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**File: Z-8513**  
**Planner: L. Maitland**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>MUSHROOM FARM ZONING REVIEW APPLICATION BY: CITY OF LONDON PUBLIC PARTICIPATION MEETING ON _____</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of City of London:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on \_\_\_\_\_ to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to:
- i) Add a definition for "Mushroom Farm" to Section 2 – Definitions;
  - ii) Add "Mushroom Farm" as a permitted use to the AG2 zone variation in Section 45.2; and,
  - iii) Amend regulations in Section 45.3 which apply to "Mushroom Farm".

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the requested Zoning By-law amendment is to provide modified regulations regarding mushroom farms. The proposed zoning by-law amendments would add a definition for "Mushroom Farm"; add "Mushroom Farm" to the list of permitted uses in the AG2 zone variation; and, amend the regulations applying to mushroom farms.

<b>RATIONALE</b>
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- The Provincial Policy Statement (2014) calls for the promotion of support of all normal farm practices within prime agricultural areas.
- The Official Plan supports a healthy, diverse and financially viable agricultural sector of the local economy.
- Mushroom farms constitute a distinct agricultural use
- Regulations proposed through the attached zoning by-law amendment address the unique impacts of mushroom farms.

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<b>Date Application Accepted:</b> August 4, 2015	<b>Agent:</b> N/A
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**PLANNING HISTORY**

None.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

London Hydro: London Hydro has no objection to this proposal or possible official plan and/or zoning amendment.

UTRCA: While we have no concerns re the application, if a mushroom farm is located within an area that is regulated by the UTRCA, the landowner may be required to obtain written approval from the Authority prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

<b>PUBLIC LIAISON:</b>	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on August 20, 2015	No responses
<p><b>Nature of Liaison:</b> City-wide Mushroom Farm Zoning Review – The purpose and effect of this zoning review is to amend regulations relating to mushroom farms. Possible changes to Section 45.3 of Zoning By-law Z.-1 to amend the specific regulations regarding setbacks to adjacent residential uses for mushroom farm uses. Possible changes to Section 45.2 of Zoning By-law Z.-1 to add mushroom farms as a permitted use within the appropriate zone variation. Possible changes to Section 2 of Zoning By-law Z.-1 to add a definition for mushroom farms. File: Z-8513 Planner: L. Maitland.</p>		
<b>Responses:</b> None		

**ANALYSIS**

The issue of mushroom farm regulations arose from a planning inquiry regarding the possible development of a mushroom farm. Through

**Provincial Policy Statement 2014**

The Provincial Policy Statement (PPS) 2014 provides guidance on the permitted uses in prime agricultural areas. The definition for agricultural uses provided through the PPS 2014 includes “the growing of crops, including nursery, biomass and horticultural crops ... for food, fur or fibre ... and associated on-farm buildings.” This definition clearly accounts for the large scale greenhouse operation as an agricultural use. Policy 2.3.3.2 of the PPS 2014 specifically directs that “in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards”. Provincial policy provides clear direction supporting the continued permission of mushroom farms within London’s agricultural area.

**The Official Plan**

Chapter 9 of the Official Plan speaks to the intention for the City’s Agriculture designation.

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Mushroom Farms meet a number of the objectives set out in 9.11 of the Official Plan. As an element of the agricultural economy they “promote and support a healthy and productive agricultural industry,” in accordance with objective ii. Mushroom farms, through their development, “support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership,” in accordance with objective iv.

Section 9.2.1 speaks to permitted uses within the Agriculture designation. Permitted uses include the ‘full range of farming types ... including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research’. Mushroom Farms can be understood as accounted for by the list and supported without amendment to the Official Plan.

**Other Municipal Approaches**

The methods other municipalities have used to address mushroom farms differ significantly though all but one rely on setback requirements for the mushroom farm. The Town of Lakeshore’s are very much similar to London’s only using the farm rather than lot lines as the point of origin for measuring setbacks.

