Agenda – Council – July 17, 2013

Report – Executive Policy Committee – July 3, 2013

Item No. 1 Subdivision and Rezoning – 2525 Inkster Boulevard and unaddressed land on the west side of Mobile Street (Old Kildonan Ward) File DASZ 16/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 3, 2013, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 16/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2013 dated April 11, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 16/2013 dated April 11, 2013 to an "M2" General Manufacturing District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. No Private Approaches shall be permitted to/from Inkster Boulevard for proposed Parcel C.

        ii. No access shall be permitted to/from Mobile Street for any of the subject lands until such time as Mobile Street is upgraded to an improved roadway standard to the satisfaction of the Director of Public Works.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

Report – Executive Policy Committee – July 3, 2013

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – July 3, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 3, 2013, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 2525 Inkster Boulevard and unaddressed land on the west side of Mobile Street**
File DASZ 16/2013

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **June 19, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 16/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2013 dated April 11, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 16/2013 dated April 11, 2013 to an "M2" General Manufacturing District subject to the following:

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. No Private Approaches shall be permitted to/from Inkster Boulevard for proposed Parcel C.

        ii. No access shall be permitted to/from Mobile Street for any of the subject lands until such time as Mobile Street is upgraded to an improved roadway standard to the satisfaction of the Director of Public Works.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 12, 2013.

PUBLIC HEARING SUMMARY

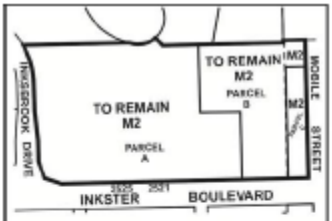
File: DASZ 16/2013

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: June 18, 2013
Council Building, 510 Main Street

Applicant: Barnes & Duncan (Christian Korell)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT: BARNES & DUNCAN
FILE : DASZ 16/13
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the establishment of three (3) parcels and consents to facilitate separate titles whereby Parcel A is on one title and Parcels B & C are on the other.
For information, phone Mr. N. Yauk, Planner, at 204-986-4560.

Premises Affected: 2525 Inkster Boulevard and unaddressed land on the west side of Mobile Street

Exhibits Filed:

1. Application dated April 9, 2013
2. Notification of Public Hearing dated May 22, 2013
3. Manitoba Status of Titles 2446737/1, 2044446/1
4. Letter of authorization dated March 7, 2013 from Fort Garry Industries to Barnes & Duncan
5. Surveyor's Building Location Certificate and sketch dated March 8, 2013

6. Plan
7. Caveats Nos. 2163650 and 2101126
8. Zoning Agreement Amendment to DAZ 224/95
9. Report from the Urban Planning Division dated June 12, 2013
10. Inspection Report

REPRESENTATIONS:

In Support:

Christian Korell, Barnes & Duncan
Jeff Carriere
Rocky Neufeld
Richard Spitzke

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 16/2013

ADMINISTRATIVE REPORT

Title: DASZ 16/2013 – 2525 Inkster and lands west of Mobile

Issue: For consideration at the public Hearing for a Rezoning, DASZ 16/2013 – 2525 Inkster and lands west of Mobile.

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	Barry Thorgrimson	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 16/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2013 dated April 11, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 16/2013 dated April 11, 2013 to an "M2" General Manufacturing District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i) No Private Approaches shall be permitted to/from Inkster Boulevard for proposed Parcel C.

        ii) No access shall be permitted to/from Mobile Street for any of the subject lands until such time as Mobile Street is upgraded to an improved roadway standard to the satisfaction of the Director of Public Works.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional

parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

The applicant wishes to rezone the subject property to an “M2” general manufacturing District and requires approval to do so.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, development permits can be issued for development on the subject lands.

CONSULTATION

In preparing this Report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg.

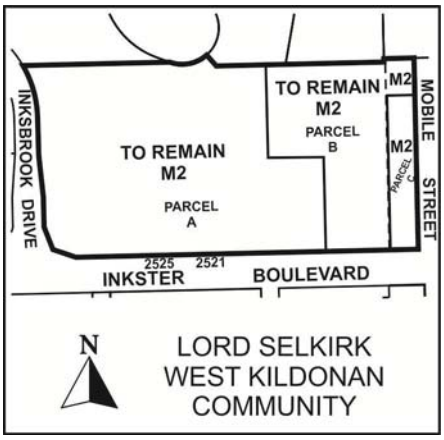
SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	June 12, 2013
File No.	DASZ 16/2013

DATE: June 12, 2013
FILE: DASZ 16/13
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.327

SUBJECT: To rezone the subject land from an "A" Agricultural District to an "M2" General Manufacturing District.

