



City of Mississauga Corporate Report

<p>Date: October 28, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: BL.09-PLA (All Wards)</p>
	<p>Meeting date: November 21, 2022</p>

Subject

PUBLIC MEETING INFORMATION REPORT (ALL WARDS)

Potential City-Initiated Amendments to Zoning By-law 0225-2007 for Plant-Based Manufacturing Facilities

File: BL.09-PLA (All Wards)

Recommendation

That the report dated October 28, 2022, from the Commissioner of Planning and Building regarding the potential City-initiated amendments to Zoning By-law 0225-2007 to permit plant-based manufacturing facilities, under File BL.09-PLA (All Wards), be received for information.

Executive Summary

- This report provides background information and potential Zoning By-law amendments to permit industries to grow and cultivate plants indoors, in order to receive comments from the public, businesses and industries on the potential changes.
- The City receives numerous inquiries from industries seeking to locate in Mississauga that incorporate growing and cultivating plants as a part of their manufacturing process for non-medical products. Currently, the Zoning By-law does not permit this use.
- New Zoning By-law regulations could be introduced that would allow industries to grow and cultivate plants for non-medical purposes, on a commercial-scale within controlled indoor environments.

Background

Allowing plant-manufacturing in urban areas has been a rising trend and a necessary tool for growing cities like Mississauga with limited to no available farmland. Staff have been receiving an increasing number of inquiries for industries seeking to incorporate the growing and cultivating of plants (i.e. lettuce, kale, tomatoes, etc.) in controlled environments on a

commercial-scale. The Committee of Adjustment has approved several applications for these uses in employment areas. In response, staff are undertaking a review of the existing zone regulations related to the growing and cultivating of plants to determine the appropriateness of expanding permissions in Employment Zones. The purpose of this report is to present potential Zoning By-law amendments to permit plant-based manufacturing, and to receive comments from the public, businesses and industries on the potential changes.

Comments

Growing and Cultivating Living Organisms in the City of Mississauga

Growing and cultivating of living organisms is permitted but is currently limited to medical cannabis and biopharmaceutical industries. These industries, as part of their manufacturing process of a medicinal product, grow living organisms within a controlled indoor environment. These industries are permitted on lands designated as Business Employment or Industrial in the City of Mississauga's Official Plan and permitted on lands zoned Employment (E1, E2 or E3).

The Zoning By-law definitions 'Medicinal Product Manufacturing Facility' and 'Medicinal Product Manufacturing Facility - Restricted' were introduced, in part, as a response to a change in regulations made by Health Canada on June 2013 in connection with the production of medical cannabis. These new Federal regulations sought to shift the growing of medical cannabis away from residential neighbourhoods and instead towards commercial-scaled production facilities. These new Zoning By-law definitions were also introduced to recognize and permit other medicinal product-based industries that utilize living organisms in their manufacturing process, such as the biopharmaceutical industry. Manufacturing biopharmaceutical products, although distinct from manufacturing medical cannabis, is similar in that both industries require growing and cultivating living organisms as a part of their manufacturing process for a medicinal product.

Current permissions in the Zoning By-law have limited ability to recognize and permit other industries that grow and cultivate living organisms, and more specifically plants, for non-medicinal purposes.

Introducing Plant-Based Manufacturing

In light of the gap in the City's Zoning By-law, coupled with the inquiries and Committee of Adjustment applications received from the industry, it may be appropriate to expand the City's Zoning By-law permissions to accommodate for industries that grow and cultivate plants. Expanding these permissions would support the actions outlined in the Urban Agriculture Strategy (UAS), a roadmap for the development of urban agriculture over the next ten years. Urban agriculture includes a variety of food and plant growing initiatives that can span a variety of settings and scales, including vertical farming, hydroponics, and aquaponics. Urban agriculture is increasingly being recognized by cities as an important part of their climate mitigation and adaptation strategies and a way to improve local food security, among numerous other health and economic benefits. The City's role in advancing the UAS includes creating a policy framework that works to encourage and enable urban agriculture by removing barriers. Further, engaging and collaborating with community partners and agriculture/food-related

businesses is a key action for the City to undertake when exploring regulations that support urban agriculture.

