

The Corporation of the City of Sault Ste. Marie

COUNCIL REPORT

April 1, 2019

TO: Mayor Christian Provenzano and Members of City

Council

AUTHORS: Peter Tonazzo, RPP, Senior Planner

Patrick Lo, Planning Intern

DEPARTMENT: Community Development and Enterprise Services

RE: A-9-19-Z.OP Second Units

PURPOSE

The purpose of this report is to recommend an amendment to the City's Official Plan and a concurrent amendment to the Zoning By-law to authorize and regulate "second units", in response to Provincial direction for municipalities to permit secondary residential units.

Details of the recommended amendments to the Official Plan and Zoning By-law 2005-150 are attached as Appendix A and Appendix B to this report.

Please note that as per Sections 17 (24.1, 36.1) and 34 (19.1) of the Planning Act, because this application relates to second unit policies, no person or party other than the Minister of Municipal Affairs and Housing may appeal Council's decision on this application, including in respect of any requirements or standards that are part of the amendments.

BACKGROUND

Second units are self-contained accessory residential units built within dwellings, built as part of accessory structures such as garages, or built as standalone accessory structures. Basement apartments, second floor apartments, garage suites and coach houses are all examples of second units.

In 2011, the Ontario government passed the Strong Communities through Affordable Housing Act, which made amendments to the Planning Act that require all municipalities in Ontario to authorize second units. It is recognized by the Province that second units increase the supply and range of affordable rental housing, represent opportunities for homeowners to earn additional income, and support Ontario's aging population by adding housing options for elderly parents

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and family members as well as live-in caregivers - thereby allowing residents to stay within their communities and "age in place".

As per the Planning Act, second units are to be allowed within single detached, semi-detached and townhouse dwellings, as well as within an accessory building located on the same lot as the above noted dwelling types, to a maximum of 1 second unit per lot.

In addition, from discussions with Ministry of Municipal Affairs & Housing staff, it is understood that the intent of the Provincial legislation is to allow second units in both urban and rural areas of municipalities.

While a second unit can be in the form of a standalone accessory building, it is different from a "garden suite" in that, as described by the Planning Act, a garden suite is designed to be portable and each garden suite is individually authorized for a period of time not longer than 20 years.

Although the Province has provided explicit requirements on certain basic aspects of second units, such as the types of dwellings in which second units must be permitted, it is understood that municipalities are free to implement additional regulations so long as they do not unreasonably restrict the creation of second units. Planning staff have conducted a comparative review of second unit regulations in various Ontario municipalities - a table summary of this review is attached to this report as Appendix C. The proposed policies and regulations are generally consistent with those of the compared municipalities.

Since 2012, Planning staff has processed 13 rezoning applications that requested permission to have a second unit on an urban Single Detached Residential lot (R2 zone). Almost all of these applications were for permission to create a basement apartment within a single detached house, essentially converting the single detached house into a duplex. Residential buildings with two dwelling units - duplexes and semi-detached dwellings - are already permitted in many urban areas of Sault Ste. Marie (R3 and R4 zones).

If the recommended Official Plan and Zoning By-law amendments are approved, homeowners will be able to apply directly for a building permit to construct a second unit, provided that the second unit complies with the proposed policies and regulations.

ANALYSIS

Overview of proposed policies and regulations

1. Permitted primary dwelling types

Second units shall be permitted as an accessory use on lots with single detached, semi-detached and multiple attached (townhouse) dwellings.

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2. Permitted areas

Second units shall be permitted in both urban and rural areas, on land zoned for either residential or rural uses.

3. Permitted in main and accessory buildings

Second units shall be permitted within a primary dwelling, as part of an accessory building such as a garage and as a standalone accessory building.

4. Maximum number per lot

A maximum of 1 second unit shall be permitted per lot.

5. Second unit size

A second unit shall be subordinate in nature to the primary dwelling located on the lot, with an additional maximum gross floor area limit for second units that are located in accessory buildings.

6. Parking requirements

A second unit will have reduced parking requirements compared to the primary dwelling, especially in the Downtown.

7. Building regulations

Exterior alterations undertaken to construct a second unit shall be consistent with the existing character of the surrounding neighbourhood. This relates to regulations such as building height, setback distances and lot coverage. In addition, second units shall not be permitted on existing lots that lack the required lot frontage or lot area, with the exception of lots in the Downtown.

8. Development constraints

Development constraints applicable to any residential use, such as environmental protections and hazards, shall apply to second units.

