



PORT COLBORNE

City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Government Relations Department
Planning Division Report

January 9, 2026

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

Re: Application for Consent: B02-26-PC
Concession 4 Part Lot 22, Part 1 of Plan 59R018 Geographic Township of
Humberstone in the City of Port Colborne (737 Forkes Road)
Agent: Jim Frank, JAM Engineering and Construction Inc.
Owner: Tory Robins and Peggy Robins

Proposal

The purpose of this application is to permit the severance of the parcel at 737 Forkes Road, for the purpose of creating a new lot, as illustrated in the provided figures and described below:

- **Part 3** is proposed to **be severed**, with a lot frontage of 46.5 metres and a lot area of 7.48 hectares.
- **Part 4** is proposed to **be retained**, with a lot frontage of 54.86 metres and a lot area of .61 hectares.
- There is a related consent application for the adjacent lands at 3947 Snider Road (B01-26-PC)

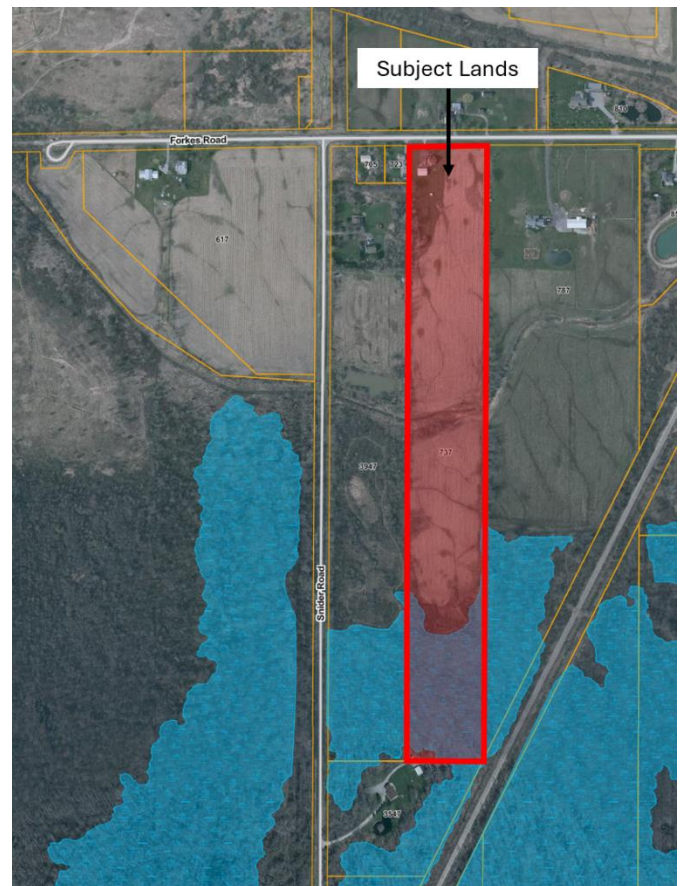


Figure 1 (above): Subject Lands

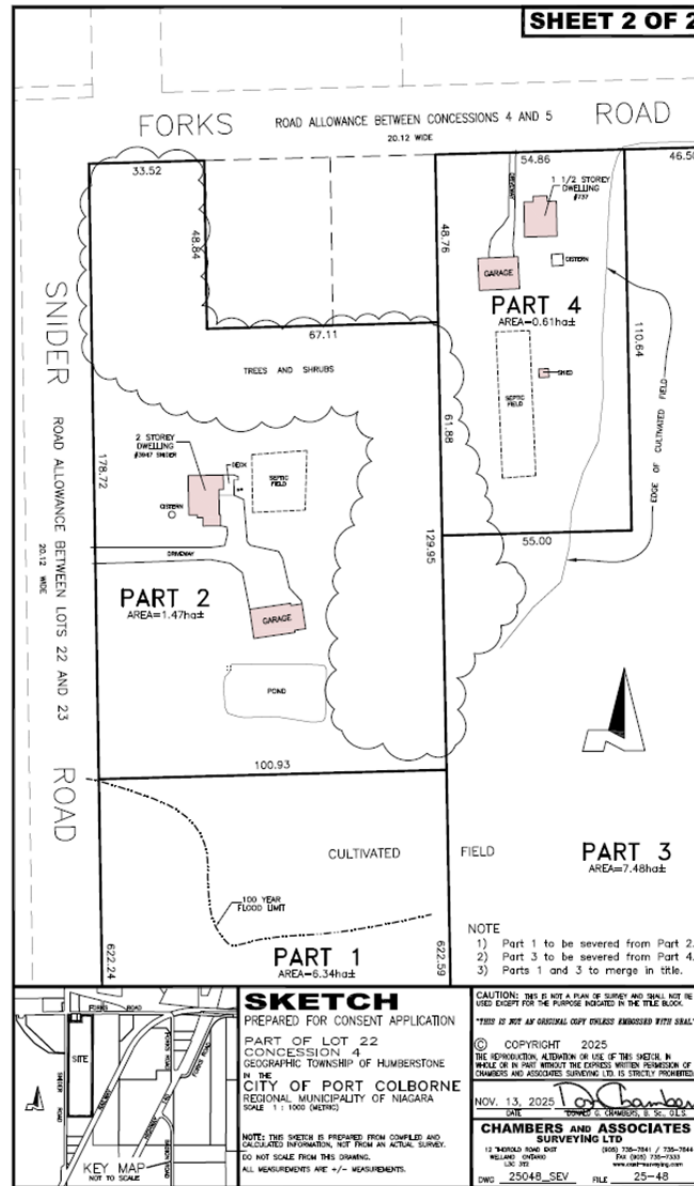
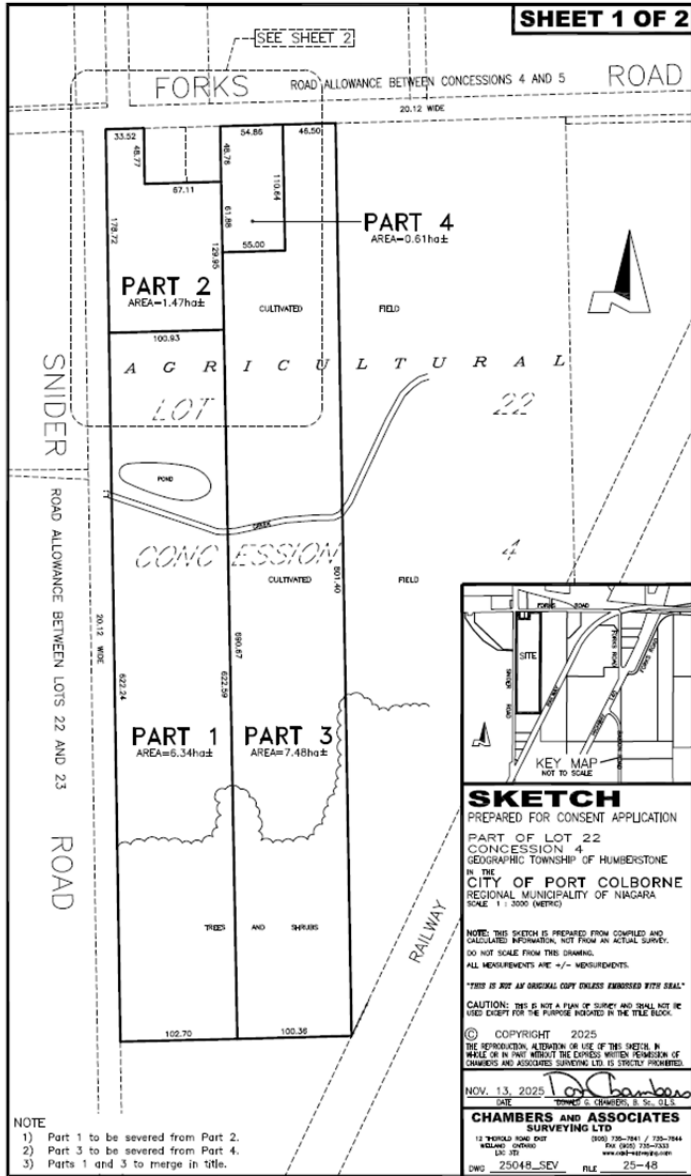


Figure 2 (above): Proposed severance sketch

Surrounding Land Uses and Zoning

The Subject Lands are located outside of the Urban Area and are zoned Rural (RU) and Environmental Protection (EP). Parcels surrounding the Subject Lands are and include rural residential dwellings and natural environmental features. The future Asahi Kasei battery separator plant is located further north of the Subject Lands. Figure 3 shows the zoning of the subject and surrounding lands.

