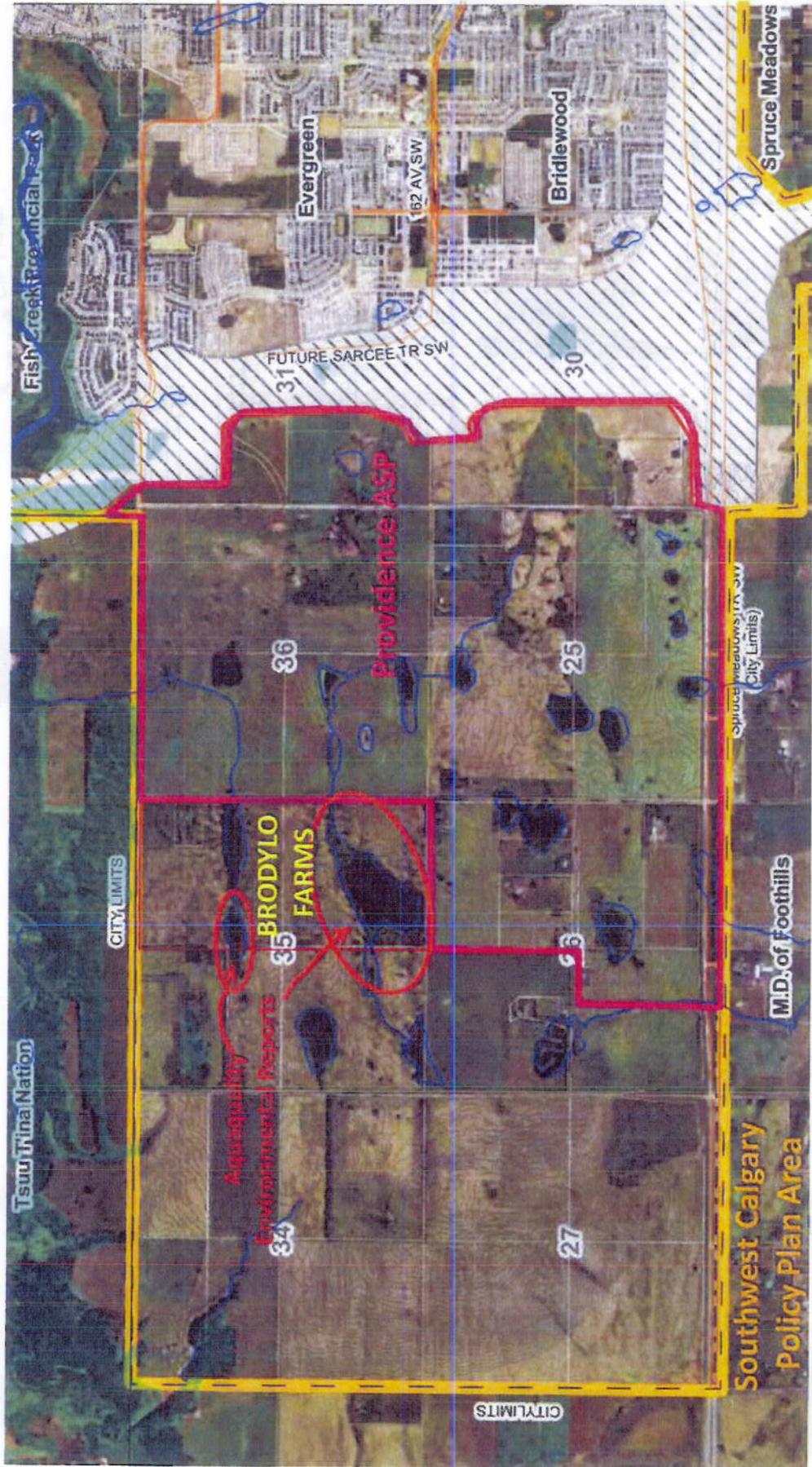
Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018



Regional Policy Plan

Southwest Calgary Policy Plan Area





This is Exhibit "B" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this day of November, 2015


A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2016

From: Leslie Chisholm [mailto:lbrodylo@telus.net]
Sent: Monday, February 23, 2015 10:42 AM
To: 'Sonego, Jill V.' <Jill.Sonego@calgary.ca>
Cc: 'John Brodylo' <jbrodylo@questerre.com>; 'Reid Brodylo' <rbrodylo@fortcal.com>
Subject: RE: Providence ASP

Hi Jill, Sorry it took so long to respond, but I was away. John Brodylo will act as a point of contact for now to streamline verbal communications, but please be reminded that all opinions and discussions are informal at this stage and do not necessarily represent agreement from the family or any legally binding positions unless specifically designated as such.

Please cc me and Reid Brodylo on all e-mails.

Thank you,

Leslie Chisholm

Leslie Chisholm

This e-mail including any attached files, may contain confidential and privileged information for the sole use of the intended recipient. Any review, use, distribution, or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the intended recipient), please contact the sender by reply e-mail and delete all copies of this message

From: Sonego, Jill V. [mailto:Jill.Sonego@calgary.ca]
Sent: Monday, February 09, 2015 2:49 PM
To: 'Leslie Chisholm'
Subject: RE: Providence ASP

Hi Leslie,

Just to let you know, I spoke with John Brodylo today regarding this. I informed him that I would speak to Qualico (owner of the land east of you) regarding drainage and access. Please let me know if John is not representing you in this process.

Thanks,

Jill

Jill Sonego
Planner, North Area
Local Area Planning & Implementation
The City of Calgary

P.O. Box 2100, Station M, #8117
Calgary, AB T2P 2M5
T 403.268.2266 | F 403.268.3542

From: Leslie Chisholm [mailto:lbrodylo@telus.net]
Sent: Tuesday, February 03, 2015 1:06 PM
To: Sonogo, Jill V.
Subject: Re: Providence ASP

It is the land on the north side at 53rd & 146th Ave SW.

Sent from my iPhone

On Feb 3, 2015, at 12:00 PM, Sonogo, Jill V. <Jill.Sonogo@calgary.ca> wrote:

<image002.gif>

Hi Leslie,

Thanks for your email. Can you please indicate to me what piece of land you own? It is certainly our goal to carry out consultation with all affected landowners.

Jill

Jill Sonogo
Planner, North Area
Local Area Planning & Implementation
The City of Calgary
P.O. Box 2100, Station M, #8117
Calgary, AB T2P 2M5
T 403.268.2266 | F 403.268.3542

From: Leslie Chisholm [mailto:lbrodylo@telus.net]
Sent: Tuesday, February 03, 2015 11:24 AM
To: Sonogo, Jill V.
Subject: Providence ASP

Hi Jill, I saw the news last night regarding the new development at Providence and would like to receive information and be included in decisions that take place on and adjacent to this development. As an owner of lands in the area I have a vested interest in the future development and impact of these plans.

