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**VIA EMAIL**

July 24, 2023

Regional Chair and Council Members  
The Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
P.O. Box 1042  
Thorold, ON L2V 4T7

Attn: Ann-Marie Norio, Regional Clerk

Dear Chair and Council Members:

**Re: Niagara Region Approval Authority  
Niagara Falls OPA 147 – Employment Lands  
Agenda Item xxx - August 9, 2023**

## **INTRODUCTION**

We represent 2610832 Ontario Inc. (“**261**”), owner of lands municipally known as 8970 and 9015 Stanley Avenue, Niagara Falls (“**Subject Lands**”). The portion of the Subject Lands west of Stanley Avenue, 9015 Stanley Ave (“**Subject Lands West**”), were formerly used as a trailer park while the portion east of Stanley Avenue were formerly used as a golf course. Our retainer is focused on assisting 261 in realizing the development potential of the Subject Lands in accordance with the applicable policy regime.

## **OFFICIAL PLAN AMENDMENT NO. 147 (“OPA 147”)**

On March 20, 2023, the City of Niagara Falls Council (“**City Council**”) received our letter dated March 20, 2023 (“**Submission**”) – attached to this letter as Appendix 1 – and approved OPA 147. OPA 147 addresses Employment Areas in Niagara Falls. OPA 147 does not include the Subject Lands as Employment Areas as per the Region of Niagara’s recent Municipal Comprehensive Review (“**MCR**”) exercise. City Council formally adopted OPA 147 on April 18, 2023.

## **REGION’S EMPLOYMENT LAND NEEDS CONCLUSIONS FOR NIAGARA FALLS**

Approximately a year prior to the adoption of OPA 147, the Region completed a Land Needs Assessment (“**LNA**”) for employment land needs in June 2022. At that time, the Region determined that employment land was needed for Fort Erie, West Lincoln and Welland. No need was identified for the

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

City of Niagara Falls. Hemson Consulting Ltd., on behalf of the Region completed a peer review of the LNA and delivered a letter on May 13, 2022 which concluded no employment land need for Niagara Falls. Specifically, the letter from Hemson Consulting Ltd. identified the following:

- “The results of the employment area LNA are set out in Table 21 and demonstrate that employment area expansions would be required in Fort Erie, Welland, and West Lincoln (255 developable hectares in total).”
- “The Region’s 2051 Land Needs Assessment appropriately uses the Provincial LNA Methodology to assess the amount of land required to accommodate the “Made-in-Niagara Forecasts” approved by Regional Council as part of the municipal comprehensive review and permitted under the Growth Plan. The LNA report follows the step-by-step process prescribed by the methodology and identifies a range of technical studies that support the key LNA inputs and assumptions.”

### **NIAGARA FALLS LAND NEED CONCLUSIONS**

City of Niagara Falls consultants came to a different conclusion than the Region. They concluded that Niagara Falls does need employment land. Notwithstanding the Region’s consultants and peer reviewer’s conclusion of no employment land need for the City of Niagara Falls, the Region’s Official Plan (“**ROP**”), as approved by the Minister, followed the City consultants’ recommendation with the inclusion of the Subject Lands West. Up until May 2022, the ROP did not include the Subject Lands West as Employment Area within its ROP. However, due to a last minute map change, **the ROP as approved by the Province now designates the Subject Lands West as Employment Area.** How did this happen?

### **REGION’S MAPPING**

During an August 2022 City Council meeting, Councillor Kerrio asked how the Region determined that the Subject Lands West would be designated employment. He asked whether it was a Regional determination or whether it was City staff that decided that this would be an appropriate location for employment land. Brian Dick, the City’s Manager of Policy Planning, responded that the recommendation to make the Grassy Brook area employment originated with the City’s consultants. He indicated that this was part of a “collaborative process” with the Region. This “collaborative process” was not a public process. It was never defined in a formal manner nor were comments or analysis from the Region ever provided or available to the public for review. Essentially, there was a further allocation of Employment Areas for Niagara Falls when the Region’s own LNA did not consider this as a need. This all occurred outside the public domain. Remarkable.

To be clear, none of the Region’s materials showed an active peer review and analysis of the City’s and their consultant’s Employment Lands Study to rationalize incorporating in the Region’s MCR and final LNA.

### OPA 147 CORRECTS MAPPING

OPA 147 is City Council's vision. The foregoing challenges were included in 261's Submission to City Council on March 20, 2023 and carefully considered by it:

- City consultants' work flawed
- Region's consultants' work sound
- No employment land need for Niagara Falls
- Subject Lands West not required by Niagara Falls to meet employment land needs.

Given the Region's studies, 261 cannot discern what led to the Region's sudden mapping change to designate the Subject Lands West as Employment Area. Whether this occurred as a result of a mapping error, or as a result of direction from City staff, OPA 147 fixes the problem. OPA 147 as approved by Council of the City of Niagara Falls, does not include the Subject Lands West within the Employment Areas designation.

### STAFF RECOMMENDATIONS

Regional staff advised us on July 4, 2023, that they intend to "modify the mapping for OPA 147 to recognize the Subject Lands as Employment Area in conformity with the Niagara Official Plan". We have not yet seen the staff report.


Staff's perspective is unfortunate and misguided. "Conformity" does not mean "strict adherence". It is a flexible legal standard designed to ensure that the intent of a policy regime is achieved.

There can be no question of the City of Niagara Falls policy intent: OPA 147 represents its policy vision for Employment Areas in Niagara Falls, as per the Region's MCR. The ROP mapping designation is the outlier. How it came to be is unknown and not as a result of a public process. OPA 147 fixes the problem. Conformity is achieved.

