Minute No. 189
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 5 Assiniboia Downs Area Master Plan
(St. Charles Ward)
SP 3/2015

COUNCIL DECISION:

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

1. That the *Assiniboia Downs Area Master Plan,* included as Attachment 'C' to this report, be endorsed as Council policy subject to the following alterations:

   A. All references in the Plan to *Municipal Services and Development Agreement* be altered to read *Municipal Development and Services Agreement.*

   B. The wording of section 1.3.3 (Water, Wastewater and Land Drainage), be deleted and replaced with the following:

   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.

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COUNCIL DECISION (continued):

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

C. The following policies be added to Section 3.2.2 (Entertainment Centre Policy Area)

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.

D. Policies 3.2.2.3 (Entertainment Centre Policy Area), 3.3.2.2 (Race Track Policy Area) and 3.4.2.3 (Staging and Support Policy Area) be altered to read:

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

E. The following policy be added section 3.4.2 (Staging and Support Policy Area):

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.

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COUNCIL DECISION (continued):

F. The first sentence of section 4.1.1.5 (Regulatory Requirements) be altered to read:

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.

G. The word *expert* be replaced with the word *engineer* in the second sentence of section 4.1.1.5 (Regulatory Requirements).

H. The following policies be added to Section 4.1.2 (Transportation Policies):

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 service 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.

I. The following policies be added to Section 4.2.1 (Water, Wastewater and Land Drainage Policies):

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.

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COUNCIL DECISION (continued):

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.

2. That *Operationalizing the Assiniboia Downs Area Master Plan*, included as Attachment 'B' to this report, be endorsed as Council policy.

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

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- That Recommendation 1 be amended by replacing “subsequent” with “subject”

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: Assiniboia Downs Area Master Plan, SP 3/2015

Issue: An Area Master Plan for the Assiniboia Downs has been prepared and is being presented for endorsement as Council policy.

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage, and Downtown Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. That the *Assiniboia Downs Area Master Plan,* included as Attachment 'C' to this report, be endorsed as Council policy subsequent to the following alterations:

   a. All references in the Plan to *Municipal Services and Development Agreement* be altered to read *Municipal Development and Services Agreement.*

   b. The wording of section 1.3.3 (Water, Wastewater and Land Drainage), be deleted and replaced with the following:

   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

c. The following policies be added to Section 3.2.2 (Entertainment Centre Policy Area)

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d. Policies 3.2.2.3 (Entertainment Centre Policy Area), 3.3.2.2 (Race Track Policy Area) and 3.4.2.3 (Staging and Support Policy Area) be altered to read:

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e. The following policy be added section 3.4.2 (Staging and Support Policy Area):

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f. The first sentence of section 4.1.1.5 (Regulatory Requirements) be altered to read:

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.

g. The word *expert* be replaced with the word *engineer* in the second sentence of section 4.1.1.5 (Regulatory Requirements).

h. The following policies be added to Section 4.1.2 (Transportation Policies):

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

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i. The following policies be added to Section 4.2.1 (Water, Wastewater and Land Drainage Policies):

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.*

2. That *Operationalizing the Assiniboia Downs Area Master Plan*, included as Attachment 'B' to this report, be endorsed as Council policy

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

REASON FOR THE REPORT

The Assiniboia Downs is located within an area identified as a Regional Mixed Centre in the *Complete Communities Direction Strategy*. Direction 1 of the *Complete Communities* section regarding Regional Mixed Use Centre indicates that transformation of existing regional mixed use centres will be done through a proactive and collaborative planning process. *The Assiniboia Downs Area Master Plan* is a culmination of collaboration with the property owner consistent with the principles and direction in *OurWinnipeg* and *Complete Communities*.

The Assiniboia Downs Area Master Plan (the Plan) presents a general land use concept, complete with objectives and policies, to guide development of the existing Assiniboia Downs lands. All future development applications will be considered in the context of the Plan. The City's review of the Plan seeks to ensure compliance with *OurWinnipeg* and the Directions and Enabling Strategies of the *Complete Communities Direction Strategy*.

The Assiniboia Downs Area Master Plan is being submitted for endorsement as Council Policy.

IMPLICATIONS OF THE RECOMMENDATIONS

The Plan is intended to guide future Council decision making. It provides a series of policies for the Public Service to follow during the review and analysis of development applications. An Area Master Plan is endorsed as Council policy and not adopted as a by-law. This provides flexibility in interpretation and application and allows the Area Master Plan to adapt as circumstances change. The Plan is not a by-law, and is therefore, not intended to be prescriptive or regulatory in nature. Changes to the Plan will follow the process outlined in attachment 'B': *Operationalizing the Assiniboia Downs Area Master Plan*

Endorsement of the Plan will allow for consideration to be given to the subdivision of the subject lands, which will enable the transfer of land ownership to Peguis First Nation. Pegius First Nation intends on applying to have the land converted to 'reserve' status.

HISTORY

On July 20, 2011, Council adopted the *Complete Communities Direction Strategy* By-law 68/2010 which designated the Assiniboia Downs and surrounding area as Regional Mixed Use Centre.

On September 2, 2014, the consultant for the proponents (Manitoba Jockey Club and Peguis First Nation) submitted application (DASSF 589/14) to subdivide the Assiniboine Downs land, owned by the Manitoba Jockey Club, into three (3) parcels. Approval of this subdivision application is pending the Council endorsement of the Plan now under consideration.

On October 22, 2015, the consultant for the proponents submitted application to have the Plan endorsed by Council as policy.

OURWINNIPEG POLICY ALIGNMENT

The Plan is consistent with the *OurWinnipeg* and *Complete Communities Direction Strategy* By-laws.

OurWinnipeg identifies the Planning Area as part of a larger Regional Mixed Use Centre. The Plan has been prepared and is in accordance with *Complete Communities* section 03 (Regional Mixed Use Centres) Direction 1: *Promote and guide the transformation of existing Regional Mixed Use Centres through a proactive and collaborative process.* As per the requirements of this Direction, the Plan establishes local goals and objectives while taking into account its relationship to *OurWinnipeg*.

The Plan reinforces the importance of the wider area as a regional mixed use centre and promotes development which *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities* (OurWinnipeg section 01-1c – Key Directions for Centres and Corridors).

OurWinnipeg section 01-1b (Key Directions for the Entire City) establishes direction to *facilitate the negotiation of municipal development service agreements with Treaty Land Entitlement First Nations.* The Plan lays the groundwork for a negotiating a Municipal Development and Services Agreement with Peguis First Nation in the future.

Council endorsement of the Plan will demonstrate meaningful intention to *raise the profile of Aboriginal culture in our community* and *collaborate with Aboriginal Winnipeggers to ensure that all Aboriginal residents have opportunities to live, work and play in our City (OurWinnipeg* section 03-1 Opportunity, Direction 5)

CONSULTATION

In preparing this report there was consultation with:

- Internal consultation with: Public Works, Water and Waste, Winnipeg Transit.
- External consultation with: Manitoba Infrastructure and Transportation.

