

City of Mississauga
Corporate Report



<p>Date: April 24, 2023</p> <p>To: Mayor and Members of Council</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: May 17, 2023</p>

Subject

RECOMMENDATION REPORT (ALL WARDS)

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

File: BL.09-PLA (All Wards)

Recommendation

That the proposed amendments to Zoning By-law 0225-2007, as detailed in Appendix 3, attached to the report dated April 24, 2023 from the Commissioner of Planning and Building to permit plant-based manufacturing uses be approved, and that an implementing zoning by-law be brought to a future City Council meeting.

Executive Summary

- Urban agriculture is increasingly being recognized by cities as an important part of their climate mitigation and adaptation strategies and as a way to improve local food security, among numerous other health and economic benefits.
- With the introduction of 'Plant-Based Manufacturing Facility' within the City's Zoning By-law, industries that grow and cultivate plants for non-medical purposes, on a commercial-scale within controlled indoor environments, will be permitted within areas of the City zoned for Employment.
- Staff are satisfied that the proposed Zoning By-law amendments are acceptable from a planning standpoint, and recommend that the amendments be approved.

Background

A public meeting was held by the Planning and Development Committee on November 21, 2022, at which time an Information Report (<https://www.mississauga.ca/wp-content/uploads/2023/01/Zoning-By-law-BL.09-PLA-Information-report.pdf>) was received for

information. Recommendation PDC-0086-2022 was then amended and adopted by Council on December 7, 2022 as follows:

1. 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, and notwithstanding planning protocol, that the Recommendation Report be brought directly to a future Council meeting.
2. That one oral submission be received.

A member of the public made a deputation regarding the proposed City-initiated Zoning By-law amendments. The issue of potential light and odour pollution caused by plant-based industries, particularly recreational cannabis producers, was raised as a concern. A response to this issue raised at the public meeting can be found within the Public Comments Response section below.

Comments

Food systems and producers are a major contributor of greenhouse gas emissions, which can accumulate within the atmosphere and warm the climate as a result. Alternative approaches to food systems continue to emerge and have the ability to mitigate these impacts. Having the capability to precisely control for variables like humidity, nutrient level, temperature, and light allows indoor plant growth that can occur year-round with increased yields, absent pesticides. This can often be achieved with fewer resources typical of traditional agricultural farming, resulting in a reduced environmental impact.

Although widely recognized as a climate mitigation and adaptation measure and an alternative for traditional farming, plant-based manufacturing also proves to be an important tool for cities on a smaller socio-economic and environmental scale. Plant-based industries often serve local restaurants that need fresh produce, partner with foodbanks to provide nutritional foods to vulnerable communities, and educate those living in food deserts about self-sustainable indoor farming techniques.

The City of Mississauga is attractive for plant-based manufacturing industries in particular because of its ability to meet required power and electrical demands, access to a diverse workforce, and proximity to transportation infrastructure like the Toronto-Lester B. Pearson International Airport and multiple Provincial Highways. Building on its strength as a municipality, the City of Mississauga can benefit from creating Zoning regulations that are conducive to enabling plant-based manufacturing.

PROPOSED ZONING BY-LAW AMENDMENTS

Staff are proposing a new definition in the City's Zoning By-law, termed 'Plant-Based Manufacturing Facility'. This definition is aimed at capturing multiple industries, which

incorporate growing plants indoors, at a commercial-scale, for the purposes of producing non-medicinal products and by-products. The proposed definition would serve as an umbrella term for numerous industries, including, but not limited to:

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

Although the definition is intended to capture industries that solely grow and cultivate plants, it is noted that aquaponics systems utilize fish as a part of the plant growing cycle and can often include the sale of fish. While the proposed Zoning By-law definition does not contemplate growing and cultivating animals, it would allow for industries like aquaponics that necessitate fish to support plant growth.

