

NOTICE OF PUBLIC MEETING
Committee of Adjustment

TAKE NOTICE THAT the Committee of Adjustment for the Town of Gananoque will hold a Meeting on **TUESDAY, SEPTEMBER 27, 2022 at 6:00 P.M. in the TOWN OF GANANOQUE COUNCIL CHAMBERS, 30 KING STREET EAST** and via **TELECONFERENCE** using the number and access code provided on the meeting agenda to consider the following application for Consent:

FILE NO. **B02-2022**

APPLICANT: **IN ENGINEERING + SURVEYING**
OWNER: **JOHN BOSICA/CHRISTINA BOSICA**

The property municipally and legally described as

830 KING STREET WEST

PLAN 86 PT LOTS 2 AND G PT OLD KINGSTON RD RP 28R12896 PT PARTS 1 AND 2
TOWN OF GANANOQUE

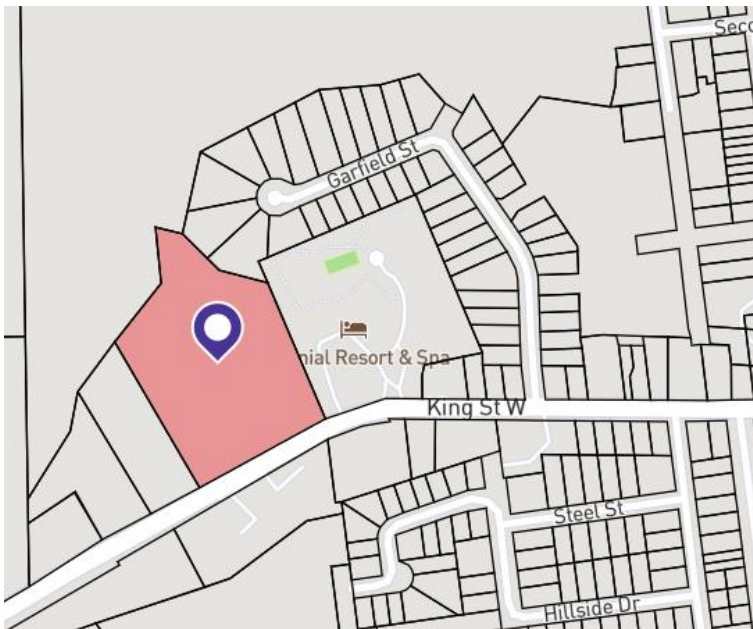
has applied to the Committee of Adjustment for the Town of Gananoque for consent to
SEVER AND CONVEY A 1.17 HECTARE (2.9 ACRE) PARCEL OF VACANT LAND FOR THE PURPOSE OF CREATING A NEW RESIDENTIAL LOT

Additional information in relation to the proposed consent is available for inspection between 8:30 am and 4:30 pm in the Administration Offices at 30 King Street East, Gananoque, ON, or by contacting Chanti Birdi at assitantplanner@gananoque.ca or 613-382-2149 ext.1129.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment at the address below.

Anyone wishing to support or object to the above application may do so by advising the undersigned, in writing, of your support or objection before the hearing or by appearing, in person, at the hearing and your support or objection will be considered by the Committee when making their decision.