I have signed up for e-mail alerts through your web-site, however, as an area owner, I feel more direct consultation is warranted.

Thank you,
Leslie Chisholm

Leslie Chisholm

2

This e-mail including any attached files, may contain confidential and privileged information for the sole use of the intended recipient. Any review, use, distribution, or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the intended recipient), please contact the sender by reply e-mail and delete all copies of this message

[Faint, illegible text, likely a header or subject line]

[Faint, illegible text]

This is Exhibit "C" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015

Hilbrecht
A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018

26

ERW Consulting Inc

198 Slopeview Drive SW Calgary Alberta T3H 4G5 p 403 242 4348 c 403 629 4542 email reweston@shaw.ca

June 4, 2015

To: Leslie Chisholm
Reid Brodylo
John Brodylo

Re: Progress update. Meeting with Jill Sonogo and Jennifer Duff Planners
at the City of Calgary

Address: 53 Street and 162 Ave SW, Calgary Alberta

Land Area: 320 acres

I met with Jill Sonogo and Jennifer Duff at 10:00 am at the City of Calgary to review issues related to our request to amend the boundaries of the ASP to include your land. The discussion went as follows:

1. The process to amend the ASP requires an order of Council. This requires a councillor to make a motion to amend to Council. Council would then take up the motion on the day it is made or set a date for the motion to be dealt with and voted upon. Normally the motion would be made by the affected councillor (Diane) or it could be made by any other councillor.
2. If after discussing our request with Diane she is supportive, the earliest likely date to take it to Council would be the first or second week of July. If Council is supportive and provides the order to amend it could happen by the end of July assuming all stars in heaven are aligned properly. Council does not meet in August.
3. If the amendment is granted, Jill and Jennifer anticipate that the work to complete the ASP could be delayed up to a year (guessing) because of all the technical and planning studies and public input required on your land.
4. By the end of July this year all the technical and planning work for the existing ASP will be 80% complete.
5. This is a developer funded ASP. One of six currently in process in the City. The current developer funded process is relatively new in the City. In the past the City would take 2 to 3 years to prepare an ASP. The new mandate by Council to planning staff is to complete the ASP's in one year. Council indicates it is firm on its timing for ASP's. This is to allow them to advance to the next prioritized ASP list being considered by Council.
6. Council determines which ASP's are prioritized and then instructs the planning department to proceed.
7. The developer funding arrangement on ASP's including Providence is strange. The City budgets \$750,000 as its costs (time and resources by staff and consultants). This cost is assigned to the lead developer (usually to biggest land holder or the one agreeing to pay). The City is not involved in any cost sharing arrangement between the one paying and other land owners. In this ASP Dream is paying for the costs. The City is unaware of any cost sharing agreements between developers.

8. Given the funding arrangement with Dream, it is unlikely they would be prepared to agree to let the City amend the boundary if a time extension is required.

9. Given the deadline set by City Council, it is unlikely they will grant an extension of time to prepare additional studies.

10. We discussed other options for amending the boundary. Option 1 is our current approach. Option 2 is as follows:

We request an amendment of the boundary to include your land based on the significance of the environmental wetland and the need to protect it. The request would include designating your land as a Special Planning Area for future study. In this instance all the technical, planning and public consultation on your land would not happen now. It would happen in the future under approval by Council.

This option if approved by Council would include the land in the ASP boundary but would not require a time extension which delays Council and existing developer priorities. It still requires a motion made by Diane and an order by Council.

11. Jill told me that after the ASP is approved, development will not start very quickly due to infrastructure shortages in the area and proper transportation linkages which will require the completion of Stoney Trail. The City does not allow developers to front end infrastructure costs in order to advance timelines. It sounds like it could take several years for infrastructure to be in place.

This statement by Jill goes counter to Council pushing so hard for the Providence ASP deadline completion and even why they should be working on it now. It sounds to me like Dream may have done some heavy lobbying to Diane and Council.

Tomorrow I meet with Garrett Wohlberg at Qualico to get his input.

I have the draft letter to Diane pretty much complete based on Option 1. We need to think about and discuss Option 2 and decide which one to pursue. Given the input noted above I think Option 1 will not likely be approved. This is all subject to getting Diane onside.

Let me know your thoughts. We should meet and review this after my meeting with Qualico tomorrow. We could meet at one of your offices or I could see if Noel would let us use his boardroom. Please let me know what works best for you.

Best regards:

Robert Weston Barch, AAA, Architect (ret.)
ERW Consulting Inc.

JE

ERW Consulting Inc

198 Slopeview Drive SW Calgary Alberta T3H 4G5 p 403 242 4348 c 403 629 4542 email reweston@shaw.ca

June 9, 2015

To: Councillor Diane Colley-Urquhart

Re: Notice of Motion

Legal: East 1/2-35-22-2-W5M

Thank you for preparing the Notice of Motion for the above noted land and your willingness to seek Council direction. The Brodylo's and I met with Jill Sonogo at City Planning yesterday to review the notice. Jill was not totally clear with how this will unfold so I am writing to seek clarification from you.

1. The Notice of Motion will be presented to Council on July 20, 2015 asking for a Council Resolution to direct Administration to prepare a report as outlined in the motion for submission to the September 24 Council meeting. Do the Brodylo's or their representative need to be prepared to answer questions or make a presentation to Council on July 20?
2. Prior to July 20 do you need any additional information or material from us to assist in your motion?
3. Is their value in us approaching other Councillors to review the Brodylo's request prior to July 20?

We want to assist in whatever way we can with this process but also do not want to interfere with your efforts. Please let us know your thoughts.

Thanks again for your help.

Best regards:

Robert Weston Barch, AAA, Architect (ret.)
ERW Consulting Inc.



This is Exhibit "D" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015

J. Hilbrecht

A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018

As a person who owns land in the vicinity of the ASP area, I would like to give you the
opportunity to participate in the process. I invite you to contact me to discuss any
questions or concerns, and to visit our website at www.cityofcalgary.ca for a more
detailed timeline, meeting minutes, and other information.

I look forward to hearing from you.

