

AMENDED Application No. 201-2019

The Corporation of the
Municipality of Neebing
4766 Highway 61, Neebing, Ontario P7L 0B5
Telephone: 807-474-5331 Facsimile: 807-474-5332

AMENDED APPLICATION FOR AN AMENDMENT TO THE ZONING BY-LAW
AND ~~OR~~ TO THE OFFICIAL PLAN

THE APPLICANT CONSENTS TO AN INSPECTION OF THE PROPERTY BY MEMBERS OF THE COMMITTEE OF WHOLE AND BY MUNICIPAL STAFF.

The undersigned hereby applies to the Municipal Council under the Planning Act, R.S.O. 1990, c. P.13, as amended.

THE INFORMATION IN THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.

OWNER/APPLICANT/AGENT INFORMATION

Owners' Names & Addresses:

1. Joseph Zawada
65 Stewart Road
Neebing ON P7L 0B7

2. _____

Address same as owner above or: _____

(Attach pages for additional owners, if any)
**Proof of Ownership may be required

Telephone and/or facsimile:

633-8197

Email Address:

josephzawada@
yahoo.com

1(a) Agent's Name & Address (if an Agent is engaged):

N/A

Telephone and/or facsimile:

Email Address:

PROPERTY/DEVELOPMENT INFORMATION

Property legal description:

Registered Plan No. SSR-3438

Reference Plan No. _____

Concession No. One

Mining Location No. _____

Assessment Roll Number:

58-01-030-006-03561-0000

Lot No. North Part Lot 10

Part No. 1 (less Part 1 SSR-4425)

Sec. No. _____

Municipal Address:

3935 Highway 61 Neebing ON
P7L 0C8

If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances on the property now, please provide details, including names and addresses of interested parties. If there are none, please indicate so.

No encumbrances.

Amendments to the Application since First Circulation on January 25, 2019:

Change to requested zone: “General Commercial” rather than “Institutional”
(page 2)

In the list of permitted uses for the “General Commercial” Zone designation in Neebing’s Zoning By-law, “Personal Service Shop” is included. The definition of “Personal Service Shop” includes a “medical clinic”. The “General Commercial” Zone is therefore better suited to the application than the “Institutional” Zone.

Since the first Public Meeting (held March 1st, 2019), the Applicant has decided to re-locate the proposed medical clinic building from the originally intended location, at the Northeast corner of the property (at the intersection of Highway 61 and Boundary Drive West) to the Northwest corner of the property’s frontage on Boundary Drive West, next to #581 Boundary Drive West. The Applicant has included a site plan showing the new proposed location of the building, parking area and driveway. (Changes to arrows on page 4J; insertion of page 4M.)

Physical Description/Dimensions of the Property:

295 m on Boundary Drive; 267 metres on Spruce

Frontage: 396 meters (width) Depth: (varies) meters

Area: 11.1 hectares
(27.43 acres)

Number of buildings and structures existing: 3 proposed: one new - medical clinic

(Attach a list of the existing buildings/structures, the dates that each was constructed. Attach a list of the proposed buildings/structures. If any of the buildings are proposed to be demolished/removed as part of the development, indicate which ones. Be sure to include both existing (including any to be removed) and proposed buildings/structures on the diagram, including all set back dimensions and building heights)

Use of the land: existing: Residential (existing) + outbuildings proposed: Medical Clinic in addition to Residence

Number of years existing use has been ongoing: over 100 years

Year the Applicant purchased the Property: 2018

Official Plan Designation: Agricultural Existing Zoning: Agricultural

Are you seeking a new Official Plan designation? If so, please indicate what is desired (attach more pages if necessary):

Yes - Rural designation to allow for medical clinic + Continued use of existing residence

Are you seeking a site-specific Official Plan policy amendment? If so, please indicate what is desired (attach more pages if necessary):

Yes - change in designation. No other changes required.

Are you seeking a new Zone? If so, indicate which one:

Rural / ~~institutional~~ General Commercial Dual zone

Are you seeking changes to the Zone Regulations (set-backs)? If so, please indicate the details (attach more pages if necessary): No

Frontage:	Current Requirement: _____	Change Sought: _____
Minimum Front Yard:	Current Requirement: _____	Change Sought: _____
Minimum Side Yard:	Current Requirement: _____	Change Sought: _____
Minimum Rear Yard:	Current Requirement: _____	Change Sought: _____
Minimum set back from water:	Current Requirement: _____	Change Sought: _____
Maximum Height:	Current Requirement: _____	Change Sought: _____
Minimum building area:	Current Requirement: _____	Change Sought: _____

Describe in detail what new development is being proposed on this Property. If there is no new development being proposed, describe the reasons for the application:

Owner wishes to construct a medical clinic building with multiple medical facilities (doctors, dentists, pharmacies, rehabilitation medicine, chiropractors, etc.)

See additional page 3A

Road Access to the Property

Provincial Highway
Private Road
Water only

Property has frontage on 3 sides. One Provincial highway and 2 municipal roads
Municipal Road
Right of Way

Where access is proposed by water only, indicate on the sketch or below the parking and docking facilities to be used, and the approximate distance of these facilities, as well as the nearest public road, from the subject land.

