

Request for Decision

Horizon 2011 Municipal Drain Public Hearing

Presented To:	Hearing Committee
Presented:	Wednesday, Oct 03, 2012
Report Date	Thursday, Sep 20, 2012
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury approve the Engineer's report dated February 8, 2012 from K. Smart Associates Limited for the Horizon 2011 Municipal Drain and give First and Second reading to a draft By-Law to provide for the Horizon 2011 Municipal Drainage Works in the City of Greater Sudbury; and

THAT the City cost share of the project in the amount of \$475,550 be funded from the 2012 Capital Budget for the drainage works all in accordance with the report from the General Manager of Infrastructure Services dated September 20, 2012.

Background

K. Smart Associates Limited completed an Engineer's report for the Horizon Municipal Drain in 2005 in accordance with the Ontario Drainage Act RSO, 1990. The location of the drain is set out on the plan attached to this report as Appendix "A".

The original Engineer's report contained provision for a stormwater management facility on lands west of the end of Third, Fourth and Fifth Streets in Val Caron, which were owned by the City of Greater Sudbury and the former Jushro Developments. Said facility was to serve the proposed adjacent Horizon Park Subdivision and Municipal Road 80.

The main channel of the Horizon Municipal Drain was constructed in the 2006-2007 time period. During this period, Dalron Construction Limited acquired the former Horizon Park Subdivision property as well as several other development properties. A master plan for the new community of Hidden Valley was then created. As a result of this large development proposal, the original stormwater management facility was terminated in lieu of a new facility to serve the proposed Hidden Valley development and surrounding existing City roads, schools and residential developments.

Subsequently, K. Smart Associates Limited was appointed by Council to prepare a Section 78 Amendment to the original Horizon Drain report. A public drainage meeting was held on April 4, 2011 to review the

Signed By

Report Prepared By

Ronald Norton
P.Eng., Drainage Engineer
Digitally Signed Sep 20, 12

Division Review

David Shelsted, MBA, P.Eng.
Director of Roads & Transportation
Services
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Recommended by the Department

Tony Cecutti, P.Eng., FEC
General Manager of Infrastructure
Services
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Sep 26, 12

engineer's design proposal and to discuss the project with members of the public. K. Smart Associates have now completed the Engineer's report and it is attached to this report as Appendix "B" (under separate cover).

A copy of the report has been delivered to each affected property owner. Staff have reviewed the report and recommend the acceptance of the report and the cost assessments that it contains. The Horizon 2011 Municipal Drain implementation plan is shown as Appendix "C", attached to this report.

The amended report recommends the realignment of the main branch (Drain "A") of the original Horizon Drain from the end of Fifth Street to the junction of the main branch with the branch "B" drain and the widening and reshaping of the original main branch (Drain "A") from its junction with branch "B" to a new proposed stormwater management facility.

The proposed new stormwater management facility will be a 3.6 hectare (8.9 acre) pond for the quality treatment of stormwater and for the quantity outlet control of stormwater from the upstream watershed prior to outlet to the Whitson River.

The estimated cost of the proposed works is \$1,060,540. This cost includes \$904,900 for the stormwater management facility, \$92,390 for the realignment of the upper portion of Drain "A", and \$63,250 for outlet works specific to the Dalron Hidden Valley Subdivision. The cost of the work is assessed to the City and Dalron Construction Limited (or related companies).

Dalron Construction Limited's assessed share of the project is \$584,990. On July 10, 2012, by Finance and Administration Committee Resolution # FA2012-22, Council approved a front end financing program for Dalron Construction Limited's assessments on the Horizon 2011 Municipal Drain. This program provided that the amount financed would be recovered from Dalron Construction Limited by a per lot or per lot equivalent charge at the time of registration of specific developments or portions of developments.

The first subdivision phase of 56 lots of Dalron Construction Limited's Hidden Valley Development has been registered and the second phase of 89 lots is going through engineering design approval and could be registered in whole or in part during the 2012/2013 period.

