

**Date:** Wednesday, September 9, 2026  
**Time:** 6:00 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Pages**

1. Call to Order
2. Adoption of Agenda
3. Reading of Meeting Protocol
4. Disclosures of Interest
5. Request for Any Deferrals or Withdrawals of Applications
6. New Business
  - 6.1 B17-26-PC through B47-26-PC - 5088 Highway 140 (30 Applications in Total) 1  

**Action:** Consent to Sever (Easements)

**Applicant:** Asahi Kasei Battery Separator Canada Corporation

**Agent:** Stantec c/o Brian Blackwell

**Location:** 5088 Highway 140
  - 6.2 B48-26-PC; B49-26-PC - 5088 Highway 140 17  

**Action:** Consent to Sever

**Applicant:** Asahi Kasei Battery Separator Canada Corporation

**Agent:** Stantec c/o Brian Blackwell

**Location:** 5088 Highway 140
7. Other Business
8. Approval of Minutes

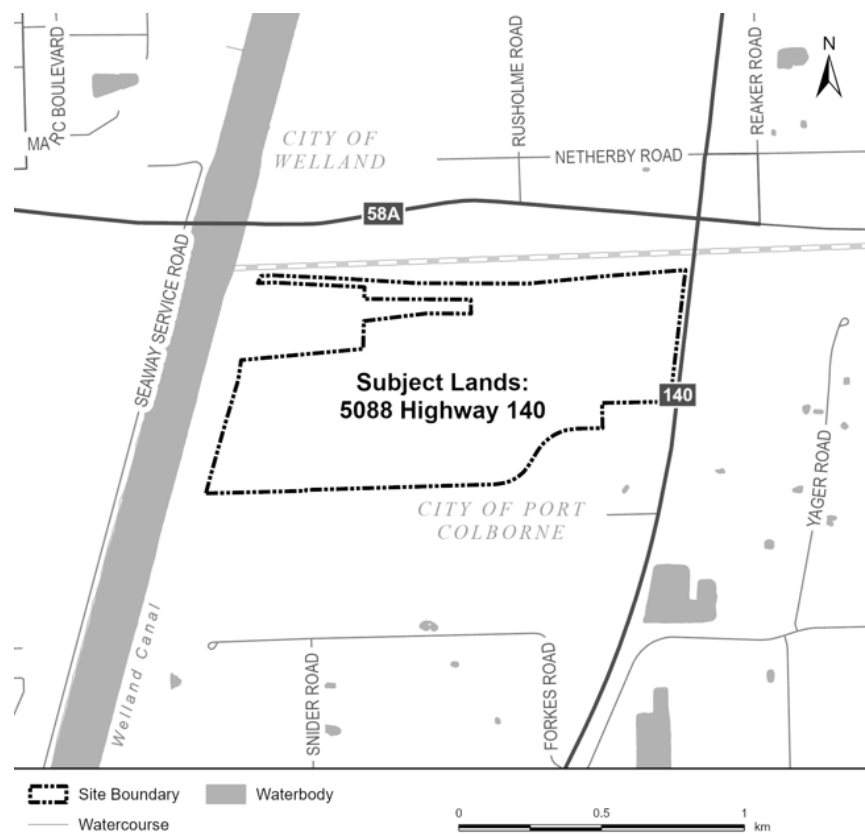
**9. Adjournment**

**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P. 13, Section 53 (1);*

**AND IN THE MATTER OF** the lands legally known as PART LOTS 16 TO 19 , PART RDAL BTN LOTS 16 & 17 (CLOSED BY R07 19834 ) , PART RDAL BTN LOTS 18 & 19 (CLOSED BY R0102483 & R07 19834) CON 5 HUMBERSTONE, PARTS 1, 5 , 6 , 7 , 8, 9, 10, 11 , 14, 15, 19, 21, 22 59R15312 & PARTS 1 TO 10 , 12, 15, 18, 21, 23 59R18192; SUBJECT TO AN EASEMENT OVER PART 14 59R15312 IN FAVOUR OF PARTS 2 , 3 ,4, 7 , 12, 13, 15 , 38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 . SUBJECT TO AN EASEMENT OVER PARTS 1 , 6, 8 59R15312 IN FAVOUR OF PARTS 2,3 , 4 , 7 , 12, 13,15,38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 ; TOGETHER WITH AN EASEMENT OVER PARTS 11 , 13, 16, 19, 24,27 59R18192 AS IN SN820270; TOGETHER WITH AN EASEMENT OVER PARTS 11, 13,16, 19 , 24, 27- 30 , 33,34, 35 59R18192 & PART 33 59R15312 AS IN SN820271; TOGETHER WITH AN EASEMENT OVER PARTS 31,34, 37 59R18192 AS I N SN820272 ; TOGETHER WITH AN EASEMENT OVER PART 25 9R15312 AS IN SN433131; SUBJECT TO AN EASEMENT IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 5 9R18192 AS IN SN820273; SUBJECT TO AN EASEMENT OVER PART 17 59R15312 IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 59R18192 AS IN SN820273; CITY OF PORT COLBORNE, located in the Heavy Industrial (HI) and Industrial Development (ID) zones and subject to MZO (O. Reg. 337/24), municipally known as 5088 Highway 140;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Stantec Consulting Ltd., on behalf of the owners, Asahi Kasei Battery Separator Canada Corporation, for the establishment of 12 new easements consisting of 30 Parts, as shown on the Reference Plan (sketch). Lands subject to the proposed easements are shown as Parts 1-4, 7, 8, 10, 11, 13, 14, 16, 18, 21-25, 27, 29-35, 38, 40, 44, 45, 46 on the proposed easement sketch, which is provided with this notice. A higher resolution PDF version of this sketch can be found on the City’s website.

**LOCATION MAP**



This application is being submitted concurrently with a second Consent (severance) application, which will facilitate the partial transfer of ownership of the Subject Lands to Asahi Kasei’s Joint Venture business partner. Asahi Kasei will maintain majority ownership of the Subject Lands. The purpose of this Consent (easement) application is to support future business operations and logistics for both companies under a Joint Venture business model. Easement types include internal road access, process water, sanitary sewer, storm sewer, gas, fibre, air, hydro, watermain, parking, stormwater management pond, and contact water. Parts associated with each type of easement has been summarized in the table below.

| Easement Purpose | Part Numbers                                                                                                                                                                                                                                                                 |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Access           | PART 1, PART 2, PART 3, PART 4, PART 14, PART 16, PART 18, PART 30, PART 31, PART 32, PART 33, PART 34, PART 36,                                                                                                                                                             |
| Air              | PART 1, PART 3, PART 32                                                                                                                                                                                                                                                      |
| Contact Water    | PART 16, PART 22, PART 24, PART 25, PART 35                                                                                                                                                                                                                                  |
| Fibre            | PART 1, PART 2, PART 3, PART 30, PART 31                                                                                                                                                                                                                                     |
| Gas              | PART 1, PART 3, PART 13, PART 32                                                                                                                                                                                                                                             |
| Hydro            | PART 1, PART 3, PART 16, PART 23, PART 32                                                                                                                                                                                                                                    |
| Parking          | PART 7                                                                                                                                                                                                                                                                       |
| Process Water    | PART 1, PART 3, PART 16, PART 22, PART 24, PART 25, PART 32, PART 35                                                                                                                                                                                                         |
| SWM Pond         | PART 8, PART 11, PART 13, PART 22, PART 25, PART 29, PART 38, PART 40, PART 44, PART 45, PART 46                                                                                                                                                                             |
| Sanitary Sewer   | PART 1, PART 3, PART 13, PART 31, PART 32, PART 35                                                                                                                                                                                                                           |
| Storm Sewer      | PART 1, PART 2, PART 3, PART 4, PART 5, PART 6, PART 7, PART 8, PART 9, PART 10, PART 11, PART 13, PART 14, PART 16, PART 18, PART 22, PART 23, PART 24, PART 25, PART 26, PART 27, PART 30, PART 31, PART 32, PART 33, PART 34, PART 35, PART 43, PART 44, PART 45, PART 46 |
| Watermain        | PART 1, PART 2, PART 3, PART 4, PART 5, PART 6, PART 12, PART 13, PART 14, PART 15, PART 16, PART 17, PART 18, PART 30, PART 31, PART 35                                                                                                                                     |

Establishment of the proposed easements would grant both companies shared access to easement-affected lands, in support of the Joint Venture business model. A portion of the Subject Lands are regulated by an MZO (O. Reg. 337/24), whereas the remaining western portion is zoned Heavy Industrial (HI) and Industrial Development (ID), and is subject to a Zoning By-law Amendment (ZBA) decision appeal. Heavy industrial uses are permitted by the MZO and within the Heavy Industrial (HI) zone.

Section 2. (2) of the MZO affirms, that portions of the Subject Lands regulated by the MZO will continue to be regulated by the MZO, despite any severance, partition or division of these lands. Through the Site Plan Control process, all matters related to site servicing, stormwater management, environmental impacts, transportation, noise, NPCA permit requirements, etc., have been addressed and deemed satisfactory with the issuance of Site Plan Approval. This Consent (easement) application has always been part of the overall planning strategy for Asahi Kasei.

**PLEASE TAKE NOTICE** that this application will be heard in-person and virtually by the Committee of Adjustment as shown below:

**Date:** September 9, 2026  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

Additional information regarding this application is available for public inspection. An appointment can be scheduled in the office of the Planning and Development department, Monday to Friday, during the hours of 8:30 A.M. to 4:30 P.M., by telephone at (905)-228-8124 or through email at taya.taraba@portcolborne.ca to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, September 4, 2026**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that Is visible to all tenants.

**Electronic Hearing Procedures**  
***How to Get Involved in the Hearing***

Anyone wishing to participate in the meeting can attend either virtually or in-person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting. All comments submitted are part of the public record.

If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer.

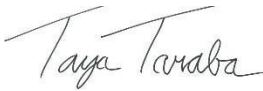
**Written submissions and participation requests must be received by 12:00 p.m. on Tuesday, September 8, 2025**, by emailing [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street.

If you have any questions about the application(s) or submission process, please email [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) or call (905)-228-8124.

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.