9. Servicing requirements - water and sewer

Second units shall be appropriately serviced with either municipal services or private on-site services.

10. Construction requirements

Second units shall meet all applicable Building Code, Fire Code, Electrical Safety Code, Sault Ste. Marie PUC and Algoma Public Health standards.

Conformity with the Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), 2014 states that municipalities should permit and facilitate all forms of residential intensification, including second units, as well as accommodate an appropriate mix and range of residential uses to create healthy and liveable communities. Furthermore, the Provincial Policy Statement states that municipalities should establish development standards that minimize the cost of housing, facilitate compact form and maintain appropriate levels of public health and safety. The proposed second unit policies and regulations act upon these Provincial Policy Statement guidelines.

Conformity with the Growth Plan for Northern Ontario, 2011

The Growth Plan for Northern Ontario (GPNO), 2011 identifies Sault Ste. Marie as one of five Northern Ontario municipalities containing strategic core areas, and states that these municipalities should support intensification of their core areas, including through the promotion of infill residential development. Permitting and encouraging second units in central areas of Sault Ste. Marie such as the Downtown aligns with the Growth Plan for Northern Ontario.

Consultation

The following departments/agencies commented on this application as part of the circulation process:

- No comments/concerns/objections: Legal, Engineering, Public Works, Community Development and Enterprise Services, Economic Development Corporation, Fire Services, PUC, Municipal Heritage Committee, Accessibility Advisory Committee, Ministry of Municipal Affairs & Housing, Ontario Power Generation.
- Please see attached comments from Building Division and Sault Ste.
 Marie Region Conservation Authority.

Building Division commented that a building permit application will be required to create or construct a second unit. Building Division also noted that if a property is served by a private septic system, a performance level review will be required through Algoma Public Health to confirm the septic system has the necessary extra capacity for the new secondary dwelling unit. The proposed second unit policies are explicit in that any second unit must meet all applicable Building Code, Fire Code and Algoma Public Health standards.

Sault Ste. Marie Region Conservation Authority commented that while this Planning application is not specifically located in an area under the Conservation Authority's jurisdiction in relation to wetlands, shorelines and watercourses, any development regarding a second unit will require a site specific plan review and may require a Conservation Authority permit. As stated in the proposed second

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unit policies, development constraints such as environmental protections and hazards that apply to any residential use will likewise apply to second units.

The public consultation process for this application consisted of the following:

- 2018 September 19: A public open house held at Sault College on the topic of housing, as part of the Planning Division's ongoing "Shape the Sault" New Official Plan project, where the concept of second units was explained and preliminary ideas for second unit policies were introduced.
 - 48 participants attended this open house.
- <u>Since mid-February 2019</u>: A webpage containing information about the City's proposed second unit policies and regulations has been set up on the Planning Division's <u>www.shapethesault.ca</u> public engagement portal.
- 2019 February 20 to 26: Advertisement published on local online media (SooToday.com) which directed visitors to the Planning Division's webpage on second units and invited the public to attend the open house on February 26.
 - o 298 advertisement clicks were recorded.
- 2019 February 26: A public open house held at Elim Pentecostal Tabernacle specifically on the topic of second units, hosted jointly by the Planning Division and the Building Division, where proposed policies and regulations for second units were presented to the public.
 - o 21 participants attended this open house.
- 2019 March 9: Public notice published in local daily newspaper (Sault Star) advertising the application for this Official Plan Amendment and Zoning By-law Amendment.

Based on the public outreach Planning staff have conducted to date, stakeholders have generally expressed the following:

- General support for the concept of second units, especially in regards to the possibility of second units contributing to more affordable rental options, as well as the idea that permitting second units can make it easier for homeowners to have their parents live in with them.
- Support for applying the same environmental protections and constraints to second units as with other residential uses.
- It was noted that more public knowledge about second units is needed.
- What does it mean that there are no appeals regarding second units?
 - As per the Planning Act, no person or party (other than the Minister of Municipal Affairs and Housing) may appeal comprehensive policies and regulations on second units once they are approved by Council. But, in the future, if construction of a second unit on a specific property requires rezoning or minor variance, the decisions on those applications can be appealed.

