

To:	Warden Matrosovs and Members of Grey County Council
Committee Date:	May 22, 2025
Subject / Report No:	PDR-CW-28-25
Title:	Final Report on County Official Plan Amendment 25 – Thornbury Acres
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Town of The Blue Mountains

Recommendation

1. That report PDR-CW-28-25 be received; and
2. That all written and oral submissions on Official Plan Amendment Number 25 were considered and helped to make an informed recommendation and decision; and
3. That proposed County Official Plan Amendment number 25 to permit the redesignation of lands designated 'Rural', 'Special Agricultural', and 'Hazard Lands' to the 'Rural', 'Special Agricultural with Exceptions' and 'Hazard Lands' designations on lands legally described as Part of Lot 27, Concession 8, in the geographic Township of Collingwood, now in the Town of The Blue Mountains be supported, and a by-law to adopt the County Official Plan Amendment be prepared for consideration by County Council.

Executive Summary

The County has processed an official plan amendment application (referred to as OPA 25) to add an exception to the 'Special Agricultural' designation, to permit agricultural uses in concert with a residential farm co-operative (RFC) proposed on the abutting Rural lands. This amendment is proposed as part of the Thornbury Acres development, which now includes a proposed RFC consisting of 31 residential units, agricultural uses, and recreational uses. Other applications submitted as part of the Thornbury Acres development are currently under appeal to the Ontario Land Tribunal (OLT).

As part of the appeals process, the County, Town, and developer undertook mediation through the Ontario Land Tribunal (OLT). Following a series of mediation sessions the developer revised their development plans as follows:

- 1) to reduce the number of residential units from 37 to 31 units,
- 2) to change location and layout of several of the proposed residential units,

- 3) to move the location of the stormwater management facilities out of the Special Agricultural lands,
- 4) to remove the proposed entrance onto Grey Road 2, and
- 5) to preserve more woodlands in the southeastern portion of the site.

The submission of OPA 25 was an outcome of the mediation sessions. Staff would however note, that while all parties engaged in mediation, there is not currently an agreed upon settlement in place. Furthermore, at the time of writing this report, this revised development proposal has not yet been considered by the Council of the Town of The Blue Mountains. The Town has not commented on OPA 25.

OPA 25 would not approve the revised development plans, rather it only proposes an exception to the Special Agricultural designation, to permit them to be used in concert with a RFC. The subject lands are approximately 61 hectares in size, of which the OPA only applies to the lands designated Special Agricultural that are approximately 9.8 hectares in size. The lands designated 'Rural' and 'Hazard Lands' on-site are not being amended through OPA 25.

Staff are recommending that OPA 25 be supported, and that a by-law be prepared for consideration by County Council.

Background and Discussion

Grey County has processed the OPA 25 application which seeks to amend the County Official Plan to apply a site-specific exception to the Special Agricultural designation. The requested exception would allow for the lands designated Special Agricultural to be used in concert with a proposed RFC on the abutting lands designated as Rural. This exception would permit such lands to be used for agricultural uses as part of the RFC, but would not allow residential unit creation or related infrastructure (e.g., stormwater management pond) on the Special Agricultural lands (i.e., the residential components would be limited to the abutting Rural lands). The existing Rural and Hazard Lands designations on the subject lands would not change.

This proposed development known as the Thornbury Acres development encompasses lands designated as Rural, Special Agricultural, and Hazard Lands. However, OPA 25 would only apply to the lands designated as Special Agricultural. Portions of the subject lands also contain pockets of Intake Protection Zone and Significant Woodlands, as mapped on Appendices A and B to the County Plan respectively.

Thornbury Acres has also previously applied for a plan of condominium, Town official plan amendment, and zoning by-law amendment to permit a RFC on the subject lands. These three planning applications have been appealed to the OLT. The original applications under appeal to the OLT proposed 37 residential units, agricultural uses, condominium roads, and recreational uses.

