

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

MUNICIPAL COUNCIL

PUBLIC MEETING

A G E N D A

DATE: March 14, 2011

TIME: 6:30 p.m.

PLACE: Council Chambers  
Oliver Paipoonge Municipal Complex

PRESIDING: Mayor L. Kloosterhuis

MEMBERS OF COUNCIL: Councillor J. Byers  
Councillor E. Collingwood  
Councillor B. Kamphof  
Councillor A. Vis

MUNICIPAL OFFICERS: Jamie Cressman, CAO/Clerk  
Judy Jacobson, Deputy Clerk  
Sharron Martyn, Planner

ORDERS OF THE DAY: OPENING THE MEETING  
DISCLOSURES OF INTEREST  
ADOPTION OF THE AGENDA  
PUBLIC MEETING  
REPORTS OF MUNICIPAL OFFICERS  
ADJOURNMENT

CALL TO ORDER

PAGES

DISCLOSURES OF INTEREST

ADOPTION OF THE AGENDA

RES THAT with respect to the March 14, 2011, Public Meeting Agenda, we recommend that the agenda as printed including any additional information and new business be confirmed.

PUBLIC MEETING

Diane Polowski  
Zoning By-law Amendment

4 – 12

An application on behalf of Diane Polowski for a zoning by-law amendment to rezone a portion of the south east corner of S1/2 Lot 11, Con. 5, 220 Wrigley Drive, formerly Township of Oliver now in the Municipality of Oliver Paipoonge to allow for the creation of a building lot. An application for consent has been applied for through the Oliver Paipoonge Committee of Adjustment subject to the proposed lot being rezoned from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR). The proposed lot with 90 m frontage, 228m depth with a total of 2 hectares in size meets the zoning requirements for the ORR zone. The previous two lots created from the original parcel of land were rezoned to ORR.

A copy of the draft by-law available for perusal at the meeting.

- a) Mayor introduces the amendment.
- b) Clerk to read the Notice.
- c) Mayor reviews process and purpose and effect.
- d) Clerk reads comments received from agencies or individuals.

Response from Jim McKeever, Corridor Management Planner, Ministry of Transportation faxed February 22, 2011, advising the Ministry of Transportation has no concerns with this proposal and returns this application without comment.

13

**PAGES**

Letter from Mervi Henttonen, General Manager/Secretary-Treasurer dated February 25, 2011, 2011, advising a portion of the subject property is affected by the Lakehead Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations and would not currently support the removal of the Use Limitation Zone on the north portion of the property.

14 – 15

- e) Planning Department reads the Planning Report.
- f) Mayor asks for comments in support of the proposed amendment.
- g) Mayor asks for comments in opposition to the proposed amendment.
- h) Mayor asks for questions from the floor or Council Members.
- i) Mayor's concluding remarks and advises the By-law will be considered at the Regular Meeting of Council to held on March 28, 2011.

16 – 17

**ADJOURNMENT**

RES THAT the Public Meeting to consider a Zoning By-law Amendment under Section 34 of the Ontario Planning Act, R.S.O. 1990, c.P.13, 1996 Edition, be closed, the hour being \_\_\_\_\_ p.m.

# **NOTICE OF PUBLIC MEETING BEFORE OLIVER PAIPOONGE MUNICIPAL COUNCIL**

Pursuant to Section 34 of the Planning Act, a public meeting will be held on

**MONDAY, MARCH 14<sup>TH</sup>, 6:30 P.M.**

Council Chambers, 4569 Oliver Road  
Murillo, Ontario.

to consider a proposed amendment to the Oliver Paipoonge Zoning By-law 185-01 under Section 34 of the Ontario Planning Act, R.S.O. 1990, c.P.12. Details in the following pages.

## **Purpose of the Meeting:**

- For the applicant to present the proposal;
- For interested parties to express their opinion about the proposal; and
- For community input to be used to evaluate the proposal.

## **Submission of comments and notice of decision:**

Written comments may be filed at the meeting or mailed to the Clerk or Planner. Please include your name, mailing address and telephone number, and quote the file number of the application in any correspondence.