Sincerely,

Jill Gungor
Project Manager for the Province Area Growth Plan
Local Area Planning & Implementation
Planning Development & Assessment
T 403.243.2288 | F 403.243.2287
5th Floor, Calgary Municipal Building, 800 4th Street, T2E 0E2



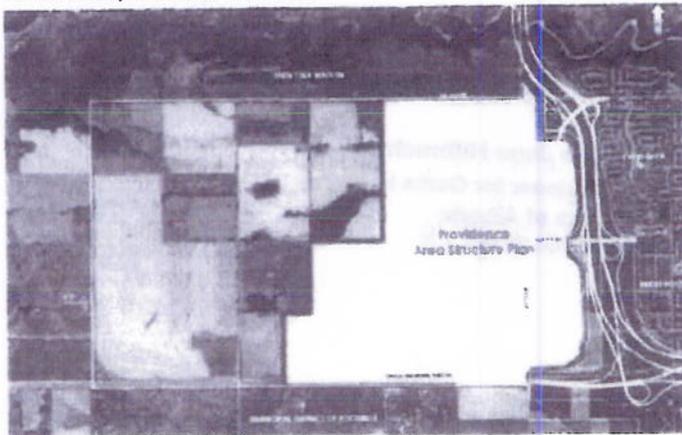
Received June 22, 2015
JB
Postmark June 19, 2015

June 9, 2015

Dear Landowner:

RE: Providence Area Structure Plan

I am writing to inform you that The City of Calgary is preparing a new Area Structure Plan (ASP) for the area known as "Providence" (see map below). An ASP is a high-level land use plan that refines and implements The City's broad planning objectives. It outlines the specific land uses, high-level road network, and servicing requirements for the development of an area.



Work on the Providence ASP officially commenced in January 2015 and City Council has directed the ASP to be ready for Council consideration by December 2015.

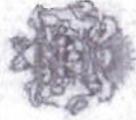
As a person who owns land in the vicinity of the ASP area, I would like to give you the opportunity to participate in the process. I invite you to contact me to discuss any questions or concerns, and to visit our website at www.calgary.ca/providence for a more detailed timeline, meeting minutes, and other information.

I look forward to hearing from you.

Sincerely,

Jill Sonogo
Project Manager for the Providence Area Structure Plan
Local Area Planning & Implementation
Planning, Development & Assessment
T 403.268.2266 | E Jill.Sonogo@calgary.ca | Mail code #8075
5th Floor, Calgary Municipal Building, 800 Macleod Trail S.E.

111 100000 1000 X

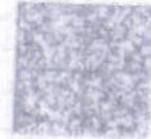


THE CITY OF
CALGARY

PO BOX 2100 STN M
CALGARY AB CANADA T2P 2M5

...serving a great city

Brodylo Farms Ltd.
4519 16A Street SW
Calgary, AB T2T 4L8



100101010
CANADA
POSTS
CA 58344
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This is Exhibit "E" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015

Hilbrecht

A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 20, 2018

ERW Consulting Inc

198 Slopeview Drive SW Calgary Alberta T3H 4G5 p 403 242 4348 c 403 629 4542 email reweston@shaw.ca

July 8, 2015

Attendees: John Brodylo
Reid Brodylo
Robert Weston ERW Consulting Inc
Jill Sonogo City of Calgary

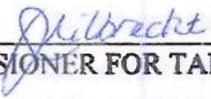
Location: City Hall

1. As a result of earlier meetings with City Administration, the Brodylo Family and Diane Colley-Urquhart, Jill Sonogo was asked by Diane Colley-Urquhart to prepare draft Notice of Motion options for Diane to make to Council. Those recommendations included:
 - a. Amend the ASP boundaries now to include the Brodylo property. This would result in a one year delay to the current work.
 - b. Continue with the existing boundaries to complete the work within the current timelines, get it approved and then make application to amend the newly completed ASP to include the Brodylo property. The amendment would take up to one year to complete.
 - c. Complete the current ASP process with no boundary change and wait until the Providence West ASP advances.
2. Jill provided a copy of Diane's Notice of Motion to be presented to Council on the July 20 Council meeting.
3. If Diane's motion is approved the result will be direction given to City Administration to work with stakeholders (existing developers and owners in Providence, Parks, Brodylo's, etc) to report to Council on September 14, 2015.
4. Jill indicated that the current Providence ASP will provide high level planning policies within the current boundaries of the ASP. The locations of proposed uses and road alignments etc. will be subject to future change when outline plans and land use applications will be made by developers.
5. The Brodylo's advised Jill that they were working with Dennis Westhoff to do biophysical and environmental work to identify the impacts of impoundment by others to the wetland on their property. They reviewed damages to trees, wildlife habitat, soil erosion and wetland expansion due to deliberate blockage of the drainage culvert which drains into the interconnected wetland in Qualico's land to the east. Another blockage of the wetland drainage area on the southwest corner has been identified. A ditch channel increasing drainage from Dreams property on the west to the Brodylo's land has also been identified.

6. Jill advised that any technical studies advanced by the Brodylo's to use for ASP inclusion will need to meet the requirements set by the City. Jill is able to provide the Brodylo's with a list of those studies.
7. Jill asked the Brodylo's if their motivation to amend the ASP was monetary in that the value of their land would increase if it had ASP status. The Brodylo's reiterated their concern in requesting their land be included in the Providence ASP is because of the need to protect and preserve the wetland and its habitat from the impacts of future development currently being planned in the ASP. They do not believe this will be addressed properly by the ASP as it is now proceeding.
8. Next steps are to contact Diane to determine if we need to provide her additional information for her Notice of Motion presentation to Council on July 20, 2015. We also discussed contacting the Mayor and other members of Council to provide them information.

Minutes by Robert Weston, ERW Consulting Inc.

This is Exhibit "F" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015


A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2015

BRODYLO FAMILY

Loslie Chisholm | lbrodylo@telus.net

September 8, 2015

To Jill Sonogo, City of Calgary Planning Dept. and the City of Calgary, via email and hand delivered

Re: Brodylo Farm and Providence Area Structure Plan (the ASP)

We are adjacent landowners to the lands included in the proposed ASP. The City of Calgary has failed to properly notify us about the proposed ASP in accordance with *Municipal Government Act*, Part 17 provisions, and we have been denied any opportunity to ensure that our lands are appropriately planned for future urban development in conjunction with the ASP lands.

