

2025-04-09



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 1145 Carp Road
Legal Description: Part of the west half of Lot 23, Concession 12, Geographic Township of Goulbourn
File No.: D08-01-25/B-00058, B-00059
Report Date: April 10, 2025
Hearing Date: April 15, 2025
Planner: Elizabeth King
Official Plan Designation: Suburban Transect, Mainstreet Corridor, Evolving Neighbourhood Overlay
Zoning: AM9

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the applications.

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent as the proposal is subject to an approved Site Plan Control Application D07-12-18-0130.

ADDITIONAL COMMENTS

Planning Forestry

The site is subject to Site Plan Control; tree impacts have been addressed through that process and there are no additional tree impacts related to the requested severance.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application as the property is under Site Plan Control under D07-12-18-0130 & D07-12-22-0161.

Transportation Engineering

Comments have been provided through review of this development's associated Transportation Impact Assessment, which was circulated through the Transportation Project Manager (Mike Giampa) and has been assigned record #14791 in Transportation Engineering Services' circulation feedback system.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the applications:

1. That the Owner(s) enter into either a Site Plan Agreement or Development Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following:
 - a) The Owner acknowledges and agrees it shall grant to the City, at the Owner's expense, a Blanket Easement over the lands, with the right and licence of free, uninterrupted, unimpeded and unobstructed access to the City to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the Sewage Pumping Station, Forcemain, Private Watermains, Private Service Posts and fire hydrants at the Owner's expense.

The Owner acknowledges and agrees that notwithstanding the rights granted to the City under the grant of easement, the Owner remains responsible at all times for the maintenance, inspection, alteration, repair, replacement and reconstruction of the utility in the said lands during their term of use. The Owner acknowledges and agrees to provide an electronic copy of the Transfer of Easement prior to the execution of this Agreement by the City, to the satisfaction of the City Clerk and Solicitor. All costs shall be borne by the Owner.

- b) The Owner acknowledges and agrees that a notice shall be registered on title to the subject lands, at the Owner's expense. The Owner further acknowledges and agrees that such notice on title, or the clauses as written directly below, shall be included in all agreements of purchase and sale and lease agreements to inform prospective purchasers and tenants of these matters. The notice on title shall include, but not be limited to, the following:

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that portions of the private sanitary forcemain exist within the road allowance along 1145 Carp Road (Hazeldean Road frontage) owned by the City of Ottawa (the "City") and that the Vendor has entered into a Licence to Occupy the said road allowance confirming that the Vendor bears all responsibility and liabilities for the purpose of constructing, operating and maintaining a private sanitary forcemain within the Road Allowance. The Purchaser/Lessee hereby covenants with the

Vendor/Lessor and agrees to enter into an assumption agreement or new license of occupation with the City with respect to the private sanitary force main located in the City-owned road allowance on substantially similar terms.

“The purchaser/lessee covenants with the vendor/lessor that the above clauses, verbatim, shall be included in all subsequent agreements of purchase and sale and lease agreements for the lands described herein, which covenant shall run with the said lands.”

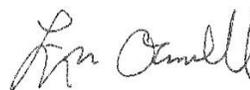
The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

2. That the Owner(s) provide a servicing plan or other proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks, the approval of the Committee to grant easement(s) for access and maintenance of the services, and/or to register on title, a Joint Use and Maintenance Agreement, between the Owners of the services, which shall be at their own costs.



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