If you wish to be notified of Council's decision regarding this application, please make a written request to Jamie Cressman, CAO/Clerk, P.O. Box 10, Murillo, ON P0T 2G0.

Applicant: Diane Polowski

Legal Description: S1/2 Lot 11, Con. 5, 220 Wrigley Drive, formerly Township of Oliver, now in the Municipality of Oliver Paipoonge.

The purpose and effect of this proposed Zoning By-law Amendment would be to rezone a portion of the subject property located in the south east corner of applicant's property to allow for the creation of a building lot. An application for consent has been applied for through the Oliver Paipoonge Committee of Adjustment subject to the proposed lot being rezoned from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR). The proposed lot with 90 m frontage, 228m depth with a total of 2 hectares in size meets the zoning requirements for the ORR zone. The previous two lots created from the original parcel of land were rezoned to ORR.

**Key map attached showing the location of the property to which this application applies.**

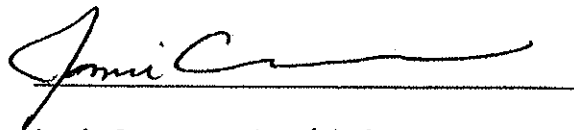
Any person may attend the Public Meeting and/or give written or verbal representation either in support of or in opposition to the proposed Zoning by-law.

If a person or public body does not make oral submissions at a public meeting or make written submission at a public meeting to the Municipality of Oliver Paipoonge before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

For more information:

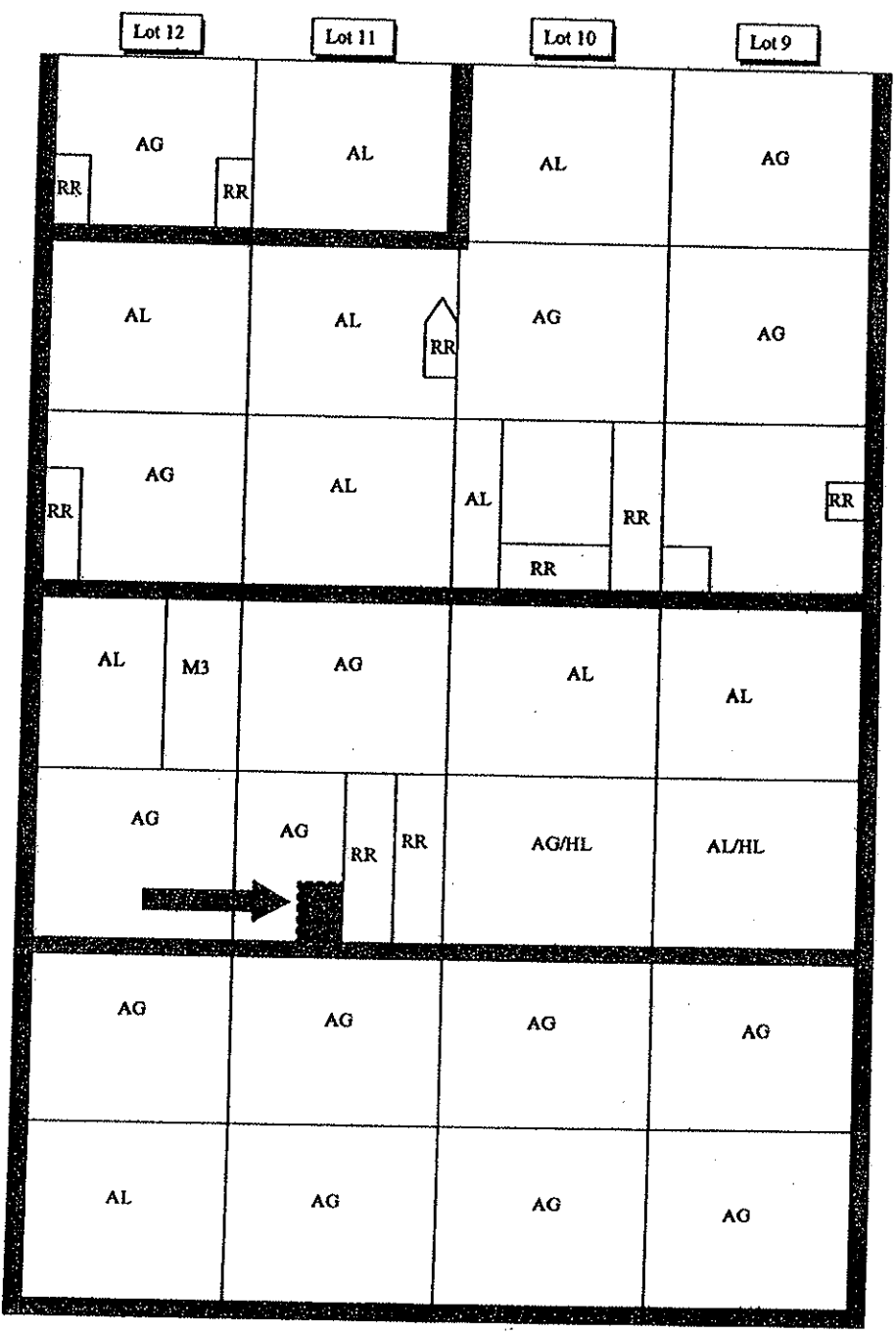
For additional information or questions regarding this proposed amendment that will be considered at the public meeting, please call the Planner, Sharron Martyn between 8:30 am and 4:30 pm Tuesday, Wednesday or Thursdays (807)935-2613x6 or emailing [sharron.martyn@oliverpaipoonge.on.ca](mailto:sharron.martyn@oliverpaipoonge.on.ca) or visit the Municipal Office on those days.