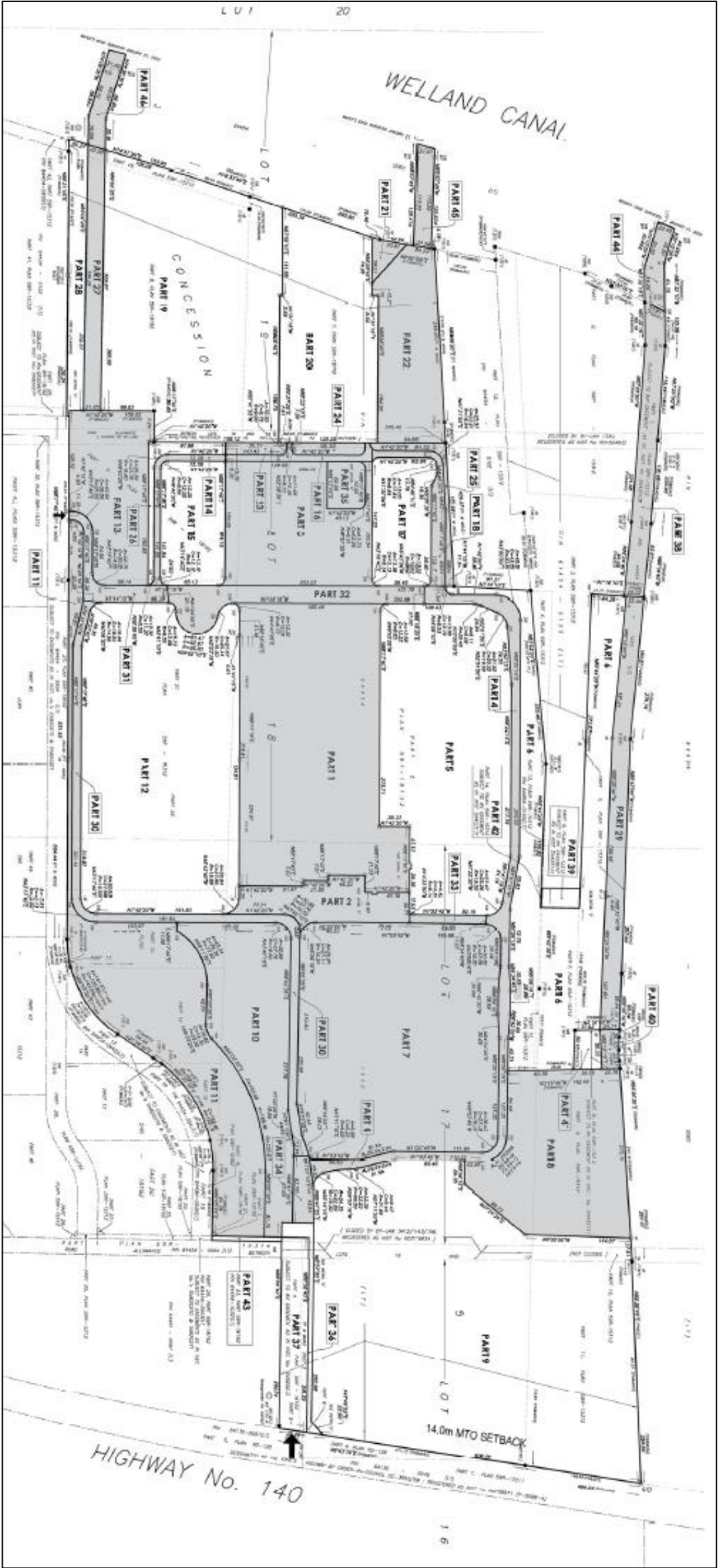
By order of the Committee of Adjustment,

**Date of Mailing:** August 25, 2026



Taya Taraba  
Secretary-Treasurer

SKETCH



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**Development and Government Relations Department**

**Planning Division Report**

September 9, 2026

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

**Re: Application for Consent: B17-26-PC through B47-26-PC (30 applications in total)**  
**Concession 5, Lots 16, 17, 18 & 19 Reference Plan 59R-18192 and 59R-15312**  
**Geographic Township of Humberstone<sup>1</sup> (5088 Highway 140)**  
**Agent: Stantec Consulting c/o Brian Blackwell**  
**Owner: Asahi Kasei Battery Separator Canada Corporation**

**Proposal**

The purpose of Consent Applications B17-26-PC through B47-26-PC is to establish a coordinated network of easements across the Asahi Kasei Battery Separator facility located at 5088 Highway 140.

The easements are being considered concurrently with severance applications B48-26-PC and B49-26-PC, which facilitate a joint venture ownership structure associated with the approved facility.

Under the proposed ownership arrangement, portions of the facility will be owned by separate entities; however, both entities must continue to share access to common infrastructure and operational systems. The proposed easements are intended to ensure continued access to roads, utilities, servicing infrastructure, parking areas,

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<sup>1</sup> Full legal description: PART LOTS 16 TO 19 , PART RDAL BTN LOTS 16 & 17 (CLOSED BY R07 19834 ) , PART RDAL BTN LOTS 18 & 19 (CLOSED BY R0102483 & R07 19834) CON 5 HUMBERSTONE, PARTS 1, 5 , 6 , 7 , 8, 9, 10, 11 , 14, 15, 19, 21, 22 59R15312 & PARTS 1 TO 10 , 12, 15, 18, 21, 23 59R18192; SUBJECT TO AN EASEMENT OVER PART 14 59R15312 IN FAVOUR OF PARTS 2 , 3 ,4, 7 , 12, 13, 15 , 38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 . SUBJECT TO AN EASEMENT OVER PARTS 1 , 6, 8 59R15312 IN FAVOUR OF PARTS 2,3 , 4 , 7 , 12, 13,15,38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 ; TOGETHER WITH AN EASEMENT OVER PARTS 11 , 13, 16, 19, 2 4,27 59R18192 AS IN SN820270; TOGETHER WITH AN EASEMENT OVER PARTS 11 , 13,1 6, 19 , 2 4, 27- 30 , 33,34, 35 59R18192 & PART 33 59R15312 AS IN SN820271; TOGETHER WITH AN EASEMENT OVER PARTS 31,34, 37 59R18192 AS I N SN820272 ; TOGETHER WITH AN EASEMENT OVER PART 25 9R15312 AS IN SN433131; SUBJECT TO AN EASEMENT IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 5 9R18192 AS IN SN820273; SUBJECT TO AN EASEMENT OVER PART 17 59R15312 IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 59R18192 AS IN SN820273; CITY OF PORT COLBORNE

stormwater management facilities and operational systems necessary for the site to function as a single integrated industrial campus.

Planning Staff note that these applications are unusual in that they do not facilitate new development. The facility has already been approved through the Minister's Zoning Order and Site Plan Approval processes. The proposed easements are intended to implement the approved ownership and operational framework for the facility