SUBMITTED BY

Department: Planning Property and Development Department
Division: Urban Planning Division
Prepared by: James Platt, MCIP
Date: January 4, 2015
File No. SP 3/2015

List of Attachments:

1. Attachment A – *Planning Discussion*
2. Attachment B – *Operationalizing the Assiniboia Downs Area Master Plan*
3. Attachment C – *Assiniboia Downs Area Master Plan*

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ATTACHMENT A: *PLANNING DISCUSSION*

DATE:	January 4, 2016
FILE NUMBER:	SP 3/2015
RELATED FILES:	DASSF 589/14
COMMUNITY:	Assiniboia (St. Charles Ward)
SUBJECT:	Assiniboia Downs Area Master Plan
LOCATION:	3975 Portage Avenue (Lot 2, Plan 47754 WLTO)
APPLICANT/OWNER:	Richard Wintrup & Associates / Manitoba Jockey Club

Summary

The Manitoba Jockey Club and Peguis First Nation (the Proponents) have developed the Assiniboia Downs Area Master Plan (the Plan) which supports intensifying development of the 143 acre Assiniboia Downs site in the creation of a regional 'Racing and Entertainment Centre' destination. The Assiniboia Downs is within one of the seven transformative areas identified in the *OurWinnipeg Development Plan* as a 'Regional Mixed-Use Centre'. The Plan is the result of a proactive and collaborative planning process as required by *Complete Communities* when considering development within a 'Regional Mixed Use Centre'. Once endorsed by Council, the Plan will facilitate the subdivision and transfer of land ownership to Peguis First Nation followed by an application to the Federal Government as per the Federal Additions to Reserve Policy. The future land uses described and/or characterized in the Plan provide the starting point upon which Peguis First Nation and the City of Winnipeg may negotiate a Municipal Development and Services Agreement. The Plan has the potential to serve as the foundation for the successful development of a pre-eminent Aboriginal Economic Development Zone.

The Plan is consistent with the *OurWinnipeg* and *Complete Communities Direction Strategy* By-laws.

All land within the Planning Area is zone "C3" – Commercial Corridor zoning district. The land uses and development described by the Plan are consistent with the entitlements of the "C3" – Commercial Corridor zoning district.

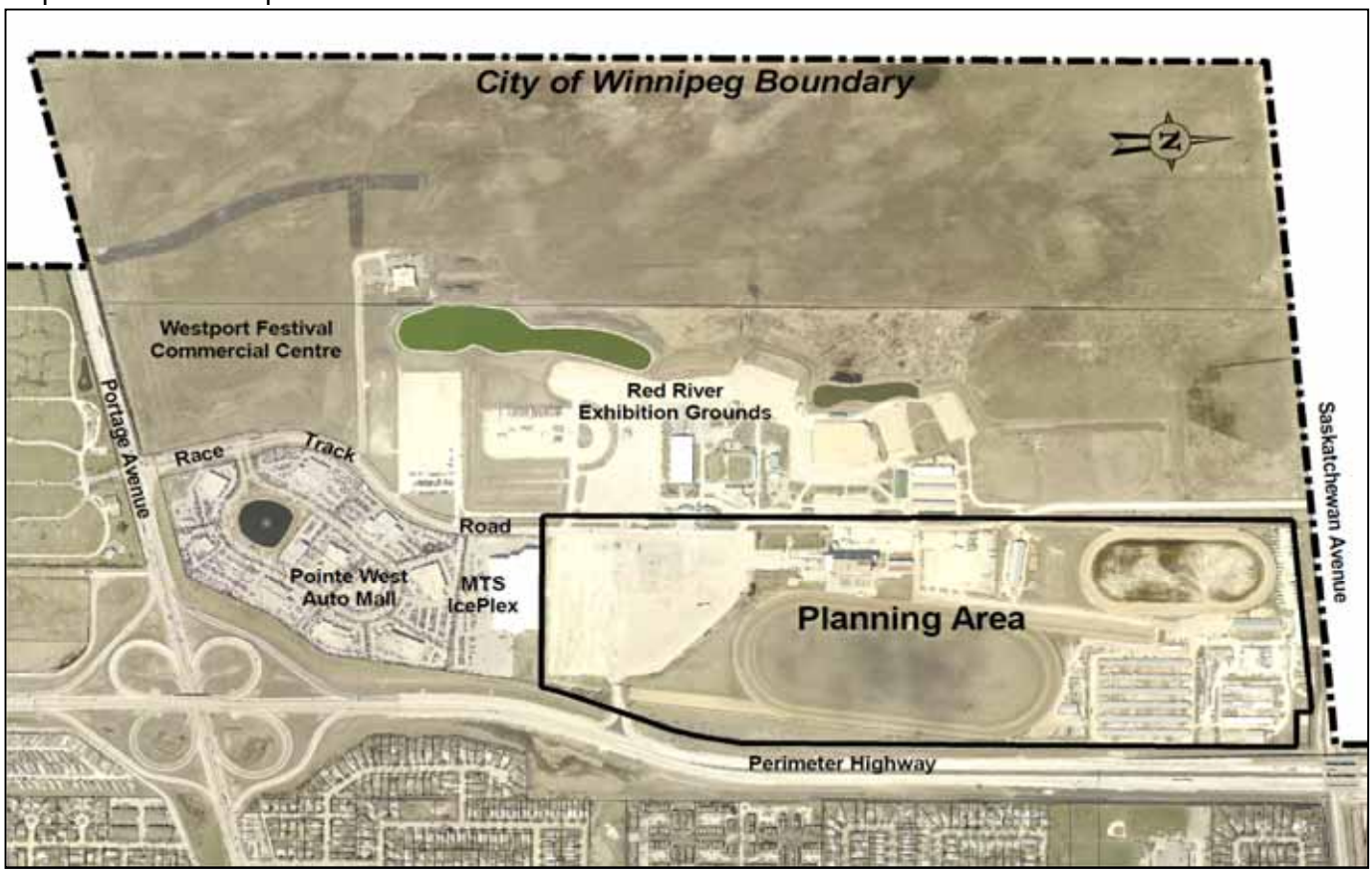
Site Description

Assiniboia Downs

The Assiniboia Downs racetrack is owned and operated by the Manitoba Jockey Club Inc. Established in 1958, the Assiniboia Downs is the largest horseracing complex in Manitoba; offering live thoroughbred racing and year round simulcast broadcasting with pari-mutuel waging. The facility has grown to become a year-round entertainment, hospitality and exhibition centre hosting various convention & trade shows with +500,000 visitors annually.

