Winnipeg

CITY OF WINNIPEG POLICY NO. PD-021

POLICY TITLE	**ADOPTED BY**	**EFFECTIVE DATE**
Assiniboia Downs Area Master Plan	City Council	February 24, 2016
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
Assiniboia Community Committee	PD-021	N/A

1. Purpose

OurWinnipeg, the City of Winnipeg's municipal development plan, identifies key objectives of accommodating growth through transforming seven regional mixed-use centres to complete communities via the introduction of a variety of land-uses. These include residential, employment, commercial and/or cultural services developed at the highest levels of intensity in terms of density, building heights and the broadest range of land-uses for concentrating people and jobs. Assiniboia Downs is within one of the seven 'Regional Mixed-Use Centres' identified in the *OurWinnipeg* development plan as a strategically located 'Transformative Area'.

The Manitoba Jockey Club and Peguis First Nation have developed the following plan as an important first step towards realizing the vision for a regional destination Racing and Entertainment Centre. This plan provides a "roadmap" for transforming one of the largest of the seven transformative areas, the Assiniboia Downs.

The following outlines an area master plan. Its structure offers a continuous flow of ideas that recognizes the current development policy framework for the Assiniboia Downs site – where it is today, what it can become, and an approach to realizing our communities shared vision for the area.

1.1 Project Overview

The Manitoba Jockey Club and Peguis First Nation have developed the following plan as an important first step towards realizing the vision for a regional destination Racing and Entertainment Centre. Ultimately, this plan will serve as the foundation for the successful development of a pre-eminent Aboriginal Economic Development Zone. The Plan will serve as a starting point between Peguis First Nation and the City of Winnipeg in their negotiation of a Municipal Development and Services Agreement. The Plan will support the subdivision of land for transfer of landownership to Peguis First Nation followed by application to the Federal Additions to Reserve Policy to convert the lands to an Aboriginal Economic Development Zone, as described in *OurWinnipeg*.

