

# PLANNING JUSTIFICATION

## BRIEFING

11935 Highway 17, Huron Shores

Proposed Consent to Sever Application for the  
Purpose of Creating One (1) New Lot Plus Retained  
with a Mutual Access Easement

June 2025

**Prepared by:** MacKenzie Van Horn, M.PL., RPP.  
Planner | Project Manager

**Prepared for:** Sara Theodorson Beggs

Contents

1.0 INTRODUCTION..... 1

2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT ..... 1

3.0 PROPOSAL ..... 2

4.0 POLICY OVERVIEW & ANALYSIS ..... 3

    4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS) ..... 3

    4.2 MUNICIPALITY OF HURON SHORES OFFICIAL PLAN (OP)..... 5

    4.3 MUNICIPALITY OF HURON SHORES COMPREHENSIVE ZONING BY-LAW 18-18 ..... 6

5.0 CONCLUSION..... 6

## 1.0 INTRODUCTION

TULLOCH has been retained by the owner of land with the civic address of 11935 Highway 15 (being PIN 31448-0132) in Huron Shores to prepare a Planning Justification Briefing as part of a complete application package to support their proposal to create one (1) new lot via consent. A mutual access easement is also being applied for to provide access to the severed and retained lot from Highway 15.

This report reviews the consistency and conformity of the application in the context of the applicable policies and direction found within the following documents and plans:

- *2024 Provincial Planning Statement (PPS)*
- *Municipality of Huron Shores Official Plan (2011) (OP)*
- *The Municipality of Huron Shores Comprehensive Zoning By-law 18-18*

Overall, the author finds that the proposed consent application conforms to the Municipality's Official Plan, is consistent with the 2024 Provincial Planning Statement and represents good planning.

## 2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

The subject property is in the Municipality of Huron Shores, with frontage on Highway 17 to the north, and Lake Huron (Macbeth Bay) to the south. The land holding is currently 10.1 hectares in size with 451.3 metres of frontage on Highway 17, and approximately 475.8 metres frontage on Macbeth Bay. The property contains a dwelling and accessory buildings near the waterfront and agricultural buildings in the northwest corner near the highway, including a livestock facility. The property is legally described as follows:

*PART OF THE SOUTHWEST 1/4, OF SECTION 26, IN THE GEOGRAPHIC TOWNSHIP OF LEFROY, IN THE DISTRICT OF ALGOMA*

The surrounding area is largely comprised of a mix of residential and rural uses. The immediate surrounding area can be described as follows:

**NORTH:** Single detached dwellings north of Highway 17 in a Residential Low Density (R1) zone

**EAST:** Rural and residential uses, zoned Rural (R)

**SOUTH:** Lake Huron (Macbeth Bay)

**WEST:** Rural and residential uses, zoned Rural (R)

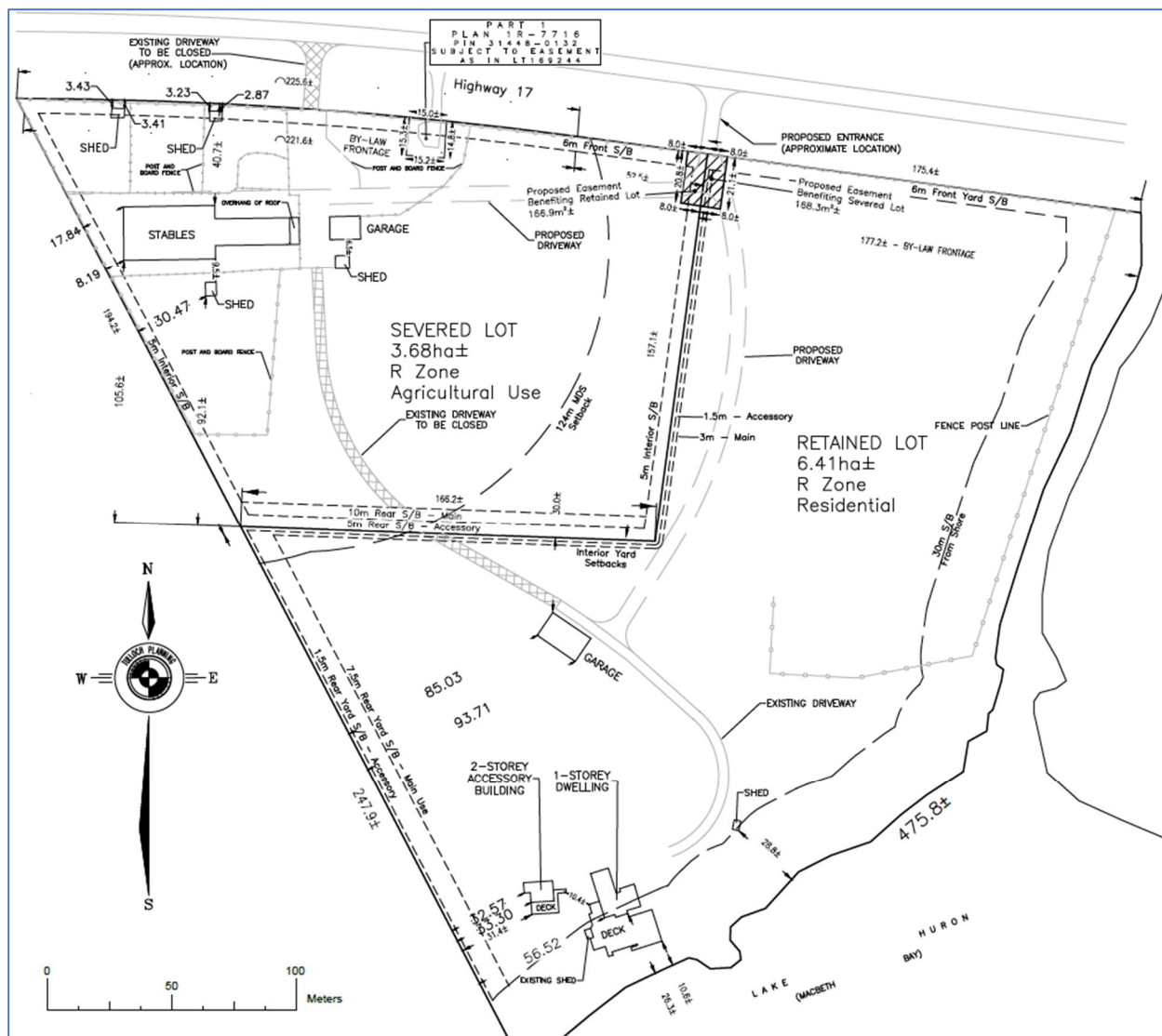


***Figure 1: Subject Property & Surrounding Context***

### **3.0 PROPOSAL**

The property owner is applying to the Municipality of Huron Shores to sever one new rural lot. The severed lot will be 3.68 hectares in size with 274.1 metres of frontage on Highway 17. The severed lot will not have any water frontage. The new lot will contain the existing horse stable, sheds, and garage, and will continue to be used for agricultural use. The retained lot is proposed to be 6.41 hectares in size with 177.2 metres of frontage on Highway 17, and 475.8 metres of frontage on Macbeth Bay. The retained lot will contain the existing dwelling, accessory building, and garage, and will continue to be used for waterfront residential purposes. TULLOCH pre-consulted with the Ministry of Transportation (MTO) as the property has frontage on Highway 17. The MTO can support the severance if the owner removes the existing access point and creates a mutual access. Two right-of-ways are being applied for to formalize this mutual access as it enters the property off the highway allowance. The first right-of-way will be over the severed lot to benefit the retained, and the second over the retained lot to benefit the severed lot.

Figure 2 below shows the consent sketch to be submitted with the application.



**Figure 2: Proposed Consent Application to Create One (1) New Lot and Mutual Access Easement**

## 4.0 POLICY OVERVIEW & ANALYSIS

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial and Municipal policies and regulations. Each subsection will outline relevant policies and provide a planning analysis with respect to how the consent application is consistent with or conforms to such policy.

### 4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The *Provincial Planning Statement, 2024* (PPS) provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on *Planning Act* applications. Municipal Official Plans and decisions made by the approval authorities must be consistent with the PPS. Policies applicable to the proposed consent application are outlined and analyzed below.

