

**Public Council Agenda**  
**Agenda**

Tuesday, April 10, 2018, 6:00 pm  
Tecumseh Town Hall  
www.tecumseh.ca

**Pages**

1. **Call to Order**
2. **Roll Call**
3. **Disclosure of Pecuniary Interest**
4. **Introduction and Purpose of Meeting**

The purpose of the meeting is to hear public comment on a Zoning By-law Amendment application that has been filed with the Town to amend Sandwich South Zoning By-law 85-18 for a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning). The purpose of the proposed amendment is to rezone the subject property from "Agricultural Zone (A)" to a site specific "Agricultural Zone (A-28)" that will permit a poultry processing and repackaging facility to operate from the larger of the two agricultural buildings located on the property. The subject property is designated "Agricultural" in the Sandwich South Official Plan.
5. **Delegations**
  - a. Mike Jones
6. **Communications**
  - a. Notice of Public Meeting 2 - 2

Re: Proposed Zoning By-law Amendment 7095 Manning Road
  - b. Resident Letter from Walter Hyland, Muriel Hyland, Brian Hyland and Rina Hyland 3 - 3

Re: Zoning Amendment 7095 Manning Road
  - c. Resident Letter from Mary Reaume 4 - 4

Re: Zoning Amendment 7095 Manning Road
  - d. Essex Region Conservation Authority 5 - 6

Re: Zoning By-Law Amendment ZBA 9075 Maidstone Townline
7. **Reports**
  - a. PBS-2018-08 Zoning By-law Amendment 7095 Manning D19 7095MAN 7 - 21
8. **Adjournment**

**TOWN OF TECUMSEH  
NOTICE OF PUBLIC MEETING  
PROPOSED ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, April 10<sup>th</sup>, 2018 at 6:00 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

A Zoning By-law amendment application has been filed with the Town to amend Sandwich South Zoning By-law 85-18 for a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning) (see Key Map below). The purpose of the proposed amendment is to rezone the subject property from "Agricultural Zone (A)" to a site specific "Agricultural Zone (A-28)" that will permit a poultry processing and repackaging facility to operate from the larger of the two agricultural buildings located on the property. The subject property is designated "Agricultural" in the Sandwich South Official Plan.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Local Planning Appeal Tribunal (LPAT).

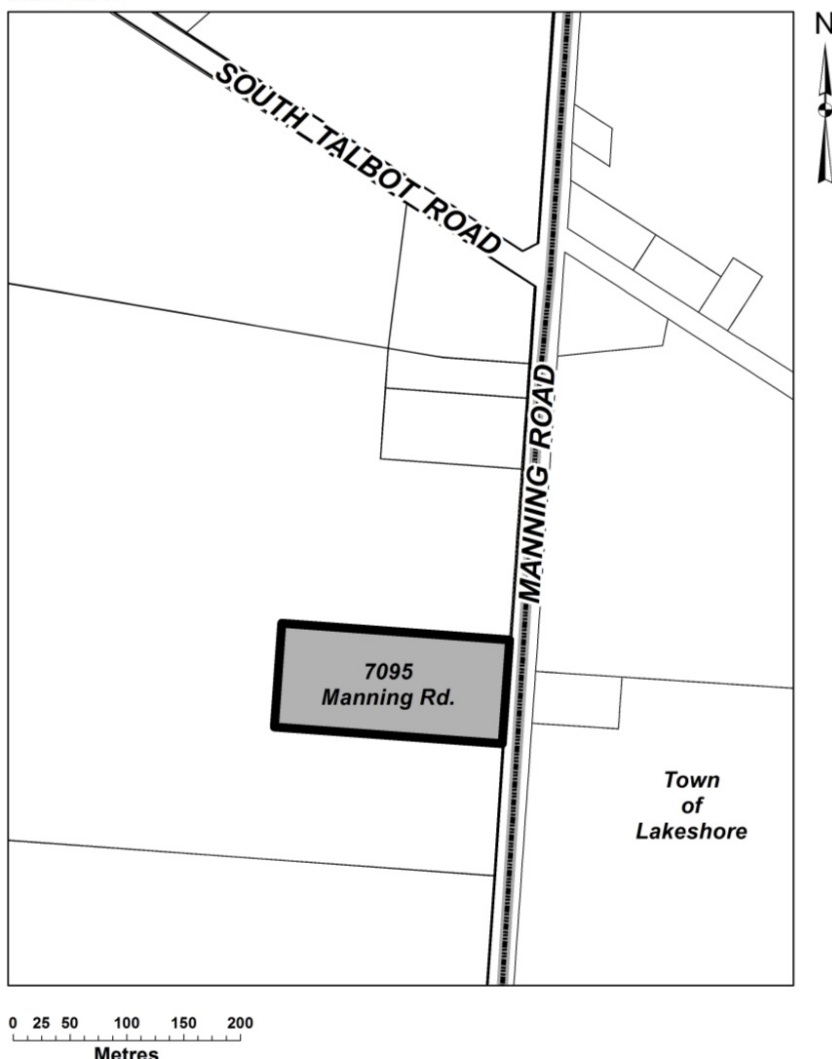
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Council of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment, you must make a written request to the Corporation of the Town of Tecumseh, c/o Laura Moy, Clerk, at the mailing address noted below.

