



RECEIVED

2015 NOV 18 AM 9:19

THE CITY OF CALGARY
CITY CLERK'S

November 18, 2015

Office of the City Clerk
The City of Calgary
PO Box 2100, Station M
700 Macleod Trail S.E.
Calgary, Alberta T2P 2M5

Via email: cityclerk@calgary.ca

Re: Providence Area Structure Plan | M-2015-025

To Whom It May Concern:

As one of the landowners within the Providence Area Structure Plan (ASP), Ronmor Developers Inc. fully supports the ASP before Calgary City Council.

Throughout the ASP process, Ms. Jill Sonogo (Project Manager) and Ms. Jennifer Duff (Project Planner) have made themselves available for discussing the direction of the ASP and the specific policies. They have also been instrumental in bringing together the City departments to discuss complex policy direction, resolution of issues and City processes.

The collaborative approach between City staff and landowners has not only aided in developing a stronger process for the ASP, but it has also led to a better end product with policies that are meaningful and implementable. We believe that this is a real achievement for both the landowners, the public, future users of the ASP and City staff.

Ronmor Developers Inc. is very pleased with the ASP. We are enthusiastic about this new approach to planning and collaboration in the City of Calgary and thank you for the opportunity to provide feedback throughout the ASP process. We look forward to future collaborative partnerships that continue to cut the red tape and creating great communities in the City of Calgary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay German", with a long horizontal flourish extending to the right.

Jay German
Vice President, Land Development

KyAlta Project Consultants Inc.
155 MILLRISE DRIVE S.W.
CALGARY, ALBERTA, CANADA
T2Y 2G3

Telephone: (403) 256-3337
E-Mail: kyllop@gmail.com

November 20, 2015

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

Via Email: cityclerk@calgary.ca

Dear Sir / Madam,

RECEIVED
2015 NOV 24 AM 7:50
THE CITY OF CALGARY
CITY CLERKS

Re: Providence Area Structure Plan – M-2015-025
Bamford Property : SW-25-22-2-W5M

On behalf of the Bamford family, please direct this correspondence to Mayor Nenshi and Members of Council for their deliberations of the Providence Area Structure Plan on December 7.

I am familiar with this sector of the City as I prepared the development strategy and future land use concepts which lead to the annexation of what is now Providence more than thirty years ago. The Land Use Concept for the ASP is similar to that proposed in our Annexation Brief except that we proposed much of the Highway 22X frontage for employment thereby providing a buffer for residential development.

Our earlier work did not anticipate the 32+ acre Regional Athletic Park for this quarter-section, which along with the neighbourhood activity centre, community association site and environmental reserve dedication, will likely cover about 50 acres of this 140 acre property – more than one-third of the land. This is compounded by the anticipated timing of Providence, whereby City funds will not likely be forthcoming for the purchase of some of these sites for at least twenty years.

Meanwhile, the value of this property will be reduced by the approval of this ASP as it currently stands. The civic functions will consume so much of the land that will result in a long timeframe to reach positive cashflow. Thus, sale to a development concern is not likely to be achieved.

The Bamford family have owned this property for more than a century and have been waiting for development opportunity to arrive for three decades. They do not have the luxury of another long delay.

I respectfully request that consideration be given to some means of alleviating this situation. Possibilities include:

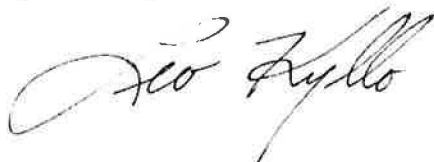
1. Assisting the Bamford family in establishing the location for the Regional Athletic Park immediately and approving its subdivision from the balance of the property. This would facilitate marketing the balance.
2. Changing the designation of the SW-25 to employment district.
3. Moving these civic land uses north to straddle the quarter-section line with half the requirement being provided by the NW-25.
4. Placing one of these functions on the quarter-section to the west.
5. Combining both of these actions to divide the two requirements between four landowners. A realignment of 53 Street may be required to accomplish this.
6. Establishing a process whereby the regional requirements can be constructed with funding from all the benefitting area landowners on an acreage basis.
7. Providing a shorter timeframe between the ASP designation and the purchase of the land by the City. Anything beyond two or three years is considered unreasonable.