Following the appeals, the developer, Town, and County undertook a series of mediation sessions through the OLT. Following the mediation sessions, the developer revised their development plans as follows:

- 1) to reduce the number of residential units from 37 to 31 units,
- 2) to change location and layout of several of the proposed residential units,

- 3) to move the location of the stormwater management facilities out of the Special Agricultural designation,
- 4) to remove the proposed entrance onto Grey Road 2, and
- 5) to preserve more woodlands in the southeast corner of the subject lands.

The submission of OPA 25 was an outcome of the mediation.

Although the above-noted revisions stem from the mediation, at the time of writing this report, the revised proposal had not yet been considered by Town of The Blue Mountains Council. The Town has not commented on OPA 25.

This report will focus on OPA 25 rather than the revised development plans, or the potential for a contested hearing or settlement on the applications presently before the OLT. Currently there is a two-week hearing scheduled to commence on July 7, 2025. The above-noted references to the revised development plans and the mediation are for reference purposes only.

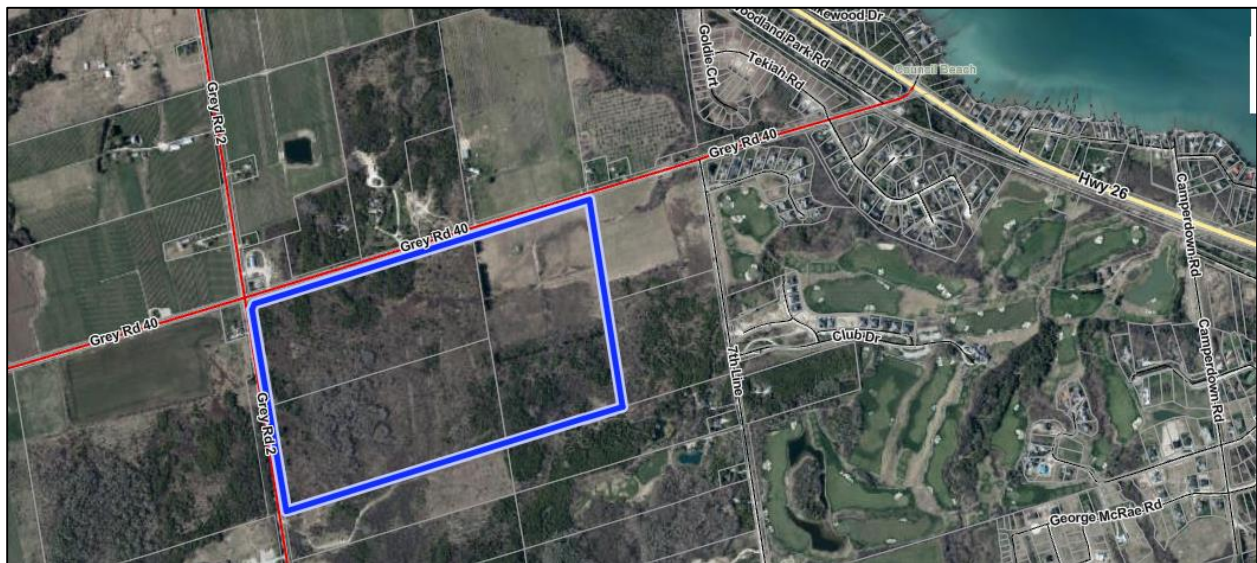
The subject lands are approximately 61 hectares in size, of which the Special Agricultural Lands are approximately 9.8 hectares in size. This site is located south of Thornbury, at the southeast corner of the intersection of Grey Road 2 and Grey Road 4. The lands are legally described as Part of Lot 27, Concession 8, in the geographic Township of Collingwood, now in the Town of The Blue Mountains. Thornbury Acres is proposed to be serviced via individual wells and septic systems and gain access off internal private condominium roads, connecting to Grey Road 40.

Surrounding land uses include agricultural uses, a cannabis growing facility, residential uses, a golf course, and space extensive commercial/industrial uses.