Dated at the Municipality of Oliver Paipoonge this 16<sup>th</sup> day of February, 2011.



Jamie Cressman, CAO/Clerk  
Municipality of Oliver Paipoonge.

Legal Description: S1/2 Lot 11, Con. 5, 220 Wrigley Drive, formerly Township of Oliver, now in the Municipality of Oliver Paipoonge.





P.O. Box 10, 4569 Oliver Road  
Murillo, ON P0T 2G0  
Phone: (807) 935-2613  
Fax: (807) 935-2161  
www.oliverpaipoonge.on.ca

**APPLICATION TYPE:**

ZBLA02-2011

Check (✓)

- Zoning By-law Amendment - \$1000
- Temporary Use By-law - \$1000
- Removal of the Holding Zone ("H" Symbol)

**OWNER/APPLICANT INFORMATION:**

Owner Diane Polowski Tel. 935-2705

Fax \_\_\_\_\_

Address 220 Wrigley Dr. Murillo ON P0T 2G0

Email \_\_\_\_\_

**AGENT, SOLICITOR, OR PLANNING CONSULTANT (if applicable):**

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Fax \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

**PROPERTY INFORMATION**

Legal Description S 1/2 lot 11 Con 5

Address 220 Wrigley Dr

Current Zoning Ag Official Plan Designation RURAL

Existing use of the property Residential & Agriculture

How long has this use continued? 100 yrs

Does any party have an interest in the property (i.e. easement, mortgage)?  
Provide the names and addresses for these parties Kakabeka Falls Provincial  
Alliance Credit Union

List any previous or current *Planning Act* applications that apply to this property

Are you aware of any *Planning Act* applications currently being processed for any properties within 120m? ( ) Yes (  ) No

If Yes, include the File No. and Approval Authority if known \_\_\_\_\_

Does the Owner own Adjoining Properties? ( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_

Is there any reason to believe that the site may be environmentally contaminated? ( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_

Has an industrial or commercial use been on or adjacent to the property?  
( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_

Has lot grading been changed by adding or removing earth or other material?  
( ) Yes (  ) No

Has the Ministry of the Environment or any other agency formally or informally advised the owners that the property is or may be contaminated?  
( ) Yes (  ) No

If Yes, please describe in detail \_\_\_\_\_



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www.oliverpaipoonge.on.ca

How, in your view, will the proposal fit in the existing land uses in the area?

it fits with what is already there, residential.