Therefore, we are formally advising you that we object to the process the City of Calgary Planning Department employed in dealing with us. Specifically, as we are adjacent and directly affected landowners, the City of Calgary (the City) was required to notify us about the proposed ASP and include us in discussions about future land uses on adjacent lands. The relevant clause from the *Municipal Government Act* is included below, indicating failure to follow a statutorily prescribed process:

Statutory plan preparation

636(1) *While preparing a statutory plan a municipality must*

(a) provide a means for any person who may be affected by it to make suggestions and representations,

(b) notify the public of the plan preparation process and of the means to make suggestions and representations referred to in clause (a),

Our family had no idea that the City was engaged with other landowners in our neighbourhood on preparation of the ASP until we saw an announcement of your activities on February 2, 2015 on the CBC evening news. We contacted you on February 3, 2015 to request information and to be included in the ASP planning process. We did not receive notification from you until June 22, 2015 in a letter backdated to June 9, 2015. This was after we raised numerous concerns with the City regarding the negative impact that the proposed future development will have on our property, especially the serious damage that will be done to the Class IV wetland that straddles our property and the ASP lands, and is joined through a culvert under 53rd Street. The proposed location of future schools, high speed transit, roads, recreation centers and bike paths around our wetland, as illustrated in shadow planning of our property as it appears on the City website, are not appropriate land uses adjacent to

4519-16A St. SW, Calgary, AB T2T 4L8

Office: 403 243-9546 | lbrodylo@telus.net

this significant water resource. The assumptions being made by the City are arbitrary at best and not based on either good science or proper assessment of the functionality of the wetland. In spite of our concerted efforts to be included in the planning process, we have been denied any opportunity to make representations and suggestions. Additionally, we have not received any formal notice as adjacent landowners about the various Open House meetings. Instead, we came upon ads for the Open Houses when we were reviewing information about the ASP on the City's website.

Our family recently discovered that the City had been negligent in ensuring that the culvert remained clear, which is located under 53rd Street adjacent to our farm lands. In February of this year we brought to your attention that the City owned culvert, which allows outflow from our Class IV wetland eastward under 53rd Street SW across the ASP boundary, was intentionally blocked.

This intentional and illegal impoundment on our farm caused severe damage to our wetland and property, including the destruction of thousands of trees planted by our family, loss and degradation of wetland and riparian environments, severe erosion of surrounding topsoil, loss of crop lands and destruction of wildlife habitat. In addition, the City has turned a blind eye to the drainage and subsequent cultivation, tilling and destruction of the wetland areas that extend onto the ASP lands located on the east side of this blocked culvert. The intentional impoundment of the water so that it could not flow on to the ASP lands is a violation of the Water Act, and interfered with the bed and shore of the wetland. The City did not have a permit to deliberately block the culvert and direct significant drainage back onto our property. The City attended to the culvert, removed a large stone that had been deliberately inserted and significant amounts of materials that had been deliberately dumped into the culvert, but the City is now in the process of dumping tons of construction debris on either side of an extended culvert on either side of 53rd Street, again without any notification to us as landowners affected by City activities. We hereby demand that the damages that have been done, and are continuing to occur be remediated, and our wetland be restored to its former state.

We deliberately requested inclusion into the ASP as a method to advance our concerns about the future planning for the wetland, and a variety of important planning issues as it affects our property. We have retained the services of a professional planner and a wetland assessment expert at our own costs, to enable our participation in the process. In response to our efforts, we were verbally accused on a number of separate occasions of "just trying to get more money for our property by being included in the ASP." We strenuously object to this characterization. We had no knowledge that inclusion into the ASP had any effect on our property value at the outset of our discussions with you. More importantly, we reject the notion that this should have any bearing on the serious planning and wetlands concerns that we have brought to the City's attention. Further, the assertion that our motives are 'profit-based' would only apply if we intended to sell our property, and at no time did we discuss or indicate to you that this was our intention.

Our request to be included in the ASP planning process was frustrated. We approached the City in an open and cooperative manner, and our efforts were used as a forum to gain information that was used to more effectively stall and subsequently block our inclusion into the ASP process. The information we provided has enabled the City to strategize with land developers who are interested in adjacent lands, weaken our position, and silence our voice in the process.

The rapid-response, template-style letters written by numerous participants in the ASP process, including one large commercial developer, who is not even a stakeholder or landowner within the boundaries of the current ASP lands, that all specifically mention the Brodylo family by name can only have been generated using information provided by the City. These letters appear to be a response to the Notice of Motion (NOM) drafted by the planning department following instructions from C. Diane Colley-Urquhart. The NOM was raised before council on July 27th (see attached NOM and

letters). The NOM contains a request to generically study internal City ASP processes and our family was not named in this document, nor did we provide our information to these people and/or corporations. This serious violation of our personal information is in direct contravention of the *Freedom of Information and Protection of Privacy Act*.

We request that the City provide us with all documents, reports, e-mails, meeting minutes, diazied phone calls, meeting notes and any other materials that pertain to our family or our property located at E1/2-35-22-2W5. Further, we request all materials related to the proposed ASP including, but not limited to meeting minutes, documents, e-mails, reports, studies, applications to any municipal, provincial or federal government bodies and any other materials related to the proposed ASP be provided to us as adjacent directly affected landowners. While not to diminish the general request for all information, we want to know whether the developer has made any application under the *Water Act* to disturb the Class IV wetland, which will have immediate adverse effects on the functionality of the wetland complex on our property.

We remain hopeful that we can reach an amicable resolution to our concerns by working with the City as valued contributors to the ASP planning process.

Sincerely,

Leslie Chisholm,

For the Brodylo Family

(Enclosure)

cc. Mayor Nenshi, City Counsel, C.A.O., Calgary Biodiversity Com.

This is Exhibit "G" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015

J. Hillbrecht
A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hillbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018



September 29, 2015

Brodylo Family
4519 16A Street SW
Calgary, AB T2T 4L8

Dear Ms. Chisholm

Re: Providence Area Structure Plan – your correspondence (September 8, 2015)

We have reviewed your letter (dated/delivered, September 8, 2015). You raise a number of points which Administration has discussed with you and your family members through a number of meetings and correspondence during the preparation of the Providence Area Structure Plan (ASP). We remain open to further discussion as we work to complete the ASP and I offer the following, specifically in response to your aforementioned letter.

ASP Notification: The Southwest Regional Policy Plan (SWRPP) started in 2005 and the Providence ASP originally started in 2007 (restarted in 2015). The City of Calgary has provided area residents and the general public with notification of planning processes through direct and mass communication means over this time.

- 2) **Opportunity to Plan for Urban Development:** the opportunity to provide meaningful input regarding the future of your lands has been available since 2005 when planning began for this annexed area. More recently, Administration has engaged (since February 2015) you as if you were part of the plan area.
- 3) **Culvert Blockage:** Mr. John Brodylo brought this issue to the attention of the Planning, Development & Assessment (PDA) Department in February 2015, at our first meeting with him. He had previously contacted other City departments and this issue was being addressed.
- 4) **Wetland Protection:** Related to the above culvert, we understand your concerns regarding urban development and potential impact on the wetland on your property. Planning of the area since 2005 has accounted for the presence of the wetland and the Providence ASP and future development application review will provide for the well-being of environmentally significant areas.
- 5) **Freedom of Information:** When interested stakeholders provide input in a planning process, that information becomes part of the public process. Administration has since discussed your comments with internal and external stakeholders as a means to meaningfully address your concerns. The project website (www.calgary.ca/providence) contains all relevant internal and external meeting minutes since the restart of the Providence ASP.