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- Concern that prohibiting second units on existing lots that lack required lot frontage or lot area would impact many lots in the Downtown.
 - An exception for lots located in the Downtown has been added to this proposed regulation.
- Concern that the proposed maximum height regulation for second units as part of accessory buildings (e.g. garage suites) is not high enough.
 - The intent of the proposed regulations is to ensure second units are consistent with the existing character of their surrounding neighbourhoods. The maximum height currently permitted for accessory garage buildings is 6.0m in Residential zones and 8.0m in the Rural Area zone, and the proposed regulations apply these same maximums to second units as part of accessory buildings.
- Concern about illegal conversions and unsafe units, especially for more vulnerable persons such as students and people with low income.
 - Under the proposed policies, a building permit will still be required prior to the construction of a second unit, meaning that all applicable codes and health & safety standards must be met.
- Concern about noise, garbage and other property standards matters.
 - These are primarily enforcement issues beyond the scope of this Planning application.

FINANCIAL IMPLICATIONS

Approval of this application will not impact municipal finances.

STRATEGIC PLAN / POLICY IMPACT

Approval of this application is not directly linked to any strategic directions contained within the Corporate Strategic Plan.

RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Senior Planner dated 2019 04 01 concerning application A-9-19-Z.OP be received, and that Council approves both Official Plan Amendment No. 223 as attached and the amendment to Zoning By-law 2005-150 as attached.

Respectfully submitted,

Peter Tonazzo, RPP Senior Planner

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AMENDMENT NO. 223

TO THE

CITY OF SAULT STE. MARIE OFFICIAL PLAN

PURPOSE:

This Amendment contains amendments to the text of the Official Plan to authorize second units in Sault Ste. Marie. This is in response to the requirements of the Planning Act, 1990 and the Strong Communities through Affordable Housing Act, 2011, which require all municipalities in Ontario to permit second units.

LOCATION:

The proposed changes to the Official Plan apply to the entirety of the City of Sault Ste. Marie.

BASIS:

In 2011, the Ontario government passed the Strong Communities through Affordable Housing Act, which made amendments to the Planning Act that require all municipalities in Ontario to authorize second residential units. As per the Planning Act, second units are to be allowed within single detached, semi-detached and multiple attached (townhouse) dwellings, as well as within an accessory building located on the same lot as the above noted dwelling types, to a maximum of 1 second unit per lot.

AMENDMENT DETAILS:

a) Under PART VI - PHYSICAL DEVELOPMENT - BUILT ENVIRONMENT, within Section 2.3 Land Use, the following is added as a new Section 2.3.8:

2.3.8 **Second Units**

Introduction

Second units are self-contained accessory residential units built within dwellings, built as part of accessory structures such as garages, or built as standalone accessory structures. Basement apartments, second floor apartments, garage suites and coach houses are all examples of second units.

The intent of the policies in this section is to authorize second units in the City of Sault Ste. Marie and to provide a framework for regulating second units in a manner that ensures they are developed appropriately and compatibly with the City's built and natural environment.

Policies

- SU.1 Second units shall be permitted on lots with single detached, semi-detached and multiple attached (townhouse) dwelling units.
- SU.2 Second units shall be permitted in both urban and rural areas.
- SU.3 Second units shall be permitted within the main building (the primary dwelling unit), as part of an accessory building (such as a garage) and as a standalone accessory building.
- SU.4 A maximum of 1 second unit shall be permitted per lot.
- SU.5 A second unit shall be subordinate in nature to the primary dwelling unit upon the lot.
- SU.6 Reduced parking requirements for second units, especially in the Downtown, shall be supported.
- SU.7 Exterior alterations undertaken to construct a second unit shall be consistent with the existing character of the surrounding neighbourhood.
- SU.8 Development constraints applicable to any residential use, such as environmental protections and hazards, shall apply to second units.
- SU.9 Second units shall be appropriately serviced with either municipal services or private on-site services.
- SU.10 Second units shall meet all applicable Building Code, Fire Code, Electrical Safety Code, Sault Ste. Marie PUC and Algoma Public Health standards.

INTERPRETATION:

The provisions of the Official Plan as amended from time to time will be applied to this Amendment.