<b>Municipality</b>	<b>Regulations specific to mushroom farms</b>
City of Hamilton	30m setback from all lot lines
County of Brant	60m front yard setback 40m exterior side yard setback 30m rear and interior side yard setback
Municipality of Thames Centre	50m setback from all lot lines 300m from nearest dwelling, institutional zone or hamlet zone 500m from nearest settlement area 150m from nearest watercourse
Township of Malahide	60m from all lot lines 200m from nearest dwelling
Town of Kingsville	500m from any existing dwelling
Town of Lakeshore	60m front yard, 30m all other yards 150m from any dwelling located on another lot
Town of Amherstburg	Building requirements for manure storage (must be of concrete or steel and be of minimum size)

The other municipals approaches uses either extended (relative to other agricultural uses) yard setbacks and/or setbacks to sensitive use zones. The logic for these setbacks is, that despite using animal waste, mushroom farms are not subject to the Minimum Distance Separation formulae and therefore a setback approach to mitigate odor is bet inserted into the zoning by-law. An approach for London should clearly continue to rely on setback regulations to address the impacts arising from the mushroom farm use.

**Zoning By-law**

Two issues are central to addressing the mushroom farm use within the Zoning By-law Z.-1:

- The need for a specific definition for Mushroom Farm; and,
- Addressing mushroom farm impacts through the use of an appropriate setback regulation.

**Definitions**

The Zoning By-law currently contains no definition for a mushroom farm. Mushrooms are mentioned within the definitions for Agricultural Use and Intensive Agricultural Use. The definitions read:

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"AGRICULTURAL USE" shall mean the use of land, buildings or structures for; the tillage of soil, growing and harvesting of vegetables, fruits, field crops, **mushrooms**, berries, trees, flowers or landscaping materials; the grazing, breeding, raising, boarding or training of all kinds of livestock and poultry including but not limited to cattle, swine, sheep, deer, goats, rabbits, poultry, horses, ponies, donkeys, mules and fur bearing animals; aquaculture; apiaries; the erection and use of greenhouses, vine crops, woodlots and forest tree uses; and the packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture. (Z.-1051390)

"AGRICULTURAL USE, NON-INTENSIVE" means an area of land with or without accessory buildings or structures which is used primarily for the tillage of soil, growing and harvesting of vegetables, fruits, field crops, **mushrooms**, berries, trees, flowers or landscaping materials; the erection and use of greenhouses, woodlots and forest tree uses; the packing, treating, storing, and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture excluding "Agricultural Uses, Intensive" as specified herein.

The definitions above, though mentioning mushrooms, do not contain "mushroom farm" within the definition. Meanwhile section 45.3, 7) provides regulations for "Mushroom Farms" a use currently without definition. To address this a new definition is proposed to describe the mushroom farm use for which the regulations under 45.3, 7) shall apply. The new definition would read:

"MUSHROOM FARM" means a building or structure used for the growing of mushrooms in a climatically controlled environment.

**Permitted Locations**

Currently the specific use Mushroom Farm is not explicitly permitted in any zone variation. Mushrooms farms as a use, generate odor impacts not unlike the "Compost Facility" use and "Manure Storage" use. Both of these uses are limited to the AG2 zone variation, a zone variation intended for agricultural uses with odor impacts. It is proposed that the newly defined "Mushroom Farm" use is added to the list of permitted uses within the AG2 zone variation. This selection will also limit the possible location for mushroom farms to locate as of right to those which are currently zoned to permit uses with similar impacts.