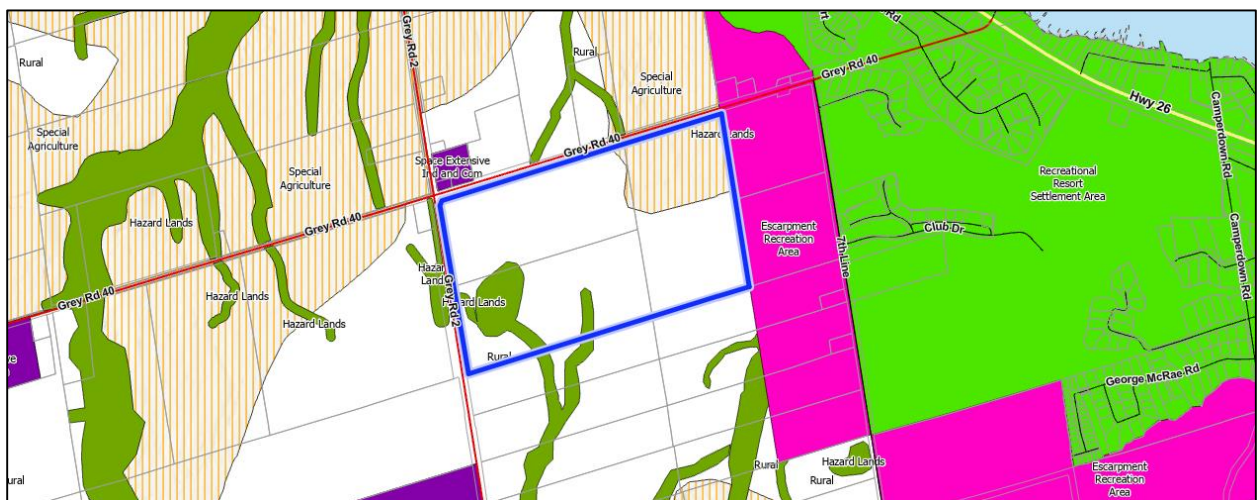
Several studies have been undertaken to support initial applications. With the current OPA 25 application, only a Planning Justification Report was required. Copies of all background reports and plans can be found on the [County of Grey website](#).

Map 1 below shows the Thornbury Acres lands outlined in blue and surrounding area, while map 2 shows the current County Official Plan land use designations for the area. Maps 3 and 4 show the original 37-unit and the new 31-unit development proposals.

