



Phase One:
Public
Outreach on
Potential
Development of
the Parker Lands

May, 2016

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Executive Summary

This report describes public outreach work undertaken by McKay Finnigan and Associates from mid-March through to May 31, 2016 with respect to various development initiatives being undertaken in a part of Winnipeg commonly referred to as the *Parker Lands*. The main intent of this work was to come to a common understanding of the various issues and concerns surrounding the City of Winnipeg's Southwest Rapid Transit Corridor Stage 2 project, Brenda Leipsic Dog Park, retention pond, Manitoba Hydro's Harrow Station/Bishop Grandin Transmission Project, and "Oak Grove" (GEM Equities' transit oriented development). With the key issues identified and clearly understood, as well as impressions gained as to the willingness of each party to work toward a consensus plan of action, a determination was then to be made as to whether a formal mediation process would be appropriate and helpful.

This Phase 1 study concluded that under the present circumstances there did not currently appear to be a role for the Province of Manitoba to play in terms of mediation as other planning and development processes are imminent.

At the time of writing this report most of the development projects were well underway and/or for all intents and purposes considered by most to be "fait accompli". Outstanding issues identified mainly had to do with GEM Equities proposed *Oak Grove* development as well as the City of Winnipeg's planned retention pond. In short there is a strong desire by many members of the community to preserve as much as possible of the existing "Grade A" natural habitat, both the aspen forest and wetlands currently found within the Parker Lands. Most stated that they would appreciate a chance to meet with the developer, through a facilitator, to explore how some of these natural lands could be acquired for public use/open space and/or integrated into the final development in as environmentally sensitive a manner as possible.

These outstanding issues might well be addressed through the development of a secondary plan which currently is underway (at the time of writing). Given its experience with similar projects in the past (e.g. *Royalwood/Bois des Esprits*) the City of Winnipeg may be able to resolve these issues on its own. As such, it would seem prudent to allow the planning process and the resultant secondary plan to serve to mediate any remaining concerns. This could be revisited within a Phase 2 review if deemed necessary after these planning processes end.

I. INTRODUCTION

McKay Finnigan and Associates (MFA) have been contracted by the Province of Manitoba (Sustainable Development - formerly Conservation and Water Stewardship) to undertake public outreach relating to various development initiatives taking place in a part of Winnipeg commonly referred to as the *Parker Lands*. MFA were asked to work towards a common understanding of the various issues and concerns surrounding the City of Winnipeg's Southwest Rapid Transit Corridor Stage 2 project, Brenda Leipsic Dog Park, retention pond, Harrow Station/Bishop Grandin Transmission Project, and "Oak Grove" (GEM Equities' transit oriented development).

Through this assignment it was anticipated that MFA would be able to determine whether a mediation process might be helpful going forward. From the outset it was agreed that this project should be approached in two phases, with the second phase only proceeding dependent upon the results of and lessons learned from the first phase. The following describes the approach as approved.

Phase One: Assessment Process

Timing: March 14 – May 31, 2016

As a first step in this phase, the consultant will review all readily available background documents regarding the City of Winnipeg's Southwest Rapid Transit Corridor Stage 2 project, Manitoba Hydro's plans, and GEM Equities' development plans for its site (including approvals/processes which will be required by the City of Winnipeg). The consultant will then set up meetings with the various parties individually. These meetings will be structured to ensure that all issues can be identified and clearly understood. They will also help each party explore their respective options. Information gathered through this assessment process will also help determine the willingness of each party to work toward a consensus plan of action.

Phase Two: Mediation Process (to be initiated upon joint agreement at end of Phase One)

Timing: June 1 – July 15, 2016 (estimated)

With respect to community planning/land use issues, any case or issue can be mediated if the parties feel they have something to gain from settling as opposed to going to a formal public hearing or trial (in the courts). For mediation to be successful all parties generally need to be consulted and involved in setting up the structure to facilitate mediation toward a consensus plan of action/conclusion. The alternatives could include anything from "shuttle diplomacy" to a "conference" of all the participants. A possible approach to a mediation process, indeed "if" mediation is appropriate/possible, will come out of the findings from Phase One.

II. BACKGROUND INFORMATION

1. Provincial Environment Act Review Process

The *Environment Act* review process considered a broad study area in which potential direct and indirect effects from the project were anticipated to occur. The study area included the whole of the Parker Lands. The environmental assessment concluded that impacts to wetland habitat and vegetation within the Parker Lands would be limited to the areas to be directly affected by the project construction activities. These areas, which include the Manitoba Hydro and Canadian National (CN) Rail right-of-ways and undeveloped privately owned land within the southern portion of the Parker Lands, are depicted in the attached map (see Appendix A).

The overall assessment from the Province's perspective indicates that the area covered by the *Environment Act* review does not contain species of concern, grasslands, forest nor wetlands that are of ecological significance province-wide.¹ Notwithstanding the scope of the *Environment Act*, the City of Winnipeg may apply its own policies and guidelines for development.

2. City of Winnipeg Ecologically Significant Natural Lands (ESNL) Review

In 1993 the City of Winnipeg Naturalist's Office together with the Canadian Wildlife Service and Manitoba Naturalists Society, created the first inventory of "natural areas" in Winnipeg. Since 2000 the City of Winnipeg's Naturalist Services Branch has continued to conduct assessments and maintain the inventory. Once a site has been selected as a possible natural area, it is surveyed on the ground using a method known as the "Preliminary Habitat Assessment/Evaluation of Natural Areas". The final outcome of this approach is a habitat grade of A, B, C, or D; "A" being the highest and "D" being the lowest grade for natural habitat. The following figure outlines how the Parker Lands were graded using this method.

From the map on the following page, it would seem that the most valuable natural habitat on these lands is located within the northwest corner on property currently owned by GEM Equities. In fact the aspen forest in this area is generally recognized as being the largest and best remaining forest of this type that is located near the downtown.

¹ The relevant *Environment Act Review* documents can be found at <http://www.gov.mb.ca/conservation/eal/registries/5709citywpgrapidtransit/index.html>



Parker Lands by habitat type showing habitat quality.

3. Winnipeg City Council's Policy Regarding ESNL

On February 21, 2007 Winnipeg City Council formally adopted its "Ecologically Significant Natural Lands Strategy and Policy". Among other things this policy recognized that "sites receiving grades of B or higher are considered to be good quality sites and worthy of consideration for preservation based on that assessment alone".