**ADDITIONAL INFORMATION** and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.


The Public Meeting Agenda regarding this application will be available on the Town's website ([www.tecumseh.ca/home/agendas](http://www.tecumseh.ca/home/agendas)) on Friday, April 6, 2018.

**KEY MAP**



DATED AT THE TOWN OF TECUMSEH  
THIS 19<sup>TH</sup> DAY OF MARCH, 2018.

LAURA MOY, CLERK  
TOWN OF TECUMSEH  
917 LESPERANCE ROAD  
TECUMSEH, ONTARIO  
N8N 1W9

 Lands subject to proposed application

Walter + Murie Hyland

I Brian + Rina Hyland at 7095 Manning Rd

understand and acknowledge that my neighbour Robert and Olivia  
Carpenter at 7095 Manning Rd has applied to make a zoning  
amendment to the property to operate their business  
Windsor Quality Poultry Inc.

We support the decision to operate the business at 7095 Manning Rd  
and do not object to the amendment.

Brian Hyland

I Mary Reaume at \_\_\_\_\_ Manning Rd  
understand and acknowledge that my neighbour Robert and Olivia  
Carpenter at 7095 Manning Rd has applied to make a zoning  
amendment to the property to operate their business  
Windsor Quality Poultry Inc.

We support the decision to operate the business at 7095 Manning Rd  
and do not object to the amendment.

Mary Reaume



regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

April 03, 2018

Ms. Laura Moy, Clerk  
Town of Tecumseh  
917 Lesperance Road  
Tecumseh, ON N8N 1W9

Dear Ms. Moy:

RE: Zoning By-Law Amendment ZBA 7095 MAIDSTONE TOWNLINE  
ARN 374440000005800; PIN:  
Applicant: Karen Fraser

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA. The purpose of this application is to rezone the property from Agricultural Zone (A) to a "Site Specific Agricultural Zone (A-28)" to permit a poultry processing and repacking facility to operate from the larger of the two agricultural buildings existing on the property.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **WATER RESOURCES MANAGEMENT**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

## **NATURAL HERITAGE POLICIES OF THE PPS 2014**

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

## **FINAL RECOMMENDATION**

We have no objections to this application for rezoning.

Ms. Moy  
April 03, 2018

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corinne'.

Corinne Chiasson  
*Resource Planner*  
/cor



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Chad Jeffery, Manager Planning Services

**Date to Council:** March 13, 2018

**Report Number:** PBS-2018-08

**Subject:** Zoning By-Law Amendment  
Windsor Quality Poultry  
7095 Manning Road  
Proposed Poultry Processing and Repackaging Facility  
Agriculture-Related Use  
OUR FILE: D19 7095MAN

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### Recommendations

It is recommended:

1. **That** the scheduling of a public meeting, to be held on Tuesday, April 10, 2018 at 6:00 p.m., in accordance with the *Planning Act* for a Zoning By-law Amendment application seeking to amend the Sandwich South Zoning By-law 85-15 by rezoning a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning Road), from "Agricultural Zone (A)" to a site specific "Agricultural Zone (A-28)" to permit a poultry processing and repackaging facility as an additional permitted use on the subject property, **be authorized**;
2. **And that** a zoning by-law amendment **be prepared** for Council's consideration at a subsequent regular Council meeting, subject to the satisfactory resolution of any/all concerns/issues identified through the public consultation process.