Should you wish to discuss further, please contact me directly at 403-268-5790 or jamal.ramjohn@calgary.ca to arrange a meeting. In the interest of maintaining a positive working relationship we ask that you review The City of Calgary's Respectful Workplace Policy which can be found on www.calgary.ca.

Respectfully,

Jamal Ramjohn RPP, MCIP
Coordinator, Local Area Planning & Implementation
The City of Calgary

Cc:
Rollin Stanley, General Manager, Planning, Development & Assessment, The City of Calgary
Matthias Tifa, Director, Local Area Planning & Implementation, The City of Calgary
Scott Lockwood, Manager, Local Area Planning & Implementation, The City of Calgary
Jill Sonogo, Planner, Local Area Planning & Implementation, The City of Calgary

This is Exhibit "H" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015

J. Hilbrecht

A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018

ERW Consulting Inc

198 Slopeview Drive SW Calgary Alberta T3H 4G5 p 403 242 4348 c 403 629 4542 email reweston@shaw.ca

Nov 14, 2015

To: Mr. Jamal Ramjohn, RPP, MCIP
Co-ordinator Local Area Planning
Planning and Development
City of Calgary

and

Ms. Jill Sonogo, Planner
Local Area Planning
Planning and Development
City of Calgary

Re: Brodylo Farms Ltd. SE and NE Sec 35-22-2-W5M

We have reviewed the proposed Providence Area Structure Plan and the Providence ASP Administration Report submitted to the Calgary Planning Commission on October 22, 2015.

On behalf of the Brodylo family I am requesting the following:

1. The ASP references an Environmental Open Space Study (EOS) prepared by ECOTONE Environmental Ltd. Is this study available for public review? If so please provide a copy or link to same for our review.
2. Did the EOS consider any lands outside the ASP area? Specifically the Brodylo lands and the large natural water body on their land. Have impacts to wildlife corridors within the Brodylo lands been considered in this report?
3. As recommended by the Southwest Regional Policy Plan (2007), has a Master Drainage Plan for the Plan Area been prepared and submitted as part of the ASP preparation? If so is this available for public review?
4. Has a study been conducted to consider the surface and subsurface connection of the large water body on the Brodylo land to the lands within the ASP area? Will development within the ASP negatively impact the water body on the Brodylo land?
5. If it is determined that development within the ASP area will have a negative impact on the Brodylo water body or wildlife will an amendment to the ASP be required prior to development approvals?
6. Maps in the ASP document identify proposed servicing and transportation links. Map 8 shows a proposed water feeder main running through the Brodylo property. Map 2 identifies proposed road connections into their land. Is there a possibility of expropriation of the Brodylo lands to allow development of this infrastructure in the future?
7. Please identify the technical investigations, studies, and assessments that were required by the City to be prepared by landowners, and or developers for preparation of

this ASP. When were the assessments completed? Are these documents available for public review? Please provide any assessments that are available to the public.

8. Has an assessment been made on the impact of high density development around 162 Ave SW at the south and south east boundary of the Brodylo property relating to environmental impact to the water body and wildlife on the Brodylo property?

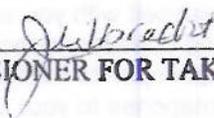
I would appreciate your response at your earliest convenience.

Best regards:

Robert Weston Barch, AAA, Architect (ret.)
ERW Consulting Inc.

Copy: Diane Colley-Urquhart, Councillor, Ward 13
John Brodylo
Reid Brodylo
Leslie Chisholm

This is Exhibit "I" referred to in the Statutory Declaration of
Leslie Chisholm, sworn before me this 25th day of November, 2015


A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hillbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 2018



November 19, 2015

ERW Consulting Inc.
198 Slopeview Dr SW
Calgary, AB T3H 4G5

Dear Mr. Weston:

Re: Brodylo Farms Ltd. SE & NE 35-22-2 W5

Thank you for your letter dated November 14, 2015 (sent by email on November 16, 2015). You raise a number of points which Administration has discussed with you and the Brodylo family members (copied herein) through a number of meetings and correspondence during the preparation of the Providence Area Structure Plan (ASP). We remain open to further discussion as we work to complete the ASP and I offer the following, specifically in response to your aforementioned letter.

- 1) ASP references to "Environmental Open Space Study (EOS)" prepared by ECOTONE Environmental Ltd.: as part of the Providence ASP, a Biophysical Inventory (BI) was required by The City of Calgary (The City) and this was prepared by ECOTONE Environmental Ltd. (ECOTONE). The BI has been approved by The City (Parks) but there may be supplemental information from ongoing monitoring and field work required and therefore we cannot release the report until after Council approves the ASP. However, you may contact City Parks to view the draft information to date at their office at your convenience.
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- 3) Master Drainage Plan for the Plan Area: per the Southwest Regional Policy Plan (SWRPP) (2007) (section 7.8.1 (1) (a)) a Master Drainage Plan (MDP) is underway for the Plan Area and lands beyond. The required information needed to provide policy and mapping in the ASP is complete but the MDP is ongoing due to a full year of water monitoring required. The MDP does consider the Brodylo lands and flow rate monitoring is being conducted between the wetlands on either side of 53 Street SW. The MDP cannot be released in draft state and cannot be reviewed until after a full draft is complete (scheduled for early 2016). When it is finalized, a copy may be purchased from The City (Water Resources).
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connection and information needed for the ASP level of detail is provided in the draft Providence ASP. The MDP field work will continue into early 2016.

The next level of biophysical work to be undertaken is at the Outline Plan / Land Use Amendment stage when a Biophysical Impact Assessments (BIA) is required of applicants. This will confirm the delineation of Environmental Open Space (EOS) to be retained as Environmental Reserve (ER), areas to be modified as other types of open space, and/or areas to be developed. The BIAs will also supplement the Biophysical Inventory completed for the Providence ASP and identify impact mitigation measures required (i.e., determine if there is potential for development within the Providence ASP to impact the water body on the Brodylo property).

