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File: Z-8513
Planner: L. Maitland

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	MUSHROOM FARM ZONING REVIEW APPLICATION BY: CITY OF LONDON MEETING ON JANUARY 23, 2017

RECOMMENDATION

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 January 31, 2017 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) Amend the definition for "Agricultural Use, Intensive" to include the "Mushroom Farm" use in Section 2 – Definitions;
 - iii) Add "Mushroom Farm" as a permitted use to the AG2 zone variation in Section 45.2; and,
 - iv) Amend regulations in Section 45.3 which apply to "Mushroom Farms".

IT BEING NOTED that this matter was previously considered by the Planning and Environment Committee on April 25, 2016, and the By-law was withheld pending the granting of a building permit for the property located at 6188 Colonel Talbot Road

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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April 25, 2016 Planning and Environment Committee – Mushroom Farm Zoning Review

March 7, 2016 Planning and Environment Committee – Mushroom Farm Zoning Review

September 28, 2015 Committee of Adjustment – Minor Variance Application by: London Valley III Inc. for 6188 Colonel Talbot Road

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the requested Zoning By-law amendment is to provide a definition and regulations for 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.

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RATIONALE

- The Provincial Policy Statement (2014) promotes and supports 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.

CHANGES TO REGULATIONS

Minor Variance Application at 6188 Colonel Talbot Road

In September 2015 a minor variance with conditions was granted to allow for a mushroom farm on the property located at 6188 Colonel Talbot Road. The minor variance applied to the setback from the property line, as set out in the current regulations to permit a hydroponic mushroom farm. The property-line setback requirement to which the minor variance was granted will be removed under this proposed by-law amendment and a new setback regulation will be put in place to provide a setback from the mushroom farm operation itself. The conditions of the minor variance included requirements that: cultivation, fertilizing and composting all with regards to mushroom farming, are to be done within the permitted building; and, that no outdoor storage of compost fertilizer shall be permitted in conjunction with the proposed indoor hydroponic mushroom farm.

April 25, 2016 PEC meeting

The Committee member’s and community’s concerns regarding the proposed amendment at the April 25, 2016 meeting of PEC focused a proposed exemption for 6188 Colonel Talbot from the setbacks described in the amendment’s proposed new setback regulations. Both PEC and the community required assurances that the conditions developed through the minor variance process to allow for a non-odorous hydroponic mushroom farm would remain on the property.

The by-law presented at the April 25, 2016 Planning and Environment Committee meeting contemplated an exemption for 6188 Colonel Talbot Road from the proposed setback regulations given the minor variance from the existing setbacks that had recently been granted and the new setback regulations proposed would not permit the proposed mushroom farm as described during the application for the approved minor variance. Those speaking to the subject indicated that though none wished to prevent the proposed hydroponic mushroom farm, they were concerned with the possibility of a future mushroom farm development which may be significantly more odiferous locating on the site and taking advantage of the setback exemption. To address this, Municipal Council, at its meeting held on May 4, 2016 resolved:

That, the following actions be taken with respect to the application of City of London, relating to the Mushroom Farm Zoning Review, to provide a definition and regulations regarding mushroom farms:

- a) *the Mushroom Farm Zoning Review BE REFERRED back to the Civic Administration to report back at a future meeting of the Planning and Environment Committee for further amendments to the proposed by-law; and,*
- b) *pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice BE GIVEN as the amendments are minor in nature and were in accordance with the public notice;*

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The proposed exemption has been removed in the proposed regulations provided with this report. As the mushroom farm has been granted a building permit, it is therefore considered to be legally established making the previously proposed exemption unnecessary.

Proposed Regulations

The regulations currently within the Zoning By-law address the issues of mushroom farm impacts through the use of a setback measured from the property line of the property on which a mushroom farm is located (It was the property-line based setback to which the minor variance received for 6188 Colonel Talbot Road apply). The current regulations also provide a modified setback for a “non-odorous dry compost system” which is to be removed in accordance with the analysis presented in the March 7, 2016 report.

The setback provided for in the regulations recommended is measured from the mushroom farm operation, not the property on which it is located (as is the case with the current regulations). Additional changes to the by-law include the addition of a definition for “Mushroom Farm” and the addition of Mushroom Farm to the list of permitted uses in the appropriate zone variation as explained in the March 7, 2016 report.

The recommended regulations provide for a 500m setback for residential zones, neighbourhood facility and community facility zones and provide for a 300m setback to other neighbouring dwellings.

The recommended new regulations would read:

- a) The front yard depth shall be 60m (200 ft.);
- b) *The minimum distance between a Mushroom Farm and a dwelling on a separate lot shall be 300m.*
- c) *The minimum distance between a Mushroom Farm and a Residential Zone, Community Facility (CF) Zone or Neighbourhood Facility (NF) Zone shall be 500m.*

The previous section ‘d’, which would grant an exemption to the property located at 6188 Colonel Talbot Road has been removed as directed by Municipal Council, and as a building permit has been granted for the facility, these new regulations can now be brought forward.

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CONCLUSION

Mushroom Farms are a distinct agricultural use and one that should be encouraged within the prime agricultural areas of London. The proposed amendments ensure that mushroom farms are permitted in the appropriate locations. The recommended regulations provide for appropriate setbacks to minimize the potential impacts of mushroom farms on adjacent properties throughout the agricultural area of the city.

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

December 22, 2016

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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)
2017

By-law No. Z.-1-17_____

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

WHEREAS The Corporation of 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 including any associated stockpiles and shall include all parts of the operation designed for waste, manure, fertilizers or compost, either as part of a growing medium, or pre- or post- use in the mushroom growing process.

- 2) Section Number 2 "Definitions" is amended by deleting the existing definition for "Agriculture Use, Intensive" and replacing it with the following new definition in the appropriate alphabetical location:

"AGRICULTURAL USE, INTENSIVE" means an agricultural use where animals or birds are kept for grazing, breeding, raising, boarding, or training of livestock of all kinds including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules, and fur bearing animals. Agricultural uses for which manure and/or compost are an essential part of the operation, including but not limited to, Compost Facilities, Manure Storage Facilities and Mushroom Farms shall be considered an intensive agricultural use.

- 3) Section Number 45.2 "Permitted Uses" is amended by adding the following permitted use to the AG2 Zone variation:

_) Mushroom Farm

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- 4) Section Number 45.3 “Regulations” subsection 7) “Mushroom Farms” is amended by deleting b) and c) in their entirety and replacing them with:
- b) The minimum distance between a Mushroom Farm and a dwelling on a separate lot shall be 300m.
 - c) The minimum distance between a Mushroom Farm and a Residential Zone, Community Facility (CF) Zone or Neighbourhood Facility (NF) Zone shall be 500m.

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 January 31, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - January 31, 2017
Second Reading - January 31, 2017
Third Reading - January 31, 2017