N/A

Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road:

As per Zoning By-law requirements and/or exceeding Zoning By-law requirements. Parking for up to 20 vehicles will be provided, to be increased if demand requires.

Water supply to the Property

(existing well serving residence to remain)

Privately owned and maintained individual well

Lake

Other: _____

New well to be drilled for new building

Septic Service to the Property

(existing septic serving residence to remain)

Privately owned and maintained individual septic system

Outhouse/privy

Other: _____

Communal septic system

new septic to be provided to service new building

NOTE: if the application seeks development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report must be provided.

Additional information on proposed development:

The Applicant has medical practitioners within his family who will be establishing their practices in the new medical clinic.

In addition, there will be space for other medical practitioners, such as: other doctors, chiropractors, dentists, physiotherapists, nurse practitioners, etc. There is also the potential for an accessory pharmacy operation.

It is well known that the rural population is aging, and further, that people wish to remain in their homes rather than having to move into town. A well-rounded, multi-service medical clinic would benefit this rural area.

The structure to house the clinic is planned to be approximately 32 feet (9.75 meters) wide, with a length between 72 feet (21.95 meters) and 100 feet (30.5 meters). The exact size, the exact placement on the lot and orientation on the lot have yet to be determined.

The site will have sufficient on-site parking to meet and/or exceed the requirements of the Zoning By-law for the proposed use.

This property is a six-sided polygon in shape, with roads on three of its six sides. It is bounded on the west by Provincial Highway 61. It is bounded on the north by Boundary Road, which is a municipal road marking the boundary between the Municipality of Neebing and the Municipality of Oliver Paipoonge. It is bounded on the east by Spruce Drive (which was, originally, a portion of Highway 61, prior to its having been re-aligned).

Access to the existing residential home is from Highway 61. That is not proposed to change, but will remain an access solely to the residence. Access to the proposed medical clinic is planned from Boundary Road on the north.

Stormwater Drainage:

Storm sewer
Swales

Ditches
Other:

List any previous or current Planning Act applications that apply to this property. Include the relevant File or Application Numbers. Add additional pages if necessary.

Please see additional pages 4A - 4B

Is any boundary line of the Property within 500 metres of an agricultural operation? Yes No
Is any boundary line of the Property within 500 metres of a landfill operation? Yes No
Is any boundary line of the Property within 500 metres of mineral aggregate operations or a pit or a quarry? Yes No

If yes, will the development hinder continued operations of extraction? Yes No N/A

Is any boundary line of the Property within 125 metres of a significant wetland? Yes No
Does any portion of the Property contain habitat of any endangered or threatened species of wildlife (plant or animal)? Yes No

How, in your view, will the proposed development fit in with the other existing land uses in the vicinity of the Property? Add additional pages if necessary.

Co-op commercial use across road. Photographic studio adjacent to the west. (north)

Major arterial highway on east side (Highway 61)

Describe in detail how your development is consistent with the Provincial Policy Statement issued under Subsection 3(1) of the Planning Act. Attach additional pages if necessary.

Please see additional pages 4C - 4F

A sketch of the Property must be provided. The plan must be complete, including all elements listed below, have metric dimensions indicated, and be on paper with maximum size 11 x 17 (inches):

- A north arrow, scale and legend;
- Boundaries of the subject Property, including the area of the Property and the dimensions of each boundary line;
- Existing and proposed buildings on the property, including building dimensions, distances from lot lines and/or other buildings, and height;
- Locations of all natural and artificial features (easements, railways, pipelines, hydro transmission lines, highways, watercourses, drainage ditches, banks, slopes, wetlands, wooded areas, wells, septic fields, etc.) that are located on the subject Property and on land adjacent to the subject Property which may affect the application;
- Nature of the existing uses of each adjacent land parcel (residential, commercial, etc.)

See pages 4G - 4M 4M

Page 4A

The subject property was originally triangular in shape.

Application B/20/78

A 9 acre triangular parcel, being the "tip" of the triangle (at the south) of the original lot, was created by severance approved on May 8, 1978. Conveyance of the severed parcel occurred on June 26, 1978.

(This application was made by Randall and Valerie Hunter, previous owners.)

Application B/21/78

In this severance application, it was proposed to create a 10 acre parcel, roughly rectangular in shape, along the north portion of the property. In the sketch accompanying the application, the lot created in Application B/20/78 is not shown. This application was denied. The reason for the denial was that the "intended uses of the conveyed property is (sic) not in conformity with the section of By-law #905 and Lakehead Official Plan."

(This application was made by Randall and Valerie Hunter, previous owners.)

Application B/32/78

This severance application is similar to that in B/21/78 – seeking to create a 10-acre parcel, roughly rectangular in shape, along the north portion of the property. In the sketch accompanying the application, the lot created through the approval of the application B/20/78 is shown. This application was also denied. The reason for the denial was that the "severance would not be appropriate for the proper development of the land. It should not be divided into small parcels but should be preserved for agricultural use according to Section 2.14 of the Lakehead Official Plan."

(This application was made by Randall and Valerie Hunter, previous owners.)

Application B/08/80

A 2 acre parcel, located at the northwest corner of the original lot, was created by severance approved on June 9, 1980. Conveyance of the severed parcel occurred on July 30, 1980.