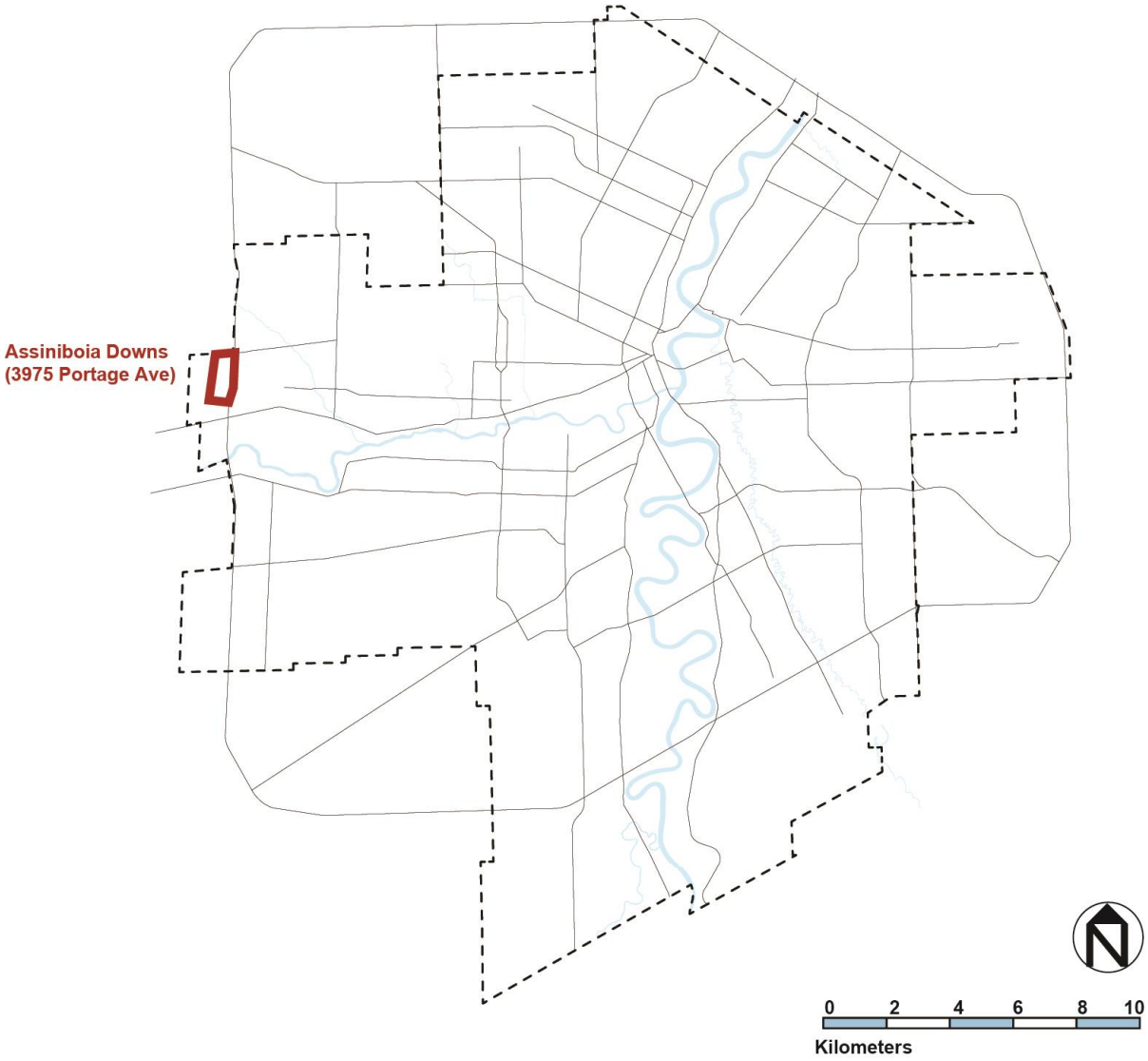

Image 1 - Site Location (Source: Complete Communities, City of Winnipeg)

Peguis First Nation and Treaty Land Entitlement

The area of the Red River Valley, specifically the area to the immediate north of Selkirk, Manitoba, which came to be known as the Parish of St. Peter's, was settled by aboriginal people long before the arrival of European immigrants. It was a thriving fishing and farming community, which attracted various church missions and other immigrants. Chief Peguis had long standing recognized authority to officially allocate land to members and others, a practice which was affirmed and accepted by the Hudson's Bay Company. This authority and practice was continued by the son of Chief Peguis, Chief Henry Prince, and existed at the time of Treaty 1. Peguis "deeds", as these titles were called, were issued, sold and traded among the area settlers, which included Indian, Metis and non-aboriginal individuals. However, the majority of the local residents were members of the Peguis Band.

When Manitoba was accepted into Confederation in 1870, none of the land in Manitoba was surrendered to the Crown by First Nations. It remained entirely subject to aboriginal title. In spite of this fact, *the Manitoba Act* affirmed the rights of settlers who occupied land, including the members of Peguis Band, the Metis and other persons occupying land by recognized Hudson's Bay grant or other authority.

Mis-Koo-Kinew (a.k.a Henry Prince), the son of Chief Peguis, was the first Chief to sign Treat 1 on August 3, 1871. He signed Treaty 1 on behalf of the "St. Peter's Band" as the Peguis First Nation was then called (in fact, the official name of the First Nation is still "Peguis Indian Band"). Under the written terms of Treaty 1, Peguis was entitled to 160 acres of reserve land for each family of 5 persons to be held in common by the Band. In addition, all Chiefs signing Treaty 1 had been orally assured by the Treaty Commissioners that the amount of land already occupied by Band members would not be included in the calculation of the amount of common Reserve to be set aside for the First Nation under Treaty 1. Peguis did not receive all of the Reserve to which it was entitled under Treaty 1. This shortfall in land amount is called an outstanding "Treaty Land Entitlement" or TLE.

1.2 Planning Area

The subject land, commonly known as Assiniboia Downs, is located at the southwest corner of Saskatchewan Avenue and the Perimeter Highway (PTH 101) (See Map 1 – Site Context)

Adjacent lands include the Red River Exhibition Association Lands along the west side of the Planning Area; to the south on the east side of Race Track Road is a multi-lot development called 'Pointe West Auto Mall', and the MTS IcePlex; and along the north side of Portage Avenue, west side of Race Track Road at 3977 Portage Avenue, is 'Westport Festival' commercial/retail centre.

1.3 Current Conditions

1.3.1 Existing Uses

Assiniboia Downs (3975 Portage Avenue / 143.7 acres), since June 10, 1958, has been the largest horseracing complex in Manitoba with live thoroughbred racing and year-round simulcast broadcasting with pari-mutuel waging. Year-round entertainment, hospitality and exhibition centre hosting various convention & trade shows with +500,000 visitors annually. Assiniboia Downs replaced the former Polo Park racetrack that closed in 1956 when live horse racing moved west of Winnipeg to the then agricultural lands of the RM of Assiniboia.

