



Town of Fort Erie

Brownfields Community Improvement Plan

Prepared by:



November 2009

Copyright © 2009, [Town of Fort Erie]

All rights reserved. No part of this publication may be reproduced, recorded or transmitted in any form or by any means, electronic, mechanical, photographic, sound, magnetic or other, without advance written permission from the owner.

This Study has been produced with the financial assistance of the Green Municipal Fund, a Fund financed by the Government of Canada and administered by the Federation of Canadian Municipalities. Notwithstanding this support, the views expressed are the personal views of the author(s), and the Government of Canada and the Federation of Canadian Municipalities accept no responsibility for them.

This Study has been produced with the financial assistance of the Regional Municipality of Niagara and the Fort Erie Economic Development and Tourism Corporation.

DRAFT

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	1
1.1 What are Brownfields?	1
1.2 Why are Brownfields a Concern in Fort Erie?	1
1.3 Benefits of Brownfield Redevelopment	1
1.3.1 Economic Benefits	2
1.3.2 Environmental Benefits	2
1.3.3 Social Benefits	3
1.4 Purpose of the Brownfields CIP	4
1.5 Goals and Priorities	4
1.6 Plan Content	5
2.0 LEGISLATIVE AND POLICY FRAMEWORK	6
2.1 Municipal Act, 2001	6
2.2 Planning Act – Section 28 (Community Improvement)	6
2.3 Provincial Policy Statement (PPS) 2005	7
2.4 Places to Grow Growth Plan	8
2.5 Smart Growth in Niagara	8
2.5.1 Waiver/Exemption from Regional Development Charges	9
2.5.2 Property Rehabilitation and Redevelopment Tax Increment Funding Program	10
2.5.3 Environmental Assessment Study Grant Program	10
2.6 Town of Fort Erie Official Plan	10
2.6.1 Community Improvement	10
2.7 Bridgeburg Neighbourhood Plan	11
2.8 National Roundtable on the Environment and the Economy (NRTEE) National Brownfield Redevelopment Strategy	12
2.9 Federation of Canadian Municipalities (FCM) Green Municipal Funds	13
3.0 CRITICAL NEEDS ANALYSIS	14
3.1 Methodology	14
3.2 Key Impediments to Brownfield Redevelopment	15
3.3 Key Opportunities for Brownfield Redevelopment	15
4.0 RECOMMENDED COMMUNITY IMPROVEMENT PROJECT AREA	17
5.0 INCENTIVE PROGRAMS	18
5.1 General Program Requirements	21
5.2 Environmental Site Assessment (ESA) Grant Program	22
5.2.1 Purpose	22
5.2.2 Description	22
5.2.3 Requirements	23

TABLE OF CONTENTS (CONT'D)

	Page
5.3 Brownfields Tax Assistance Program	24
5.3.1 Purpose	24
5.3.2 Description	24
5.3.3 Requirements	26
5.4 Brownfields Rehabilitation Grant Program	28
5.4.1 Purpose	28
5.4.2 Description	28
5.4.3 Requirements	30
5.5 Brownfields Parkland Dedication Grant Program	32
5.5.1 Purpose	32
5.5.2 Description	32
5.5.3 Requirements	32
5.6 Brownfields Development Charge Exemption Program	33
5.6.1 Purpose	33
5.6.2 Description	33
5.6.3 Requirements	34
6.0 MUNICIPAL LEADERSHIP STRATEGY	36
6.1 Purpose	36
6.2 Municipal Actions	36
6.3 Guideline for Identifying Priority Brownfield Sites and Projects	38
6.4 Guideline for Identifying Showcase Sites	38
7.0 IMPLEMENTATION STRATEGY	39
8.0 MONITORING PROGRAM	43
8.1 Purpose	43
8.2 Description	43
8.3 Program Adjustments	45
9.0 CONCLUSION	46
10.0 REFERENCES	47
LIST OF FIGURES	
1 Benefits of Brownfield Redevelopment	3
2 Rationale for Incentive Programs	19
3 Summary of Incentive Programs	20
4 Brownfields Rehabilitation Grant Level	30
5 Implementation Strategy	40
6 Variables to be Monitored	44