The policy goes on to note that the City should encourage and where possible provide incentives for private landowners to act as stewards of the natural lands on their property. It outlines two ways by which landowners potentially could benefit from the presence of natural areas on their land:

- **Conservation Easements** are legal agreements voluntarily placed on the deed of property by the landowner to protect natural features. Under the provision of the Province's *Conservation Agreements Act* landowners may sell or donate an interest in the land to an eligible conservation agency for the purpose of preserving a portion of the land for the enhancement of natural ecosystems, wildlife or fisheries habitat and plant or animal species. The benefit to the landowner can come through tax deductions for the easement and/or payments by the conservation agency.

- **Charitable Donation** – The Canadian Ecological Gifts program is provided by the federal government as a way for landowners to donate ecologically sensitive land to qualified recipients in return for significant tax benefits. The qualified recipient can include federal, provincial and municipal governments or charitable organizations with protection of Canada’s environmental heritage in their mandate.

The policy also outlines the following three ways that the City could acquire natural areas:

- **Outright Purchase** – may be considered when other options do not appear viable and in cases when it appears to be the best option.
- **Land Exchange** – would involve agreement of the landowner with ESNL on their property trading that property to the City in return for another property.
- **Land Dedication** – Natural areas that are identified as important to protect as ESNL can be dedicated through the land dedication process. Under the authority of The City of Winnipeg Charter (Section 259(1)), Council may make the approval of a proposed plan of subdivision subject to either of the following conditions:
 - That at least 10% of the land be dedicated to the City for park/open space purposes.
 - That instead of setting the condition above, money be paid to the City for the purchase of land for park/open space purposes.

The City’s “Development Agreement Parameters” state that developers shall dedicate a minimum of 8% of the net area of any proposed development for public park purposes and pay the remaining 2% in cash so that the dedicated lands can be graded and sodded. If land is not required for public park purposes, the developer shall provide a cash payment representing 10% of the appraised value of the Development Application.

4. Public Concerns Related to the Parker Lands

For many years, 23.8 hectares (58.7 acres) of the Parker lands were owned outright by the City of Winnipeg. On June 22, 2009 City Council traded this property with the current owner of GEM Equities Inc. in exchange for a 3.6 hectare (8.95 acres) parcel located within the former Fort Rouge yards. No restrictions apparently were placed on how the 23.8 hectares could be developed (including possible preservation of the Grade A/B habitat), other than a condition permitting the City to buy back a portion of the lands needed for the BRT corridor s.20(1)(c).

s.20(1)(c)

s.20(1)(c)

s.23(1)(a)

s.23(1)(a)

5. Current Land Use Planning Matters

The previously owned City-owned lands are within the Parker Lands Major Redevelopment Site (MRS) which is one of 11 MRS policy areas of *Our Winnipeg* and *Complete Communities Direction Strategy* - two of the City of Winnipeg's most important over-arching planning documents. What makes the Parker Lands MRS particularly significant is that it is intersected by a Rapid Transit Corridor policy area. Among other things, *Complete Communities* states:

- that Major Redevelopment Site policy areas are vacant or underutilized land that, when redeveloped, “will promote complete communities with significant residential densities in a walkable, well-designed environment, embodying the principles of sustainability and, when adjacent to high frequency transit, Transit Oriented Development”; and
- that Rapid Transit Corridor policy areas are for medium to high density, transit-oriented development (TOD) comprised of a mix of uses and a high quality pedestrian-oriented environment and served by rapid transit stations.

In early 2012, City Council formally endorsed a TOD Handbook in principle as a Council policy. This document guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit and high frequency transit corridors (a copy of the Handbook can be found at <http://winnipeg.ca/ppd/planning/TOD/default.stm>).

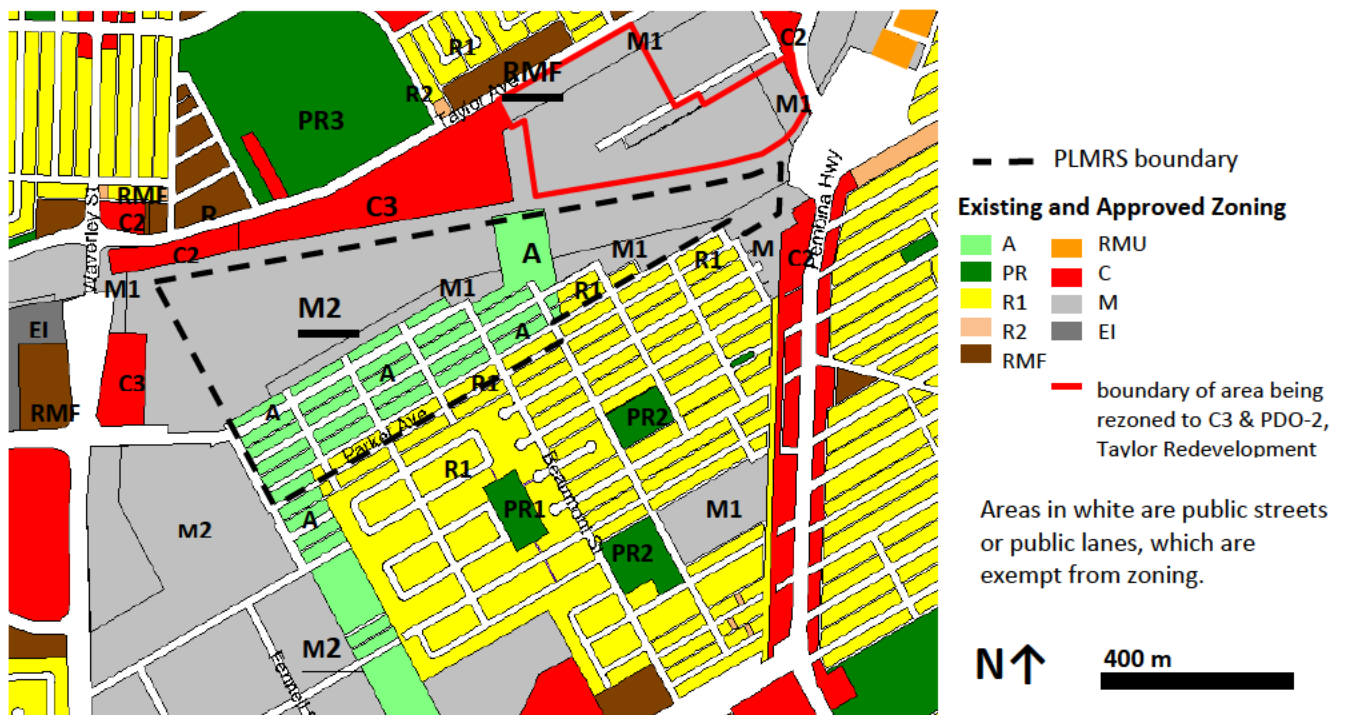
² Report on the “Inquiry Into The Expropriation Of Land By The City Of Winnipeg For The Purposes Of The Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project”, Georges Ernest Ulyatt, Inquiry Officer, November, 2015

By enabling density, mixed use, accessible urban design and sustainable transportation options, a TOD is expected to:

- contribute to the overall sustainability of the city,
- provide a valued complement to existing land use patterns, and
- offer a lifestyle option that appeals to many people.

