

within the proposed registered easement. The Joint Use and Maintenance Agreement is registered on title to the Servient and Dominant Lands as OC2612431.

The Subject Property

2370 Walkley is in Ward 10 (Gloucester-Southgate), between St. Laurent Boulevard and Russell Road, and is serviced by municipal water and wastewater systems. The Subject Property has 198 m of frontage on Walkley Road and an area of 80,000 m² (8 ha) and are developed with a 30,000 m² one-storey industrial and warehousing building. There are large areas of surface parking as well as entrances for transport trucks to deliver materials. The majority of the site is paved, with approximately 30 metres of landscaping around the perimeter, as shown on Figure 1 below.



Figure 1: Aerial photo of Servient Lands (Source: GeoOttawa)

The Legal Description of the Subject Property is as follows:

PT LT A, CON 5, R.F., GLOUCESTER,
PT LT 1, CON 5 R.F., GLOUCESTER,
PART 3, 5, & 6, 5R-381, EXCEPT PT 7 & 9, 5R-11408.
S/T N457763. S/T N509313, N572943.
SUBJECT TO AN EASEMENT AS IN N290598;
SUBJECT TO AN EASEMENT IN GROSS OVER PART 1 ON PLAN 4R-28756 AS IN OC1710417;
CITY OF OTTAWA

As noted in PIN 04165-0664, the Subject Property is subject to the following existing easements:

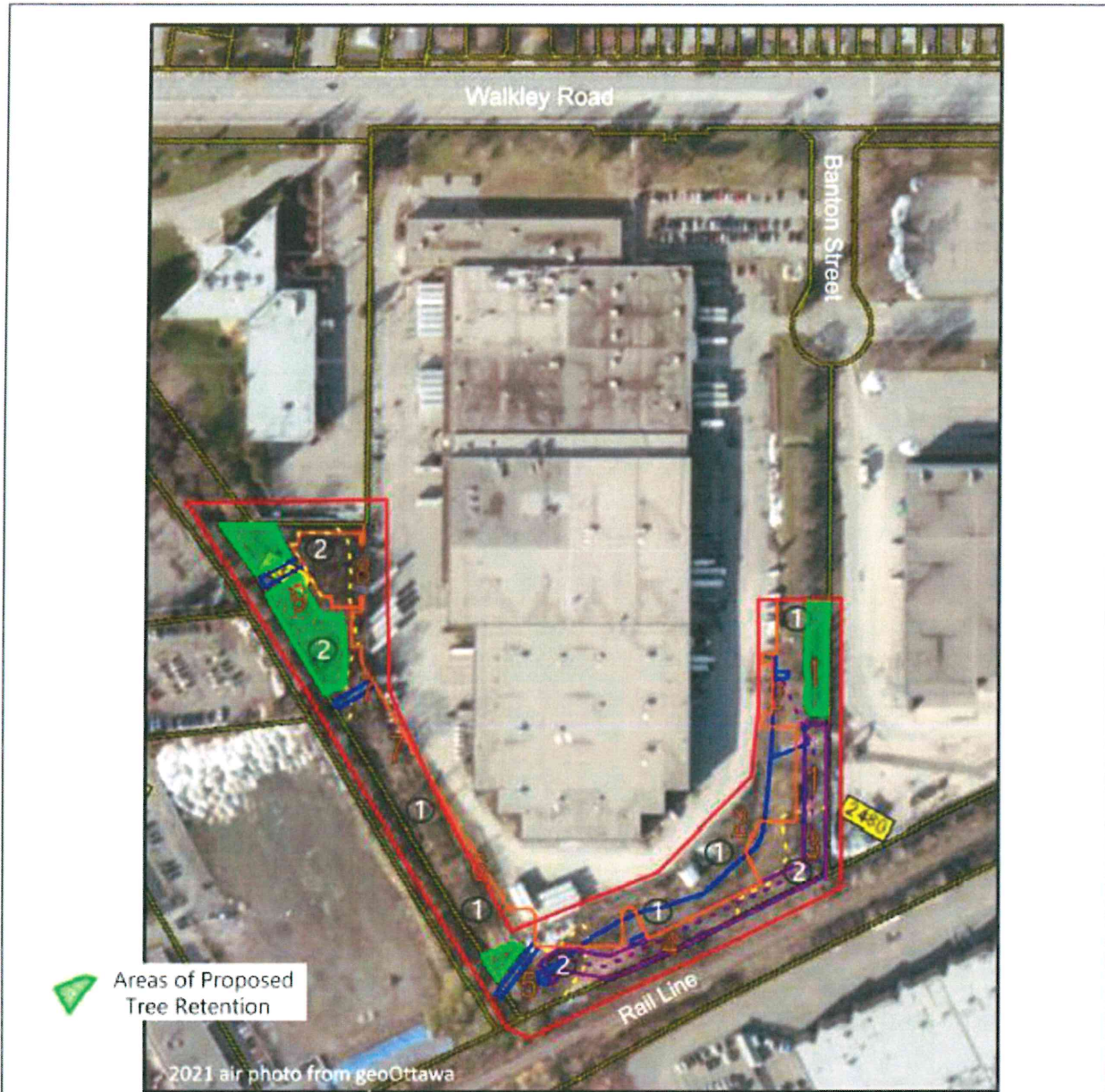
Instrument No.	Date	Servient Lands	Purpose/Comment
N290598	11-06-1985	Part 6, Plan 5R-381	Drainage over part of Mather Award Ditch
N457763	26-09-1988	Parts 2 & 3, Plan 5R-11850	Construct, install, place, lay, erect, reconstruct, relocate, repair, replace, operate, maintain inspect and remove sanitary and storm sewers
N509313	27-10-1989	Part 2, Plan 5R-2581, Part 6, Plan 5R-381	Construct, repair, replace, remove operate and maintain Mather Award Ditch and sanitary sewer
N572943	26-04-1991	Parts 6 and 8, Plan 5R-11408	Install, lay, construct, operate, maintain, inspect, alter, repair, replace, relocate, reconstruct and remove hydro utility poles and anchors and other works appurtenant thereto
OC1710417	11-08-2015	Part 1, Plan 4R-28756	construct, operate, repair and maintain continuous lines of electricity and telecommunications