The Planning Area consists of the existing ~143 acre parcel widely known as "Assiniboia Downs". Assiniboia Downs is located at 3975 Portage Avenue, at the southwest corner of Saskatchewan Avenue and the Perimeter Highway [PTH 101] in the Assiniboia Downs Neighbourhood (2.227) of the St. Charles Ward (see Map 1 – Context Map)

Map 1 – Context Map



All land within the Planning Area is zoned 'C3' – Commercial Corridor District which is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic.

Public access to the Planning Area is gained from the south via Race Track Road, or from the east via the southbound lane of the Perimeter Highway. It should be noted that Race Track Road is a private road and not under the jurisdiction of the City of Winnipeg. Access to the service area of the facility is gained from the north via Saskatchewan Avenue, through a parcel of land owned by the Province and leased to the Manitoba Jockey Club (see Map 2 – Ownership).

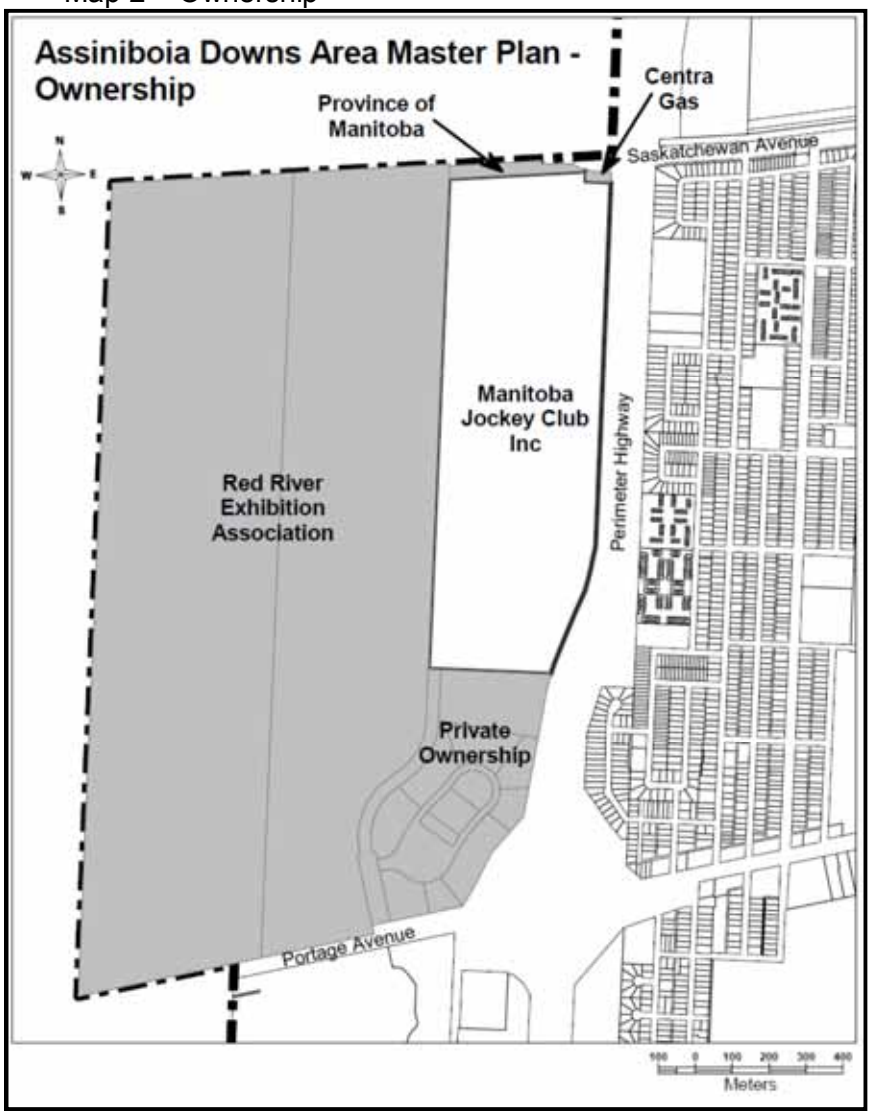
Surrounding Uses

The City of Winnipeg does not own land abutting the Planning Area (see Map 2 – Ownership).

The Perimeter Highway lays adjacent to the entire eastern boundary of the Planning Area.

The lands abutting the north side of the Planning Area, south of Saskatchewan Avenue, are owned by the Province of Manitoba and leased to the Manitoba Jockey Club Inc. An additional 20,000 ft^2 (0.45 acre) parcel, owned by Centra Gas, also exists north of the Planning Area. These parcels of land are not included in the Planning Area.

Map 2 – Ownership



The MTS Iceplex (3969 Portage Avenue) is immediately south of the Planning Area. The MTS Iceplex is a 177,000 square feet complex with four (4) NHL sized rinks with spectator seating constructed in 2009/2010 on the east side of Race Track Road (see Map 1 – Context Map). The Iceplex is used as a practice facility for the NHL Winnipeg Jets; home rink for Junior Hockey, Winnipeg South Blues; home to high school hockey, St. Paul's and Balmoral Hall. The facility has 20 player dressing rooms, a pro shop, concession & vending facilities, restaurant & bar, and is a Hockey Canada Centre of Excellence. The MTS Iceplex has 20,000 hours of ice time and is opened 365 days a year to serve the minor hockey community, adult recreation leagues, tournaments, summer camps and casual rentals.

Pointe West Auto Park (3965 Portage Avenue) is located on Portage Avenue immediately south of the MTS Iceplex (see Map 1 – Context Map). Since 1998 the Point West Auto Park has continued to evolve through various stages of development to become Manitoba's largest

Automall with 16 manufactures (foreign, domestic, prestige). This 'auto park' represented a new age of car dealership where the public can come and shop within a wide variety of manufacturers, makes and models of vehicles located along an internal circular drive through a well landscaped setting.

The Red River Exhibition Park (3977 Portage Avenue) lays adjacent to the western boundary of the Planning Area. Construction began on the Park in the Fall of 1996 and was officially opened in June 1997 with the beginning of the 1997 Red River Exhibition. Red River Exhibition Park has been developed to accommodate Festivals, Fairs and Special Events ranging from 500 to 40,000 people daily. The Park has been designed with numerous features and structures that allow for flexibility in planning and layout while providing a safe, clean and patron friendly environment.

Also to the west of the site beyond the Red River Exhibition lands is the planned development, Westport Festival commercial/retail centre (see Map 1 – Context Map). Westport Festival is expected to contain 1,000,000 sq ft of building area on 70 acres of land. In addition to a broad spectrum of commercial/retail opportunities, the site may also include a hotel.

Analysis

Development Concept

A description of how the Planning Area is to develop is found in Section 3 (Land Use Policy Areas) of the Plan. The following three (3) policy areas, as presented in Map 3 – Policy Areas, are described in the Plan:

- Race Track Policy Area
- Staging and Support Policy Area
- Entertainment Centre Policy Area

Map 3 – Policy Areas



The Race Track Policy Area includes the existing Assiniboia Downs grandstand and race track. As stated in Section 3.3.1 (Vision & Objectives): *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.* Policies included in this section support the on-going race track use and encourage access connections to the neighbouring Entertainment Centre Policy Area.