### Background

Mr. and Mrs. Carpenter ("the Applicants") currently operate Windsor Quality Poultry - a poultry processing and repackaging facility that provides pre-cut and packaged poultry for the local

restaurant and retail community. The Applicants have advised that one wholesale delivery truck arrives two to three times per week with bulk poultry which is then cut, skinned, deboned and repackaged for sale. It should be noted that all poultry that is delivered has already been slaughtered and cleaned. No abattoir-type uses or on-site retail sales are performed. The Applicants, along with seven employees, currently operate the business from a location in the City of Windsor. The business operates in accordance with the requirements of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

The Applicants recently purchased a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning Road). The subject property is occupied by a residential dwelling located on the eastern/front portion of the property abutting Manning Road (which the applicants currently live in) and two agricultural structures located on the western/rear portion of the property. The subject property is abutted to the north, south, east and west by agricultural lands/uses. One residential dwelling is also located to the immediate east (on the east side of Manning Road) in the Town of Lakeshore (see Attachment 1).

Town Administration has met with the Applicants over the past few months regarding the potential relocation of their business to the subject property. The Applicants are proposing to use the larger, easternmost agricultural building located on the subject property for their poultry processing and repackaging facility. They intend to renovate the building in accordance with the Ontario Building Code and undertake on-site improvements (hard surfacing of driveway, laneways and parking areas) in order to facilitate the relocation of the business. A summary of their proposal, as submitted by the Applicants' planner, including details on how the operation would function on the property on a day-to-day basis is contained in Attachment 2.

Based on the foregoing, the Applicants have filed an application with the Town to amend the Sandwich Zoning By-law 85-18 in order to rezone the subject property into a site-specific Agricultural Zone (A) that would permit "poultry processing and repacking facility" as an additional permitted use.

## **Comments**

### **Provincial Policy Statement**

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, "shall be consistent with" the 2014 Provincial Policy Statement ("PPS") issued under the *Planning Act*.

The relevant policies in the PPS in relation to Agricultural lands and the proposed application are noted below. As a frame of reference, the subject property is, based upon PPS definitions, within a "Rural Area" and more specifically within a "Prime Agricultural Area".

#### **"1.1.4 Rural Areas in Municipalities**



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

- b) promoting regeneration, including the redevelopment of brownfield sites;
- 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;
- i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.

2.3 Agriculture

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

6.0 Definitions

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. ”

In summary, the PPS encourages agriculture-related uses within rural areas as they provide a benefit to the local and regional agricultural community. The subject property’s location and its existing on-site agricultural structures could potentially support an agriculture-related use that

is in keeping with the foregoing policy objectives. Through consultations with OMAFRA, it was determined that the proposed poultry processing and repackaging facility could be considered an agriculture-related use in accordance with the definitions contained in the PPS. Accordingly, given that the proposed use is generally consistent with the intent of the PPS policies, it warrants further consideration.

## **County of Essex Official Plan**

The subject property is designated Agricultural in the County of Essex Official Plan (“County OP”). The goals and policies of the County OP encourage the protection of agricultural land for agricultural uses. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

### **“1.5 GOALS FOR A HEALTHY COUNTY**

The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:

- b) To protect prime agricultural areas and encourage a broad range of agricultural, agriculture-related and secondary uses to ensure that the agricultural industry can continue to thrive and innovate.

### **3.3.2 Goals**

The following goals are established for those lands designated as “Agricultural” on Schedule “A1”:

- a) To protect *Prime Agricultural Areas* for agricultural purposes to ensure the continued long-term availability of this resource.
- c) To allow and encourage farm operators to engage in a wide range of agricultural activities.

#### **3.3.3.1 Permitted Uses**

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

- a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses.

### 3.3.3.3 Agriculture-Related Uses

Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:

- b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.”

In summary, similar to the PPS, the County OP encourages agriculture-related uses within agriculturally designated areas. Based on the foregoing, it is the opinion of the writer that the proposed use conforms to the policies established in the County OP and warrants further consideration.

