



THE CORPORATION OF THE

# Municipality of Neebing

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August 22, 2019

**RE: APPLICATION FOR REZONING Z01-2019**  
**OWNER: Joseph Zawada: 3935 Highway 61, Neebing, Ontario**  
**NOTICE OF THE DECISION OF THE COUNCIL OF THE MUNICIPALITY**

Property owners in the vicinity of the property which is the subject of this notice, First Nations and interested agencies, were advised by way of notice sent on January 29<sup>th</sup>, 2019, of a public meeting of the Council of The Corporation of the Municipality of Neebing, sitting as Committee of the Whole, to be held on March 1st, 2019, to consider an application to re-zone the above-noted property from “rural” to a dual zone with “rural” and “institutional”. The Committee of the Whole did not make any recommendations to Council as a result of that meeting. Notice of a second public meeting of the Council of The Corporation of the Municipality of Neebing, sitting as Committee of the Whole for this application, to be held on July 31<sup>st</sup>, 2019, was sent on June 24<sup>th</sup>, 2019. Both meetings were advertised in local newspapers as well. Prior to the second meeting, the application had been amended to request that the re-zoning occur from “rural” to a dual zone with “rural” and “general commercial”. (In each case, the intention of the applicant was to obtain the necessary approvals to develop a portion of the property as a medical clinic.)

**PLEASE TAKE NOTICE** that the Committee of the Whole on July 31<sup>st</sup>, 2019, recommended to the Council that the application for re-zoning be approved, subject to the “H” (hold) provision. Council ratified that decision at the Council meeting held on August 7<sup>th</sup>, 2019. Via Resolution #2019-08-173, Council resolved:

WHEREAS, Council is satisfied that the applications represent “good planning”;

AND WHEREAS the Provincial Policy Statement contains several policies relating to the preservation of “agricultural” official plan designations and zones on properties such as this one, with very rich soil, however, the size and configuration of the property, together with its proximity to highway use and commercial/quasi-industrial use, prevent agricultural uses on any kind of decent scale;

AND WHEREAS the Provincial Policy Statement contains many policies opposed to the conversion of agricultural land for other uses, but the Northern Growth Plan contains many policies that support the application, *and the Northern Growth Plan is to take precedence over the Provincial Policy Statement unless there are health and safety risks to people, or environmental risks*, neither of which apply to this application;

AND WHEREAS the Council does not consider conversion of agricultural land to non-agricultural uses to be appropriate as a general rule, in weighing the merits of the retention of the agricultural designation and zone to the merits of the development of a medical clinic, the latter is seen as an appropriate circumstance in which to do so, taking all of the factors and policies into consideration; and

AND WHEREAS the approval of the applications is based on their individual merit and is not a precedent for any future development applications, each of which will also be analyzed based on their individual merit;

NOW THEREFORE, BE IT RESOLVED THAT, two public meetings having been held with respect to the application by Joseph Zawada relative to property municipally known as "3935 Highway 61", and legally described as Part of the North Part of Lot 10, Concession One, in the Municipality of Neebing (geographic Blake Township) and the District of Thunder Bay, being Part 1 on Reference Plan of Survey 55R-3438, excluding Part 1 on Reference Plan of Survey 55R-4425, Schedule "B" to Neebing's Official Plan be amended to change the designation on the map for this property from "Agricultural" to "Rural";

AND, FURTHER, THAT the necessary by-law be presented to the Municipal Council for ratification;

AND, FURTHER, BE IT RESOLVED THAT, a public meeting having been held with respect to the application by Joseph Zawada relative to property municipally known as "3935 Highway 61", and legally described as Part of the North Part of Lot 10, Concession One, in the Municipality of Neebing (geographic Blake Township) and the District of Thunder Bay, being Part 1 on Reference Plan of Survey 55R-3438, excluding Part 1 on Reference Plan of Survey 55R-4425, Schedule "B" to Neebing's Zoning By-law Number 2017-030, that the Zoning By-law be amended to change the zoning shown on the map for this property from "Agricultural" to a dual zone, "Rural" and "General Commercial", with a "special condition" label BL-16, all subject to the "H" hold provision;

AND, FURTHER, that, subject to the "H" hold provision, Special Condition # BL-16 be added to the text of the By-law as Section 5.3.16, as follows:

The property to which this special condition applies, referred to as the "Subject Property" is legally described as Part of the North Part of Lot 10, Concession One, in the Municipality of Neebing (geographic Blake Township) and the District of Thunder Bay, being Part 1 on Reference Plan of Survey 55R-3438, excluding Part 1 on Reference Plan of Survey 55R-4425.