TABLE OF CONTENTS (CONT'D)

	Page
APPENDICES	
A	Niagara Region Smart Growth Principles 48
B	Section 6 of the Town of Fort Erie Official Plan 50
C	Environmental Site Assessment (ESA) Grant Program Administration 54
D	Brownfields Tax Assistance Program Administration 57
E	Brownfields Rehabilitation Grant Program Administration 62
F	Brownfields Parkland Dedication Grant Program Administration 66

DRAFT

1.0 INTRODUCTION

1.1 What are Brownfields?

For purposes of this Brownfields Community Improvement Plan (CIP), a “brownfield” is defined as an abandoned, vacant, derelict, idled or underutilized property in the urban area of the Town of Fort Erie with an active potential for redevelopment, where redevelopment is complicated by real or perceived environmental contamination. Brownfields are also often characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills and abandoned factories to dry cleaners and former gasoline stations. Most brownfields are located in urban areas and many are located in key areas such as the downtown or along the waterfront. It is conservatively estimated that there are at least 30,000 brownfield sites in Canada¹. The terms “brownfield redevelopment” and “brownfield development” are used interchangeably in this document to mean the environmental remediation, rehabilitation and development of brownfields.

1.2 Why are Brownfields a Concern in Fort Erie?

Brownfield sites represent an environmental, economic and social concern for Fort Erie. From an economic perspective, brownfields can reduce local employment opportunities and property tax revenues, as well as limiting opportunity and economic development. Brownfields can also lower surrounding property values.

From the environmental perspective, contamination of soil and groundwater may be a concern for human health and safety, as well as environmental quality. Underused brownfield sites in the serviced urban area represent a lost opportunity to limit development onto greenfield sites at the urban fringe which is likely to have significant economic and environmental costs and jeopardize agricultural lands.

From a social perspective, brownfield sites can attract vandals, open dumping and other illegal activity that can lead to urban blight, contributing to neighbourhood and employment area deterioration and negatively impacting the quality of life in a community.

Based on the Review of Immediate Land Development Opportunities in Fort Erie conducted in 2003 and more recent work conducted for the Region of Niagara Identification and Characterization of Top Redevelopment Opportunities, the Town of Fort Erie contains approximately two dozen potential brownfield sites, including at least two very prominent redevelopment opportunities in the Bridgeburg Neighbourhood. These are the former Horton CBI Steel site and the former Coal Docks and surrounding lands.

1.3 Benefits of Brownfield Redevelopment

Numerous Canadian and U.S. studies have highlighted the benefits of brownfield development at all geographic levels (national, regional, local). However, most of the benefits of brownfield development tend to accrue at the local level because all development, be it brownfield or greenfield, is inherently local. Therefore, the rationale for addressing the brownfield issue in Fort Erie can be

¹ National Roundtable on the Environment and the Economy, 2003.

found in the significant economic, environmental and social benefits that would accrue in the Town of Fort Erie.

1.3.1 Economic Benefits

A study of brownfield development in Canada found that every \$1 spent in the Canadian economy on brownfield development generates approximately \$3.80 in total economic output in all industries in the Canadian economy². Numerous other U.S. and Canadian studies have found that brownfield development can increase neighbourhood property values³. Experience in Hamilton and other municipalities that have had brownfield development programs in place for some time suggests that brownfield development projects can result in a significant increase in property tax revenues to local and provincial governments.

1.3.2 Environmental Benefits

The environmental restoration and development of brownfield sites will serve to improve the environmental quality of soil and groundwater in Fort Erie. The positive impact of brownfield development on the environment is not limited to individual sites. Environmental restoration of individual sites can have a cumulative positive impact on the environment, including the protection of groundwater resources, wetlands and wildlife habitat⁴.

A study of brownfield versus greenfield development examined 48 brownfield projects in six cities across the United States. This study found that every acre of brownfield land developed would have required 4.5 acres of greenfield land⁵. This demonstrates the potential of brownfield development to reduce the amount of greenfield land consumed, thereby reducing sprawl and its associated negative environmental impacts, including air and water pollution and the loss of prime agricultural land. By using existing infrastructure, brownfield development can also reduce the costs of urban sprawl, including the costs of providing hard and soft services to greenfield areas.

