



Calgary River Valleys champions and engages the public in the protection, appreciation and stewardship of Calgary's rivers, creeks, wetlands and watershed resources.

We are the voice of our rivers.

January 5, 2017

Office of the City Clerk
City of Calgary

Atten: His Worship Mayor Nenshi and Members of City Council

Re: HIGHLAND PARK: Proposed By-laws 29D2017 to 33D2017 and
Proposed Highland Village Green Design Guidelines

Please find attached letters that Calgary River Valleys (CRV) has submitted to Administration and the Calgary Planning Commission with respect to the proposals made by Maple Projects Inc. for the redevelopment of the Highland Golf Course lands in Highland Park.

From the perspective of responding members, the revised plan being brought forward and the proposed amendments have not addressed the concerns set out in these earlier letters. Existing watercourses and wetlands with protective setbacks would be lost or further compromised and their local functionalities/contributions essentially eliminated. Their regional contributions as now existing and potential would be lost.

Our members are not satisfied that the legal status of the creek has been fully or fairly addressed including the opportunity that the City of Calgary has as the local planning authority to take Environmental Reserve (ER) adjacent to watercourses. They also are concerned that the Level 1 BIA Preliminary Natural Site Assessment completed July 2014 by the Applicant for the purposes of this development proposal would be used as defining the significance of these wetlands. Some characteristics/features/ contributory factors, historical elements and artificial physical restrictions were not fully addressed. These include the relatively permanent /sustainable water supply (artesian spring fed), the observations by biologists suggesting that the wetlands and their vegetation have continued to recover after the 2014 assessment (the wetlands had been controlled/alterd as a part of the golf course management for many decades), and the very obvious drainage engineering that was installed many years ago to restrict the size and nature of the wetlands (appears easily removable with possibility of significant renaturalization).

During the planning consultation process, Administration advised members of CRV and others including members of the local Community Associations, that the City of Calgary had no option in terms of abilities to protect and restore these important ecological assets. In early stages we were told that the opportunity to take Environmental Reserve as allowed under the Municipal Government Act was lost decades ago at times of earlier subdivision, but after our enquiry it was determined that the loss of opportunity to take ER applied only to a small piece of the land and for most of the land the opportunity to take ER under the Municipal Government Act remains available today. We were told that the watercourse (referred to by City Administration reps as the "historic creek" but from our assessment there are at least three identifiable watercourses) is not a watercourse because it is in a pipe (actually a vault) containing an underground stormwater system. Our members have noted that there are watercourses in the valley that are not in a vault or pipe and further that the "historic creek - non watercourses" including Confederation Creek and Nose Hill Creek have functioned and continue to function as natural drainage courses for a large watershed of over 15

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square kilometres. We are not aware of any higher order streams within the City of Calgary that do not function as part of the stormwater system in one form or another. Information to date indicates that these watercourses remain as property of the Crown under the Public Lands Act and the City of Calgary has the opportunity to reserve these features and the lands necessary for their protection and restoration.

Viewing the valley and its existing landform with its defining watercourses and wetlands, the question should be, what opportunities do we have to utilize the tools available through existing legislation and policy to protect and enhance the natural features and contributions locally and downstream. Over the past twenty years the City of Calgary has developed legislation and policies to protect and celebrate our natural features, their contributions to our lives, sense of place and providing for the green space that would justify the very significant residential urban density and intensification of use on portions of these lands and in the nearby neighbourhoods including the green line corridor which bisects these lands. Our assessment of the proposed redevelopment of these lands is that *none* of the three obvious ecological features of these lands including creek, wetlands or valley landscape have been protected.