### **Sandwich South Official Plan**

The subject property is currently designated “Agricultural” in the Sandwich South Official Plan (“local OP”) (see Attachment 3). The local OP encourages the preservation of agricultural land supports farm operators to engage in a wide range of agricultural activities.

The following sections from the local OP are relevant when reviewing the subject development applications:

#### “3.1.1 Goals

The following goals are established for the Agricultural area:

- i) to preserve good agriculture land for agricultural purposes, and to encourage and support farm practices and agricultural land uses which are sustainable over the long-term;
- ii) to allow farm operators to engage in a wide range of agricultural activities;
- iii) to not allow new intrusions of nonfarm development into the agricultural area.

#### 3.1.2 Policies

The following policies shall apply to those lands designated "Agricultural" on the Land Use Schedules of this Plan:

- i) the predominant use of land shall be agricultural and agriculturally related uses, including the growing of crops and the raising of livestock, forestry and conservation uses;
- vi) farm occupations and home occupations which are ancillary to the principal use of the property and which are carried out for remuneration and as defined in the zoning by-law are permitted in the Agricultural designation. However, the implementing zoning by-law shall establish those farm and home occupations that will be permitted without an amendment to the by-law and those that will require a site specific amendment to the by-law to be permitted in a defined area.

In general, farm occupations that are clearly required to be located in the Agricultural area and provide a service to the agricultural community primarily, such as a tile drainage contractor or a seed corn dealership, will be permitted without a by-law amendment. All other types of farm occupations that are carried out for remuneration such as welding shops, repair shops, etc. will require a site specific by-law amendment.”

It is the opinion of Administration that the proposed use will generally conform to the local OP.

### **Sandwich South Zoning B-law 85-18**

The subject property is currently zoned “Agricultural Zone (A)” on Schedule “A”, Map 18 of Sandwich South Zoning By-law 85-18 (see Attachment 4). The proposed zoning by-law amendment places the subject property into a site specific Agricultural Zone (A) that would permit the proposed poultry processing and repackaging facility, in addition to all the uses currently permitted by the general A zone.

When evaluating a proposed zoning by-law amendment, Section 6.17 of the Sandwich South Official Plan provides policy guidance. Specifically, due regard shall be given to the following matters:

**i) the physical suitability of the land to be used for the proposed use;**

Comment: The nature of the proposed use requires the height, size and structural attributes that the existing agricultural building located on the property possesses. There will be no net loss of agriculturally productive lands as a result of the proposed use.

**ii) the adequacy of all required services;**

Comment: The subject property is serviced by municipal water. Sanitary servicing for the proposed use will be provided by a new septic

facility that will be installed, in accordance with the Ontario Building Code.

**iii) the adequacy of the road system to accommodate the projected traffic volume increases;**

Comment: The subject property fronts onto a fully paved road. The traffic associated with the proposed use will not adversely affect the function of Manning Road or surrounding roadways. As part of the public consultation process, the County of Essex will be notified and will have the opportunity to review the proposal and provide comments.

**iv) the compatibility of the proposed use with existing and potential future uses in the surrounding area;**

Comment: The majority of the lands surrounding the subject property are agricultural in nature. The proposed use will occur entirely indoors and will not cause incompatibility issues with the surrounding areas. In addition, the applicant has advised that they have received letters of support for the proposed use from the abutting property owners. The proposed use would be compatible with the character of the area.

**v) the need for the additional land to accommodate the proposed use/facilities.**

Comment: The proposed use will operate from the existing building on site, without the need to construct any additional facilities. The property is appropriately sized to facilitate the use.

Based on the foregoing, it is the opinion of the writer that the proposed Zoning By-law Amendment has adequate regard to the preceding matters.

## **Building Services**

Building Services advised the Applicants that any required renovations or improvements to the existing structure will require a building permit and will need to comply with the Ontario Building Code. The Applicants have advised that they are aware of this and the range of improvements that will need to be undertaken to the existing building in order to facilitate the introduction of the proposed use.

## **Engineering/Municipal Services**

Public Works and Environmental Services have advised of no concerns with the proposed use.