The following zoning map shows that the Parker Lands MRS currently is partly in:

- “A” Agricultural Districts;
- “R1” Residential Single-Family Districts;
- “M1” Manufacturing Light Districts; and
- “M2” Manufacturing General District



III. APPROACH AND METHODOLOGY

Word of this study became public via an article in the Winnipeg Free Press (see Appendix B for a copy of the March 15th article). The consultants made themselves available to meet with anyone who came forward or approached them as a result of this article.

Two site visits or “walk-a-bouts” were held; one in late March with a representative of Manitoba Sustainable Development, and the other in early May with a member of the *Parker Wetlands Conservation Committee*.

A conscious decision was made to focus first on understanding the various plans and approval processes associated with each of the proponents – i.e. the City of Winnipeg, Manitoba Hydro and GEM Equities. Once sufficient knowledge of each had been gained, contact was then made with the representatives of the different community groups/stakeholders as provided by the client.

A survey form was developed to serve as a guide for each meeting with community representatives. These meetings began with the consultants providing a summary of their understanding of each of the individual development projects (i.e. BRT Stage 2, retention pond, etc...).³ This was followed by a discussion to gain an understanding of their particular concerns and a sense of which projects they considered to be most important to focus on in order to bring about changes or alternative approaches to development. Finally, community representatives consulted were asked to provide their thoughts on the possible value of mediation and whether or not they personally would be inclined to participate.

A list of all individuals (including community representatives) who were consulted through this study can be found in the attached Appendix C.

³ It should be noted that with respect to GEM Equities’ proposed development, the consultants spoke to the overall planning context within which the development was being planned – i.e. *Our Winnipeg, Complete Communities Direction Strategy* etc. – and encouraged community representatives to participate in GEM’s upcoming public open house as one way to have their concerns considered.

IV. OVERVIEW OF DEVELOPMENT PROJECTS

The sections below provide an overview of each of the major development projects either underway or being planned for the Parker Lands - their history, rationale and current status.

1. City of Winnipeg

The City of Winnipeg has three distinct development projects within the Parker Lands.

1.1. Southwest Transit Corridor

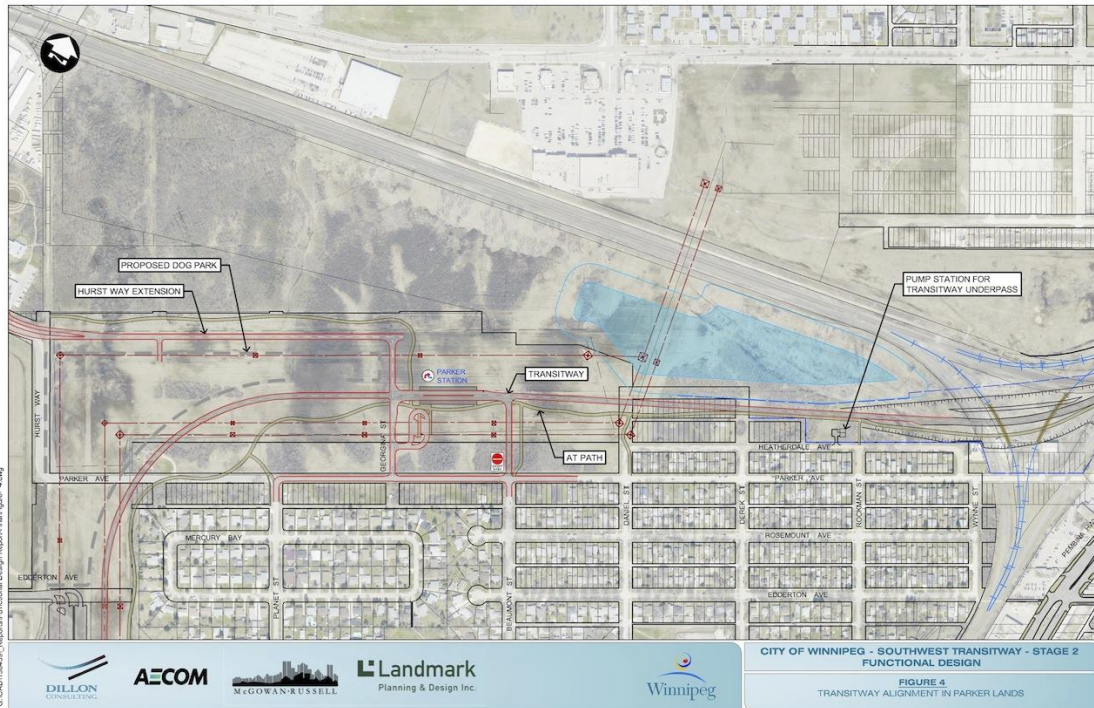
When the Southwest Transit Corridor was first envisioned by the City of Winnipeg in the 1970s and 80s, the concept called for it to follow an alignment from Jubilee Avenue south along the CN Letellier tracks just west of Pembina Highway. In 2012/13 a study was completed assessing this alignment, together with the alternative Parker/Manitoba Hydro right-of-way alignment, vis-a-vis various criteria including:

- Speed and reliability of transit service;
- Traffic safety;
- Property requirements (via expropriation);
- Ability to accommodate “Active Transportation” facilities;
- Ability to accommodate “Park and Ride” facilities;
- Ability to accommodate “Transit Oriented Development”; and
- Capital costs.

Based on the assessment, the Parker Manitoba Hydro alignment was recommended to and approved by City Council in 2013 (a decision had been made earlier to fund Stage 2 of the Southwest Transitway through PPP Canada). A copy of the map showing how the alignment will traverse the Parker Lands is contained in the following figure.

A public engagement initiative was then launched to assist Winnipeg Transit in coming up with a functional design for the transitway. Public consultations were undertaken via a two-round process between October, 2013 and February, 2014. Following submission of the functional design to PPP Canada, in May/June, 2015 a third round of consultations was conducted to update stakeholders and the public on the status of the project. The report on this public engagement initiative stated that during these various consultations a relatively “small number of participants re-iterated a wish to designate areas in the Parker Lands for use as a public park”⁴.

