

Logan Cox

From: Dominic Kazmierczak
Sent: January 27, 2021 10:19 PM
To: Xin Deng
Cc: Bianca Duncan; Tyler Andreasen; Michelle Mitton
Subject: FW: [EXTERNAL] - Bylaw C-8011-2020 - A Bylaw of Rocky View County to Amend Land Use Bylaw C-8000-2020: Application Number: PL 20190140 (04702011)

Hi Xin,

Please find below another public hearing submission in relation to PL20190140. You may want to discuss the stormwater matters raised by Mr. Branson in his email with Bianca and possibly Byron to ensure we are adequately prepared for any questions from Council.

Michelle/Tyler - I've copied you as I don't think you will have received this submission previously.

Thanks,
Dom

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

From: Gordon Branson [REDACTED]
Sent: January 27, 2021 3:46 PM
To: Dominic Kazmierczak <DKazmierczak@rockyview.ca>
Cc: Division 7, Daniel Henn <DHenn@rockyview.ca>; Division 2, Kim McKylor <KMckylor@rockyview.ca>; Division 1, Mark Kamachi <MKamachi@rockyview.ca>; Division 3, Kevin Hanson <Kevin.Hanson@rockyview.ca>; Division 4, Al Schule <ASchule@rockyview.ca>; Division 5, Jerry Gautreau <JGautreau@rockyview.ca>; Division 6, Greg Boehlke <GBoehlke@rockyview.ca>; Division 8, Samanntha Wright <SWright@rockyview.ca>; Division 9, Crystal Kissel <CKissel@rockyview.ca>; Al Hoggan <AHoggan@rockyview.ca>; Bryon Riemann <briemann@rockyview.cxa>; Kent Robinson <kRobinson@rockyview.ca>; Ted Boyda <Tboyda@rockyview.ca>; Judie Branson [REDACTED]
Subject: [EXTERNAL] - Bylaw C-8011-2020 - A Bylaw of Rocky View County to Amend Land Use Bylaw C-8000-2020: Application Number: PL 20190140 (04702011)

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ATTENTION: Dominic Kazmierczak

Thank you for the opportunity to comment on the application to redesignate Block 8, Plan 7410676 within SE-02-24-03-WO5M.

Our comments are based on the information contained in the Notice of Public Hearing and brief conversations with the applicant's planner. This is supplemented by residency within the circulation area for some 30 years; we are located directly adjacent to the Elbow Valley West Development (EVW) within the West Meadows Estates community.

The comments we wish to advance on the Development Application, at this time, are as follows:

1. Lot Configuration

The proposed configuration appears to comply with applicable County Standards.

2. Traffic Impact Analysis (TIA)

It is anticipated that the TIA conducted in support of this application would have minimal impacts on the area.

3. Potable Water Service

We are advised that provision of potable water services are to be provided by connection with Westridge Ltd - with availability now confirmed.

4. Stormwater Management Planning

It is understood that Osprey Engineering Inc is preparing the Stormwater Stormwater Management Plan for this application.

The County generally, and Senior Administration in particular, are highly familiar with the complex, rather convoluted history of the Elbow Valley West's "post development" detrimental Stormwater Outflow impacts which have negatively impacted downslope and down stream properties. The EVW "post development" period has persistently demonstrated significant increases in EVW Stormwater Outflows in the form of both radically increased 'surface water' outflows and 'groundwater migrations' that have emanated from within the EVW Development lands.

The general nature of the pattern of outflows demonstrated, observed, recorded, particularly from 2008 forward, has been one of increasing scale, scope, and severity of detrimental effects on downslope and downstream properties. The range of impacts have been of an environmental nature, loss of enjoyment, actual property damages, and significant reductions in property assessments complied by the County's own Assessment Department!

The County should still possess a vast photographic record of incidents over the span of years beginning with the devastating impacts imposed by the summer rains of 2008. Numerous Councillors, Reeves, Deputy Reeves, and Senior Administrators have graciously toured the EVW site and impacted properties in West Meadows Estates, Braemar Glen, and beyond. Surely numerous field site inspection notes have also been accumulated by a variety of professional staff members to assist in their decision making and hiring of third party Engineering Companies to prepare mitigative and remedial corrective interventions designed to address the observed operational functional deficiencies of the EVW Stormwater system.

