

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

MUNICIPAL COUNCIL

PUBLIC MEETING

A G E N D A

DATE: September 26, 2011

TIME: 6:30 p.m.

PLACE: Council Chambers  
Oliver Paipoonge Municipal Complex

PRESIDING: Mayor L. Kloosterhuis

MEMBERS OF COUNCIL: Councillor J. Byers (*absent with notice*)  
Councillor E. Collingwood  
Councillor B. Kamphof  
Councillor A. Vis (*absent with notice*)

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

DISCLOSURES OF INTEREST

ADOPTION OF THE AGENDA

RES THAT with respect to the September 26, 2011, Public Meeting Agenda,  
 1 we recommend that the agenda as printed including any additional  
 information and new business be confirmed.

PUBLIC MEETING

Cindy Haniak  
Zoning By-law Amendment

4 – 20

An application on behalf of Cindy Haniak for a zoning by-law amendment to rezone two lots on Con. 2 N/R EPT Lot 4, PCL 2662TBF and Con. 2 N/R PT Lot 3 RP55R9422, Part 2, Geographic Municipality of Paipoonge, now in the Municipality of Oliver Paiponge; situated on Haniak Road from Paipoonge Rural (PRU) zone to Paipoonge Light Industrial (PM1).

The draft by-law will be available to the public 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.

Letter from Mervi Henttonen, General Manager/Secretary-Treasurer,  
 Lakehead Region Conservation Authority dated September 13, 2011,  
 providing comments on the proposed amendment. 21

- e) The Planner reads the Planning Department's Report. 22
- 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 held later in the evening being September 26, 2011.

REPORTS OF MUNICIPAL OFFICERS

ADJOURNMENT

RES THAT the Public Meeting to consider a Zoning By-law Amendment  
2 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, SEPTEMBER 26<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.

## **Purposed 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.

Applicants: Cindy Haniak  
Peter & Cindy Haniak

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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.

**Legal Description:** Con. 2 N/R EPT Lot 4, PCL 2662TBF, Geographic Municipality of Paipoonge, now in the Municipality of Oliver Paipoonge; situated on Haniak Road.  
Con. 2 N/R PT. LOT 3 RP55R9422, Part Part 2, , Geographic Municipality of Paipoonge, now in the Municipality of Oliver Paipoonge, situated on Haniak Road.

**Purpose and Effect:** Rezoning by-law amendment from Paipoonge Rural (PRU) zone to Paipoonge Light Industrial (PM1).

The purpose and effect of this proposed Zoning By-law Amendment would be to rezone two lots as described under legal description located in the south side of Haniak Road. The subject properties are under separate ownership. Both lots meet the criteria for the required lot area of 1 hectare and 60 metre frontage. The purpose of the zoning to PM1 will be to allow for light industrial uses on subject properties with a house on one of the lots as an accessory use.

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

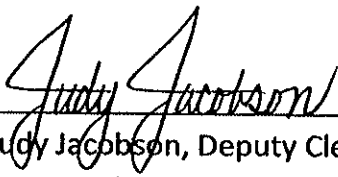
Any person may attend the Public Meeting and/or give written or verbal representation either in support of or in opposition to the proposed Zoning by-law.

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 Thursday (807)935-2613x6 email [sharron.martyn@oliverpaipoonge.on.ca](mailto:sharron.martyn@oliverpaipoonge.on.ca) or visit the Municipal Office.

