

# Some Facts and Comments Against Appellant Robert (Owner of Lot 20)

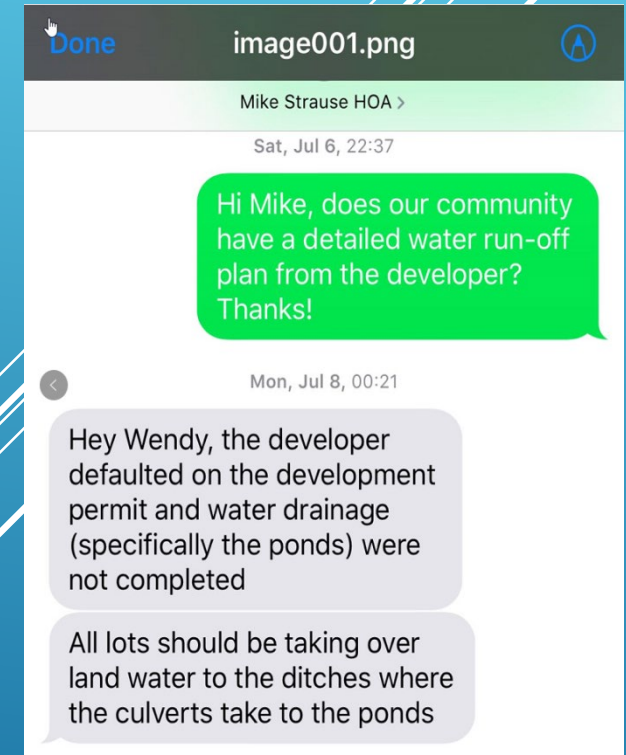
By  
Wendy & Simon  
*(Owners of Lot 21)*

*Thursday, April 15th, 2021*



## Community Development Background

- ❑ The developer (Everest Group of Companies) of Windhorse went bankrupt leaving the community development unfinished, and the surface water drainage system was not completed
- ❑ According to former HOA president Mike (July 8<sup>th</sup> 2019): the developer defaulted on the development permit and water drainage (specifically the ponds) were not completed. *All lots should be taking over land water to the ditches where the culverts take to the ponds.*
- ❑ There are five ponds in the area. The ponds were approved in 2018



# Original Surface Topography

## Appellants' Complaints:

for already placed soil OR for additional placement of soil ; raising of the ground surface of lot 21; building a berm along our property line;

## Facts:

- ▶ Rough Grading and Berm building started during and after our house construction (work including Leveling, back-filling, grading around our house and its extended area with less than 0.5 m soil move) based on our construction plan and Community Water management Plan as well as our previous understanding of Rocky View County's Land Use Bylaw, but work halted due to the complaint of south neighbour Robert.
- ▶ Elevation Contour map shows the natural topography is from high to low (61.0 to 59.0, slope 2% ) from Lot 21 (our land) towards Lot 20 (Robert's raw land, no dwelling)
- ▶ The pond Robert indicated doesn't exist, it was an unfinished leveling low part, less than 0.5m in depth. Community has 5 ponds on community water management plan (red polygon in the map right above, approved in 2018), and the so called pond is **NOT** one of them.
- ▶ According to the elevation contour map (Right below), the surface water should flow from lot 21 to lot 20 naturally (**Robert acknowledged in his appeal file: As shown on the right below, you can see that there was an existing natural grade sloping away from lot 21, towards lot 20.**)
- ▶ We build a berm on our side along the boundary line to stop our land water from flowing to Robert's land

## Proposed Resolution:

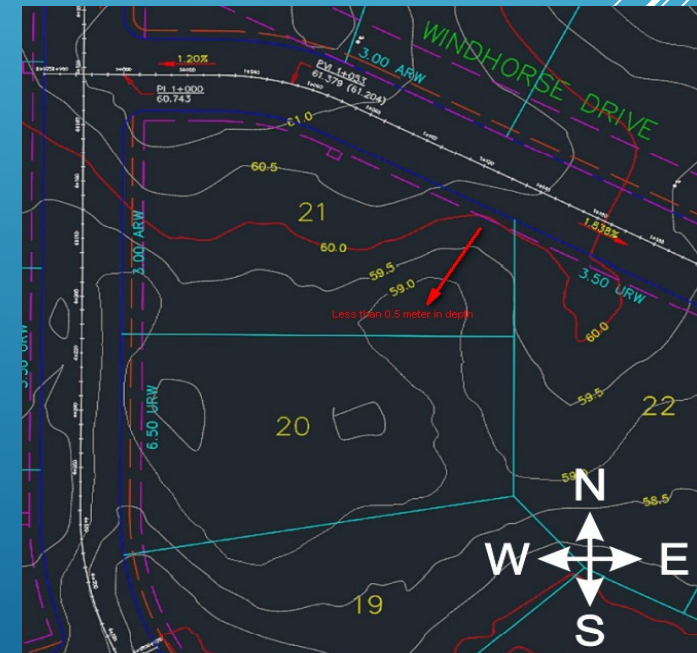
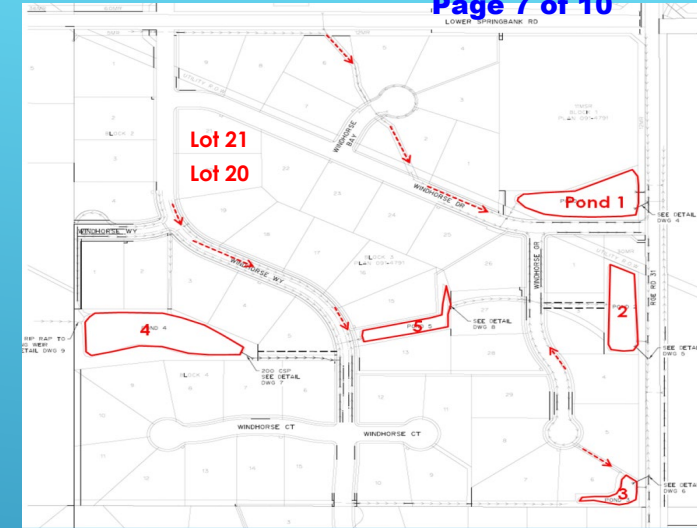
Based on the topography, Robert's land water should flow to south and southwest corner of his land naturally after his development