### OUR ASK

We ask that you approve OPA 147. It represents the will of Niagara Falls City Council.

Yours truly,



Nancy Smith  
ns/l

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**VIA EMAIL**

March 20, 2023

Mayor and Members of Council  
City of Niagara Falls  
City Hall  
4310 Queen Street  
Niagara Falls ON L2E 6X5

Dear Mayor Diodati and Members of Council:

**Re: 8970 and 9015 Stanley Avenue (“Subject Lands”)  
2610832 Ontario Inc.  
REQUEST TO CARVE OUT THE SUBJECT LANDS FROM PROPOSED OPA 147**

**INTRODUCTION**

We represent 2610832 Ontario Inc. (“**261**”), owner of lands municipally known as 8970 and 9015 Stanley Avenue, Niagara Falls (“**Subject Lands**”). The portion of the Subject Lands west of Stanley Avenue (“**Subject Lands West**”) were formerly used as a trailer park while the portion east of Stanley Avenue were formerly used as a golf course. Our retainer is focused on assisting 261 in realizing the development potential of the Subject Lands in accordance with the applicable policy regime.

We have made numerous submissions to Council since July 2021. We encourage Council to reflect on our previous input. This letter will focus on:

- Council Decides, Not Staff or Consultants
- Council Has Not Endorsed the Employment Land Study
- Housing Needed, Not Employment
- Employment or Residential
- Regional Official Plan Applies the Clergy Principle

Needless to say, 261 has participated responsibly in this process. At my last attendance before Council on August 9, 2022, staff made a number of comments following my presentation that, in my view, required correction. The process, regrettably, did not allow me to respond. My office, therefore, requested, and staff confirmed, that we would be provided two (2) weeks notice of when this matter would be brought before you. That staff commitment is attached as Appendix 1.

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I did not receive two (2) weeks notice. I found out about this matter from others this past Thursday and not directly from staff. I trust this was an unfortunate oversight and not reflective of a staff strategy to thwart 261's responsible participation.

### OUR ASK

We request that Council accept its responsibility to assist with Ontario's housing crisis and carve the Subject Lands West out of the proposed OPA 147 as identified in Appendix 2.

### COUNCIL DECIDES, NOT STAFF OR CONSULTANTS

You are the *Planning Act* decision-maker. You direct policy. Your staff and consultants must respond to your policy direction. They are not elected to make policy.

We have reviewed the Council meeting transcripts from July 2021 to date. Repeated Councillor requests to revisit the Subject Lands West and their appropriateness for an Employment Designation have gone unanswered. For example:

#### 1. July 2021

**Councillor Thompson:** With respect to the Subject Lands West, "[t]he people have been doing studies to put Residential development and dealing with the City and now they're coming in and saying "Oh, you have to have Industrial there." In response, Mr. Herlovitch indicated that "this [is] our opportunity to send this information back to the Consultants to have a deeper look at this property, give them a chance to refine some of their recommendations."

**Councillor Campbell:** "If we had to vote on it today, I don't think it'd get passed. So, we need to have all the information available to us before we make any decisions, and I understand it's going to happen in the fall." Herlovitch confirmed.

#### 2. December 2021

**Councillor Lococo** indicated she wanted further information with respect to planning around woodlands within the Grassy Brooks area (the new employment area recommended by the City's consultants, which includes the Subject Lands West).

**Councillor Thompson** stated "I think we have to have more respect for the people who own the other properties and [have] a plan and have been working for a long time. So, I really think we have to take a pause and inform the Council totally about where these properties are and listen to the people who own them and what their plan is before we do anything else."

**Councillor Thompson** indicated that he would like Council to be fully informed of all of the employment lands that are being discussed and have the opportunity for the owners to advocate to Council and make sure it understands the full picture. "I really am concerned about how we're moving ahead". "I think we've got to do a lot more work on this."

### 3. August 2022

**Councillor Lococo** indicated that she was interested in getting a second opinion about the best use of the Subject Lands West and other sites.

**Councillor Kerrio** stated: "I can tell you right now that I'm not going to support having that one piece made industrial on Stanley but I don't want to slow down the process of Rocky's client on McLeod. So, I think we're going to need those questions answered and some alternatives back at that meeting if we're going to make everyone happy.... [W]e're not making a decision, it's going to come back to us for a decision. We keep the process moving for the other people and then when it comes back to us, we'll have had time to have the other information about this Clergy Principle and whatever brought to us.

### **COUNCIL HAS NOT "ENDORSED" THE EMPLOYMENT LAND STUDY**

During the August 9, 2022 Council meeting, in response to comments from **Councillor Lococo** indicating that she was interested in getting a second opinion about the best use of the Subject Lands West and other sites, Ms. Dolch indicated that Council has already endorsed the Employment Lands Study ("ELS") and asked staff to bring forward the OPA. She indicated that if Council were to direct staff to have another look at these sites, this would be going against Council's original endorsement.

This statement is inaccurate. Council had not endorsed the ELS prior to the August 9<sup>th</sup> meeting, nor did it endorse it at the August 9<sup>th</sup> meeting. Council's resolutions have been as follows:

- July 2021: "that Council receive the comments of the public and refer to staff to be addressed in the preparation of official plan and zoning by-law amendments that implements the Employment Lands Strategy for consideration and adoption at a Council date in Fall 2021."
- December 7, 2021:
  1. That Council receive the Niagara Falls Employment Lands Strategy Phase 3 report for information.
  2. That Council direct staff to prepare draft Official Plan and Zoning By-law amendments for additional stakeholder consultation and for consideration and adoption at a later Council session; and to only extend to Stanley Avenue, not to go east beyond Stanley Avenue.
  3. Defer interim control by-law.
- August 9, 2022:
  1. That Council receive the public input presented at the second Public Meeting and the modification of policies as requested by Niagara Region.
  2. That Staff forward the draft Official Plan Amendment #147 and the draft zoning by-law amendments to By-law 79-200 and By-law 395, with any required modifications, to a future Council meeting for adoption.
  3. That once adopted, the Official Plan Amendment #147 be forwarded to the Region for approval.