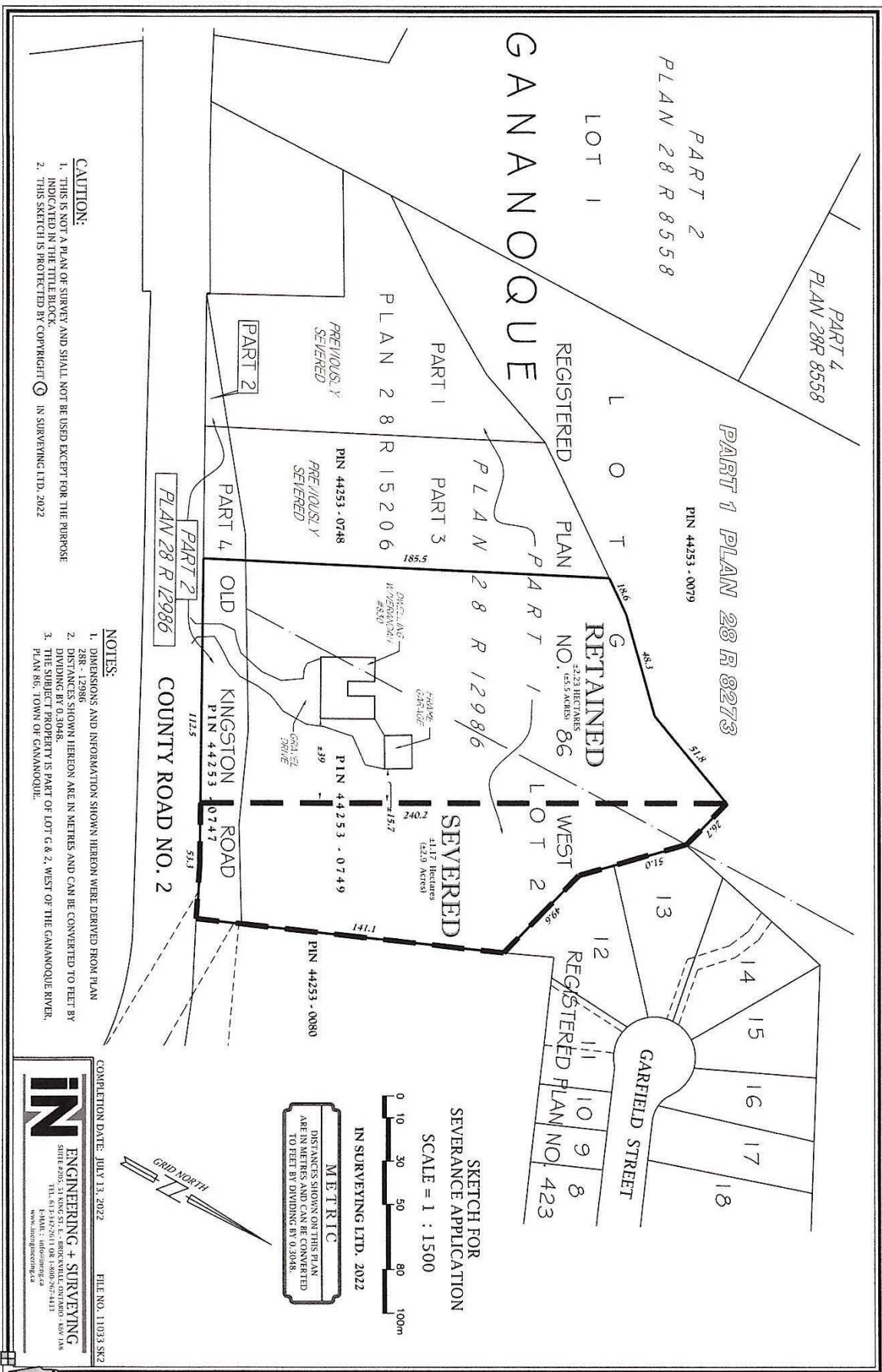
If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submissions to the Committee of Adjustment before it gives or refuses to give provisional consent, the Ontario Land Tribunal may dismiss the appeal.



DATED this 29th day **AUGUST, 2022**

Brenda Guy
Manager of Planning and Development
Secretary-Treasurer,
Committee of Adjustment

Town of Gananoque
30 King Street East
Gananoque, ON K7G 1E9



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2. DISTANCES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
3. THE SUBJECT PROPERTY IS PART OF LOT G & 2, WEST OF THE GANANOQUE RIVER, PLAN 86, TOWN OF GANANOQUE.



B02-22

APPLICATION FOR CONSENT
to the
COMMITTEE OF ADJUSTMENT FOR THE TOWN OF GANANOQUE

A Complete Application consists of:

- One original and two copies of a complete application form signed including declaration of applicant.
- One copy of the deed of property
- Application fee in the amount of \$500 payable to the Town of Gananoque
- One copy of the most recent survey of the subject property
- One copy of the subject property showing the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained
- One copy, if applicable, of the property to whom the lands will be transferred to
- One copy of the location of all land previously severed from the parcel originally acquired by the current owner of the subject land
- One copy of the location of all natural and artificial features on the subject lands including buildings, water, roads, easements, wells and septic systems.

Applications may be subject to any Town incurred costs over and above the applications fees as set out in the General Fees and Rates By-law fees and rates for various services provided by the municipality
Consent Application may be subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority, in the amount of \$290. The Town of Gananoque recommends that you consult with a Conservation Authority Officer prior to making application.