Given the results of the Green Line charrette in October 2016 that suggested that significantly more green space and less roadbed;

Given that the open green space being presented in the proposal relative to the known projected build out of the site will actually result in a reduced open space quotient per 1000 residents as recommended in the Municipal Development Plan policy 2.3.4 h);

Given the opportunities that are available and not utilized in this plan;

Given that important technical studies have not been completed or approved;

Given that the Province has not approved destruction of landforms, wetlands or more permanent loss of watercourse assets;

Given our concerns that the potential for restoring and protecting natural features and functionalities has not been given adequate consideration;

Given that a significant portion of lands subject to Provincial assessment would through this plan, ultimately be under City jurisdiction including much of the Municipal Reserve and Public Utility lot lands,

It is recommended that this proposed development be rejected and returned to the planning process with direction to create a plan that is more worthy of the attributes this site has to offer. Our organization would be pleased to participate in any such visioning and planning process with these communities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Morrison", with a horizontal line extending to the right.

Bill Morrison,
Chair, Watershed Policy and Planning Committee
Calgary River Valleys

cc: CRV Circulation

Attach.



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April 20, 2016

Attention: Calgary Planning Commission

Re: Proposed Highland Village Green LOC 2014-0190

Members of Calgary River Valleys were advised in 2014 of the proposed redevelopment of the Highland Valley Golf course and in February 2015 at the request of City Planning, submitted comments on the Highland Park Land Use Amendment and Outline Plan. A copy of that letter is attached. While we received information that a response was prepared, to date Calgary River Valleys has not received a reply to this submission. The concerns and suggestions that were raised in CRV's 2015 letter have not been addressed and are still relevant to the most recent version of the proposed development of the site.

Recently we were advised that the proposal was proceeding and was to be recommended for approval by City Planning. We note from information released by City Planning through Calgary Planning Commission April 14, 2016 that the most recent revised proposal (March 1, 2016?) coming before Calgary Planning Commission involves enormous destruction of a natural landform, a natural watercourse, and natural wetlands. Such a development would forego and negate the wonderful opportunities that would be afforded with enlightened consolidation of parkland opportunities that should arise from the use of Environmental and Municipal Reserves and existing city owned lands.

Specifically, the opportunities to protect the creek corridor for immediate or future daylighting and all the benefits that will offer as described in our previous letter, need to be fully explored. Concerns regarding the treatment of the natural watercourse that runs through the valley of the subject lands remain outstanding. At the root of this are the circumstances or evaluation that has led to no Environmental Reserve (ER) lands having been identified or taken as part of this development proposal. There are two parts to this consideration;

a. Does the City have the opportunity or right to take Environmental Reserve lands?

We have been told, and we are advised by community residents and stakeholders that they have been told, by City Planning staff that the opportunity to take Environmental Reserve (ER) has been lost when lands were previously subdivided and Municipal Reserve land deferred. Recently and after enquiring for the details of those previous decisions, we were advised that in fact for most of the lands at issue, no past Reserves were taken or deferred and that deferred Municipal Reserve was taken in the past, only on the small area represented by Block 5. In accordance with Section 663(d) of the Municipal Government Act, if the Reserve lands were taken through a previous subdivision process the Subdivision Authority cannot take lands or cash in lieu in subsequent subdivisions. However, even for Block 5, if the Environmental Reserve lands were not taken for the contemplation that the lands would be used as a golf course, it would seem that opportunity should still exist when the lands would be intended for urban uses; the spirit and intent of the law would not otherwise be served. Now that the land is proposed for residential development, the taking of ER along the natural drainage course seems an appropriate and available consideration and option. Unfortunately, community residents and other stakeholders were left with the understanding that the City did not have option to take Environmental Reserves and that there are very limited opportunities to create open space and to protect natural features and functionalities and to optimize the open space. Therefore, stakeholders do not have the necessary information to



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make informed comment on the spectacular opportunities available in the redefining and redevelopment of this site.

b. Are there lands that would qualify as Environmental Reserve?

