Minute No. 320
Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 12 Acquisition - 14.91 Acres of Tree Stand Lands in Bois des Esprits
File FI-2(35)

COUCNIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the City of Winnipeg purchase the 14.91 acres of land identified on Misc. Plan No. 11303/5 subject to a proposed Restrictive Covenant applying to these lands and the other City-owned lands acquired for Bois des Esprits, said Restrictive Covenant to be for a period of five (5) years terminating on December 31, 2010.

2. That the City enter into an agreement with Grandin Park Development Ltd. for the purchase of the 14.91 acres which would include the application of the Restrictive Covenant as identified on Misc. Plan No. 11303/5.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

David Danyluk, Coordinator, Save Our Seine River Environment Inc., submitted supporting document with respect to the proposed acquisition of 14.91 acres of tree stand lands in Bois des Esprits, which has been placed on file in the City Clerk's Department.

Constance Menzies submitted a communication dated February 14, 2006, with respect to the proposed acquisition of 14.91 acres of Tree Stand Lands in Bois des Esprits, a copy of which has been placed in file in the City Clerk's Department.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation, as amended, namely:

- That Recommendation No. 1. be amended by deleting the word "only" in the second line thereof, deleting the words "not to" in the third line thereof, and adding at the end thereof the words "said Restrictive Covenant to be for a period of five (5) years terminating on December 31, 2010".

- That a new Recommendation be added as No. 2 as follows:

  "2. That the City enter into an agreement with Grandin Park Development Ltd. for the purchase of the 14.91 acres which would include the application of the Restrictive Covenant as identified on Misc. Plan No. 11303/5."

- That original Recommendation No. 2 be renumbered to Recommendation No. 3,

and submitted the matter to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY (continued)

STANDING COMMITTEE RECOMMENDATION (continued)

On January 31, 2006, the Standing Policy Committee on Property and Development received from Alan Borger, President, Ladco Company Limited, and Peter Muir, Corporate Counsel, a copy of a communication dated February 7, 2003 from the Planning, Property and Development Department to Ladco Company Limited, Page 23 of the Gaboury Prefontaine plan entitled "Development Components", and a plan of the subject property, with respect to the proposed acquisition by the City of the 14.91 acres.

Re: Proposed Acquisition of 14.91 Acres of Tree Stand Lands in Bois des Esprits

For submission to: **Standing Policy Committee on Property and Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: January 23, 2006

Recommendation(s):

1. That the City of Winnipeg purchase the 14.91 acres of land as identified on Misc. Plan #11303/5 subject to the proposed Restrictive Covenant applying to these lands only and not to the other City-owned lands in the Bois des Esprits.

REPORT SUMMARY

Key Issues:

- On January 26, 2005, Council instructed the Director of Planning, Property and Development to complete the purchase of the final 14.91 acres of Bois des Esprits tree stand, shown as "Subject Property" on the attached Misc. Plan No. 11303/5, by advancing $423,387.68 as final payment towards the City's total contribution of $1,600,000.00. Under this scenario, the Province of Manitoba would contribute more than $545,000 in additional funds toward this purchase. However, as part of this transaction, Ladco Company Limited, the registered owner of the property, subsequently advised that it will require a Restrictive Covenant Agreement prohibiting any development (particularly pathway development) within the area indicated on the attached Misc. Plan No. 11303/5 until January 1, 2011. This area would include existing City-owned parkland that is currently unencumbered by any Restrictive Covenant. Direction is now required regarding whether to complete the purchase with the proposed Restrictive Covenant Agreement.

- During the last two months of 2005, the Planning, Property and Development Department; Grandin Park Development Ltd. (a joint venture between the Province and Ladco); and The Save Our Seine River Environment Inc. (S.O.S.) have had discussions about the proposed Restrictive Covenant Agreement with particular focus on the impact it would have with respect to the development of the forest. A consensus could not be reached on how to proceed under the circumstances.

- The Department (in consultation with Grandin Park Development Ltd. And SOS) has drafted a planning process to help develop a park framework and management plan for the Bois des Esprits forest, in order to ensure the proper development and preservation of this valued natural feature (see attached Schedule 'A').

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- The proposed Restrictive Covenant would not allow any development (i.e. pathway or similar walkway) to be constructed upon much of the subject 14.91 acres, as well as upon a considerable portion of existing City-owned land until the year 2011. If the 14.91 acres are not purchased, the City would still own all of the Categories I and II lands, comprising 63.41 acres, within Bois des Esprits that have already been acquired by the City.

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

- These 14.91 acres constitute primarily young to middle-aged aspens that are colonizing abandoned farmland and although no detailed technical investigation has been made, this land visually appears to be unpolluted.

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

There are no new financial implications associated with this report. On January 26, 2005, Council approved adequate funds from the Land Acquisition – General Unspecified Capital Account. If the land were not purchased, $423,387.68 of City funding earmarked for this acquisition would be returned to Department accounts for use in other Council-approved programs.

