

Limited Non-Residential Uses

In *prime agricultural areas*, limited non-residential uses are uses that include commercial, industrial, institutional or recreational uses but exclude residential uses. These uses may only be considered in *prime agricultural areas* if other locations are unavailable and if they meet the tests of PPS Policy 2.3.6.1 b).

Limited non-residential uses must be limited in area based on the land area that would no longer be available to agriculture. The term "limited" also suggests that the use may be a single use rather than an assembly of uses. For example, a proposed single industrial use occupying a small footprint that meets all other requirements under PPS Policy 2.3.6.1 b) may be acceptable, while an industrial park would not be.

3.2.2 Demonstration of Need

PPS Policy 2.3.6.1 b) 3 states that need for land to accommodate the non-residential use must be justified "within the planning horizon provided for in Policy 1.1.2." (i.e., over a time horizon of up to 20 years unless an alternate time period has been established). Non-agricultural uses are not permitted in *prime agricultural areas* if the need for land to accommodate the use within the planning horizon cannot be appropriately demonstrated. In *prime agricultural areas*, only the minimal amount of land to accommodate the use should be considered.

Identification of need for a proposed limited non-agricultural use requires appropriate justification which is usually provided through a planning report and justification study. The scope of this study depends on the proposed use and starts by identifying the specific geographic market or service area for the proposed use. It usually includes information on and analysis of:

- the demand for the product or service
- an inventory of current suppliers/competitors
- how much of the current and future projected demand is met within a given market or service area
- distance to markets or clients
- economic impacts of the proposed use
- a preliminary assessment of the potential impacts on agricultural operations in the area

3.2.3 Alternative Locations

Under Policy 2.3.6.1 b) of the PPS, evaluation of reasonable alternative locations for limited non-agricultural uses is mandatory. Based on PPS policy 2.3.6.1 b), applicants must first look to lands outside *prime agricultural areas*.

The geographic area within which to identify alternative sites varies with the use. Alternative sites must be considered within the entire market area/service area for the use. For example, OMAFRA, in consultation with other parties, has determined that an application for a new golf course should consider alternative locations within a 1-hour driving distance of the target golfing population, roughly a distance of 50–60 km. This is the distance golfers are usually willing to drive for an 18-hole golf game (Royal Canadian Golf Association, 2006). The distance may be greater for an exclusive golf course.

Arguing that applicants own only one site, or that sites in *settlement areas* are unaffordable for the proposed use, are insufficient reasons and should not be considered adequate justification.

Likewise, to identify alternative locations for a church, proponents must first look at sites within *settlement areas* and on *rural lands* within the geographic area to be served. If no reasonable alternative locations are available in these areas, lower-priority areas within *prime agricultural areas* can be identified and evaluated.

The service area for non-agricultural uses in a community that relies on horse-drawn vehicles for transportation is smaller than for uses that cater to customers using cars or trucks. Proponents of non-agricultural uses in communities relying on horse-drawn vehicles would need to consider sites within the service area in *settlement areas*, on *rural lands* and on lower priority agricultural lands, in that order of priority.

To identify lower-priority agricultural lands within *prime agricultural areas*, proponents must analyze the factors discussed in Section 3.1.2, such as official plan designation, CLI class and current use of the land. Depending on the scale of the proposed non-agricultural use, the analysis of location alternatives may need to be more detailed and site-specific than for new *settlement areas*. For example, CLI mapping at 1:10,000 or 1:8,000 may be required.

Depending on local circumstances, sites with a previous non-agricultural use may be considered lower-priority agricultural areas for the purpose of identifying alternative locations. Adaptive reuse of sites with commercial or industrial zoning could be suitable and would avoid *greenfield development*. Significantly-disturbed sites that cannot be returned to an *agricultural use* could be considered lower-priority areas. Sites historically approved for non-agricultural uses that have never been developed cannot be considered lower-priority land — they remain as agricultural lands.

3.2.4 Impact Mitigation

PPS Policy 2.3.6.2 requires the impacts of new or expanding non-agricultural uses in *prime agricultural areas* on surrounding agricultural operations to be mitigated to the extent feasible. Depending on the use, non-agricultural uses in *prime agricultural areas* may trigger the need to consider the types of mitigation identified in Section 3.1.3. Impact mitigation for small-scale, non-agricultural uses that do not significantly conflict with agriculture may require a localized approach (e.g., dust suppression, fencing, appropriate lighting, etc.). Large-scale uses that could significantly conflict with agriculture would require more extensive mitigation measures. Guidance on satisfying the “to the extent feasible” requirement is also provided in Section 3.1.3.

PPS Policy 2.3.6.2

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

Identification of mitigation measures should be followed by an assessment of net impacts, assuming the proposed mitigation measures are in place. The preferred location for non-agricultural uses in *prime agricultural areas* would be on lower-priority land where there is minimal net impact on surrounding agricultural operations.