AMENDMENT TO

ZONING BY-LAW 2005-150

AMENDMENT DETAILS:

a) The following is added into Section 1.1 *ACCESSORY USES* as a new Section 1.1.8:

1.1.8 ACCESSORY USE: SECOND UNIT

A dwelling unit built within a single detached dwelling, semi-detached dwelling or multiple attached dwelling, as part of an accessory building such as a garage, or as a standalone accessory building. Basement apartments, second floor apartments, garage suites and coach houses are all examples of accessory use second units. An accessory use second unit is subordinate to and intended only as an accessory use to the primary dwelling unit located on the same lot. Refer to Section 4.15 for regulations.

b) Section 4.14.5 BUILDING ON WATERFRONT PROPERTIES is replaced by the following:

4.14.5 BUILDING ON WATERFRONT PROPERTIES

- A. Openings to any building, other than an *accessory* building not containing an *accessory use second unit*, along the lower St. Mary's River shall not be located below **178.6m** Canadian Geodetic Datum.
- B. Openings to any building, other than an *accessory* building not containing an *accessory use second unit*, along the Upper St. Mary's River shall not be located below **184.7m** Canadian Geodetic Datum.

- c) Section 5.7 MINIMUM PARKING REQUIREMENTS FOR ALL PERMITTED USES is amended as follows:
 - i) The row titled "Residential Uses" is amended such that the result is as follows (the headers are provided here for convenience only):

Permitted Uses	Required Parking	Required Parking in <i>The downtown</i>		
Residential Uses (Excluding Multiple Attached	1.25 spaces / Dwellin	aces / Dwelling Unit		
Dwellings and Accessory Use Second Units)				

ii) A new row is added below the row titled "Multiple Attached Dwellings" as follows (the headers are provided here for convenience only):

Permitted Uses	Required Parking	Required Parking in <i>The downtown</i>		
Accessory Use Second Units	1 space / Accessory use second unit	None required		

d) Section 8.5.1, which contains the permitted uses list for the RURAL AREA ZONE (RA), is amended by adding the following item below "*Accessory uses*":

Accessory use second units - Refer to Section 4.15 for additional regulations.

 e) Section 9.5.1, which contains the permitted uses list for the ESTATE RESIDENTIAL ZONE (R1), is amended by adding the following item to the top of the list:

Accessory use second units - Refer to Section 4.15 for additional regulations.

f) Section 9.6.1, which contains the permitted uses list for the SINGLE DETACHED RESIDENTIAL ZONE (R2), is amended by adding the following item to the top of the list:

Accessory use second units - Refer to Section 4.15 for additional regulations.

g) Section 9.7.1, which contains the permitted uses list for the LOW DENSITY RESIDENTIAL ZONE (R3), is amended by adding the following item to the top of the list:

Accessory use second units - Refer to Section 4.15 for additional regulations.

h) Section 9.8.1, which contains the permitted uses list for the MEDIUM DENSITY RESIDENTIAL ZONE (R4), is amended by adding the following item to the top of the list:

Accessory use second units - Refer to Section 4.15 for additional regulations.

i) Section 9.9.1, which contains the permitted uses list for the HIGH DENSITY RESIDENTIAL ZONE (R5), is amended by adding the following item to the top of the list:

Accessory use second units - Refer to Section 4.15 for additional regulations.

j) The following is added as a new Section 4.15:

4.15 REGULATIONS FOR ACCESSORY USE SECOND UNITS

Notwithstanding any other regulations in this By-law, the regulations in this Section shall apply to all buildings, *structures* and *lots* containing *accessory use second units*.

4.15.1 PERMITTED PRIMARY USES

An accessory use second unit shall be permitted only as an accessory use to a single detached dwelling, semi-detached dwelling or multiple attached dwelling.

4.15.2 PERMITTED ZONES

An accessory use second unit shall be permitted only on land located in a zone where accessory use second units is explicitly listed as a permitted use.

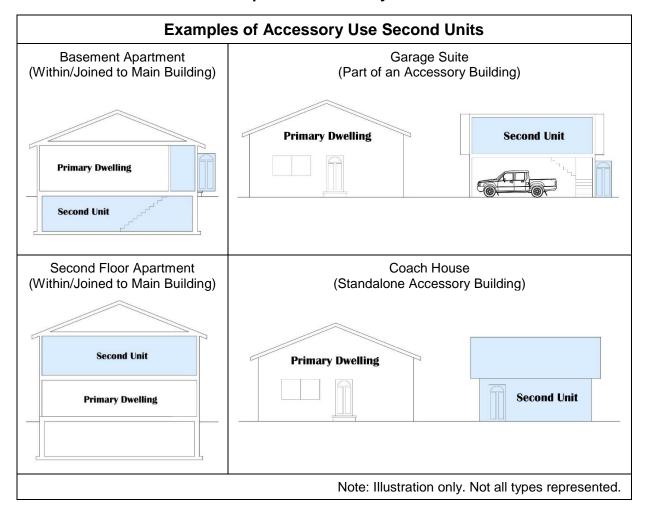
4.15.3 MAXIMUM NUMBER PER *LOT*

A maximum of 1 accessory use second unit shall be permitted per lot.