REASON FOR THE REPORT:

The vendor, Ladco Company Limited, has added a condition (a Restrictive Covenant) to the proposed sale of the subject 14.91 acres, which requires consideration by the Standing Policy Committee on Property and Development.

HISTORY:

On June 19, 2002, Council approved in principle a $1M commitment with which to purchase such portions of the Bois des Esprits tree stand lands above the waterway requirement as total available funding will permit. The City was acquiring lands below the waterway requirement under an existing Council-approved program. Council also made a time-limited further commitment to match other alternative funding sources to a maximum of $0.6M.

A final survey determined that the size of the Categories I and II lands located within a Public Reserve on the plan approved by Council under DASZ 19/00 and registered on Oct. 21, 2003 was greater than initially estimated. In accordance with Council's intent, $176,612.32 was taken from Council-approved miscellaneous funds and treated as part of the commitment to match other alternative funds. The SOS/Province had matched the $176,612.32. As a result, the City is only committed to match up to the $423,387.68 remainder of the initial $0.6M commitment.

As instructed by Council on March 26, 2003, the Planning, Property and Development Department had negotiated and obtained an Option to Purchase the final 14.91 acres of tree stand land from Ladco Company Limited. Ladco is the managing partner of Grandin Park Development Ltd., a development company jointly owned by the Province of Manitoba (38%) and Ladco (62%). That Option expired on February 28, 2004.

On Jan. 25, 2004, Council authorized a 1-year extension of the fundraising deadline, to December 31, 2004, and the associated Option to Purchase, to February 28, 2005. A draft Agreement to extend the Option had been forwarded to Ladco in March of 2004, but had not been executed. The land remains undeveloped, and the matter is capable of being concluded as intended.

On Nov. 17, 2004, the Province wrote the Planning, Property and Development Department to advise that, in cooperation with the SOS, it is prepared to commit a sum that more than matches the City's final funding commitment of $423,387.68, in order to complete the purchase of the final 14.91 acres. On Dec. 2, 2004, the Province wrote again to elaborate on the proposal confirming that the Province in fact will contribute more than $545,000 in additional funds toward the purchase of the tree stand. A representative of MHRC had verbally confirmed this second letter to mean that the City need only obtain and issue a cheque in the sum of $423,387.68 to Ladco (the managing partner of Grandin Park Development) before December 31, 2004 in order to acquire the Category III land. The Department had asked the Province to make arrangements to enable the City to make this payment in January 2005 to allow sufficient time to receive the necessary approvals.

On January 26, 2005, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Director of Planning, Property and Development be instructed to complete the purchase of the Bois des Esprits tree stand by advancing $423,387.68 as final payment towards the City's total contribution of $1,600,000.00.
2. That funding for the required payment be taken from the Land Acquisition – General Unspecified Capital Account.
3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Before the proposed purchase of these 14.91 acres could occur, the City was required to address an issue raised by the Developer, and enter into lengthy negotiations regarding a Restrictive Covenant Agreement. The proposed Restrictive Covenant is in essence a promise that the City will not allow construction of a pathway or similar walkway over the area indicated on the attached Misc. Plan No. 11303/5 until the year 2011. This area would include a large part of the subject 14.91 plus existing City-owned parkland that is currently unencumbered by any Restrictive Covenant.

DISCUSSION:

Early in the process of negotiating a proposed purchase of any of the Bois des Esprits tree stand, the City of Winnipeg's Naturalist, Forester, and Environmental Coordinator were all consulted in defining the quality of the tree stand. Their feedback may be summarized as follows:

> *This tree stand, including the portion lying below the waterway requirement, represents the largest and highest quality unmanaged river bottom forest remaining in Winnipeg. There are three categories in terms of quality of habitat:*
>
> ***Category One (1)*** *, i.e. the portion thereof which lies within the waterway requirement, consists of relatively healthy trees and understory woody shrubs. Mature bur oak dominates the upland. Construction would destroy virtually all the oaks even if some were left for landscaping purposes. These 32 acres (subject to final calculation based on a survey) were recommended for acquisition by the City.*
>
> ***Category Two (2)*** *, i.e. the portion thereof which lies above the waterway requirement in the vicinity of the bridge crossing opposite Southglen Boulevard. The bur oaks are not as old (large) as in Category One. Also, the soils are moister and so the trees show growing stress and many are in a state of decline (are dying back).*
>
> ***Category Three (3)*** *consists of primarily young to middle-aged aspens that are colonizing abandoned farmland. Within this category is a grouping of a unique clone of aspen unlike any other observed in Winnipeg. These should be preserved through vegetative propagation in a tree nursery, if they are not preserved as a small park.*

All of the Categories I and II lands, comprising 63.41 acres, within Bois des Esprits have now been acquired by the City, in large part with $1M in funds approved by Council on March 26, 2003.