Name of Applicant: <p style="text-align: center;">IN Engineering + Surveying</p>	Name of Property Owner (if different than applicant): <p style="text-align: center;">John Bosica</p>
Address: <p style="text-align: center;">51 King St. East, Suite 205, Brockville, ON K6V 1A8</p>	Address: <p style="text-align: center;">830 King St. West, Gananoque, ON K7G 2H5</p>
Telephone: (613) 342-2611 jim.hutton@ineng.ca	Telephone: <p style="text-align: center;">(613) 484-9929</p>

Purpose of Application:					
<input checked="" type="checkbox"/> New Lot	<input type="checkbox"/> Lot Addition	<input type="checkbox"/> Easement	<input type="checkbox"/> Charge	<input type="checkbox"/> Lease	<input type="checkbox"/> Correction of Title
<input type="checkbox"/> Other					

Name of Person To Whom the Land or an Interest in the land is to be transferred, charged or leased (if known): <hr style="border: 0; border-top: 1px solid black;"/>
Relationship, if any, to owner: <hr style="border: 0; border-top: 1px solid black;"/>

B02-22

EXISTING BUILDINGS:		Building 1	Building 2
To Be SEVERED	Type of Structure	N/A	N/A
	Front Line Setback:	N/A	N/A
	Rear Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Height	N/A	N/A
	Dimensions	N/A	N/A
	Floor Area	N/A	N/A
To Be RETAINED	Type of Structure	Dwelling	Garage
	Front Line Setback:	43.0 m	69.0 m
	Rear Lot Line Setback:	118.0 m	100.0 m
	Side Lot Line Setback:	40.0 m	10.7 m
	Side Lot Line Setback:	32.0 m	77.0 m
	Height	20 ft	20 ft
	Dimensions	N/A	N/A
	Floor Area	2000 ft ²	1600 ft ²
Attached Additional Page, if necessary			

B02-22

PROPOSED BUILDINGS:		Building 1	Building 2
To Be SEVERED	Type of Structure	N/A	N/A
	Front Line Setback:	N/A	N/A
	Rear Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Height	N/A	N/A
	Dimensions	N/A	N/A
	Floor Area	N/A	N/A
To Be RETAINED	Type of Structure	N/A	N/A
	Front Line Setback:	N/A	N/A
	Rear Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Side Lot Line Setback:	N/A	N/A
	Height	N/A	N/A
	Dimensions	N/A	N/A
	Floor Area	N/A	N/A
Attached Additional Page, if necessary			

Access (check appropriate box)		Yes	No
	Town Road (open all year)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Town Road (seasonal)	<input type="checkbox"/>	<input type="checkbox"/>
	Unopen Road Allowance	<input type="checkbox"/>	<input type="checkbox"/>
	Right-of-Way	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify)		

B02-22

Where access to the Subject Land is by Water Only		Yes	No
Docking Facilities:	Distance from subject land		
	Distance from nearest public road		
Parking Facilities:	Distance from subject land		
	Distance from nearest public road		
Water Services		Yes	No
(check appropriate box)	Publicly-owned/operated	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned/operated – individual well	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Privately owned/operated – communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		
Sewage Services		Yes	No
(check appropriate box)	Publicly-owned/operated	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned/operated – individual well	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Privately owned/operated – communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

Other Information:

Is there any other information that may be useful to the Town or other agencies in reviewing this application?

If so, explain below:

Planning Justification Report dated July 26, 2022


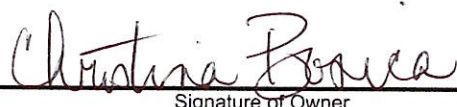
Note: Under Section 53 of the Planning Act, other information and material in addition to the foregoing, may be required, in order to process the proposed consent application. The expense of such will be the applicant's responsibility.

B02-22

AUTHORIZATION BY OWNER

I, the undersigned being the owner of the subject land of this application for a consent, hereby authorize
IN Engineering + Surveying (please print name)
to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of the Town of Gananoque Committee of Adjustment and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

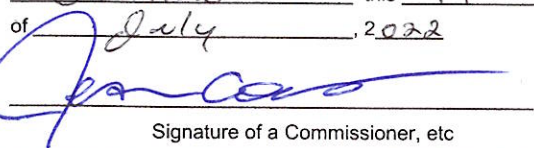
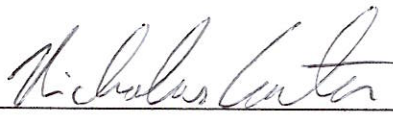
 <hr/> Signature of Owner	 <hr/> Signature of Owner
<u>07/04/22</u> <hr/> Date	<u>07/04/22</u> <hr/> Date

DECLARATION OF APPLICANT

I, IN Engineering + Surveying of the CITY of Brockville in the
Province of ONTARIO solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath

Furthermore, I/we, being the applicant(s) of the subject lands, hereby authorize the Members of the Town of Gananoque Committee of Adjustment and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Declared before me at the <u>CITY</u> of <u>Brockville</u> in the <u>Province</u> of <u>ONTARIO</u> this <u>14th</u> day of <u>July</u> , 20 <u>22</u>  <hr/> Signature of a Commissioner, etc	 <hr/> Signature of Applicant Jean Beverley Cooper, a Commissioner, etc., Province of Ontario, for Jill K. Addison, Barrister and Solicitor. Expires June 1, 2024.
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Office Use Only:		Roll No: <u>0814 000 010 16000</u>
<u>July 26, 2022</u> Date of Submission	Application Complete: <u>August 11, 2022 [cb]</u> Signature	 Date

Questions??