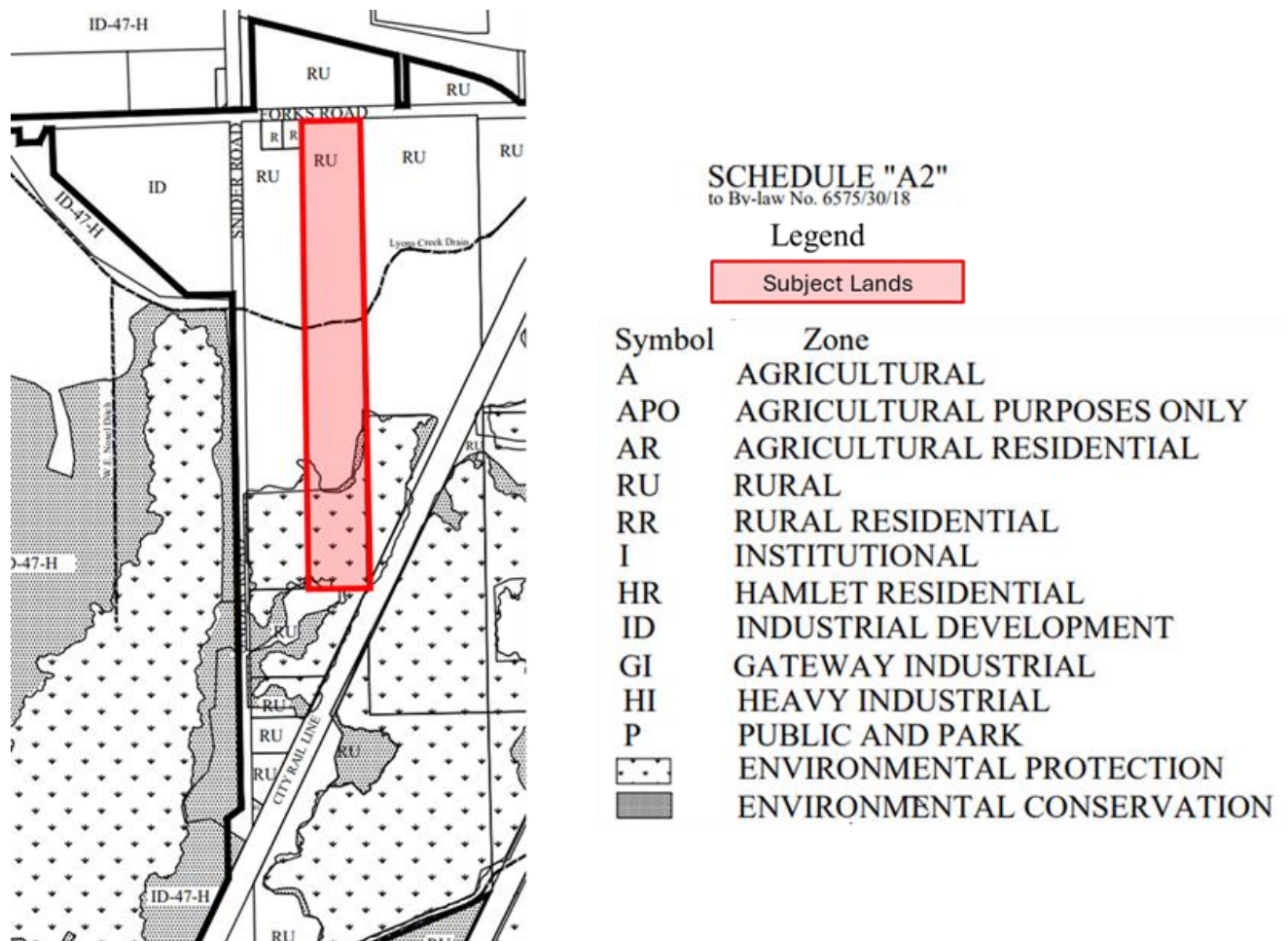


Figure 3 (above): Zoning of the subject and surrounding lands

Environmentally Sensitive Areas

As shown on Schedule A2 of Zoning By-law 6575/30/18 and Schedule B of The City of Port Colborne Official Plan, an environmental protection area is present on the rear portion of Subject Lands. Schedule B1 of the Official Plan identifies this as Provincially Significant Wetland. This feature is wholly on Part 3.

Schedule B1 of the City of Port Colborne Official Plan also shows a Stream traversing through the Subject Lands, all of which would be located wholly on Part 3.

Public Comments

Notice was circulated on December 16, 2025 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 December 9, 2025, to internal City departments and external agencies. As of the date of writing this report, the following comments have been received.