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# Surface Water Runoff

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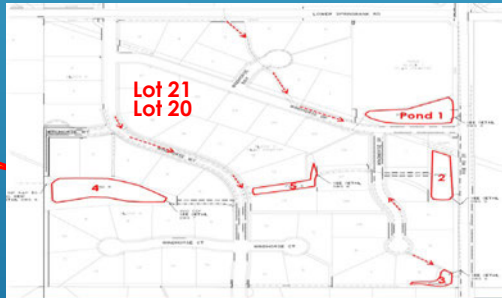
## Appellants' Complaint:

Before these actions took place, and the natural topography was changed, there were no drainage issues on our lot;

## Facts:

- ▶ This is a community that “the developer defaulted on the development permit and water drainage” , and each lot has its surface water problem
- ▶ In lot 21 (our lot), there was no surface water passage to allow our surface water flow to public ditch or a pond
- ▶ The picture (below right) shows that Robert wants his land water to flow into our land and stay in our land as his surface water storage, which is unacceptable. This would cause problem for my walk out basement during rain season and spring snow melt down (my walkout basement entrance is lower than the original natural grade), and it was causing problem to our septic tank as well (leakage happened once already) as the low area is too close to our septic tank. The septic specialist recommended for us to raise the land so water does not accumulate in that area and does not give pressure to the septic tank manhole tube.
- ▶ The owners of lot 20 are draining their surface water to their neighbor's land and are creating problems for their neighbor.

Community  
Water  
Management  
Plan



Robert's water  
management  
Plan

# Surface Water Runoff --- Continued

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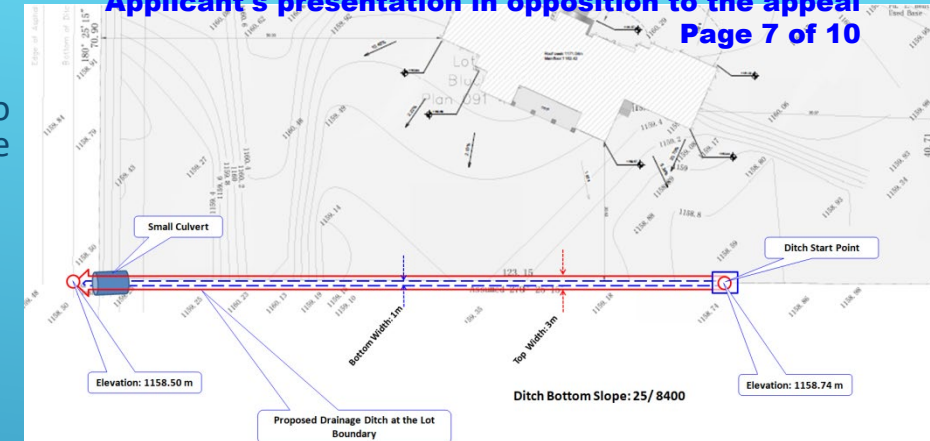
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## Facts:

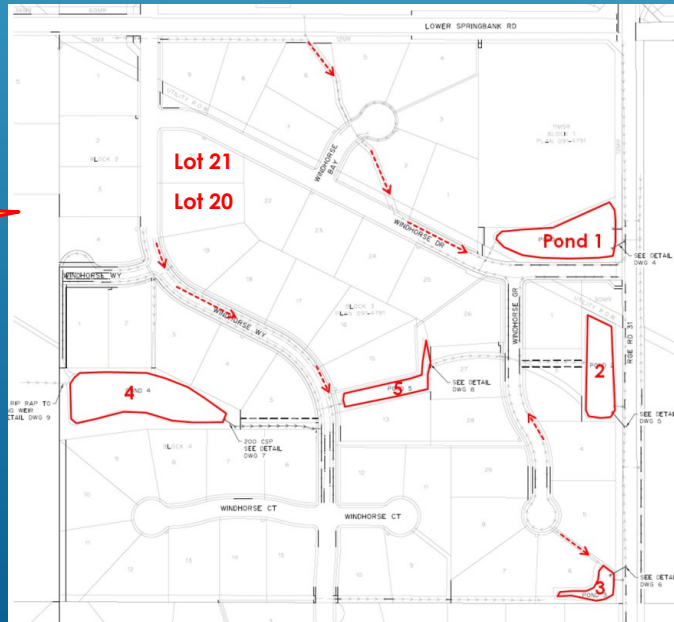
- ▶ We used to have proposed to dig a ditch along the boundary line to resolve both our surface water problem on December 6th, 2019, Robert agreed but refused to pay because “there is no need to invest more after all I am selling the lot”, he said. So we decided to resolve our surface water problem on our own land