(This application was made by David and Linda Simpson, previous owners.)

Application B/23/80

This severance application was brought to sever a 5.42 acre parcel running along the west side of the property, in a rectangular shape, between the two parcels previously severed. The application was denied "because this application does not conform to Section 10.9 (amendment #17) of the Lakehead Official Plan which states that a maximum of 3 parcels can be created by consent from a parcel existing in one ownership as of October 4, 1972. The granting of this severance would create the 4th parcel.

(This application was made by Kim and Jean Kerber, previous owners.)

Demonstration of Consistency with the Provincial Policy Statement (“PPS”)

Under the heading “Rural Areas in Municipalities”, we find Section 1.1.4.1 f, which reads:

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

...

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources

...

The Municipality of Neebing has very little commercial, institutional or industrial development. It is largely rural, and primarily residential. There is a very limited amount of agriculture on a business level. Most agricultural use is “hobby-farm” related. There is very little opportunity for local employment, apart from home-based businesses or farms.

Development of a medical center will promote diversification of the economic base in Neebing and create employment opportunities, consistent with Section 1.1.4.1(f), cited above.

Under the heading “Rural Lands in Municipalities”, we find Section 1.1.5.3, which reads:

1.1.5.3 (Recreational, tourism and) other economic opportunities should be promoted.

The development of a medical clinic is an “economic opportunity” which should, in accordance with Section 1.1.5.3 of the Provincial Policy Statement, be promoted.

Under that same heading, we find Section 1.1.5.4, which reads:

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The proposed medical clinic is of a scale which can be sustained by private septic and well service, and thus is consistent with Section 1.1.5.4 of the Provincial Policy Statement.

Under the heading "Co-ordination", we find Section 1.2.4. Although it reads as if it applied to "upper tier" municipalities, it applies to Neebing as a single tier municipality due to Section 1.2.5. Section 1.2.4(b) reads:

1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower tier municipalities shall:

...

b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking those nodes;

...

The proposed medical clinic is located in an area which has a "node" of commercial business. Across Boundary Drive West (to the north) is the Farmer's Co-operative. This commercial/Agricultural business sells feed, farm equipment, roofing supplies, fencing, and other such material to area farmers. It is physically located in the Municipality of Oliver Paipoonge.

The two acre parcel of land which was formerly part of the Subject Property, and is located immediately to the west, is a home industry consisting of an art gallery/photographer's studio in addition to the home.

A few short meters further west, on the south side of Boundary Drive West, we find the "Thunder Oak Cheese Farm", another commercial business.

Accordingly, this site is located in an area which is a "node" of commercial business. While it is not identified as such in any planning documents, it has developed as such, and this development would be additional employment opportunity within this "node".

It is acknowledged that the Subject Property is currently designated and zoned as "Agricultural", and that there are many sections of the PPS which seek to preserve and protect agricultural land. But for the following two reasons, the development would not be consistent with those policies.

The first reason that should be considered is the position taken by the Ontario Ministry of Agriculture (as it then was) in 1980. A copy of the correspondence is appended, however, the salient portion reads:

(page 5A)

“the site involves high capability agricultural land, being classified as Class 2 soil under the Canada Land Inventory Soil Capability for Agriculture. However, we feel this particular location has been severely fragmented by previous consents. Therefore, we do not object to the proposed consent application.”

Even though this property has the agricultural designation and good quality soil, it really is not configured for optimum agricultural use.

The second reason that should be considered is the Growth Plan for Northern Ontario (the “growth plan”). Several elements of the growth plan support this development. Pursuant to Subsection 14(2) of the *Places to Grow Act, 2005* (S.O. 2005, c. 13), any provisions of an approved growth plan which conflict with the provisions of the PPS prevail over the PPS. The only exceptions, in subsection 14(4), are where the inconsistency would have negative impacts on the environment or on human health.

There are no negative impacts on the environment associated with this development proposal. Not only are there no negative impacts on human health, a medical clinic has very positive impacts on human health.

The following paragraphs outline provisions of the growth plan that support this development proposal.

The “guiding principles” of the plan are set out in Section 1.4. One of the guiding principles is the creation of a “highly productive region, with a diverse, globally competitive economy”. The addition of a medical clinic to the Municipality of Neebing is a diversification of Neebing’s economy, contributing to the diversification of the economy as a whole throughout the north. The importance of a “strong, resilient and more diversified northern economy” is repeated in the preamble to Section 2 of the plan, entitled “Economy”.

Section 2.2.2 of the growth plan lists economic sectors where the Province wishes to “focus economic development”. One of them is “health sciences”. A medical clinic is consistent with this sector of economic development.

The preamble to Section 3 of the plan, entitled “People”, states that “people are Northern Ontario’s most important resource” and that, to realize their full potential, these people need “increased access to health care”. The development of a medical clinic, particularly in a rural area, increases access to health care and is consistent with this policy.

Section 3.4 of the growth plan, entitled "A healthy population" also supports this development. Section 3.4.1 reads:

3.4.1 The Province will seek to increase the number of health professionals practicing in Northern Ontario by:

...

c) increasing rural and remote clinical education opportunities for medical students.

...

A rural medical clinic opens up this possibility.

