



# Staff Report

## Planning & Development Services – Development Engineering

**Report To:** Committee of the Whole Meeting  
**Meeting Date:** September 27, 2022  
**Report Number:** PDS.22.035  
**Title:** Assumption Second Nature Phase 1 and 2  
**Prepared by:** Dylan Stoneman, Development Engineering Reviewer

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### A. Recommendations

THAT Council receive Staff Report PDS.22.035, entitled Assumption of Second Nature Phase 1 and 2;

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan of Subdivision Plan 16M-59;

AND THAT Council enact a By-law to approve full acceptance and assumption of specific public works constructed and installed within Registered Plan of Subdivision Plan 16M-69 as part of Second Nature Phase 1 and 2, being the underground infrastructure works (sanitary, storm, and water) installed within Blocks 145, 149, 151, & 152; the linking 68m of sanitary infrastructure and 62m of water infrastructure installed underground on Springside Crescent; and the retaining wall, trails, and riprap works on Block 149.

### B. Overview

The subdivision agreement between Skyline Blue Mountain Developments and the Town for Second Nature Phase 1 and 2, dated November 29<sup>th</sup>, 2017, provided for assumption of the subdivision, upon satisfaction of terms.

Upon review by Development Engineering staff, and by consultation with other Town departments, the agreement terms have been satisfied. The Certificate of Final Acceptance was issued on September 8<sup>th</sup>, 2022.

### C. Background

Development Engineering staff have determined that all developer obligations have been met, as noted in the Certificate of Final Acceptance, under the Subdivision Agreement for Second Nature Phase 1 and 2 for Registered Plans 16M-59 and 16M-69.

## **D. Analysis**

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Per section 3.13 of the November 29th, 2017 Subdivision Agreement for Second Nature Phase 1 and 2, after issuing a Certificate of Final Acceptance for the public works in the subdivision, a written report shall be submitted to Town Council to confirm:

- the Public Works have been installed in accordance with the requirements in the subdivision agreement; and
- that all accounts in connection therewith have been paid; and
- that all financial requirements have been met or will be met on the passing of an Assumption By-Law; and
- that Public Works are in the required condition to be assumed.

Once fulfilled, the Town is to pass an Assumption By-Law for the Public Works to transfer ownership and responsibility of maintenance and operation from the developer to the Town.

Development Engineering confirms:

- the Certificate of Final Acceptance was issued September 8<sup>th</sup>, 2022 in consultation with Operations (Water, Wastewater, Roads and Drainage), Community Services (Trails) and Building Services;
- the Town has received all approvals and documentation required for the Town to take over responsibility and operation of this infrastructure;
- all requirements of section 3.13 of the subdivision agreement (listed above) are satisfied;  
and that all works have been satisfactorily completed as set out on the attached Acceptance / Assumption checklist (Attachment 2); and
- that 35 of the 36 homes have been issued full occupancy.

It is appropriate that the Town assumes the following Public Works, in the following approximate quantities:

- 1,427 meters (m) of watermain and appurtenances, including eleven (11) hydrants
- 1,193 m of sanitary sewer, including twenty-six (26) maintenance holes
- 1,334 m of storm sewer, including forty-nine (49) maintenance hole/catch basin/ditch inlet structures
- One (1) storm pond, known as the West Stormwater Facility
- One (1) oil-grit separator
- 900 m of urban road, including, curb, sidewalk and decorative style streetlights
- 827 m of trails
- One (1) box culvert watercourse crossing (span greater than 3 m)

The Public Works are located within the Town owned road right-of-way, blocks and easements as described below and illustrated in Attachment 1. All easements for the Public Works have been registered on title.

The installation of all street trees and landscaping has been completed in general conformance with the accepted drawings. The maintenance period for the street trees in Phase 1 will expire in November 2022, and the maintenance period for the street trees in Phase 2 will expire in May 2023. Securities for the street trees will continue to be retained beyond Assumption until their maintenance periods are expired and the Town is satisfied, in accordance with the Subdivision Agreement and described below in the Financial Impacts section.