⁴ *Southwest Transitway Stage 2 Functional Design Report*, Dillon Consulting and sub-consultants (including Landmark Planning and Design Inc.).



The alignment of the corridor through the Parker Lands (as outlined in the figure above) only abuts the higher grade natural habitat as described earlier in this report. On April 25, 2014, an *Environment Act* Proposal (EAP) was filed by the City of Winnipeg for the project. During the public consultation process, most of the concerns expressed had to do with potential destruction of the Parker wetlands and the loss of the dog park. In short, the concerns of the residents were understandable but outside the scope of *The Environment Act*.

On December 18, 2014 *Environment Act* Licence No. 3121 was issued to the City of Winnipeg for the project. Within the 30 day appeal period following the issuance of a licence, the Minister’s office received about 100 appeals mostly citing impacts to the Parker wetlands and the loss of the dog park. On June 18, 2015 the City submitted their report on the potential impacts of the project to the adjacent wetland and their planned mitigation measures. Clauses in the licence were included to require the City to undertake a spring survey of the natural habitat within the Parker Lands and to replace the structure and function of cattail stands and wet meadow areas as part of the construction of a retention pond (note: it was felt that the retention pond, with new areas of semi-aquatic vegetation, aquatic vegetation, and a pond habitat was an appropriate offset to the loss of the existing wetland area due to construction of the transit corridor).

Winnipeg Transit has confirmed that a spring survey of its portion of the Parker Lands’ habit will be undertaken in the near future. At the time of writing this report, Winnipeg Transit recently has selected its P3 partner, Plenary Roads Winnipeg, to design, build

and maintain the second stage of the southwest transit corridor. Construction on the transit corridor is scheduled to begin later this summer and be completed in late 2019.

1.2. Brenda Leipsic Dog Park

In 2008 an off-leash dog park was officially established on Manitoba Hydro's ROW in the Parker Lands and named in honour of former city councillor Brenda Leipsic. Located adjacent to the Winnipeg Humane Society's facilities, the park consisted of two large fields bounded on the sides by a stand of trees. Dog park users over time got the mistaken impression that pretty much the entire Parker Lands area, including the privately held lands, was public open space and made use of the area accordingly.

The park was closed on January 21st, 2016 to make way for construction needed to relocate Manitoba Hydro infrastructure and to accommodate Stage 2 of the Southwest Transitway. Prior to that date, GEM Equities made arrangements with Brenda Leipsic Dog Parkers Inc. (BLDP) to permit them and members of the public to continue to make use of their lands until the new dog park has been constructed within the hydro right-of-way (estimated completion in 2019 as part of the Southwest Transit Corridor Stage 2 project).

A concept plan for the new park recently has been developed in consultation with patrons of the dog park. Among other things the plan, which calls for the entire park to be fenced, will include landscaping, proper signage, waste receptacles and an asphalt parking area to accommodate 25 vehicles.

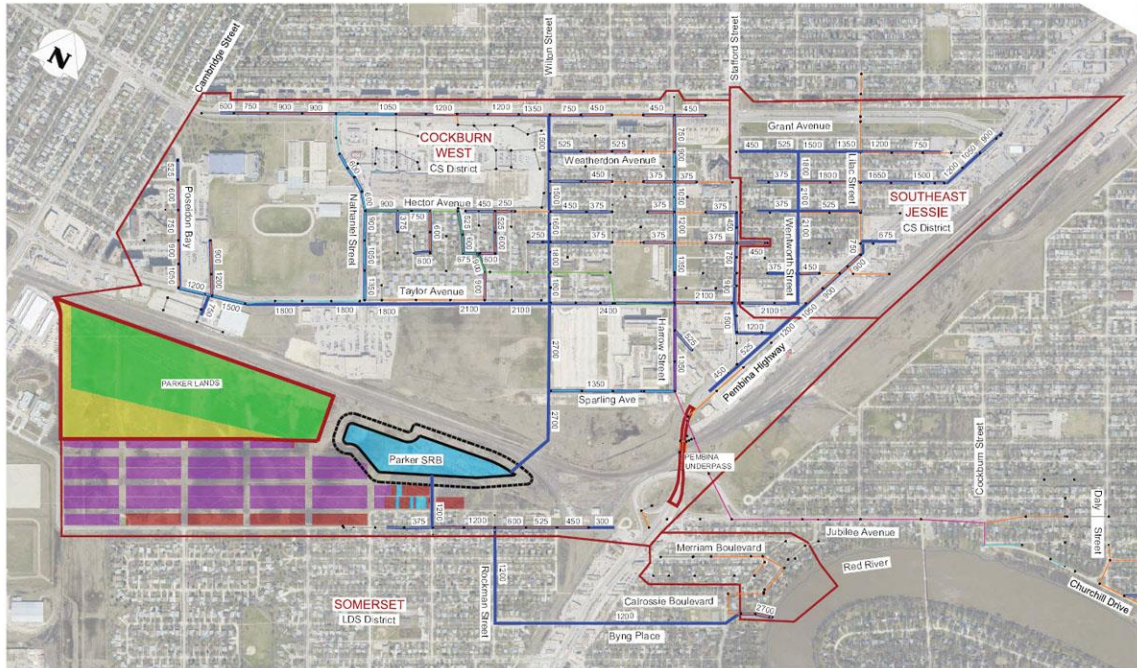
Written feedback (May 3, 2016) provided by Brenda Leipsic Dog Parkers Inc. to this study included:

- *BLDP made arrangements with a very generous, community-minded adjacent landowner to use his land for dog walking while the redeveloped dog park is being constructed. Without his support, the dog park community would be without a home for the next few years.*
- *The City of Winnipeg has been wonderful to work with.*
- *The redeveloped dog park is considerably smaller than the original BLDP but there are many more amenities and increased functionality, especially during wet periods. While there is still some lingering resentment in the member group about the reduced size, overall the reception has been positive.*

1.3. Retention Pond

The retention pond is required as part of the Cockburn West/Calrossie combined sewer relief project (a report on this project is available on the City's web site at http://winnipeg.ca/waterandwaste/drainageFlooding/cockburn_calrossie_cso.stm). The main impetus for the project, which covers a relatively large geographic area (see figure below), was to address chronic problems of basement flooding being experienced in the area. Through this project, the City requires that any new development not

exacerbate the current situation, including restrictions on the use of the existing sewer system (refer Environmental Licence #3042).