The intent of introducing a definition for a 'Plant-Based Manufacturing Facility' within the City's Zoning By-law would be to permit industries that incorporate growing, cultivating and processing plants, at a commercial-scale, in controlled indoor environments for the purposes of producing non-medicinal products or by-products. The proposed definition would serve as an umbrella term for numerous industries, not limited to but including:

- Vertical farming;
- Aquaponics;
- Hydroponics; and
- Recreational cannabis.

Vertical farming is an alternative method for growing plants, in a vertical stacked formation in an indoor controlled environment to support growth. Hydroponic and aquaponic systems are also alternate methods for growing plants; however, this method utilizes water as a growing medium rather than soil. Similar to vertical farming, aquaponic and hydroponic systems are located indoors within a controlled environment to support growth. Aquaponic systems utilize fish as a part of the growing cycle. The waste created by the fish becomes a source of food and nutrients for the plants, and, in return, the plants filter and purify the water. Often aquaponic industries can include the sale of the fish, as well as the plants.

The recreational cannabis industry would also be captured with the introduction of a 'Plant-Based Manufacturing Facility' definition. Growing and cultivating recreational cannabis requires similar methods typical of commercial agriculture, which combines the use of a controlled growing environment with plant science to optimize and maximize crop growth. Growing and cultivating recreational cannabis is also similar to growing and cultivating medical cannabis with the exception being that the by-products are intended for recreational use and are thus subject to different Federal, Provincial, and Municipal regulations.

Manufacturing Recreational Cannabis in the City of Mississauga

As mentioned above, the recreational cannabis industry would be captured with the introduction of a 'Plant-Based Manufacturing Facility' definition. The regulations surrounding recreational cannabis are stipulated under the Federal government's *Cannabis Act*. Through the *Cannabis Act*, purchasing, using, possessing, and growing cannabis for non-medical purposes became legal in Canada on October 17, 2018.

The manufacturing of recreational cannabis can be divided into two components. The first component involves the growth and cultivation of the raw cannabis plant and the second component involves the subsequent processing of the raw cannabis plant to create a packaged by-product for recreational use.

The process of growing and cultivating recreational cannabis on a commercial scale is not permitted within the City of Mississauga. Although new Zoning By-law definitions were introduced, in part, to reflect the shift to commercialized medical cannabis production, these new definitions did not contemplate nor permit commercialized recreational cannabis production. Individuals in Mississauga however are able to grow and cultivate up to four recreational cannabis plants per household for personal use, as per the *Cannabis Act*.

The second component involves the subsequent processing of the raw cannabis plant to create a packaged by-product for recreational use. This second component is permitted by the City of Mississauga and is captured under the City's Zoning By-law definition of 'Manufacturing Facility'.

Potential Zoning By-law Amendments

Staff are undertaking a review of plant-based manufacturing and the appropriateness of permitting this use in Employment Zones.

The industries that would be captured with the introduction of a new 'Plant-Based Manufacturing Facility' definition would function similarly to other manufacturing, warehousing, and distribution uses that are typical in Employment zones. As such, staff are considering permitting 'Plant-Based Manufacturing Facility' in all Employment zones – E1 (Employment in Nodes), E2 (Employment), and E3 (Industrial). The use would be restricted to locate wholly within a building and accessory retail sales would not be permitted on site. Mississauga currently does not permit retail cannabis stores and Council passed resolutions on December 12, 2018 and June 9, 2021 to ban cannabis retail stores from being located within the City of Mississauga. Lastly, the new definition would aim to capture industries that only grow plants and their associated by-products for sale, not livestock. The sole exception to this restriction would be the aquaponics industry, which can often include the sale of the fish used in the plant growing system.

LAND USE POLICIES AND REGULATIONS

The *Planning Act* requires that municipalities' decisions regarding planning matters be consistent with the PPS and conform with the applicable provincial plans and the Region of Peel Official Plan (ROP). Mississauga Official Plan is generally consistent with the PPS and conforms with the Growth Plan, the *Greenbelt Plan*, the *Parkway Belt West Plan* and the ROP.