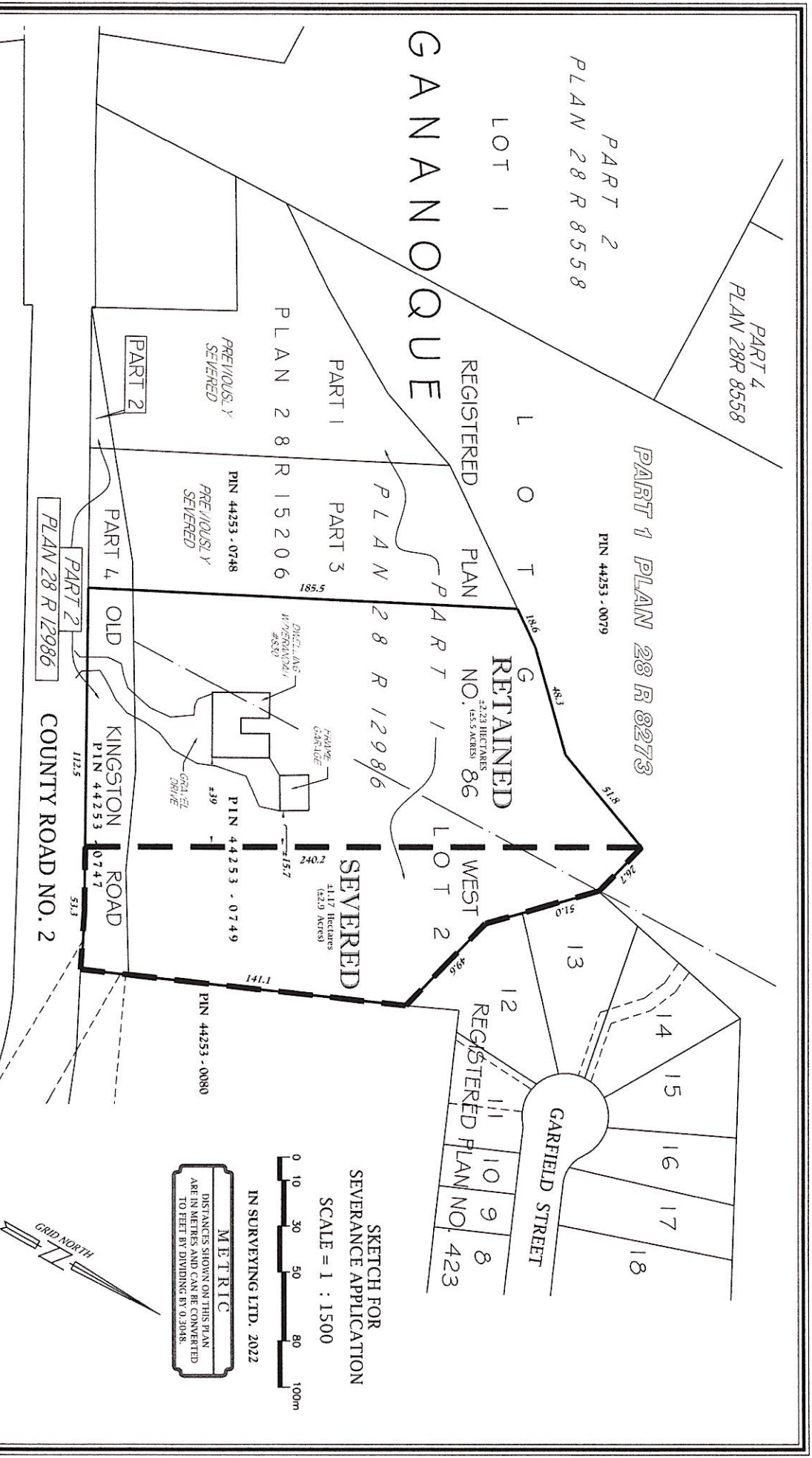
Brenda Guy, Manager of Community Development
 Town of Gananoque
 30 King Street East, Box 100
 Gananoque, ON K7G 2T6