While it is commendable that the City of Calgary engage in forward thinking and progressive planning, the approach for Providence is taking the process to the extreme and offering no alternative for the original landowners who have neither the time nor finances to wait.

I will attend Council on December 7 to respond to your questions. On behalf of the Bamfords, I sincerely thank you for the opportunity to submit this position and look forward to a satisfactory conclusion.

Sincerely,

KyAlta Project Consultants Inc.

A handwritten signature in black ink, appearing to read "Leo Kylo", with a stylized flourish at the end.

Leo Kylo, RPP, MCIP
President

November 20, 2015
2015 NOV 20 PM 12:13

THE CITY OF CALGARY
CITY CLERK'S

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

Attention: Calgary City Council

Dear Your Worship and Members of City Council,

Re: Letter of Support – Providence Area Structure Plan

As the lead funder of the Developer Funded Providence Area Structure Plan (ASP), Dream Development fully supports the ASP before Calgary City Council.

The key to the success in this ASP is largely due to the collaborative approach being fully endorsed by both the City of Calgary and Landowner Group. The City and Landowner Group worked together extensively from the beginning to create one vision and one plan for the Providence ASP. Regular meetings kept the process moving forward and allowed issues to be resolved in a timely manner. The approach was used for all aspects of the process, including report finalization and policy writing, not just the plan itself. The New Community Planning Guidebook has also been highly successful in helping streamline and better focus ASPs as planning documents. We were extremely pleased that several members of Calgary Planning Commission characterized Providence as the best ASP they had seen to date.

Throughout the engagement process, Planners and Project Managers Jill Sonogo and Jennifer Duff have been very approachable in discussing the direction of policy and have been proactive in bringing in other City business units to discuss policy direction and City processes.

This approach has led to a new standard for ASPs in the city, both in terms of process and product; and created one of the City's most innovative ASPs to date. Providence will be an exemplary complete community - a city within the city that embodies the principles of walkability, accessibility to transit and employment uses, diversity of housing choice and environmental stewardship.

As the lead funder, Dream Development is very pleased with the ASP. We are optimistic about this approach to planning and collaboration in the City of Calgary and thank you for the opportunity to provide feedback throughout the ASP process. We look forward to future collaborative partnerships that continue to cut the red tape and help create great communities in Calgary.

Regards,



Josh White, Manager Planning & Development
Dream Development

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**Stantec Consulting Ltd.**

200-325 25 Street SE, Calgary AB T2A 7H8

2015 NOV 25 PM 3: 34

THE CITY OF CALGARY
CITY CLERK'S

November 25, 2015
File: 116500239.200.300

Office of the City Clerk
The City of Calgary
700 MacLeod Trail SE
PO Box 2100, Station M
Calgary, AB T2P 2M5

**Attention: Calgary City Council
City of Calgary**

Your Worship and Members of City Council,

Reference: Providence ASP Landowner Group- Letter of Support

On behalf of the Providence Landowner Group consisting of Dream Development (Primary Funder), Ronmor Developers Inc., Qualico Communities, and Hopewell Residential; Stantec Consulting is submitting this letter in support of the Providence Area Structure Plan (ASP) as presented within the Developer Funded ASP pilot program.

Overall, the process with Jill Sonogo (Project Manager), Jennifer Duff (Project Planner) and other City of Calgary representatives has been very positive and collaborative. Three (3) Charrettes were undertaken throughout this process, which facilitated the Providence Landowner Group and the City of Calgary Providence ASP Team to come together and work collaboratively, rather than simply representing individual interests. This approach to the land use planning process has made for a higher standard product, and has contributed to a positive experience for all involved.