**Figure 1** and **Figure 2** provide a location map of the Subject Lands, as well as the proposed easement sketch.

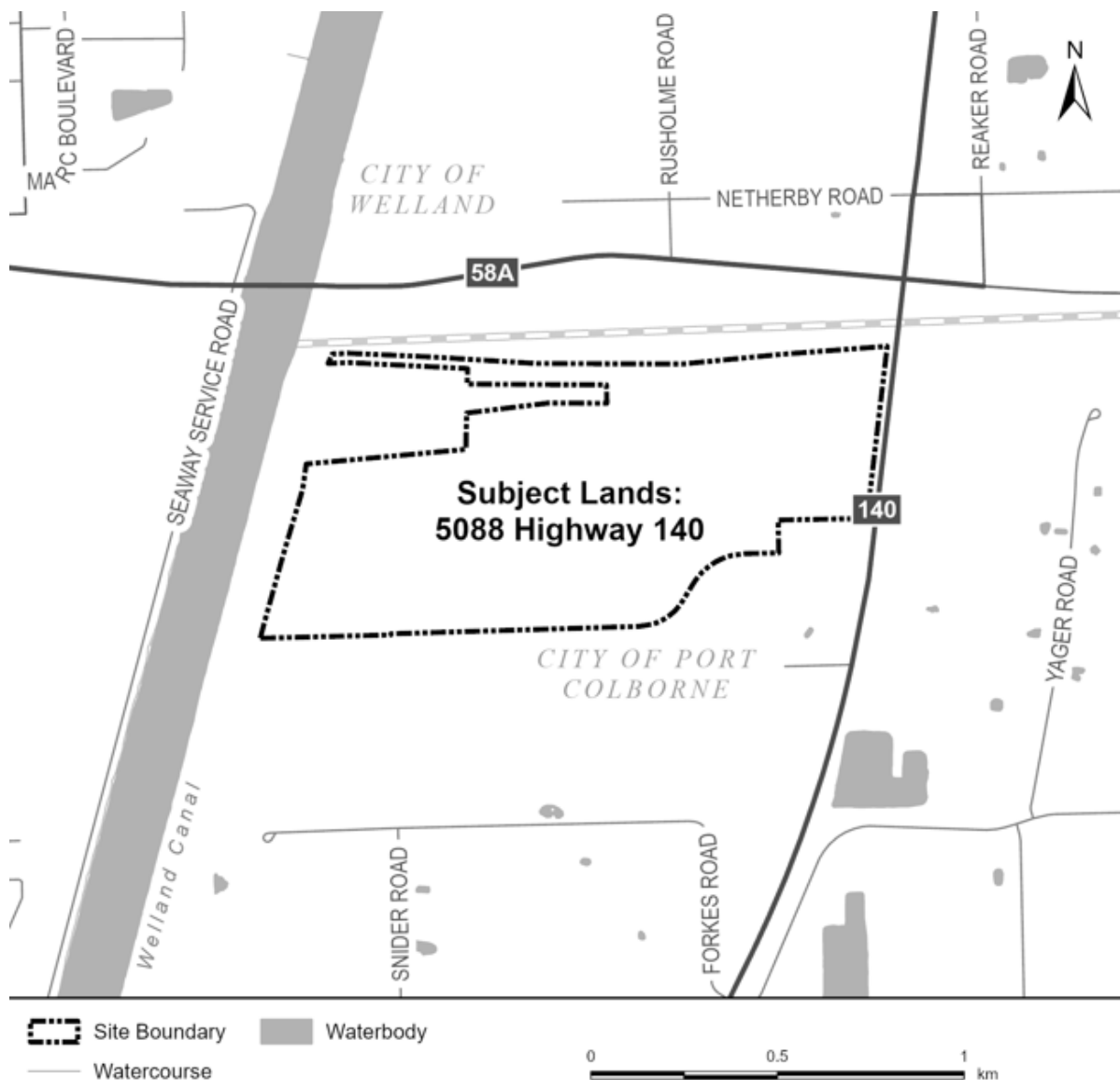


Figure 1 (above): Location Map

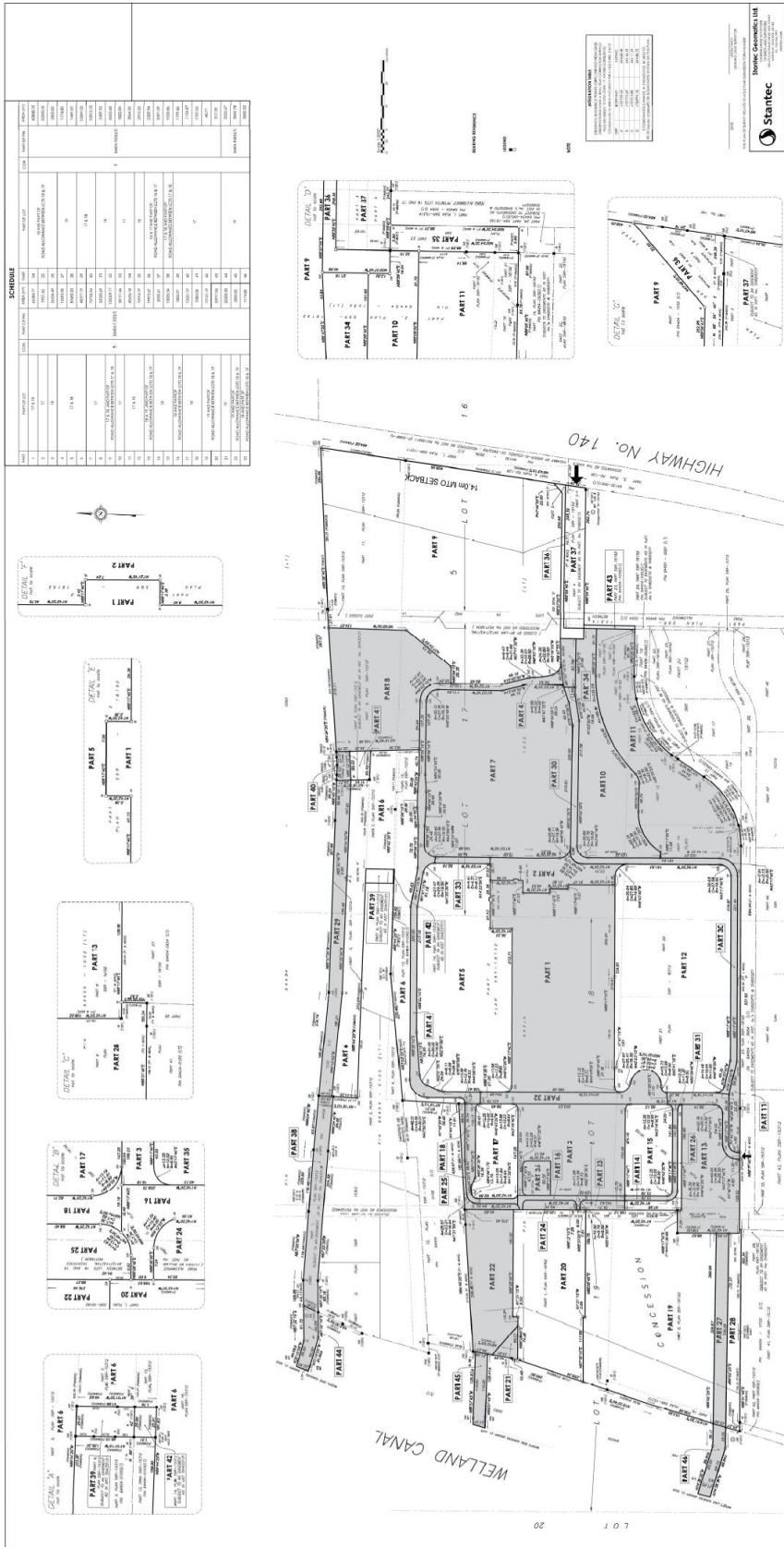


Figure 2 (above): Proposed easement sketch

## Easement Applications

The table below provides reference to each easement application number and the part to which it applies:

| File Number | Part    | Easement Purpose                                                                                               |
|-------------|---------|----------------------------------------------------------------------------------------------------------------|
| B17-26-PC   | Part 1  | Access, Process Water, Sanitary Sewer, Storm Sewer, Gas, Fibre, Air, Hydro, Watermain, Construction, Servicing |
| B18-26-PC   | Part 2  | Access, Fibre, Storm Sewer, Watermain                                                                          |
| B19-26-PC   | Part 3  | Access, Process Water, Sanitary Sewer, Storm Sewer, Gas, Fibre, Air, Hydro, Watermain, Construction, Servicing |
| B20-26-PC   | Part 4  | Access, Storm Sewer, Watermain                                                                                 |
| B21-26-PC   | Part 5  | Storm Sewer, Watermain                                                                                         |
| B22-26-PC   | Part 6  | Storm Sewer, Watermain                                                                                         |
| B23-26-PC   | Part 7  | Parking, Storm Sewer, SWM Pond                                                                                 |
| B24-26-PC   | Part 8  | Storm Sewer, SWM Pond                                                                                          |
| B25-26-PC   | Part 9  | Storm Sewer                                                                                                    |
| B26-26-PC   | Part 10 | Storm Sewer                                                                                                    |
| B27-26-PC   | Part 11 | Storm Sewer, SWM Pond                                                                                          |
| B28-26-PC   | Part 12 | Watermain, Storm Sewer                                                                                         |
| B29-26-PC   | Part 13 | Storm Sewer, SWM Pond, Watermain, Sanitary, Gas                                                                |
| B30-26-PC   | Part 14 | Access, Storm Sewer, Watermain                                                                                 |
| B31-26-PC   | Part 15 | Watermain, Storm Sewer                                                                                         |
| B32-26-PC   | Part 16 | Access, Contact Water, Hydro, Process Water, Storm Sewer, Watermain                                            |
| B33-26-PC   | Part 17 | Watermain, Storm Sewer                                                                                         |
| B34-26-PC   | Part 18 | Access, Storm Sewer, Watermain                                                                                 |
| B35-26-PC   | Part 21 | Hydro Only                                                                                                     |
| B36-26-PC   | Part 22 | Contact Water, Process Water, SWM Pond, Storm Sewer                                                            |
| B37-26-PC   | Part 23 | Hydro, Storm Sewer                                                                                             |
| B38-26-PC   | Part 24 | Contact Water, Process Water, Storm Sewer, Hydro, Watermain                                                    |
| B39-26-PC   | Part 25 | Contact Water, Process Water, SWM Pond, Storm Sewer, Watermain                                                 |
| B40-26-PC   | Part 27 | Storm Sewer                                                                                                    |
| B41-26-PC   | Part 29 | SWM Pond                                                                                                       |
| B42-26-PC   | Part 30 | Access, Fibre, Storm Sewer, Watermain                                                                          |
| B43-26-PC   | Part 31 | Access, Fibre, Watermain, Sanitary Sewer, Storm Sewer, Gas                                                     |
| B44-26-PC   | Part 32 | Access, Process Water, Sanitary Sewer, Storm Sewer, Gas, Air, Hydro                                            |
| B45-26-PC   | Part 33 | Access, Storm Sewer                                                                                            |
| B46-26-PC   | Part 34 | Access, Storm Sewer                                                                                            |

| File Number | Part    | Easement Purpose                                                            |
|-------------|---------|-----------------------------------------------------------------------------|
| B47-26-PC   | Part 35 | Contact Water, Process Water, Sanitary Sewer, Storm Sewer, Watermain, Hydro |

### Easement Summary

The easements can be grouped into twelve functional easement categories as follows:

| Easement Type         | Purpose                                 | Parts                                                                  |
|-----------------------|-----------------------------------------|------------------------------------------------------------------------|
| Access                | Shared internal road access             | Parts 1, 2, 3, 4, 14, 16, 18, 30, 31, 32, 33, 34                       |
| Parking               | Shared parking areas                    | Part 7                                                                 |
| Watermain             | Potable water servicing                 | Parts 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 24, 25, 30, 31, 35 |
| Process Water         | Industrial process water servicing      | Parts 1, 3, 16, 22, 24, 25, 32, 35                                     |
| Sanitary Sewer        | Sanitary servicing infrastructure       | Parts 1, 3, 13, 31, 32, 35                                             |
| Storm Sewer           | Stormwater conveyance infrastructure    | Parts 1-18, 22-25, 27, 30-35, 44-46                                    |
| Stormwater Management | SWM facilities and ponds                | Parts 7, 8, 11, 13, 22, 25, 29, 38, 40, 44, 45, 46                     |
| Hydro                 | Electrical infrastructure               | Parts 1, 3, 16, 23, 24, 32, 35                                         |
| Gas                   | Natural gas infrastructure              | Parts 1, 3, 13, 31, 32                                                 |
| Fibre                 | Telecommunications infrastructure       | Parts 1, 2, 3, 30, 31, 32                                              |
| Air                   | Process air infrastructure              | Parts 1, 3, 32                                                         |
| Contact Water         | Industrial contact water infrastructure | Parts 16, 22, 24, 25, 35                                               |

### Planning Context

The Subject Lands form part of the approved Asahi Kasei battery separator manufacturing facility. Since the original acquisition and consolidation of the lands, significant planning approvals have been completed, including the issuance of a Minister's Zoning Order (O. Reg. 337/24) and Site Plan Approval. Through those processes, matters such as transportation, servicing, stormwater management, environmental impacts and site design were evaluated and resolved.

Planning Staff recognize that these applications represent an unconventional consent request. The proposed easements are not intended to support future development on the lands. Rather, they are intended to facilitate the ownership and operational structure of the approved Asahi Kasei Battery Separator facility. The easements establish the

legal framework necessary for multiple ownership interests to continue operating as a coordinated industrial campus.

To ensure the continued operation of the facility as an integrated industrial campus, easement applications establish shared access and servicing rights across the property.

Importantly, Section 2(2) of O. Reg. 337/24 provides that the lands subject to the Minister's Zoning Order are deemed to be a single lot and that the Order continues to apply despite any future severance, partition or division of the lands. As a result, the proposed severances will not alter the planning permissions established through the MZO.