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COMPLETION DATE: JULY 13, 2022 FILE NO. 11033 SR2

IN ENGINEERING + SURVEYING
 SUITE #205, 51 KING ST. E. BRICKWALL, ONTARIO, N6Y 1A8
 TEL: 613-342-2611 OR 1-800-967-4433
 E-MAIL: info@ineng.ca
 www.ineng.ca



METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES, AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SKETCH FOR SEVERANCE APPLICATION
 SCALE = 1 : 1500
 IN SURVEYING LTD. 2022

Ref No: 11033

July 26, 2022

John Bosica
830 King Street West
Gananoque, ON
K7G 2H5

Re: Planning Justification Report
Proposed Application for Consent
830 King Street West, Gananoque, ON

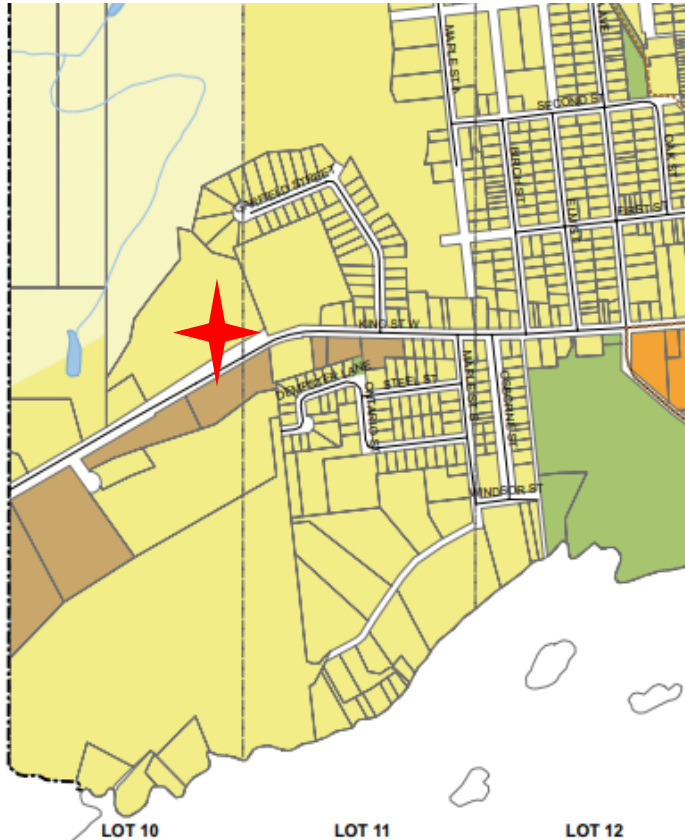
Dear Mr. Bosica:

Further to your request, this Planning Justification Report has been prepared in support of a proposed application for consent to sever a vacant parcel of land from your property located at 830 King Street West in Gananoque, Ontario. Correspondence from Brenda Guy, Manager of Planning and Development for the Town of Gananoque, indicated that a Planning Justification Report is necessary to support a further application for consent from your property and pre-consultation with the Health Unit and Cataraqui Conservation was also recommended.

Background and Context – Your existing lot is 8.4 acres in area, has 544.5 feet (166 m) of frontage along King Street West and is occupied by an existing single detached dwelling. You intend to sever a parcel of 2.9 acres with 175 feet (53.3 m) of frontage along King Street West and the intended use is a single detached dwelling. The proposed retained parcel would be 5.5 acres in area with 370 feet (112.5 m) of frontage along King Street West and is occupied by a single detached dwelling. Municipal sewage disposal and water supply services are not available to the property and both parcels would be serviced by individual on-site water supply and sewage disposal systems. The Sketch For Severance Application is included in the Appendix.

Provincial Policy Statement (PPS) – The Town of Gananoque is considered a settlement area by the PPS. Section 1.1.3 indicates that settlement areas are defined by the PPS as urban areas and rural settlement areas within municipalities (such as cities, towns, villages, and hamlets) that are built-up areas with a concentrated mix of land uses and have areas designated in Official Plans for development over the long-term. Settlement areas are to be the focus of growth and development.

Official Plan – Town of Gananoque - The lands are designated Residential on Schedule “B” to the Town’s Official Plan.



**Schedule “B”, Town of
Gananoque Official Plan; lands
are designated Residential.**

The following polices of the Official Plan are applicable to the proposed severance:

- 3.2.1 Where We Live – Goals and Objectives:
 - 4. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding land uses in terms of architectural design and density.
- 3.2.2.2 Permitted Uses: Permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartments.
- 3.2.2.6 Servicing: Consideration may be given to permitting alternative servicing for specific properties, but only in isolated cases where full municipal services cannot be extended due to technical or economic obstacles of extending services. Alternative servicing may include

individual on-site systems or communal systems. Any proposal for development will require a servicing options study which includes a supporting rationale for the alternative proposed.

