

### **Plan of Subdivision**

1. The approved subdivision (the "**Subdivision**" or the "**Development**") is to be effected by a Plan of Survey, pursuant to Section 657 of the **Municipal Government Act**, R.S.A. 2000 Chapter M-26 (the "**Municipal Government Act**"), or by such means satisfactory to the Registrar of the South Alberta Land Titles District. **Incomplete – Tentative plan updated.**

### **Taxes, Off-Site Levies, Cost Contributions**

2. All outstanding property taxes, off-site levies, and cost contribution obligations imposed pursuant to Section 651 of the **Municipal Government Act**, owing on the subject lands, up to and including the year in which the approved Plan of Subdivision is to be registered, are to be paid to Wheatland County prior to the endorsement of the approved Plan of Subdivision pursuant to Section 657 of the **Municipal Government Act**. **Incomplete – Final process.**

### **Municipal Reserves**

**Incomplete. Final step. Updated tentative plan has identified two MR lots totalling 0.32 acres.**

#### **Municipal Reserve Land Dedication**

3. 4.5% of the required Municipal Reserve owing for the subject lands shall be provided by the dedication of three (3) Municipal Reserve (MR) lots totalling 0.18 acres, as shown on the approved Plan of Subdivision.

#### **Municipal Reserve Cash-in-Lieu Payment**

4. 2% of the total Municipal Reserves owing for the subject lands shall be provided by payment of cash-in-lieu of land dedication in the amount of One Thousand, Nine Hundred and Eighty dollars (\$1,980.00). The cash-in-lieu payment calculation is based on an appraisal value of \$25,000 per acre on a total acreage of 0.0792 acres.

#### **Balance of Municipal Reserve Land Dedication**

5. The remaining 3.5% Municipal Reserve owing on the subject lands is provided for by the dedication of one (1) Municipal Reserve lot totalling 0.14 acres provided on lands described as SW-18-27-21-W4M, as shown on the approved Plan of Subdivision.

### **Approved Plans and Studies**

6. The following plans and studies are the "**Approved Plans and Studies**" referenced throughout these Conditions of Subdivision Approval:
  - a. Plan of Subdivision shown on **Schedule "A"**;
  - b. Updated Traffic Impact Assessment prepared by Bunt and Associates dated November, 2012 and January 26, 2015 referenced in Condition 28;
  - c. An updated version of the Servicing Concept prepared by MPE Engineering dated April 2015 referenced in Condition 27;
  - d. Road Cross Sections prepared by MPE Engineering dated April 2015;

- e. Updated Storm Water Management Plan and Detailed Storm Water Management Plan referenced in Condition 15;
  - f. Updated Geotechnical Report and Proposed Storm Water Pond – Slope Stability Assessment referenced in Condition 24;
  - g. Landscaping Plan referenced in Condition No. 22; and
  - h. Construction Management Plan as referenced in Condition 23.
7. All construction and development shall adhere to the Approved Plans and Studies together with all recommendations contained therein.

**Development Agreement – First draft provided to Developers.**

8. Prior to commencement of any construction upon the subject lands, the Owner shall enter into a Development Agreement with Wheatland County for the Subdivision pursuant to Section 655 of the ***Municipal Government Act*** which shall include, without restriction, the following provisions:
- a. Design and construction of an internal public road system in accordance with the approved Traffic Impact Assessment, the approved Municipal Servicing Study, the approved Plan of Subdivision, the approved Road Cross Sections, the approved Traffic Impact Assessment, the Conditions of this Subdivision Approval, and the Wheatland County Servicing Standards (the “**Servicing Standards**”), as the Servicing Standards exist as at the date that the road design plans are submitted to Wheatland County, with the associated infrastructure requirements including the following:
    - i. Road design sections;
    - ii. Necessary easements;
    - iii. Perimeter fencing;
    - iv. Sidewalks
    - v. Street lighting; and
    - vi. Signage;
  - b. Design, upgrading and construction of the off-site public road system in accordance with the approved Traffic Impact Assessment and the Servicing Standards, to the reasonable satisfaction of Wheatland County;
  - c. Design and construction of landscaping features for all Municipal Reserve lands, public utility lots, public pathways, and public roadways in accordance with the approved Landscaping Plan referenced in Condition 23, to the reasonable satisfaction of Wheatland County;
  - d. Design and construction of a temporary wastewater collection system in accordance with the approved Servicing Concept prepared by MPE Engineering in April 2015 referenced in Condition 11, as approved by Alberta Environment and Parks, and to the reasonable satisfaction of Wheatland County;