Map 1: Air photo of the Thornbury Acres Lands and Surrounding Area



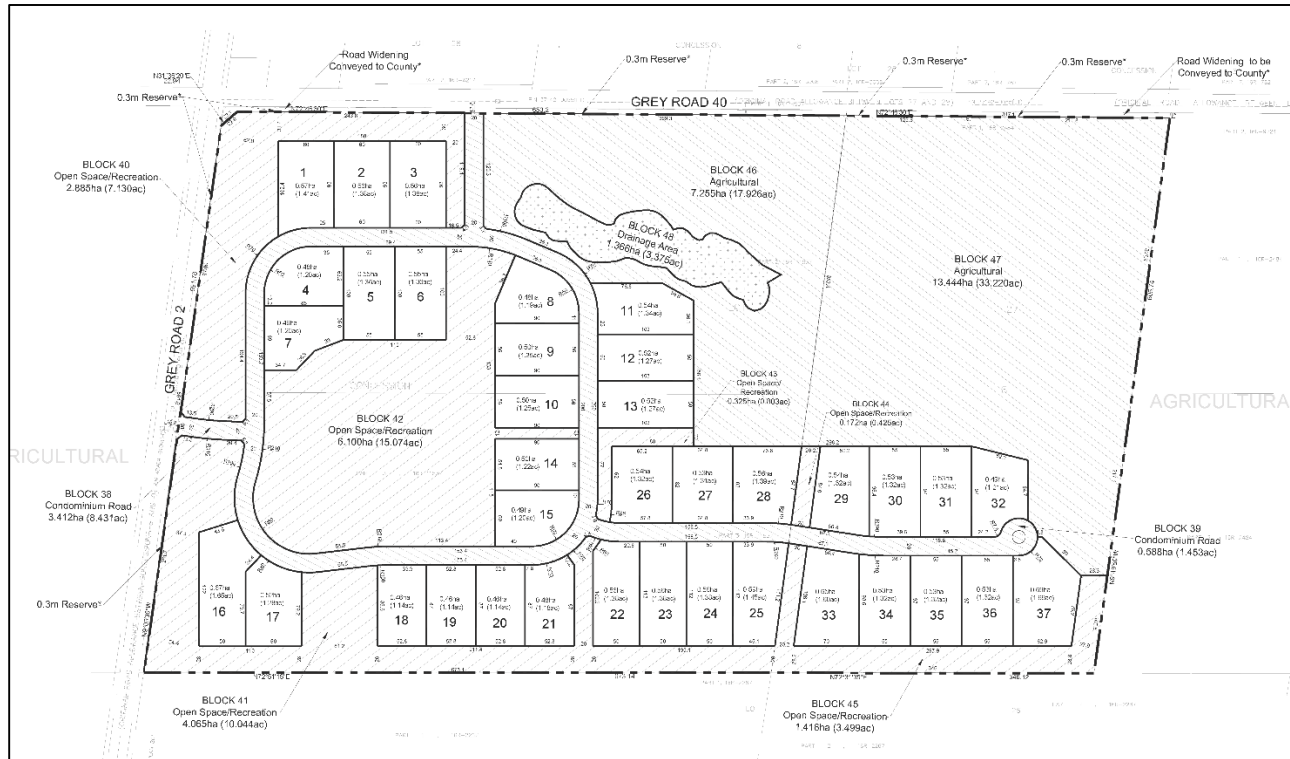
Map 2: County Official Plan Land Use Designations of the Subject Lands and Surrounding Area



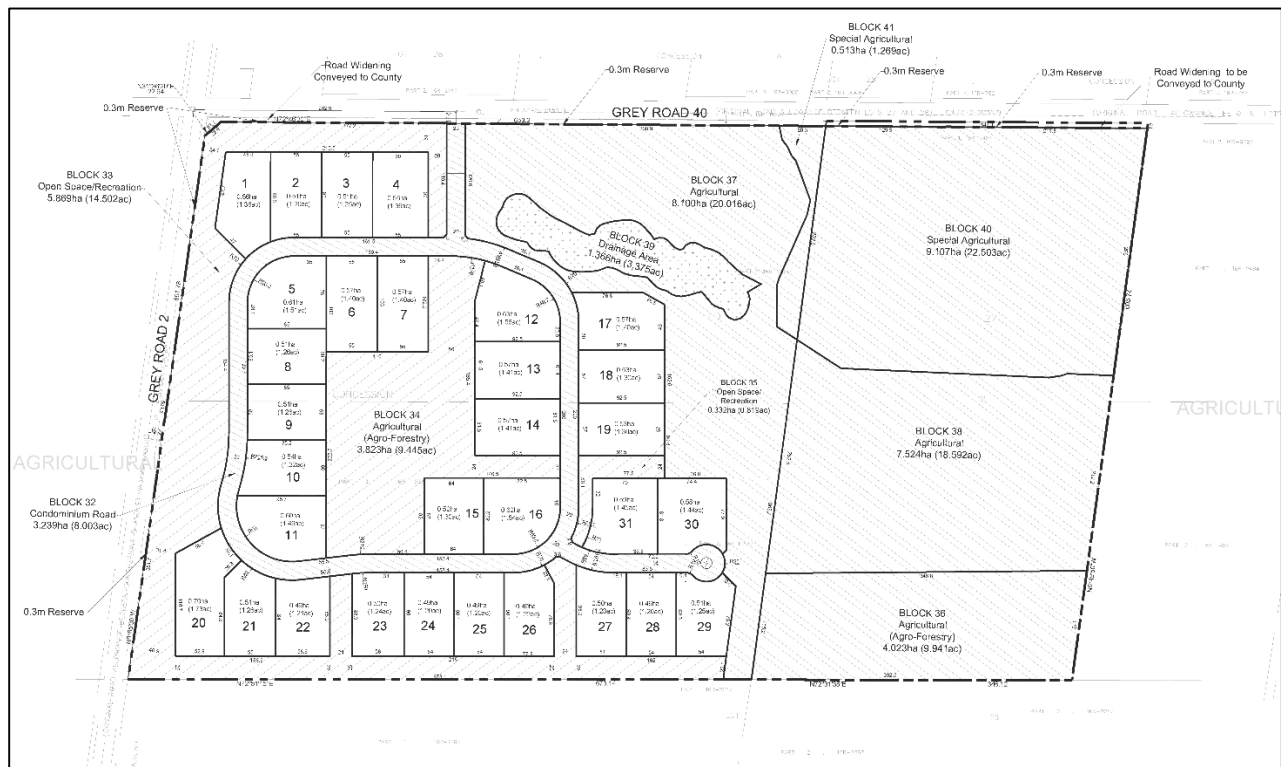
Within map 2 above the following land use designations are shown:

- Rural = white,
- Hazard Lands = darker green,
- Special Agricultural = orange and white cross hatching,
- Escarpment Recreation Area = pink,
- Recreational Resort Settlement Area = bright green, and
- Space Extensive Industrial and Commercial = purple.

Map 3: Original 37-Unit Draft Plan of Condominium Proposal



Map 4: Revised 31-Unit Draft Plan of Condominium Proposal



Public/Agency Comments Received

As part of the development application process, County staff received comments on the proposed development. Correspondence was received from the following agencies:

- Enbridge Gas,
- Grey Sauble Conservation Authority (GSCA),
- Historic Saugeen Metis, and
- Niagara Escarpment Commission (NEC).

None of the above-listed agencies had any concerns with OPA 25. Some of the agencies did provide comments and conditions to be included with the draft plan of condominium (if approved).

Through written submissions, and oral submissions made at the public meeting, staff received comments from the following members of the public.

- Randy McLeod,
- Tom Morrissey,
- Kelsey Wilding-Davies, and
- Jacqueline Van Strien.

A link to the public meeting minutes is included in the Attachments section of this report. A brief summary of the concerns raised by the public is as follows:

- the number of residential units, as well as the size and scale of the development,
- whether the agricultural production on-site warrants the need for this amount of housing,
- whether the County policies requiring 'a minimum of 60% of the original land holding will remain available for active primary agricultural or recreational use' have been addressed,
- lack of understanding this development demonstrates about agriculture and modern farm practises,
- lack of current agricultural production on-site,
- fragmentation/loss of farmlands,
- whether such a development would be precedent-setting, and
- impacts on neighbours including neighbouring farms.

Staff would note that some of the above comments relate more directly to other development applications before the OLT versus what is being proposed via OPA 25. Staff would further note that the above-noted comments were submitted prior to the developer publicly sharing the revised 31-unit proposed development and were commenting on the 37-unit proposal. The applicant's planner has prepared a response matrix to the public comments received, which is linked to in the Attachments section of this report.

Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard for matters of provincial Interest under the *Planning Act*, be consistent with the Provincial Planning Statement (PPS) 2024, and conform to any provincial plans that govern the subject lands. The

Niagara Escarpment Plan does not apply to the subject lands. The Town of The Blue Mountains Official Plan is also in effect for the subject lands. However as per above, there is currently a Town OPA before the OLT which proposes to amend the Town's Plan.

Planning Act

Section 2 of the *Planning Act* outlines matters of provincial interest which planning authorities must have regard for. Amongst other considerations, the *Planning Act* speaks to the need to have regard for (a) the protection of ecological systems; (b) the protection of agricultural resources; and (p) the appropriate location of growth and development. Staff comments on each of these matters are provided below.