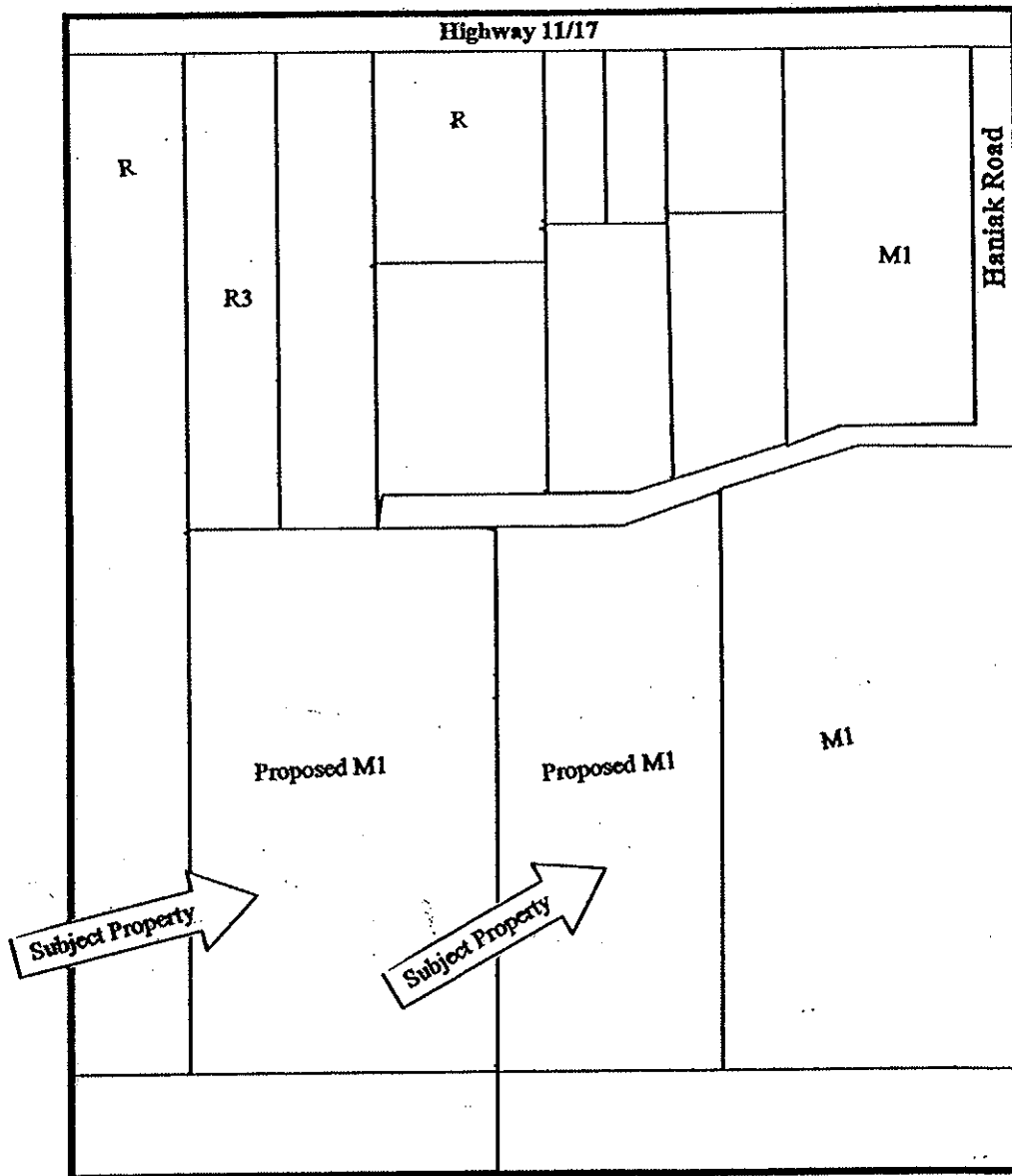
Dated at the Municipality of Oliver Paipoonge this 7<sup>TH</sup> day of September, 2011.

  
\_\_\_\_\_  
Judy Jacobson, Deputy Clerk  
Municipality of Oliver Paipoonge

Applicants: Cindy Haniak  
Peter & Cindy Haniak

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**Purpose and Effect:** Rezoning by-law amendment from Paipoonge Rural (PRU) zone to Paipoonge Light Industrial (PM1).



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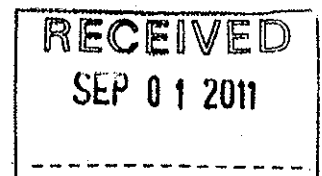
## APPLICATION FOR A ZONING BY-LAW AND/OR ZONING AMENDMENT, HOLDING SYMBOL REMOVAL OR TEMPORARY USE BY-LAW

The undersigned hereby applies to the Council of the Municipality of Oliver Paipoonge under Section 34 and/or 36 and 39 of the *Planning Act* (as amended) to amend the Oliver Paipoonge Zoning By-law 185-01

### APPLICATION INFORMATION:

Please read all instructions and application questions carefully before completing the application.

- For the Municipality to accept this application, **all** questions must be answered fully, the **site plan drawing(s)** are to be in a **metric scale**, a copy of the **deed or proper legal description** is required, the fee is paid in full and the **authorization** form completed if an agent is representing the applicant.
- If you are unfamiliar with making *Planning Act* applications or have difficulty with the application process you are encouraged to retain a planning consultant.
- Please note that when the application is deemed complete, a **required sign** indicating notice of application, which will be provided, shall be posted on the subject lands 20 days prior to the Public meeting. Failure to do so will result in deferral.
- The information on this form is collected for the purpose of creating a record that is available to the general public



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### **ZONING AMENDMENT PROCESS\***

\*Can take a minimum of three months to complete.