4.15.4 PERMITTED BUILDINGS

An accessory use second unit shall be permitted to be located within the main (primary dwelling unit) building, as part of an accessory building, or as a standalone accessory building. An accessory use second unit shall not be located in an accessory building designed as a shared garage or carport between two abutting residential lots, as described in Section 9.1.6.

Table 11.1 : Illustration of Examples of Accessory Use Second Units



4.15.5 PARKING

4.15.5.1 MINIMUM PARKING REQUIREMENT

1 parking space shall be required for each accessory use second unit, with the exception of an accessory use second unit on a lot located in the downtown.

4.15.5.2 STACKED PARKING SPACES

Required parking for accessory use second units may be in the form of stacked parking spaces.

4.15.5.3 PERMITTED PARKING SPACE LOCATION

Required parking for accessory use second units shall not be located in a required front yard.

4.15.6 BUILDING REGULATIONS FOR DIFFERENT TYPES OF ACCESSORY USE SECOND UNITS

	Maximum Building Height	Required Minimum Setback Distances	Maximum Accessory Use Second Unit Size (Gross Floor Area of living space)	Required <i>Lot</i> Frontage and Area, and Maximum <i>Lot</i> Coverage		
Within or joined to Main Building	Same as for main building - specific height dependent on zoning.	Same as for main building - specific distances dependent on zoning.	Not larger in <i>gross</i> floor area than the dwelling unit that is the lot's primary use.	Same as for main building - specific requirements dependent on zoning.		
As part of an Accessory Building	8.0m in Rural Area (RA) zone. 6.0m in all other zones.	Same as for <u>accessory</u> buildings - specific distances dependent on zoning - to a minimum of: 1.2m for 1 storey building. 1.8m for 2 storey building. Same as for <u>accessory</u> lot larger in gross floor area than the dwelling unit that is the lot's primary use, to a maximum of: 90m² (969ft²) in the Estate Residential (R1) and Rural Area				
As a standalone Accessory Building	1 storey	Same as for <u>accessory</u> buildings - specific distances dependent on zoning - to a minimum of 1.2m.	(RA) zones. 75m² (807ft²) in all other zones.			

4.15.7 NON-CONFORMING *LOTS*, BUILDINGS AND *STRUCTURES*

4.15.7.1 EXISTING NON-CONFORMING LOTS

Accessory use second units shall not be permitted on existing lots that lack the required lot frontage or lot area, with the exception of lots in the downtown.

4.15.7.2 *EXISTING* NON-CONFORMING BUILDINGS AND *STRUCTURES*An *existing* building or *structure* that does not conform to the provisions set out in this By-law may contain an *accessory use second unit*, so long as the building or *structure* is not enlarged.