### **Surrounding Land Uses and Zoning**

The Subject Lands are located west of Highway 140, east of the Welland Canal, south of the CN Railway and are accessed from Highway 140 via Kleinsmith Road. The Subject Lands are outside of the Urban Area and are designated Rural Employment and Special Study Area in the City's Official Plan.

As mentioned previously, A Minister's Zoning Order (o. Reg. 337/24) applies to the Subject Lands. The MZO establishes permitted uses, zoning requirements for the development of the lands, and terms of use. In accordance with Section 2. (2) of the MZO, all parts will continue to be "deemed to be a single lot, and despite any future severance, partition or division of those lands, the [Minister's Zoning] Order shall apply to all of those lands as if no severance, partition or division occurred". Surrounding uses include vacant rural industrial lands to the north, east and south, as well as residential dwellings located farther south and east.



*Figure 3 (above): Air photo of the Subject Lands and Surrounding Lands*

## Environmentally Sensitive Areas

Through previous processes associated with the development of the Subject Lands, including Site Plan Control and the Minister's Zoning Order, an Environmental Impact Statement (EIS) was submitted. The prior EIS confirms that there are no provincially significant wetlands located on or adjacent to the Subject Lands. Further, NPCA permit requirements have been met through the ongoing development of the site and in accordance with the approved Site Plan Agreement.

## Public Comments

Notice was circulated on August 25, 2026, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of the date of writing this report, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on August 17, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

| Commenter                                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Planning Staff Response                                                                                                                                 |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Drainage Superintendent</b>                  | The parcel is in the drainage area of the Lyons Creek Municipal Drain East Branch. If the plan is approved, a revision of the assessment schedule will be required. This is a requirement under section 65 of the Drainage Act, Subsequent Subdivision of Land, under a drainage apportionment agreement. A drainage Engineer will be required to complete this. Staff can provide a drainage engineer who recently completed work with in this watershed to complete the drainage apportionment agreement. This drainage apportionment will be required once the plan of subdivision has been signed by the Registry office. | Comments noted, but not applicable as parcel is to remain and function as 1 single lot per Minister's Zoning Order and there is no plan of subdivision. |
| <b>Fire Department</b>                          | No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted                                                                                                                                                   |
| <b>Engineering Technologist</b>                 | No Objections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Noted                                                                                                                                                   |
| <b>Niagara Peninsula Conservation Authority</b> | The NPCA has no objection to the proposed consent applications which are intended to support future business operations and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Noted                                                                                                                                                   |

| Commenter                | Comments                                                                                                                                                                                                                                                                                                         | Planning Staff Response |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|                          | <p>logistics for both companies under a Joint Venture business model.</p> <p>Please note there are NPCA regulated watercourses on the subject property.</p> <p>Should any development be proposed in the future it will need to be circulated to the NPCA for review and approval and possible work permits.</p> |                         |
| <b>Region of Niagara</b> | Regional staff offer no comments on this application                                                                                                                                                                                                                                                             | Noted                   |

### **Discussion**

These applications were reviewed in consideration of the applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), Zoning By-law 6575/30/18, and MZO 337/24

#### **Provincial Planning Statement (PPS)**

The Subject Lands form part of the approved Asahi Kasei Battery Separator manufacturing facility, a significant employment use within the City of Port Colborne.

The proposed consent applications do not facilitate additional development, create new land use permissions, or alter the approved site design. Rather, the applications establish a network of access, utility, servicing, stormwater management, parking and operational easements that will enable the facility to continue functioning as a coordinated industrial campus under a joint venture ownership structure. The proposed easements provide for shared access to infrastructure including internal roads, watermain, sanitary sewer, storm sewer, process water, hydro, fibre, gas, parking facilities, stormwater management infrastructure and contact water systems.

Planning Staff are satisfied that the applications support the continued operation of a major employment use and are consistent with the Provincial Planning Statement (2024).

#### **Niagara Official Plan (NOP)**

The Niagara Official Plan (NOP) provides the long-term land use planning framework for development across the Niagara Region, including the City of Port Colborne. As a result of the passing of Bill 185, the NOP is deemed to be a local Official Plan for Planning Act applications. The NOP designates the Subject Lands as follows:

- Rural Lands, in accordance with Schedule F- Agricultural Land Base;
- Rural Employment (Niagara Economic Centre), in accordance with Schedule G Employment Areas;

- Area of Archaeological Potential, in accordance with Schedule K- Areas of Archaeological Potential; and,
- Future Employment Area, in accordance with Appendix 2- Urban Expansion Areas and future Employment areas.

Planning Staff note that the Asahi Kasei Battery Separator facility has already been subject to extensive planning review and approvals, including the issuance of a Minister's Zoning Order and Site Plan Approval. Through these processes, matters such as land use compatibility, transportation, servicing, stormwater management, environmental impacts, archaeology, site design and agency requirements were reviewed and addressed to the satisfaction of the applicable approval authorities. The proposed easement applications do not alter these approvals, introduce new development permissions, or modify the approved site layout.

Rather, the applications are intended to establish the legal framework necessary to support a joint venture ownership structure associated with the approved facility. The proposed easements will allow shared access to internal roads, parking areas, utilities, servicing infrastructure, stormwater management facilities and operational systems necessary for the continued operation of the facility. Collectively, the easements will ensure that the Subject Lands continue to function as a single integrated industrial campus notwithstanding the proposed ownership arrangement.

Planning Staff are satisfied that the easements support the continued operation of a significant employment use within the Niagara Economic Centre and do not compromise the long-term employment function of the lands. The applications facilitate the implementation of an approved industrial development and do not create additional development opportunities beyond those previously reviewed and approved.

Further, archaeological matters have previously been addressed through the approvals associated with the development of the Asahi Kasei facility, and the proposed easement applications do not introduce any new development or site alteration that would warrant further archaeological review.

Based on the foregoing, Planning Staff are satisfied that the proposed applications conform to the intent and purpose of the Niagara Official Plan.

#### City of Port Colborne Official Plan (OP)

The City of Port Colborne Official Plan (OP) provides policy direction for managing growth and development within the municipality. The Subject Lands are designated:

- Rural Employment and Special Study Area, in accordance with Schedule A: City-Wide Land Use; and
- Stream and Fish Habitat, in accordance with Schedule B: Natural Heritage.

Planning Staff note that the Subject Lands have already been subject to extensive planning review through the Minister's Zoning Order, Site Plan Approval process, and associated technical studies. Through these approvals, matters relating to land use compatibility, servicing, transportation, stormwater management, environmental impacts, archaeology, site design and agency requirements were reviewed and addressed to the satisfaction of the applicable approval authorities. The proposed easement applications do not alter the approved development concept, introduce new land use permissions, or modify the approved site layout.

The purpose of the subject applications is to establish easements over approximately 35 parts of the property in order to facilitate shared access, parking, utility and servicing infrastructure between the respective ownership interests associated with the approved facility. The easements encompass internal roadways, parking areas, hydro, fibre, gas, watermain, process water, sanitary sewer, storm sewer, stormwater management and contact water infrastructure.

Planning Staff are satisfied that the proposed easements support the continued development and operation of a significant employment use within the Rural Employment designation. The applications implement an ownership and operational arrangement for an approved industrial facility and ensure that the site continues to operate as a coordinated industrial campus.

The Subject Lands are also identified as Stream and Fish Habitat within the City's natural heritage framework. Environmental matters, including the submission and review of an Environmental Impact Study and supporting technical studies, have previously been addressed through the planning approvals associated with the development of the facility. The proposed easement applications do not involve additional development or site alteration and are not anticipated to result in impacts to natural heritage features or functions.

Based on the foregoing, Planning Staff are satisfied that the proposed easement applications conform to the intent and purpose of the City of Port Colborne Official Plan.

#### City of Port Colborne Zoning By-law 6575/30/18

As noted, a Minister's Zoning Order applies to the Subject Lands. As such, the City of Port Colborne Zoning By-law and the regulations therein do not apply.

Planning Staff note that Section 2(2) of O. Reg. 337/24 expressly contemplates future severances, partitions and divisions of the lands and provides that the lands will continue to be deemed a single lot for the purposes of the Order notwithstanding any future division. The proposed easements are consistent with this intent, as they provide the legal mechanism necessary to maintain shared access and servicing infrastructure across the Subject Lands.

The proposed easements do not create additional development permissions, alter the approved use of the lands, or modify the planning framework established through the

Minister's Zoning Order and Site Plan Approval processes. Rather, they ensure the continued operation of the approved facility as a coordinated industrial campus under a joint venture ownership structure.

For these reasons, Planning Staff are satisfied that the proposed easement applications are appropriate and maintain the intent of the MZO.

**Recommendation:**

That consent applications B17-26-PC through B47-26-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with registrable easement documents, including any required legal descriptions and reference plan(s), for use in the issuance of the Certificate of Consent.
2. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
3. That the final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
4. That all conditions of consent be completed by September 9, 2028.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, and maintain the intent and purpose of O. Reg. 337/24