The Landowner Group is extremely appreciative of Ms. Sonogo's support in achieving tight timelines and championing new processes in order to make the scheduled December 07, 2015 meeting of City Council. We believe that this proactive approach was integral to the project's success. Regular engagement set up through bi-weekly meetings for City/Landowners has been excellent. Bringing in individual key staff members to these meeting including Parks, Transit, and the Fire Department has greatly helped the landowners and the team to better understand the City's processes.

Throughout the engagement process, Ms. Sonogo and Ms. Duff have been very approachable in discussing the direction of policy and have been proactive in providing the landowners numerous opportunities for input and suggestions beyond that of the normal Calgary ASP process. This collaborative approach has led to a new standard for ASPs in the city, both in terms of process and product.



November 25, 2015
Calgary City Council – Providence ASP
Page 2 of 2

Reference: Providence ASP Landowner Group- Letter of Support

The Landowner Group is very pleased with the ASP. We are optimistic about the new approach to land use planning in the City of Calgary and thank you for the opportunity to provide feedback regarding the Developer Funded ASPs. We look forward to future collaborative partnerships and creating great communities in the City of Calgary.

Regards,

STANTEC CONSULTING LTD.

Teresa Goldstein, M.Pl., RPP, MCIP
Senior Planner, Senior Associate
Phone: (403) 716.8193
Fax: (403) 716.8099
Teresa.goldstein@stantec.com

c. Jamal Ramjohn, City of Calgary
Jill Sonogo, City of Calgary
Jennifer Duff, City of Calgary
Teresa Goldstein, Stantec Consulting Ltd.
Sean MacLean, Stantec Consulting Ltd.
Trevor Dickie, Dream Development
Josh White, Dream Development
Jay German, Ronmor Developers Inc.
Harrison Zivot, Ronmor Developers Inc.
Garrett Wohlberg, Qualico Communities
Darren Lockhart, Hopewell Residential

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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.

21. On April 13, 2015, John attended a meeting with Sonogo 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 Sonogo 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 Sonogo about the Providence ASP boundaries being changed to the boundaries proposed in 2006, which included the Brodylo Land. Sonogo 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 Sonogo 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 Sonogo, 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 culvery 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.