On August 7, 2019, the Subject Property had municipal address 3935 Highway 61, and Assessment Roll Number 58-01-030-006-03501-0000.

The Subject Property has dual zoning, both “Rural” and “General Commercial”.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Rural Zone apply to this lot.

The General Commercial Zone is applied to this lot together with the Rural Zone for the purpose of allowing development of a portion of the north part of the lot as a medical clinic.

No person shall use this lot, or erect, alter or use any building or structure for any purpose, except in accordance with the regulations set out in this Section 5.3.16.

A medical clinic is permitted on that portion of the Subject Property illustrated in Schedule “A” to this By-law Number 2019-034.

Access to the medical clinic shall be from Boundary Drive West.

Separation is to be maintained between the existing Rural Residential use on the property and the medical clinic, and the two uses on the lot are not to share an access driveway to any highway.

The medical clinic shall have a maximum floor area of three hundred (300m<sup>2</sup>) square meters.

Setbacks imposed by senior orders of government must be adhered to.

The medical clinic may contain retail operations, either stand-alone, or as accessory uses to the uses set out in the next paragraph of this Special Condition, for pharmacies or for the retail sale of home health care supports to assist persons with disabilities with functional requirements and/or to facilitate such persons remaining in their homes.

The medical clinic may contain offices and facilities for any or all of the following medical practices:

- (1) general practitioners;
- (2) medical specialists, excluding any set out in the following paragraph;
- (3) physiotherapists;
- (4) chiropractors;
- (5) naturopaths;
- (6) dentists;
- (7) nurse practitioners;
- (8) midwives or doulas; or
- (9) pharmacists.

The medical clinic may not contain medical facilities wherein patients remain on the premises overnight, adult or child day care facilities, abortion clinics, sanatoria, hospice facilities or methadone clinics.

In addition to the permitted uses listed above, accessory uses, including laboratories, x-ray facilities, patient waiting rooms and physiotherapy equipment centers are permitted.

AND FURTHER, THAT, the special "H" hold provision be applied to the amending by-law, to be lifted at such time as the owner:

- (a) enters into a site plan agreement for the proposed medical clinic, which provides detail relating to the siting of the building or buildings on the property, access and egress, exterior finishing, signage, landscaping and parking; and
- (b) supplies a MDS I formula analysis for the development that is acceptable to the Council; and
- (c) until such time as the Minister of Municipal Affairs and Housing has approved the Official Plan Amendment.

IN ADDITION, Council passed the implementing By-law, subject to the "H" (hold) provision. A copy of the By-law (Number 2019-034) is posted on the website with this notice.

**PLEASE TAKE FURTHER NOTICE** that any person or agency may appeal to the Local Planning Appeal Tribunal in respect of the consent by filing with the Solicitor-Clerk for the Municipality, not later than **Thursday the 12<sup>th</sup> day of September, 2019**, a notice of appeal setting out the objection to the consent and the reasons in support of the objection, together with the Local Planning Appeal Tribunal's appeal fee (amounts available on the website for the Tribunal).

**A SIMILAR NOTICE** was sent by mail to the applicant, to various agencies, persons who requested it, and to surrounding property owners for their information. If you wish to be notified of anything further, you must make a written request to the Solicitor-Clerk at the Municipal Office.

**ADDITIONAL INFORMATION** related to the decision is available for inspection between 9:00 a.m. and 5:00 p.m. on weekdays at the Neebing Municipal Office.

Yours truly,



Rosalie A. Evans  
Solicitor-Clerk