The Staging and Support Policy Area contains the existing barns and facilities which provide support services to the uses in the Race Track Policy Area. Policies included in this section support the continuance of the existing uses of the area.

A majority of the new land uses and development described in the Plan will be accommodated in the Entertainment Centre Policy Area. This policy area currently consists of a single parking lot with direct access to the Perimeter Highway via a 'right-in/right-out' style traffic lane. The parking lot provides parking for visitors to events at the Assiniboia Downs, Red River Exhibition Park and to a lesser extent, the MTS IcePlex.

Section 3.2.1 (Vision & Objectives) of the Plan envisions the Entertainment Centre Policy Area to develop into a prominent *gateway to the amenities of the planning area* and will contain developments which promote the planning area as a regional destination. The 'vision' includes retail/commercial uses, with hotels, on-site gaming facilities and potentially a transit hub. Policies of the 'Entertainment Centre Policy Area' deal mostly with urban design and the pedestrian environment.

Policy 3.2.2.2 (Entertainment Centre Policy Area) states *Development should provide… sufficient parking.* It is unclear how this will be achieved as the Entertainment Centre Policy Area consists almost entirely of an existing surface parking lot that currently serves the

Assiniboia Downs, the Red River Exhibition and to a lesser extent the MTS Iceplex and parking spaces would be deleted in order to accommodate the footprint of new development. It is recommended that the following policy be added to Section 3.2.2 (Entertainment Centre Policy Area)

> *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.*

Alignment with *OurWinnipeg* and *Complete Communities*
The Planning Area is contained within one of the seven 'Regional Mixed-Use Centres' identified in the *OurWinnipeg Development Plan* as strategically located throughout the City. As 'Transformative Areas', 'Regional Mixed-Use Centres' are characterized as large sites (typically 100 acres or more) capable of major transformative change often located adjacent to major corridors with the potential become intensely developed, city-wide or regional destinations. The Plan supports intensifying development of the existing site incorporating a range of uses which increase the potential of the area as a regional destination.

Complete Communities Section 03-2c (Transformative Areas > Centres and Corridors > Regional Mixed Use Centres) Direction 1 supports the *transformation of existing regional mixed uses centres through a proactive and collaborative process.* The Plan is the result of a proactive and collaborative process.

Complete Communities Section 03-2 Transformative Areas – Centres and Corridors Direction 1 states: *Develop Centres and corridors as focal points, characterized by a mix of uses, high density developments, opportunities for gathering and other social interaction and a high-level of accessibility through multiple modes of transportation.* The vision and policies of the Plan include elements which accommodate social interaction and pedestrian accessibility. The Plan also includes the potential for the development of a Transit hub.

Complete Communities Section 03-2a Centres Key Direction states: *Centres will function as key strategic areas that provide a mix of uses, allowing for further intensification of these uses over time, while serving as vibrant gathering spaces that support the daily activities of local residents.* The Plan promotes a mix of uses, supported by a vibrant pedestrian environment, which will intensify development of the site over time.

Section 10 of *Complete Communities* provides discussion on the development of 'Aboriginal Economic Development Zones' and recognizes:

- *Canada continues to owe land, referred to as Treaty Land Entitlement (TLE), to specific First Nations under the terms of the original treaties (signed between 1871 and 1910)*
- *Some First Nations… …have an 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 areas of mutual concerns such as land use planning.*
- *The City of Winnipeg will negotiate agreements with First Nations to provide a seamless transition between jurisdictions enabling mutual economic development interests to be achieved.*

Section 1.1 (Project Overview) of the Plan suggests that the Plan will ultimately *serve as the foundation for the successful development of a pre-eminent Aboriginal Economic Development Zone.* It is anticipated Peguis First Nation will begin the 'Additions to Reserve' process of designating land within the Planning Area as 'Reserve Land' once the Plan has been endorsed by Council and the First Nation has been able to secure ownership of land within the Planning Area. The City of Winnipeg does not have jurisdiction on land designated as 'Reserve Land', which means the City's land use planning and zoning by-laws no longer apply once the land is designated. The First Nation has the authority to determine how to use their reserve lands according to the needs and interests of their community. Any services provided to the 'Reserve Land' by the City of Winnipeg are provided according to the terms of an agreement between the First Nation and the City.

One of the steps required to convert the subject land to 'Reserve Status' (through the 'Additions to Reserve' process) is for the First Nation to negotiate a 'Municipal Development and Services Agreement' with the municipality. As mentioned in *Complete Communities,* and re-iterated in Section 1.4.2 (Aboriginal Economic Development Zones) of the Plan, a Municipal Development and Services Agreement is an agreement between a First Nation and a Municipality, negotiated in anticipation of a parcel of land located in the Municipality being set apart as Reserve, which provides for:

(a) the ownership of infrastructure (including sewer and water facilities, roads, sidewalks and waste disposal sites) located on land after the land is set apart as Reserve;

(b) the continuation or extension of services (including sewer and water, garbage collection, snow removal, fire protection, policing, public utilities, infrastructure maintenance and other similar municipal services) to that land after the land is set apart as Reserve;

(c) the rates of payment or the means of determining rates of payment for the actual and direct costs incurred by the Municipality in permitting the Entitlement First Nation to use its infrastructure (in the event that the infrastructure should remain the property of the Municipality) or in providing services to that land (in the event the Municipality is to provide services) and the timing and enforcement of payment for the use of that infrastructure and the provision of those services;

(d) *any need for joint planning and development between the Entitlement First Nation and the Municipality;*

(e) *the maintenance of reasonably compatible use of that land and of adjoining land in the Municipality by the enactment of bylaws for zoning and development; and*

(f) *the resolution of disputes between the Entitlement First Nation and the Municipality.*

(the above reproduced from *Treaty Land Entitlement, Framework Agreement* 1997 between Treaty Land Entitlement Committee of Manitoba Inc, the Federal Government and The Province of Manitoba)

Complete Communities contains direction to *facilitate the negotiation of Municipal Development and Servicing Agreements with Treaty Land Entitlement First Nation* (*Complete Communities* Section 10 – Aboriginal Economic Development Zones) which are 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 concerns, such as land use planning, a dispute resolution process and any additional relevant items.*

It is expected that 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* (Section 1.1 of the Plan). This expectation is repeated throughout the Plan. Section 1.5 (Purpose of the Plan) states: *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.*

It should be noted that the Plan currently inaccurately refers to a *Municipal Services and Development Agreement.* All references to *Municipal* ***Services and Development*** *Agreement* should be altered to *Municipal* ***Development and Services*** *Agreement.* It is recommended that all references in the Plan to *Municipal Services and Development Agreement* be altered to read *Municipal Development and Services Agreement.*

The Assiniboia Downs Area Master Plan aligns with *OurWinnipeg* and the *Complete Communities Direction Strategy.*

Alignment with Zoning By-law

The entire planning area is currently zoned "C3" – Commercial Corridor in the City of Winnipeg Zoning By-law (200/2006). Lands zoned "C3" are generally located in Regional Mixed Use Centres as identified in *Complete Communities*, and are *intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access… but not including regional shopping malls or regional shopping areas.*

The land uses described in the Plan, including *retail/commercial, hotels and possibly future gaming* (Section 3.2.1 Vision & Objectives) are currently accommodated in the "C3" zone.