- e. Design, construction and implementation of storm water facilities in accordance with the recommendations of the approved Storm Water Management Plan and the Detailed Storm Water Management Plan and the registration of any overland drainage easements and/or restrictive covenants (onsite and offsite) as determined by the approved Detailed Stormwater Management Plan, all as approved by Alberta Environment and Parks and to the reasonable satisfaction of Wheatland County;
- f. Design, construction and implementation of any improvements required in the updated Geotechnical Report referenced in Condition 25;
- g. Quality control field review, engineering and approval activities shall be carried out during construction of improvements by a qualified geotechnical engineer as indicated in the Rangeland Conservation Services report entitled, *Proposed Rosebud Subdivision (Within NW 18-27-21-W4M) Slope Stability Assessment and the report entitled, Rosebud River Properties, Rosebud Subdivision – Proposed Storm Water Pond, Slope Stability Assessment*;
- h. Dedication and provision of necessary easement and rights of way for utility assignments to the reasonable satisfaction of Wheatland County;
- i. Mailbox to be located in consultation with Canada Post Corporation;
- j. Implementation of the recommendations set out in the approved Construction Management Plan as referenced in Condition 24;
- k. Prior to the commencement of construction of any improvements on the subject lands, the Owner shall post security in the form of Cash or Irrevocable Letter of Credit, to the reasonable satisfaction of the Wheatland County solicitors, in the amount of One Hundred Twenty Five percent (125%) of the estimated cost of remediation of the Development area to secure the Owner's obligations to keep the Development area free from nuisances including dust, weeds, standing water and to prevent sediment or other deleterious run-off from escaping the development area during the construction period in accordance with the approved Construction Management Plan referenced in Condition 23 or to reclaim the Development area in the event that the Development is abandoned following commencement of construction; and
- l. Prior to the commencement of construction of any improvements on the subject lands, the Owner shall post security in the form of Cash or Irrevocable Letter of Credit, to the reasonable satisfaction of the Wheatland County solicitors, in the amount of One Hundred Twenty Five percent (125%) of the estimated cost of construction of all on-site and off-site infrastructure and improvements required by these Conditions of Subdivision Approval and the Development Agreement, as set out in Condition No. 5(a)-(k), including but not limited to construction of a wastewater collection system, storm water management system, roads, sidewalks, landscaping, fencing, lighting and signage, together with all related easements, rights of way and restrictive covenants being registered as required by Wheatland County.

### **Franchise Agreement**

9. In accordance with Section 45 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, the Owner is to provide confirmation that a Franchise Agreement with respect to the provision of sanitary sewer, potable water and storm water utility service to the Development is in place with a service provider or service providers approved by Wheatland County (collectively the “**Approved Service Provider**”).

**Incomplete. With sewage lagoon approved and construction is expected to be completed next year, this condition may be superfluous.**

### **Wastewater Servicing**

10. Until the Hamlet of Rosebud’s piped wastewater system is upgraded to support additional development, piped wastewater servicing shall be provided on a temporary basis to the Development by the Approved Service Provider in accordance with the approved Servicing Concept prepared by MPE Engineering in April 2015. The Owner shall provide written confirmation from the Approved Service Provider to Wheatland County confirming that:
- a. The Approved Service Provider has an Alberta Environment and Parks licensed wastewater servicing system constructed with sufficient capacity to provide servicing to this Development, and
  - b. There is a servicing agreement in place between the Owner and the Approved Service Provider to provide wastewater servicing to this Development

**Incomplete. Note attached to Condition 9 applies.**

11. Prior to endorsement of the Plan of Subdivision, the Owner shall enter into a Deferred Servicing Agreement with Wheatland County that provides that upon the Hamlet of Rosebud's piped wastewater system being upgraded to support the Development and at the option of Wheatland County, all Subdivision residential and commercial lots must tie into the Hamlet of Rosebud's piped wastewater system and reclaim all unnecessary temporary wastewater infrastructure at the lot owners' sole cost and expense including but not limited to payment of any connection fee established by Wheatland County Council.

**Incomplete. Note attached to Condition 9 applies.**

12. Concurrent with the registration of the approved Plan of Subdivision, the Deferred Servicing Agreement shall be registered on the certificate of title for all the Subdivision residential and commercial lots by way of caveat or other such mechanism acceptable to the South Alberta Land Titles Office to the reasonable satisfaction of Wheatland County.