Additional Zoning By-law provisions are proposed to further regulate plant-based manufacturing industries. In particular, a 'Plant-Based Manufacturing Facility' will be limited to locate wholly within a building or structure and open-air growth and cultivation of plants will not be permitted. The use will be further limited to locate in areas of the City zoned for employment – Zones E1 (Employment in Nodes), E2 (Employment), and E3 (Industrial). Plant-based manufacturers function similarly to other manufacturing, warehousing, and distribution uses and limiting this use to areas of the City zoned for employment will ensure sensitive land uses remain separated.

Within the Employment Zones, certain manufacturers are permitted to have a percentage of their facility used for the purposes of accessory retail sale. Plant-based manufacturers will be permitted to have a maximum of 20% of their facility used for accessory retail sale purposes, subject to additional conditions being met. At the time of writing, City Council opted-in to allow retail cannabis stores within Mississauga. Staff note the Alcohol and Gaming Commission of Ontario (AGCO) is the Provincial body solely responsible for the licensing of recreational cannabis stores. While plant-based manufacturers will have the ability to incorporate a retail component, recreational cannabis producers will be subject and must adhere to the retail licensing requirements as imposed by the AGCO.

It is also noted that there are scattered Business Employment land use designated parcels located within the Neighbourhood Character Areas of Mississauga Official Plan (MOP). Manufacturing, warehousing, distributing, and wholesaling are permitted uses on lands designated for Business Employment in MOP. These isolated parcels are in proximity to residential uses and are often isolated from zones designated for Employment. As such, minor Zoning By-law amendments will be introduced to prohibit plant-based manufacturing industries within these isolated parcels to further ensure sensitive land uses remain separated.

Lastly, it is noted that Special Site 1 of the office-focused Airport Corporate Centre Character Area policies contained within MOP restricts the introduction of new manufacturing uses. Industries that grow and cultivate living organisms (including plants), for medical and non-

medical purposes, can often incorporate a science, technology, and research component. Staff are considering preparing a future report on the appropriate locations and potential impacts of these hybrid types of industries, particularly in light of *Bill 97, Helping Homebuyers, Protecting Tenants Act 2023*, which proposes to amend the definition for area of employment within the *Planning Act* to limit certain business and economic uses.

LICENSING CANNABIS

Federal Government

The regulations surrounding cannabis are stipulated under the Federal government's *Cannabis Act*, which contains the rules and standards related to the production, distribution, sale and possession of cannabis across Canada.

All cannabis producers, for medical or recreational purposes, are required to obtain a license issued by Health Canada to allow for various activities with cannabis including growing, selling, researching, and testing. To obtain a license from Health Canada applicants must submit detailed and extensive information regarding the operations and logistics of their facility including, but not limited to, the following:

- Confirmation that local government, fire authority, and police force have been notified about the proposed facility and its operations
- Physical security measures including site design to prevent unauthorized access, visual monitoring systems suited to locate both indoors and outdoors, intrusion detection systems operating at all times to detect attempts at unauthorized access or tampering with security systems
- Air filtration and ventilation systems that effectively prevent escape of odours outdoors and maintains air quality indoors, as well as procedures for their continued maintenance and upgrades as deemed necessary
- Documentation indicating the staff responsible for quality assurance meets technical knowledge, training and experience requirements, as well as all required security clearances
- Appropriate and secure means of removing and disposing of cannabis waste and materials

Although the Federal Government is responsible for cannabis production licensing, Health Canada license holders are expected to comply with relevant Municipal laws and by-laws, and municipalities still have the ability to introduce policy or regulatory options to respond to local interests and concerns.

Municipal Government

Currently, the City of Mississauga has a Medical Marihuana Licensing By-law 0057-2015, as amended (the "Medical Marihuana Licensing By-law") governing the licensing of medical cannabis production facilities. The intent for this licensing by-law is to provide the City with the

ability to track and monitor these facilities in the event that an emergency response by police and fire emergency services is required.