Section 3.4.2 goes on to say:

3.4.2 The Province will seek to improve access to health care services for Northern Ontario residents by:

a) supporting and strengthening health care planning and delivery approaches in Northern Ontario;

b) providing programs that facilitate aging at home to allow seniors to live healthy, independent lives in the comfort and dignity of their own homes;

...

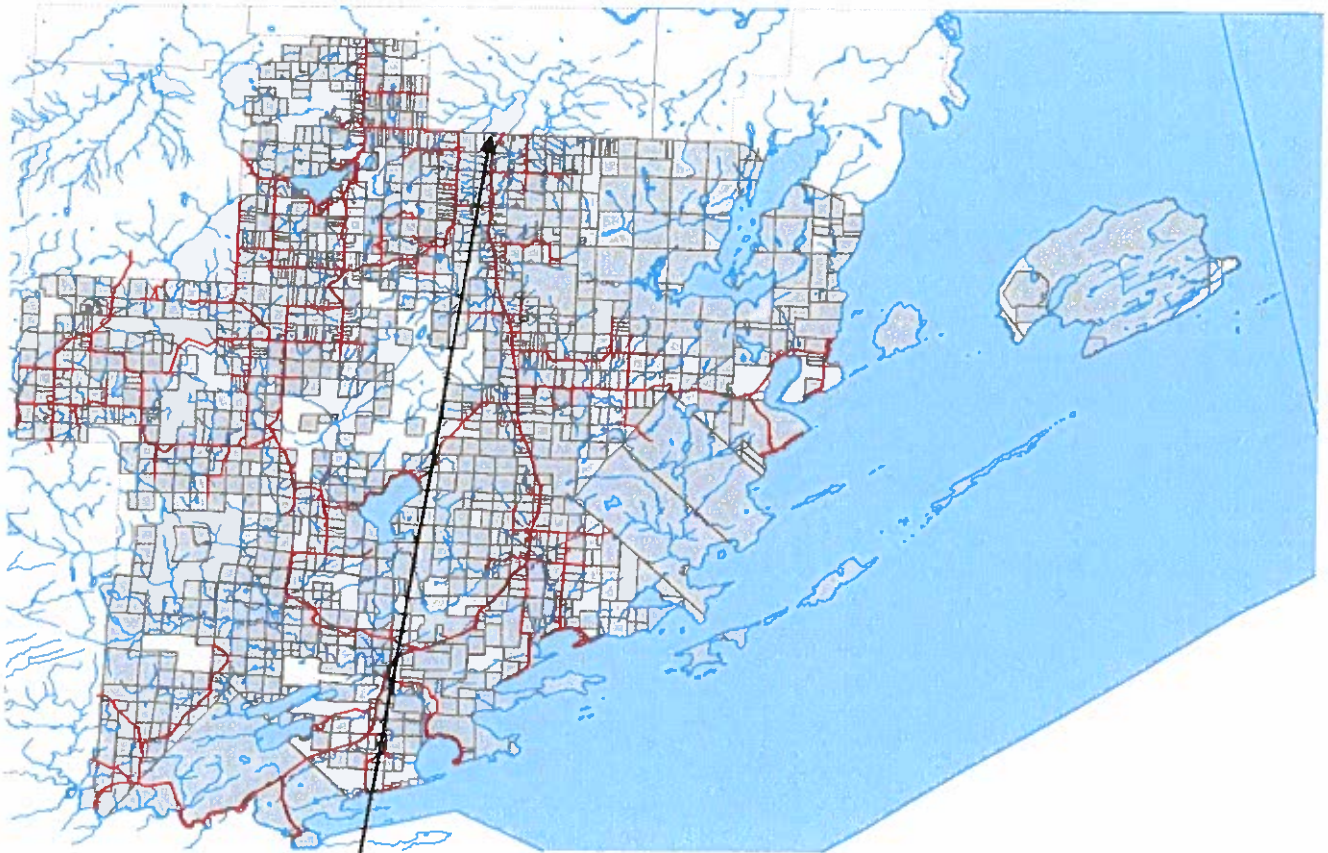
A rural medical clinic fulfills both of these policy objectives.

Section 3.4.3 of the growth plan reads:

3.4.3 Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces and easy access to local stores and services.