The land uses and development described by the Plan are consistent with the entitlements of the "C3" Commercial Corridor District of the City of Winnipeg Zoning By-law (200/2006).

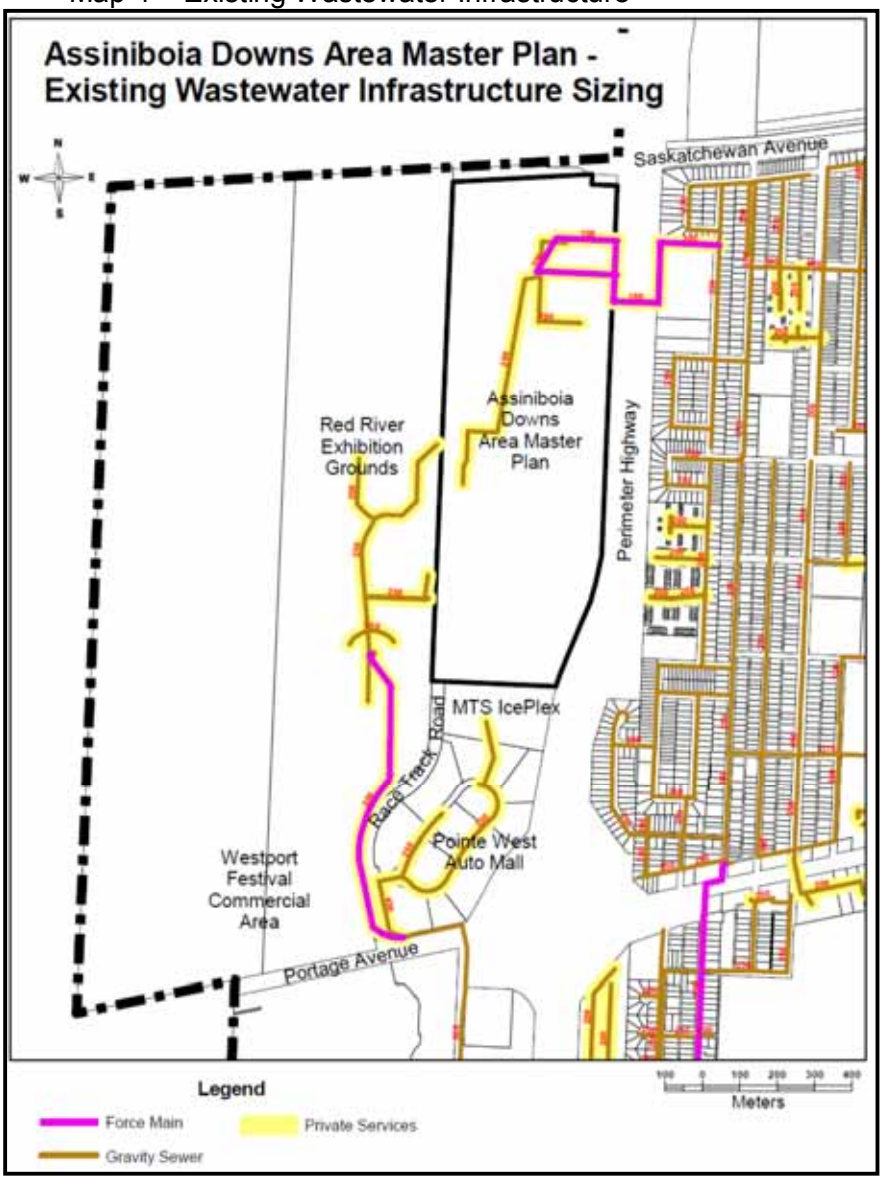
Water, Wastewater and Land Drainage

The description of the current water, wastewater and land drainage infrastructure is vague and potentially misleading. Section 1.3.3 (Water, Wastewater and Land Drainage) of the Plan states *Municipal Water, Waste Water and Land Drainage trunk services are located at the adjoining intersection of Race Track Road and Portage Avenue West (Trans-Canada Highway #1).* While the provision of water services currently originates at the intersection of Race Track Road and Portage Avenue, the existing water pipeline servicing the Planning Area crosses land under private ownership. In addition, wastewater from the Planning Area is currently directed East, under the Perimeter Highway, to the nearby residential area, and not directly south to a 'Trunk Service' at Race Track Road and Portage Avenue. And finally, drainage from the Planning Area currently discharges into the drainage system along the Perimeter Highway, which is under the jurisdiction of the Province. The following provides a brief description of existing services.

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 (see Map 4 – Existing

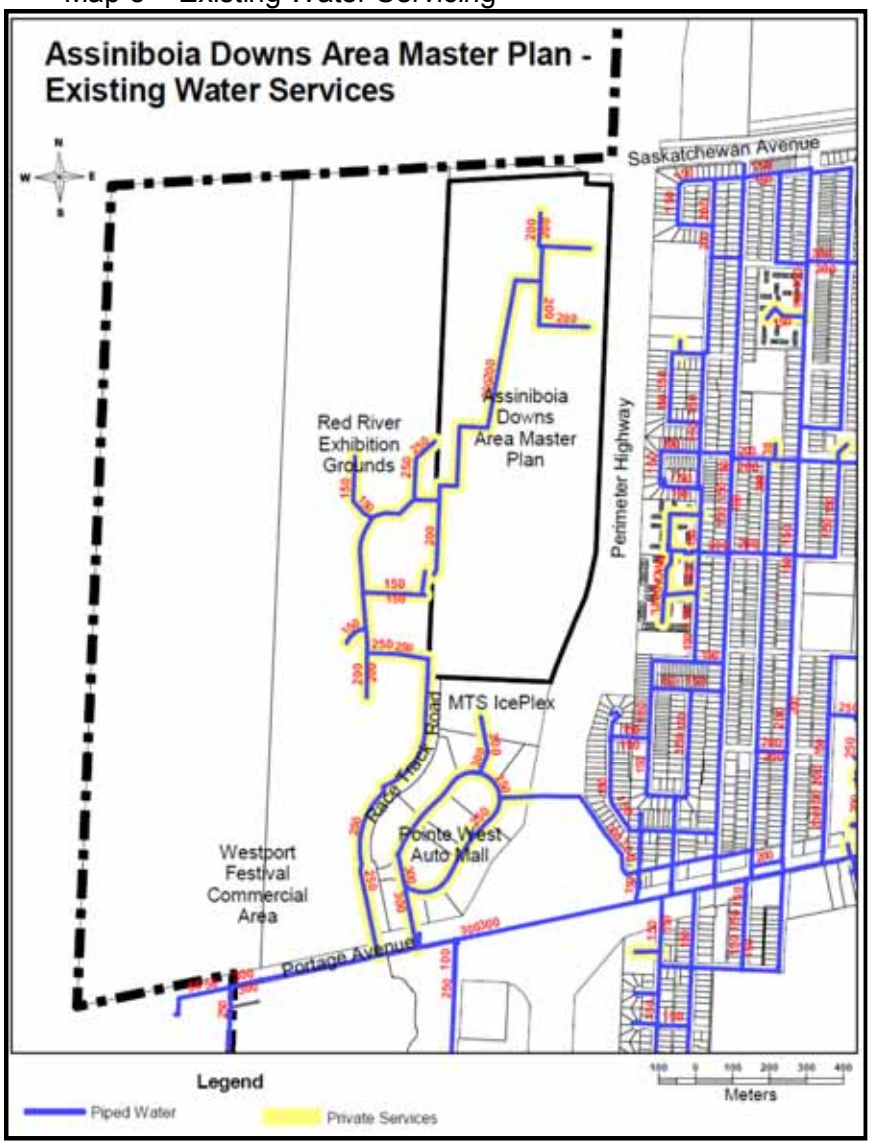
Wastewater Infrastructure). Increasing the flow of this forcemain has the potential to overwhelm the sewer infrastructure of the neighbouring residential area. Additional wastewater generated within the Planning Area will be directed toward the wastewater infrastructure along Portage Avenue.