**Incomplete. Note attached to Condition 9 applies.**

13. Prior to endorsement of the Plan of Subdivision, the Approved Service Provider shall have entered into a Municipal Access Agreement with Wheatland County, in the form required by Wheatland County, to allow the installation of the private utility lines to be located within the Wheatland County road rights of way.

**Incomplete. Note attached to Condition 9 applies.**

### **Storm Water Management Plan**

14. All storm water management utilities including but not limited to: storm water mains, storm water ponds, and evaporation ponds, shall be owned and operated by the Approved Service Provider, in accordance with the approved Municipal Servicing Strategy Study and as may be approved by Alberta Environment and Parks.
15. The Owner shall:
  - a. update the Storm Water Management Plan prepared by MPE Engineering and dated January 24, 2018;
  - b. prepare a Detailed Storm Water Management Plan addressing both onsite and offsite storm water infrastructure;
  - c. obtain approval for the updated Storm Water Management Plan and the Detailed Storm Water Management Plan from Alberta Environment & Parks, to the reasonable satisfaction of Wheatland County; and
  - d. provide a copy of the approval from Alberta Environment & Parks with respect to the updated Storm Water Management Plan and detailed Storm Water Management Plan to Wheatland County, to the reasonable satisfaction of Wheatland County.
  - e. Consult with CN Railway with respect to any proposed alterations to the existing drainage pattern which may affect CN railway property.

Complete.

16. The Owner shall implement the recommendations from the approved updated Storm Water Management Plan and the Detailed Storm Water Management Plan to the reasonable satisfaction of Wheatland County. Implementation of the approved updated Storm Water Management Plan and the Detailed Storm Water Management Plan shall include:
  - a. Registration of any required on and off-site easements and/or utility rights of ways;
  - b. Obtaining the necessary Alberta Environment and Parks licensing documentation and providing a copy of such documentation to Wheatland County;
  - c. Obtaining the necessary approvals from Alberta Environment and Parks; and
  - d. Completion of the land exchange in accordance with Policy 4.5 "Storm Water Management" in the Rosebud River Area Concept Plan and the Updated Storm Water Management Plan referenced in Condition #16 for the purpose of constructing a storm water pond including but not limited to obtaining all necessary approvals and agreements from Wheatland County Council required to facilitate the land exchange.

MR disposal bylaw received second reading on September 15, 2020. Third reading will be brought forward when all other conditions have been completed.

County has approved the stormwater management plan. The AEP application has been signed by the County and the developers have submitted their application to AEP.

17. The Owner shall provide Wheatland County with the management and operation plan for all storm water and evaporation ponds.

Incomplete.

18. The Owner shall register a Utility Right of Way and Access Easement on any Lots upon which a stormwater or evaporation pond is located which provides Wheatland County with the right to access, maintain and perform remedial work on the stormwater or evaporation ponds as Wheatland County may deem necessary for the purpose of preventing or alleviating flooding or flood risk from time to time, acting reasonably.

Storm pond to be accessed through the MR, from Martin Ave. Registration is part of final process.

#### **Utility Easements**

19. Utility easements, agreements and plans (including, but not limited to potable water, wastewater, storm water, electricity, cable and natural gas (as available)), are to be provided and registered to the reasonable satisfaction of the utility provider and Wheatland County.

Incomplete.

#### **Architectural Control Guidelines**

20. The Owner shall prepare Architectural Control Guidelines for the Development that comply with Section 5.2 and 5.3 of the Rosebud River Ridge Area Concept Plan and provide a copy to Wheatland County.

Incomplete.

21. Concurrent with the registration of the approved Plan of Subdivision, the Owner shall register a Restrictive Covenant on the title of each new Lot created, requiring that each Lot be subject to the Architectural Control Guidelines.

Incomplete. Final process.

#### **Landscaping Plan**

22. The Owner is to prepare and implement a landscaping plan in accordance with Section 3.9 of the Rosebud River Ridge Area Structure Plan (the "ASP"), Section 7.12 of the Land Use Bylaw and the submitted Rosebud River Ridge Conceptual Storm Pond Landscape (Schedule 'B') for all public roadways, public pathways, municipal reserve parcels and public utility lots that meets the requirements of the ACP. The landscaping plan should include, but not be limited to:

- a. Trails and pathways noting the materials that will be used (paved or permeable surfaces)
- b. Benches, wayfinding signage, garbage cans
- c. Pedestrian lighting
- d. Trees and shrubbery proposed (with a mixture of coniferous and deciduous plantings)

Complete. Landscaping Plan has been approved.