The lands are zoned C3 – Commercial District.

1.3.2 Roadway

Traffic signals currently exist at both ends of the planned area, at Race Track Road and Portage Avenue West; and Camp Manitou Road and Portage Avenue West. Traffic on Portage Avenue West (Trans-Canada Highway #1), a four lane, 24-hour truck route, averages 36,700 vehicles per day.

1.3.3 Water, Wastewater and Land Drainage

Existing uses within the Planning Area are serviced with a full range of municipal services. The capacity of existing infrastructure to service proposed developments within the Planning Area will have to be assessed in advance of development.

Piped water servicing is currently provided from infrastructure extending North from Portage Avenue through the neighbouring private holding (Red River Exhibition Grounds) to the West. Development within the Planning Area is likely to require improvements to the existing water servicing infrastructure. It is anticipated that future water service improvements extending along Saskatchewan Avenue will increase water capacity in the area; however building construction beyond the requirements of the Building Code may be required to satisfy the City's fire protection and life safety requirements.

Land drainage within the Planning Area is provided through a system of ditches which ultimately discharge into the drainage system along the Perimeter Highway. Development which increases run off into the Provincial Drainage System will require permission from the Province.

Wastewater generated from the existing uses within the Planning Area are directed to the Northernmost quarter of the Planning Area before being pumped East under the Perimeter Highway via a forcemain to a sewer in the neighbouring residential area. Increasing the flow of this forcemain has the potential to overwhelm the sewer infrastructure of the neighbouring residential area. Additional wastewater capacity will require connection to the wastewater infrastructure along Portage Avenue.



Map 1 – Site Context (Orthophoto Source: Google Earth)

1.4 Policy Framework

1.4.1 Complete Communities – Regional Mixed-Use Centre

Assiniboia Downs is within one of the seven 'Regional Mixed-Use Centres' identified in the *OurWinnipeg* Development Plan as strategically located 'Transformative Areas'

'Regional Mixed Use Centres' are predominantly single-use developments (Most commonly major commercial retail sites), intensely developed for the regional market with fragmented land-ownership. They represent a distinct opportunity to accommodate Winnipeg's growth by transforming into a 'completed community' via the introduction of a variety of land-uses including residential, employment, commercial and/or cultural services, at the highest levels of intensity in-terms of density, building heights and the broadest range of land-uses for concentrating people and jobs.

OurWinnipeg's vision for areas designated 'Regional Mixed Use Centre' is to encourage the development of 'complete communities' that are well serviced by all modes of transportation; including an efficient roadway system which incorporates opportunities for transit, and active transportation.

1.4.2 Aboriginal Economic Development Zones

Canada entered into seven treaties with First Nations in Manitoba between 1871 and 1910. These treaties provided that Canada would set apart a certain amount of land as Reserve land based on Band populations at the time of the original Reserve surveys. Not every First Nation that entered into a treaty received its full amount of land. For this reason, Canada continues to owe land, referred to as Treaty Land Entitlement (TLE), to specific First Nations under the terms of the original treaties. As part of the settlement process, some First Nations that have validated their land claim with Canada (Entitlement First Nations) through Treaty Entitlement Agreements and have the opportunity to acquire lands, including those located within urban areas such as the City of Winnipeg.

Since First Nations are not governed by municipal by-laws, mechanisms are required to ensure for arrangement of services and compatibility in by-laws and in areas of mutual concern such as land use planning. The City of Winnipeg will negotiate agreements with First Nations on a government to government basis to provide a seamless transition between jurisdictions enabling mutual economic development interests to be achieved.

Specifically, the City of Winnipeg will negotiate with Treaty Land Entitlement First Nations, Municipal Development and Services Agreements, to include arrangements for the provision of, and payment for, services, by-law application and enforcement on the Reserve, and a joint consultative process for matters of mutual concern, such as land use planning, a dispute resolution process and any additional relevant items. (Section 10 - Aboriginal Economic Development Zones, *Our Winnipeg – Complete Communities*, Pages 122-123).

1.5 Purpose of the Plan

The Area Master Plan's purpose is to articulate a conceptual vision that is aligned to the key directions of *OurWinnipeg.* Development applications within the planning area are to be evaluated against the policies of this plan, until such time that the Planning Area is designated as 'First Nation Reserve' and a Municipal Development and Services Agreement has been successfully negotiated and implemented according to the Peguis First Nation Treaty Entitlement Agreement (TEA). At that time, the terms and conditions set out in the Municipal Development and Services Agreement will replace the terms and conditions set out in this plan.