In fact, at each meeting, Council has been repeatedly told that they are not being asked to make a decision on the ELS or related planning instruments:

**July 2021:**

- Director of Planning (Herlovitch): “Council is not being asked to make a decision tonight...asking that you receive the comments that have been submitted both in writing and orally... and that staff will be directed to refine the Official Plan and Zoning amendments that are attached to tonight’s report. ...[I]t’s an opportunity to... receive comments [and] refer that back to staff so that we can address any of the concerns that council receives this evening. And the final documents will be presented to Council later this fall.”
- Dillon Consulting (“Dillon”): The work is not final. No decision is being made today. We will take input/comments and work on addressing them.

**December 2021:**

- Staff Report indicates as “next steps” that upon Council’s endorsement of the staff report, staff will make necessary modifications to the draft OP and ZBA that will implement Phase 3 including the identification of the new employment area. These draft amendments will be subject to further consultation and will be forwarded for consideration and adoption of Council at a later date in 2022.

**August 2022:**

- Staff report indicates as “next steps” that subject to the results of the second Public Meeting and the addition of Regional policies, Council may adopt the OPA and ZBA at a future meeting of Council.
- Dillon indicated that the purpose of the meeting was to receive input and comments and that these would be considered in preparing an updated OPA.
- Ms. Dolch indicated that the staff recommendation to Council is “not to make a decision, it is to refer to a future Council meeting and that was done so that further public input can be achieved.” As a final comment in the meeting, Ms. Dolch again indicated that the staff recommendation was to consider the public input presented at this meeting and come forward with the draft OPA in the future for consideration. She reiterated that there was no recommendation to approve or modify anything at this meeting.

## **HOUSING NEEDED, NOT EMPLOYMENT**

The City of Niagara Falls does not need employment land.

The Region completed a Land Needs Assessment (“LNA”) in June 2022. Employment land need was determined for Fort Erie, West Lincoln and Welland. No need was identified for the City of Niagara Falls. Hemson Consulting Ltd. completed a peer review of the LNA and delivered a letter on May 13, 2022. The peer review concluded no employment land need for Niagara Falls:

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

- “The results of the employment area LNA are set out in Table 21 and demonstrate that employment area expansions would be required in Fort Erie, Welland, and West Lincoln (255 developable hectares in total).”
- “The Region’s 2051 Land Needs Assessment appropriately uses the Provincial LNA Methodology to assess the amount of land required to accommodate the “Made-in-Niagara Forecasts” approved by Regional Council as part of the municipal comprehensive review and permitted under the Growth Plan. The LNA report follows the step-by-step process prescribed by the methodology and identifies a range of technical studies that support the key LNA inputs and assumptions.”

The City’s consultants’ work identifying employment land need for Niagara Falls is flawed. We have shared the discrepancies with Council since July 2021. Attached as Appendix 3 is our land economist’s summary of her outstanding concerns:

- The Region says no need; City says 76 ha need; that’s a significant discrepancy.
- This significant discrepancy results from inconsistent vacant land inputs, the use of land vacancy and density assumptions.

Conversely, Ontario is in a housing crisis. Bill 23 responds to that crisis with the objective of building 5 million houses over the next 20 years. The Subject Lands West, not needed for employment according to the Region, are part of the solution to increase supply. Residential development on the Subject Lands will bring approximately 1,344 residential units to market with the associated development charges and the protection of approximately 14 ha of Natural Features.

### EMPLOYMENT OR RESIDENTIAL

You have GSP Group’s (“GSP”) Optimal Use Analysis dated July 2022. GSP’s independent analysis concluded that the optimal use of the Subject Lands West is for residential purposes and not employment purposes:

- The residential use has regard for matters of provincial interest under section 2 of the Planning Act and is consistent with the Provincial Policy Statement;
- The employment use does not have regard for subsection n) of section 2 of the Planning Act: “The resolution of planning conflicts involving public and private interests”. 261 submitted its application to the City for the redevelopment of the lands for residential purposes and was not advised at the pre-consultation phase, or through circulation comments, of the City’s intent to redesignate the Subject Lands West for employment purposes prior to the City dealing with their application;
- The development of the Subject Lands West for employment purposes could negatively impact the ability to redevelop the Subject Lands East for residential purposes due to potential issues of compatibility;



- The residential use satisfies the Growth Plan policies with respect to the “optimal” use of land, infrastructure and capital investment, as 261’s residential development provides for higher population projections and a more compact and dense form of intensification than the development of employment uses, and it optimizes existing and proposed infrastructure resulting in cost savings;
- The residential use supports the achievement of complete communities as defined in the Growth Plan;
- The residential use better responds to the market and Ontario’s affordable housing crisis by providing readily available land to market in the short and mid-term;
- The residential use conforms to the current Region of Niagara Official Plan;
- The residential use conforms to the current City of Niagara Falls Official Plan policies that recognize and provide for higher residential density along arterial roads, with good connectivity throughout the neighbourhood and where the issues of compatibility are addressed; and
- Given the extensive natural heritage features west of the Subject Lands West and associated buffers and setbacks, the remaining land available for employment uses is fragmented.

### **ROP APPLIES THE CLERGY PRINCIPLE**

The Clergy Principle – applications should be assessed according to the policies that are in place at the time the *Planning Act* application is submitted - makes sense. Good planning cannot occur in the public interest if the applicable policy regime is permitted to change mid-application.