The City of Winnipeg's Option to Purchase the final 14.91 acres of tree stand in Bois des Esprits expired on February 28, 2004. Grandin Park Development is still prepared to sell this land to the City, but only subject to a Restrictive Covenant Agreement preventing pathway development over most of this land as well as other adjacent City-owned land until 2011. An excerpt from the current draft Agreement reads as follows:

1.0 Restrictive Covenants

1.1 To the intent that this restrictive covenant shall run with and bind the Servient Lands to the benefit of the Dominant Lands, the City covenants and agrees that it will not, for a period commencing on the date of closing under the Purchase Agreement and ending on December 31, 2010, construct or install or authorize or cause to be constructed or installed any pathway, walkway or other development of any kind whatsoever in, on or upon that portion of the Servient Lands that is within an area that is at least 30 metres perpendicularly distant from an adjacent property line, as such area is generally shown hatched on (Misc. Plan No. 11303/5 attached hereto), except for:

(a) the existing or planned future pathways, not to exceed 7.5 metres in width each, in the three locations shown on (Misc. Plan No. 11303/5 attached hereto);

(b) a pathway, not to exceed 7.5 metres in width, within the area shown with triangle hatching on (Misc. Plan No. 11303/5 attached hereto) the location of which pathway will be subject to approval of Ladco, acting reasonably, upon finalization of a lotting plan for the development adjacent to such area;

(c) any pathway that is constructed or installed or caused to be constructed or installed by or on behalf of Grandin Park Development Ltd. over the area shown with dotted hatching on (Misc. Plan No. 11303/5 attached hereto) as part of the overall Royalwood (Phase II) site development requirements of the City; and

(d) any site clean up or conservation work to be undertaken by the City with respect to the Servient Lands, provided that such work is carried out as diligently as possible and the City returns the Servient Lands to a condition as similar to that as existed prior to undertaking such work.

All parties agree that there is a need to develop a park framework and management plan for the Bois des Esprits forest, in order to ensure the proper development and preservation of this valued natural feature. The Planning, Property and Development Department has formulated a draft planning process that would include representation from the City of Winnipeg, Grandin Park Development Ltd., Save Our Seine River Environment Inc. and other relevant stakeholders and community members (see attached Schedule 'A'). There remains, however, some contention over the proposed Restrictive Covenant, as follows:

Ladco's preferred position:

- Covenant - creating a 30m buffer or no activity zone adjacent to all private property for five (5) years, i.e. until 2011. Exceptions would include wherever a window/walkway connection was established to link directly into the forest and as indicated on the attached Misc. Plan No. 11303/5.

City's preferred position:

- No restrictive covenant would be placed on lands already purchased in good faith by the City of Winnipeg. If required, the City of Winnipeg would accept a restrictive covenant on the subject 14.91 acres proposed to be acquired.

- That the restrictive convent on the 14.91 acres would not negatively affect the City's ability to repair or remove elements as required (trash, vandalism, etc) or impede regular park or forest maintenance practices.

- That the results of the planning process would be publicly posted and identified within the community.

- That public lands would be clearly identified with sturdy posts at mutually acceptable intervals along the rear lot line of adjoining building lots.

Direction is required regarding whether to complete the purchase subject to a Restrictive Covenant. Alternatively, the City could file the matter unless the requirement for a Restrictive Covenant is either eliminated or limited to only specific areas that are acceptable to the City. The Restrictive Covenant proposed by Ladco, on behalf of Grandin Park Development, would affect a 30 metre wide strip of land adjacent to all of the private property, i.e. including the public reserve already purchased by the City, which is not currently affected by any Restrictive Covenant. The Save Our Seine River Environment Inc. (SOS) has indicated that it does not support a Restrictive Covenant Agreement.

The Department has identified the following three alternative courses of action for consideration:

***Alternative One*: Finalize the City's acquisition of the final 14.91 acres with a Restrictive Covenant Agreement affecting not only a portion of the 14.91 acres but also a portion of the lands already owned by the City**.

Pros:

- The City would be fulfilling Council's commitment despite the fact that the Option to Purchase has expired.

- The Category III lands would be protected for public use.

- The City's $423,387.68 share of the funds has already been earmarked for this acquisition.

- The City would benefit from the significant financial contribution, in the order of $550,675.00 or more, being provided by the Province towards the purchase of these lands.

- A decision to acquire the land would avoid a further delay (to accommodate the SOS's and the City's concerns) that would probably result in a lost opportunity to acquire the remaining 14.91 acres.

Cons:

- The Department had obtained commitments from the Province and Ladco to proceed with the proposed transaction on the basis of a modified Restrictive Covenant. However, the proposed terms and conditions as drafted by the City and Ladco are not preferred by the Department, particularly since they would also apply to the land already acquired by the City.
- Development of pathways within the Bois des Esprits would be compromised until early 2011.

Alternative Two: File the matter and not proceed to acquire these final 14.91 acres of Category III lands unless the requirement by Ladco for a Restrictive Covenant is removed.