Conformity of the proposed Zoning By-law amendments with the policies of the Mississauga Official Plan is under review.

Additional information and details are found in Appendix 1.

Financial Impact

Not applicable.

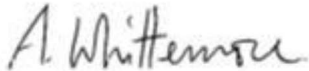
Conclusion

The City of Mississauga can benefit from providing alternative methods to growing and cultivating non-medicinal plants on a commercial scale. There has been growing interest in modernized farming practices, such as vertical farming or hydroponics, which are alternate methods to traditional land-based agriculture. Adapting and being cognizant of these new and innovative methods in the agricultural sector can be especially beneficial to support emerging forms of economic activity in Mississauga.

Once input from the public and relevant industries have been received, and all issues are identified, the Planning and Building department will be in a position to make recommendations regarding proposed amendments to Zoning By-law 0225-2007 for plant-based manufacturing facilities in Employment zones.

Attachments

Appendix 1: Detailed Information and Preliminary Planning Analysis



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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Detailed Information and Preliminary Planning Analysis

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1. Summary of Applicable Policies

The *Planning Act* requires that Mississauga Official Plan be consistent with the Provincial Policy Statement and conform with the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect the proposed amendments have been reviewed and summarized in the table below. Only key policies relevant to the amendments have been

included. The table should be considered a general summary of the intent of the policies and should not be considered exhaustive. In the sub-section that follows, the relevant policies of Mississauga Official Plan are summarized. The proposed amendments will be evaluated based on these policies in the subsequent recommendation report.

Policy Document	Legislative Authority/Applicability	Key Policies
<p>Provincial Policy Statement (PPS)</p>	<p>Zoning and development permit by-laws are also important for implementation of this Provincial Policy Statement. (PPS Part I)</p> <p>The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. (PPS Part IV)</p> <p>Decisions of the council of a municipality shall be consistent with Provincial Policy Statement. (PPS 4.1)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement (PPS 4.6)</p>	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which: which efficiently use land and resources. (PPS 1.1.3.2.a)</p> <p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion. (PPS 1.1.3.2.b)</p> <p>Planning authorities shall promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs. (PPS 1.3.1.a)</p> <p>Planning authorities shall promote economic development and competitiveness by: providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. (PPS 1.3.1.b)</p> <p>Long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness. (PPS 1.7.1.a)</p> <p>Long-term economic prosperity should be supported by: sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network. (PPS 1.7.1.i)</p>

Policy Document	Legislative Authority/Applicability	Key Policies
Growth Plan for the Greater Golden Horseshoe (Growth Plan)	The Growth Plan applies to the area designated as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise. (Growth Plan 1.2.2)	<p>Within settlement areas, growth will be focused in i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned and; iv. areas with existing or planned public service facilities. (Growth Plan 2.2.1.2.c)</p> <p>Applying the policies of this Plan will support the achievement of complete communities that: feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. (Growth Plan 2.2.1.4.a)</p> <p>Economic development and competitiveness in the GGH will be promoted by: integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment (Growth Plan 2.2.5.1.d)</p>
Greenbelt Plan	Mississauga is not located within the Greenbelt Area and therefore the <i>Greenbelt Act, 2005</i> does not apply in Mississauga. However, the Greenbelt Plan does recognize natural heritage systems contained within the Greenbelt are connected to systems beyond the Greenbelt, including the Credit River.	The proposed zoning by-law amendments would not affect any natural heritage systems.
Parkway Belt West Plan (PBWP)	The policies of MOP generally conform with the PBWP. Lands within the PBWP are within the Green System in the MOP and are therefore intended to be preserved and enhanced through public acquisition.	The proposed zoning by-law amendments would not affect any lands within the Green System.
Region of Peel Official Plan (ROP)	The Region of Peel approved MOP on September 22, 2011, which is the primary instrument used to evaluate proposed zoning by-law amendments.	<p>The ROP identifies the lands affected by the proposed zoning by-law amendments as being located within Peel's Urban System.</p> <p>It is a Regional objective to achieve Urban Growth Centres that incorporate a range and mix of residential and employment opportunities (ROP 5.3.3.1.3).</p> <p>It is a Regional objective to provide sufficient lands in employment areas in Peel to support a vibrant and sustainable regional economy, to further the economic development goals of the area municipalities and to contribute to complete communities, in accordance with the policies in the provincial Growth Plan and in accordance with the policies of this Plan including the forecasts set out in Table 3. (ROP 5.6.1.1)</p> <p>It is a Regional objective to attract and retain a range of employment types in</p>

