

Turkstra Mazza

Hamilton London Toronto

Nancy Smith

15 Bold Street
Hamilton Ontario Canada L8P 1T3
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
nsmith@tmalaw.ca

VIA EMAIL

August 3, 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 5.1 - Report No. PDS 24-2023 - August 9, 2023**

We represent 2610832 Ontario Inc. (“**261**”), owners of 9015 Stanley Avenue, Niagara Falls (“**Subject Lands**”). You have our letter dated July 24, 2023 in your Council Package. At the time of writing that letter, we did not have the Staff Report regarding your approval of OPA 147. We do now. Please accept this letter in response to the Staff Report.

DO NOT MODIFY OPA 147

The Staff Report recommends approval of OPA 147. We support this recommendation. OPA 147 Employment Area mapping conforms to the Regional Official Plan “ROP” Employment Area mapping. In other words, what is shown in OPA 147 as Employment is Employment in the ROP. There is no discrepancy.

The Staff Report recommends that you add the Subject Lands to OPA 147. We do not support this recommendation. Respectfully, why would the Region add employment land in Niagara Falls when its own consultants, during its own Municipal Comprehensive Review process, methodology and recommendations confirmed by peer review, concluded that no employment is needed for Niagara Falls?

OPA 147 went through an extensive public process before Niagara Falls Council from 2021 to its adoption on April 18, 2023. Please read my March 20, 2023 letter carefully. It is included in your Council Package. Pages 2 – 4 provide the chronology of the public process. Note the headings. You as

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS

the elected officials are the decision makers. Your staff and your consultants give you advice. You take in that advice along with many other inputs. You weigh the inputs and decide. Staff and consultant advice is but one input into your decision-making. The summary of the extensive public process before Niagara Falls Council leading to its adoption of OPA 147 is so instructive of how this public process works properly.

The Staff Report misses the mark on how this process is supposed to work. They say that the purpose of OPA 147 is “to implement the recommendations of the City of Niagara Falls Employment Lands Strategy.” Respectfully, staff have this wrong. OPA 147 represents Niagara Falls Council’s decision on where Employment Lands should be located in its City after considering all inputs from a three (3) year public process. Its purpose is to implement the results of that public process, not to simply parrot the conclusions of one (1) study.

The Staff Report says that not including the Subject Lands in OPA 147 is a “mapping discrepancy”. There is no mapping discrepancy in OPA 147. Leaving aside whether there is a mapping error in the ROP (you have my views on that in my July 24, 2023 letter), the OPA 147 mapping is intentional and reflects Niagara Falls Council’s vision following an extensive public process.

IN THE ALTERNATIVE, DEFER APPROVAL OF OPA 147

The Staff Report properly assesses OPA 147 in the context of the applicable provincial policy documents including the PPS (2020). As you are no doubt aware, a new PPS is in the works. It is out for public comment as we speak. My understanding is that we may expect a new PPS very shortly, perhaps in the fall. The new growth management strategy discourages single-use employment to assist in fulfilling Ontario’s urgent need for more housing quickly.

It might be prudent for you to press pause on your growth management decision in this case and wait for the new PPS. A deferral until the PPS is finalized will ensure that your decision will not need to be reconsidered in light of expected changes.

OUR ASK

We ask that you approve the Niagara Falls vision for Employment Areas in OPA 147. Do not modify it to bring in additional lands. In the alternative, you should consider deferring any decision on OPA 147 until the new PPS is promulgated.

Yours truly,



Nancy Smith
ns/l