I have read staff’s 4 paragraph explanation in their staff report as to why they think this principle is not sound for this case. Staff refer to dated case law (2006 and 2008) that, when you read the actual cases, are in no way factually similar to this case. Staff’s view of the “public interest” is respectfully, difficult to understand.

In any event, what staff have neglected to tell you is that the ROP approved by the Minister on November 4, 2022, crystallizes the Clergy Principle in the following policy:

7.12.2.5 Development applications deemed complete prior to the date of this Plan’s approval shall be permitted to be processed, and a decision be made, under the Local and Regional Official Plan policies that existed when the application was deemed complete.

The Private Applications in relation to the Subject Lands were deemed complete well before November 4, 2022 and must be decided by policies in force at that time.

I am at a loss as to why staff would not bring Policy 7.12.2.5 to your attention.

## CONCLUSION

The Subject Lands are the subject of Private Applications to permit approximately 1,344 residential units and the protection of approximately 14 ha of Natural Features. Providing housing and protecting the environment are two (2) key provincial interests. In hindsight, these lands should never have been considered for employment from the onset. This is especially so given that, according to the Region's LNA, the City does not need employment land. And, as directed by regional policy, the Private Applications must be determined by policy in existence at the time they were deemed complete.

We request that Council carve the Subject Lands West out of the proposed OPA 147 as identified in Appendix 2. In addition, I renew my request to have two (2) weeks notice of any future Council consideration of this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Nancy Smith', with a stylized flourish at the end.

Nancy Smith  
ns/l

**From:** [Meredith Baker](#)  
**To:** [Nancy Smith](#)  
**Cc:** [Louise Sudac](#)  
**Subject:** FW: [EXTERNAL]-OPA and ZBA to Implement Employment Lands Studies  
**Date:** March 17, 2023 12:31:33 PM

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**From:** Andrew Bryce <[abryce@niagarafalls.ca](mailto:abryce@niagarafalls.ca)>  
**Sent:** Tuesday, November 1, 2022 5:39 PM  
**To:** Meredith Baker <[mbaker@tmalaw.ca](mailto:mbaker@tmalaw.ca)>  
**Cc:** Nancy Smith <[nsmith@tmalaw.ca](mailto:nsmith@tmalaw.ca)>; Louise Sudac <[lsudac@tmalaw.ca](mailto:lsudac@tmalaw.ca)>; Brian Dick <[bdick@niagarafalls.ca](mailto:bdick@niagarafalls.ca)>; Kira Dolch <[kdolch@niagarafalls.ca](mailto:kdolch@niagarafalls.ca)>  
**Subject:** RE: [EXTERNAL]-OPA and ZBA to Implement Employment Lands Studies

Hi Meredith, thank you for your email. These amendments have not been scheduled for the November 22 meeting. Noting your 2 weeks request, we will advise you in advance of a meeting in which these amendments are scheduled for consideration.

Regards

**Andrew Bryce, MCIP, RPP** | Manager of Current Planning | Planning, Building, and Development | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4232 | Fax 905-356-2354 | [abryce@niagarafalls.ca](mailto:abryce@niagarafalls.ca)

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**From:** Meredith Baker <[mbaker@tmalaw.ca](mailto:mbaker@tmalaw.ca)>  
**Sent:** Tuesday, November 1, 2022 10:39 AM  
**To:** Andrew Bryce <[abryce@niagarafalls.ca](mailto:abryce@niagarafalls.ca)>  
**Cc:** Nancy Smith <[nsmith@tmalaw.ca](mailto:nsmith@tmalaw.ca)>; Louise Sudac <[lsudac@tmalaw.ca](mailto:lsudac@tmalaw.ca)>  
**Subject:** [EXTERNAL]-OPA and ZBA to Implement Employment Lands Studies

Good morning Andrew,

Could you kindly advise if the proposed Official Plan Amendment and Zoning By-law Amendment that implement the City's Employment Lands Studies are expected to go back before Council at the first business meeting on November 22<sup>nd</sup>?

We request two weeks' notice of this matter's return before council.