Pros:

- All of the Categories I and II lands, comprising 63.41 acres, within Bois des Esprits have already been acquired by the City, in large part with $1M in funds approved by Council on March 26, 2003, together with contributions from the SOS and the Province of Manitoba.
- The $423,387.68 of City funding earmarked for this acquisition would be returned to Department accounts for use in other Council-approved programs.
- Development of Category I and II lands would occur unrestricted (i.e. including within a 30 meter zone adjoining building lot lines).
- The 14.91 acres of Category III would remain taxable and would be developed in accordance with its "RM-2" Multiple-Family zoning as approved by Council on January 9, 2003 pursuant to DASZ 19/2000.
- The 14.91 acre category III land consists of primarily young to middle-aged aspens that are colonizing abandoned farmland as distinguished from the burr oaks contained within Categories I and II.

Cons:

- The SOS would be disappointed at losing the final 14.91 acres for a public park. This loss of opportunity may be attributed, in part, to the City, even though Ladco has no legal obligation to sell this land.

<u>Alternative Three</u>: Accept the Restrictive Covenant upon only the 14.91 acres of category III land proposed to be acquired and <u>not</u> upon the existing City-owned land.

<u>Pros:</u>

- If achievable, this would be an appropriate compromise from a parks planning and a forest sustainability perspective.

<u>Cons:</u>

- This alternative has been previously discussed and was determined by Ladco to be unacceptable. Ladco is unlikely to change this position, in which case the proposed purchase would not proceed.

Should the Standing Policy Committee on Property and Development decide to complete the proposed purchase with conditions as described herein, the Director of Planning, Property and Development, together with the City Solicitor, would need to be authorized to execute at their discretion an acceptable Restrictive Covenant Agreement in conjunction with the completion of the purchase of the final 14.91 acres of the Bois des Esprits tree stand.

Should the Standing Policy Committee on Property and Development decide **<u>not</u>** to complete the proposed purchase with conditions as described herein, the City of Winnipeg's Naturalist, Forester, and Environmental Coordinator had previously determined that within these "Category Three" lands is a grouping of a unique clone of aspen unlike any other observed in Winnipeg. These should be preserved through vegetative propagation in a tree nursery, if they are not preserved as a small park. The Department would endeavour to achieve this if the proposed purchase does not occur. Under this alternative the Standing Committee may also wish to consider allocating a portion of the City's available budgeted funds (say 50% or approx. $212,000.00) to be used instead for the enhancement of the existing 63.41 acres of park land including: a public planning process for the forest framework plan; pathway and trail development; site enhancements and mitigation; and, an environmental education program. Because Council, on January 26, 2005, authorized the funding for this proposed land acquisition to be taken from the Land Acquisition – General Unspecified Capital Account, in this instance Council's approval would be required to reallocate some of those funds.

Financial Impact Statement

Date: January 20, 2006

Project Name: PROPOSED ACQUISITION OF 14.91 ACRES OF TREE STAND LANDS IN BOIS DES ESPRITS

First Year of Program 2006

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ 436,089	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	436,089	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ 41,428	$ 41,428	$ 41,428	$ 41,428
Less: Incremental Revenue/Recovery	12,702	-	-	-	-
Net Cost/(Benefit)	$ (12,702)	$ 41,428	$ 41,428	$ 41,428	$ 41,428
Less: Existing Budget Amounts	(12,702)	41,428	41,428	41,428	41,428
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There is no budget impact with this proposed purchase as funding for the initial purchase is included in the approved capital budget and funding for related debt & finance charges is included in adopted current budgets/forecasts. The capital expenditures in 2006 consist of the $423,388 purchase price, a short-term financing charge of $8,468, and a corporate administration fee of $4,324. The latter two amounts are offset by equal recoveries by the Corporate Finance Department. Ongoing direct costs of $41,428/annum represent debt & finance charges on the $436,089 capital expenditure in 2006.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

N/A

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Divisions: Real Estate; Planning and Land Use
Prepared by: Vic Mikolayenko; John Kiernan
PPD File #: 7496 V-8

Document name: o:\reports directive\real estate\acquisition\(vm)category3ladco082905c.doc

Schedule "A"

Planning Process towards a Bois-des-esprits Framework and Management Plan

Draft January, 2006

Introduction:

The purpose of the planning process is to help facilitate the creation of a plan to guide the development of Bois-des-esprits: a unique / valuable amenity and habitat in the City of Winnipeg. The plan is to be presented to Community Committee as information and for endorsement.

The framework and management plan will recognize the forest as both a regional and local amenity, which supports active transportation and healthy communities; providing opportunities for recreation, and education, while preserving and supporting a unique natural habitat.

1. Objective:

To develop a long-term framework, enhancement and management plan for the Bois-des-esprits forest through a consultative process that ensures participation, inputs and decision- making opportunities by relevant stakeholders and partners.

Objectives for Bois-des-esprits Framework and Management Plan would include but not be limited to strategies for:

- protecting biodiversity, habitat and important physical and biological features
- developing trail and river access plans, with defined permitted and prohibited activities
- promoting environmental education, awareness and maintenance programs,
- defining the interface between private and public lands.
- Supporting active transportation and healthy communities
- management of an amenity of neighbourhood and regional importance

2. Overview:

The City of Winnipeg has had a long-term commitment to the identification, preservation and protection of riverbank lands and habitat. Lands are acquired for the use and enjoyment of the citizens of the City of Winnipeg including recreation, education and preservation.