## Conclusion

Having regard to the scale, location and nature of surrounding uses, the suitability of the subject property, along with current policies encouraging agricultural uses and agriculturally-related uses, it is believed that there is merit in considering the requested rezoning to permit the proposed Poultry Processing/Repackaging Facility. Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input. A public meeting to consider the proposed Zoning By-law amendment in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

## Consultations

Planning & Building Services  
Public Works & Environmental Services  
OMAFRA

## Financial Implications

None.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Junior Planner

Prepared by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

Reviewed by:

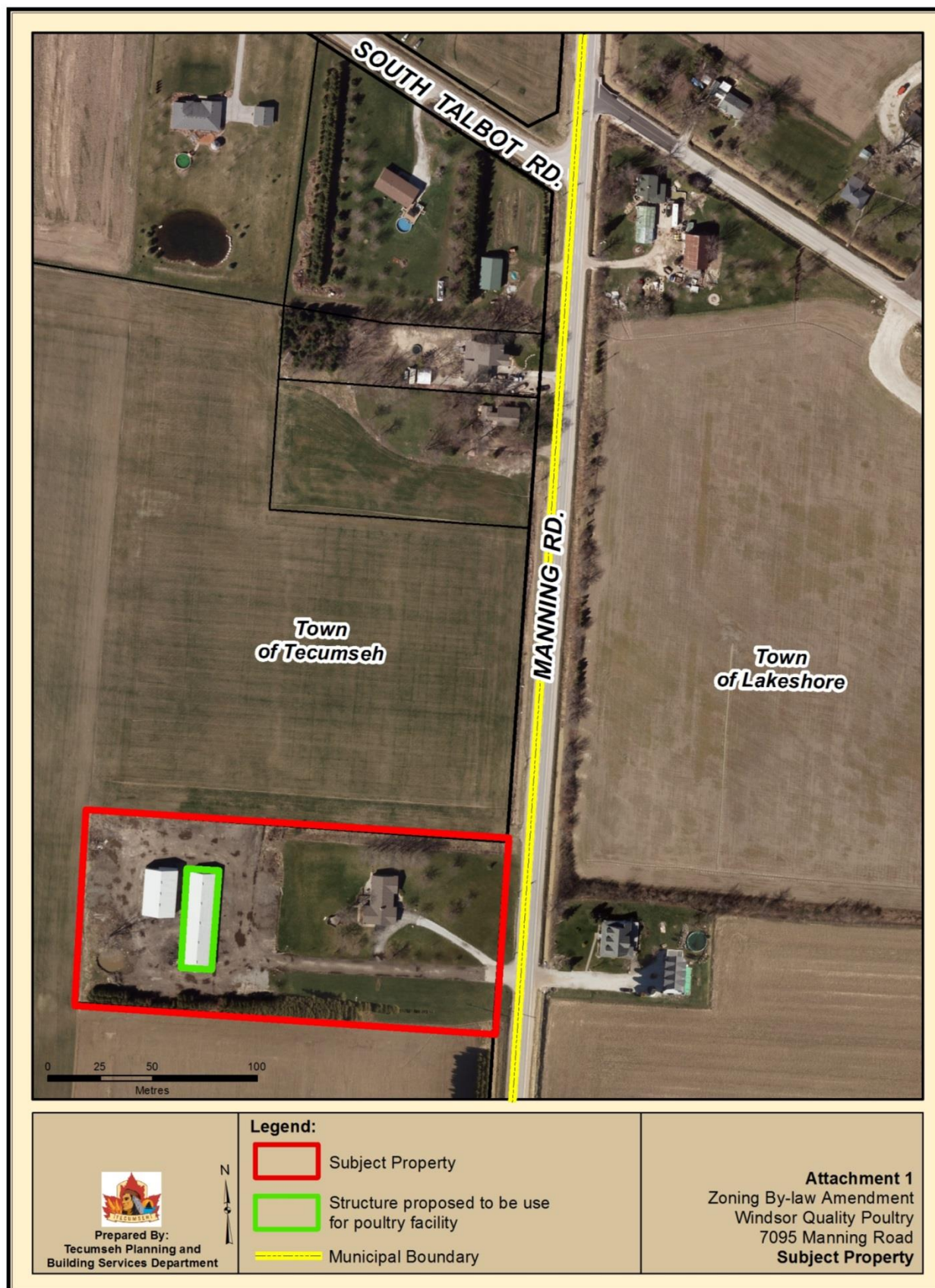
Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

Shaun Fuerth, BCS  
Acting Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Subject Property Map
2	Applicants' Summary of Proposed Use
3	Official Plan Map
4	Zoning Map