Thank you for your assistance,

Meredith

**Meredith Baker**  
**Turkstra Mazza Associates**

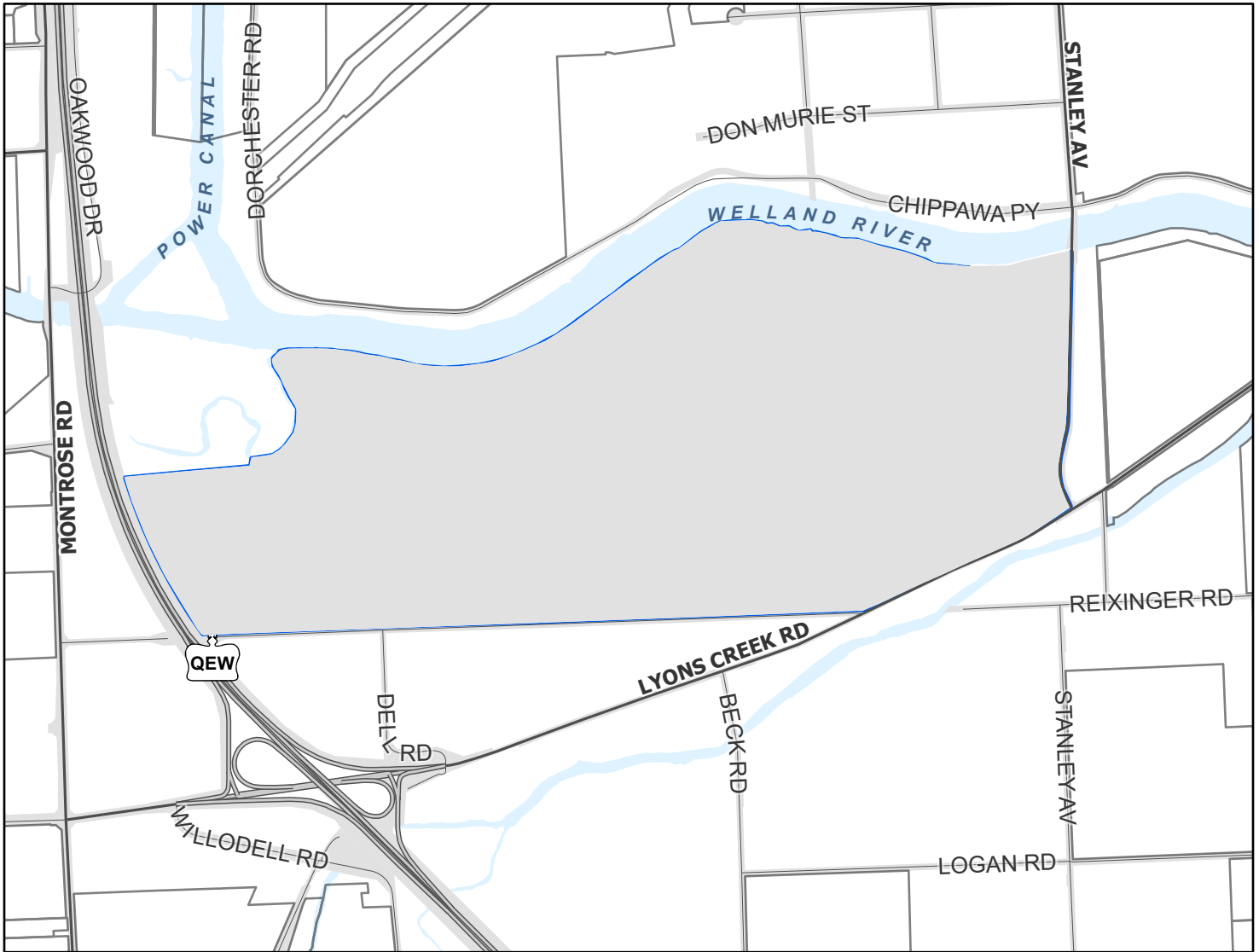
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# SCHEDULE 1 TO BY-LAW NO. 2022-

 Extent of Lands to be removed from the jurisdiction of By-law 395 (1966)



## Amending Zoning By-law No. 395 (1966)

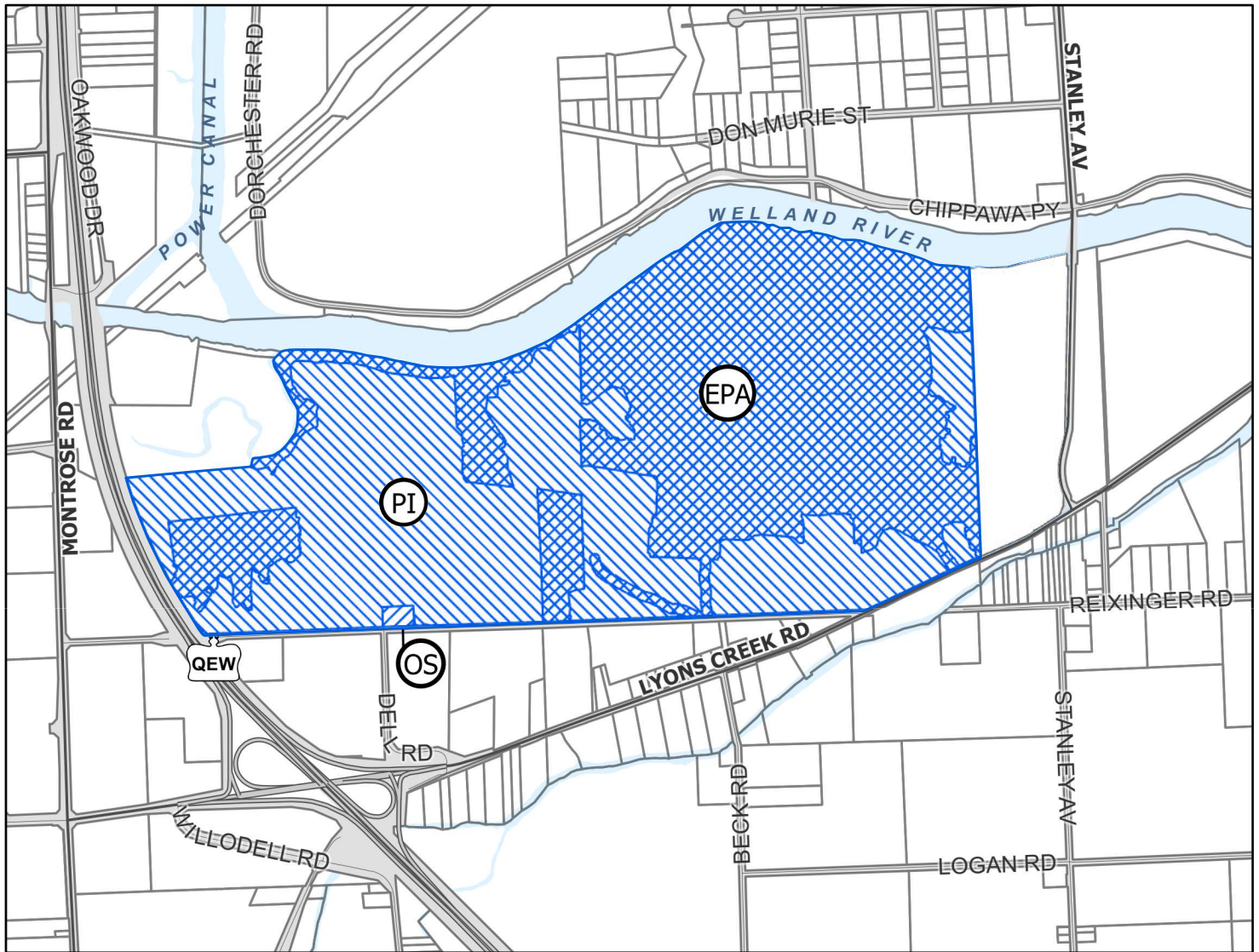
**Description** LANDS LOCATED NORTH OF REIXINGER ROAD, EAST OF THE QEW, SOUTH OF THE WELLAND RIVER , WEST OF STANLEY AVENUE AND NORTH OF LYONS CREEK ROAD; BEING PART OF LOTS 4 TO 9, AND PART OF LOT 10 OF BROKEN FRONT CONCESSION IN THE FORMER TOWNSHIP OF WILLOUGHBY