Residents have demonstrated the value that they place on habitat including the protection, maintenance and enhancement of the riverbank greenways and natural areas.

However, acquiring the land is not enough. Strategies are required to promote the quality of life for citizens and to define the use (including preservation and enhancement) of these lands.
The City of Winnipeg's approach to riverbank greenways and ecologically significant lands is based on the policy goal statements of Plan Winnipeg. In addition Council has approved sub-strategies including the Riverbank Parkway Policy, and Seine River Greenway Study.

Plan Winnipeg's broad policy objectives are complemented by the Seine River Study, a more detailed analysis of the Seine River watershed in the City of Winnipeg.

Council Policy provides general direction however the City of Winnipeg is also committed to community consultation on specific projects to align proposals or initiatives to the neighbourhood and local context. (e.g. playgrounds and pathways).

Issues related to safety, maintenance, site lines, habitat and community impacts, connections and opportunities will be addressed and balanced. The plan will be developed in consultation with those most directly affected and in the most environmentally and community sensitive manner possible.

The City of Winnipeg in this context is committed to connections, linkages and trails, education, habitat, and contributing to the quality of life of all of its citizens.

The Framework and Management plan will address, protect and enhance the connections, connectivity, and habitat within the natural areas and neighbourhoods of South St. Vital and the forest known as Bois-des-esprits.

(See detailed policy statements in Appendix 1)

3. Context:

Seine River Study Guiding Principles – (Approved by Council April – 2000)

In April of 2000 a seven-year planning process related to the 26 km of the Seine River was concluded, and approved by Council. Within the Study the 80 acres now known as Bois-des-esprits were identified as '**A'** quality river bottom forested area complete with valuable wetlands, and vestiges of old river ox-bows. The Study strongly recommended the acquisition of this high quality habitat and riverbank vegetation. The general planning principles for the Seine River Corridor are noted below.

Executive Summary

The Vision
The Seine River and its adjacent banks provide a unique and valued "urban wilderness" heritage greenway within the City of Winnipeg. It should be nurtured, protected and enhanced for the enjoyment of present and future generations through responsible management practices to prevent exploitation, destruction and neglect of this valued resource.

Principles

Consult the public

- encourage public participation in planning, design and implementation process
- balance local/community/regional interests

Preserve and enhance the natural environment

- ensure preservation, conservation, appropriate use, and environmentally sound development of resources
- encourage environmental stewardship with property owners
- promote environmental legislation, regulation, and enforcement efforts
- ensure conservation and management of flora and fauna
- protect, maintain, and enhance landscape features, visual continuity, and the aesthetic quality of the greenway experience as well as the opportunity for self-guided nature interpretation

Conserve and interpret cultural and heritage resources

- Significant heritage resources which contribute to increased public awareness, understanding and appreciation of the Seine River, its people and institutions should be conserved and interpreted in a manner compatible with adjacent development.

Emphasize passive recreation and environmental education

- Encourage year round, low intensity, informal, unstructured activities
- Promote public awareness of benefits of environmentally sustainable development
- Programming to be limited to passive environmental education and direct experience as well as self-guided historic interpretation
- Enhance inter-agency watershed management cooperation/coordination

Enhance connections

- between flora, fauna, historic, cultural, and recreational features
- between publicly owned properties and facilities
- across the river to link neighbourhoods where appropriate

Mitigate land use conflicts

- Conflict between park development and neighbourhoods should be resolved in favour of neighbourhoods (i.e. the designation of community or regional parks should not impose conflict, such as noise and traffic on neighbourhoods)
- Park development, and especially the acquisition of additional lands, should be directed to reduce any existing conflicts (i.e. other things being equal, monies should be directed to acquisition of incompatible non-residential sites in order to enhance neighbourhoods as well as the park/waterway)

4. Project Roles and Responsibilities:

Process:
The proposed planning process would be a facilitated, collaborative process in which participants work together to define desired outcomes and deliverables, scope of the plan, broad public consultation, implementation timelines and strategies.

Project Manager
Planning and Land Use's designate responsible for: project alignment with City of Winnipeg policy; day to day project delivery decisions; liaison with Consultant; contract administration; project communication.

Project Advisory Committee:

Role of the Project Advisory Committee is to help facilitate the creation of a plan to guide the development of Bois des Esprite as a unique neighbourhood and regional amenity.

The Committee will participate in the review of the terms of reference and consultant selection. The Project Committee will also assist in defining expectations; provide commentary on scope of project and recommendations; in managing project risk issues; provide stakeholder perspective; and identify other interests, issues and stakeholders.