Map 4 – Existing Wastewater Infrastructure



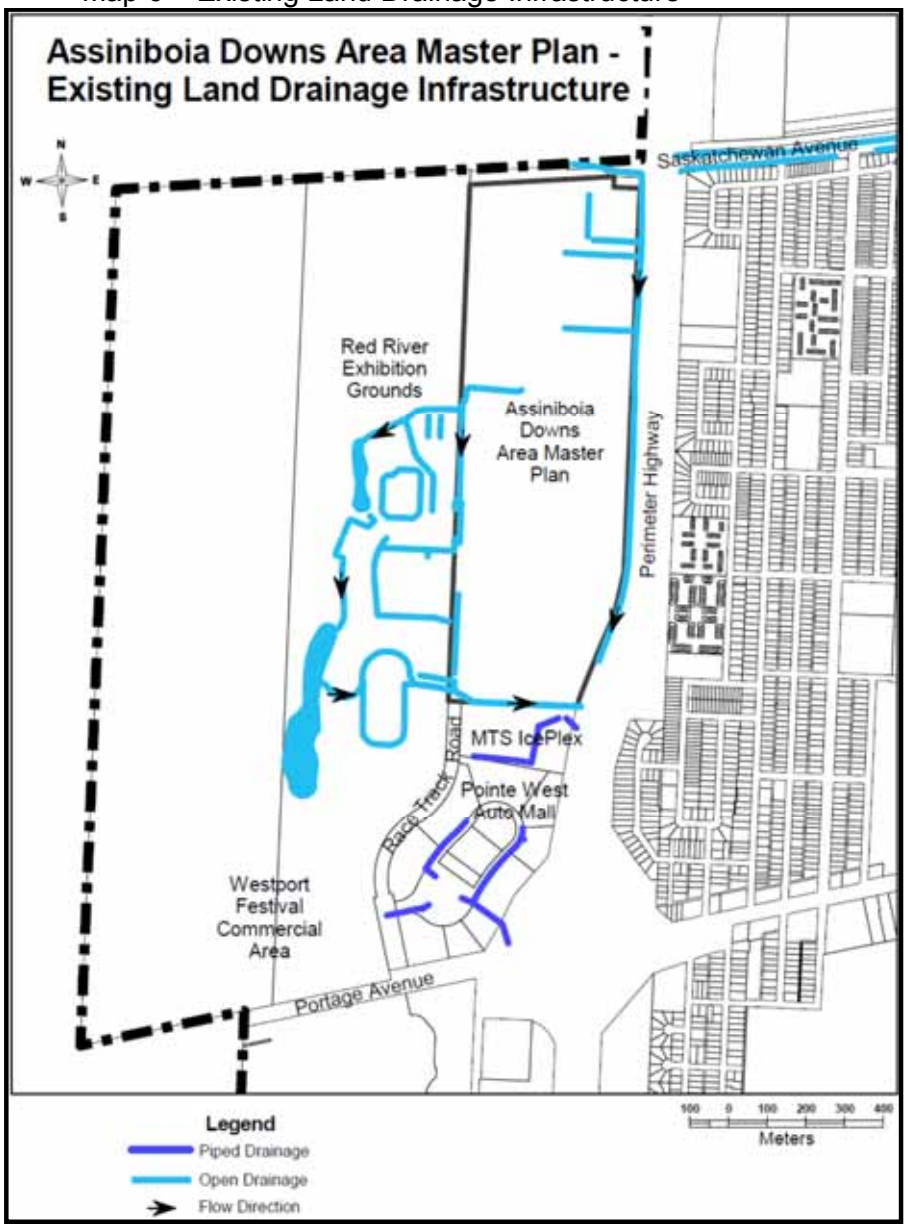
Piped water servicing is currently provided from infrastructure extending North from Portage Avenue through the neighbouring private holding (Red River Exhibition Grounds) to the West (see Map 5 – Existing Water Servicing). Development within the Planning Area is likely to require improvements to the 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.

Map 5 – Existing Water Servicing



Land drainage within the Planning Area is provided through a system of ditches which ultimately discharge into the drainage system along the Perimeter Highway (see Map 6 – Existing Land Drainage Infrastructure). When development proceeds, the Province will request sufficient information to ensure drainage from the Planning Area will not adversely affect the provincial highway system. 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.

Map 6 – Existing Land Drainage Infrastructure



While the Planning Area is currently *serviced with a full range of municipal services* (Section 1.3), the capacity of existing servicing infrastructure will need to be verified via engineering analysis in advance of additional uses being established within the Planning Area. This engineering analysis will include existing and proposed uses within the Planning Area and adjacent lands that share servicing infrastructure. Policy 4.2.1.1 (Water, Wastewater and Land Drainage – Policies) states *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.* However, as the Plan is likely to be used as a starting point for the negotiation of a 'Municipal Services and Development Agreement' between the City and a First Nation, it is important that the Plan more clearly identifies the underlying need for engineering such studies.