**Applicant:** CITY OF NIAGARA FALLS

**Assessment #:** 272513000400500, 272513000401200, 272513000401100, 272513000401000, 272513000400900, 272513000400800, 272513000400600, 2725????1012604, 272513000400500, 272513000400400, 2513000400300, 2725????1009661 (cemetery), 272513000400200, 272513000400101, 272513000305000, 272513000304901, 272513000304900

# SCHEDULE 5 TO BY-LAW NO. 2022-

Subject Lands:  EPA  OS  PI

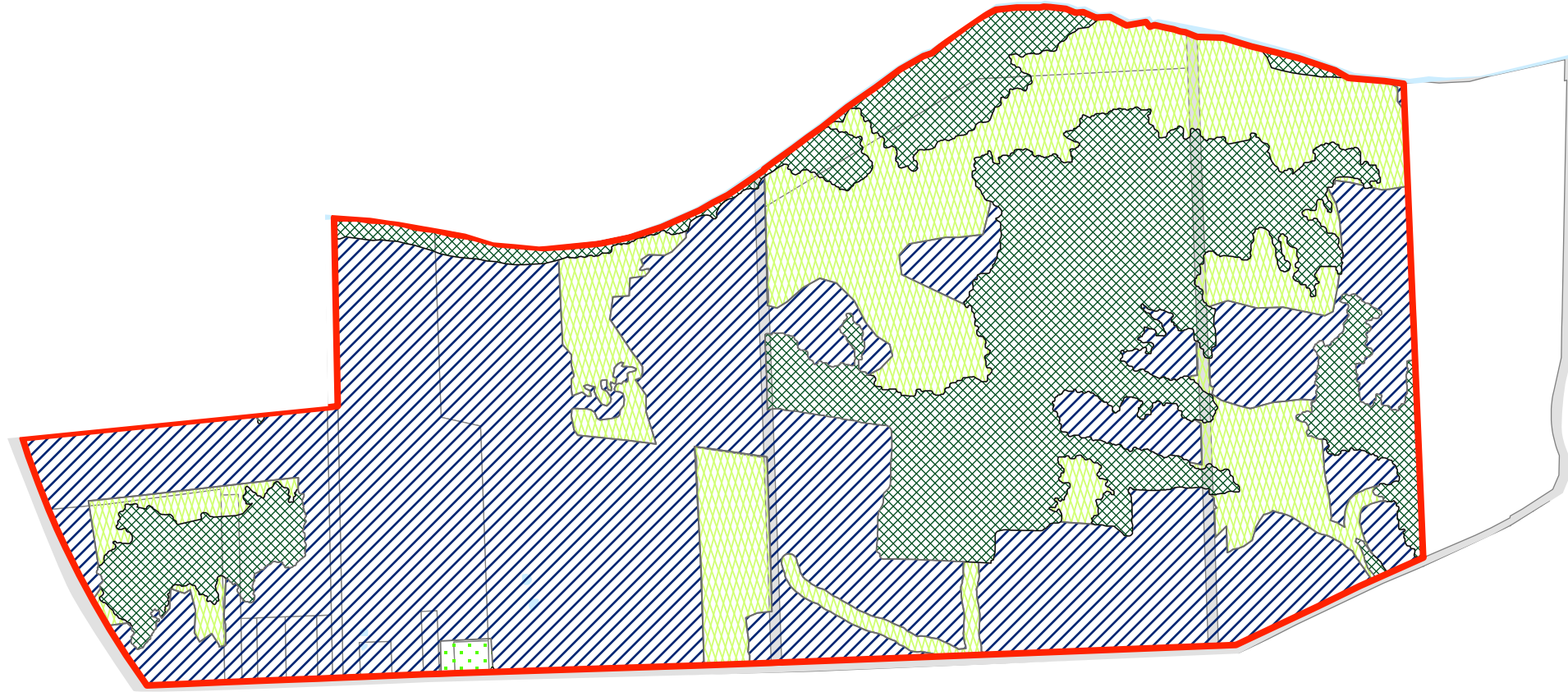


## Amending Zoning By-law No. 79-200

**Description** LANDS LOCATED NORTH OF REIXINGER ROAD, EAST OF THE QEW, SOUTH OF THE WELLAND RIVER , WEST OF STANLEY AVENUE AND NORTH OF LYONS CREEK ROAD; BEING PART OF LOTS 4 TO 9, AND PART OF LOT 10 OF BROKEN FRONT CONCES- SION IN THE FORMER TOWNSHIP OF WILLOUGHBY