1.6 How to Interpret the Plan

The Plan provides a conceptual framework that sets out how the proposed vision for the planning area fits into the City of Winnipeg's Regional Mixed Use Centres policy framework.

The boundaries and networks shown on the maps, contained herein, are intended to be approximate only and should be considered as such. Applications for subdivision and/or other development may extend across the boundary of one designation and into another; however the general intent of each designation will be maintained.

Where a policy requires compliance at the Development Application stage, that requirement may be deferred to the Subdivision Approval (Plan Registration) or Building Permit stage, without requiring an amendment to the Plan.

1.7 Monitoring, Review and Evaluation

Periodic assessments of the Plan may be required in response to changing conditions within the Planning Area.

Land within the Planning Area that becomes subject to Municipal Development and Services Agreement may be exempted from the terms and conditions set out in the Plan.

1.8 Amendment to the Plan

Applications to amend the Plan must be submitted to the Planning, Property and Development Department for review and approval by Council or it's designate. Where appropriate, the amendment process should include public consultation.

2. Planning Objectives

This Plan has been conceived based on the following objectives:

1. Realization of a vibrant, major attraction that will complement existing development in the area and contribute to the ongoing sustainability of the important horse racing industry in Manitoba

The Racing and Entertainment Centre will support and enhance horse racing in Manitoba. It will contribute to a vibrant tourism and agricultural sector. It will encourage investment and attract industry and business to Manitoba. It will result in new jobs and income across a broad section of the population.

2. A fully connected district providing options for getting around other than the car

The site will be accessible via a variety of transportation choices including. For those outside the site, upgraded transit, roadway, and pedestrian and cycling links will make it easy to again access from outlying areas. Once on-site, connections between amenities will be facilitated without the use of a car.

3. Celebration of the partnership between Peguis First Nation and the Manitoba Jockey Club, demonstrating that through partnership they can become key contributors to building and sustaining a vibrant city, Capital Region and Province through investment and jobs

This partnership is important and should stand as a best practice, illustrating the great potential of working together.

4. Creation of an Urban Reserve (Aboriginal Economic Development Zone) that will contribute to the growth and sustainability of Peguis First Nation

The site will be a model for Urban Reserves both in Manitoba and across Canada.

3. Land Use Policy Areas

3.1 General

The Land Use Concept represents the results of careful consideration of the current conditions, environment and vision as outlined previously. This Land Use Concept will guide future development within the planning area, including the subdivision of land in support of converting lands within the planning area to an Urban Reserve.

The Land Use Concept provides an overall structure that sets out three policy areas as presented on Map 2 Land Use Policy Map.

The Race Track Policy Area, which includes the existing Assiniboia Downs Grandstand and Racetrack, provides for the continuing success of the Assiniboia Downs operations. The Entertainment Centre Policy Area provides for enhanced commercial development that will contribute to creating a major destination centre. The Staging and Support Policy Area provides operational support necessary for the success of uses related to live horse racing established in Race Track Policy Area, and includes practice tracks, barns and related support structures and amenities.



Map 2 – Land Use Policy Map (Orthophoto Source: Google Earth)

3.2 Entertainment Centre Policy Area

3.2.1 Vision & Objectives

The Entertainment Centre Policy Area will provide a gateway to the amenities of the planning area and presents a significant opportunity to celebrate the heritage of Peguis First Nation through development of placemaking features. Features within this policy area will make visitors aware that they have arrived and will provide them with directions to their preferred activities.

The Entertainment Centre Policy Area consists of retail/commercial, hotels and possibly future gaming. As a regional destination, visitors will have an all-in-one experience, from staying in the on-site hotel(s), eating in the Centre's restaurants, strolling and shopping to on-site gaming including access to the Assiniboia Downs racetrack and its amenities. The Entertainment Centre Policy Area will be designed based on a five-ten-minute pedestrian shed, allowing for unencumbered access to the centre and all its basic amenities. Development in the Entertainment Centre Policy Area will be connected with the Assiniboia Downs Racetrack through a system of enhanced sidewalks. Public access to the site will be enhanced through the accommodation of a transit hub.