**Section 2.5** of the PPS provides policies for rural areas in municipalities. As per **Section 2.5.3** of the PPS “... growth and development may be directed to rural lands in accordance with Section 2.6, including where a municipality does not have a settlement area”. **Section 2.6** of the PPS provides policies for rural lands in Municipalities and states that:

**2.6.1.** *On rural lands located in municipalities, permitted uses are:*

...

*c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*

...

**2.6.2.** *Development that can be sustained by rural service levels should be promoted.*

**2.6.3.** *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*

**2.6.4.** *Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

**2.6.5.** *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

The application would facilitate the creation of one new lot that could accommodate a new rural residential development, permitted as per **Section 2.6.1**. As part of the application process, the local health unit will review the application and confirm whether a sewage system can be accommodated on the new lot. It is reasonable to assume that the 3.68 hectare lot can accommodate private water and sewage services, meeting **Section 2.6.2** of the PPS as the development can be sustained by rural service levels. The severed and retained parcel will have frontage on a provincial highway. Thus, no new road creation or servicing would be required. This represents efficient development and use of existing land use patterns by utilizing existing hard and soft roads and services and infrastructure and avoiding the need for unjustified or uneconomical expansion of infrastructure, as supported by **Section 2.6.3** of the PPS. The severed lot is currently used for agricultural purposes. **Section 2.6.4** states that the rural economy should be supported by protecting agricultural uses and directing non-related development to areas where it will minimize constraints on these uses. It is important to note that the lands are not designated prime agricultural, so residential lot creation is permitted. However, the lot creation should be compatible with the existing agricultural use. **Section 2.6.5** identifies the Minimum Distance Separation Formulae, which is a land use planning tool used to ensure that development is compatible with nearby livestock facilities. An MDS calculation was completed for the horse barn on the proposed severed lot. The required setback from the barn only slightly encroaches the limit of the proposed retained lot, not impacting the area currently developed with a residential dwelling. Thus, no land use compatibility impacts are anticipated, and the existing agricultural operation can continue to operate without conflicts from the consent application.

This application has been reviewed in the context of policies contained within the Provincial Planning Statement, 2024, and has been found to be consistent with all matters of Provincial interest.



## 4.2 MUNICIPALITY OF HURON SHORES OFFICIAL PLAN (OP)

The *Municipality of Huron Shores Official Plan* (OP) is the principal land use planning policy document for the Municipality. The OP establishes objectives and policies that guide both public and private development/decision-making.

The lands are designated 'Countryside Policy Area' except for a small part of the property adjacent to Macbeth Bay which is in the 'Waterfront Policy Area' designation. The lands proposed to be severed are located entirely within the Countryside Policy Area designation.

**Section 10** of the Official Plan provides policies that apply to the Countryside Policy Area. Residential development and agricultural use are both permitted in the Countryside Policy Area. Thus, the current uses of the severed and retained land are permitted. **Section 10.2.1** provides planning principles for the Countryside Policy Area, and states, in part, that:

**10.2.1.1**      *The lot size and frontage must be adequate for the intended use, e.g. dwelling, accessory uses, on-site services. New lots shall be a minimum of 0.6 ha [1.48 ac] and have a minimum lot frontage of 45 m [147.6 ft].*

As per **Section 10.2.1.1**, both the severed and retained lot exceed the minimum lot size of 0.6ha (1.48 ac) and minimum frontage of 45m. The severed lot is adequately sized for the current agricultural use as it captures the existing buildings, and MDS setbacks can be achieved. Further, the lot is large enough to accommodate a future dwelling and associated private services, as permitted in the Rural zone. The retained lot is large enough to contain the existing residential development while meeting yard setbacks to the proposed lot lines. The residential development is currently non-complying with the required 30m water setback, and there remains enough room on the lot to accommodate the replacement of the dwelling in a complying location in the future. Thus, the lot size and frontage of the severed and retained lot meet the requirements of **Section 10.2.1.1**, and the size is adequate for the current and intended use.