**Applicant:** CITY OF NIAGARA FALLS

**Assessment #:** 272513000400500, 272513000401200, 272513000401100, 272513000401000, 272513000400900, 272513000400800, 272513000400600, 2725????1012604, 272513000400500, 272513000400400, 2513000400300, 2725????1009661 (cemetery), 272513000400200, 272513000400101, 272513000305000, 272513000304901, 272513000304900





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 tel 416 596 1930 fax 416 596 0644  
 ibigroup.com

# Memorandum

**To/Attention** Nancy Smith **Date** September 13, 2022  
**From** Robyn Brown **Project No** 135603  
**cc** Jennifer Ricci; Meredith Baker,  
 Brenda Khes  
**Subject** **Niagara Region v. Niagara Fall LNA**

IBI Group has been retained in order to monitor the Niagara Falls Land Needs Assessment as it applies to the determination of a surplus or shortage of Employment Lands in the municipality of Niagara Falls. IBI Group has made previous submissions and met with the City's experts to discuss discrepancies between the Regional and municipal work.

In June 2022, Regional Council adopted Regional Official Plan, submitting it to the Province for approval. Subsequent to this, the City of Niagara Falls submitted their draft OP to Regional Council Review. This draft OP included additional Employment Areas as needed according to their Land Needs Assessment.

IBI Group has reviewed the various land needs and growth management work completed both by the Region and Niagara Falls. There is considerable inconsistency between results of the LNAs, generally created by inconsistent Vacant Land inputs, the use of Land Vacancy and the Density Assumptions. The forecasts of jobs to be accommodated on Employment Lands has remained consistent.

The following chart provides a summary of the various studies completed and their resulting land need:

Various Employment Land Needs Assessments for the City of Niagara Falls

Source	Report	Date	ELE Growth 2021 - 2051	Vacant Land (inc. Vacancy)	Vacancy %	Density Assumpton (j/ha)	Land Surplus/Short fall
Region of Niagara	Region of Niagara LNA	Jun-22	3,500	160	None	25	0
	Region of Niagara Draft LNA	May-21	3,500	135	None	35	35
	Region of Niagara Employment Policy Paper	Apr-21		178.07	n/a	25 - 65	n/a
City of Niagara Falls	Employment Lands Strategy - Phase 3	Nov-21	3,450	48	20%	25	-76
	Employment Lands Strategy - Phase 2	Apr-21	2,990	48	20%	25	-60

The following section provides details regarding each of the study:

## Region of Niagara Growth Management Work

### The Region of Niagara LNA (June 2022)

Prior to the release of the June 2022 LNA, the Region released three earlier LNAs May, August and December 2021, for consultation and refinement. Throughout the process, a variety of adjustments were made, including population and housing forecasts by municipalities, employment land densities, along with adjustments to vacant land areas based on greenbelt adjustments.



Nancy Smith – September 13, 2022

- The Region has forecasted 20,230 jobs to Niagara Falls. The majority being Office/Major Office and Population Related (82%);
- The Region then allocated all the jobs to Location, Community Area, Employment and Rural Area. This results in Niagara Falls accommodating 3,500 jobs in their Employment Areas from 2021 – 2051.
- The Region then establishes the vacant Employment Area employment Lands.
- The Region estimates that between the Seven employment Areas, there is a vacant supply of 160 hectares (with four of the seven areas being totally built out). This results in a potential employment capacity of 3,655
- Mapping is not provided of the Employment Areas in the June 2022 LNA.
- The Region uses different density targets for each area, ranging from a low of 20 units/ha to 65 units a hectare.
- Outside of Welland, Niagara Falls has the greatest Employment Area Potential within Existing Areas.
- Overall, the study indicates that Niagara Falls has a surplus of employment land to accommodate growth, and therefore, unlike Fort Erie, Welland and West Lincoln will not need any expansions. Overall the Region will need 255 hectares of Employment Land.

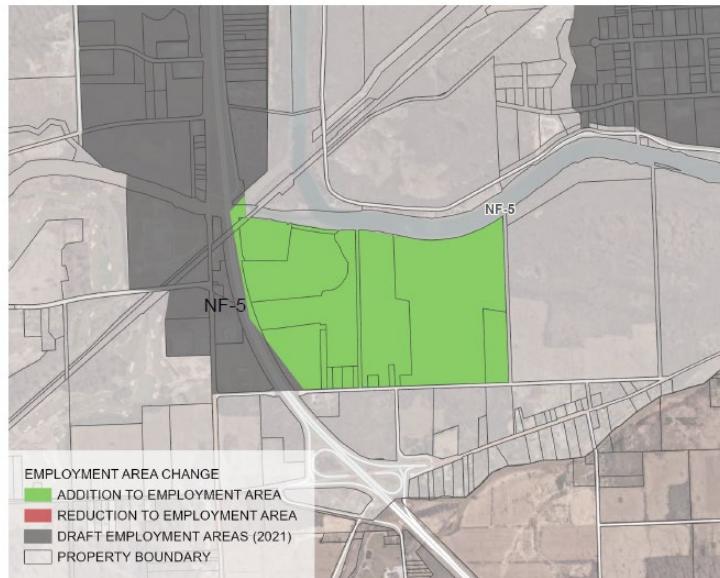
#### **Niagara Region LNA (May 2021)**

- In the May 2021 LNA, the Region forecasted the same number of jobs to Niagara Falls, and the same forecast for Employment Land Employment.
- The May 2021, using the Employment Policy Paper (April 2021) anticipates that the existing employment areas in Niagara Falls can accommodate 4,720 jobs. This is an additional 1,065 jobs.
- This results (using a density target of 35 jobs per hectare) a surplus of 35 hectares in Niagara Falls, and an overall surplus of 20 hectares in the Region.