The materials required to be submitted as a part of the municipal licensing application complements the rules and regulations that are already in place by the Federal Government's licensing application requirements. The general licensing provisions that medical cannabis producers are subject to includes, but is not limited to, the following:

- A copy of a Health Canada license for all uses associated with the facility and its operations
- A Zoning certificate indicating the use for the site for which the application has been made under is permitted
- Inspection letters and/or reports certifying that an inspection has been conducted and is in compliance with the Ontario Building Code, Ontario Fire Code, and Ontario Electrical Safety Code
- Right of entry for Enforcement staff to inspect the premise during the term of the license period to ensure By-law compliance

Currently within the City of Mississauga, one facility is licensed and operating under the Medical Marihuana Licensing By-law. At the time of writing this report, there have been no complaints nor requests for inspection of this licensed facility.

Licensing Recreational Cannabis Producers in the City of Mississauga

The City of Mississauga does not have a licensing by-law enacted for recreational cannabis producers as the use is not currently permitted. However, with the introduction of 'Plant-Based Manufacturing Facility' within the Zoning By-law, recreational cannabis producers will be permitted to locate and operate within the City.

As noted above, the City of Mississauga's licensing requirements for medical cannabis producers complement licensing requirements of the Federal Government. As well as ensuring the facilities are in compliance with the relevant safety codes, applicants must ensure the land use and associated operations for a site are permitted. As such, the Compliance and Licensing Enforcement Division are undertaking a review of the existing Medical Marihuana Licensing By-law and exploring options for potentially incorporating licensing requirements for recreational cannabis producers.

PUBLIC COMMENTS RESPONSE

At the public meeting held by the Planning and Development Committee on November 21, 2022, a member of the public raised concerns about the potential for light and odour pollution coming from plant-based manufacturing industries, specifically from recreational cannabis producers.

As mentioned above, in order to mitigate and control for odour, Health Canada has odour control requirements that must be met by licensed holders for the indoor commercial production of cannabis.

Light pollution would likely only be a concern with a greenhouse type structure. However, growing within a greenhouse limits the ability to precisely control for variables to optimize plant growth. This variability in growing conditions would necessitate an increased need for monitoring and response, leading to additional capital and operating costs. As such, the likelihood that these industries would choose to operate within greenhouses is considered to be relatively low. In addition, Site Plan Control applies to some Employment zones, and light pollution may be mitigated through that process.

Planning Analysis Summary

A detailed Planning Analysis of the applicable land use policies and regulations can be found in Appendix 2.

LAND USE POLICIES AND REGULATIONS

The *Provincial Policy Statement (PPS)* establishes the overall policy directions on matters of provincial interest related to land use planning and development within Ontario. It sets out province-wide direction on matters related to the efficient use and management of land and infrastructure; the provision of housing; the protection of the environment, resources and water; and, economic development.

The *Growth Plan for the Greater Golden Horseshoe (Growth Plan)* builds upon the policy framework established by the PPS and provides more specific land use planning policies, which support the achievement of complete communities, a thriving economy, a clean and healthy environment and social equity. The Growth Plan establishes minimum intensification targets and requires municipalities to direct growth to existing built-up areas and strategic growth areas to make efficient use of land, infrastructure and transit.

The *Planning Act* requires that municipalities' decisions regarding planning matters be consistent with the *Provincial Policy Statement (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.

The proposed Zoning By-law amendments are consistent with the *Provincial Policy Statement* and conforms to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan.

Financial Impact

There is no financial impact.

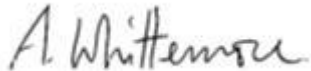
Conclusion

Urban agriculture can comprise of a wide range of food and plant growing initiatives that can span a variety of settings and scales. The City plays an important role in creating a policy framework that works to encourage and enable urban agriculture by removing barriers. Allowing plant-based manufacturers within the City advances these goals, while also supporting the City's goals of encouraging a diverse mix of employment uses and economic activities and improving the agri-food network.

In summary, the proposed Zoning By-law amendments are acceptable from a planning standpoint and should be approved.

Attachments

- Appendix 1: Information Report
- Appendix 2: Detailed Planning Analysis
- Appendix 3: Proposed Zoning By-law Amendments



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