**Section 12** of the Official Plan provides policies that apply to the Mineral Aggregate Resource Policy Area. Approximately 200 metres north of the subject property, are lands within the Mineral Aggregate Resource Area, as they are licensed and actively used for a quarry operation (ALPS ID 612821). **Section 12** states, in part, that:

**12.2.2**      *... Development proposed within the influence area of a Mineral Aggregate Resource Policy Area (as determined through the Ministry of the Environment D-6 Guideline), will not be permitted where development would preclude or hinder mineral aggregate operations within the land use designation or which would be incompatible for reasons of public health, public safety or environmental impact unless it has been demonstrated that the resource use would not be feasible, or the proposed land use development serves a greater long-term interest and issues of public health, public safety and environmental impacts are addressed.*

**12.2.4**      *Development of a sensitive land use may be permitted within an influence of a pit or 1,000 m [3,280 ft] from a quarry where technical studies demonstrate that there will be no impact or that the impact of a mineral aggregate operation (noise, dust, vibration) can be appropriately mitigated.*

**Section 12.2.2** and **Section 12.2.4** of the Official Plan references an influence area based on the Ministry of the Environment’s D-6 Guidelines. Based on the D-6 series guidelines, pits and quarries are treated as Class III industrial facilities, which establish an influence area of 1,000 metres and a recommended minimum separation distance of 300 metres.

Although the licensed area is located approximately 200 metres north of the subject property, the active quarry operation is situated roughly 500 metres away. While a site plan for the licensed area has not been obtained, it is reasonable to assume that the quarry could not expand closer than 300 metres due to the presence of Macbeth Creek and associated unevaluated wetlands, which typically require a 30-metre buffer from aggregate operations. Any future residential development on the severed lot would meet the Ministry’s recommended minimum separation distance of 300 metres. Further, the subject property is separated from this area by a combination of physical and land use buffers, including a provincial highway, existing residential development, a rail line, and over 200 metres of dense woodland.

It is reasonable to assume that land use compatibility has already been addressed through previous ARA or planning applications, with mitigation measures in place to manage impacts such as dust, noise, and blasting—particularly in relation to the existing residential lots north of Highway 17. Although the subject property lies within the quarry’s influence area, it is likely that potential impacts are already being mitigated. Thus, the creation of the new lot meets **Section 12** of the Official Plan.

**Section 25.8** of the Official Plan provides policies that speak to Land Division and Part Lot Control, and state, in part, that:

**25.8.5**                      *Up to two consents for residential uses may be granted for a lot as of the approval date of this Plan (excluding the retained lot).*

Based on the lot creation eligibility criteria of **Section 25.8.5**, the subject property is eligible for the new lot.

This application has been reviewed in the context of policies contained within the *Municipality of Huron Shores Official Plan* and has been found to be in conformity with them.

#### 4.3 MUNICIPALITY OF HURON SHORES COMPREHENSIVE ZONING BY-LAW 18-18

The subject lands are zoned “Rural”. The agricultural use of the severed lot is permitted as per **Section 5.15.1** of the Zoning By-law. The proposed severed lot meets the minimum lot area of 1 ha and minimum lot frontage of 60m required for non-residential uses in the rural zone, which would allow the current agricultural use to continue. A single detached dwelling would also be permitted on the severed lot. The retained lot will remain over 0.8 ha (2.0 ac) in size which is the minimum size required for a dwelling with frontage on a water body in the rural zone.

## 5.0 CONCLUSION

The property owner is applying to the Municipality of Huron Shores to sever one new lot for rural residential use. The proposal is consistent with the rural lands policies found within the *Provincial Planning Statement, 2024* and conforms with the policies of the *Municipality of Huron Shores Official Plan*. It is not anticipated that the current agricultural operation will be impacted by the consent application as the new lot is large enough to accommodate the existing agricultural use, as per the zoning standards set in the



*Municipality of Huron Shores Comprehensive Zoning By-Law 18-18.* In addition, a Minimum Distance Separation (MDS) calculation will be submitted as part of a complete application to demonstrate that the existing dwelling on the retained lot meets the required setback from the existing livestock facilities.

Thus, it is respectfully requested that the proposal to create one (1) new rural residential lot (plus retained), with a mutual access easement be approved by the Municipality of Huron Shores.

Regards,

*MacKenzie Van Horn*

MacKenzie Van Horn, M.PL. MCIP., RPP.

Planner | Project Manager

(705) 474-1210

[mackenzie.vanhorn@tulloch.ca](mailto:mackenzie.vanhorn@tulloch.ca)