The Committee will have representatives from the following: (alphabetical listing)
City of Winnipeg – Public Works; Planning Property and Development
Community Representation – Local Residents, School Division, adjacent property owner
Grandin Developments – Land Owner Representatives
Seine our Seine – local and community representation

Consultant / Facilitator
Prepares comprehensive land & forest analysis and inventory related to:

- habitat analysis; sensitive lands inventory; riverbank characterization
- historical and cultural inventory
- mapping of current and potential forest uses and forest carrying capacity.

Responsible for preparation of recommendations and options
Coordination of stakeholder and public consultation and feedback.
Preparation of final forest framework plan including enhancement and management recommendations

Technical Advisory Committee:
Parks Planner, Strategic Park Planner, District Planner, Waterway Engineer, Police, Water and Waste- Land Drainage, Community Resource Coordinator, City Forester, City Naturalist, etc.

Communication and Community Consultation:

For the planning process to be credible and gain widespread support, it will be important to provide other groups and individuals with an interest in Bois-des-esprits the opportunity to supply input into and feedback on the plan. A comprehensive public participation program will be incorporated into the Bois-des-esprits planning process. The program would identify and involve all relevant and interested stakeholders in the plan development process through such mechanisms as open houses and facilitated workshops

5. Timeline:

January-February 2006

- Establishment of Project Advisory Committee and identification of additional community representatives by each stakeholder group.
- Develop and define Terms of Reference for an RFP for a consultant.

March-April 2005

- Define project objectives, scope, deliverables, consultation strategies and timelines to Community Committee for information.

May-August 2006

- Development of Framework Management Plan deliverables and strategies.

September 2006

- Broad public and external stakeholder consultation

October 2006

- Refinement of Framework and Management Plan deliverables and strategies.

November 2006

- Submission of final Framework and Management Plan recommendations to Community Committee for information and endorsement.

Appendix 1

Plan Winnipeg Synopsis
River Corridors: Policy and Principles
(Approved by Council December, 2001)

Winnipeg's historical development at the confluence of the Red and Assiniboine Rivers has provided the city with a tremendous asset. Its many rivers and streams are recognized as valuable natural, aesthetic, and recreational resources, which greatly add to the quality of life of its residents. Within Plan Winnipeg: 2020 Vision, numerous policy statements and principles serve to guide the future enhancement and preservation of these river corridors including:

- Supporting **neighbourhood revitalization** through the provision of community access to recreation facilities and amenities.
- Support an **inclusive and equitable community** through eliminating physical barriers to amenities such as riverbanks and promoting universal design in their development.
- **Encourage tourism** by enhancing the City's unique assets, amenities and attractions through high quality design and maintenance.
- **Promote vibrant neighbourhoods** that include recreational uses compatible with low intensity residential development.
- Retain designated Major Open Space areas for recreational use and **preservation of natural habitats**.
- Provide opportunities for **passive nature-oriented activities** and a variety of **active recreation** facilities.
- Establish **citywide bicycle and pedestrian pathway system**, creating links between open space and major destinations and **supports sustainability** and the reduction of greenhouse gas emissions.
- **Preserve natural streams** and drainage systems in urban areas.
- Provide realistic **alternatives to single occupant auto use**.
- **Develop a linear parkway system**, and enhance the system through the acquisition of riverbank lands.
- **Link the linear parkway** to parks and open space to form a comprehensive, integrated park system.
- **Protect and prolong river access** and recreation opportunities during the ice-free season.
- **Protect environmentally sensitive lands** that contain important pockets of flora and fauna.
- **Protect flood plains and unstable riverbank** to reduce the risk of property damage.

Winnipeg's Riverbank Parkway System

(Original approved by Council 1988)

Goal: To develop a city wide parkway system for use by all citizens, visitors and tourists providing them with transportation and recreational opportunities as well as increasing the quality and enjoyment of daily life.

OBJECTIVES:

Open Space

- Increase the abundance, quality and accessibility of parks and open spaces
- Increase the provision of parks and open space particularly in the inner city wherever possible
- Decrease the emphasis on small, single lot park spaces
  Work with partners in acquiring property
  Work with local residents in the design and maintenance of sites

Neighbourhood Socialization

- Increase opportunities for neighbourhood members to interact, strengthening the sense of community
- Parkway should respond to and celebrate the diverse and unique characteristics of the neighbourhoods while improving the safety and quality of life for the community's residents

Economic Development

- Enhance economic development by increasing property values, attracting commercial development and increasing visitors and tourists.
- Encourage new facilities to be developed by non-profit sector and managed by non-city organizations where possible
- Identify leisure opportunities appropriate for provision by the private sector facilitate the involvement of the private sector by providing professional expertise in developing leisure products

Visual Quality

- Improve and enhance the aesthetic quality of the City by means of protected, landscaped greenways
- Contribute to the image of downtown Winnipeg

Historic Heritage/Cultural Life

- Secure the city's historic and cultural life by increasing the accessibility and inter-relationship of significant historic and cultural facilities.