**Regulations**

The Zoning By-law Z.-1 currently contains within the Agriculture Zone specific regulations for Mushroom Farms. The current regulations read:

*7) MUSHROOM FARMS*

*Notwithstanding Table 45.3, the following additional regulations apply to mushroom farms:*

- a) The front yard depth shall be 60m (200 ft.);*
- b) No dwelling shall be permitted within a distance of 150m (492 ft.) of any lot line of a mushroom farm, provided that such distance may be reduced to 90m (295 ft.) if and only so long as the mushroom farm is operated exclusively on the basis of a non-odorous dry compost system.*
- c) No stockpiles of waste, manure, fertilizers or compost shall be permitted within a distance of 30m (98 ft.) of any lot line of a mushroom farm.*

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The regulations currently set a greater distance (150m from lot lines) for the growing operation than (30m from lot lines) for stockpiles of waste, manure, fertilizers or compost. The proposed regulations need to address that it is in fact the waste, manure, fertilizers or compost which produce the odor impacts requiring mitigation.

The central impact requiring addressing with mushroom farms is odor. The impacts arise from the stockpiles of waste, manure, fertilizer and/or compost. The larger setback therefore should be set for these uses reflecting the policy of the Minimum Separation Distance formulae used with livestock operations. Also switching from a lot line to a use setback better promotes agricultural development whilst still maintaining the necessary mitigation measures accomplished through a setback regulation.

The existing regulation also contains a provision for a reduced setback where a “mushroom farm is operated exclusively on the basis of a non-odorous dry compost system”. In the proposed regulations below this has been removed. As mushroom farms change owners or supply chains vary ensuring a “non-odorous” growing medium is maintained would be unfeasible to enforce. Therefore ensuring the development does not create adverse impacts can be better accomplished by assuming an odorous growing medium and utilizing regulations developed upon that assumption.

The proposed new regulations would read (note part ‘a’, does not change):

**7) MUSHROOM FARMS**

*Notwithstanding Table 45.3, the following additional regulations apply to mushroom farms:*

- a) *The front yard depth shall be 60m (200 ft.);*
- b) *No dwelling shall be permitted within a distance of 150m of any part of a mushroom farm designed for waste, manure, fertilizers or compost, either as part of a growing medium or in a stockpile pre- or post- use in the mushroom growing process.*

The current regulation ‘c’ which sets the three non-front yard setbacks at 30m can be removed as the addition of the mushroom farm use to the AG2 zone variation, which includes a 30m setback for those yards, achieves this end.

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<b>CONCLUSION</b>
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Mushroom Farms are an agricultural use and one that should be permitted within the prime agricultural areas of London. The proposed amendments ensure that mushroom farms are permitted in the appropriate locations and fit with adjacent uses. The accompanying regulations ensure that mushroom farms which do locate in London are able to do so without impeding the residential use of land in the surrounding area.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>LEIF MAITLAND PLANNER I, LONG RANGE PLANNING AND RESEARCH</b>	<b>GREGG BARRETT, AICP MANAGER, LONG RANGE PLANNING AND RESEARCH</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

August 21, 2015  
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Appendix A: Zoning By-law Amendment

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**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2015

By-law No. Z.-1-15\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to amend the regulations related to mushroom farms.

WHEREAS the City of London has conducted a review of the zoning regulations for mushroom farms;

AND WHEREAS this zoning by-law amendment conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1) Section Number 2 "Definitions" is amended by adding the following new definition in the appropriate alphabetical location:

"MUSHROOM FARM" means a building or structure used for the growing of mushrooms in a climatically controlled environment.

2) Section Number 45.2 "Permitted Uses" is amended to add "Mushroom Farm" to the list of permitted uses in the AG2 zone variation.

3) Section Number 45.3 "Regulations" subsection 7) "Mushroom Farms" is amended by deleting b) and c) in their entirety and replacing them with:

b) No dwelling shall be permitted within a distance of 150m of any part of a mushroom farm designed for waste, manure, fertilizers or compost, either as part of a growing medium or in a stockpile pre- or post- use in the mushroom growing process.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on \_\_\_\_\_.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - \_\_\_\_\_  
Second Reading - \_\_\_\_\_  
Third Reading - \_\_\_\_\_