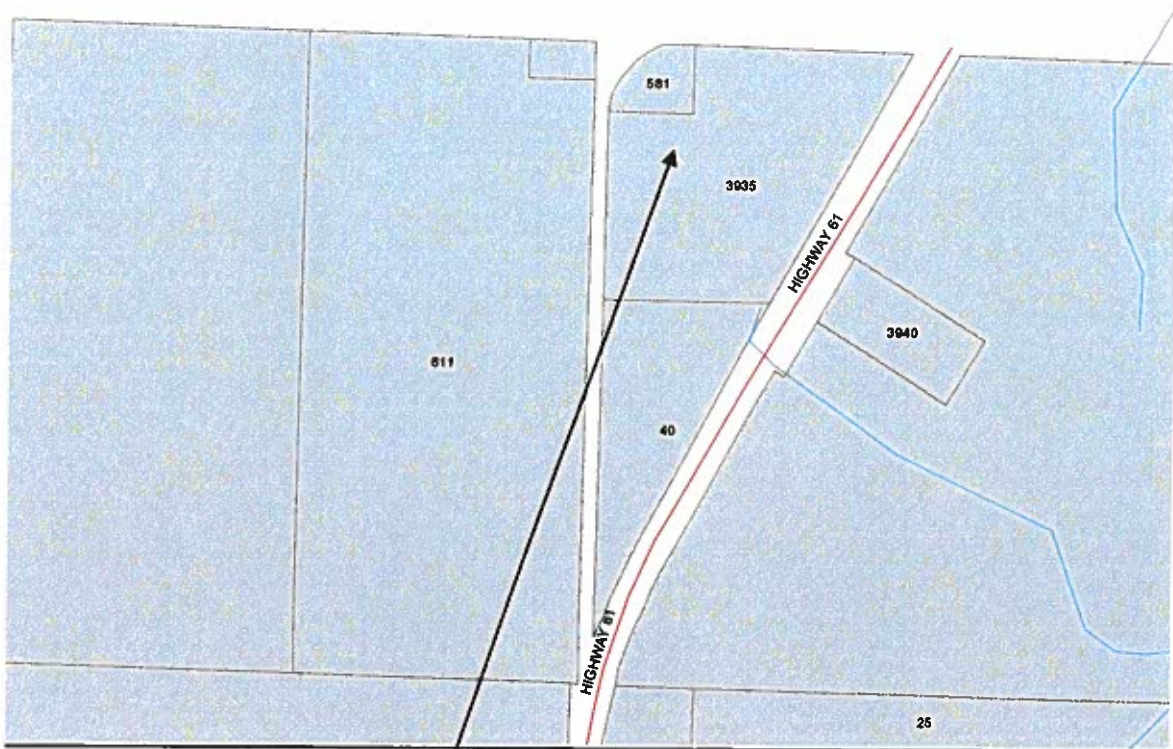
The development of a medical clinic contributes to a more diverse mix of land uses, as well as the mix of employment types. There is no question that, for our rural residents, this clinic will provide for easier access to medical services in our community and in neighbouring rural communities.

General Location of the Subject Property within Neebing:



General Location of subject property

Subject Property



Subject property

Townships of Blake, Crooks, Pardee, Pearson and Scoble

Subject Property Dimensions & Roads

Spruce Drive
Year round, municipal

581 Boundary Drive

Boundary Drive W
year round, municipal

Highway 61
year round,
Provincial



Total acreage of Subject Property: 27.43 Acres (11.1 hectares)

Highway 61 Frontage (approximately) 396 meters

Spruce Road Frontage (approximately) 267 meters

Boundary Road Frontage (approximately) 295 meters

Residential use/low & wetlands – approximately 1/3 of the total area

South property line – 657.4 feet (200 meters) per 55R-3438

Property line south of 581 Boundary Drive – 320 feet (97.5 meters) per 55R-4425

Property line east of 581 Boundary Drive – 320 feet (97.5 meters) per 55R-4425

NORTH ↑

Site Sketch – Surrounding Land Uses

Residential Properties

Residential + Art Studio

Thunder Bay Farmers Co-operative



Agricultural Use & Thunder Oaks Cheese Farm

Residences

Agricultural Use

NORTH ↑

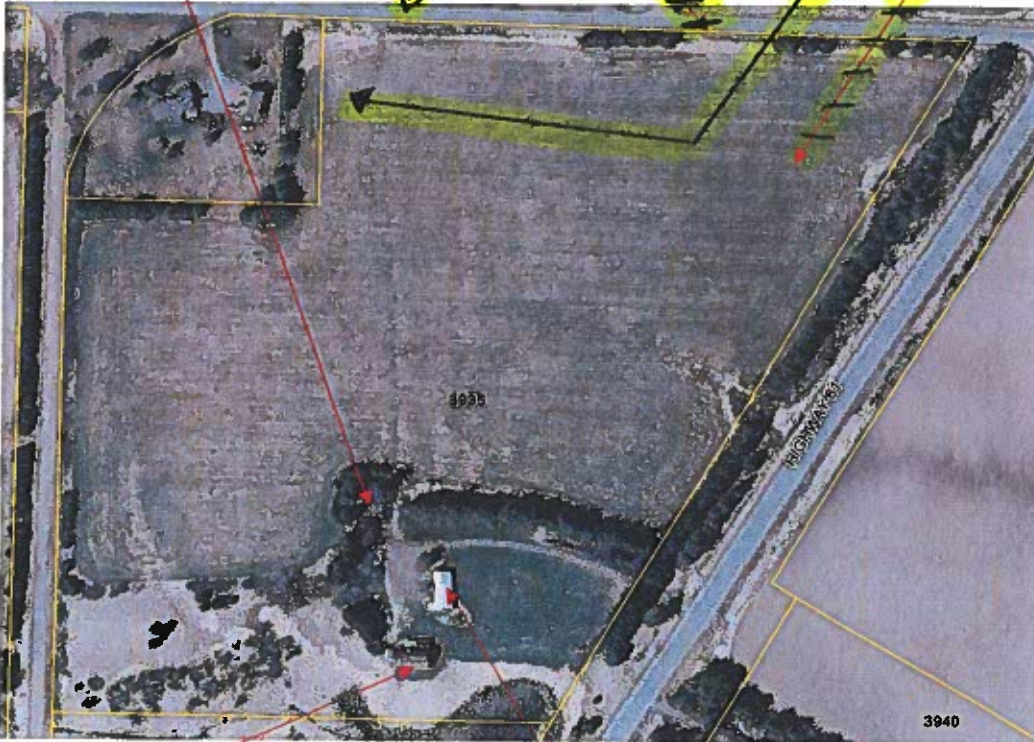
Existing and Proposed Buildings

Existing house

General area of proposed
New access driveway
(Subject to approvals)