Describe in detail how the application conforms with the intent of the Official Plan

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Is the proposed amendment consistent with the Provincial Policy Statements issued under subsection 3(1) of the *Planning Act*? ( )Yes ( )No

Describe

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If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, please list the details of the official plan or official plan amendment that deals with the matter.

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If the application is to remove land from an area of employment, please list the details of the official plan or official plan amendment that deals with the matter.

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[www.oliverpaipoonge.on.ca](http://www.oliverpaipoonge.on.ca)

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Section	Existing Requirement	Requested Requirement
_____	_____	_____
_____	_____	_____
_____	_____	_____

**CERTIFICATION BY THE APPLICANT**

I/we (insert name)

Diane E. Palowski of the  
Municipality of Oliver Paipoonge 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*.

Sworn (or declared) before me at the Municipality of Oliver Paipoonge in the  
Province of Ontario, this 10<sup>th</sup> day of February, 2011.

Marty  
Commissioner of Oaths

Diane Palowski  
Applicant/Authorized Agent

If the applicant is a Corporation, the application shall be signed by an Officer of  
the Corporation and the Corporation Seal shall be affixed.

**THE INFORMATION IN THIS APPLICATION AND ALL OTHER  
INFORMATION, STUDIES, REPORTS AND COMMENTS RECEIVED  
RELATIVE TO THE PROCESSING OF THIS APPLICATION IS COLLECTED  
FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO  
THE GENERAL PUBLIC.**

South Half of  
Con. 5

LIMIT BETWEEN NORTH HALF & SOUTH HALF OF LOT 11 - CONCESSION 5

N 89°15'55" W  
398.881

795.437

N 89°15'55" W - 198.278



LOT

AREA (OF) 785.006

SOUTH HALF OF LOT 11 CONCESSION 5) - 62.261 ha.

774.948

774.948

774.948

785.006

SOUTH HALF  
Retained  
29.131 ha  
ag.

HALF OF LOT 11  
PART 3 PART 1

OLIVER

N 0°59'00" E

Creek

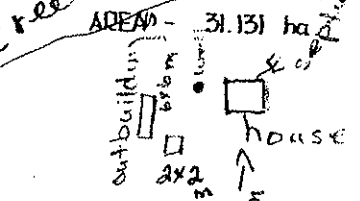
DITCH

R.R.

Vacant  
2 ha

AREA - 15.365 ha.

AREA - 15.365 ha.



SOUTH WEST CORNER  
LOT 11  
CONCESSION 5  
304.248 m

394.248

N 89°15'55" W

N 89°15'55" W - 198.278

N 89°15'55" W - 198.278

N 0°59'00" E  
10.058

N 0°59'00" E  
10.058

N 0°59'00" E  
10.058

N 0°59'00" E

TRAVELLED ROAD

TRAVELLED ROAD

790.804  
(804.612 BY TOWNSHIP PLAN)

PART 4  
AREA - 0.20 ha.

PART 2  
AREA - 0.20 ha.

394.248 x 1278.13

File: ZBLA-02, 2011

- 2 -

Applicant: Diane Polowski

Legal Description: S1/2 Lot 11, Con. 5, 220 Wrigley Drive, formerly Township of Oliver, now in the Municipality of Oliver Paipoonge.

The purpose and effect of this proposed Zoning By-law Amendment would be to rezone a portion of the subject property located in the south east corner of applicant's property to allow for the creation of a building lot. An application for consent has been applied for through the Oliver Paipoonge Committee of Adjustment subject to the proposed lot being rezoned from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR). The proposed lot with 90 m frontage, 228m depth with a total of 2 hectares in size meets the zoning requirements for the ORR zone. The previous two lots created from the original parcel of land were rezoned to ORR.

Key map attached showing the location of the property to which this application applies.

Any person may attend the Public Meeting and/or give written or verbal representation either in support of or in opposition to the proposed Zoning by-law.