Hilbrecht
Commissioner for taking affidavits



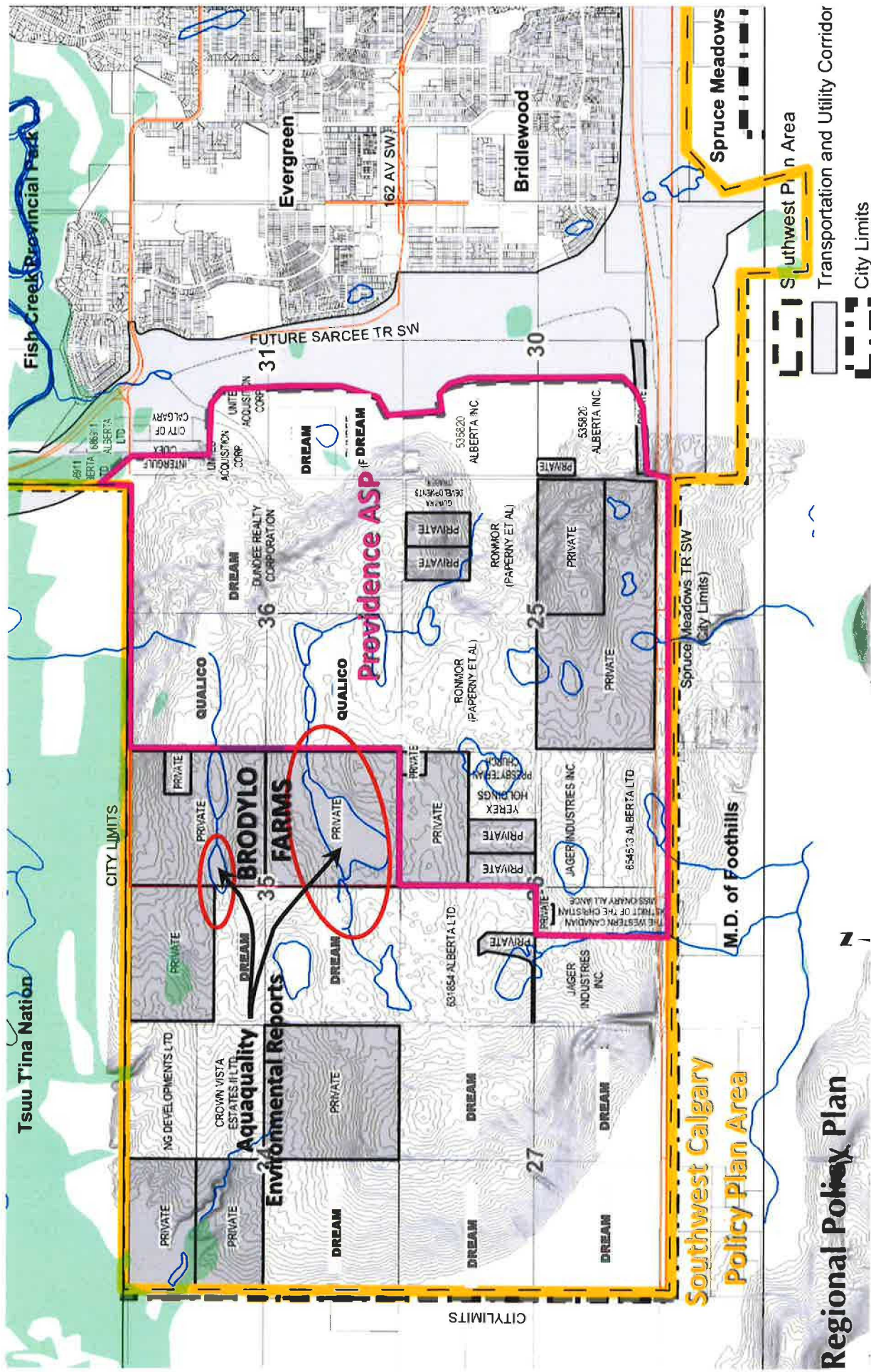
Leslie Chisholm

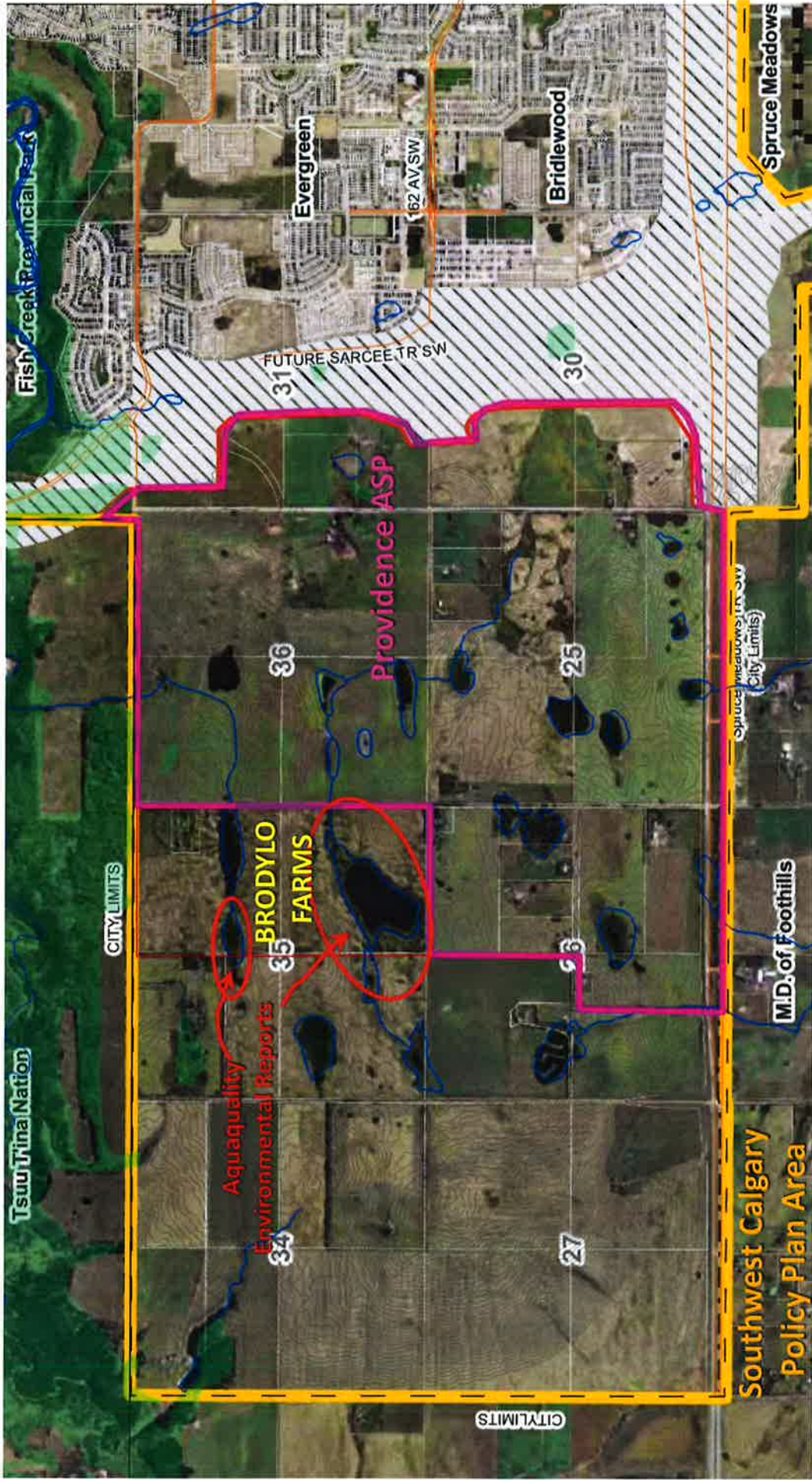
Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and to
the Province of Alberta
Expires March 29, 2018

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





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, 20 18

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

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.

NOTICE

This communication is intended **ONLY** for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, **YOU ARE HEREBY