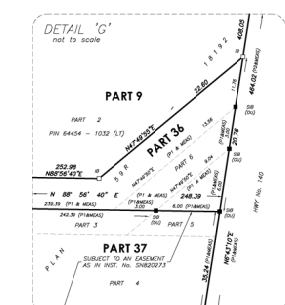
Respectfully submitted,

Kelly Martel

Planning Manager



| SCHEDULE |                                                         |     |               |           |      |                                                    |     |               |           |
|----------|---------------------------------------------------------|-----|---------------|-----------|------|----------------------------------------------------|-----|---------------|-----------|
| PART     | PART OF LOT                                             | CON | PART OF P/N   | AREA (SQ) | PART | PART OF LOT                                        | CON | PART OF P/N   | AREA (SQ) |
| 1        | 17 & 18                                                 | 5   | 84454-1032/31 | 66847.27  | 21   | 18 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19 | 5   | 84454-1032/31 | 40445.16  |
| 2        | 17                                                      |     |               | 9521.65   | 22   |                                                    |     |               | 20020.30  |
| 3        | 18                                                      |     |               | 26636.49  | 23   | 2820.82                                            |     |               |           |
| 4        |                                                         |     |               | 13933.98  | 27   | 1174.80                                            |     |               |           |
| 5        | 17 & 18                                                 |     |               | 59450.20  | 28   | 1469.43                                            |     |               |           |
| 6        |                                                         |     |               | 4837.19   | 29   | 12899.32                                           |     |               |           |
| 7        | 17                                                      |     |               | 73725.54  | 30   | 10913.15                                           |     |               |           |
| 8        | 17                                                      |     |               | 34843.69  | 31   | 8459.33                                            |     |               |           |
| 9        | 17 & 18 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 17 & 18 |     |               | 130209.77 | 32   | 3633.46                                            |     |               |           |
| 10       | 17                                                      |     |               | 28111.46  | 33   | 1053.54                                            |     |               |           |
| 11       | 17 & 18                                                 |     |               | 45436.18  | 34   | 20424.20                                           |     |               |           |
| 12       | 17 & 18                                                 |     |               | 76114.19  | 35   | 2913.32                                            |     |               |           |
| 13       | 18 & 17 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19 |     |               | 19973.67  | 36   | 2309.94                                            |     |               |           |
| 14       | 18                                                      |     |               | 20561.31  | 37   | 8591.29                                            |     |               |           |
| 15       | 18 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19      |     |               | 13030.34  | 38   | 9230.86                                            |     |               |           |
| 16       |                                                         |     |               | 1802.97   | 39   | 1199.66                                            |     |               |           |
| 17       | 18                                                      |     |               | 12231.19  | 40   | 1154.87                                            |     |               |           |
| 18       | 18                                                      |     |               | 3383.08   | 41   | 1707.03                                            |     |               |           |
| 19       | 19 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19      |     |               | 73721.19  | 42   | 40.77                                              |     |               |           |
| 20       |                                                         |     |               | 33917.06  | 43   | 2552.67                                            |     |               |           |
| 21       | 19                                                      |     |               | 20800.30  | 44   | 5122.35                                            |     |               |           |
| 22       | 17 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19      |     |               | 2820.82   | 45   | 2842.78                                            |     |               |           |
| 23       | 18 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 18 & 19      |     |               | 17490.46  | 46   | 2800.32                                            |     |               |           |



**BEARING REFERENCE**

**LEGEND**

■  
□

**NOTE**

**INTEGRATION TABLE**

OBSERVED REFERENCE POINTS (OFP) DERIVED FROM GNSS  
 OBSERVATIONS USING A REAL-TIME CORRECTION SERVICE  
 AND REFERRED TO UTM ZONE 11, NAD83 (CSRS[2010]).  
 COORDINATES TO OBTAIN ACCURACY PER 5.14(2) OF REG. 216.0

| OFP | NORTHING  | EASTING   |
|-----|-----------|-----------|
| A   | 425729.53 | 664668.58 |
| B   | 425775.69 | 664665.53 |
| C   | 425731.66 | 664611.24 |
| D   | 425694.16 | 664686.72 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
 RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

|                                                                 |                                      |
|-----------------------------------------------------------------|--------------------------------------|
| DATE                                                            | JASON FRICH<br>ONTARIO LAND SURVEYOR |
| THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER |                                      |

|                                                                                       |                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p style="margin: 0;"><b>Stantec</b></p> <p style="margin: 0; font-size: small;">CANADA LANDS SURVEYORS<br/>ONTARIO LAND SURVEYORS<br/>300-475 COCHRANE DRIVE, WEST TOWER<br/>MARKHAM, ONTARIO L3R 9B6<br/>TEL: 905.944.7377<br/>stantec.com</p> |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                    |             |                 |
|--------------------|-------------|-----------------|
| DRAWN: DP          | CHECKED: JF | DATE: 13-Aug-16 |
| PROJECT: 161500001 |             |                 |

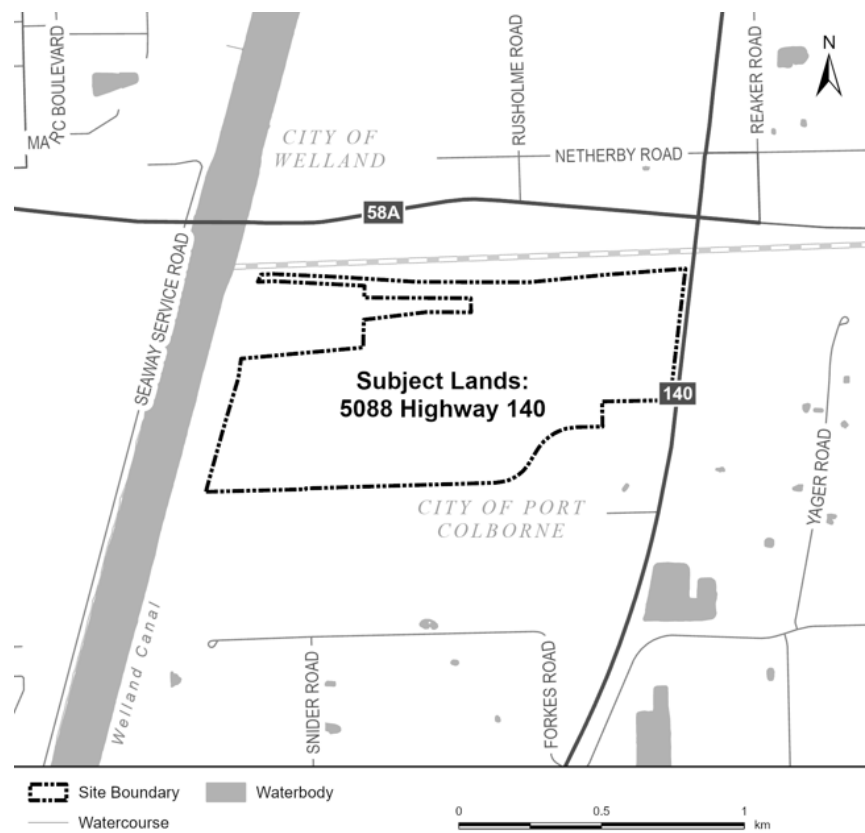
**IN THE MATTER OF** the *Planning Act, R.S.O., 1990, c.P. 13, Section 53 (1);*

**AND IN THE MATTER OF** the lands legally known as PART LOTS 16 TO 19 , PART RDAL BTN LOTS 16 & 17 (CLOSED BY R07 19834 ) , PART RDAL BTN LOTS 18 & 19 (CLOSED BY R0102483 & R07 19834) CON 5 HUMBERSTONE, PARTS 1, 5 , 6 , 7 , 8, 9, 10, 11 , 14, 15, 19, 21, 22 59R15312 & PARTS 1 TO 10 , 12, 15, 18, 21, 23 59R18192; SUBJECT TO AN EASEMENT OVER PART 14 59R15312 IN FAVOUR OF PARTS 2 , 3 ,4, 7 , 12, 13, 15 , 38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 . SUBJECT TO AN EASEMENT OVER PARTS 1 , 6, 8 59R15312 IN FAVOUR OF PARTS 2,3 , 4 , 7 , 12, 13,15,38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 ; TOGETHER WITH AN EASEMENT OVER PARTS 11 , 13, 16, 19, 2 4,27 59R18192 AS IN SN820270; TOGETHER WITH AN EASEMENT OVER PARTS 11, 13,1 6, 19 , 2 4, 27- 30 , 33,34, 35 59R18192 & PART 33 59R15312 AS IN SN820271; TOGETHER WITH AN EASEMENT OVER PARTS 31,34, 37 59R18192 AS I N SN820272 ; TOGETHER WITH AN EASEMENT OVER PART 25 9R15312 AS IN SN433131; SUBJECT TO AN EASEMENT IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 5 9R18192 AS IN SN820273; SUBJECT TO AN EASEMENT OVER PART 17 59R15312 IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 59R18192 AS IN SN820273; CITY OF PORT COLBORNE, located in the Heavy Industrial (HI) and Industrial Development (ID) zones and subject to MZO (O. Reg. 337/24), municipally known as 5088 Highway 140;

**AND IN THE MATTER OF AN APPLICATION** by the agent, Stantec Consulting Ltd., on behalf of the owners, Asahi Kasei Battery Separator Canada Corporation, for the proposed severance of the Subject Lands into three lots (2 severed lots, 1 retained lot), as shown on the Reference Plan (sketch). The subject parcels are shown as Parts 1 & 3 on the proposed severance sketch. Part 1 & 3 is to be severed, while Parts 2 & 4-46 will be retained as a single lot. A severance sketch of the subject lands is included with this notice. A higher resolution PDF version of this severance sketch can be found on the City’s website.

This Consent (severance) application is being submitted concurrently with a second Consent (easement) application, which will provide access and services to the newly severed lots. The purpose of this severance is to facilitate the partial transfer of ownership of the Subject Lands to Asahi Kasei’s Joint Venture business partner, whereas Asahi Kasei (proponent) will maintain majority ownership. The concurrent severance and easement application is intended to support future business operations and logistics for both companies under a Joint Venture business model.

**LOCATION MAP**



The lands to be severed are regulated by an MZO (O. Reg. 337/24) that permits the proposed development. Section 2. (2) of the MZO affirms, that portions of the Subject Lands regulated by the MZO will continue to be regulated by the MZO, despite any severance, partition or division of these lands. Through the Site Plan Control process, all matters related to site servicing, stormwater management, environmental impacts, transportation, noise, NPCA permit requirements, etc., have been addressed and deemed satisfactory with the issuance of Site Plan Approval. This Consent (severance) application has always been part of the overall planning strategy for Asahi Kasei.

**PLEASE TAKE NOTICE** that this application will be heard in-person and virtually by the Committee of Adjustment as shown below:

**Date:** September 9, 2026  
**Time:** 6:00 p.m.  
**Location:** 66 Charlotte Street – Third Floor Council Chambers and Virtually via Zoom

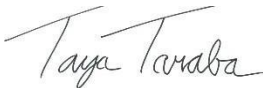
Additional information regarding this application is available for public inspection. An appointment can be scheduled in the office of the Planning and Development department, Monday to Friday, during the hours of 8:30 A.M. to 4:30 P.M., by telephone at (905)-228-8124 or through email at [taya.taraba@portcolborne.ca](mailto:taya.taraba@portcolborne.ca) to view the material.