	Burlington Pop. 183,000	Guelph Pop. 132,000	Innisfil Pop. 37,000	Kenora Pop. 15,000	Kingston Pop. 124,000	North Bay Pop. 52,000	Sudbury Pop. 162,000	Thunder Bay Pop. 108,000	Vaughan Pop. 306,000	Windsor Pop. 217,000
Permitted dwelling types	Single, semi, townhouse.	Single, semi.		Single, semi, townhouse.	Single, semi, townhouse.	Single, semi, townhouse.	Single, semi, townhouse.	Single, semi, townhouse.	Single, semi, townhouse.	Single, semi, townhouse.
In accessory buildings	Permitted.	Not permitted.	Permitted.	Permitted.	Permitted.	Permitted.	Permitted.	Permitted.	Not permitted.	Permitted.
Environmental site restrictions	Not permitted in hazard lands or in mineral extraction area.	If in flood plain: no lower than 1 m below flood level.	hazard lands or key natural	Not permitted in hazard lands. If in acc. bldg.: not on waterfront lot.	Not permitted in flood plain.	Not permitted in hazard lands.	Not permitted in environmental protection zone.	N/A	Not permitted in flood plain.	If in flood plain: cannot be in basement.
	Minimum lot frontage of 15 m.	N/A	accessory	1000 m ² if unit in accessory building.	N/A	N/A	N/A		Minimum lot frontage of 9 m.	N/A
number of extra parking spaces	space; 2 spaces if located in	3 spaces total for single detached or semi detached with second unit.	bedroom or less; 2 spaces if 2 or more bedrooms.	1 space.	1 space.	1 space.	1 space.	1.5 spaces (same as typical dwelling unit).	3 spaces in total for entire lot.	1 space, but not required if in specific core areas.
		Permitted to maximum of 2 stacked spaces.	Permitted.	Permitted.	Permitted.	Permitted.	N/A	N/A	N/A	N/A
Servicing - water & sewer	Adequate infrastructure available.	N/A	private.	Must be connected to public servicing.	Can be public or private.	Public if in urban area, but can be private if rural.	Public or private.	Full urban, public services required.	N/A	If in accessory building: must be public.
(note: GFA =	100 m ² , max 40%	max 80 m ² , max	Max 3 bedrooms, max 100 m ² , max 50% of building's GFA.	unless all in	Max 90 m², max 40% of building's GFA.	Max 45% of building's GFA.	Only if in rural areas: max 45% of building's GFA.	If within single detached home: max 40% of building's GFA.	Min 35 m², max 45% of building's GFA.	Min 40 m², max 100 m², max 40% of building's GFA.
Exterior / façade	N/A	Must be preserved.	N/A	Cannot change streetscape character.	N/A	Cannot change neighbourhood character or streetscape.	Cannot change neighbourhood character or streetscape.	character.	If heritage: Site Plan Control and Committee approval.	If heritage: cannot reduce heritage value.
amenity areas	Minimum 135 m ² in rear yard for entire lot.	Must be preserved.		If in accessory building: min 6 m ² designated.	N/A	N/A	N/A	Must be provided.	N/A	N/A
access	exterior entrance not facing street, or through vestibule.	,	entrance. Must have access from public road.	must be from public road. Entrance on ground floor.	wall, or through vestibule.	one exterior entrance facing public road for entire building.	Entrance must not face public road or be above grade. No exterior stairs facing the road.		same side as existing), or via vestibule.	building: must have direct pedestrian access from public road/alley.
	Only for single detached, and in lot's existing building cluster.	N/A	Permitted.	Permitted.	Requires removal of holding provision.	Permitted.	Permitted, and can be a mobile home.	N/A	N/A	N/A
Registration	N/A	Required.	Required.	N/A	N/A	Required.	Required.	N/A	N/A	N/A

Stephanie Perri

From: Frankie Bumbaco

Sent: Monday, March 11, 2019 4:10 PM

To: Stephanie Perri

Cc: Peter Tonazzo; Jonathan Kircal; Patrick Lo

Subject: A-9-19-Z.OP - Second Units

Follow Up Flag: Follow up Flag Status: Flagged

Good afternoon,

The Building Division has no objections to the proposed zoning by-law amendment, however would like to comment that a building permit application will be required in order to facilitate the creation/construction of a secondary dwelling unit. Also if the subject property is served by a septic system a performance level review will be required through Algoma Public Health to confirm the septic system has the extra capacity for the new dwelling unit.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Frankie Bumbaco

Plans Examiner
By-Law Enforcement Officer
City of Sault Ste. Marie
T 705-759-5398
f.bumbaco@cityssm.on.ca

Stephanie Perri

From:

Marlene McKinnon <mmckinnon@ssmrca.ca>

Sent:

Tuesday, March 5, 2019 10:45 AM

To:

Stephanie Perri

Cc:

Anjum Amin; Christine Ropeter

Subject:

SSMRCA Response - A-9-19-Z.OP - Amendment to the Zoning By-Law and Official Plan

regarding Second Units

Follow Up Flag:

Follow up

Flag Status:

Flagged

March 5, 2019

Donald B. McConnell, MCIP, RPP, Planning Director City of Sault Ste. Marie P.O. Box 580 Sault Ste. Marie, ON P6A 5N1

Conservation Authority Comments:

Application # A-9-19-Z.OP
City of Sault Ste. Marie
Sault Ste. Marie

The subject of the application is not specifically located in an area under the jurisdiction of the Conservation Authority with regard to the Ont. Reg.176/06 Development, Interference with Wetlands and Alterations to Shoreline and Watercourses.

Any development regarding a 'second unit' will require a site specific plan review and may require a permit from SSMRCA.

SSMRCA has no objection to this application.

Sincerely,

M. A. McKinnon, CGS
GIS Specialist
Sault Ste. Marie Region Conservation Authority
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