It was further suggested by City Planning staff that the ER taking is immaterial as there had been a determination by City Administration that the creek is not a "natural drainage course" for the purposes of taking ER under section 664(1) of the Municipal Government Act. It is acknowledged that the creek has been channelized and vaulted. However, the determination that the creek is not a natural drainage course would not seem to have taken into account Subsection 3(3) of the Public Lands Act, which states that the title to the bed and shore of naturally occurring watercourses are vested in the Crown and that a watercourse does not cease to become naturally occurring by reason of its water being diverted by human act. (References to this section can be found in point 2 of the CRV letter of February 2015.) We note that the application and plan *does not* refer to natural watercourse, creek, natural seeps. There is no question that the watercourse has contributed to forming the valley and that the watercourse remains and is still largely fed by natural springs/ seeps, and local precipitation. Many visits in the past, as golfers, residents and recreational users have confirmed the springs/ seeps and wetlands along the west and north of the valley. Similar natural flows also contribute in the upper reaches of this creek going back several kilometres to the south and west.

To date, we have not been able to obtain answers to many of the questions arising from this application to review among our members and partners. Certainly there are cost factors – much related to the Applicant's intention to develop lower lands that could be protected parkland. Such parkland amenity would justify the much greater intensity of use proposed on the remaining lands and along the expected Centre St. transit oriented corridor. There are no other such opportunities of any significance along the proposed north LRT Green Line until West Nose Creek several kilometres north.

CRV members and partners responding to the application have also noted a very selective use of clauses from the Calgary Municipal Development Plan to justify the Applicant's concept and City Planning support. We note that those clauses requesting respect and consideration for environmental assets and functionalities and of adjacent neighbourhoods have not been addressed. The longer term vision arising out of other planning exercises including ImagineCalgary and the BiodiverCity Strategy do not appear. A more comprehensive Redevelopment Plan would give a much more holistic planning approach.

Before any decision is made with regard to land use designation, Outline Plan, and subdivision, and before any decisions are made with regard to Environmental and Municipal Reserves, a full assessment of all of the background information, issues and opportunities should be made so that stakeholders, residents, Calgary Planning Commission, and City Council have the ability to make more informed decisions on these matters. Development of these lands deserves a much more comprehensive and sensitive planning approach that will ensure that the public park potential and natural functionalities are recovered and preserved.

We appreciate your consideration of our comments.

Sincerely,



Steve Meadows,
President, Calgary River Valleys



Bill Morrison,
Chair, Watershed Policy and Planning Committee
Calgary River Valleys

cc: Shawn Small, Sr. Planner, Team Lead
CRV circulation

February 27, 2015

Attn: Heather Dybvig

Planning, Development & Assessment
City of Calgary

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Steve Meadows

Vice President
Michael Kenny

Secretary
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Treasurer
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Director
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Director
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Director
Sarah Nevill

Re: Highland Park Land Use Amendment and Outline Plan Application

Dear Ms Dybvig,

We appreciate the opportunity to provide comment on the Highland Park Land Use Amendment and Outline Plan Application.

Members of Calgary River Valleys have reviewed the proposal and ask that you consider the following comments:

- 1. Observations:** The lands proposed for redesignation and development are primarily a creek and creek valley which have functioned to carry water flows from a considerable watershed to the west. We are advised that the drainage area is in excess of 15 sq km of mainly developed communities. The valley is also a natural repository for ground water flows from the more immediate surrounding district. The lands have been used for many years as a golf course and have provided an important element of open space amenity for the development of the local residential communities of Highland Park and Greenview.

The creek has been channelized and vaulted to provide some protection for the former golf course but under high flow events the lower valley does flood and the valley is the obvious overland flow corridor and retention area that protects adjacent and downstream developments.

Members note that the City owns a 30m wide utility corridor through the length of the valley. We understand that Municipal Reserve remains owing from past subdivisions of adjacent lands and that an earlier motion of City Council has directed that the Municipal Reserve should be taken and remain in Highland

Advisor
Brian Pincott
(Councillor, Ward 11)

Advisor
Harpreet Sandhu

Advisor
Darrell Sargent

Advisor
Robin Sauve

Advisor
George Stalker



February 27, 2015

Park. There should also be Environmental Reserve relative to the Creek and springs.