- 3.2.2.8 Residential Density and Affordable Housing: In order to ensure an appropriate mix of housing and to facilitate the provision of affordable housing, a full range of housing densities will be permitted. An overall housing density target of 12 units per gross hectare has been established and will be achieved through an appropriate mix of low, medium and high density residential development. The intent is to maintain or improve the historical availability of affordable housing in the Town of Gananoque by ensuring a broad mix of housing types and densities while also ensuring that the character and quality of residential neighborhoods will be maintained. Higher density residential development will generally be encouraged in locations having greater amenities or services such as areas in proximity to:
 - Commercial designations;
 - Open Space;
 - Arterial or collector roads.

Such development will only be permitted where it is compatible with the neighborhood, where sewer and water lines have adequate capacity to service higher density development and where the street system is such that traffic, parking and access will not result in negative impacts.

- 4.1.4 Water, Waste Water and Stormwater Services:
 - 4.1.4.1 General Polices:
 - 3. Development shall generally be directed to areas where water and waste water services can reasonably be extended.
 - 5. Stormwater management will be required, as outlined in MOE's Stormwater Management Planning and Design Manual 2003, for all new development in accordance with guidelines which may be developed by the Ministry of Natural Resources, the Cataraqui Region Conservation Authority or the Town of Gananoque. Stormwater management may not be required for small scale developments such as lots created through the consent process or minor developments subject to site plan control where there is no impact on the watershed.
 - 7. Consideration may be given to permitting development on private servicing, communal services or partial municipal services but only in isolated cases where full municipal services cannot be extended due to technical constraints. Any such development will require a servicing options study which includes a supporting rationale for the alternative proposed. The applicant must show that there is sufficient quantity and quality of potable water and must also

demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Ministry of Environment as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection etc.

- Section 5.4.2 Consents requires the consideration of the following policies:
 - It is the policy of this Plan that lot creation in excess of three lots, including the retained lot, from the original lot shall take place by Plan of Subdivision. For the purposes of this policy the original lot is defined as the lot as it existed as of the date of approval of this Official Plan.

Exceptions to the policy limiting the number of lots which can be created by consent may also be granted by the approval authority to permit infill lots in existing areas of strip development provided that it will not create negative effects on traffic flow and safety.

The following criteria shall apply when considering consent applications:

1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The approval authority may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, municipalities may impose a minimum lot size in the implementing zoning by-law.
2. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.
3. All lots created shall have frontage on a public road with at least one side of the lot which physically abuts the public road.
4. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.

5. All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
6. A consent which has the effect of land locking another parcel is not permitted.
7. Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.
8. Consents will not be granted unless it can be demonstrated that each lot to be created contains sufficient area for development that is not affected by the development constraints described in 3.6 and 3.7 of this Plan. All new lots proposed must comply with the provisions of the Official Plan and Zoning By-laws.
9. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
10. A maximum of one new lot may be created per consent application.

Development Permit By-law (Zoning) – Development of the site will occur via an application filed in accordance with the Community Planning Permit system.

Review of Servicing Options – Consultation with the Town of Gananoque (email exchange with Brenda Guy, March 24, 2022) revealed that municipal water supply and sewage disposal services are not available to the property and the Town does not have plans to extend services.

For the lands to be developed the only viable option is the installation of private sewage disposal and water supply systems (a septic system and a well). Section 3.2.2.6 Servicing of the Town's Official Plan indicates that private services may be considered in isolated cases and where development occurs on private services, a servicing agreement with the Town requiring the development to be connected to municipal services if and when services are extended to the subject lands will be required. The requirement for an agreement could be implemented as a condition of approval of an application for consent.

Section 4.1.4 7. Water, Waste Water and Stormwater Services of the Town's Official Plan indicates that the applicant must show that there will be a sufficient quantity and quality of potable water available and that a permit can be obtained for the proposed sewage disposal system. The applicant resides on the retained parcel and the quality and quantity of water available to the existing single detached dwelling is excellent.

Presently the local Health Unit is the approval authority for septic systems and the Health Unit will be commenting on the application for consent. The proposed severed lot is 2.9 acres in area and mapping of the area indicates that there should be ample overburden soils on the proposed severed

lot for the installation of a private septic system. The lands and soils of the severed parcel are similar to the retained parcel; a duly approved septic system was installed on the retained parcel with no geotechnical issues encountered.