NOTIFIED** that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication or return it to us, or mail it, returned by us. The City of Calgary thanks you for your attention and cooperation.

This is Exhibit "C" 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

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.

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



A COMMISSIONER FOR TAKING AFFIDAVITS

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



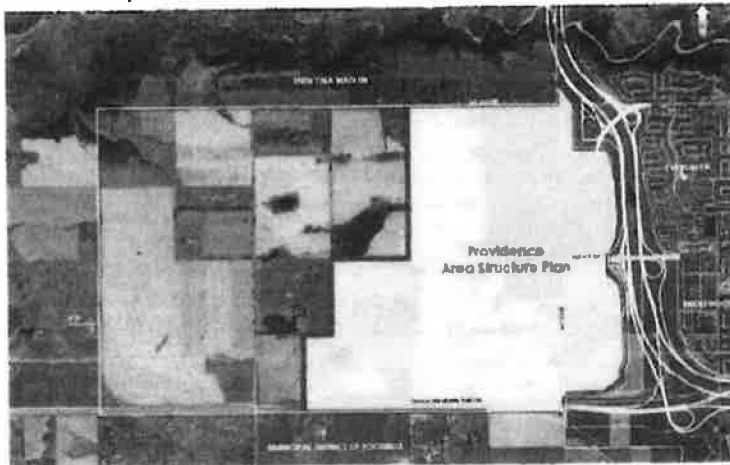
Received June 22, 2015
DB -
Postmark June 19, 2015

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.