If a person or public body does not make oral submissions at a public meeting or make written

The location of this proposal:  
 is remote from any Provincial Highway.  
 is within the limits of a Connecting Link Agreement under the jurisdiction of the  
 abuts a roadway under the jurisdiction of the *Municipality*  
The Ministry of Transportation has no concerns with this proposal and returns this application without comment.  
*Feb. 22/11*  
Date Jim McKeever  
Ministry of Transportation  
Northwestern Region  
(807) 473-2117

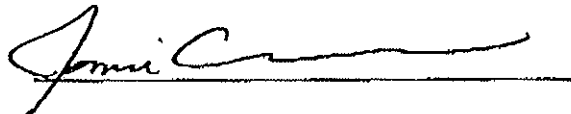
James (Jim) McKeever  
Corridor Management Planner  
Planning & Design Section, Northwestern Region  
Ministry of Transportation  
615 South James Street  
Thunder Bay, Ontario, P7E 6P6  
Tel: (807) 473-2117  
Fax: (807) 473-2168  
E-mail: james.mckeever@ontario.ca

THE MUNICIPALITY OF OLIVER PAIPOONGE

Dated at the Municipality of Oliver Paipoonge this 16<sup>th</sup> day of February, 2011.

RETURNED TO:

SHARRON MARMYN.



Jamie Cressman, CAO/Clerk  
Municipality of Oliver Paipoonge.

## LAKEHEAD REGION CONSERVATION AUTHORITY

130 CONSERVATION ROAD, P.O. BOX 10427, THUNDER BAY, ON P7B 6T8  
 Telephone (807) 344-5857 Fax (807)345-9156  
 E-mail: info@lakeheadca.com Website: www.lakeheadca.com



February 25, 2011

VIA FACSIMILE: 935-2161

Jamie Cressman  
 Chief Administrative Officer/Clerk  
 Municipality Oliver Paipoonge  
 P.O. Box 10  
 4569 Oliver Road  
 Murillo, ON P0T 2G0

Dear Mr. Cressman:

**Re: Application for Zoning By-law Amendment**  
**S½ of Lot 11 Con. 5, 220 Wrigley Drive**  
**Geographic Township of Oliver, Municipality of Oliver Paipoonge**  
**File No: ZBLA 02- 2011**

The staff have reviewed the above-noted application as it relates to flooding and erosion issues and have the following comments.

The applicant should be made aware that a portion of the subject property, as shown on the enclosed sketch is affected by the Lakehead Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. The construction of any buildings or structures, the placing or dumping of fill, or any alteration of the watercourse within the regulated area may require a permit from the Conservation Authority. Also, as detailed in our Level II Fish Habitat Agreement with the Department of Fisheries and Oceans (DFO) the Lakehead Region Conservation Authority evaluates proposed works as to their impact on fish habitat within our area of jurisdiction.

Staff have no objections to the proposed Zoning By-Law Amendment which would rezone a portion of the subject property from Oliver Agriculture (OAG) to Oliver Rural Residential (ORR); however, staff would not currently support the removal of the Use Limitation zone on the north portion of the property.

This information is current at the time of writing and may be amended as more accurate information becomes available. If you should have any questions, please contact Michelle Sixsmith, Water Resources Technologist, at the Authority Office.