- Enhance and preserve character areas in the city and encourage the protection of heritage resources

Environmental Protection

- Improve air and water quality, and bio-diversity, by reducing automobile emissions, conserving urban forest, protecting floodplains, and providing wildlife habitat corridors
- Preserve and protect the urban river bottom forest through aggressive forest management practices and intervention
- Preserve and protect rivers, creeks and other water resources as wildlife habitat and corridors and for their potential as recreation resources
- Focus the parks and open space system on making rivers and creeks fully accessible by ensuring access and sensitive development of trails and pathways

Linkages

- Focus on linkages along the watershed linking major existing parks and amenities.
- Establish bicycle and walking trails as a priority for environmentally sensitive development along the City's water systems
- Locate new facilities to facilitate "clustering" associated with complimentary activities, and to achieve the benefits and 'economics' found in sharing resources

Public Safety

- Reduce crime by increasing visibility to and activity within greenways and parks
- Conduct routing safety audits of park sites to ensure the safety of users and introduce the concept of "Trail Rangers"

Recreation Opportunities

- Increase opportunities for multiple recreation and fitness pursuits
- Encourage expanded use of the parks and open space system in all seasons of the year for active living, leisure programming, major special events, and as a transportation corridor.

PLAN WINNIPEG POLICY STATEMENTS APPLICABLE TO GREENWAY DEVELOPMENT

(Approved by Council December, 2001)

1B. CREATING HEALTHY NEIGHBORHOODS

1B-01 Support Neighbourhood Revitalization
The City shall support neighbourhood revitalization through efforts that address the physical, social, and economic needs of neighbourhoods giving first priority to Major Improvement Neighbourhoods identified on Policy Plate D and second priority to Rehabilitation Neighbourhoods identified on Policy Plate D by:

i) coordinating the delivery of services and programs such as recreation, leadership, life-skills, and employment through community-based facilities to ensure maximum benefit and convenience to local residents and business interests;

2A. SUPPORTING AN INCLUSIVE COMMUNITY

2A-02 Promote Equitable Access to Facilities and Services
The City shall promote equitable access to facilities and services by:

i) eliminating physical barriers to municipal structures and facilities and promoting universal design in works undertaken by other public agencies and the private sector;

2C. PROVIDING ECONOMIC DIRECTION AND SUPPORT

2C-10 Encourage Activities Beneficial to the Winnipeg Economy
The City shall encourage activities beneficial to the Winnipeg economy in areas of culture, tourism, sport, entertainment, and conventions by:

i) enhancing the unique assets, amenities, and attractions owned by the City through high-quality design and maintenance;

3B. GUIDING LAND USE

3B-01 Promote Vibrant Neighbourhoods
The City shall promote vibrant neighbourhoods by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including:

ii) low-intensity ancillary uses such as local commercial, educational, recreational, religious, and institutional uses at a scale and density compatible with, and necessary to support, low-intensity residential development, and in recognition of traffic flows related to these uses;

3B-09 Preserve Major Open Spaces
The City shall retain those areas designated as Major Open Space on Policy Plate A for recreational uses and the preservation of natural habitats.

3C. INTEGRATING TRANSPORTATION

3C-01 Provide Integrated Transportation Network
The City shall provide an integrated transportation network that supports its commitment to sustainability, compact urban form, and the reduction of greenhouse gas emissions by:

ii) establishing a city-wide bicycle and pedestrian pathway system which is segregated where practical and feasible from motorized traffic and which creates links between open space and major destinations;
iii) promoting alternative modes of transportation through the inclusion of transit routes and bicycle paths in transportation plans and in the design of new developments;

3D. INVESTING IN INFRASTRUCTURE

3D-08 Provide Land Drainage and Flood Protection
The City shall provide land drainage and flood protection to properties within its boundaries by:

i) preserving natural streams and constructed drainage systems in the urban area;

5A. COMMITTING TO ENVIRONMENTAL STEWARDSHIP

5A-04 Encourage Energy Efficiency
The City shall encourage energy efficiency by:

v) reducing the reliance of the urban transportation system on non-renewable energy sources by providing realistic alternatives to single occupant auto use, by integrating land use and transportation planning, and by promoting compact urban form and mixed land use.

5C. MANAGING PARKS, OPEN SPACE AND WATERWAYS

5C-01 Maintain and Expand the System of Public Parks
The City shall maintain and expand the system of public parks by:

ii) maintaining existing parks within established communities and neighbourhoods and acquiring and developing additional park lands in accordance with community and neighbourhood requirements
iii) developing a linear parkway system, and enhancing the system through the acquisition of riverbank lands and rail and hydro rights-of-way; v) linking the linear

parkway to central parks and open space to form a comprehensive, integrated park system;