2. Concerns: The development proposals would build the main service vehicle carriageway directly over the lower and historic creek bed and meander belt. The proponent landowner proposal does not recognize the creek and floodplain although the proposed 3 to 4 meters of fill appears to be an obvious attempt to defeat or reduce the flooding potential and would likely have other adverse impacts. We understand this creek, bed and shore does exist and should be respected (see Public Lands Act Excerpt below). See attached map of the City of Calgary compiled by the Surveys and Mapping Branch, Department of Mines and Technical Surveys, Government of Canada, 1958.

Section 3 of Public Lands Act states:

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

(3) For the purposes of subsection (1), a river, stream or watercourse does not cease to be naturally occurring by reason only that its water is diverted by human act. RSA 1980 cP-30 s3;1984 c34 s3

3. Opportunities: All members and associates responding to our report / request for information have noted that this Highland Valley is a natural continuation of the Confederation Park Corridor (formerly known as Centennial Creek Ravine) which serves communities to the south (see attached air photo). A first priority for higher and better use of these lands would be to preserve all or most of this valley as a park, as floodway and for at least some interception, retention and pre-treatment of stormwater. Such uses would provide desirable open space for existing communities which currently have less than the standard of 10% open

February 27, 2015

space and would better encourage and provide quality of life amenities to justify more build-out, density and intensity of use in the inner city.

If the full valley cannot be utilized as suggested above then consideration should be given to consolidation of City owned lands, Municipal Reserve and Creek Environmental Reserve to the lower valley. Within the consolidated lands in the valley bottom, connection to open storm ponding areas should be required for this development to ensure a more natural and optimal functioning of the valley while maintaining a significant regional parkway corridor connecting Confederation Park to the Nose Creek Valley.

4. Other Comment: Calgary River Valleys is an original participant in the Imagine Calgary process, there are elements agreed to through Imagine Calgary which should be incorporated into any significant development within the inner city to better ensure that the existing adjacent communities will more closely experience the “complete communities” environment envisioned by 2036 (walkable access to everyday necessities and services, seniors housing, affordable housing, recreation, schools, etc.)

We understand this proposal is being reviewed internally within the City of Calgary. Calgary River Valleys would like the opportunity to discuss the proposal with the City Planning team. To ensure a more robust assessment we request the City consider the following in the review of the proposal:

- Provide cross sections of the Valley in its natural state and post development sections demonstrating the extent of the proposed infilling of the Valley.
- Within the cross sections, include subsurface elements as well (storm pipe, utilities, road bed etc) and building massing.
- Locate and identify all springs and wetlands within and adjacent to the proposed lands.
- CRV suggests the City consider future potential for daylighting or partial daylighting of the creek. Partial daylighting can increase stormwater capacity, provide for improved water treatment, provide wildlife habitat and provide pleasing water features in a community. By allowing the infilling and paving of the valley bottom, the potential for any of this restoration work would be lost. Although there may be limited potential

Comment Re: Highland Park Land Use Amendment and Outline Plan Application

February 27, 2015

- for immediate daylighting (or partial daylighting) of this buried tributary to Nose Creek, consideration should be given for future improvements.
- CRV suggests City departments consider the lands of the Highland Golf Course valley as part of a larger drainage system flowing to Nose Creek. Upstream of this location the City of Calgary is pursuing restoration and daylighting activities. Restoring this drainage in one location, and filling it just downstream seems counterproductive.
 - Develop a study of opportunities for consolidation of City owned lands, Municipal and Environmental Reserve to optimize natural functionalities, water quality, flood control and open space amenity in this valley.

We would appreciate being advised on any further decision on this matter. Calgary River Valleys is prepared to participate in future consultation processes. Thank you for the opportunity to provide comment.