Tree Conservation Report







A Tree Conservation Report (“**TCR**”) was submitted as part of the Site Plan Control Application and is enclosed for the Committee’s review. The TCR is dated December 20, 2022 and was prepared by Muncaster Environmental Planning Inc. The following text is an excerpt of the TCR, which goes on to recommend mitigation measures:



As shown on Map 2, potential tree retention is limited by the expansion of surface parking and associated abandoning of ditch in the east portion of the study area. Associated with the change in drainage, a new storm sewer is proposed to be installed, as shown by the dashed purple line on Map 2, and several rip rap outlets are required. Three areas of proposed tree retention are shown on Map 2, including the majority of the planted white spruce along the east side and the majority of the northwest cultural woodland. The trees adjacent to the Mather-Award Ditch will be retained except where rip rap outlets are required. Please note the limits of tree retention may be modified based on the results of the detailed engineering work.



Map 2 from the TCR is included on the following page.



 Areas of Proposed Tree Retention

- Legend**
-  Tree Group Number
 -  New Limit of Asphalt
 -  Proposed Areas of Rip Rap
 -  Ditch to be Abandoned and Areas Regraded
 -  Proposed Storm Sewer Easement
 -  Proposed Storm Sewer Alignment

- Vegetation Communities**
-  Cultural meadow
 -  Cultural woodland


 Approx. Scale 1:2,700


Map 2
 FILE: 22 - 23
 December 14, 2022

**PROPOSED CONSERVED TREES
 TREE CONSERVATION REPORT**
 2370 Walkley Road
 City of Ottawa

Prepared for: **Richcraft Properties Inc.**
 Prepared by:  Muncaster Environmental Planning Inc.

The Requested Easement

The Requested Easement for stormwater drainage purposes is to be over Parts 1, 2 and 3 on the enclosed Draft Reference Plan, as shown on Figure 2.