(a) the protection of ecological systems

The County Official Plan does not map any significant natural heritage features in the designated Special Agricultural lands which are the subject of OPA 25. There was an Environmental Impact Study (EIS) completed for this development which found Butternut trees along fence-lines in portions of the Special Agricultural lands. Butternut trees are an endangered species in Ontario. Some of these trees are reported to be healthy, while others are infected with the Butternut canker. Whether OPA 25 is approved or not, agricultural uses are permitted on the subject lands. OPA 25 will not alter the developer's responsibilities under the *Endangered Species Act*, or the protection for said species.

(b) the protection of agricultural resources

The exception proposed to the Special Agricultural lands will allow for the land to be used for agricultural uses in concert with a RFC. However, OPA 25 will not allow new residential units to be created in the Special Agricultural lands or allow for infrastructure such as stormwater management ponds on these lands. These lands will remain designated Special Agricultural in the County Official Plan, with the protections afforded to said lands by the PPS and the County Plan.

(p) the appropriate location of growth and development

Both the County Official Plan and the PPS direct most new non-farm development to settlement areas. Within the County's Rural designation there is some potential for lot/unit creation, including for residential purposes. Within the Special Agricultural designation, the lands are more heavily restricted to limit non-farm development. The proposed residential components of the RFC would be within the Rural designated lands, while the Special Agricultural lands are proposed to be farmed. Agricultural uses will continue to be permitted on the subject lands, regardless of whether OPA 25 is approved or not. OPA 25 may however have the effect of allowing additional residential units in the Rural designation, but this will be discussed in greater detail in the policy analysis of the County Official Plan, later in this report.

OPA 25 has regard for matters of provincial interest under the *Planning Act*.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) 2024 came into effect on October 20, 2024. While the original development applications were submitted prior to PPS 2024, OPA 25 was submitted

following the new PPS. Based on the transition provisions of the new PPS, both OPA 25 and the original development applications all need to be consistent with the 2024 PPS.

Chapter 4.3.1 of the PPS states:

2. *“As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*
3. *Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.”*

The lands subject to OPA 25 would qualify as a specialty crop area under the PPS and therefore shall be given priority for protection. OPA 25 would not diminish the protections for the County's Special Agricultural lands and would make it clear that non-farm uses associated with the RFC, such as residential lot/unit creation or stormwater management ponds, would not be permitted on these lands.

Chapters 2.5 and 2.6 of the PPS contain policies on Rural Areas and Rural Lands respectively. The PPS definition for Rural Areas includes prime agricultural areas and rural settlement areas, while Rural Lands are defined as being located outside of prime agricultural areas and rural settlement areas. As noted earlier in this report, the County's Rural designation provides greater flexibility for non-farm uses, including limited residential lot/unit creation and permissions for RFCs. The County's Rural designation is akin to the Rural Lands section of the PPS. Within Rural Areas chapter 2.5 of the PPS states:

“In rural areas, rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted...”

Growth and development may be directed to rural lands in accordance with policy 2.6, including where a municipality does not have a settlement area.”

The PPS is clear in chapters 4.5, 2.5, and 2.6, that farmland is to be protected, with specialty crop areas being afforded the highest level of protection. Rural lands do have some additional development potential, but settlement areas shall still be the primary focus of growth. The Rural designated portion of the subject lands would contain the residential components of the RFC, while the Special Agricultural designated lands would be used for agricultural uses. In doing so, the specialty crop lands would be protected for agricultural uses, while the rural lands would be utilized for the non-farm uses.

In saying the above, it is worth noting that staff remain concerned with the level of residential development proposed through the related plan of condominium application. While this is not a matter directly related to OPA 25 (i.e., OPA 25 is not setting a numeric limit on the residential units proposed in the RFC), staff have raised and continue to raise concerns with respect to the proposed residential units. The recent reduction in the number of residential units is positive, but this level of residential proposed development remains concerning. This matter will be further explored in the policy analysis of the County Official Plan and Official Plan Amendment 23 sections of this report.

Many other chapters of the PPS are applicable to the Thornbury Acres development as a whole. However, based on the narrow scope of OPA 25, only a targeted PPS analysis has been provided.

OPA 25 is consistent with the PPS 2024.