Finance and Administration Committee Resolution # FA2012-22 also provided that the interest rate of 4.5% per annum would be added to the per lot charge rate of \$1,300 for the Horizon 2011 Municipal Drain with an interest commencement date of January 1, 2015.

The City cost assessment for the project is \$475,550 and the 2012 Drainage Capital Budget contains a budget allocation of \$500,000 for this work. The construction of the proposed drainage works is planned for 2013.

Conclusion

On Wednesday, October 3, 2012, Mr. Kenn Smart, P. Eng. will present his report to the City Hearing Committee. All affected property owners have been invited to the meeting. In accordance with the Ontario Drainage Act, this is the public's opportunity to participate in the consideration of the proposed drain.

If no serious objections arise at the meeting, the Hearing Committee should recommend that City Council give First and Second reading to the draft By-Law "A BY-LAW TO PROVIDE FOR THE HORIZON 2011 MUNICIPAL DRAINAGE WORKS IN THE CITY OF GREATER SUDBURY". A copy of the draft By-Law is

attached to this report as Appendix "D".

Said draft By-Law allows for the implementation of the Horizon 2011 Municipal Drainage Works as described in the February 8, 2012 Engineer's Report prepared by K. Smart Associates.

After the First and Second reading of the draft By-Law, the affected property owners will be advised of the date for the Court of Revision. The Court of Revision is a hearing within which affected property owners can attend to voice their concern with the monetary assessment of the cost of the drain to their property. This hearing will be adjudicated by Councillors Caldarelli, Dutrisac and Kett who have been appointed to the Court of Revision.

Once the Court of Revision is complete and all appeals have been addressed, the By-Law will be returned to City Council for Third and Final reading. At that point the drain report is officially adopted.

2005 HORIZON DRAIN LOCATION PLAN



APPENDIX “B”