LOCATION: 2525 Inkster and unaddressed lands west of Mobile St
LEGAL DESCRIPTION: Lot 2 Plan 49989; Lots 1-24 Block 1 Plan 1289; Parcels A & B Plan 43117



APPLICANT: Christian Korell (Barnes and Duncan)
OWNER: Fort Garry Industries

RECOMMENDATION: Approval with conditions

REPORT SUMMARY
The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is consistent with OurWinnipeg policies as the lands are located within a General manufacturing Policy Area.
- The proposed development is a small land extension of an existing industrial enterprise.

SITE DESCRIPTION
The subject property, which is zoned "M2" General manufacturing and "A" Agricultural District, is located on the north side of Inkster BV between Mobile Street and Inksbrook Drive the North Inkster Industrial neighbourhood of the Old Kildonan ward.

Existing Land Use and Zoning
North: Industrial lands zoned "M2 General manufacturing District.
South: Inkster BV, then residence zoned "R1-M" Residential District.
East: Mobile Street then industrial land uses zoned "A" Agricultural District.
West: Inksbrook Drive then industrial land uses zoned "M2" General manufacturing District.

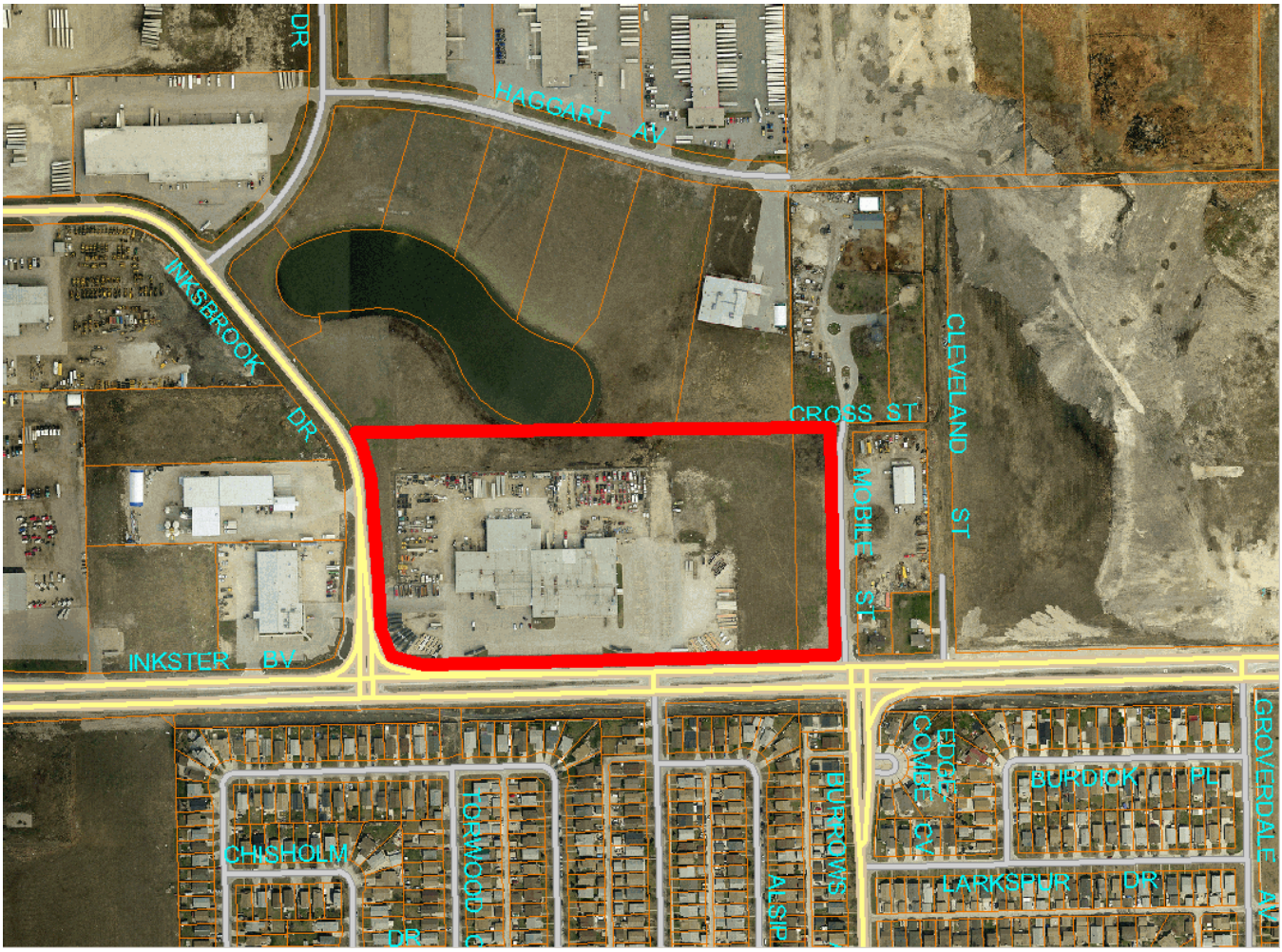


Figure 1: Subject Site and Surrounding Land uses (2012)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to expand the current Fort Garry Industries site by rezoning the 1.6 acre property which abuts the site to the east. The subdivision as proposed would create a total of 3 individual parcels on two separate titles. Parcel A will form one Title and Parcels B & C will from the other.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