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- 6) Draft Providence ASP maps (Map 8: Water Services, Map 2: Concept with proposed roads): proposed water utilities and roads are shown within and beyond the Providence ASP. This includes locations on the Brodylo property. There has been no discussion of expropriation of the Brodylo property to allow development of this infrastructure in the future.
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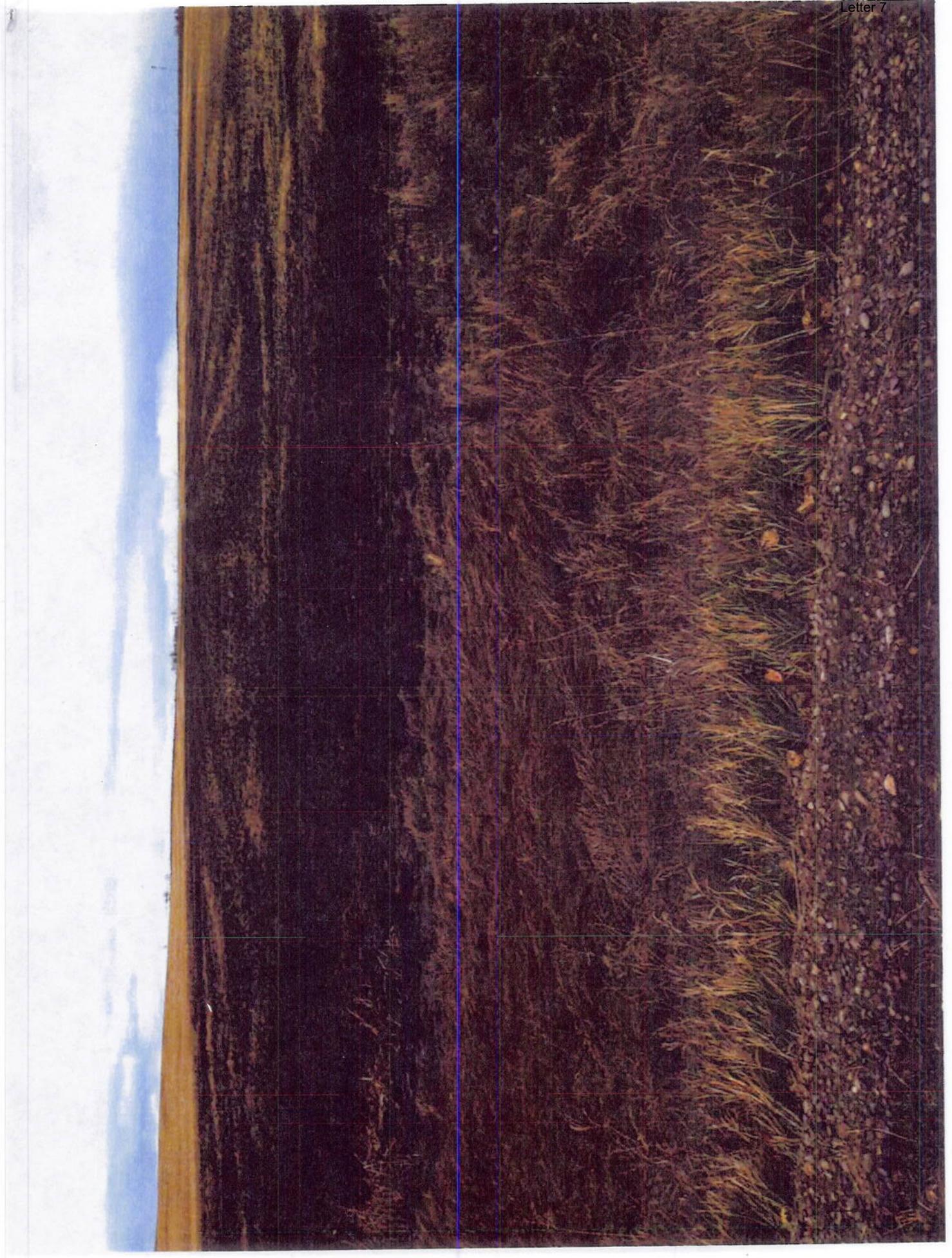
Should you wish to discuss further, please contact me directly at 403-268-5790 or jamal.ramjohn@calgary.ca to arrange a meeting.

Respectfully,

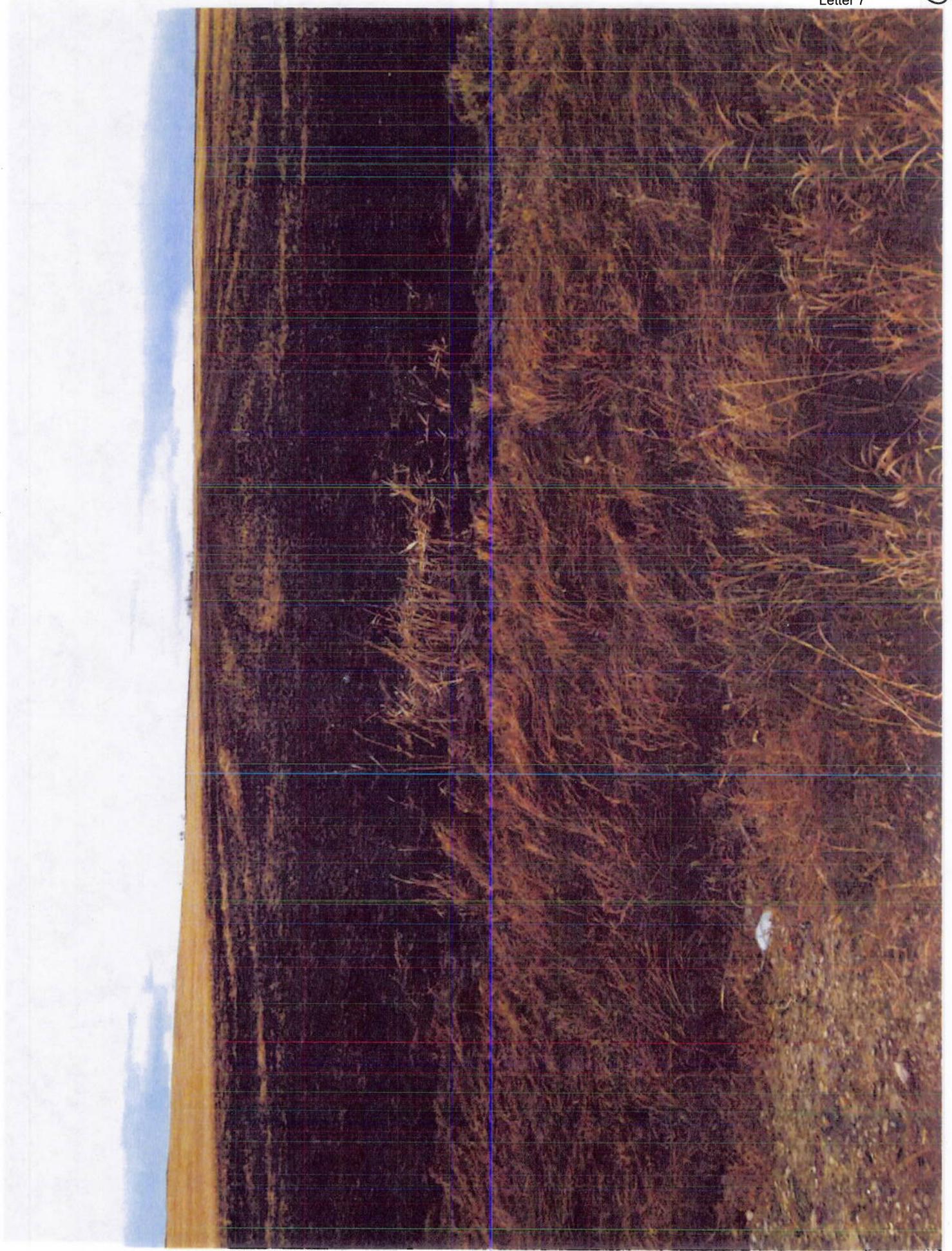
Jamal Ramjohn RPP, MCIP
Coordinator, Local Area Planning & Implementation
The City of Calgary