(11-2002) 901 X



THE CITY OF
CALGARY

PO BOX 2100 STN M
CALGARY AB CANADA T2P 2M5

help people & businesses

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



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020467
0016 14901



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125 928 1011 08 19

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


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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

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

Leslie 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

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, diarized 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

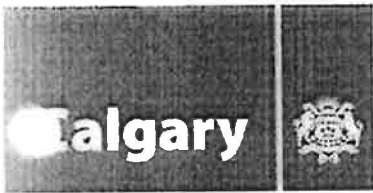
(Enclosure)

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


A COMMISSIONER FOR TAKING AFFIDAVITS

Jacqueline Jane Hilbrecht
A Commissioner for Oaths in and for
the Province of Alberta
Expires March 29, 20 18



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 Tita, 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


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 Hilbrecht
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.
- 2) EOS consideration of lands outside the ASP area: further to #1 above, a Biophysical Inventory was prepared which identifies significant natural features and environmentally significant areas (ESAs). Lands outside of the Plan Area were studied through an "Environmentally Sensitive Areas / Natural Inventory Report: SW Regional Policy Plan Area" prepared in 2004. The BI report prepared for the Providence ASP included field work within the Plan Area only. Therefore, the water body on the Brodylo property was previously considered. Wildlife corridors within and beyond the Plan Area were considered in the ECOTONE Biophysical Inventory report.
- 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).
- 4) Study to consider surface and subsurface connection of large water body: in 2004, an Environmentally Sensitive Areas / Natural Inventory Report: SW Regional Policy Plan Area was prepared to inform the SWRPP. This accounted for the surface and subsurface connections between the water body on the Brodylo property and wetland(s) to the east of 53 Street SW (within the Providence Plan Area). The MDP presently being prepared for The City includes study of this



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- 5) ASP impact on the water body, Brodylo property: the level of detail in the Providence ASP does not get to a development scale nor does it determine "development impact" on adjacent uses; this is done at an Outline Plan / Land Use Amendment stage. The ASP (similar to the SWRPP) provides "type of use" (e.g., Neighbourhood Area) and proposed locations of ancillary uses (e.g., schools, recreation facilities).
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 - a) Master Drainage Plan – underway – EXP is the consultant, to be completed in early 2016, not available for public at this time (upon final draft completion and after ASP approval).
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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.