Committer	Comments	Planning Staff Response
Drainage Superintendent	<p>The parcel is within the watershed of the Lyons Creek Municipal Drain. Any alterations to existing parcels through consent application will require a drainage reapportionment agreement. That can be completed by the Drainage Superintendent or by an approved drainage engineer. The cost of the city completing the agreement is \$118.00 per parcel. If the applicant chooses to have an engineer complete the agreement, the cost will be paid entirely by the applicant. For any questions on this process, please contact the Drainage Superintendent.</p> <p>Please note that the sketch prepared for consent application illustrates a creek. That creek is the Lyons Creek Municipal Drain East Branch. For future development, as per the planning law, there is a 10 m set back from top of bank of all municipal drains for any structures</p>	<p>This has been included as a condition of consent (Condition 4)</p>
Fire Department	<p>No objections</p>	<p>Noted</p>

Engineering Technologist	Development Engineering has no comments for this Consent (Severance) application.	Noted
Niagara Peninsula Conservation Authority	No comments	Noted
Region of Niagara	At the time of writing this report, comments have not been received by the Niagara Region	N/A

Discussion

Consent application B01-26-PC was 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)

Based on the policies and definitions in the PPS, the Subject Lands are considered to be rural lands. Policies for rural lands in municipalities are contained in Section 2.6 of the PPS. In accordance with Policy 2.6.1 c) of the PPS, residential development, including lot creation, where site conditions are suitable for the provisions of appropriate sewage and water services. Further policies of Section 2.6 promote development that is appropriate to the infrastructure that is planned or available; and, can be sustained by rural service levels. An existing dwelling is located on Part 4, while Part 3 will become a newly created lot. Part 4 is already serviced by a private sewage and water system. Both the severed retained parcels meet the lot size requirements established for private services There is no development proposal for Part 3 at this time. Should future development occur on Part 3, it would need to be serviced adequately by a private sewage and water system.

In accordance with Policy 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. Based on staff’s review, there are no livestock facilities within 1,000 metres of the Subject Lands.

Section 4.1 of the PPS provides guidance with respect to natural heritage and states that natural features and areas shall be protected for the long term. As noted previously, environmental features, which include a Provincially Significant Wetland and a stream, are located wholly on Part 3 of the Subject Lands. There is no development proposed as part of this consent application, however, if development occurs on Part 3 in the future, appropriate environmental studies would need to be completed and buffers would need to be provided to protect these features.

Section 4.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless

archaeological resources have been conserved. The creation of a new lot is considered development. The Niagara Region Official Plan (NOP) includes an operative schedule that identifies areas of archaeological potential (Schedule K). The Subject Lands are located within an area of identified archaeological potential. To address this, staff are recommending that the applicant complete the necessary works to obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM) as a condition of consent.

Based on this analysis, staff are satisfied that the proposed consent is consistent with the direction set out in the PPS.

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; and,
- Area of Archaeological Potential, in accordance with Schedule K- Areas of Archaeological Potential.

Policies for residential lot creation on rural lands is set out in Policy 4.1.4.2 of the NOP. A summary of the criteria and an assessment of compliance is provided in the table below:

NOP Policy 4.1.4.2 Criteria	Assessment Summary
a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements	Both the severed and retained parcels meet this requirement. As noted elsewhere, the existing dwelling on Part 4 is already supported by on-site private water and septic systems. There is no development proposal for Part 3 at this time. Should future development occur on Part 3, it would need to be serviced adequately by a private sewage and water system.
b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements	This would be subject to Regional review at the time of any proposed development.
c. any new lot has sufficient frontage on an existing public/maintained road	Sufficient frontage is provided for both the severed and retained parcels.
d. where possible, joint use should be made of the existing road access to the farm operation	Not applicable.

e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections	No traffic hazards have been identified by municipal engineering staff
f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.

Based on the analysis above, the proposed consent application conforms to the NOP.

City of Port Colborne Official Plan (OP)

The City of Port Colborne OP designates the Subject Lands as Rural Lands, in accordance with Schedule A: City-Wide Land Use. As noted previously, Schedule B1 of the Official Plan also shows a stream traversing the Subject Lands and a Provincially Significant Wetland, both of which are situated wholly within Part 3.