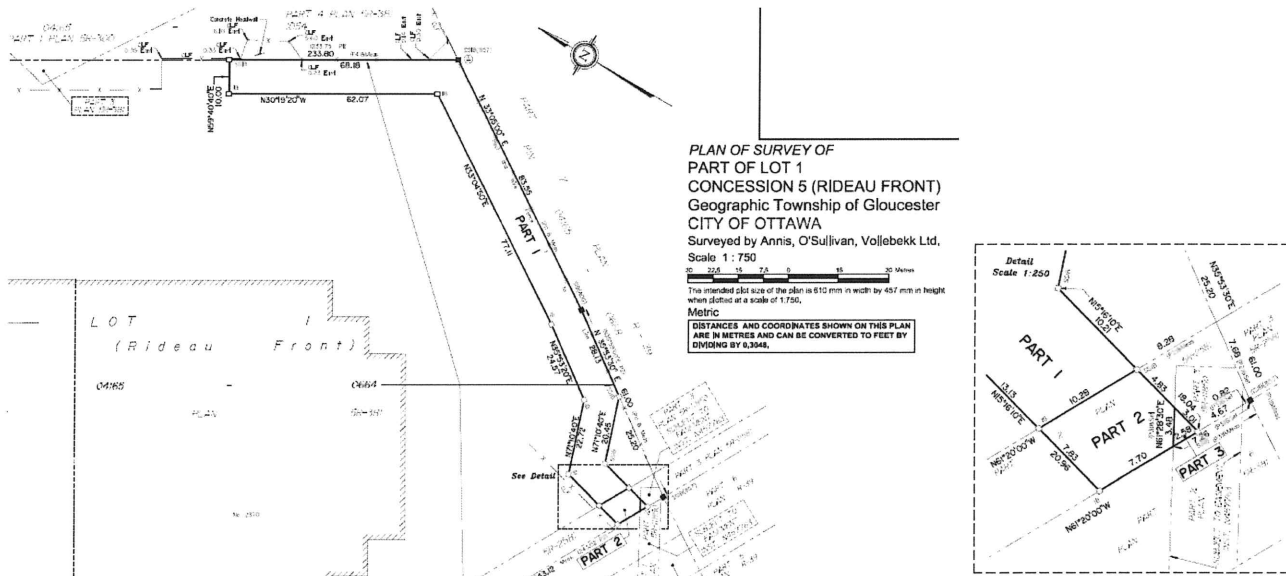


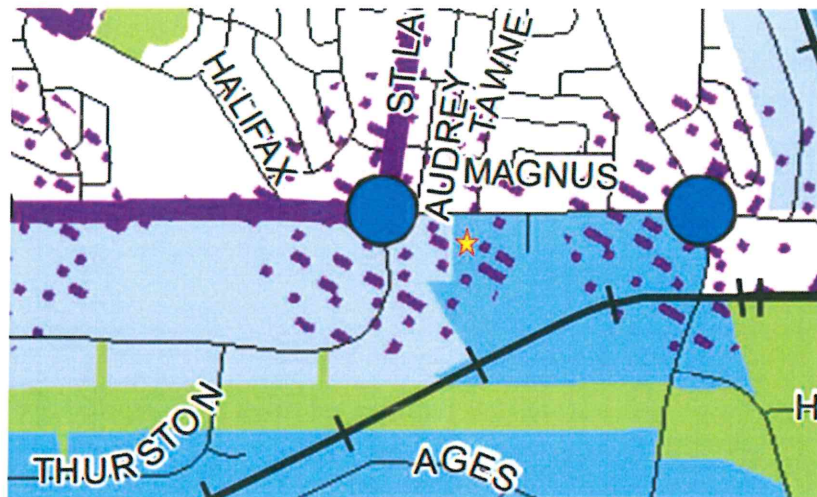
Figure 2: Excerpt of Draft Reference Plan

City of Ottawa Policy Documents

City of Ottawa New Official Plan

The Servient Lands are designated **Industrial and Logistics**, subject to the Evolving Neighbourhood Overlay, on Schedule B3 – Outer Urban Transect of the City's New Official Plan (See Figure 3). Section 6.4 of the Official Plan notes that Industrial and Logistics areas are preserved to cluster economic activities relating to manufacturing, logistics, storage and other related uses. This designation corresponds to the manufacturing and warehousing activities within employment areas as defined by the Provincial Policy Statement. The goals of the Industrial and Logistics designation are to:

- 1) Preserve land in strategic locations for goods movement and logistics uses
- 2) Ensure adverse impacts on sensitive uses are minimized
- 3) Limit ancillary uses to avoid conflict with industrial uses and minimize absorption of land for non-industrial uses



Schedule B3 - Outer Urban Transect

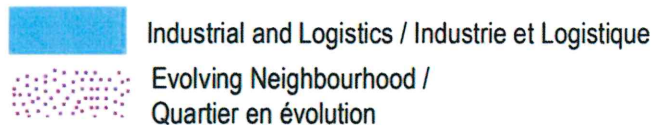


Figure 3: Official Plan Schedule B3 - Extract

Comprehensive Zoning By-law 2008-250

The Servient Lands are zoned Light Industrial (IL) in the City's Comprehensive Zoning By-law No. 2008-250 (See Figure 4). The purpose of the IL – Light Industrial Zone is to:

- 1) permit a wide range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting, in accordance with the Employment Area designation of the Official Plan or, the General Urban Area designation where applicable;
- 2) allow in certain Employment Areas or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites on individual pads or in groupings as part of a small plaza, to serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic;
- 3) prohibit retail uses in areas designated as Employment Area but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing or warehousing of the product;
- 4) prohibit uses which are likely to generate noise, fumes, odours, or are hazardous or obnoxious; and
- 5) provide development standards that would ensure compatibility between uses and would minimize the negative impact of the uses on adjacent non-industrial areas.

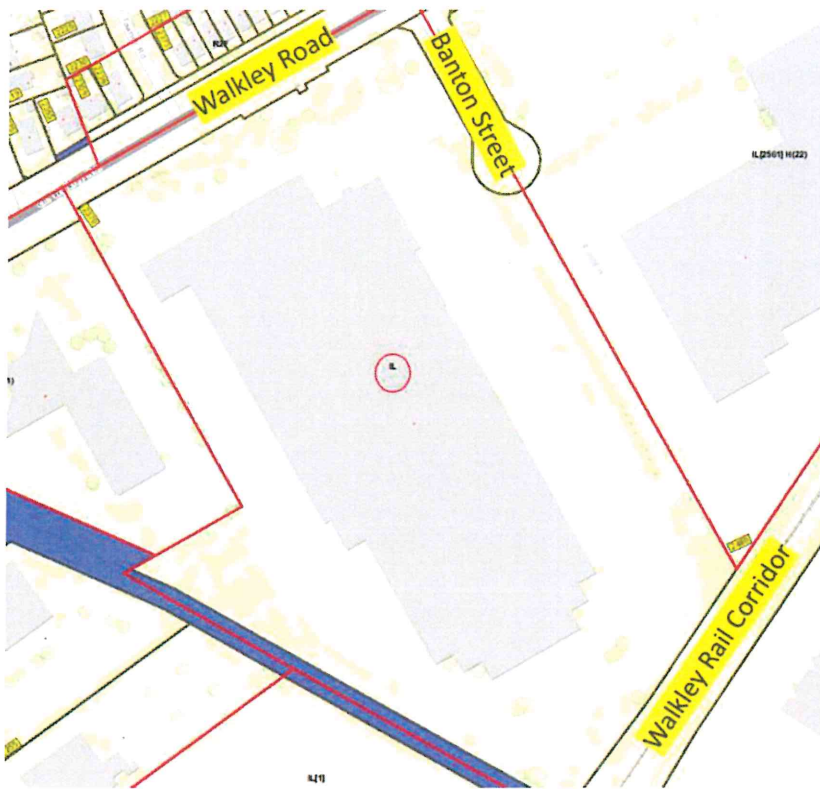


Figure 4: Zoning Map of Servient Lands

Planning Act Requirements

We submit that a plan of subdivision is not required for the proper and orderly development of the municipality as provided in Section 53(1), and that the Committee has the authority to grant the requested easement pursuant to Sections 50(3)(f) and 53 of the Planning Act, considering Section 51(24), as follows:

Planning Act section 51(24)	Rationale
<p>Criteria (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,</p>	<p>-No present or future inhabitant will be negatively impacted by the proposed consent application. -This is merely to allow for the formal establishment of an existing drainage easement.</p>
<p>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</p>	<p>The development will not be a concern to the matters of provincial interest listed in section 2 of the <i>Planning Act</i>.</p>
<p>(b) whether the proposed subdivision is premature or in the public interest;</p>	<p>- The consent is not premature and is in the public interest. The easement will allow for the regulation of stormwater over an adjacent property in accordance with the Joint Use and Maintenance Agreement registered as Instrument No. OC2612431.</p>

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	-The easement conforms to the official plan.
(d) the suitability of the land for the purposes for which it is to be subdivided;	-The requested easement is to formalize the existing use of the land that has continued for many years with no negative impact on adjacent lands.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	-No housing units, affordable or otherwise, are proposed.
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;	-No new development is proposed.
(f) the dimensions and shapes of the proposed lots;	- No new lots are proposed.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	-Not applicable.
(h) conservation of natural resources and flood control;	-Not applicable.
(i) the adequacy of utilities and municipal services;	- The Servient Lands are sufficiently serviced.
(j) the adequacy of school sites;	- Not applicable as no residential development is proposed.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	- Not applicable as no new development is proposed.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	- Not applicable as no development is proposed.
(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the <i>City of Toronto Act</i> ,	- No development is proposed. The formalization of the easement will not trigger site plan control approval.

2006, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4) 2016, c. 25, Sched. 4, s. 8 (2).	
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Enclosures

In support of this Application, please find enclosed:

- 1) Application for Consent
- 2) Owner's executed Authorizations for the Applications
- 3) Parcel Abstract for 2370 Walkley (PIN 04165-0664)
- 4) Draft Reference Plan 4R-XXX (1 full sized and 1 reduced)
- 5) Joint Use and Maintenance Agreement registered as OC2612431
- 6) Existing easements as in N290598, N457763, N509313, N572943, OC1710417
- 7) Registered Reference Plans: 5R-11850, 5R-2581, 5R-381, 5R-11408, 4R-28756
- 8) Tree Conservation Report
- 9) Our firm cheque in the amount of \$3,200 for the Application Fee (including RVCA and PRED review fees).

Please do not hesitate to contact me should you have any questions or concerns regarding the Applications or this submission. We look forward to the assignment of a hearing date.

Yours very truly,



Krista Libman
KML/

Encl.
cc. Fairouz Wahab (via email)

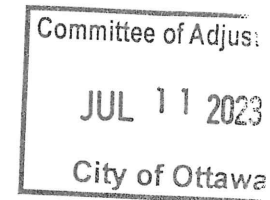
Krista Libman
Lawyer

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Email address: klibman@solowaywright.com

FILE NO: 50727-1028

July 11, 2023

Committee of Adjustment
City of Ottawa
4th Floor, 101 CentrepoinTE Drive
Ottawa, ON K2G 5K7
Attn: Michel Bellemare, Secretary-Treasurer



Dear Mr. Bellemare:

Re: Application for Consent (easements only) 2370 Walkley Road, Ottawa

We are the solicitors for Richcraft Properties Ltd. ("**Richcraft**"), the registered owner of the lands known municipally as 2370 Walkley Road ("**2370 Walkley**", the "**Servient Lands**", the "**Subject Property**") and legally described in the attached PIN 04165-0664.

We are submitting one primary consent application for the purpose of creating a new easement over Parts 1, 2 and 3 of the enclosed Draft Reference Plan in favour of the registered owner of 2480 Walkley Road ("**2480 Walkley**", the "**Dominant Lands**"), being PIN 04165-1054, for drainage purposes.

Richcraft has filed a Site Plan Control Application (File No. D07-12-19-0164) to replace the existing ditch on the Subject property that conveys stormwater runoff from both the Servient Lands and the Dominant Lands into the Mather-Award Ditch with a 1350 mm storm sewer. The installation of the sewer will permit additional surface parking for cars and truck trailers on the Subject Property. The first round of comments was received on June 19, 2023. Richcraft's engineering consultant has confirmed that nothing in the comments impacts the drainage easement.

The parties have entered into a Joint Use and Maintenance Agreement to establish a protocol for the shared use, maintenance, repair and replacement, governance and cost sharing of the storm sewer