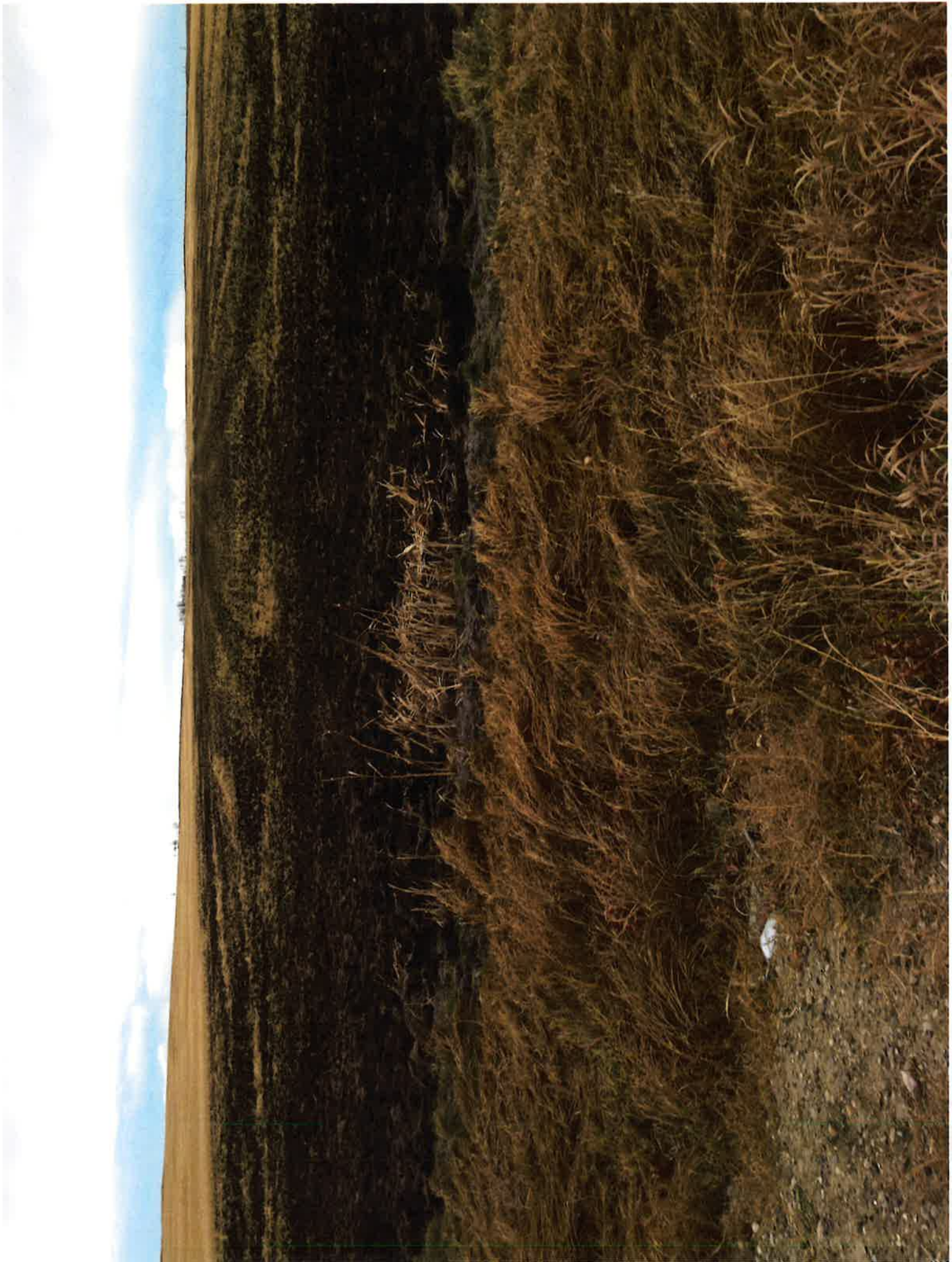
Respectfully,

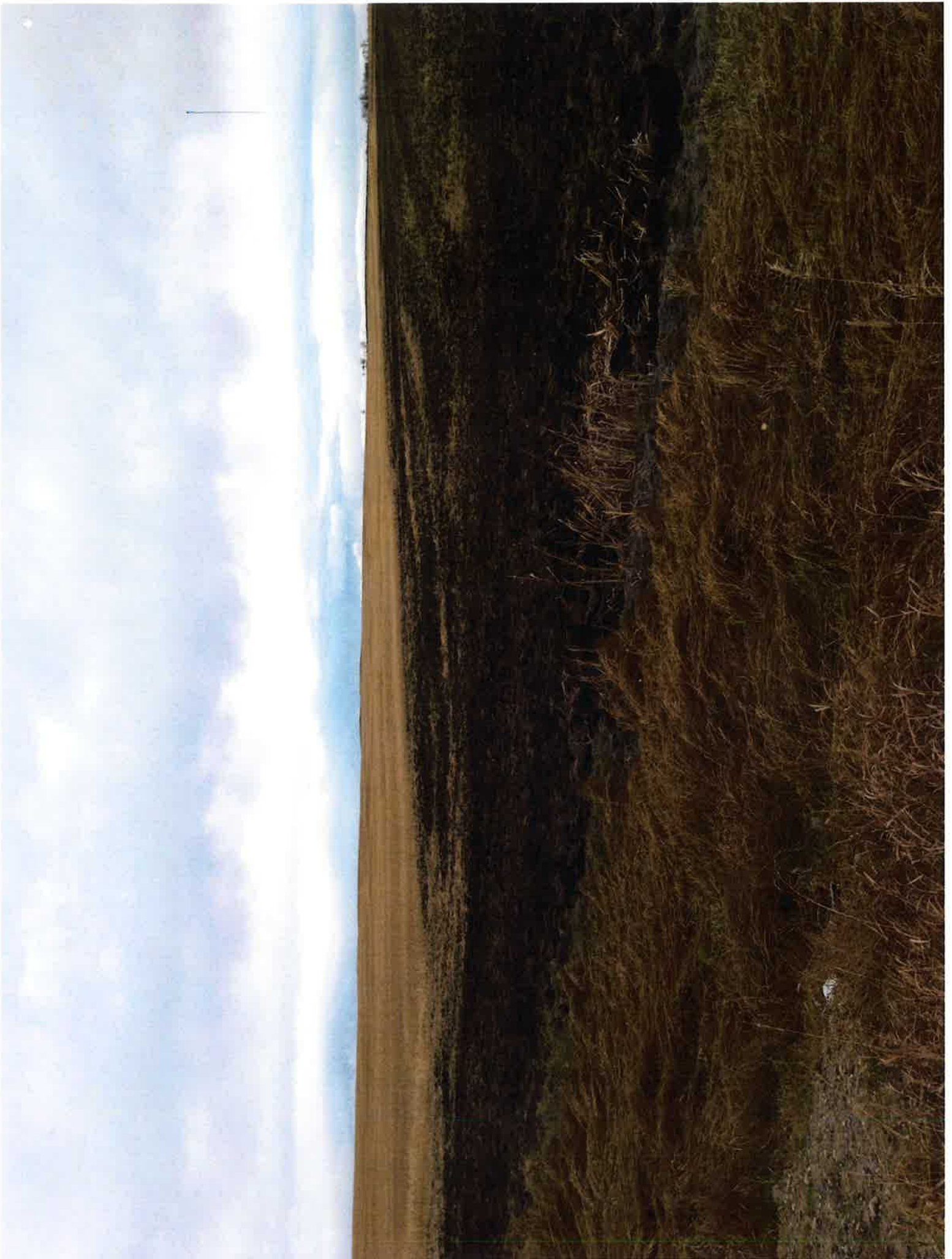
Jamal Ramjohn RPP, MCIP
Coordinator, Local Area Planning & Implementation
The City of Calgary