Policies for lands within the Rural designation are contained in Section 3.4 of the OP. In accordance with the Preamble, the predominant uses for lands designated Rural shall include, but not be limited to; land uses permitted in the Agricultural designation; single-detached residential; natural heritage areas; parks and public open spaces; golf courses, conservation clubs, off-road trails and onroad bicycle routes; veterinary establishments; commercial or industrial uses that serve or directly relate to agriculture and cannot be located in a Hamlet such as a nursery or farm produce sales establishment, research station, farm machinery sales or repair depot, roads maintenance depot, feed or saw mill and fertilizer or seed depot; and activities normally found in close proximity to a lakeshore area including docks, accessory boat storage buildings, navigation facilities and erosion control measures.

Policy 3.4.2 a) i) through iv) provide guidance for intensification and infill in the Rural area, while Policy 3.4.4 establishes the framework for consents to sever in the Rural area. A summary of the criteria and an assessment of compliance with the applicable policies is provided in the table below:

Policy Criteria	Assessment Summary
A maximum of three lots are created on each property in existence as of June 16, 2006 (3.4.4 a) i))	One new lot is being created.
The proposed lots are designed to retain natural feature and vegetation (3.4.4 a) ii))	Natural features are located wholly within Part 3.
Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic	Both the severed and retained lots exceed the minimum lot area requirement.

system, and protect surface and ground water features (3.4.4 a iii))	
The new lot does not contribute to the extension or expansion of strip development (3.4.4 c ii))	The new lot does not contribute to strip development.
The new lot is located on an opened and maintained public road (3.4.4 c iii))	The new lot is located on an opened and maintained public road.
The feasibility of sustainable private services is demonstrated through appropriate technical studies (3.4.4. c iv))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Feasibility for servicing, based on the future intended use, will need to be demonstrated through subsequent development approvals processes and would be subject to Regional review.
The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed (3.4.4 c v))	The lot is considered to be suitable in this regard.
Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections (3.4.4 c vi))	No traffic hazards have been identified by municipal engineering staff.
The proposed use will be compatible with surrounding uses (3.4.4 c vii))	At this time, it is our understanding that the applicant is not looking to develop the land for any use. Any future development on the new lot would be required to meet the applicable provisions of the Zoning By-law and the Rural Zone specifically.
The new lot shall meet the minimum distance separation formulae (3.4.4 c ix))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands.
The new lot for residential purposes, as permitted by Section 3.4.4 must be separated from existing livestock operations by the distance determined by the minimum distance separation formulae (3.4.4 c x))	Based on staff's review, there are no active farming operations surrounding the Subject Lands and there are no livestock facilities within 1,000 metres of the Subject Lands. Access, servicing, and the relationship of the lots to agricultural operations remain consistent with the intent of the Rural designation.
For agriculture-related uses and other rural uses, a maximum of three new non-residential lots are created on the property being severed (3.4.4 c xi))	One new lot is being created.

Based on the analysis above, the proposed consent application conforms to the City's OP.

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

The Subject Lands are Zoned Rural (RU) in accordance with the Zoning By-law. The requested consent application will enable future development of the created lot. The following uses would be permitted on the lot, based on Section 15.2 of the Zoning By-law: Accessory Agricultural Activities; Agriculture Use; Agri-tourism and Value Added Uses; Cannabis Production Facility; Conservation uses; Dwelling, detached existing at the date of the passing of this By-law as a principal use on a new lot; Dwelling, detached as a principal use on an existing lot of record; Kennel; and, Uses, structures and buildings accessory thereto.

The proposed severance will leave the following dimensions:

- Part 3: a lot frontage of 46.5 metres and a lot area of 7.48 hectares.
- Part 4: a lot frontage of 54.86 metres and a lot area of .61 hectares.

The RU Zone requires minimum lot frontages and lot areas. The minimum lot frontage is typically 30 metres; however, some permitted uses require a minimum lot frontage of 75 metres. If future development on Part 3 were to be for a use that requires a larger frontage than is provided, a variance would be required. The minimum lot area is typically .4 hectares, however some permitted uses require a larger area (kennels, cannabis production facility). The lot area for an existing dwelling is met on Part 4, while the lot area of Part 3 would meet the lot area requirements for all permitted uses in the RU zone.

Recommendation:

That consent application B0-26-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 applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
3. That the applicant shall undertake an archaeological assessment and obtain archaeological clearance from the Ministry of Citizenship and Multiculturalism (MCM).

4. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
5. That a final certification fee of \$400 per application, payable to the City of Port Colborne, is submitted to the Secretary-Treasurer.
6. That all conditions of consent be completed by January 14, 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.

Respectfully submitted,

Kelly Martel

Planning Manager