3.2.2 Policies

1. Commercial uses subject to frequent view by the public and visitors to Winnipeg will be encouraged.

2. Development should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.

3. Development will be supported by a full range of municipal services as per policies of section 4.2.1 (Water, Wastewater and Land Drainage)

4. The site will be landscaped and designed to accommodate a range of activities consistent with the vision and objectives of the planning area.

5. Places for relaxing and gathering will be encouraged.

6. Wayfinding signage, pedestrian scale lighting, public art and architectural features which serve to guide people to the various onsite amenities and activities will be encouraged.

7. All new development in the site should be connected and integrated into a seamless destination development. The design will encourage walking and provide for mode shift options such as transit and Active transportation through appropriately designed transit hubs and bike parking facilities.

8. Surface parking lots should include landscaping and trees to provide visual interest.

9. Development should allow for provision of transit service consistent with a pedestrian walking shed of no more than 400 metres.

10. New development will be encouraged to incorporate bike storage facilities as appropriate.

11. A proposed multi-use pathway system will connect the area's development hubs. The multi-purpose pathway system will align to Racetrack Road.

12. Development within the Planning Area that removes existing parking spaces or results in an increase of traffic to the Planning Area will require the submission of Parking Management Plan prepared to the satisfaction of the City of Winnipeg.

13. Development within the Planning Area which is likely to result in an increase of traffic to the Planning Area will require the submission of a Traffic Impact Study prepared by a qualified engineer, and to the satisfaction of the City of Winnipeg and Province of Manitoba.

3.3 Race Track Policy Area

3.3.1 Vision & Objectives

The Race Track Policy Area will comprise the existing Assiniboia Downs Grandstand and Racetrack. Horse Racing and related accessory uses, including banquet facilities, gaming, and food and beverage enterprise, will continue to be the dominant uses in this area.

3.3.2 Policies

1. Development will support the on-going sustainability of the Assiniboia Downs as horse racing facility.

2. Development will be supported by a full range of municipal services as per policies of section 4.2.1 (Water, Wastewater and Land Drainage)

3. Access connections through the Entertainment Centre Policy Area will be encouraged.

3.4 Staging and Support Policy Area

3.4.1 Vision & Objectives

The Staging and Support Policy Area will continue to accommodate development which provides services and support to activities and uses in the Race Track Policy Area. Development in this area may include, but is not limited to, barns and related structures and/or amenities (ex. Practice Track) for production of live horse racing.

3.4.2 Policies

1. Development in the Staging and Support Policy Area will include uses, but is not limited to uses which provide services and/or support to the activities in the Race Track Policy Area.

2. Training tracks and stables should not inhibit the viewing or entertainment value achieved from the participation of the public at live racing events via attending the main grandstand building.

3. Development will be supported by a full range of municipal services as per policies of section 4.2.1 (Water, Wastewater and Land Drainage)

4. Access to the Staging and Support Policy Area will be gained primarily from PR 425 (Saskatchewan Ave)

5. Development within the Planning Area which is likely to result in an increase of traffic to the Planning Area will require the submission of a Traffic Impact Study prepared by a qualified engineer, and to the satisfaction of the City of Winnipeg and Province of Manitoba.

4. Infrastructure

4.1 Transportation

This section sets out the transportation network for the site.

4.1.1 Regulatory Requirements

1. PTH1W (Portage Ave West) is a Limited Access Highway under the jurisdiction of the Highway Traffic Board. Under the *Highways Protection Act*, any new, modified or relocated access to this highway (including a change in use of an existing driveway) requires a permit from the Highways Traffic Board. A permit is also required from the Highway Traffic Board to change the use of the land or buildings or to place, construct, or alter any structures (including the alteration of existing buildings) within 38.1 m (125 ft) from the edge of the highway right-of-way.

2. Under the *Highways and Transportation Act* a permit is required from Manitoba Infrastructure and Transportation for any new, modified or relocated/removed access onto PR 425 [Saskatchewan Ave]. A permit is also required from Manitoba Infrastructure and Transportation for any construction above, on, or below ground level within 38.1 m (125 ft) from the edge of the highway right-of-way. This would include any alterations to existing buildings or the proposed construction or placement of structures or objects within the control lines along the highway.

3. Under the *Highways and Transportation Act* permission is required from Manitoba Infrastructure and Transportation to discharge water or other liquid materials, including surface water drainage, directly or indirectly into the ditches along a provincial highway.