**PUBLIC HEARING:** You are entitled to participate and express your views about this application, or you may be represented by counsel for that purpose. The Planning Division’s report may be available for public inspection by **Friday, September 4, 2026**. If you are receiving this notice as the owner of land that contains multiple residential units, please post this in a location that is visible to all tenants.

| <b>Electronic Hearing Procedures</b><br><b><i>How to Get Involved in the Hearing</i></b>                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Anyone wishing to participate in the meeting can attend either virtually or in-person and is encouraged to submit a written submission that will be circulated to the Committee of Adjustment prior to the meeting. All comments submitted are part of the public record.                                                                                                                                                                                                       |
| If anyone wishes to orally participate in the meeting, they must pre-register with the Secretary-Treasurer. <b>Written submissions and participation requests must be received by 12:00 p.m. on Tuesday, September 8, 2025</b> , by emailing <a href="mailto:taya.taraba@portcolborne.ca">taya.taraba@portcolborne.ca</a> or by calling (905)-228-8124. Written submissions may also be submitted to the mail slot located in the front-left of City Hall; 66 Charlotte Street. |
| If you have any questions about the application(s) or submission process, please email <a href="mailto:taya.taraba@portcolborne.ca">taya.taraba@portcolborne.ca</a> or call (905)-228-8124.                                                                                                                                                                                                                                                                                     |
| If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer.                                                                                                                                                                                                                                                                                                         |

By order of the Committee of Adjustment,

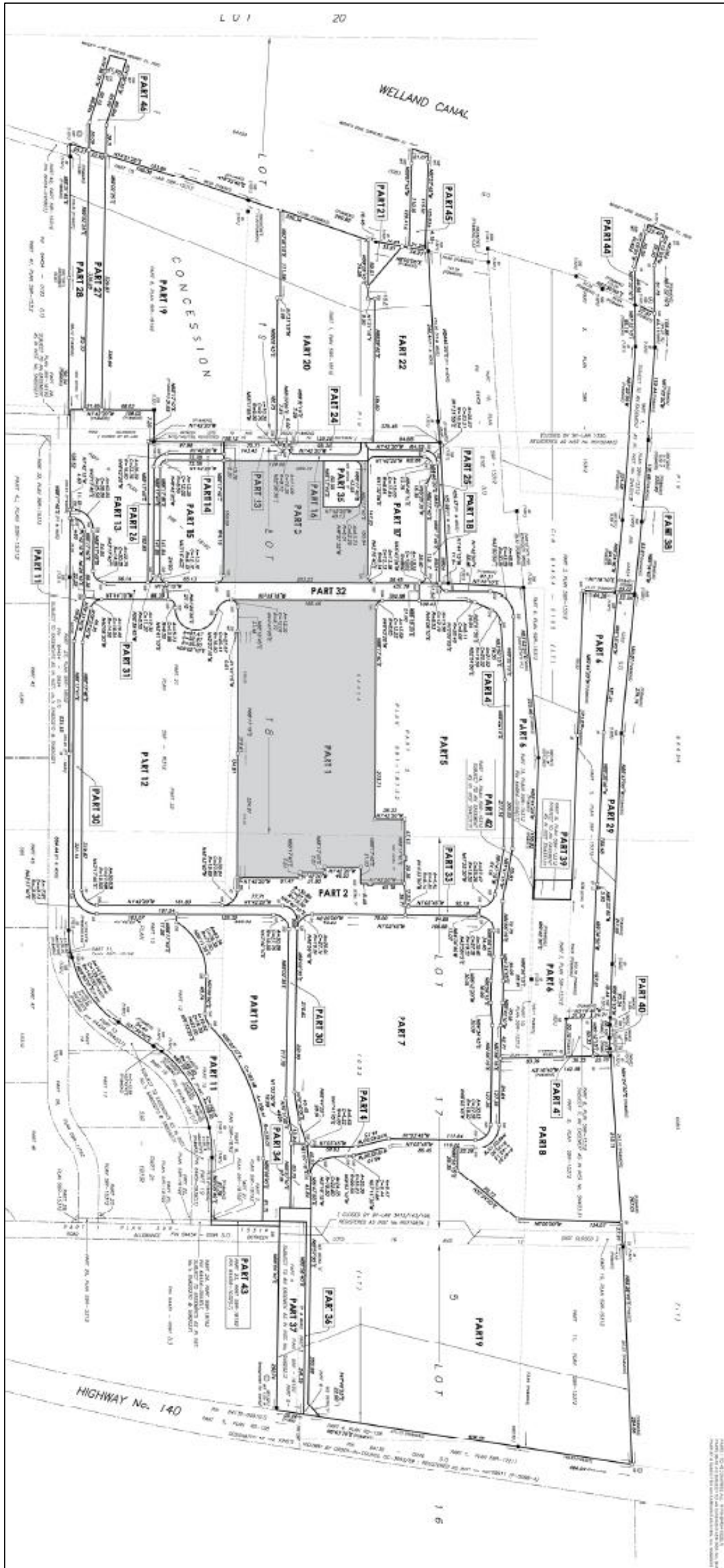
**Date of Mailing:** August 25, 2026



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Taya Taraba  
Secretary-Treasurer

SKETCH





Sketch.pdf

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**Development and Government Relations Department**

**Planning Division Report**

September 9, 2026

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

**Re: Application for Consent: B48-26-PC and B49-26-PC  
Concession 5, Lots 16, 17, 18 & 19 Reference Plan 59R-18192 and 59R-15312  
Geographic Township of Humberstone<sup>1</sup> (5088 Highway 140)  
Agent: Stantec Consulting c/o Brian Blackwell  
Owner: Asahi Kasei Battery Separator Canada Corporation**

**Proposal**

The purpose of this application is to create two new lots in order to support future business operations at the Subject Lands under a joint venture business model. The severance will facilitate the partial transfer of ownership of the Subject Lands to Asahi Kasei's Joint Venture business partner, whereas Asahi Kasei will maintain majority ownership.

- **Part 1** is proposed to **be severed** (B48-26-PC);
- **Part 3** is proposed to **be severed** (B49-26-PC); and,
- **Parts 2 and 4-46** will **be retained**.

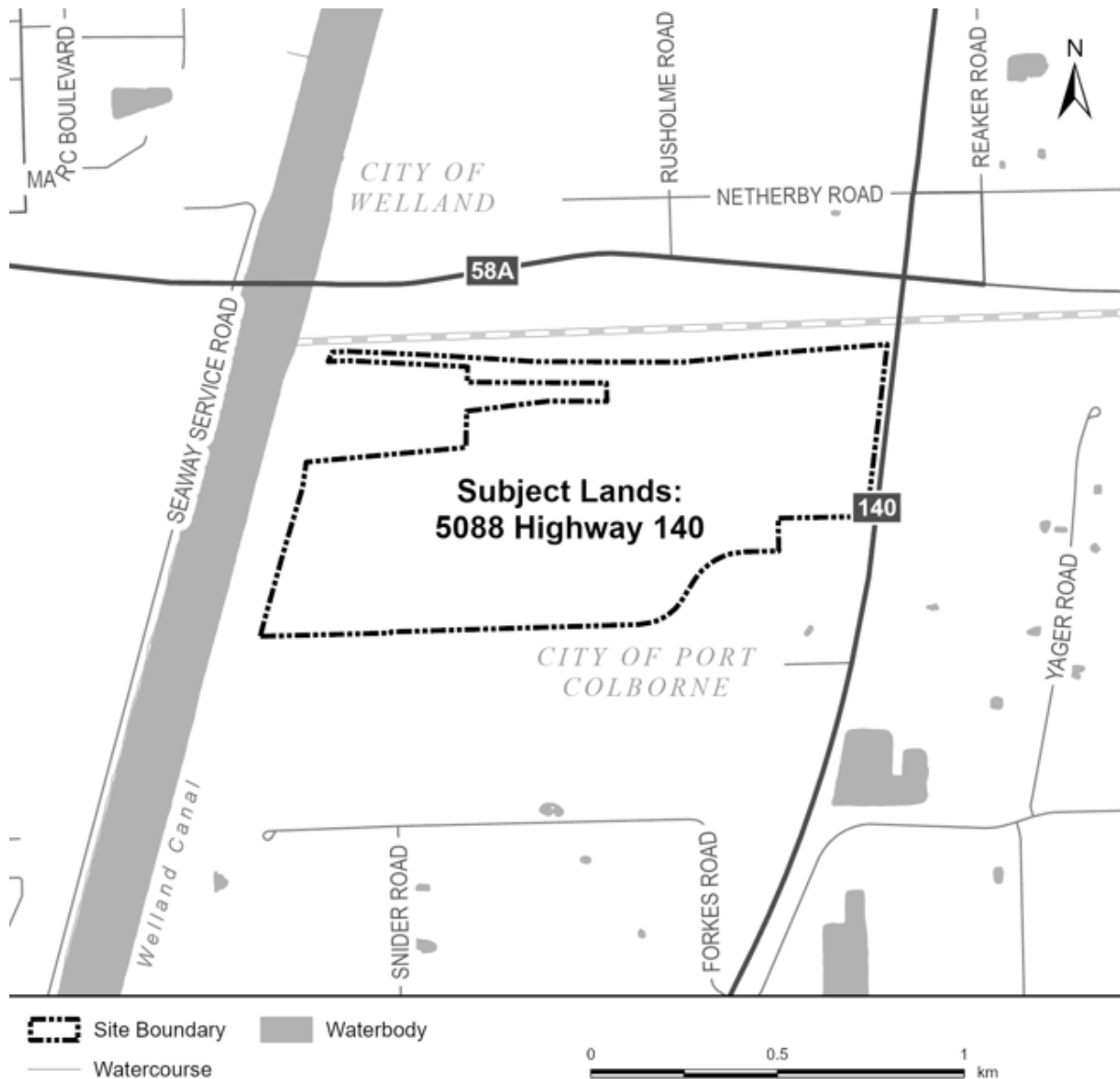
Concurrently with the severance applications, additional applications have been made in order to establish 12 types of easements over 30 parts on the Subject Lands that will enable shared access of roads, construction, servicing, water, sanitary sewer, storm

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<sup>1</sup> Full legal description: PART LOTS 16 TO 19 , PART RDAL BTN LOTS 16 & 17 (CLOSED BY R07 19834 ) , PART RDAL BTN LOTS 18 & 19 (CLOSED BY R0102483 & R07 19834) CON 5 HUMBERSTONE, PARTS 1, 5 , 6 , 7 , 8, 9, 10, 11 , 14, 15, 19, 21, 22 59R15312 & PARTS 1 TO 10 , 12, 15, 18, 21, 23 59R18192; SUBJECT TO AN EASEMENT OVER PART 14 59R15312 IN FAVOUR OF PARTS 2 , 3 ,4, 7 , 12, 13, 15 , 38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 . SUBJECT TO AN EASEMENT OVER PARTS 1 , 6, 8 59R15312 IN FAVOUR OF PARTS 2,3 , 4 , 7 , 12, 13,15,38 59R15312 AS IN SN433131, PARTS 7 , 15 59R15312 MERGED BY SN834568 ; TOGETHER WITH AN EASEMENT OVER PARTS 11 , 13, 16, 19, 2 4,27 59R18192 AS IN SN820270; TOGETHER WITH AN EASEMENT OVER PARTS 11, 13,1 6, 19 , 2 4, 27- 30 , 33,34, 35 59R18192 & PART 33 59R15312 AS IN SN820271; TOGETHER WITH AN EASEMENT OVER PARTS 31,34, 37 59R18192 AS I N SN820272 ; TOGETHER WITH AN EASEMENT OVER PART 25 9R15312 AS IN SN433131; SUBJECT TO AN EASEMENT IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 5 9R18192 AS IN SN820273; SUBJECT TO AN EASEMENT OVER PART 17 59R15312 IN FAVOUR OF PARTS 27- 29, 32 , 33 , 36- 53 59R15312 & PARTS 14, 17, 20 , 22 , 25,26, 30- 38 59R18192 AS IN SN820273; CITY OF PORT COLBORNE

sewer, gas, fibre, air, hydro, watermain, parking, stormwater management and contact water (B17-26-PC through B47-26-PC).