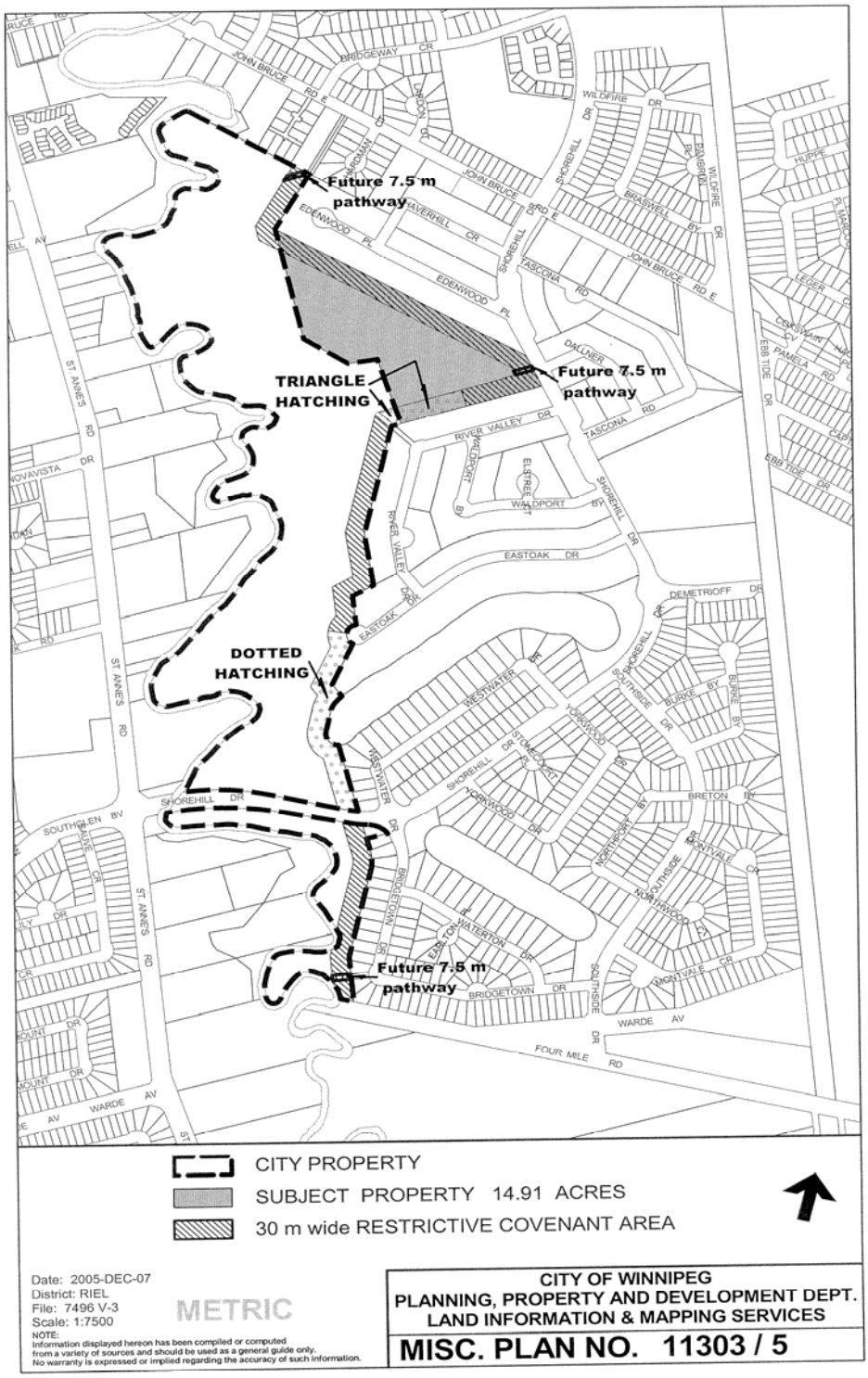
5C-02 Promote the Use of Rivers and Riverbanks
The City shall promote the use of its rivers and riverbanks by facilitating public access to rivers and riverbank lands and encouraging the use of Winnipeg Rivers for transportation and recreation through the provision of boat launches, docks, and other accessibility improvements.

5C-03 Support Waterway Management
The City shall support waterway management by:

iii) protecting and prolonging river access and recreation opportunities during the ice-free season.

5C-04 Protect Environmentally-Sensitive Lands
The City shall protect environmentally sensitive lands that contain important pockets of natural flora and fauna or that are susceptible to damage from flooding or erosion by:

i) evaluating proposed developments that affect high-quality natural areas and encouraging the protection and preservation of such lands to the greatest extent possible;
ii) developing a lands plan which designates natural areas that are environmentally-sensitive and/or significant and provides measures for the possible acquisition, preservation, protection, and maintenance of such lands;
iii) protecting flood plains and unstable riverbank slopes by identifying susceptible areas and employing protective and preventive measures, including the possible acquisition of such lands, to reduce the risk of property damage where appropriate;


Future 7.5 m pathway
TRIANGLE HATCHING
Future 7.5 m pathway
DOTTED HATCHING
Future 7.5 m pathway
CITY PROPERTY
SUBJECT PROPERTY 14.91 ACRES
30 m wide RESTRICTIVE COVENANT AREA
Date: 2005-DEC-07
District: RIEL
File: 7496 V-3
Scale: 1:7500
METRIC
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11303 / 5