Applicant to discuss intent to apply with Planner and/or CAO. If it's a complex application, consider hiring a planning consultant.

Applicant to hold pre-application meeting with Planner.

Applicant to complete application including any supplemental information requested by the Municipality, and submit with fee.

Notice of Public Meeting is circulated by Municipality and applicant posts Notice on subject property.

Planner prepares report to Council.

Council holds public meeting (Council may pass by-laws the same night if conditions of approval are not required).

Decision is final after a 20 day appeal period whereby the decision can be appealed to the Ontario Municipal Board



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:**

Check (✓)

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

**OWNER/APPLICANT INFORMATION:**

Owner Cindy Haniak Tel. 939-1021

Fax 939-1014

Address 2440 Broadway Ave TBay ON P7K1K7

Email pchaniak@tbaytel.net

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

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

Fax \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

**PROPERTY INFORMATION**

Legal Description Cons 2 N/R E Pt Lot 4 PCL 26628TBF

Address Haniak Rd

Current Zoning R Official Plan Designation M1

Existing use of the property Vacant

How long has this use continued? Dec 21/2000 unknown



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In what year did the owner acquire the property? Dec 21/2000 Ed Feller

List all types of existing buildings/structures, the dates constructed and the setbacks, height and dimensions of each building/structure

None

How is the property serviced? Check ( )

- ( ) City water    () Private well    ( ) Communal well    ( ) Lake/other water body  
( ) Private septic    ( ) Communal septic system    ( ) Other

How will storm drainage be provided?

- ( ) Storm sewer    () Ditches    ( ) Swales    ( ) Other

If the application would permit 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.

How is the property accessed?

- ( ) Provincial highway                      () Municipal road, maintained all year  
( ) Other public road                        ( ) Right of way

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

N/A



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Does any party have an interest in the property (i.e. easement, mortgage)?  
Provide the names and addresses for these parties \_\_\_\_\_

NO

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

unknown

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

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

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

If Yes, please describe in detail Adjoining East Side w/spouse

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

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

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

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

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

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



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(If you answered Yes to any of the questions related to possible contamination of the site, a previous use inventory, showing all former uses of the subject property, or if appropriate, the adjacent property, is required and must be submitted with this application)

**PROPOSAL INFORMATION**

What is the proposed use of the subject land? the  
Truck Shop + Eventual House

Are buildings or structures proposed for the subject land?  Yes  No

If Yes, indicate the types of buildings or structures and the setbacks, height and dimensions of each building/structure

At least 400 ft back planning to build  
a 50'w X 80' Long X 16' High ~~Shop~~ Shop  
Owners  
Eventual House out at the Road

Describe in detail what NEW DEVELOPMENT IS PROPOSED on the property

Truck Shop  
eventually Owners House

List any buildings or structures that will be REMOVED as part of this proposal

None

If no new development is proposed, describe the reasons for this application

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

Several shops & trucking on the Road

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

Light Industrial

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

Describe

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.

N/A

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:

N/A



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If the subject land is within an area where zoning with conditions may apply, please provide an explanation of how the application conforms to the Official Plan policies relations to zoning with conditions.

**COMPLETE THIS SECTION FOR A ZONING AMENDMENT, HOLDING SYMBOL REMOVAL OR TEMPORARY USE BY-LAW**

Does this application seek to REZONE the property?  Yes ( ) No

If Yes, what zone is requested? M1

Why is this application being made to amend the Zoning By-law?

To Allow  
truck shop

If changes to the REGULATIONS of the By-law are requested, indicate so below:

A) General Regulations or Definitions (changes to Section 2 or 3 of By-law 185-01):

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

B) Regulations (changes requested to the regulation in a particular zone of Section 4):



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

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## SKETCH

Site plan must show the following in metric dimensions on a page not exceeding 11x17":

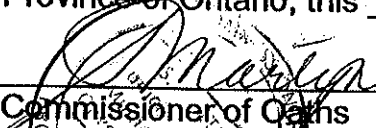
- North arrow, scale and legend;
- The boundaries of the owner's property including the area of the property and all dimensions;
- The boundaries of the property subject to the application including area and dimensions, if different from above;
- All existing and proposed buildings located on the property including building dimensions (incl. height), separation distances between buildings and the distances to property lines;
- The location of all natural and artificial features (eg. easements, railways, pipelines, high voltage transmission lines, highways, watercourses, drainage ditches, banks, slopes, wetlands, wooded areas, wells, and septic fields) that are located on the subject land and on land that is adjacent to it and in the applicant's opinion, may affect the application;
- The nature of the existing use of the adjacent properties (eg. residential, agriculture, automotive);
- The proposed development, including the area and dimensions of any new lots to be created, the size and location of buildings, parking areas (including the dimensions of all parking spaces and aisles), landscaping, amenity areas, etc.;
- As applicable – fire access route, outdoor equipment and storage, walkways, curbing, fencing;
- Existing municipal infrastructure immediately adjacent to the site (roads, lanes, sidewalks, existing entrances, boulevard trees, fire hydrants, hydro poles, easements, etc);
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or right of way.