4. Under the *Highways and Transportation Act*, permits are required from the Province for any planting placed within 15.2 m (50 ft) from the edge of the right-of-way of provincial highways.

5. Proposals for development within the Planning Area will require written assurance from the Province indicating that any changes to the drainage flow from the proposed development will not have an adverse effect on the nearby provincial drainage system. If required, the applicant may be required to submit a drainage plan prepared by a qualified engineer indicating how this land will be drained, the impact additional runoff will have on the highway facility (if any) and what revisions will have to be made to the existing system to accommodate any additional runoff.

4.1.2 Policies

1. Public access to the planning area will be permitted from the existing driveway to PTH 101 (Perimeter Highway) unless otherwise prohibited by the City and/or Province. Existing connection to Race Track Road will be utilized including full movements on Race Track Road as per the current jurisdiction of the Province of Manitoba.

2. Infrastructure related to transit services will be designed in consultation with Winnipeg Transit

3. The provision of transit infrastructure does not guarantee a level of service provision. The level of Transit services provided will be at the discretion of Winnipeg Transit.

4. Development within the Planning Area which is likely to result in an increase of traffic to the Planning Area will require the submission of a Traffic Impact Study prepared by a qualified engineer, and to the satisfaction of the City of Winnipeg and Province of Manitoba.

4.2 Water, Wastewater and Land Drainage

A primary focus of any future development will be the provision of safe water, sanitary wastewater, and land drainage infrastructure

4.2.1 Policies

1. Any future development considered part of the negotiation of a Municipal Development and Services Agreement, will require full analysis of the infrastructure required to accommodate that development.

2. All systems must be able to accommodate full development of all three policy areas over time.

3. Development requiring water, wastewater and/or land drainage servicing beyond current capacity in the area will require the undertaking of infrastructure studies prepared by a qualified engineer to the satisfaction of the City of Winnipeg. Infrastructure upgrades may be required at the expense of the developer to adequately service the Planning Area, to the satisfaction of the City of Winnipeg.

4. Development within the Planning Area may require extension of piped services to existing piped infrastructure beyond the boundaries of the Planning Area. Extension of such services will be the responsibility of the developer/applicant including arrangement of joint servicing agreements with neighbouring property owners.

5. New and/or increased waste water flow resulting from new and/or intensified development within the Planning Area shall be directed south to Portage Avenue and shall not be directed east, under the Perimeter Highway.

6. Development proposals which increase or alter drainage discharge into the Provincial Drainage System will require permission from the Province of Manitoba. If necessary, the Province may request the applicant submit a detained drainage plan prepared by a qualified engineer. The cost of this study and any revisions to the highway drainage system directly associated with the proposed development will be the responsibility of the developer.

5. Operationalizing the Assiniboia Downs Area Master Plan

1. Area Master Plans

Adoption

1(1) *The Assiniboia Downs Area Master Plan* will be endorsed as Council policy.

1(2) The critical path for endorsement is Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage, and Downtown Development → Executive Policy Committee → Council

Amendment

1(3) Application can be made by:

a. The owner.

b. An agent of the owner authorized in writing by the owner.

1(4) Application for the amendment is made to the Director of Planning Property and Development.

1(5) Amendments proposing significant change to any one of the following must be endorsed by council and follow the critical path identified in provision 1(2) above:

i. Maps
ii. Text

Notification

1(6) Notification for the adoption of *The Assiniboia Downs Area Master Plan* or amendment to *The Assiniboia Downs Area Master Plan* must follow provisions 2.1. through 2.6.

2. Notification

2(1) Notification of the adoption or an amendment must be sent to all property owners, or condominium corporations where established, within the Assiniboia Downs Area Master Plan Boundaries by registered mail.

2(2) Letters must include a description of the intent of the plan or amendment and a copy of the proposed amendment.

2(3) If the plan or amendment is proceeding to the Assiniboia Community Committee, letters must identify the time, date, and location of the meeting and where and when a copy of the administrative report for the proposed amendment will be available.

2(4) All letters will indicate that the recipient has 17 days from the date the letter was sent to express their comments, in writing, concerning the amendment to the Director of Planning Property and Development. For those plans or amendments being scheduled for a public meeting the commenting period must expire at least 14 days prior to the public meeting.

2(5) All letters must include the mailing address for submission of comments and contact information for further inquiries.

2(6) Prior to acceptance of a plan or amendment application proof of notification, in accordance with provisions 2.1. through 2.5., must be provided to the Director of Planning Property and Development.