General location
for proposed new
building (medical
clinic)

See
Page
4M



Existing Barn

Existing shed/outbuilding/garage

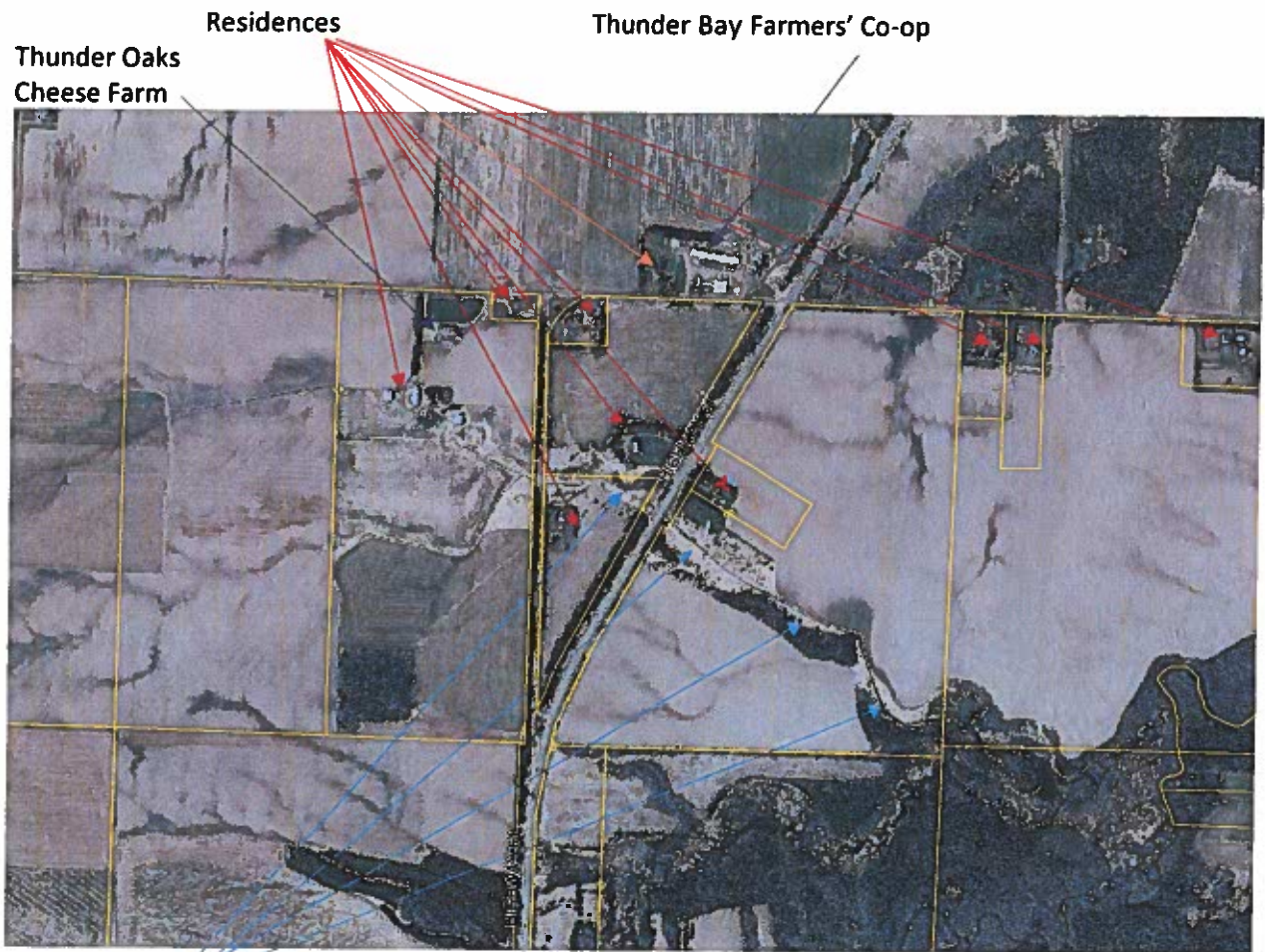
The new medical clinic building has not as yet been designed, nor has its exact location on the site been determined.

The building is proposed to be approximately 32 feet (9.75 meters) wide, with a length between 72 feet (21.95 meters) and 100 feet (30.5 meters). On-site parking for the clinic will be provided adjacent to it.