County of Grey Official Plan

Similar to the PPS, the County official plan directs most new growth to fully serviced settlement areas. The Rural designation permits a wide array of uses including both residential farm cooperatives (RFC) and agri-miniums. This development proposes a RFC. Although these RFCs are permitted in the Rural designation, they are not listed as a permitted use in the Special Agricultural designation. OPA 25 would add a site-specific exception to the Special Agricultural designation to allow for these lands to be used in connection with the proposed RFC on the Rural portion of the property. As noted earlier, the exception would not allow for new residential lot/unit creation in the Special Agricultural lands.

Section 5.4.2(8)(a) of the Rural designation requires that: “A minimum of 60% of the original land holding will remain available for the active primary agricultural or recreational use”. This policy requirement is in the Rural designation, and as such would mean that 60% of the Rural designated lands would need to be available for these purposes, versus applying this policy test against the entire 61-hectare site (of which 9.8 hectares are Special Agricultural designated lands). OPA 25, if approved, would allow the developer to use the entire 61-hectare site as part of their 60% calculation, versus having to limit that percentage to just the Rural lands. OPA 25 would not however add a RFC as a permitted use to the Special Agricultural lands, and no new residential lots/units would be permitted as part of the RFC on the 9.8 hectare Special Agricultural lands.

Staff are conflicted on OPA 25. The amendment would not allow any further residential lot/unit creation in the Special Agricultural designation, and those lands would continue to be preserved for farming. In that sense OPA 25 aligns nicely with the goals and objectives of the County Official Plan. However, the ‘spin-off’ of OPA 25 is that the Rural designated lands could potentially allow for a greater number of residential units. If the 60% calculation for primary agricultural or recreational uses includes the 9.8 hectares of Special Agricultural lands, and not just the Rural designated lands, then the Rural designation could potentially accommodate more residential units. While staff are generally not supportive of the number of residential units proposed (31 units), it is an improvement over the 37-unit proposal. Based on the direction provided by Council on May 8, 2025, there is merit in supporting OPA 25 as a site-specific amendment.

With respect to the concerns over the precedent that could be set by OPA 25, staff will note the following. Each amendment whether current or future is tested on its own merits based on the legislative and policy regime in place at the time of the amendment application. Staff would further note that County Council recently approved OPA 23 to further clarify the County’s Rural designation policies. A further discussion on OPA 23 follows below.

County of Grey Official Plan Amendment (OPA) No. 23

County OPA 23 has recently been passed and is now in force and effect. OPA 23 amends the County’s Rural designation permitted uses and development criteria. OPA 23 does not apply to either OPA 25 or the other Thornbury Acres development applications, for the following reasons:

- OPA 25, as well as the other development applications, were submitted prior to the passing of OPA 23, and
- There was a site-specific exception built into OPA 23 for the Thornbury Acres lands to make it clear that the applications were to be tested against the County Official Plan policies in place prior to OPA 23.

Although not applicable to OPA 25, it's worth noting that OPA 23 amends the County's Rural policies as they apply to RFCs as follows:

1. Sets a maximum limit on the number of residential dwellings associated with a RFC,
2. Reinforces the notion that only Rural designated lands can be used as RFCs, including for calculating the percentage of farmland needed, relative to the other uses in a RFC,
3. Provides a definition for a RFC, and
4. Clarifies the relationship between RFCs, agri-miniums, resource based recreational uses, and recreation or tourist-based clusters, as it pertains to meeting the farmland requirements or the recreational land requirements.

Once again OPA 23 does not apply to the current applications but would apply to future RFC developments.

Legislated Requirements

OPA 23 has been processed in accordance with the *Planning Act*.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing an OPA application. Should OPA 25 be appealed it is anticipated that that it would consolidate with the current appeals before the OLT.

Relevant Consultation

- ☒ Internal: Planning
- ☒ External: The public, Town of The Blue Mountains, and required agencies under the *Planning Act*.

Appendices and Attachments

[OPA 25 – Thornbury Acres Response to Comments Received](#)

[OPA 25 Public Meeting Minutes](#)

[Draft OPA 25 - Text](#)