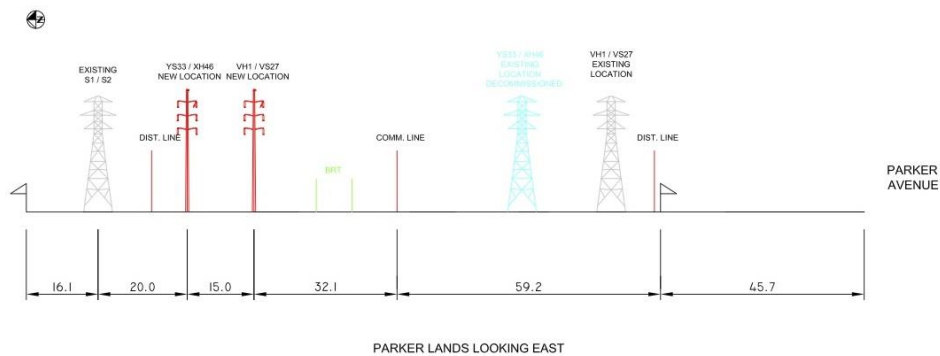
The proposed storm retention pond on the Parker Lands would largely serve the run-off resulting from adjacent/nearby developments (mainly on private lands as only between 2-3% of the pond would be needed to accommodate drainage resulting from the BRT line). It apparently will be designed in a way that it will serve as a natural feature; similar to the pond in the photograph below.



2. Manitoba Hydro

Expected to be completed by the end of June, through its *Harrow Station–Bishop Grandin Transmission Project* Manitoba Hydro is upgrading two existing 115 kV double circuit transmission lines between Harrow Station and the interconnection with the St. Vital transmission lines at Bishop Grandin Boulevard. The relocation and upgrade of the transmission lines, which is taking place within an existing transmission line right-of-way, is needed to address aging infrastructure on the corridor and to accommodate Stage 2 of the City of Winnipeg's Bus Rapid Transit corridor. Hydro's project is classified as a Class 2 Development under the Province of Manitoba's *Environment Act*; and following due process an *Environment Act Licence 3148* was issued in August, 2015.

Within the Parker Lands these transmission lines are being relocated south within the existing right-of-way. The transmission line on the most southern edge of the right-of-way will remain to accommodate future needs. The following figure provides a schematic summary of the changes being made within the Parker Lands.



3. Oak Grove (GEM Equities)

When GEM Equities acquired its Parker Lands property from the City of Winnipeg in 2009 it was with the expectation that they would develop it in keeping with the City's planning framework, which is anchored by *OurWinnipeg* and the *Complete Communities Direction Strategy*. Given GEM's past experience with the Ft. Rouge Yards, it was also anticipated that they would be in a good position to create a unique "Transit Oriented Development" (TOD) within the Parker Lands⁵.

Over the years GEM Equities has been working collaboratively with City officials to develop a concept plan for their lands. With preliminary draft plans in hand GEM invited interested parties to a public open house to review their plans and provide feedback.

⁵ At the time of writing this report, GEM Equities had invested an estimated \$25 million in infrastructure, built a BRT station and has about 40 housing units under construction at the Ft. Rouge Yards.

OAK GROVE : A PLANNED COMMUNITY *featuring* TRANSIT ORIENTED DEVELOPMENT



JOIN US AT AN UPCOMING OPEN HOUSE TO LEARN ABOUT CONCEPTUAL DESIGNS FOR AN EXCITING NEW DEVELOPMENT.

WE WANT YOUR INPUT IN ORDER TO MAKE THIS NEW PLANNED COMMUNITY A SUCCESS.

GEM EQUITIES INC.

YOU'RE INVITED TO AN OPEN HOUSE

HOLIDAY INN WINNIPEG SOUTH
1330 PEMBINA HWY

FEBRUARY 10, 2016
FROM 5PM-8PM

A look at GEM's plans as drafted suggests that they are very much in keeping with the City of Winnipeg's overall planning framework including its core principles of Transit Oriented Development. Among other things the draft plans call for:

- higher density mixed-use development closest to the future BRT station, with medium density at the centre and lower densities towards the edges;
- a variety of housing types (cost, size, type and densities);
- the furthest distance from any dwelling unit to the BRT station to be less than 800 meters (i.e. a ten minute walk);
- ground floor, street oriented commercial spaces in close proximity to the station; and
- streets to be designed for pedestrians (not cars) with public right-of-ways with sidewalks to include trees to form a buffer between the sidewalk and road.

Of those citizens who attended the public open house, 69 filled out survey forms to provide comments/feedback on the plans (e.g. concerns regarding impact on traffic, loss of the wetland/aspen forest, etc...).

GEM Equities has been revising their plans to take into account the various concerns raised. They have also commissioned an updated traffic report as well as an updated environmental assessment of their property. GEM intends to hold a follow-up public open house by the end of June 2016, at which time revised plans will be presented.

V. FINDINGS

The following section summarizes what was learned from interviews which were conducted through this study with elected officials, community representatives and representatives of GEM Equities Inc.

1. Elected Officials⁶

James Allum, MLA, confirmed his views on the proposed developments as outlined in a letter (dated March 13, 2016) which he distributed to constituents in the area (see copy Appendix D).

Councillor John Orlikow advised that he is supportive of the Transit Corridor project. His main concerns have to do with how the “Transit Oriented Development” (TOD) of the Parker Lands to the north ultimately is planned and implemented. In particular he is keen to see as much of the existing forest protected and integrated into the final development as possible. Councillor Orlikow suggested that s.23(1)(a)

[REDACTED]

2. Community Representatives

One of the persons interviewed for this study stated that his main objection had to do with the City’s decision to choose the Parker Lands alignment for the transit corridor over the Letellier option. He noted that he remains to be convinced that this was the right choice and explained that he decided from the outset to take whatever action necessary to oppose this decision, including filing formal opposition to the various applications for environmental licences. Two others stated that they generally were inclined to continue to vigorously oppose any development on the Parker Lands in principle (i.e. over concerns about the potential loss of natural habitat), and that they were prepared to continue to make their views known at public hearings.

Most of the community representatives consulted indicated that they were resigned to the fact that, in spite of their past objections, many of the developments would be proceeding as planned – i.e. Manitoba Hydro’s infrastructure upgrade, Stage 2 of the Southwest Transit Corridor, and the Brenda Leipsic Dog Park.⁷ One person, who was unable to attend a previously scheduled meeting with the consultants, took the time to

⁶ While his office was contacted, the Member of Parliament for the area, The Honourable Jim Carr, was not available for a meeting due to his tight schedule.