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







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Barristers

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November 25, 2015

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City Clerk's Office
Old City Hall (Sandstone Building)
700 Macleod Trail S.E.
P.O. Box 2100, Station M
Calgary, Alberta
T2P 2M5

E-mail: cityclerk@calgary.ca

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

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.

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.

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

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.


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

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.
- 2) EOS consideration of lands outside the ASP area: further to #1 above, a Biophysical Inventory was prepared which identifies significant natural features and environmentally significant areas (ESAs). Lands outside of the Plan Area were studied through an "Environmentally Sensitive Areas / Natural Inventory Report: SW Regional Policy Plan Area" prepared in 2004. The BI report prepared for the Providence ASP included field work within the Plan Area only. Therefore, the water body on the Brodylo property was previously considered. Wildlife corridors within and beyond the Plan Area were considered in the ECOTONE Biophysical Inventory report.
- 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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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:

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Mr. R. Brodylo, property owner, SE & NE 35-22-2 W5
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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

CPC2015-220
ATTACH 4
LETTER 7

November 26, 2015

Office of the City Clerk
The City of Calgary,
700 Macleod Trail SE
PO Box 2100,
Station M
Calgary, AB T2P 2M5RECEIVED
2015 NOV 26 AM 9:50
THE CITY OF CALGARY
CITY CLERK'S**RE: Providence Area Structure Plan (M-2015-025)**

Dear Members of Council,

As a landowner within the plan area, Qualico Communities fully supports the proposed Providence Area Structure Plan (ASP). We believe that it provides thorough policy direction that will guide logical, compatible and sustainable development in the growing south west part of our City.

Qualico Communities was an active participant in this developer funded ASP project. The process was fair and efficient, and we commend City of Calgary Administration for working collaboratively with the landowner group and all affected stakeholders. The proposed plan is the outcome of a successful community planning initiative that we are proud to have been involved in.

We respectfully encourage Calgary City Council to approve the Providence ASP.

Sincerely,

Ben Mercer
Planning Manager, Qualico Communities