Yours truly,

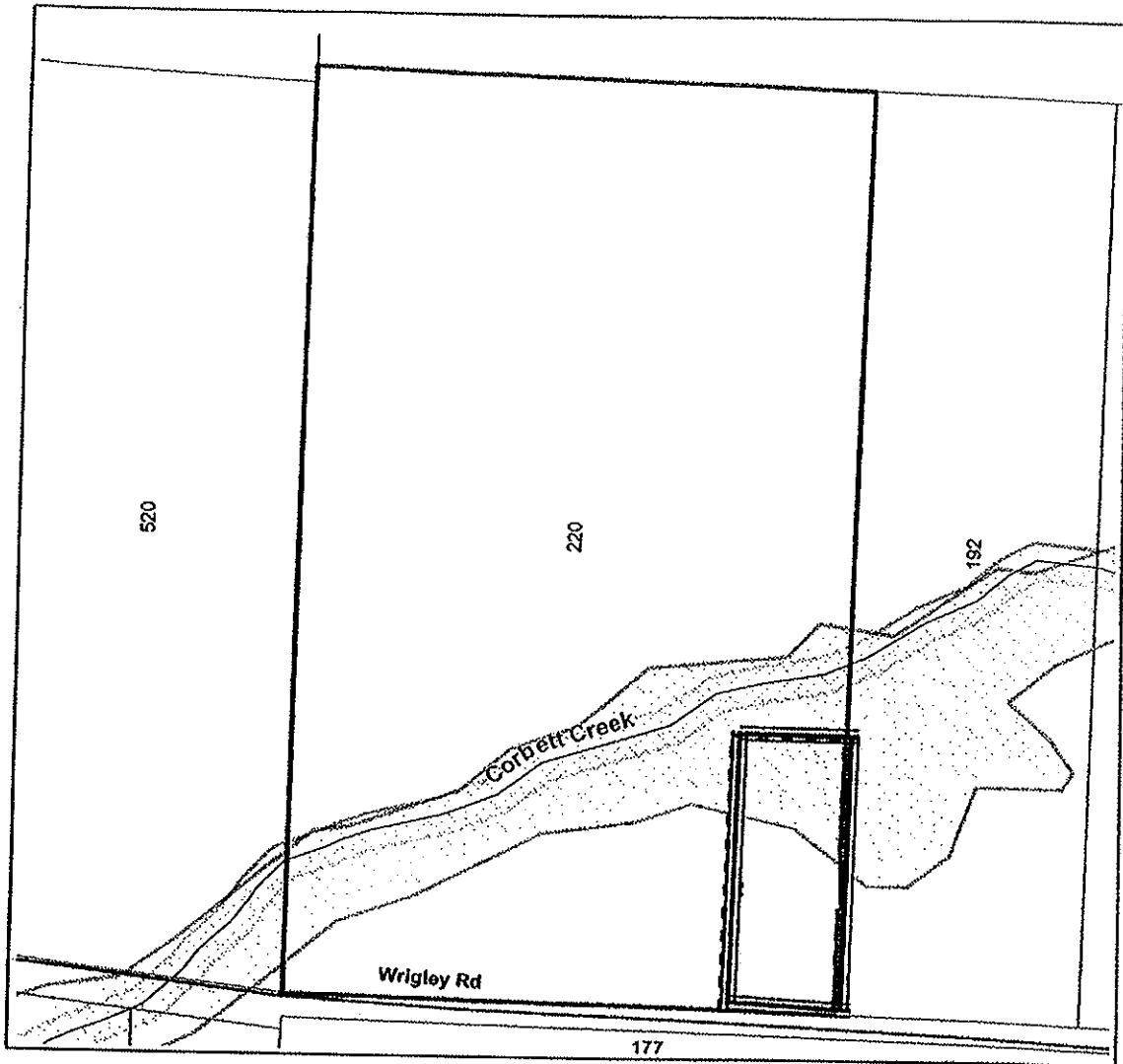
Mervi Henttonen  
 General Manager/Secretary-Treasurer

/mds  
 Enclosure

CITY OF THUNDER BAY  
 MUNICIPALITY OF OLIVER PAIPOONGE  
 TOWNSHIP OF O'CONNOR

MUNICIPALITY OF NEEBING  
 MUNICIPALITY OF SHUNIAH  
 TOWNSHIP OF CONMEE

TOWNSHIP OF GILLIES  
 TOWNSHIP OF DORION  
 PROVINCE OF ONTARIO



Subject Property



LRCA Approximate Regulated Area

Application No: ZBLA-02-2011  
 S1/2 Lot 11, Con. 5  
 Wrigley Drive  
 Geographic Township of Oliver  
 Municipality of Oliver Paipouge