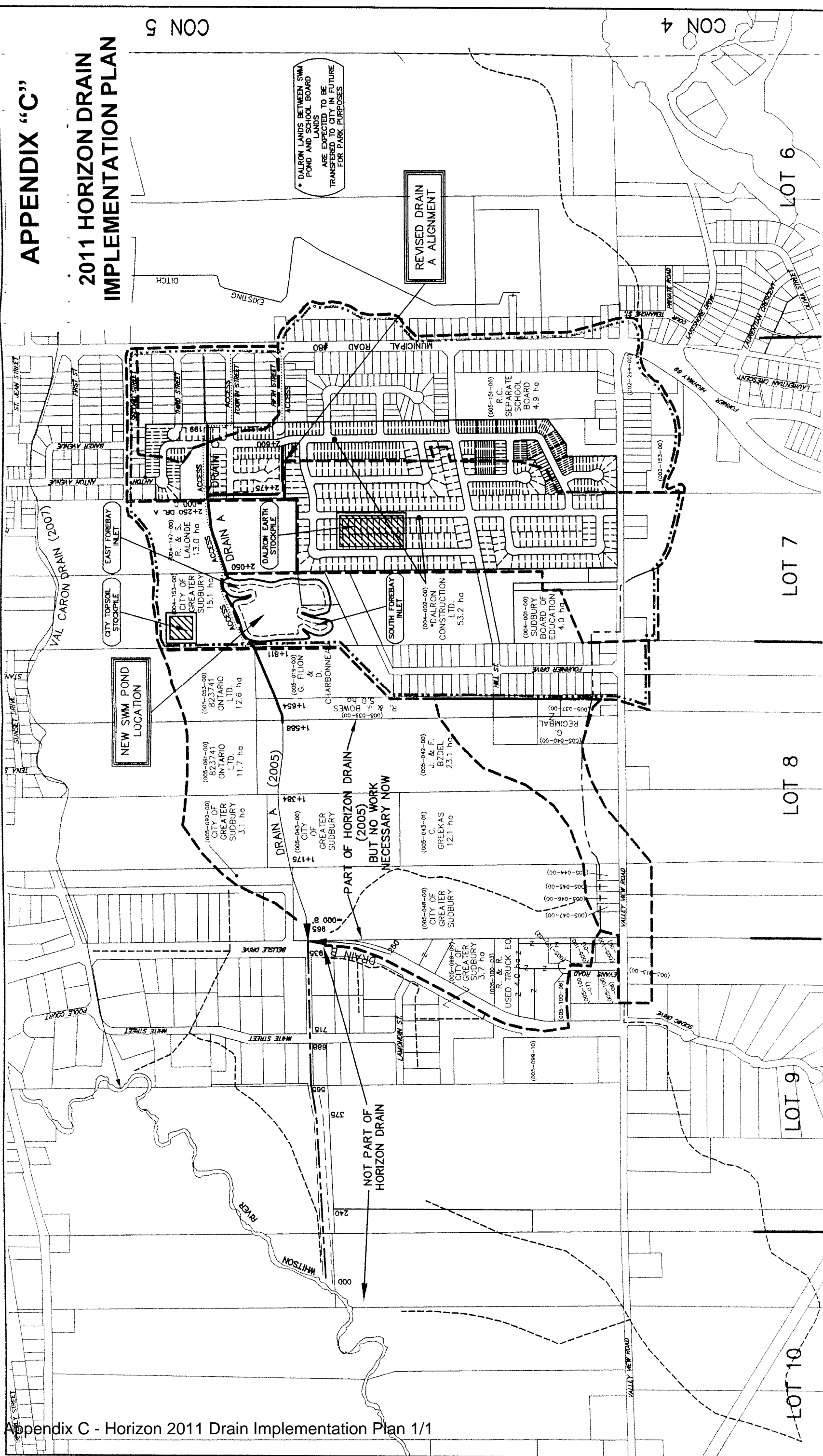
K. Smart Associates Engineer's Report

(under separate cover)

2011 HORIZON DRAIN IMPLEMENTATION PLAN

5 CON

4 CON



• DALRON LANDS BETWEEN SWAN POND AND SCHOOL BOARD LANDS ARE EXPECTED TO BE TRANSFERRED TO CITY IN FUTURE FOR PARK PURPOSES

REVISED DRAIN
A ALIGNMENT

VIEW SWM POND
LOCATION

OF HORIZON DR
(2005)
BUT NO WORK
NECESSARY NOW

NOT PART OF -
HORIZON DRAIN

GEOGRAPHIC TOWNSHIP OF BLEZARD

HORIZON DRAIN 2011

WATERSHED PLAN

FEB. 8, 2012

K. SMART ASSOCIATES LIMITED
CONSULTING ENGINEERS AND PLANNERS

KITCHENER POWELL & COY. LONDON 1 OF 20

[illegible]

PLAN LEGEND

-- MAJOR AND JAM WATERSHEDS
-- EXISTING OR PROPOSED
INTERMEDIATE WATERSHEDS
--- DIVISION OF THE MAJOR WATERSHED
- - - - - DIVISION OF THE INTERMEDIATE WATERSHED

1. Fe^{2+} and Fe^{3+} concentrations, Mn^{2+} , Ba^{2+} , Mg^{2+} , Ca^{2+} , and Na^{+} concentrations and NH_4^{+} and NO_3^{-} concentrations were determined in the water samples. Water samples were filtered through a 0.45 μm filter and analyzed for Fe^{2+} and Fe^{3+} concentrations using a colorimetric method. Mn^{2+} , Ba^{2+} , Mg^{2+} , Ca^{2+} , and Na^{+} concentrations were determined using a flame atomic absorption spectrophotometer. NH_4^{+} and NO_3^{-} concentrations were determined using a colorimetric method.