⁷ It was noted that in fact having a fenced off-leash dog park, as planned, would be a significant improvement to the past situation where dogs were free to run throughout the forest and wetlands thus disrupting flora and wildlife.

put her thoughts on paper and thus provided, by coincidence, a fairly good summary of how most of the community representatives felt about the development of the Parker Lands overall (see Appendix D for a copy of the submission).

There was a general consensus that efforts going forward should be focused on ensuring that:

- as little as possible of the Grade A habitat is cut down to make way for the Transit Oriented Development; and
- the City develop its retention pond in a way that it will “contribute to the aesthetics of the area and be as natural as possible with trails and habitat and biodiversity”.

A general feeling was also expressed that the current situation has been caused by decisions made by the City of Winnipeg and as such, the City should be the ones to take the lead on mitigating potential negative impacts as much as possible. Two of the community representatives, as members of “Save Our Seine”, suggested that the City should actively intervene in a manner similar to what transpired over ten years ago with the Royal wood/Bois des Esprits development in South St. Vital (information on this development is provided in the box below).

The majority of the community representatives indicated that they would be prepared to participate in a mediated session with the developer and the City of Winnipeg. One representative in particular suggested that any such mediation be structured to ensure that all participants were able to have their voices heard and that no one person could dominate.

Royalwood/Bois des Esprits

In 1999, Grandin Park Development, a joint venture between Ladco and the Province of Manitoba, advised the City that it was preparing design concepts for the next phase of its Royalwood subdivision. Ladco recognized at that time that 80 of the overall 305 acres involved had been given a Grade “A” natural habitat designation. In 2001/2, as the secondary plan for the subdivision was being developed, *Save Our Seine (SOS)* voiced serious concerns over the potential loss of the 80 acre forest. The Province agreed to forego a portion of its profits in order to help buy-back some of the forest as public green space. Negotiations between the City and the developer resulted in an agreed-upon price for the forest lands of \$65,000 per acre. The City also committed \$1 million toward acquiring the forest and agreed to match, dollar for dollar (to a maximum of \$600,000), monies raised by SOS and the broader community for this purpose. The City’s Planning Property and Development Department essentially served as mediator between the developer and SOS on this project.

3. GEM Equities

GEM Equities advised that at the City's urging they had undertaken a site servicing study (at a cost of approximately \$22,000) of the area; including the nearby City-owned lots on Parker Avenue. They indicated that after careful consideration they concluded that it made more sense for them to focus their attention on the development of the property that they already own, and as such would not be interested in a further land exchange involving these particular lots.

It was noted that according to the City's own handbook, to support TOD's typically higher densities, a variety of parks and public open spaces should be integrated into walkable station areas to provide a balance between what is 'built' and what is 'green'. With this in mind, GEM Equities is not inclined to have the full 10% land dedication requirement go toward preserving the forest/wet lands as the development will need properly developed public plazas/open spaces in order to be successful as an urban residential neighbourhood. It was suggested that if the City wants some of the lands back in order to preserve more of the forest/wet lands, they should offer to purchase it at an acceptable price; alternatively the City is free to go through the expropriation process.

GEM Equities have indicated that they would be more inclined to participate in a mediated session if the request to do so came from the City of Winnipeg – specifically the local councillor. [REDACTED] s.23(1)(a)

[REDACTED] as well as the WFP article, which was published a few days prior to their first public open house last February, in which the local councilor was quoted as being opposed to GEM's project, referring to it as "a concrete jungle" (see Appendix E for a copy of the article).

VI. CONCLUSIONS

At the time of writing, construction of Manitoba Hydro's Harrow Station/Bishop Grandin Transmission Project is well underway, while Winnipeg Transit recently has selected its P3 partner, Plenary Roads Winnipeg, to design, build and maintain the second stage of the southwest transit corridor. Construction on the transit corridor is scheduled to begin later this summer and be completed in late 2019. At the same time, plans which have been drawn up for the Brenda Leipsic Dog Park have been well received by both dog owners and non-dog owners alike.

Of the development initiatives taking place in the Parker Lands area, the only ones which might benefit from mediation would seem to be GEM Equities proposed *Oak Grove* development as well as the City of Winnipeg's planned retention pond. Both are components to be addressed through the development of a secondary plan which currently is in the middle of the public consultation stage of the planning process. It would seem prudent to allow the planning process and the resultant secondary plan to serve to mediate any remaining concerns. This could be revisited within a Phase 2 review if deemed necessary after these planning processes end.

Oak Grove (Transit Oriented Development)

GEM Equities currently is only partway through its public consultations process as mandated by the City of Winnipeg "to prepare a developer led secondary plan" for the area. Having played a similar role in the development of the secondary plan for the Ft. Rouge Yards, GEM Equities are quite aware of the City's public hearing approval processes and some of the challenges which they likely will be facing.

In meetings with the consultant, GEM Equities clearly indicated that their experience to date with their Parker Lands development has been more difficult than what they experienced with Ft. Rouge Yards.

As noted earlier in this report, GEM Equities have indicated that they would be more inclined to participate in a mediated session if the request to do so came from the City of Winnipeg; and specifically the local councillor.⁸

While some of the community representatives consulted through this study indicated that they were determined to publicly oppose any development whatsoever taking place on the Parker Lands, most stated that they would appreciate a chance to meet with the developer, through a facilitator or mediator, to explore how some of the Grade A natural lands could be acquired for public use/open space and/or integrated into the final development in as environmentally sensitive a manner as possible.

⁸ They indicated that they were puzzled as to why the Province would be inclined to intervene or get involved in any way with their proposed development at this point in time.

Community representatives suggested that the current situation is one which has been created by the City of Winnipeg in that City Council did not address its 2007 “Ecologically Significant Natural Lands Strategy and Policy” as well as the overall approach taken by the City to real estate transactions. In essence the general feeling expressed through this study is that the City should take the lead in rectifying the situation.

Again, it should be noted that it is too early to tell whether or not some of the outstanding issues and concerns expressed by community representatives can be dealt with successfully through the secondary planning process. For instance, depending upon the dynamics of the situation and ultimately the willingness of all parties to work together toward a mutually agreeable solution, the City’s Planning Property and Development Department potentially could play a similar role as played just over ten years ago for the Royalwoods, or Bois des Esprits development, when a form of shuttle diplomacy between the community (i.e. Save Our Seine) and the developer was used successfully to acquire a good portion of the 80 acre Grade A forest in South St. Vital.