#### **The Region's Employment Policy Paper (April 2021)**

- The Appendix of this report provides detailed Employment Area Mapping.
- The mapping includes seven areas within Niagara Falls. This mapping does not consider vacant or occupied status.
- Detailed charts in Appendix B include overview of all the areas (without the associated mapping. In total (as of 2019) this analysis indicates that Niagara Falls has 178.52 hectares of vacant lands. This is substantially less than the June 2022 analysis.
- The sub-grouping in this assessment also categorizes lands as Core or Dynamic. Niagara Falls has a mix of both.
- Included are Draft Employment Area Mapping, which includes adding parcels to Employment Area NF-5 Montrose Road Industrial Area (Dynamic) for the site of the future South Niagara Falls Wastewater Treatment Plant.

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- Each Area includes “Observed 2019 Density” and Vacant Land Density. For each area, there is an anticipated increase in density in the future.

#### Niagara's Draft Employment Area Analysis

Sub-Grouping	Employment Area	Gross Developable (2019 ha)	Vacant (2019 ha)	Observed Density (j/ha)	Vacant Land Density (j/ha)
Core	NF-1 Highway 405 Employment Area	14.67	7.16	8	20
Core	NF-2 North Niagara Falls Secure Storage	168.55	44.2	11	30
Dynamic	NF-3 QEW/420 Employment Area	52.58	0.52	25	50
Dynamic	NF-4 QEW Employment Centre	24.56	3.54	51	65
Dynamic	NF-5 Montrose Road Industrial Area	210.22	101.19	17	35
Core	NF-6 Dorchester Road Employment Ar	10.32	0	43	n/a
Dynamic	NF-7 Stanley Avenue Business Park	131.5	21.46	16	25
<b>Total</b>		<b>612.4</b>	<b>178.07</b>	<b>24</b>	<b>38</b>

*Niagara Region's Official Plan Employment Policy Paper - Draft April 2021 Appendix C*

## City of Niagara Falls Growth Management Work

### Employment Lands Strategy – City of Niagara Falls (Phase 3 – November 2021)

- IBI Group reviewed this document in detail in the letter dated January 20, 2022 which was submitted to Niagara Region and Niagara Falls.
- The City identified 78 hectares of vacant land. This was further reduced to 48 hectares based on a 20% land vacancy.
- The City's demand is 3,450 jobs on employment lands between 2020 and 2051, similar to the Region's forecast.
- The city assumes 25 jobs per hectare, determining a future need of 124 hectares. This includes 10% of growth being accommodated through intensification.

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- This results in a shortage of 76 hectares of employment land.

#### **Employment Lands Strategy – City of Niagara Falls (Phase 2 Report – April 2021)**

- This report was part of the shift from the 2041 to 2051 forecast horizon which was necessitated by the revised Growth Plan and adjusted Schedule 3 forecasts.
- This new forecast assumed less employment land employment growth to Niagara Falls over a longer planning horizon.
- The report indicates a city-wide employment average of 18 jobs per net hectare. With the highest density in the QEW Centre (51 jobs/ha) and the lowest in the Montrose Road Industrial and Stanley Avenue Business Park at 17/16 jobs per ha) (Sec 6.2.3)
- Overall the report forecasted that the City would accommodate 2,990 jobs within Employment Areas.
- The report assumed a 10% intensification assumption, and 25 jobs per hectare. Requiring 108 gross ha over the planning horizon.
- The Report then identified 60 gross hectares of vacant employment land – majority within the North Niagara Falls Secure Storage Employment Area.
- This results in a deficit of 48 hectares by 2051, increased by a 20% long term vacancy rate, resulting in a shortfall of 60 hectares.
- Finally, the report indicates that the Region is seeking a new treatment plant which will be accommodated in a future Employment Area, this may require more lands than identified. (20 acres or approx. 8 hectares).
- The report considers six employment land conversions, totalling 97 hectares, though all are not designated industrial.
- The report concludes that new Employment Area is required, to meet demand and to make the City more competitive.

#### **Employment Lands v. Employment Areas**

Employment lands are parcels designated for employment uses within a *local* municipal official plan and/or zoning by-law. The Region has a limited policy framework relating to employment lands since they have historically been primarily a local matter. Employment *areas* are made up of clusters of employment *lands* that are to be planned for employment uses, such as manufacturing, warehousing, offices, and associated uses. Employment lands may be located within or outside of an employment area. Employment lands located outside of employment areas typically have or are designated for employment uses that can be more easily integrated with other land uses.

In part some of the discrepancies around land areas may be attributed to what they are including in the inventories. Without detailed mapping it is impossible to fully understand what the differences between the areas are.

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In looking at the areas included, the City appears to have included 21 hectares of land “Outside the Employment Areas” however at this point we are not able to identify which sites were included.

### **Employment Land Conversions**

It is not clear how local employment land conversions weigh into the Regional Land Needs. More details are required to understand how these were considered.

### **Employment Mapping**

IBI Group has begun some high-level mapping in order to better understand the discrepancies between the Niagara Region land supply and the Niagara Falls land supply. There is very little comprehensive mapping, and in order to understand where the differences are, IBI Group has looked at the different employment areas to see where the differences are.

According to our work, the main difference is in the Montrose Rd. Industrial Area. The City has attributed 11 hectares of land to the gross vacant supply, whereas the Region has considered 112 hectares.

The City has only included the turquoise areas in their supply, however used GIS, IBI Group believes that the turquoise area is actually 25 hectares not 11. There also appears to be other vacant areas which are not considered.