APPENDIX “D”

BY-LAW 2012 –

A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE HORIZON 2011 MUNICIPAL DRAINAGE WORKS IN THE CITY OF GREATER SUDBURY

WHEREAS the Council of the City of Greater Sudbury in accordance with the provisions of the Drainage Act, R.S.O. 1990, appointed K. Smart Associates Limited to complete a Section 78 Amendment to the 2005 Horizon Municipal Drain Engineer’s Report;

AND WHEREAS the Council of the City of Greater Sudbury has procured a report made by K. Smart Associates Limited and the said report is attached hereto and forms part of this By-Law as Schedule “A”;

AND WHEREAS the estimated total cost of construction of the drainage works is \$1,060,540;

AND WHEREAS the Council is of the opinion that the proposed drainage works is desirable;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS
FOLLOWS:**

1. The report by K. Smart Associates Limited dated February 8, 2012 attached hereto as Schedule “A” is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized, and shall be completed in accordance herewith.
2. The City of Greater Sudbury may borrow on the credit of the City in the amount of \$1,060,540 being the necessary amount for construction of the drainage works.
3. All assessments greater than \$50 are subject to the City of Greater Sudbury Front End Financing Program as approved by Council Resolution # FA2012-22 which is set forth in Schedule “B”, and forms part of this By-Law;
4. The schedule of Assessments from the report dated February 8, 2012 is set forth in Schedule “C”, and forms part of this By-Law.
5. This By-Law comes into force and effect upon the passing thereof and may be cited as the “Horizon 2011 Drain By-Law”.
- 6.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this ...day of October 2012.

Mayor

Deputy Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL

... day of, 2012

Mayor

Deputy Clerk

SCHEDULE “A”

K. Smart Associates Engineer's Report

(under separate cover)

SCHEDULE "B"

Finance and Administration Committee of Council Resolution for Front End Financing

FA2012-22 Belli/Dupuis: WHEREAS the 2011 Horizon Municipal Drain and the Paquette-Whitson Municipal Drain are large drain projects in the Val Caron and Hanmer communities which provide drainage outlet infrastructure for various major residential and commercial developments which will take many years to complete;

AND WHEREAS the City of Greater Sudbury considers it appropriate to provide front end financing for the developer share of said projects;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury provide a front end financing program to developers within the 2011 Horizon Municipal Drain and the Paquette Whitson Municipal Drain areas and that the total amount to be financed be \$2,315,990;

AND THAT said amount be funded from the Capital Financing Reserve Fund – Roads;

AND THAT the total amount financed be recovered from developers by a per lot or per lot equivalent charge at the time of registration of specific development or portions of developments;

AND THAT interest at the rate of 4.5% per annum be added to the per lot charge rate of \$1,300 for the 2011 Horizon Municipal Drain area and \$2,500 for the Paquette Whitson Municipal Drain area with an interest commencement date of January 1, 2015.

CARRIED

SCHEDULE "C"

Horizon Drain 2011
City of Greater Sudbury

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February 8, 2012

File No. 11-028

SCHEDULE A – SCHEDULE OF ASSESSMENTS HORIZON DRAIN 2011 CITY OF GREATER SUDBURY

Con	Lot	Roll No.	Owner	Drain A	Drain A	Sta. 2+460	Total
				SWM	Channel	Storm	
				Facility	Work	Inlet	
				Special	Special	Special	
			(Bleazard Twp)	Benefit	Benefit	Benefit	
5	Pt 7	004-002-00	Dalron Construction Ltd.	452,450	69,290	63,250	584,990
5	Pt 7	004-153-00	City of Greater Sudbury	452,450	23,100	--	475,550
TOTAL ASSESSMENTS HORIZON DRAIN 2011:				904,900	92,390	63,250	1,060,540

Notes:

1. Section 21 of the Drainage Act, RSO 1990 requires that assessments be shown opposite each parcel of land and road affected. The affected parcels of land have been identified using the roll number from the last revised assessment roll for the City. For convenience only, the owners' names as shown by the last revised assessment roll, has also been included.