The EVW Development has been mired in a cess pool of litigation since, at least, May 12, 2009. A primary focus of litigation has been centered on high groundwater levels and infiltration issues/concerns both within the EVW lands and/or matters associated with the increased Stormwater 'outflows' generated by the operational dysfunctionalities created by the "As Built" EVW Stormwater Management System. The EVW Stormwater Management Plans were formally REVIEWED AND APPROVED by Rocky in 2004 and 2006.

A brief outline of the EVW Stormwater Management Plans that were submitted for REVIEW AND APPROVAL by RVC can be summarized as follows:

1. Urban Systems submitted an EVW Stormwater Management Plan for review comments on April 21, 2003. NOTE: The County obtained a Review of the Plan from Operational Solutions on July 15, 2004. A notable statement made, within the REView, in relationship to 'flow rates' used in calculating pond sizing was stated as follows: "The Stormwater Management Plan would then NOT BE APPLICABLE...." (Emphasis Added). Concerns were also expressed about an absence of water quality considerations. NOTE: The Review was uncovered through a "FOIP" search conducted years later, in the interim it seemed to be lost, forgotten, or suppressed?

Although the Operational Solutions Review was referenced in the follow-up resubmission of the EVW Plan by Urban Systems, forwarded on November 12, 2004; no concomitant revisions/enhancements were provided therein. This plan was nevertheless REVIEWED AND APPROVED by County Administration.

2. Urban Systems submitted a letter under the title "Elbow Valley West Stormwater Management Report Update" on August 9, 2006. It appears to have been REVIEWED and APPROVED without any supplementary Engineering Drawings and/or Scientific Data - notwithstanding the significant rain events of 2005 which would have further heightened the numerous concerns raised in the Operational Solutions Review. (Subsequent FOIP requests have failed to identify specifically who conducted the REVIEW And APPROVAL.)

The summer rains of 2008 created significant detrimental environmental Stormwater events and impacts - both within EVW and upon downslope and downstream properties and communities - such that they could not be administratively ignored. Rocky View commissioned Westhoff Engineering Inc. to conduct an additional REVIEW of the functionality of the installed (AS BUILT) EVW Stormwater Management System. The Westhoff Review was highly critical of the lack of scientific considerations used to draft the plan, commented on the need for early corrective interventions, issued a warning as to potential liability issues for the County, and cautioned "shallow groundwater issues for downstream properties" that would grow with built out of EVW.

Many of the EVW Stormwater Management Plan's shortcoming identified by the Westhoff Review, dated July 25, 2008, remain outstanding with the same potential detrimental impacts and affects threatening downslope and downstream properties!

It must be noted that only minimal corrective responses were initiated by Rocky View until litigation initiated by Braemar Glen residents which brought the sense of seriousness referenced by the Westhoff Review to a front burner.

The first potentially effective corrective response was to be implementation of the ISL Engineering and Land Services Ltd. Study and Recommendations for Remediation and Mitigation of the growing scale, scope, and nature of Stormwater Surface Outflows and Groundwater Migrations emanating from the EVW Development. On October 2, 2009, CAO Coon made an unconditional commitment to share the finalized Plan with some 15 community residents present at the presentation of a brief overview of the plan. Mr. Coon's aim was to take advantage of the remaining fall construction season, and , additionally to separate the matters of existing litigation from that of the critical need for prompt corrective action. (NOTE: Despite the assurances of October 2nd, the plan HAS YET TO SEE THE LIGHT OF DAY. FOIP requests continue to deny access; NOTWITHSTANDING THAT THE ISL PLAN WAS SHARED and REVIEWED AT A MEETING CALLED BY COUNTY OFFICIALS ON NOVEMBER 23, 2009 WITH THE DEVELOPER AND THEIR AGENTS/CONSULTANTS!!)