### **Construction Management Plan**

23. The Owner shall prepare and provide a Construction Management Plan which shall include, but not be limited to, the minimization and control of noise, sedimentation and erosion, dust, drainage, construction waste management, firefighting procedures, evacuation plan, hazardous material containment and other construction management details. Specific other requirements include:
- a. Weed management during construction of the Development; and
  - b. Management and mitigation of construction impact to environmentally significant features on the subject lands.

Near completion. County Staff to review recent set of drawings to ensure all requirements have been met.

### **Geotechnical Reports**

24. The Owner shall update the slope stability assessment and geotechnical reports being the geotechnical report prepared by Rangeland Conservation Services for MPE Engineering dated October 2012 titled Slope Stability Assessment; the Proposed Storm Water Pond, slope stability report prepared by Rangeland Conservation Services for MPE Engineering dated April 15, 2015, and provide a copy of such updated reports to Wheatland County, all to the reasonable satisfaction of Wheatland County.

Incomplete.

25. Concurrent with the registration of the approved Plan of Subdivision, in accordance with Section 651.1 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-16 as amended, the Owner shall register a Restrictive Covenant on the certificate of title of all of the newly created lots in the Subdivision which provides that:

- a) any development on the Subdivision lots shall conform to the recommendations and restrictions set out in the updated Geotechnical Report referenced in Condition No. 25, and
- b) construction of underground irrigation systems, swimming pools and hot tubs on the Subdivision Lots are restricted or prohibited in accordance with the recommendations and restrictions set out in the updated Geotechnical Report referenced in Condition No. 25, all to the reasonable satisfaction of Wheatland County.

Incomplete. One of final documents to be provided to County.

26. Wheatland County road 3<sup>rd</sup> Avenue shall be the “benefitting” land for the purpose of the Restrictive Covenant referenced in Condition No. 26.

Incomplete. Tied to condition 25.

### **Servicing Concept**

27. The Owner shall update the Servicing Concept prepared by MPE Engineering dated April 2015 and provide a copy of such updated reports to Wheatland County, all to the reasonable satisfaction of Wheatland County.

Incomplete.

### **Transportation Impact Assessment**

28. The Owner shall update the Traffic Impact Assessment submitted by Bunt & Associates dated December 3, 2012 and January 26, 2015 and provide a copy of such updated reports to Wheatland County, all to the reasonable satisfaction of Wheatland County.

Incomplete. Updated TIA has been completed and is being peer reviewed by CIMA+.

### **CN Restrictive Covenant**

29. The Owner shall register a Restrictive Covenant on the title to all newly created lots which are located adjacent to the CN Spur Line ROW which provides that the safety setback of dwellings from the railway ROW shall be a minimum of 15 meters, to the reasonable satisfaction of the County.

Incomplete. Part of final process.

### **Road Name**

30. The Owner shall provide the road name for the proposed cul-de-sac in the Development to the reasonable satisfaction of Wheatland County.

Complete. "Jackson Ave" to be continued. No concerns from other County departments.

### **Historical Resource Clearance**

31. The Owner shall apply for Historical Resource Act approval through Alberta Culture and Tourism and provide a copy of the application to the satisfaction of the County.

Complete. Historic Resources Act approved.

### **CN Nuisance Easement**

32. The Owner shall register an environmental nuisance easement against title to the newly created lots which have a property boundary located within 300 metres of the CN Railway Spur Line ROW, which easement includes a notice of the following:

- a) CN Railway Company has a Spur Line ROW located within 300 metres of the property,
- b) The railway operations on the Spur Line ROW may be altered or expanded which may result in noise and/or vibration being detected on the property,

to the reasonable satisfaction of the County.

Incomplete. Final part of final process.

### **Subdivision Endorsement Fee**

33. The Owner shall pay Wheatland County subdivision endorsement fees for the creation of 19 new lots (18 residential + 1 commercial lot) in accordance with the Wheatland County Master Rates Bylaw. The creation of Municipal Reserve (MR), Environmental Reserve (ER) and Public Utility Lots (PUL) are exempt from endorsement fees.

Incomplete. Final step.