**Figure 1** and **Figure 2** provide a location map of the Subject Lands, as well as the proposed severance sketch.



*Figure 1 (above): Location Map*

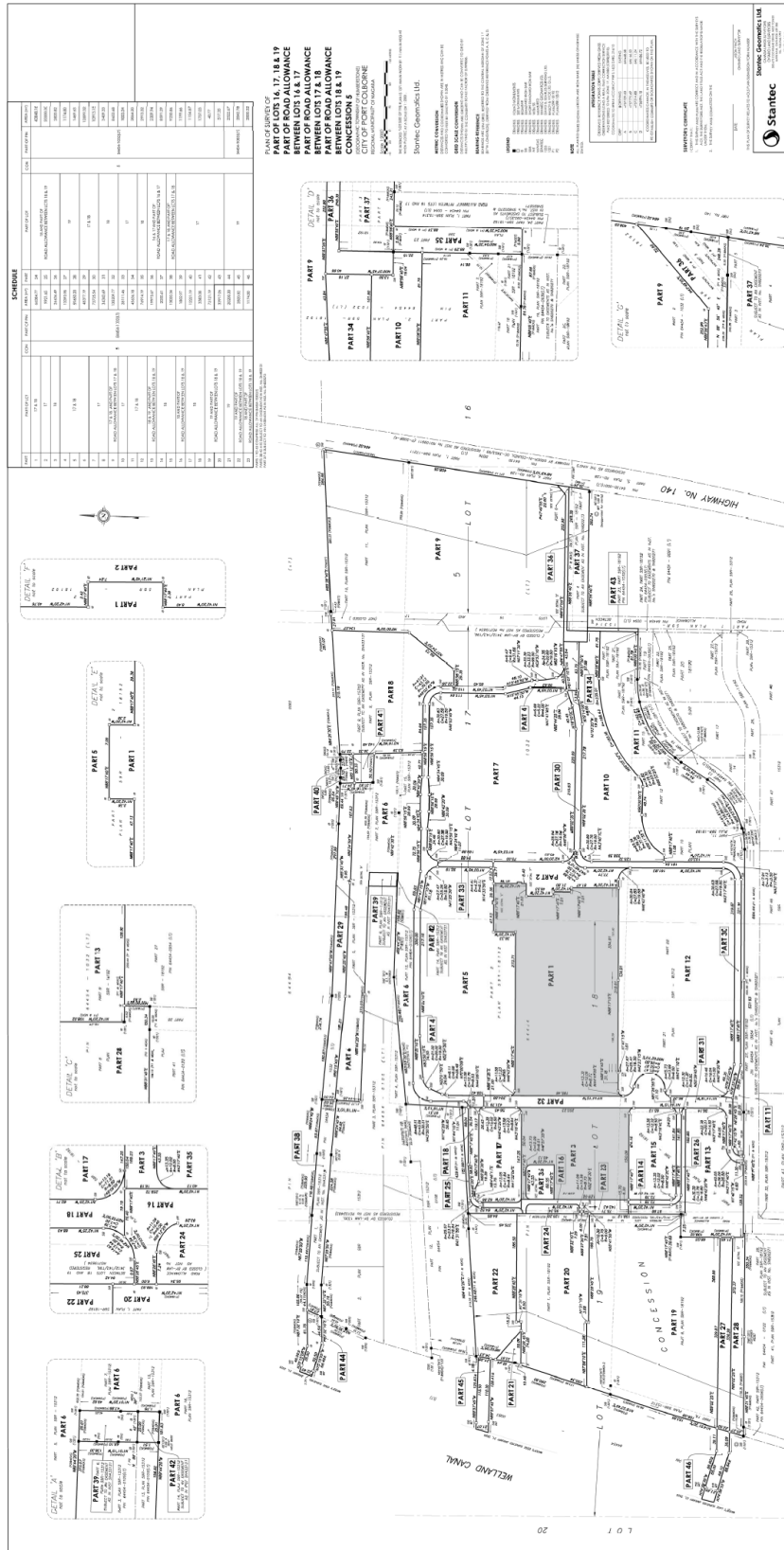


Figure 2 (above): Proposed severance sketch

## **Planning Context**

The Subject Lands form part of the approved Asahi Kasei battery separator manufacturing facility. Since the original acquisition and consolidation of the lands, significant planning approvals have been completed, including the issuance of a Minister's Zoning Order (O. Reg. 337/24) and Site Plan Approval. Through those processes, matters such as transportation, servicing, stormwater management, environmental impacts and site design were evaluated and resolved.

The applications before the Committee do not seek additional development rights, changes to land use permissions, or modifications to the approved site design. Instead, the applications are intended to facilitate a joint venture ownership structure associated with the future operation of the facility. Specifically, the proposed severances would permit the transfer of ownership of the Phase 1 Building and associated Tank Yard lands to Asahi Kasei's joint venture partner while allowing Asahi Kasei to maintain majority ownership of the overall site.

To ensure the continued operation of the facility as an integrated industrial campus, the severance applications are accompanied by easement applications that establish shared access and servicing rights across the property. Proposed easements include road access, construction, servicing, water, sanitary sewer, storm sewer, hydro, gas, fibre, parking, stormwater management and other operational infrastructure.

Importantly, Section 2(2) of O. Reg. 337/24 provides that the lands subject to the Minister's Zoning Order are deemed to be a single lot and that the Order continues to apply despite any future severance, partition or division of the lands. As a result, the proposed severances will not alter the planning permissions established through the MZO.

Planning Staff recognize that these applications represent an unconventional consent request. Unlike a typical land division application intended to facilitate future development, the requested consents are intended to implement a joint venture ownership structure for an approved industrial facility which has already been subject to extensive planning review and approvals.

## **Surrounding Land Uses and Zoning**

The Subject Lands are located west of Highway 140, east of the Welland Canal, south of the CN Railway and are accessed from Highway 140 via Kleinsmith Road. The Subject Lands are outside of the Urban Area and are designated Rural Employment and Special Study Area in the City's Official Plan.

As mentioned previously, A Minister's Zoning Order (o. Reg. 337/24) applies to the Subject Lands. The MZO establishes permitted uses, zoning requirements for the

development of the lands, and terms of use. In accordance with Section 2. (2) of the MZO, all parts will continue to be “deemed to be a single lot, and despite any future severance, partition or division of those lands, the [Minister’s Zoning] Order shall apply to all of those lands as if no severance, partition or division occurred”.

Surrounding uses include vacant rural industrial lands to the north, east and south, as well as residential dwellings located farther south and east.



*Figure 3 (above): Air photo of the Subject Lands and Surrounding Lands*

### **Environmentally Sensitive Areas**

Through previous processes associated with the development of the Subject Lands, including Site Plan Control and the Minister’s Zoning Order, an Environmental Impact Statement (EIS) was submitted. The prior EIS confirms that there are no provincially significant wetlands located on or adjacent to the Subject Lands. Further, NPCA permit requirements have been met through the ongoing development of the site and in accordance with the approved Site Plan Agreement.

## Public Comments

Notice was circulated on August 25, 2026, to properties within 60 metres of the subject lands, in accordance with the *Planning Act*. As of the date of writing this report, no comments from the public have been received.

## Agency Comments

Notice of the application was circulated on August 17, 2026, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

| Commenter                                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Planning Staff Response                                                                                                                               |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Drainage Superintendent</b>                  | The parcel is in the drainage area of the Lyons Creek Municipal Drain East Branch. If the plan is approved, a revision of the assessment schedule will be required. This is a requirement under section 65 of the Drainage Act, Subsequent Subdivision of Land, under a drainage apportionment agreement. A drainage Engineer will be required to complete this. Staff can provide a drainage engineer who recently completed work with in this watershed to complete the drainage apportionment agreement. This drainage apportionment will be required once the plan of subdivision has been signed by the Registry office. | These comments are not applicable as the property will remain as 1 single lot as per the Minister's Zoning Order and there is no plan of subdivision. |
| <b>Fire Department</b>                          | No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted                                                                                                                                                 |
| <b>Engineering Technologist</b>                 | No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted                                                                                                                                                 |
| <b>Niagara Peninsula Conservation Authority</b> | <p>The NPCA has no objection to the proposed consent applications which are intended to support future business operations and logistics for both companies under a Joint Venture business model.</p> <p>Please note there are NPCA regulated watercourses on the subject property.</p> <p>Should any development be proposed in the future it will need to be circulated to the NPCA for review and approval and possible work permits.</p>                                                                                                                                                                                  | Noted                                                                                                                                                 |
| <b>Region of Niagara</b>                        | Regional staff offer no comments on this application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Noted                                                                                                                                                 |

## **Discussion**

These applications were reviewed in consideration of the applicable policies in the Provincial Planning Statement (2024), the Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

### **Provincial Planning Statement (PPS)**

The applications support the continued development and operation of a major employment use that has previously received planning approvals. The proposed consents do not introduce new land uses or development permissions and are intended to facilitate a joint venture ownership structure while maintaining the integrated operation of the facility through the establishment of shared easements.