Retention Pond

Both GEM Equities and the community representatives consulted indicated that they would appreciate a chance to meet with City officials in order to clarify various issues regarding the design of the retention pond. Concerns expressed included the following:

- Will it be so deep that the City will end up putting a fence around it to prevent possible drownings?
- Will the slope be gradual enough to provide a welcoming habitat for cat tails, other plants and wildlife?
- Will a pedestrian path be incorporated to enable nearby residents to access and take advantage of the amenity?

VII. APPENDICES

- A. Map of the Parker Lands**
- B. Winnipeg Free Press Article (March 15, 2016)**
- C. List of Those Consulted**
- D. James Allum's Letter to Constituents (March 13, 2016)**
- E. Written Submission from s.17(1), 17(3)(i) (May 12, 2016)**
- F. Winnipeg Free Press Article (February 6, 2016)**

Appendix A: Map of the Parker Lands



Appendix B: Winnipeg Free Press Article (March 15, 2016)

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Consultant to study corridor concerns

THE provincial government has hired a consultant to discuss competing concerns over how the completion of the southwest transit corridor will impact the adjacent Parker wetlands and the nearby Brenda Leipsic dog park.

The province said it hired Harry Finnigan, the former City of Winnipeg planning director, to meet with the concerned parties — the City of Winnipeg, Manitoba Hydro, developer Andrew Marquess and wetland advocates — to “work toward a common understanding of the issues and concerns and determine what more might be done to alleviate people’s concerns.”

Dozens of area residents and organizations have appealed an environmental licence issued to the city for the construction of the transit corridor, hoping to stop the project. The wetlands groups and others believe the area contains unique prairie plant life that will be destroyed with the construction of the transit corridor.

The province hasn’t ruled on the appeal, but Manitoba Conservation has given Manitoba Hydro permission to relocate the transmission lines as a prelude to corridor construction.

City hall expects to start work on the controversial transit corridor, which links Jubilee Avenue to the University of Manitoba campus, this summer.

The hiring of Finnigan is seen as a positive step by a group opposed to development in the area.

“I think this is a good step forward toward ensuring true community consultations,” said Cal Dueck, a spokesman for the Parker Wetlands Conservation Committee. “The province is probably going this route (hiring Finnigan) to avoid taking the issue to the Clean Environment Commission.”

A provincial government spokesman said the first phase of Finnigan’s contract requires him to present a report by the end of April. The spokesman said Finnigan was hired “because the issues raised by citizens are broader than environmental issues and cut across departments and levels of governments.”

Marquess owns the 59-acre parcel known as the Parker wetlands, a triangular-shaped parcel of land south of the CNR Rivers rail line and between Pembina Highway and Waverley Street. However, city hall is expropriating more than 25 acres of the property for a giant stormwater retention pond and land needed for the transit corridor.

Marquess plans to develop the remaining portions of the property in a residential development.

WFP, MARCH 15/16, P-A2 — Aldo Santin

APPENDIX C: List Of Those Consulted

Name	Position	Organization	Date (2016)
Elise Dagdick		MB Conservation and Water Stewardship Sustainable Development	Site Tour March 22
James Allum	MLA	Government of Manitoba	March 23
David Wardrop	Director	Winnipeg Transit	March 31
Councillor Orlikow			April 1
Michael Jack John Kiernan Moirra Geer Lester Deane Geoffrey Pattom Dave Domke Rodney Penner	Chief Operating Officer Director of PP&D A/Director of Water & Waste Director of Public Works Manager of Engineering (W&W) Manager of Parks & Open Space City Naturalist	City of Winnipeg	April 4
s.17(1), 17(3)(i)			April 8
		Dillon Consulting	April 20
		Dillon Consulting	Site Tour of BRT
	CEO/Owner VP, Design & Construction	GEM Equities/MEG Construction	April 21 and May 17
	Manager, Licensing & Environmental Assessment Senior Environmental Specialist	Manitoba Hydro (Transmission Planning & Design Division)	April 22
		Dillon Consulting Landmark Planning	April 29
		Parker Wetlands Conservation Committee (PWCC)	May 2
	Secretary-Treasurer	Brenda Leipsic Dog Parkers Inc.	May 3 (tel)
		Parker Wetlands Conservation Committee	May 5 Included a site tour
		PWCC	May 9 (tel)
		OURS-Winnipeg	May 12
	Executive Director	Save Our Seine	
		OURS-Winnipeg	May 12 (written submission)
		May 13	

Appendix D



Appendix E

May 12, 2016 Public Outreach on Southwest Rapid Transit Corridor

s.17(1), 17(3)(i)

Thank you for giving me a chance to participate in the Public Outreach on Southwest Rapid Transit Corridor. I had put Parker lands out of my mind after construction began. I have begun looking back to refresh myself for this meeting. My involvement includes attending most of the community public forums, the expropriation hearings, City of Winnipeg open houses, many of the Parker wetlands meetings and petitioning for signatures to support the PWCC. I have cycled through the Parker lands and marvelled at feeling of being in the country. I wondered how the City could be so blind as to give up this gem in South west Winnipeg and not take advantage of the adjacent connecting corridors – a perfect green infrastructure opportunity – an opportunity modern cities should grasp and their provinces should support. I understand the necessity of having improved transit in Winnipeg. My nephew takes the bus from East Kildonan to the U of M and finds it frustrating to be left behind at the curb as full buses pull away. From the beginning of the Parker land saga it was disturbing that interested groups were ignored, meaningful studies were not done and backroom deals were done.

I looked back at the story boards from the 2012 public open house for Phase II. The Environmental Impact viewed the transit line much the way pipelines were assessed. They are considered separate from the consequences they bring such as minimal damage to an eco-system, communities etc. because they are assessed as stand-alone structures. This is simply not how real life works. There was not an in depth study of where the transit route should actually go, the scope of the project and the cost, and yet a decision was made. What happens in Parker lands is part of a whole, not an isolated space. It includes city wide transportation, TOD policy, active transportation, multi-use of Hydro corridors and rail lines, and access to public greenspace.

In 2015, the city had 17 planners, less that half the number of comparable Canadian Cities. The City lacks a greenspace master plan, an infill housing plan and urban forest plan that would address many of the issues encountered with this project. The master transportation plan was not followed as Portage Avenue was ranked first for transit needs. Active Transportation was not mentioned in the public open house and yet some of the adherents of the route supported it because they believed it would provide the only opportunity for a cycling corridor.

GEM Equities – Corridors in the development should connect with parks and other corridors. This development is to be built on the ecologically significant area of parker lands. A development should not be in this location.