2011.02.25  
 L.R.C.A  
 Not to Scale

# PLANNING REPORT

**To Be Completed Prior to Hearing**

Zoning/Official Plan Number			
		ZBLA02-2011	
Municipality			
Municipality of Oliver Paipoonge			
Lot & Conc.			
S1/2 Lot 11, Conc. 5, 220 Wrigley Drive			
Hearing Date		2011	03
		Year	Month
			14th
			Day
Date of receipt of <u>completed</u> application			
		2011	03
		Year	Month
			10th
			Day
Checked By			
S. Martyn			
Zoning By-Law Number:			
By-law 185-01			
Present Zone: Oliver Agricultural (OAG) Sec. 4.1.2 With Use Limitation (hL)		Proposed Zoning: Oliver Rural Residential (ORR) Sec. 4.7.1 with Use Limitation (HL)	
Official Plan Designation: <u>RURAL</u>		Designation in Canada Land Inventory: <u>n/a</u>	
Site Visit Carried Out By Staff : YES			
Authorization of Owner received (if required) Yes _____ No <input checked="" type="checkbox"/> _____			
Conformity with the Agricultural Code of Practice (If Applicable) Yes _____ No _____ N/A _____			
Date of Notice of Passing the Zoning Amendment By-law sent to Applicant :			
Year	Month	Day	

**Planning Comments:**

*The purpose of this application is to change the zoning on a portion of the subject land from Oliver Agriculture (OAG) to Oliver Residential Zone (ORR) in order to accommodate one building lot. The retained lot will remain in the OAG zone as the land is leased out for agricultural purposes.*

*The present Use Limitation zone will also remain on the property.*

*The OAG lot requirement is 25 hectares and uses include agricultural uses with a single detached dwelling. The retained lot will conform to the Zoning by-law. The retained lot has a residence and accessory uses on the property, now owned by the applicants.*

*The ORR lot requirement is 2 hectares and uses include a single family dwelling, home industry, home occupation and animals units. This lot will meet all the zoning requirements. The Official Plan designation on this subject property is RURAL.*

*There are different zones in the area including Rural Residential &, Limited Agriculture but predominately agricultural and Corbett Creek runs through the subject property. This proposed building lot will be the same zone as abutting property to the west which will make this new lot compatible with adjoining properties.*

*The owners have applied for one consent at the corner of their property and if consent is granted, one of the conditions would be that the zoning is approved by Council. There were two larger lots granted off the original parcel of land in 1978 by the original owner. The present owner purchased the property in 1986 and the lot is intended for the applicant's son. This extra lot is allowable under the Oliver Official Plan for a family member.*

*The lot is partially treed and partially cleared. LRCA have advised that there is Use Limitation zone on the property and they do not wish the removal of that zone and it is not the intent of the Municipality to remove that zone from the subject land. It would appear that there would be sufficient building area available for the new lot. The entire lot is on a municipally maintained road and would allow for a sight free entrance. Based on the above information, the Planner would have no objections to this application for a zoning change for this new lot based on the fact that it meets the Official Plan designation and meets the proposed zoning requirements.*

Sharron Martyn, Planning Department



OLIVER RURAL RESIDENTIAL (ORR) ZONE

No person shall within any ORR Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

Permitted Uses

- (i) a single detached dwelling
- (ii) a home industry or home occupation
- (iii) accessory buildings, structures and uses

Zone Provisions

- a) Minimum Lot Area..... 2 hectares
- b) Minimum Lot Frontage ..... 90 metres
- c) Minimum Front Yard ..... 30 metres
- d) Minimum Side Yard ..... 15 metres
- e) Required Rear Yard ..... 15 metres
- f) Maximum Height ..... 10 metres
- g) Single Detached Dwelling Minimum Floor Area ..... 70 square metres
- h) Maximum Lot Coverage ..... 5%

Animal Units and Lot Sizes

- a) In the ORR Zone, one animal unit shall be permitted per hectare
- b) The table set out in Section 6.3 shall apply in determining animal unit

Site-Specific Provisions

On those lands zoned ORR-1 shown on Section "A" known as Lot 6 South ½, Concession 1, located on the corner of Pointe de Meuron Road and Poleline Road, and owned by J. Dermanchuk an equipment repair shop, contractor's yard, and equipment rental operation operated by the owner of the property as of the date of the passing of this By-Law shall be permitted.