The road guarantee period will expire in 2027. The road guarantee security will continue to be retained beyond Assumption until the road guarantee period expires and the Town is satisfied, in accordance with the Subdivision Agreement and described below in the Financial Impacts section.

Crosswinds Boulevard at the southern site limit will remain closed until it is required to be opened to satisfy National Fire Protection Association (NFPA) 1141 requirements associated with occupancies in Windfall Phase 6 (estimated 2024), and/or an assumption request from Windfall for the Crosswinds Boulevard connection.

The temporary storm water management facility on Lot 17 of Phase 1 has been fully decommissioned and reinstated to a residential lot.

In accordance with the approved plans, the West Stormwater Facility Pond has been cleaned out and verified by survey to its approved bottom of pond elevation.

All works completed as part of Second Nature Phase 3, including its Storm Water Management Pond and the Emergency Access to Snowbridge Way, are excluded from this assumption report. They will be assumed in a future Second Nature Phase 3 Assumption report.

A draft By-Law has been prepared to initiate the following and is provided as Attachment 3.

1. All of the Public Works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-59; and the sanitary, storm and water infrastructure works installed on Blocks 145, 149, 151, 152, 68m of linking sanitary infrastructure and 62m of water infrastructure installed on Springside Crescent, and the retaining wall, trails, and riprap works on Block 149 of Registered Plan of Subdivision Plan 16M-69; are hereby accepted and assumed.
2. Creekwood Court and Crosswinds Boulevard, as shown on Registered Plan 16M-59, are hereby assumed for public use.
3. That the Town Assumes all dedicated Blocks within Registered Plan 16M-59.

Staff recommends Council enact this by-law.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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No adverse impacts are anticipated as a result of this report.

## **G. Financial Impacts**

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The road guarantee security and street tree landscaping securities will continue to be retained by the Town beyond Assumption, until their expiry dates and Town satisfaction, in accordance with the Subdivision Agreement.

Subject to Council authorization and enactment of the requisite by-law, all other securities for this subdivision will be returned, as there are no other outstanding costs or deficiencies.

The Town will now become responsible for all operation, maintenance and ultimate replacement costs associated with the public works constructed and installed within Registered Plan of Subdivision Plan 16M-59, and specific public works constructed and installed within Registered Plan of Subdivision Plan 16M-69, being the underground infrastructure works (sanitary, storm, and water) installed within Blocks 145, 149, 151, & 152; the linking 68m of sanitary infrastructure and 62m of water infrastructure installed underground on Springside Crescent; and the retaining wall, trails, and riprap works on Block 149. Maintenance of these assets will need to be considered in future Town budgets.

## **H. In Consultation With**

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Development Engineering has consulted with the following department heads or their staff regarding the assumption of this subdivision.

Shawn Carey, Director of Operations

Ryan Gibbons, Director of Community Services

Will Thompson, Director of Legal Services

## **I. Public Engagement**

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This subdivision was Draft Plan Approved on April 2<sup>nd</sup>, 1998 and underwent a Public Meeting prior to this approval.

In accordance with the subdivision agreement, the assumption of the Public Works within this subdivision is not subject to any further public process, save and except this report to Council and enactment of the Assumption By-Law (Attachment 3).

Attached

1. Attachment 1 – Location Figure
2. Attachment 2 – Acceptance Assumption Checklist
3. Attachment 3 – Draft Assumption By-law

Respectfully submitted,

Brian Worsley  
Manager Development Engineering

Comments regarding this report or for more information, please contact:

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### Report Approval Details

Document Title:	PDS.22.035 Assumption Second Nature Phase 1 and 2.docx
Attachments:	- Attachment 1 .pdf - Attachment 2 .pdf - Attachment 3 .pdf
Final Approval Date:	Sep 12, 2022

This report and all of its attachments were approved and signed as outlined below:

**Brian Worsley - Sep 8, 2022 - 11:30 AM**

**Adam Smith - Sep 12, 2022 - 2:09 PM**