The handling and treatment of the ISL Study and Recommendations can perhaps best describe the bias shown to the developer and the increasing risk level of liability exposure Rocky View seemed determined to assume? Residents' Property Rights, Procedural Fairness, Fiduciary Responsibilities; and Compliance with Federal, Provincial Legislation and Regulations, County Policies, Servicing Standards, and the DEVELOPMENT AGREEMENT seem to be lost considerations.

Council with the aid of Senior Administration needs to fully review the EVW Development File, with a formal response to all residents negatively affected over the past several.

In fact, we would recommend that serious consideration be given to asking the Honourable Rick McIver, Minister of Municipal Affairs, to conduct a formal inspection of the entirety of EVW File under the provisions of the Municipal Government Act (MGA).

Because the ISL Plan had a focus on dealing with EVW Stormwater outflows this Application deserves full access to the findings, recommendations, and what enhancements remain to be implemented.

Additional EVW Stormwater Management Plan enhancements sought by Rocky View in respect to eliminating and/or migration of both internal and exported Stormwater Management Issues include the following engineering commissions:

- A. Westhoff Engineering/Rocky View West Meadows Estates Drainage Proposal - 2010
- B. Westhoff Engineering/Rocky View Dual Ditch Rerouting (Mitigation) Plan 2012
(Shared and should be given to this Applicant.)
- C. Westhoff Engineering/Rocky View Engineering Plan for the Lining of the Dry Pond 2012. (Not yet shared, but must be made available to this Applicant and all residents who were circulated for this application.)
- D. Reeve Ashdown and Deputy Reeve Bahcheli/Rocky View Administration - Dry Pond/Groundwater Migration Remediation Plan and Charge Back Proposal (i.e The County's Servicing Standards and EVW Development Agreement make the costs of the implementation of these interventions an "assignable charge" against the Developer. NOTE: Further, the costs of all THIRD PARTY Engineering Reviews, Studies, and Plans also were chargeable. It appears this was not routinely done?
- E. The EVW Condo Corp also conducted a series of studies focused on changing groundwater table levels, groundwater migration patterns (Via their 8 station Piezometer System). and groundwater infiltrations into their sewer collection system. The studies would include those of Watertech, ARC Environmental, and BESI.

It is understood that their BESI Study was shared with the County; who in turn shared it with the Developers - source the County's Statement of Defence filed on August 5, 2016. (The Statement of Defence in a must read from a number perspectives and disclosures.) It is understood the County's May 2016 Engineering Review Conducted by MPE Engineering was shared with the Condo Corp. NOTE: None of these Reports are yet deemed publicly available for review!

- F. Riemann 2016 Groundwater Migration Study and Hydrogeological Investigation - Westhoff and/or others?

A FOIP Response confirmed that on July 11, 2016, Mr. Riemann emailed Westhoff Engineering requesting a proposal from their firm in respect to conducting - "an Engineering review of available information to determine the existence of groundwater mitigation (ACTUALLY- I suspect he meant to state "MIGRATION") to lands adjoining to Elbow Valley West. We may need to discuss the scope a bit further but it depends on if we gain access to the existing monitoring station that are on Elbow Valley West lands."

In conversation with Dr. Westhoff, I learned he had declined the offer. On November 8, 2018, in direct conversation with Mr. Riemann and Acting CAO McDonald, we were advised no other Engineering Firm had been contacted to fulfill Mr. Riemann's wise desire to finally base County comments on scientifically conducted studies.

As previously advised, it is anticipated that the long deferred Hydrogeological Study - as understandably contemplated by Mr. Riemann would need to span a reasonable time period of at least a year's duration. I understand that groundwater migrations are highly variable and dynamic by nature. We remain willing to have migration testing conducted on our property as well - as I am sure other downslope property owners would as well.

IT IS TIME: to fully share all applicable data and information held by the County to bring much needed transparency, truth, and trust to matters of Stormwater Management System operations and the functional deficiencies that still need to be addressed.

I hope that sharing and transparency will be provided to Mr. Potrie, his consultants, the land owner whom they represent, and resident property owners within the bounds of this application's circulation.

I would be pleased to clarify and/or expand on the above comments as may be desired - including sharing of documentation.

STAY SAFE!