NORTH ↑

Natural and Artificial Features

(Note: Boundary Drive divides Neebing and Oliver Paipooonge. Parcel boundaries on the Oliver Paipooonge side of this diagram are not available)



Wetlands, watercourses

Hydro lines run along Highway 61 and Boundary Drive West

There are no known easements (other than utility easements serving residential homes)

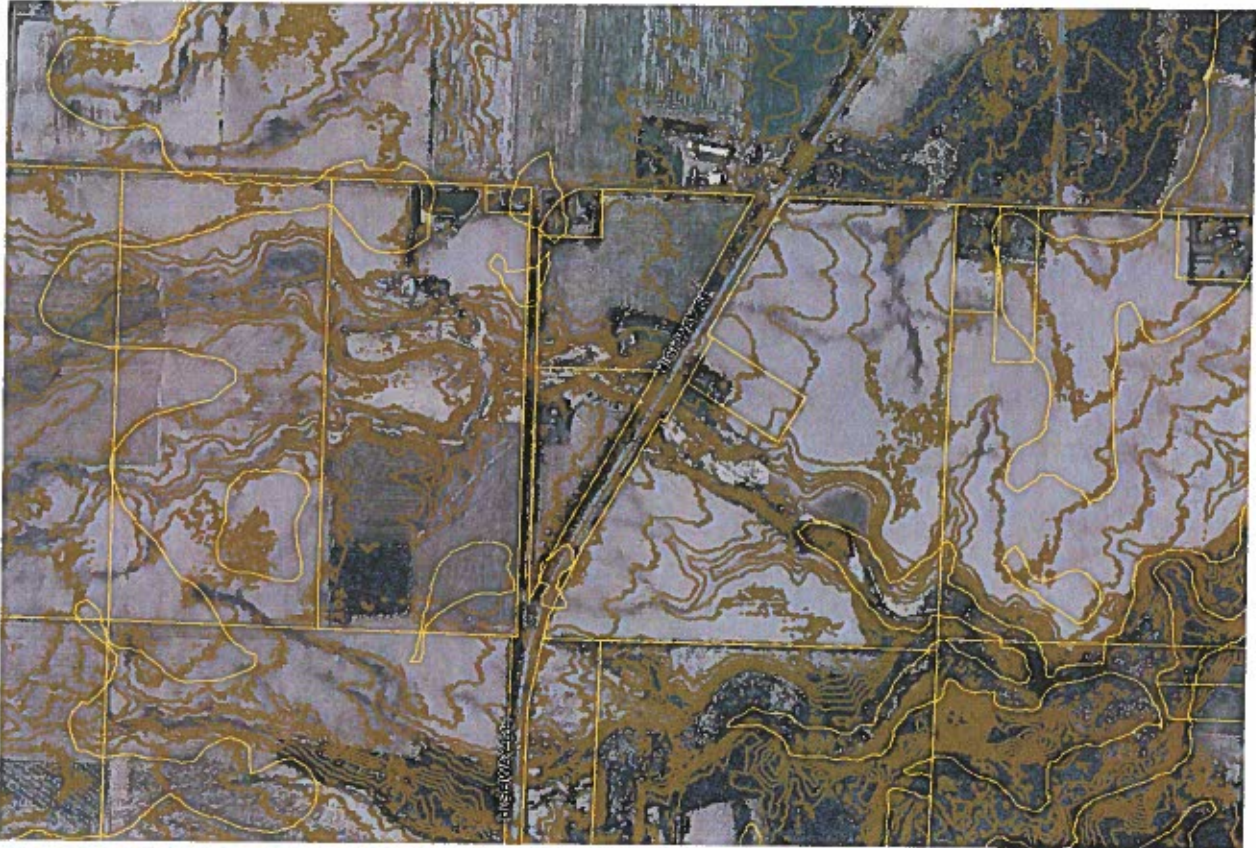
There are no railways

Tree lines and wooded areas are visible, as are farmed fields.