Comments have been received from Cataraqui Conservation indicating that they have no concern with the proposed severance, however, they have recommended that the woodland at the north of the lot be preserved as it connects to a larger wooded area identified in the Town's Official Plan as Significant (see Appendix).

Discussion of Official Plan Policies – As noted above the subject lands are designated Residential by the Official Plan of the Town of Gananoque. Lands designated Residential may be used for a range of residential purposes including single detached dwellings. The Official Plan includes policies related to the use of private water supply and sewage disposal services, the number of lots that may be considered by the consent process and general policies that must be considered for each application for consent.

In terms of private sewage disposal and water supply services, the Official Plan indicates in several policies that private services may be considered in isolated situations and the servicing options for the subject lands are discussed above.

There have been two previous lots severed from the original holding. Section 5.4.2. indicates that lot creation in excess of three lots (including the retained portion) should occur by Plan of Subdivision. In this situation, with the approval of the proposed severance there would be a total of four lots created, including the retained lot. The Official Plan, however, does permit exceptions to this policy to permit infill lots in existing areas of strip develop, provided that there will be no negative impacts on traffic flow and safety. The proposed severed lot represents an infilling situation between the existing single detached dwelling on the proposed retained parcel and the existing commercial property to the east. The proposed infilling lot also represents the completion of the development potential of the severed and retained lands. The economic feasibility of the development of a subdivision on the existing lot (the 8.4 acres representing the proposed severed and retained lots) is very questionable due to the lack of municipal water supply and sewage disposal services and the location of bedrock on the northern portion of the retained parcel.

It is not anticipated that an additional residential lot will have any negative impact on the traffic flow or safety of King Street West.

The following policies of Section 5.4.2 are addressed as follows:

1. The size and configuration of the proposed severed (2.9 acres) and retained (5.5 acres) parcels are appropriate for the intended use and the Health Unit will provide comments

related to the installation of a sewage disposal system on the proposed severed lot. The applicant has indicated that the water quality and quantity for the existing parcel is excellent.

2. Capacity in existing water and waste water services – To be reviewed by the Town of Gananoque.
3. Frontage on a public road – The proposed severed and retained lots front on King Street West.
4. Compatible with adjacent uses – The proposed severed and retained lots are compatible with adjacent uses. The proposed retained parcel is 2.9 acres in area and there is ample buffering from the commercial lot to the east.
5. Minimum Distance Separation, Agriculture – Not applicable in this situation.
6. No landlocked parcels – No landlocked parcels will result from the proposed consent.
7. Access to interior land – Access to interior lands will not be impacted by this application.
8. Constraints in Section 3.6 and 3.7 of Official Plan – Sections 3.6 and 3.7 are implemented via Schedule “F” Natural and Heritage Features. Although Schedule “F” does not identify any features on the proposed severed and retained lands, Cataraqui Conservation has recommended that the northern portion of the proposed severed lot contains a mature woodland that is connected to a larger wooded area that is designated as Significant by the Town’s Official Plan. The approval authority may wish to address this comment via a condition of severance.
9. The severed and retained lots shall conform to the provisions of the Town’s zoning by-law – Development will occur in accordance with the applicable provisions of the Town’s Development Permit By-law.
10. A maximum of one lot may be created per consent application – The proposal will create one new lot.

Conclusions:

- The Residential policies of the Official Plan permit a range of dwelling types, including low, medium and high density dwellings. The lack of municipal water supply and sewage disposal services to the property is not conducive to the development of medium and high density housing;
- As municipal water supply and sewage disposal services are not available, the creation of a lot serviced by a private sewage disposal system complies with the Town’s Official Plan, subject to favourable comments from the Health Unit;
- The applicant has indicated that the water supply for the retained parcel is excellent in terms of quality and quantity;