Regards,

Gordon (Judie) Branson



Sent from my iPad:GWB

Logan Cox

From: Dominic Kazmierczak
Sent: January 27, 2021 2:30 PM
To: Oksana Newmen; Xin Deng
Subject: FW: [EXTERNAL] - BYLAW C-8011-2020

Hi Both,

Hope you're both doing ok.

Not sure who we decided would take PL20190140 (Potrie file) to Council on Andrea's behalf, but please see below a public hearing submission.

Thanks,
Dom

DOMINIC KAZMIERCZAK
Manager | Planning Policy

ROCKY VIEW COUNTY
262075 Rocky View Point | Rocky View County | AB | T4A 0X2
Phone: 403-520-6291
DKazmierczak@rockyview.ca | www.rockyview.ca

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From: Michelle Mitton <MMitton@rockyview.ca>
Sent: January 27, 2021 2:23 PM
To: Dominic Kazmierczak <DKazmierczak@rockyview.ca>
Subject: FW: [EXTERNAL] - BYLAW C-8011-2020

MICHELLE MITTON, M.Sc
Legislative Coordinator – Legislative Services

ROCKY VIEW COUNTY
262075 Rocky View Point | Rocky View County | AB | T4A 0X2
Phone: 403-520- 1290 |
MMitton@rockyview.ca | www.rockyview.ca

From: Pithers Julie [REDACTED]
Sent: Wednesday, January 27, 2021 1:07 PM
To: Legislative Services Shared <LegislativeServices@rockyview.ca>
Subject: [EXTERNAL] - BYLAW C-8011-2020

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To Rocky View Council
Re: BYLAW C-8011-2020

From: Julie Pithers & Ross Albert, 48 West Meadows Estates Rd

Dear Councillors,

We are writing to object to the development of two(+/-) acre lots proposed for the application south of Highway 8 on the east side of West Meadows Estates.

This approach to development does not reflect the current direction the county's own in-fill and infrastructure proposals. It is neither dense enough to encourage proper water and sewer nor agriculturally appropriate. This simply continues the water and energy intensive rural sprawl that hurts the community.

Wells and septic fields are no longer a valid approach for an area earmarked for large developments where drinking water and storm water are already problematic.

Further, this property is the closest real estate to the sewer and water stub lines already in place and ready to hook up to West Meadows Estates (which is the only community in the area not connected to water beyond individual wells). Why not require the developer to hook into that and open up the opportunity for more density on the land they acquired—even if that is in the future.

West Meadows Estates cannot be left behind to fight fires without hydrants (see the recent debacle in Heritage Woods for an example of firefighting without them), drinking sulphur ridden well water and building yet more septic fields so close to the creeks that fill the Glenmore Reservoir.

As more development occurs it should be thought-out to connect and support legacy neighbourhoods and offer the same utilities being installed to the new communities.

By allowing yet more two-acre lots you are continuing a trend that is simply land gluttony without even getting more tax dollars to support the rest of the county.

We wish the developer no ill will, in fact we would hope they could get better bang for their buck with higher density in a well considered, county led, community supported plan.

If not, we will be faced with the worst of both worlds: massive dense developments surrounding an old neighbourhood with 2 - 20 acre lots all battling over a limited aquifer and polluting the ground with septic fields.

Sincerely,

Julie Pithers & Ross Albert

Joe & Tanya Giulford
39 Braemar Glen Road
Calgary , AB
T3Z 3C9

File number – 04702011

Application Number – PL20190140

Division 3

Attention: Andrea Bryden

Abryden@rockyview.ca

In response to the notification of Development Proposal of Block 8, Plan 7410676, SE-02-24-03-W05M, we are looking for clarification on the parcel count.

We are opposed to this development until the following items have been answered and addressed.