With respect the City of Winnipeg's adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within a General Manufacturing Policy Area. A Key direction within this policy area is to:

- Consider options to encourage development of under-utilized parcels and obsolete sites.

The proposed rezoning is consistent with the above direction in that it will effectively add employment opportunity by converting 1.6 acres of unused agricultural lands currently designated for General Manufacturing uses.

Zoning By-Law 200/2006

The applicant is applying to rezone 1.6 acres of land wedged between the existing Fort Garry Industries lands and Mobile Street. The Manufacturing General (M2) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

Compatibility with Existing Land Uses

- The development is appropriate given that the lands are currently governed the General Manufacturing Policy Area of OurWinnipeg, Complete Communities.
- The proposed development would extend an existing 9.7 acre industrial property by an additional 1.6 acres. Fort Garry Industries is a long standing development at this location.
- Given that the property being rezoned is between Fort Garry Industries and a road right of way (Mobile Street), the addition of this property to "M2" lands is logical.
- From a policy perspective, there has been interest amongst specific property owners to redesignate lands east of Fort Garry Industries from a General manufacturing Policy Area to New Community to enable residential development. If this were to occur, Mobile Street would be a logical boundary between the policy areas, just as Inkster Boulevard is the dividing line between the General manufacturing Policy Area on the north side of the street and the Mature Community Policy Area on the south side of the street.
- The subject rezoning application also provides an opportunity to create an additional buffer between Fort Garry Industries and the properties on the east side of Mobile Street, beneficial in the anticipation of the possibility of them being converted to New Community in the future.
    - OurWinnipeg Complete Communities directs us to "ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary" (p.98). Given that a proposed amendment for lands east of Fort Garry Industries has not been submitted makes the timing of this rezoning application ideal.
    - It is noted that the existing industrial lands (current Fort Garry Industries) are further regulated by a zoning agreement (as per DAZ 224/95). Of note is a clause that prohibits the development of any building or structure within the easterly 50 feet of the land. This clause will apply to the additional lands, thereby providing more developable lands for Fort Garry Industries while maintaining a predictable buffer to the land uses east of Mobile Street.

Site Access:

It is noted that the applicant was looking to secure access to both properties from Mobile Street. Because Mobile is not considered an improved public street, the applicant would have needed to upgrade in order to gain access. Based on these discussion and concerns raised by the Administrative Coordinating Group the applicant has revised the subdivision so that both proposed properties will have enough frontage on Inkster Blvd so that each property will have its own access and therefore can be considered its own zoning Lot. In this manner Parcels A will be on one title and Parcels B & C will be on the other. The proposal of Parcel C is because of

the existence of mines and minerals interest in those lands which basically make that portion of lands unbuildable.

Based on discussion with Public Works, access to Mobile Street will be challenging. It doesn't work in the short term because it would be uneconomical for the developer to construct it and there may be challenges in the longer term, because the street will eventually become a regional street. This poses access issues with respect to spacing requirements and design considerations of the future intersection at Inkster and Mobile. Due to this situation a proposed condition of the zoning agreement is that no access shall be granted from Mobile Street, at least until Mobile is considered an 'improved public street' so that current and future property owners are aware that the properties cannot be accessed by Mobile.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

RECOMMENDED CONDITIONS OF APPROVAL

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Noah Yauk
PPD File # DASZ 16/2013

APPENDIX 'B'

Schedule "A" for File No. DASZ 16/2013, Lord Selkirk / West Kildonan Community Committee, dated April 11, 2013