Manitoba Hydro/Southwest Transit Corridor - The Parker area was favoured for its potential for Transit Oriented Development. Since the city plans to expropriate land for a retention pond the number of TOD bus stops was reduced from one at either end of the development to only one in the middle. This subsequently reduced the potential for TOD along the entire dog leg as the other stops are for a park and ride and an industry, leaving this entire portion of the route with one TOD bus stop compared to a number of opportunities along Pembina Hwy. between Jubilee and Chevrier. Quality transit on Pembina would lead to higher building density (like Corydon or Osborne). Gem Equities property and the hydro corridor do not have the potential of Pembina Hwy.

Planning often looks at land conservation as being in direct opposition to development. The City lacks a master green space plan and recognition that rail and hydro corridors can function as ecological corridors- connective tissue that joins the city together in a sustainable way. Areas are looked at in isolation such as the Parker lands, the rapid transit line, and the green infrastructure corridor.

Retention pond - should be more than a water and sewage affair. It must contribute to the aesthetics of the area and be as natural as possible with trails and habitat and biodiversity.

This is what I feel should be done to address my concerns. From Complete Communities City Planning Document:

DIRECTION 3

DEMONSTRATE THE VALUE OF OUR ENVIRONMENTAL AND CULTURAL CAPITAL BY PROTECTING, ENHANCING AND RESTORING THOSE NATURAL AND CULTURAL PARK RESOURCES THAT ARE RECOGNIZED AS HAVING HISTORICAL, ECOLOGICAL OR AESTHETIC VALUE.

P Maintain our Ribbons of Green (riverbanks, urban street trees, green corridors) and provide a well managed urban forest that contributes to air, water, environmental and aesthetic quality.

P Establishing an urban forest management plan, continue to preserve and expand our urban forest.

P Maintain a focus on preserving and conserving habitats designated through the **Ecologically Significant Natural Lands Strategy** along the city's riverbanks and lands.

P Protect and enhance public access to our riverbanks and forest environments and expand ecological networks and linkages.

P Promote and expand biodiversity consistent with the local natural ecosystem, not only within the urban forest and designated 'natural areas' but in all Parks, Places and Open Spaces.

P Collaborate with environmental and stewardship organizations on shared best practices and implementation strategies.

P Enhance the sense of place and community by identifying heritage and culturally significant landscapes and conserving and celebrating them in meaningful ways. (See also Section 13, "Heritage" and **Ecologically Significant Natural Lands Strategy**)

P Demonstrate the benefits of both natural and restored environments as contributors to quality of life by promoting environmental practices and public education.

IMPLEMENTATION TOOLS

- P** Planning
- I** Incentive
- C** Capital Budget/Infrastructure
- L** Leadership/Partnership

Appendix F

Local

Irreplaceable heritage forest faces extinction

Posted: 02/6/2016 3:00 AM | Last Modified: 02/6/2016 8:10 AM

Every morning, I take my old snow-coloured golden retriever, Tate, for a walk along the trails of an aspen and birch woods that, arguably, are the most precious patch of heritage woods in Winnipeg.

But it's more than that to the great horned owl that surveys the forest from on high. And it's more than that, in a different way, to someone else who gives a hoot about the area.



GORDON SINCLAIR JR. / WINNIPEG FREE PRESS
Coun. John Orlikow examines what's left of a structure in the Parker lands forest that could be the last known building remnant of a former Métis settlement.

The way Coun. John Orlikow looks at the forest, it's a living history of a place that, unfortunately, is threatened with extinction.

The property forms part of a controversial city land swap and a planned housing development that threatens to clear-cut the forest and turn this priceless oasis of nature and local history into a housing development.

The developer, Andrew Marquess of Gem Equities, has a name for his dream development.

Oak Grove.

Orlikow, the area's councillor, has another name for the potential project.

"A concrete jungle."

So it was that Friday over the lunch hour I met Orlikow in the forest.

I wanted to show him something he had missed on his walks and tours of the woods. It is something I had noticed hiding in not-so-plain sight; a few railway ties in the form of what might have been a small storage area, which may be the last remaining ruins of Rooster Town, the Métis shantytown that was bulldozed to make way for another development just up the road: the Grant Park Shopping Centre.

But I also wanted Orlikow to walk me through the forest, its past and its hoped-for future. The get-together was inspired by what he told me on the phone earlier that morning about the area that, to borrow from the Eagles, gives me such a peaceful, easy feeling every morning.

"It's the highest-graded heritage forest in the city."

More specifically, it's the A-1 graded middle portion.

"The biodiversity is quite untouched from days of old."

The forest forms part of a natural water filter of an ecosystem, and the resulting flora is unique, Orlikow suggested — if replaced by development, there will be nothing left of its kind in the city.

Mind you, he says, the civic administration in 2009 didn't inform city councilors about that detail when they voted on the deal that turned it into private property.

Still, Orlikow has a plan A to save the forest.

"We would love to buy the land back from the developer."

He's not hopeful about that.

Plan B would be to save "10 of 15 acres" of the 20-acre area. And convince the developer to fit the housing within the forest.

As we entered the woods, with my dog and his daughters running ahead, Orlikow had some good news.

This part of the forest is so close to the Winnipeg Humane Society kennels, and the barking that emanates from it, that might not be attractive for housing. He doesn't mention nearby train traffic.

It's as we get further into the woods, the highest heritage area, that Orlikow puts the forest in a perspective that makes me realize dogs shouldn't be chasing through these woods.

I hadn't considered this before Friday.

"There's some stuff in here that's only here. Like, if you came here 1,000 years ago, it would probably be exactly like this."

Politically, the forest is something else; a maze of trails leading to competing interests. Even among others who, like Orlikow and the owls, give a hoot. Some want the entire Parker lands saved, not just the forest. Some care most about saving the adjacent open field that serves as an off-leash dog park. Others only care about the woods.

That first group, the Parker Lands Wetlands Conservation Committee, is holding a meeting to rally public support Wednesday from 5 p.m. to 8 p.m. at the Holiday Inn South. The developer is having an open house that same day to provide a general idea of his plans.

There is still a provincial environmental licence to address and a public hearing.

Orlikow says if he could protect the forest, or at least a substantial portion, it would be the highlight of his political career. By the time our forest walk-and-talk is over, though, it's evident Orlikow may be hopeful but he's not optimistic.

It shouldn't have come to this, of course, not if we were a truly forward-looking city in a green age. To me, the forest is a priceless place the city should never have put a price on.

Orlikow has another way of describing the forest he sees for all its trees, and all its meaning.

"It's our soul."

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