**Attachment 2**  
**Zoning By-law Amendment**  
**Windsor Quality Poultry**  
**7095 Manning Road**  
**Applicant's Summary of Proposed Use**

**Blackrock**  
266 St. Louis Ave.  
Windsor, Ontario  
N8S 2K3  
519-992-4280

February 1, 2018

File No: B18-02-Windsor Quality Poultry Rezoning

**The Corporation of the Town of Tecumseh**  
**917 Lesperance Road**  
**Tecumseh, Ontario**  
**N8N 1W9**

**Attn: Mr. Brian Hillman, RPP**  
**Director, Planning and Building Services**

**Re: Application for Rezoning**  
**Windsor Quality Poultry**  
**7095 Manning Road**  
**Town of Tecumseh**

**Dear Sir,**

By means of this submission we wish to formally apply for the rezoning at 7095 Manning Road in the Town of Tecumseh. In support of this rezoning application we enclose the following:

- One completed rezoning application;
- One cheque in the amount of \$1,300.00 for the minor zoning by-law amendment application fee;
- One copy of a conceptual lot layout for the facility;
- Letters from neighbours to 7095 Manning Road indicating support for the application.

The property is owned by Rob and Olivia Carpenter, whom also own Windsor Quality Poultry. The site is currently designated Agricultural in the Town's Official Plan, and is further zoned Agricultural in the Town's zoning by-law. They are requesting a zoning by-law amendment to the property to allow a value-added use to agricultural products in the form of repackaging poultry from wholesale to retail quantities, and delivery of same to retail outlets. The operation of this facility can be broken down into two categories: i) Site Movements; ii) Internal (within building) Operations. The following describes these operations.

**Site Movements**

The operation has seven employees that commute to site. The conceptual layout for the facility illustrates the proposed employee parking area. A single wholesale delivery truck arrives to the site 2 or 3 days a week to supply the operation with prepared bulk poultry to further process (cutting, deboning, skinning, etc.) and repackaging for retail sales at other locations. The wholesale delivery truck (cube van size) arrives from the GTA. It is important to note that local poultry farmers are under contract with Maple Lodge Farms, and as such they cannot

**Blackrock**  
266 St. Louis Ave.  
Windsor, Ontario  
N8S 2K3  
519-992-4280

contractually sell directly to local outlets. This truck usually arrives on site around 10:00 a.m., and is off site by 11:00 a.m. Additionally, Windsor Quality Poultry has two delivery vans that access and leave the site once each day. It is important to note that these vans are not stored on site overnight and delivery personnel take these vehicles home at the end of the day upon completion of deliveries. Non-poultry waste is picked up once weekly during regular business hours. The attached schematic plan illustrates the location of the outdoor non-poultry waste storage area. Poultry waste products (skin, bones, etc.) are kept indoors in a chilled environment until picked up and removed off site once weekly during regular business hours.

#### **Internal Operations**

As noted, bulk poultry arrives on site 2 or 3 times a week in a cube or similarly sized van. The poultry is delivered in 23kg waxed boxes and is immediately brought into the processing building at the receiving door location illustrated on the accompanying plan. The processing building is a chilled facility and bulk poultry is stored in this sealed and chilled area until further processed and then placed immediately in vans for delivery to retail outlets. The processing involves a number of different operations including skinning, deboning, cutting, etc. These operations take place indoors, in a refrigerated and sealed room. The closed and refrigerated nature of the operation results in little to no odour escaping the building. Operations are inspected monthly by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). To date, Windsor Quality Poultry has not had a single work order or complaint filed against it by OMAFRA.

The use (retail-oriented packaging) being requested by means of this rezoning application is consistent with OMAFRA's policy for value-added facilities for On-Farm Diversified Uses. No land is being taken out of agricultural production as a result of this application, and it is expected that the use will have little to no impact on surrounding agricultural uses. Additionally, the proposed use involves the reuse of existing agricultural buildings, and will introduce little to no off-site impacts to traffic or the rural character of the area.

Please review and process the application at your earliest opportunity. Feel free to contact the undersigned if you have any questions or require additional information.

  
\_\_\_\_\_  
Mike Jones, CET, RPP  
Blackrock Consulting