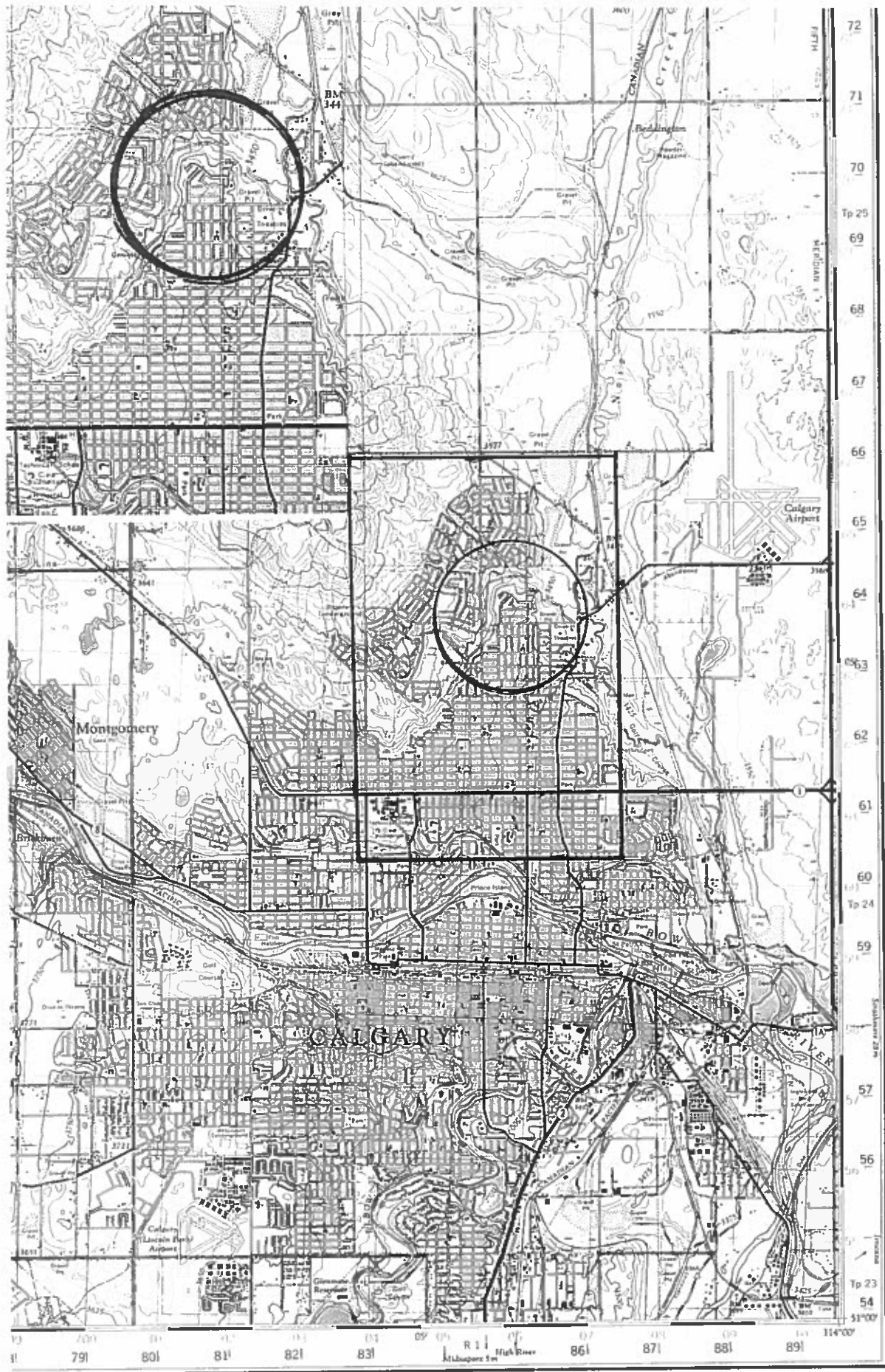
Sincerely,

Steve Meadows, President, Calgary River Valleys

Bill Morrison, Chair, Watershed policy and Planning Committee, Calgary River Valleys

Encls.

cc: CRV circulation
Calgary Ward Matrix contacts



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Compilée par la DIRECTION DES LEVÉS ET DE LA
CARTOGRAPHIE du MINISTÈRE DES MINES ET DES
RELÈVES TECHNIQUES, en 1957 d'après les Cartes à
large échelle de travaux exécutés sur le terrain en 1938.
Imprimé en 1962.

Ces cartes sont en vente au Bureau de distribution des
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