Cc:

- Mr. J. Brodylo, property owner, SE & NE 35-22-2 W5
- Mr. R. Brodylo, property owner, SE & NE 35-22-2 W5
- Ms. L. Chisholm, property owner, SE & NE 35-22-2 W5
- Ward 13, Councillor Colley-Urquhart, The City of Calgary
- Scott Lockwood, Manager, Local Area Planning & Implementation, The City of Calgary
- Jill Sonogo, Planner, Local Area Planning & Implementation, The City of Calgary
- Ashley Parks, Business Strategist, Water Resources, The City of Calgary
- Chris Manderson, Urban Conservation Lead, Parks, The City of Calgary
- Kent Morelli, Leader, Planning & Development, Parks, The City of Calgary



PU





THE CITY OF CHANDLER
CITY CLERK
15000 N. GILBERT AVENUE
CHANDLER, AZ 85226
TEL: 480-755-5000
WWW.CHANDLERAZ.GOV

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MAY 22 2020

1518

Whether or not the proposed development is consistent with the City's Comprehensive Zoning Ordinance (CZO) and the City's Comprehensive Land Use Ordinance (CLUO), the City's staff is not in a position to provide an opinion on the proposed development. The City's staff is only in a position to provide an opinion on the proposed development if the City's staff is provided with the necessary information to do so.

Approved by the City Council on May 22, 2020.

City Clerk

CPC2015-220
ATTACH 4
LETTER 6

PHILLIPS | GILL LLP

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2015 NOV 26 AM 9:10

Barristers

THE CITY OF CALGARY
John Phillips
John.phillips@legaladvocates.ca
33 Jarvis Street, Suite 200
Toronto ON M5E 1N3
direct. 647.220.7420
fax. 416.703.1955
office. 416.703.1900

November 25, 2015

888 3rd Street SouthWest, 10th Floor
Calgary, AB T2P 5C5
Tel: 403.444.5602
Fax: 403.775.4457

DELIVERED VIA EMAIL

E-mail: cityclerk@calgary.ca

City Clerk's Office
Old City Hall (Sandstone Building)
700 Macleod Trail S.E.
P.O. Box 2100, Station M
Calgary, Alberta
T2P 2M5

Dear Sir or Madam:

**RE: PUBLIC HEARING OF CALGARY CITY COUNCIL – DECEMBER 7, 2015
PROVIDENCE AREA STRUCTURE PLAN
OUR FILE NO. : 40215**

On December 7, 2015, Calgary's City Council is to consider whether or not to approve the Providence Area Structure Plan (the "Providence ASP"). However, Margaret Brodylo and Brodylo Farms Ltd. (collectively the "Brodylo Family") believe that it is too soon for a decision on the Providence ASP to be made – there are missing studies and the Brodylo Family's lands have not been included in the area covered by the Providence ASP and no consideration has been provided regarding its impact to the Brodylo Family's lands and the wetlands that take up a significant portion thereof.

The Brodylo Family's property is directly adjacent to the proposed development on two sides, both south and east of the Brodylo Land. This makes the Brodylo Family an affected party, but at no point has the City of Calgary (the "City") consulted with them in relation to the environmental impacts of the Providence ASP. This is particularly important to the Brodylo Family, since their property contains a large wetland that has been maintained for the benefit of wildfowl and its natural habitat.

Despite the recommendation of the Calgary Planning Commission (the "Planning Commission") that the Providence ASP be approved by City Council, to do so now

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Barristers

Page 2 of 5

would be both premature and force an unfair process on affected property owners, and the Brodylo family in particular, as will be explained below.

The Planning Commission's Recommendation is Based upon a Significantly Incomplete Record

Prior to approving the Providence ASP, the City is required to complete a number of Environmental Studies including, but not limited to, a biophysical inventory, a master drainage plan and a study of the connection between the wetlands on the land owned by the Brodylo Family and the wetlands within the boundaries of the Providence ASP.

As set out in the letter from Jamal Ramjohn, Coordinator, Local Area Planning & Implementation, dated November 20, 2015, most of the Environmental Studies are not set to be completed until 2016 and, in fact, may be seriously flawed. The letter of Mr. Ramjohn is attached hereto for ease of reference.

For example, the City is aware of a culvert under 53rd Street Southwest, which connects the wetlands on the Brodylo Family's land to the wetlands within the Providence ASP. The Brodylo Family first identified this culvert in February 2015 and determined that it was blocked. Despite repeated complaints by the Brodylo Family to the City, the blockage was not removed until April 2015.

The blocked culvert led to flooding of the wetlands on the Brodylo Farms' property, causing significant damage to the area around the wetlands, including the loss of mature trees, wild life and plants. In addition, it caused a significant amount of soil erosion and the loss of suitable land for farming. In addition, as a result of the blockage of the culvert, the wetlands within the Providence ASP have dried up to such a degree that the wetlands were able to be cultivated in October 2015.

The blocked culvert, then, has affected the makeup and condition of the wetlands, and without taking into account the changes once the culvert is reopened, the Environmental Studies are inherently flawed and incomplete. Whatever effect this oversight has on the Environmental Studies, at this stage, is a matter of speculation, since the relevant records and studies that may have been relied upon have been not been produced.

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There Has Been No Meaningful Consultation

The Planning Commission has, to date, refused to provide the Brodylo Family with any reasonable opportunity to review the information that is relied upon in making its recommendation.

The Brodylo Family and other interested parties have also been denied any reasonable opportunity to be heard throughout the process leading up to the Public Hearing.

In 2006, the City started an ASP that had included the Brodylo Family's land, but the Providence ASP, initiated in 2014, has inexplicably cut out a corner of the boundary to purposefully exclude the Brodylo Family's land.

The Brodylo Family, despite clearly being an interested party owning affected land, only learned about the Providence ASP in February 2015 from watching the news, several months after the alleged initiation of the Providence ASP in October 2014. Upon learning of this development, the Brodylo Family immediately reached out to the City and requested its inclusion in the project. The City has denied Brodylo Family's request allegedly because it was too late and would therefore delay the completion of the development. The City has failed to explain how a two month delay in asking for inclusion and the fact that the City has advised that the development will not likely begin for "several years" will delay the development.