NORTH ↑

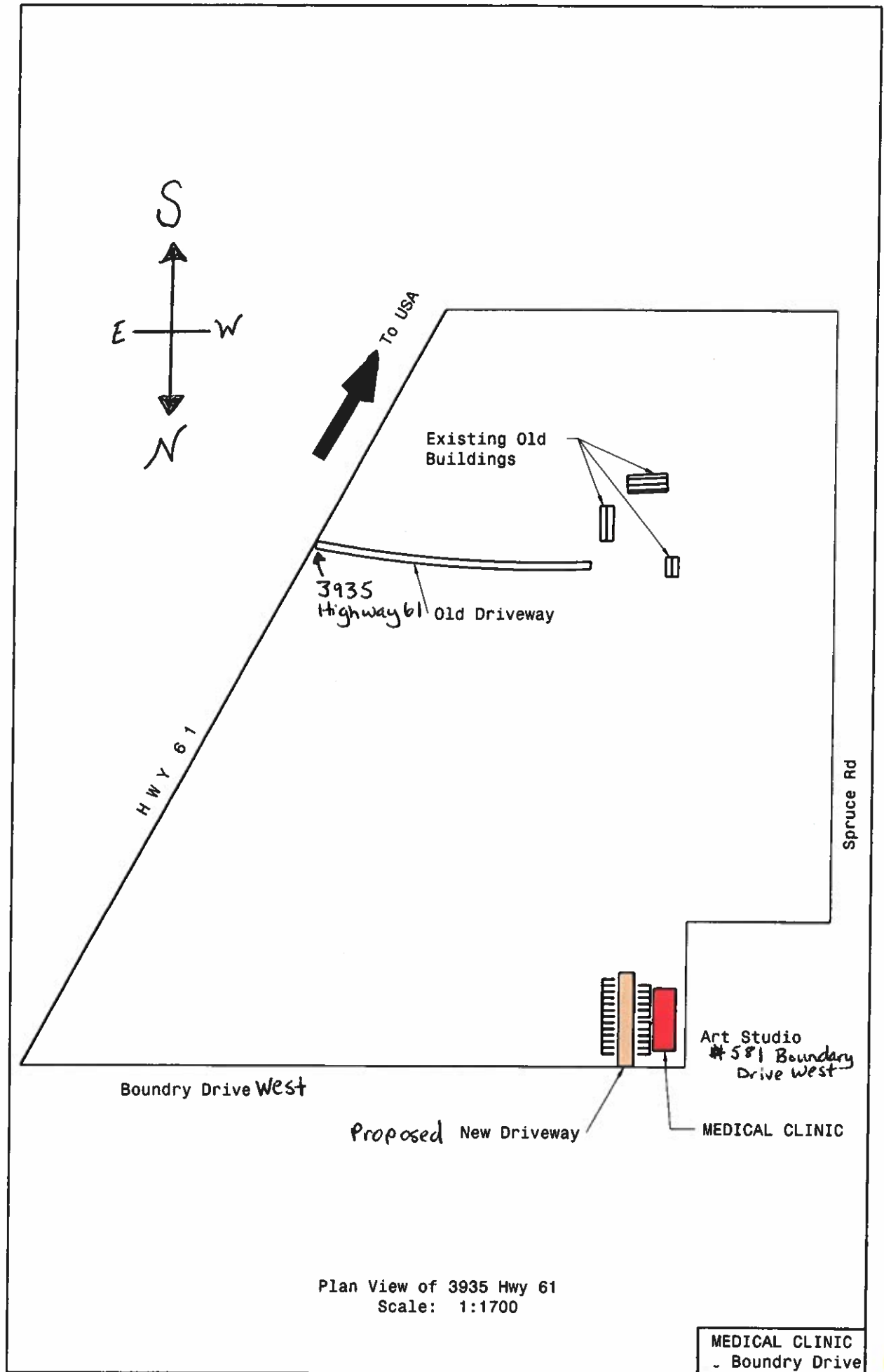
Natural and Artificial Features

Topography in the vicinity of the Subject Property



1 meter contour lines show fairly steep banks on some watercourses, including the one on the south of the Subject Property.

NORTH ↑



DIMENSIONS ARE IN INCHES UNLESS MARKED OTHERWISE (millimeters = mm or feet = ')

MEDICAL CLINIC
- Boundry Drive
West

4M

- The proposed development, including area and dimensions of any proposed new lot lines, the sizes and locations of buildings, parking areas (including the dimensions of the spaces and aisles), landscaping, amenity areas, etc.
- If applicable: fire access routes, outdoor equipment and storage, walkways, curbs, fences.
- Existing municipal infrastructure adjacent to the site (roads, lanes, sidewalks, existing entrances, drainage swales, boulevard trees, hydro poles, etc.)
- Location, width and names of all roads within or abutting the subject Property showing whether it is an unopened and/or unmaintained road, a public road, a private road or a right of way.

Provide, on additional pages, any other information you feel may be beneficial to the Municipality in assessing and reviewing this application.

CERTIFICATE OF THE APPLICANT

I/~~We~~ Joseph Zawada of the Municipality/~~Township/City~~ of Needing in the Province of Ontario, solemnly declare that the statements contained in this application are true, and I/~~We~~ 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 and by virtue of the Canada Evidence Act.

~~Jointly and severally~~ (delete if not required) at the Municipality/~~Township/City~~ of Needing
This 2nd day of January, 2019

Rosalind Evans
Commissioner for Taking Affidavits

Joseph Zawada
Joseph Zawada

If the applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

Owner's/Owners' Authorization for an Agent to Make the application on his/her/their behalf/behaves:

I/~~We~~ authorize N/A (name of agent) to act on my/our behalf in submitting this application, which is filed with my/our knowledge and consent.

Owner/Owners signatures

Date

Ministry of
Agriculture
and Food

416/965- 9433

Legislative Buildings
Queen's Park
Toronto, Ontario

December 3, 1980

MEMO TO: Ms. L. A. Hammond
Secretary-Treasurer
Needing Committee of Adjustment
Route 3
Thunder Bay, Ontario
P7C 4V2

FROM: Shirley Bailey
Project Officer, Plans Review
Food Land Development Branch

RE: File No: B23/80
Owner/Applicant: J. & K. Kerber

Staff here have reviewed the proposed consent application, and provide the following comments.

The site involves high capability agricultural land, being classified as Class 2 soil under the Canada Land Inventory Soil Capability for Agriculture. However, we feel this particular location has been severely fragmented by previous consents. Therefore, we do not object to the proposed consent application.


SHIRLEY BAILEY

/rac **RECEIVED**
DEC 9 1980

CORPORATION OF THE
MUNICIPALITY OF NEEBING