## Proposed Resolutions:

- ▶ Robert can manage his surface water flowing to south and southwest corner of his land by digging a shallow ditch in his east and south boundary when he develops his land
- ▶ Or Robert can still dig a pond on his own land if he wants to store surface water rather than storing his surface water in his neighbor's land (common sense)
- ▶ We are still open to the idea of digging a ditch along our boundary line to allow surface water from both lands to flow from east to west public ditch if Robert is willing to pay his share



Community Water  
Management Plan



Robert's water  
management  
Plan

# Damaged Soil Caused By Heavy Equipment of My Contractor

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## Appellants' Complaint:

- ▶ heavy equipment from the owners of lot 21 were driving on our property without our permission, and damaged our land;

## Facts:

- ▶ This happened during the early stage of our construction committed by one of the contractors without our notice, but we had stopped it right after it was brought to our attention;
- ▶ This issue had been resolved after discussion with Robert (then-president Mike was on site during our discussion). See Email conversation between Robert and me (August 8th 2019) on the right:

I wrote in my email:

In regards to the truck impressions, here is my proposal:

Schedule a time, we both come to your land, you show me where all the truck impressions are located, I will fix them. But your first photo with letter A, I don't think we damaged the soil in that area, you didn't cut the grass last year, we did, because we thought that was on our land, but after our survey this year, we found it is yours, that area was unleveled in the original status. We will not fix that.

## Resolution:

The issue had been resolved

**From:** [Robert](#)  
**Sent:** August 12, 2019 7:42 PM  
**To:** '[Wendy Cheng](#)'  
**Subject:** RE: damage soil

Hi Wendy,

I just came home.  
Too late to drive and see that tonight.  
I will check that out end of this week.  
I am very busy for the next few coming days.

I let you know,

Regards,  
Robert

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**From:** Wendy Cheng [REDACTED]  
**Sent:** Monday, August 12, 2019 2:36 PM  
**To:** Robert  
**Cc:** Mike Strauss; [REDACTED] Simon Gan  
**Subject:** Re: damage soil

Hi Robert,

We have gotten all truck impressions fixed. Can you please take a look and let us know if It's okay.

Thanks!

Wendy



# Filling Soil in Robert's Land (North-East Lower Area)

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## Appellants' Complaint:

- ▶ We're unable to cut our grass for many days. Even once the water is visibly gone, the top-soil is too soft for us to drive a tractor without leaving deep grooves from tires ; owner(s) of lot 21 has filled the pond in completely with soil , trespassing over the property line and filling in our side of the pond as well;

## Facts:

- ▶ Trespassing over the property line and Filling soil in his North-East low area, ("not a pond") , by us or any of our contractors never happened (not common sense); We took extreme caution to instruct all our contractors not to cross the property line for any reason since the early incident.
- ▶ The water puddle and wet low area in his Northeast corner existed when the developer abandoned the project, and continue to exist now. It has nothing to do with our current grading or further work on my land. This should not be an excuse for him to refuse or delay cutting the grass in that area like former president Mike said to him before.
- ▶ The so called "huge puddle" is just around 20 m<sup>2</sup> on his 8,000 m<sup>2</sup> (2 acres) land, and the water is from HIS OWN land

## Proposed Resolution:

Develop his land ASAP Or level his land now.





# Comments from MPE Engineering Regarding the South Boundary Berm

It says:

- ▶ I have reviewed the attached Landscaping plan and I do not see any issues with the berms being added.
- ▶ The berms will actually act as natural barriers for stormwater and a portion of any stormwater will be absorbed by the vegetative plantings.



From: Rick Wiljamaa <rwiljamaa@mpe.ca>

Sent: March 29, 2021 4:53 PM

To: Bianca Duncan <BDuncan@rockyview.ca>

Cc: [REDACTED]

Subject: FW: [EXTERNAL] - RE: PRDP20203988 Development Permit Application - Stripping & Grading

Hi Bianca

I have reviewed the attached Landscaping plan and I do not see any issues with the berms being added. The berms will actually act as natural barriers for stormwater and a portion of any stormwater will be absorbed by the vegetative plantings. I don't see how I can reissue a grading plan as there are not elevations provided however the profile shown only show discrepancies for berms A, D and E which are all offset from the property line and as such my previous comments stand. Let me know if this email will suffice for your review or if you require anything further.

Thanks Bianca

Rick Wiljamaa, P.Eng.

Thank you everyone!

I trust you will make  
an impartial decision!