By-Law No. _____

File No. **DASZ 16/13**

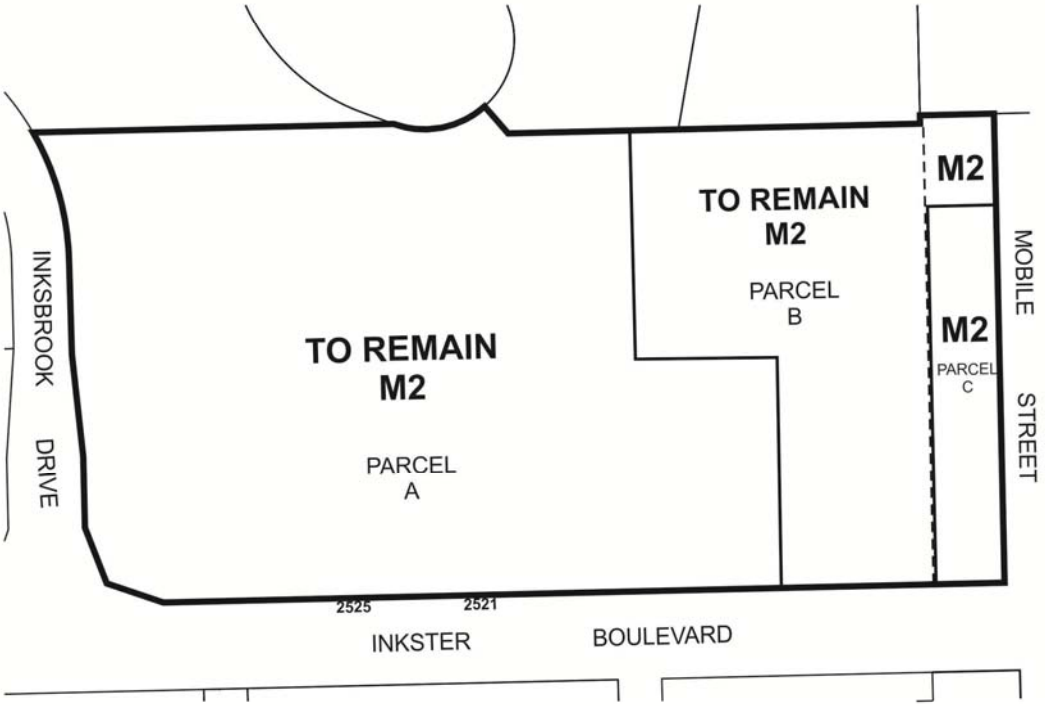
Atlas Sheet No. **T19**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2525 Inkster Boulevard & unaddressed land adjacent on the west side of Mobile Street from an "A" AGRICULTURAL DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the establishment of three (3) parcels and consents to facilitate separate titles whereby Parcel A is on one title and Parcels B & C are on the other as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MAY 15, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 2525 INKSTER BOULEVARD AND UNADDRESSED LAND ADJACENT TO AND LOCATED ON THE WEST SIDE OF MOBILE STREET- DASZ 16/2013

It is recommended that the approval of DASZ 16/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following conditions;

1. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay for their share of the regional land drainage system (2013 rate = $13,438.00/acre) for the existing property (Lots 1 to 24, Block 1, Plan 1289 and Parcel A & B, Plan 43117) fronting on Mobile Street.

2. The Developer shall pay its share of the following underground services to be installed, in the future by the City or others, in Mobile Street along the full length of the subject property at Local Improvement Rates in affect at the time payment is received;

    a. Land Drainage Sewer Laterals;
    b. Wastewater Sewer;
    c. Watermain;

    all as determined by the Director of Water and Waste.

3. The Developer shall pay its share of the following above ground services to be installed, in the future by the City or others, in Mobile Street along the full length of the subject property at Local Improvement Rates in affect at the time payment is received;

    a. Concrete Pavement; 8 metre wide x 200mm thick;
    b. Concrete Sidewalk; 1.5 m wide x 100mm thick;
    c. Street Lighting;
    d. Boulevard landscaping (sod & trees);

    all as determined by the Director of Public Works.

4. The Developer shall, prior to release of subdivision mylars, pay its share of the cost of the following regional street services installed or to be installed in Inkster Boulevard fronting Lots 1 to 24, Block 1, Plan 1289 and Parcel A & B, Plan 43117 that has not previously contributed its share of the cost of these services:

    a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works including land drainage;
    b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the

north boulevard;
c) street lighting in the north boulevard;
d) landscaping in the north boulevard.

all as determined by the Director of Public Works.

5. No Private Approaches will be permitted to/from Inkster Boulevard for proposed Parcel C. Further no access will be permitted to/from Mobile Street until such time as Mobile Street is upgraded to an improved roadway standard to the satisfaction of the Director of Public Works. These conditions are to be caveated against the titles of proposed Parcels B and C.

6. The Developer shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the "affected lots" (all lots which are to be serviced jointly), an appropriate joint services easement agreement with the owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

7. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

8. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 16/2013
May 15, 2013

"Original signed by R.Deighton, P.Eng."
R.R. Deighton, P. Eng.
Land Development Branch

"Original signed by C.Desjardine, P.Eng."
C. Desjardine, P. Eng.
Public Works Department, Transportation Division

"Original signed by F.Mazur, P.Eng."
F. C. Mazur, P. Eng.
Water & Waste Department