It is recommended that the wording of section 1.3.3 (Water, Wastewater and Land Drainage), which describes the existing water, wastewater and land drainage infrastructure, be replaced with the following:

> *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*

The Plan should also contain policy wording making it clear that the City will not be responsible for infrastructure improvements required to connect private services within the Planning Area to municipal services at Portage Avenue. It is recommended that the following policies be added to Section 4.2.1 (Water, Wastewater and Land Drainage):

> *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.*

It is recommended that policies 3.2.2.3 (Entertainment Centre Policy Area), 3.3.2.2 (Race Track Policy Area) and 3.4.2.3 (Staging and Support Policy Area) all be altered to read:

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

Section 4.1.1.5 (Regulatory Requirements) states that *Approval of proposed land subdivision will require written assurance from the Province for any changes to the drainage flow from the proposed development will not have an adverse effect on the nearby provincial drainage system.* This statement implies that the Province should only be consulted about altering drainage discharge into the provincial drainage system during subdivision applications. It is recommended that this statement be altered to read:

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.

Section 4.1.1.5 also states that a drainage plan prepared by a qualified 'expert' may be required to support development proposals. It is recommended that the word 'expert' be replaced with the word 'engineer'.

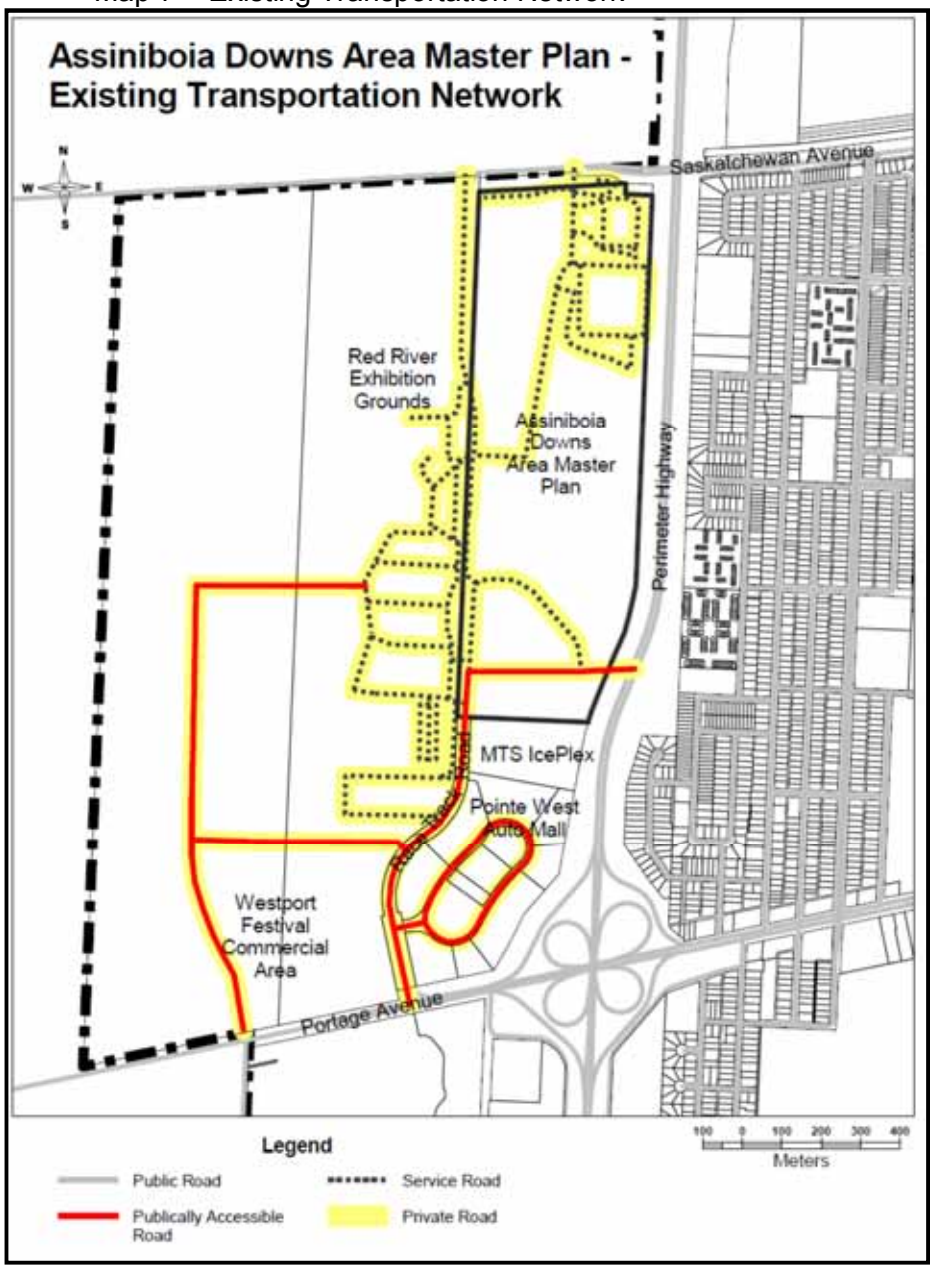
It is recommended that the following policy be added to Section 4.2.1 (Water, Wastewater and Land Drainage Policies) in support of the above alterations:

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.*

Transportation

The City of Winnipeg does not share a boundary with the Planning Area. Public access to the Planning Area is gained from the south via the privately owned Race Track Road, or from the east via the southbound lane of the Perimeter Highway which is the jurisdiction of the Province of Manitoba. Additional private service access is currently obtained Saskatchewan Avenue across a parcel of land leased from the Province of Manitoba (see Map 7 – Existing Transportation Network). Additional private service access points exist to the neighbouring property to the west, privately owned by the Red River Exhibition Association.

Map 7 – Existing Transportation Network



The Province of Manitoba has indicated that they have been phasing out 'right-in/right-out' access points along the Perimeter Highway. It should therefore be assumed that the 'right-in/right-out' access servicing the Planning Area may be discontinued at some point in the future, when an alternative suitable public access point can be secured directly from publicly owned land. Policy 4.1.2.1 of the Plan already recognizes that this access may be used *until otherwise prohibited by the City and/or Province.*

Increased traffic generated from new development generally requires the upgrading of access points, which may be challenging given that Race Track Road is a private roadway and the access to/from PTH 101 (Perimeter Highway) may not be in place long-term. The uses described in the Plan have the potential to add a significant amount of traffic to both Saskatchewan Avenue and Portage Avenue. Traffic Impact Studies prepared for the development of neighbouring properties have not included projected traffic from the Assiniboia Downs Area Master Plan area. Assessing the traffic impact of the uses described in the Plan will require a Traffic Impact Study prepared by a qualified engineer prior to development occurring. Since access to the Planning Area relies heavily on private roads crossing privately owned parcels of land, any future Traffic Impact Studies undertaken to support development within the Planning Area will also have to consider traffic generated from neighbouring development. It is recommended that the following policies be added to ensure that future development within the Planning Area can be properly supported by the transportation infrastructure:

3.2.2 (Entertainment Centre Policy Area)

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.*

3.4.2 (Staging and Support Policy Area)

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.*

4.1.2 (Transportation Policies)