- The documents provided show a subdivision with 8 lots, yet the letter states 7 lots. Please advise what the correct lot count and size will be.
- Confirmation of drainage plan and ensure no ADDITIONAL waters will be flowing into the drainage swale north of the stated lands eastward to Range Road 31
- Water Services. If water is to be supplied through the Westridge Water Cooperative, our expectations are that the developer and Westridge ensure proper water pressures and volumes are managed to ensure existing water pressure to Braemar Glen is not diminished. The construction of new pumping and pressure stations are installed to meet our expectation of a minimum 55 PSI (345 KPA) to be confirmed at multiple times within a day (during all peak hours (6am – 8am; 5pm – 7pm) and all day on weekends). Current water demands are not acceptable and increase demand on this service provider will prove problematic to existing homes.
- Description of Sewage disposal and subsequent drainage/release to underground/above ground conveyance systems.
- Does this development require the need for Storm water retention or High water level conveyance system? What is the plan to ensure proper water control during a 100 year rain/weather event to ensure no impact to existing properties in the immediate and future?
- Topographical representation of water flow and development plans to mitigate subsurface water from migrating south east ward towards Braemar Glen.

I trust you will revert back before any approvals are given.

Regards,

Joe Giulford

Logan Cox

From: Michelle Mitton
Sent: February 9, 2021 9:08 AM
To: Xin Deng
Cc: PlanningAdmin Shared
Subject: FW: [EXTERNAL] - Re: Bylaw C-8011-2020 - Application Number PL20190140 (04702011)

MICHELLE MITTON, M.Sc
Legislative Coordinator | Legislative Services

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From: Bob & Jane Bleaney [REDACTED]
Sent: February 9, 2021 9:00 AM
To: Public Hearings Shared <PublicHearings@rockyview.ca>
Cc: Legislative Services Shared <LegislativeServices@rockyview.ca>
Subject: [EXTERNAL] - Re: Bylaw C-8011-2020 - Application Number PL20190140 (04702011)

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I am resending the email that I previously sent on January 27, 2021 to “legislativeservices” , which apparently was received too late in the day for inclusion for the today’s council meeting’s materials.
I understand that my emailing this today (the day of the hearing dealing with the above Bylaw) will enable it to be included in the hearing.
Please respond by return email to confirm it’s receipt.

Regards,
Bob & Jane Bleaney

From: Bob & Jane Bleaney [REDACTED]
Subject: Bylaw C-8011-2020 - Application Number PL20190140 (04702011)
Date: January 27, 2021 at 10:42:03 PM MST
To: legislativeservices@rockyview.ca

I am writing to advise of our conditional support to the proposed By-Law changes - provided that development subject to these bylaw changes is required to rigorously adhere to the County Servicing Standards (2013), assuming these are the latest standards.

I have raised some questions with the developer, with their somewhat generic response being that they expect their suppliers and planners will satisfy Rocky View expectations, so that leaves the responsibility to ensuring appropriate standards are met with Rocky View County.

Of particular concern, it should be clear that the changed bylaws will require strict compliance with water supply requirements for hydrant pressure and volume as per "Country Residential" standards,. My reason for raising this as a concern is that the water supply is to come from Westridge Water Coop, and as this development will be at the end of their current distribution network, it may have inherent flow constraints that could restrict deliverability. I understand there have been hydrant delivery issues in Elbow Valley from the same service provider, and for safety of the residents within and in close proximity to the proposed development it is critical that Rocky View ensure full compliance with Alberta and County requirements.

Similarly, and of equal concern, Rocky View will need to ensure strict compliance with septic system design, with groundwater protection and monitoring, and surface water runoff. Again, recent development in adjoining Elbow Valley West resulted in surface water runoff problems for some adjoining residents and has impacted West Meadow lands. As our property is down dip from the proposed development, both for surface runoff as well as subsurface aquifers, we are keen to be assured that the County design standards to mitigate adverse impact on proximal properties are tightly adhered to, and closely monitored.

I am prepared to support the proposed development if, and only if, the development can strictly comply with Rocky View standards for fire protection and surface water / waste water /groundwater protection for the sake of existing and future residents. **Rocky View Council should only be approving the proposed By-Law changes if they can confirm that the development will be subject to strict compliance with existing County Servicing Standards.** Otherwise, if there are any anticipated needs for moderations or deviations from Rocky View's development standards for the development contemplated by the proposed by-law changes we will be firmly against By-Law changes that would support the proposed development proceeding.

Regards,

Bob & Jane Bleaney
136 West Meadows Estates Rd.