Planning Staff are satisfied that the applications are consistent with the Provincial Planning Statement (2024).

### **Niagara Official Plan (NOP)**

The Niagara Official Plan (NOP) provides the long-term land use planning framework for development across the Niagara Region, including the City of Port Colborne. As a result of the passing of Bill 185, the NOP is deemed to be a local Official Plan for Planning Act applications. The NOP designates the Subject Lands as follows:

- Rural Lands, in accordance with Schedule F- Agricultural Land Base;
- Rural Employment (Niagara Economic Centre), in accordance with Schedule G Employment Areas;
- Area of Archaeological Potential, in accordance with Schedule K- Areas of Archaeological Potential; and,
- Future Employment Area, in accordance with Appendix 2- Urban Expansion Areas and future Employment areas.

Planning Staff note that the Asahi Kasei Battery Separator facility has already been subject to extensive planning review and approvals, including the issuance of a Minister's Zoning Order and Site Plan Approval. Through these processes, matters such as land use compatibility, transportation, servicing, stormwater management, environmental impacts, site design and agency requirements were reviewed and addressed to the satisfaction of the applicable approval authorities. The proposed consent applications do not alter these approvals, introduce new development permissions, or modify the approved site layout.

Rather, the applications are intended to facilitate a joint venture ownership structure associated with the operation of the approved facility. Specifically, portions of the Phase 1 development lands are proposed to be transferred to Asahi Kasei's joint venture business partner, while Asahi Kasei will maintain majority ownership of the overall site. Concurrent easement applications are proposed to ensure continued shared access to internal roads, parking areas, utilities, servicing infrastructure, stormwater management

facilities and other operational components necessary for the site to function as a single integrated industrial campus.

Planning Staff are satisfied that the proposal supports the continued operation of a significant employment use within the Niagara Economic Centre and does not compromise the long-term employment function of the lands. The applications facilitate an ownership arrangement for an approved industrial development and do not create additional development opportunities beyond those previously reviewed and approved.

Further, archaeological matters have previously been addressed through the approvals associated with the development of the Asahi Kasei facility, and the proposed consent applications do not introduce any new development or site alteration that would warrant further archaeological review.

Based on the foregoing, Planning Staff are satisfied that the proposed consent applications conform to the intent and purpose of the Niagara Official Plan.

#### City of Port Colborne Official Plan (OP)

The City of Port Colborne Official Plan (OP) provides policy direction for managing growth and development within the municipality. The Subject Lands are designated:

- Rural Employment and Special Study Area, in accordance with Schedule A: City-Wide Land Use; and
- Stream and Fish Habitat, in accordance with Schedule B: Natural Heritage.

Planning Staff note that the Subject Lands have already been subject to extensive planning review through the Minister's Zoning Order, Site Plan Approval process, and associated technical studies. Through these approvals, matters relating to land use compatibility, servicing, transportation, stormwater management, environmental impacts, archaeology, site design and agency requirements were reviewed and addressed to the satisfaction of the applicable approval authorities. The proposed consent applications do not alter the approved development concept, introduce new land use permissions, or modify the approved site layout.

Rather, the applications are intended to facilitate a joint venture ownership structure associated with the approved Asahi Kasei Battery Separator manufacturing facility. Specifically, portions of the Phase 1 development lands are proposed to be transferred to Asahi Kasei's joint venture business partner, while Asahi Kasei will maintain majority ownership of the overall site. Concurrent easement applications are proposed to ensure continued shared access to internal roads, parking areas, stormwater management facilities, utilities and servicing infrastructure necessary for the facility to operate as a single integrated industrial campus.

Planning Staff are satisfied that the proposed consents support the continued development and operation of a significant employment use within the Rural Employment

designation. The applications facilitate an ownership and operational arrangement for an approved industrial facility and do not create additional development opportunities beyond those previously reviewed and approved.

The Subject Lands are also identified as Stream and Fish Habitat within the City's natural heritage framework. Environmental matters, including the submission and review of an Environmental Impact Study, have previously been addressed through the planning approvals associated with the development of the facility. The proposed consent applications do not involve additional development or site alteration and are not anticipated to result in any impacts to natural heritage features or functions.

Based on the foregoing, Planning Staff are satisfied that the proposed consent applications conform to the intent and purpose of the City of Port Colborne Official Plan.

#### City of Port Colborne Zoning By-law 6575/30/18

As noted, a Minister's Zoning Order applies to the Subject Lands. As such, the City of Port Colborne Zoning By-law and the regulations therein do not apply.

Planning staff note that the MZO expressly anticipates the possibility of future severances. As such, the proposed land division does not undermine the planning framework established for the site and does not create any new development permissions. The lands will continue to be regulated by the provisions of the MZO notwithstanding the proposed ownership changes.

For these reasons, Planning Staff are satisfied that the proposed consents are appropriate and maintain the intent of the Minister's Zoning Order.

#### **Recommendation:**

That consent application B06-26-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the final certification fee, per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
3. That all conditions of consent be completed by September 9, 2028.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, and maintain the intent and purpose of O. Reg. 337/24

Respectfully submitted,

Kelly Martel

Planning Manager



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**Members Present:** Dan O'Hara, Chair  
Angie Desmarais, Vice-Chair  
Gary Bruno, Committee Member  
Eric Beauregard, Committee Member

**Staff Present:** Taya Taraba, Secretary-Treasurer

**Members Absent:** Dave Elliott, Committee Member

1. **Call Meeting to Order**  
The Chair called the meeting to order at approximately 6:00 p.m.
2. **Reading of Meeting Protocol**  
The Chair read the Meeting Protocol.
4. **Disclosures of Interest**  
Member Beauregard declared an indirect pecuniary interest for application A11-26-PC as his employer is an agent of the applicant.
5. **Requests for Deferrals or Withdrawals of Applications**  
Nil.
6. **Order of Business**
  - a. **Application:** B16-26-PC  
**Action:** Consent to Sever (Boundary Adjustment)  
**Applicant:** Joeseeph Grifa  
**Location:** 2421 Wilhelm Road

The Secretary-Treasurer read the correspondence received for the application.

The Chair had asked if the agent would like to speak to the application; the owner mentioned that the lands were to merge with the neighbour's active farmland and that an updated severance sketch was provided to staff solely to clear up any concerns that the NPCA had regarding the boundary adjustment.

The Chair had motioned for the removal of Condition 5, as the NPCA's request for floodplain mapping would be for an already existing lot rather than a newly created lot through an active severance.

That the Committee of Adjustment have decided that application B16-26-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds for the conveyance of the subject parcels, including a registrable legal description of the subject parcels, and a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent.
2. That the applicable final certification fee, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
3. That the applicant's solicitor shall provide written confirmation to the Secretary Treasurer of the Committee of Adjustment that under the Planning Act, the severed lands will merge with the adjacent lands legally known as Concession 3 Part Lot 3 Part Lot 4 RP 59R4396 Part 1.
4. That, immediately following the registration of the Transfer of the lot addition lands, the applicant/owner shall register an Application to Consolidate Parcels in order to include the lot addition (Part 2) with the abutting lands municipally known as 2234 Wilhelm Road. The Secretary Treasurer shall accept, to their satisfaction of this condition, an Undertaking from an Ontario solicitor to register the Application to Consolidate Parcels within 60 days following the registration of the Transfer of the lot addition lands.
5. That all conditions of consent be completed by August 12, 2028.

For the following reasons:

1. The application is consistent with the Provincial Planning Statement, conforms to the Niagara Official Plan and the City of Port Colborne Official Plan; and, complies with the provisions of Zoning By-law 6575/30/18, as amended.

**Motion:** Angie Desmarais

**Seconded:** Gary Bruno

**Carried:** 4-0

**b. Application:** A11-26-PC

**Action:** Minor Variance

**Agent:** David Funk

**Applicant:** Eric Vanderzalm

**Location:** 2775 Highway 3

The Secretary-Treasurer read the correspondence received for the application.

The Chair had asked if the agent would like to speak to the application; the Agent did not have anything to add.

That the Committee of Adjustment have decided **A11-26-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

**Motion:** Angie Desmarais

**Seconded:** Gary Bruno

**Carried:** 3-0

**b. Application:** A12-26-PC  
**Action:** Minor Variance  
**Agent:** Jason Cardwell  
**Applicants:** N and J Signs  
**Location:** 5520 Firelane 27

The Secretary-Treasurer read the correspondence received for the application.

The Chair had asked if the applicant would like to speak to the application; the applicant did not have anything to add.

The Chair had referenced a letter submitted as written correspondence by the neighbouring properties, drafted by Ron Webb, 239 Firelane 26, which was summarized by the Secretary-Treasurer.

The Chair had brought up a concern regarding having an accessory structure on a property without a primary use, as the existing cottage is presently vacant. The Committee Members posed several questions regarding the garage to the applicants.

George Ginther, 5714 Firelane 27, provided public comments regarding the opposition of the application and wanted to ensure that the garage does not be moved any further than what is required. George Ginther also wanted to ensure that all outstanding property violations were attended to, however, the Chair had informed the speaker that this was not within their purview.

As a preventative measure to avoid confusion as to where the garage will be placed and to ensure this does not happen again, the Committee added a condition that the property lines be outlined through an updated survey conducted by an Ontario Licensed Surveyor.

That the Committee of Adjustment have decided **A12-26-PC** be **granted** for the following reasons:

1. The application is minor in nature.
2. It is appropriate for the development of the site.
3. It is desirable and in compliance with the general intent and purpose of the Zoning By-law.
4. It is desirable and in compliance with the general intent and purpose of the Official Plan.

Alongside the following imposed condition:

1. That the property lines be outlined through a survey conducted by an Ontario Licensed Surveyor and that a completed drawing be provided to City Staff.

**Motion:** Gary Bruno

**Seconded:** Angie Desmarais

**Carried:** 3-1

#### **7. Other Business**

Nil.

#### **8. Approval of Minutes**

That the minutes from the July 8<sup>th</sup>, 2026 meeting be approved.

**Motion:** Eric Beauregard

**Seconded:** Angie Desmarais

**Carried:** 4-0

#### **9. Adjournment**

There being no further business, the meeting was adjourned at approximately 6:54 pm.

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Dan O'Hara, Chair

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Taya Taraba, Secretary-Treasurer