Since February 2015 the Brodylo Family have actively attempted to engage the City in meaningful discussions regarding the Providence ASP, but the City has failed to provide any information that has assisted the Brodylo Family in understanding the impact of the Providence ASP.

The Providence ASP land owners have met 14 times since December 3, 2014, and each time the Brodylo Family was excluded from attending or participating despite being a clearly interested party.

As a result, the proponents of the Providence ASP and the City personnel responsible have discriminated against and marginalized the Brodylo Family and the Brodylo Family's lands.

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Page 4 of 5

The ASP is Not Consistent with the Municipal Development Plan

The failure of the City to complete the requisite studies prior to the Public Hearing means that the City is not ensure that the Providence is consistent with the goals and the objectives of the MPD, including, but not limited to the following:

2.6 Greening the City

Goal: Conserve, protect and restore natural environment

2.6.2 Land – Policies

Objective: Minimize the amount of land that is taken from undeveloped areas and placed in permanent use for residential, commercial, industrial, transportation or utility corridors

2.6.3 Water - Policies

Objective: Protect, conserve and enhance water quality and quantity by creating a land use and transportation framework that protects the watershed.

2.6.4 Ecological networks

Objective: Maintain biodiversity and landscape diversity, integrating and connecting ecological networks through the City

If the City Council approves the Providence ASP prior to the completion of the Environmental Studies, among others, it is effectively doing so without first ensuring that the Providence ASP is consistent with the goals and the objectives of the City as set out in the MDP.

Conclusion

This is one of the first developer funded ASPs in Calgary and it is imperative that replacing the previous, more thorough process, that would take two to three years to complete, does not sacrifice the interests of affected landowners and the City's own

Phillips Gill LLP
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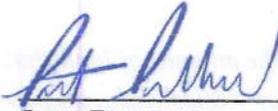
Page 5 of 5

interests and policies, when it comes to wetlands, environment and natural habitat, for the benefit of the economic interest of developers.

The Brodylo Family therefore asks City Council to deny approval of the Providence ASP.

If the Providence ASP is to proceed, the appropriate time should be taken to do it properly and to provide all stakeholders, including City Council, and landowners such as the Brodylo Family with sufficient information so as to allow meaningful input.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 25th DAY OF NOVEMBER, 2015.


Per _____
JOHN PHILLIPS,
PHILLIPS GILL LLP



November 19, 2015

ERW Consulting Inc.
198 Slopeview Dr SW
Calgary, AB T3H 4G5

Dear Mr. Weston:

Re: Brodylo Farms Ltd. SE & NE 35-22-2 W5

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Should you wish to discuss further, please contact me directly at 403-268-5790 or jamal.ramjohn@calgary.ca to arrange a meeting.

Respectfully,

Jamal Ramjohn RPP, MCIP
Coordinator, Local Area Planning & Implementation
The City of Calgary

Cc:

- Mr. J. Brodylo, property owner, SE & NE 35-22-2 W5
- Mr. R. Brodylo, property owner, SE & NE 35-22-2 W5
- Ms. L. Chisholm, property owner, SE & NE 35-22-2 W5
- Ward 13, Councillor Colley-Urquhart, The City of Calgary
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- Ashley Parks, Business Strategist, Water Resources, The City of Calgary
- Chris Manderson, Urban Conservation Lead, Parks, The City of Calgary
- Kent Morelli, Leader, Planning & Development, Parks, The City of Calgary



Public Submission

City Clerk's Office

Please use this form to send your comments relating to matters, or other Council and Committee matters, to the City Clerk's Office. In accordance with sections 43 through 45 of Procedure Bylaw 35M2017, as amended. The information provided may be included in written record for Council and Council Committee meetings which are publicly available through www.calgary.ca/ph. Comments that are disrespectful or do not contain required information may not be included.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to Matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act of Alberta, and/or the Municipal Government Act (MGA) Section 636, for the purpose of receiving public participation in municipal decision-making. Your name, contact information and comments will be made publicly available in the Council Agenda. If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

* I have read and understand that my name, contact information and comments will be made publicly available in the Council Agenda.

* First name Tara
* Last name Steell
Email tsteell@dream.ca

Phone

* Subject April 27, 2020 Council Meeting – New Policy: Providence Area Structure Plan, POL2020-0002 - support

* Comments - please refrain from providing personal information in this field (maximum 2500 characters)
See attached letter in support. Thank you.



The City of Calgary
Box 2100, Station M
Calgary, AB
T2P 2M5

April 20, 2020
Via Email

RE: Letter of Support for April 27, 2020 Council Meeting – New Policy: Providence Area Structure Plan, POL2020-0002

To Members of Council,

As a large landowner in the Providence area, we are writing to express Dream Development's support for the Providence Area Structure Plan (ASP). As outlined in the report, the ASP is being brought forward for reinstatement as the Master Drainage Plan has since been completed and accepted by the City of Calgary.

We would like to thank Administration for their diligence and effort since the repeal and are pleased to see this important piece of policy work completed.

Should you have any questions, we would be pleased to respond and have requested time through the Clerk's office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tara Steell', written over a horizontal line.

Tara Steell, MPl., RPP, MCIP
General Manager Land, Calgary



Public Submission

City Clerk's Office

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* I have read and understand that my name, contact information and comments will be made publicly available in the Council Agenda.

* First name	Brett
* Last name	Friesen
Email	bfriesen@hopewell.com
Phone	4038603105
* Subject	Providence Area Structure Plan (POL2020-0002)- Apr. 27, 2020
* Comments - please refrain from providing personal information in this field (maximum 2500 characters)	Please see attached letter of support for this file. Thank you.

April 20, 2020

The City of Calgary
Box 2100, Station M
Calgary, AB
T2P 2M5

Attention: Members of Council,

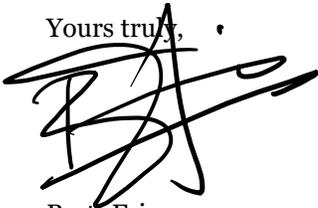
RE: Letter of Support for: New Policy- Providence Area Structure Plan
(POL2020-0002)- April 27, 2020 Council Meeting

As a landowner within the Providence Area Structure Plan, we would like to express our support for the approval of the plan by Council at the April 27, 2020 Council Meeting.

We would like to thank Administration throughout the entire process for their efforts.

Should you have any questions or concerns, please do not hesitate to contact me directly at bfriesen@hopewell.com or (403) 860-3105.

Yours truly,



Brett Friesen
Vice President, Development and Multi-Family