



The Lemay Forest – One Winnipegger Speaks

As you may know, Tochal Developments consultant, John Wintrup, has once again announced that the company he represents intends to mow down the Lemay Forest in St Norbert as early as July. Or was it June? I can never be absolutely certain because the possibility has been raised so many times, I can't keep track.

In fact, in an October 2023 letter, Mr. Wintrup first informed residents fighting to save that forest that tree cutting "will begin shortly." What his letter did not mention was that the tree cutting was not being done by Tochal, but by City foresters for the purpose of culling a handful of Dutch Elm infected trees.

Needless to say the residents' initial reaction was panic, having witnessed the 2018 clear cut of an aspen forest on the Parker Lands, prior to approval and the issuance of a permit to developer, Andrew Marquess, another of Mr. Wintrup's clients.

So, how is it that developers can mow down trees on a property like this prior to submitting, let alone receiving approval for a development project?

Well that's an interesting story in and of itself. So let's turn the clock back to 1994.

Turns out zoning regulations then, followed the definition of development as outlined in the City Charter, to the letter. That definition read as follows: "The City of Winnipeg Charter defines "development" to be "the construction of a building or structure on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of soil or material on land, or the excavation of land."

All of which meant that none of those actions – including tree cutting - could be done prior to final City approval of a development submission and the receipt of a permit.

Then came Mayor Sam Katz.

Under his administration the zoning regulations governing development were changed. Instead of re-iterating the City Charter description of development, amendments to the zoning regulations made in 2005-2006, placed that Charter definition into a footnote, and developers were advised, in a brand new clause (16), that footnotes "are not part of the bylaw."

"Say what?" you say. "The full definition of what constitutes development is not part of a zoning bylaw for development? Are you kidding me?"

Nope, I kid you not. And that one clause gives developers free reign to do pretty much whatever they want on land they're hoping to develop, before the city approves their project.

Which ultimately means that the City hasn't got legal leg to stand on when it comes to limiting or preventing tree removal in the Lemay Forest or any other developer owned land, prior to approval.

So, will the City amend its zoning regulations to eliminate clause 16, reinstate the complete definition of development and give the public service back the power it once had to reasonably restrict what developers can and cannot do prior to approval?

I have no idea. But it should be noted that the City itself recommends that bylaws be revisited, and if necessary, changed or amended every 5 years. Not, as is currently the case, every 18 years and counting.

And before you ask, no, the amendments I'm suggesting *would not* slow down the zoning changes needed to facilitate infill. It would simply mean that until a project is fully approved - whether greenfield, like the Lemay, or infill - landowners cannot mow down trees until they have a final development permit.

And here's the thing, dear readers. This is no abstract argument about the minutiae of bylaws and zoning regulations. This is fundamental to the creation of a healthier, climate resilient city where our mature trees, intact forests and greenspaces are protected by every reasonable means, because it's the ethical, climate smart thing to do.

I also believe that a majority of councillors and developers – men and women who have kids and grandkids growing up under the increasing threat of a climate crisis – actually *want* to create a better, greener environment for Winnipeggers.

So talk to your councillor and tell them you want the Lemay forest preserved for future generations. Ask them to do whatever it takes to accomplish that and create better, forward-looking zoning regulations and bylaws that protect our mature trees and greenspaces, whether on public or private land.

Because if you don't speak out now, the Lemay, one of the city's few remaining intact forests, will likely fall to the axe and development will rob future generations of a rich biodiverse landscape that should have been preserved.



The Parker Land wetland and forest before....



....and after clear cutting.

For more on how you can help save the Lemay forest go to: <https://savelemayforest.ca/>