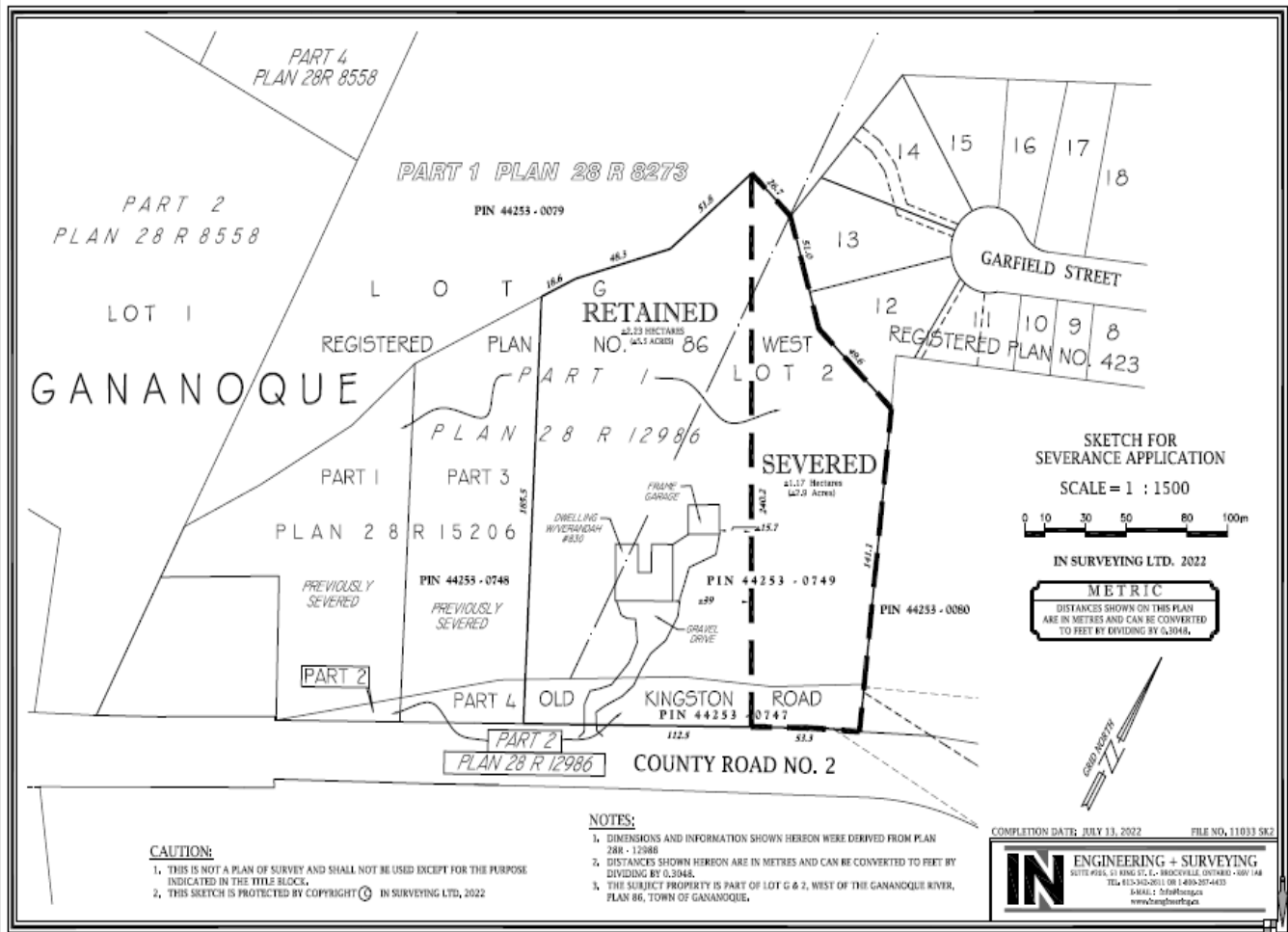
- The creation of a fourth lot (3 severed plus one retained) represents an infilling situation as permitted by the Official Plan and there will be no negative impacts on traffic flow and safety;
- The proposed development is compatible with the surrounding uses. The large lot size (2.9 acres) and existing vegetative covering will provide natural buffering between the proposed lot and the commercial use to the east;
- The proposed severance conforms with the policies of Section 5.4.2 General Consent policies; and
- Development by Plan of Subdivision is not economically feasible due to the lack of municipal services available to the area and the bedrock located on the proposed retained parcel.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Jim Hutton, RPP, Dipl. M.M.
Senior Planning Professional

APPENDIX



Sketch for Application for Consent

Hello Nick,

On behalf of CRCA, I have reviewed the proposed severance at 830 King Street West. I can confirm that CRCA would not have objections with the severance. We would recommend preservation of the mature woodland at the north of the lot, as this is connected to a larger wooded area that is identified in the Town's Official Plan (Schedule "F") as Significant.

Once an application is submitted to the Town, we will be circulated for comment. CRCA has a plan review fee for consent applications of \$425. This fee will need to be paid to our office at that time. Further information can be found here: <https://cataraquiconservation.ca/pages/permit-fees>

Let me know if there are any questions.
Mike

Michael Dakin MCIP, RPP
Supervisor, Development Review



Phone: (613) 546-4228 ext. 228

Toll-Free: 1-877-956-2722

Web: www.CataraquiConservation.ca