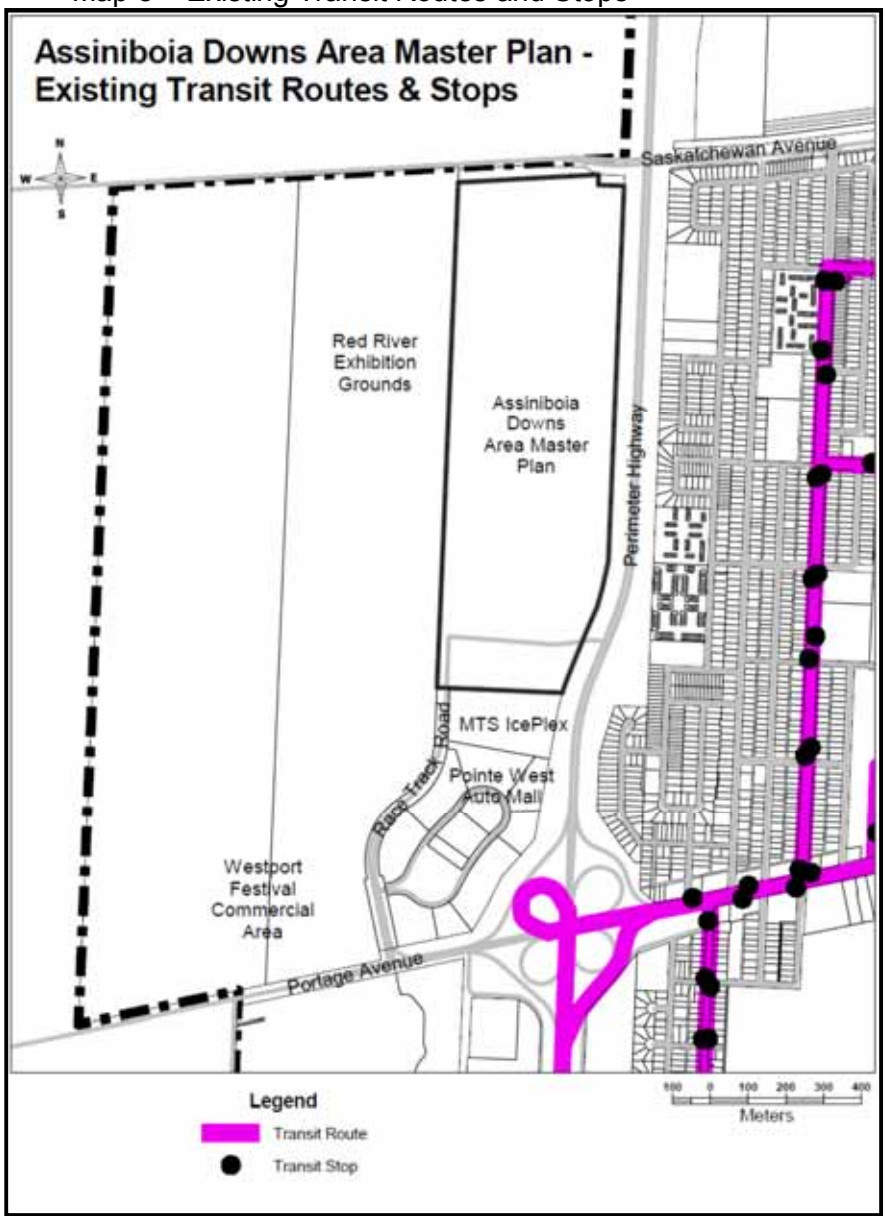
4. *Development within the Planning Area which is likely to result in an increase of traffic to the Planning Area will require the submission of a Traffic Impact Study prepared by a qualified engineer, and to the satisfaction of the City of Winnipeg and Province of Manitoba.*

<u>Transit</u>

Section 2 (Planning Objectives) envisions the Planning Area to become *a fully connected district providing options for getting around other than the car* and goes on to state that *the site will be accessible via a variety of transportation choices.* Transit service to this area is basically non-existent (see Map 8 – Existing Transit Routes and Stops); although minimal temporary transit service was provided during the Red River Exhibition and has been provided in the past for horse racing events (not in 2015). Winnipeg Transit has limited resources for expanding service

at the moment and is interested in exploring cost sharing options with future developers in the Planning Area. The Plan should recognize that any future service requirements (and timing and resources for said service) should be discussed with Winnipeg Transit.

Map 8 – Existing Transit Routes and Stops



A future transit network would likely need to be routed through the Planning Area, linking Saskatchewan Avenue to Portage Avenue with a terminal located somewhere in the larger area. The route would have to make use of internal private roadways, including Race Track Road. Private roadways would need to be brought up to a construction standard equivalent to a City of Winnipeg collector road for Transit service to be possible. It should also be noted that Winnipeg Transit may not be able to extend service to this area for several years due to resource

availability. Cost sharing between arrangements may need to be investigated during the future negotiation of a Municipal Development and Services Agreement.

It is recommended the following policies be added to Section 4.1.2 (Transportation Policies):

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 service provided will be at the discretion of Winnipeg Transit.*

Operationalizing the Plan

The Development Procedures By-law (160/2011) provides details regarding the process by which Secondary Plan By-laws are adopted and/or amended. As the Plan will not be passed by Council as a Secondary Plan By-law the procedure for amending the Plan needs to be articulated and endorsed by Council. The document entitled *Operationalizing the Assiniboia Downs Area Master Plan* provides the rules and process for amending the Plan. Council endorsement of this document is required to establish the rules and process future amendments to the Plan will follow.

Recommendation

It is recommended that the Assiniboia Downs Area Master Plan be endorsed as Council policy subsequent to the following alterations:

1. All references in the Plan to *Municipal Services and Development Agreement* be altered to read *Municipal Development and Services Agreement.*

2. The wording of section 1.3.3 (Water, Wastewater and Land Drainage), be deleted and replaced with the following:

   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

3. The following policies be added to Section 3.2.2 (Entertainment Centre Policy Area)
   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.

4. Policies 3.2.2.3 (Entertainment Centre Policy Area), 3.3.2.2 (Race Track Policy Area) and 3.4.2.3 (Staging and Support Policy Area) be altered to read:
   Development will be supported by a full range of municipal services as per policies of section 4.2.1 (Water, Wastewater and Land Drainage)

5. The following policy be added section 3.4.2 (Staging and Support Policy Area):
   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.

6. The first sentence of section 4.1.1.5 (Regulatory Requirements) be altered to read:
   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.

7. The word *expert* be replaced with the word *engineer* in the second sentence of section 4.1.1.5 (Regulatory Requirements).

8. The following policies be added to Section 4.1.2 (Transportation Policies):
   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 service 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.

9. The following policies be added to Section 4.2.1 (Water, Wastewater and Land Drainage Policies):

   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.

Attachment B – *Operationalizing the Assiniboia Downs Area Master Plan*

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.