Policy Document	Legislative Authority/Applicability	Key Policies
		<p>Peel. (ROP 5.6.1.4) It is a Regional objective to: plan for, protect and preserve employment areas for employment uses. (ROP 5.6.1.6)</p> <p>It is a policy of Regional Council to: require the area municipalities to include a range of employment designations in their official plans for employment areas within the Urban System and Rural Service Centres, Industrial/Commercial Centres, as appropriate, to achieve the employment forecasts set out in Table 3 and to accommodate a variety of employment uses in accordance with the locational and market requirements of these uses. (ROP 5.6.2.2)</p> <p>It is a policy of Regional Council to protect and support employment areas for employment uses, as defined and designated in area municipal official plans. (ROP 5.6.2.6)</p>

Relevant Mississauga Official Plan Policies

The policies of Mississauga Official Plan (MOP) implement provincial directions for growth. MOP is generally consistent with the PPS and conforms with the Growth Plan, Greenbelt Plan, PBWP and ROP. An update to MOP is currently underway to ensure MOP is consistent with and conform to changes resulting in the recently released Growth Plan, 2020.

The following policies are applicable in the review of the proposed zoning by-law amendments. In some cases the description of the general intent summarizes multiple policies.

	General Intent
<p>Chapter 5 Direct Growth</p>	<p>Mississauga will protect employment lands to allow for a diversity of employment uses. (MOP 5.1.8)</p> <p>Mississauga will maintain an adequate supply of lands for a variety of employment uses to accommodate existing and future employment needs. (MOP 5.3.6.1)</p> <p>Mississauga will maintain a sustainable, diversified employment base by providing opportunities for a range of economic activities. (MOP 5.3.6.2)</p> <p>Employment uses that support opportunities for residents to work in Mississauga will be encouraged. (MOP 5.3.6.3)</p>

	General Intent
Chapter 7 Complete Communities	Mississauga, like other cities around the world, is dependent on the importation of food to sustain its population. While this dependency is expected to continue, Mississauga supports a variety of urban agricultural practices that allow its residents access to freshly grown local produce, supports the surrounding agricultural community, enhances local food security, reduces the energy costs associated with transporting food great distances and achieves a more sustainable community. (MOP 7.7)
Chapter 10 Foster a Strong Economy	<p>Mississauga will encourage a range of employment opportunities reflective of the skills of the resident labour force. (MOP 10.1.1)</p> <p>Mississauga will identify and protect lands for a diversity of employment uses to meet current and future needs. (MOP 10.1.2)</p> <p>Mississauga will protect lands within Employment Areas for industrial uses. (MOP 10.3.2)</p>
Chapter 11 General Land Use Designations	<p>In addition to the Uses Permitted in all Designations, lands designated Business Employment will also permit the following uses: m. manufacturing; x. warehousing, distributing and wholesaling. (MOP 11.2.11.1)</p> <p>Permitted uses will operate mainly within enclosed buildings. (MOP 11.2.11.3)</p> <p>In addition to the Uses Permitted in all Designations, lands designated Industrial will also permit the following uses: m. manufacturing; y. warehousing, distributing and wholesaling. (MOP 11.2.12.1)</p>
Chapter 19 Implementation	To ensure that the policies of this Plan are being implemented, the following controls will be regularly evaluated: b. Mississauga Zoning By-law. (MOP 19.4.2)