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**CERTIFICATION BY THE APPLICANT**

I/we (insert name) Cindy Haniak 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 7 day of September, 2011.

  
Commissioner of Oaths

C. Haniak  
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.**



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**AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE APPLICATION**

I/we authorize \_\_\_\_\_ (name of agent) to act on my/our behalf in submitting this application. This application has been submitted with my/our full knowledge and endorsement.

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

*For office use only*

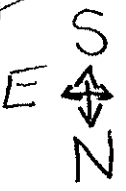
Date complete application is received:

\_\_\_\_\_

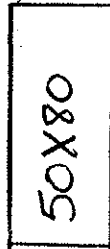
Global Sticks

Potter Pumping

Cindy Haniak



Proposed Trk Shop



2295'



Future Owners Home

400' Frontage

662ft Frontage  
34 acres

Hood Logging

Haniak Rd

ETI Equip

## 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



September 13, 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  
 Con. 2 N/R EPT Lot 4, PCL 2662TBF & Con. 2 N/R PT. Lot 3 RP55R9422, Part 2  
 Haniak Road  
 Geographic Township of Paipoonge, Municipality of Oliver Paipoonge  
 File No: ZBLA 09 - 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 properties, as shown on the enclosed sketch are 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 the subject properties from Paipoonge Rural (PRU) to Paipoonge Light Industrial (PM1); however, staff would not currently support the removal of the Use Limitation zone on the south portion of the properties.

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/sd  
 Enclosure

# PLANNING REPORT

## To Be Completed Prior to Hearing

Zoning/Official Plan Number			
		<b>ZBLA09-2011</b>	
Municipality			
<b>Municipality of Oliver Paipoonge</b>			
Lot & Conc.			
<b>Conc. 2 N/R EPT Lot 4, PCL 2662TBF and Conc. 2 N/R Part Lot 3, RP55R9422, Part 2 Geographic Municipality of Paipoonge, now the Municipality of Oliver Paipoonge, situated on Haniak Road</b>			
Hearing Date		2011	09
		Year	Month
			26th
			Day
Date of receipt of completed application		2011	09
		Year	Month
			07th
			Day
Checked By		<b>S. Martyn</b>	
Zoning By-Law Number:		<b>By-law 185-01</b>	
Present Zone: Paipoonge Rural (PRU) Sec. 4.6 and Use Limitation (UL)		Proposed Zoning: Paipoonge Light Industrial (PM1) Sec.4.26 with Use Limitation (HL) zone as indicated on Zoning By-law 185-01	
Official Plan Designation: <b>New OP – Industrial</b>		Designation in Canada Land Inventory: n/a	
<b>Site Visit Carried Out By Staff : YES</b>			
Authorization of Owner received (if required) Yes_____ No_____ N/A x__			
Conformity with the Agricultural Code of Practice (If Applicable) Yes_____ No_____ N/A x			
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 the two lots owned by Cindy Haniak and Cindy & Peter Haniak to Light Industrial which would conform to the adopted Official Plan for the Municipality. The lots were created by consent years ago and were just left in the rural zone at that time as the owners did not know what they were going to do with the lots. Haniak Road is the access road to both of the lots. The zoning immediately east of subject properties is zoned Light Industrial and north of the property is a mixture of zones from rural to multiple residential (apartment building) to Light Industrial. The Pennock Creek also runs through subject properties and the Use limitation designation will not be removed from the zone.*

*The requirements for PM1 zone is attached for your perusal.*

*Both lots meet the required lot area and frontage required under the PM1 zone and it would appear that the subject properties have enough buildable land without encroaching on the Use Limitation zone.*

*The owner plans on building a truck shop and eventually a home which is allowable under the PM1 zone on the lot shown as Cindy Haniak's lot.*

*Based on the various Light Industrial uses in the area and the official plan designation; the Planning Department would have no objection to the adoption of the zoning change for these two lots.*

*Sharron Martyn, Planning Department*