Brownfield projects, be they employment uses, residential uses, or a mix of uses, can also reduce the distance between the location of employment areas and residential areas and therefore transportation costs. For example, a 2003 study by Hara Associates found that every hectare of brownfield land redeveloped for residential purposes can save as much as \$66,000 a year in transportation costs relative to equivalent greenfield development⁶. Therefore, brownfield development can have the effect of reducing commuting needs, thereby reducing traffic congestion and air pollution.

² Regional Analytics. 2002.

³ See for example, Environment Canada. 1998.

⁴ Regional Analytics. 2002.

⁵ Deason et.al. 2001.

⁶ Hara Associates. 2003.

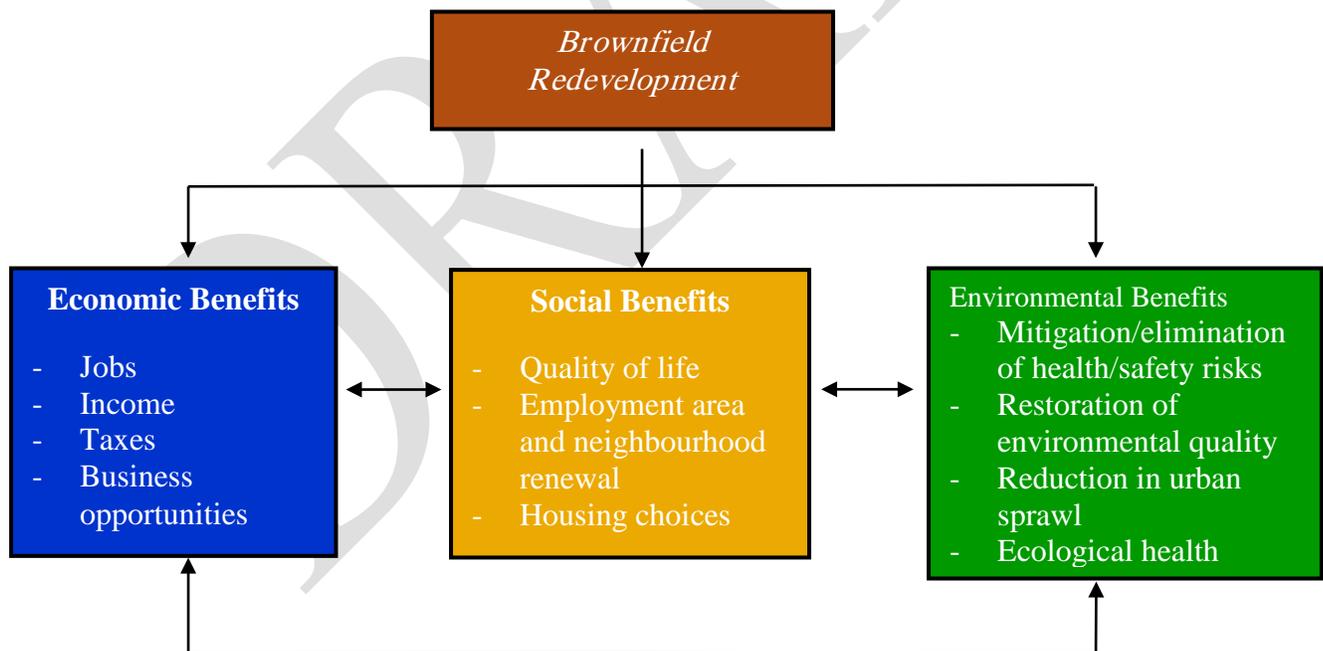
1.3.3 Social Benefits

While the economic and environmental benefits of brownfield development are more obvious, brownfield development can also generate significant social benefits at the local level. Based on an analysis of a dozen brownfield projects across Canada, the NRTEE concluded that brownfield development can be an engine for urban renewal⁷. Case studies reviewed by the NRTEE showed that this renewal can take the form of:

- neighbourhood, employment area and downtown revitalization;
- improved aesthetic quality of the urban environment;
- provision of affordable housing opportunities;
- creation of recreational and public open spaces;
- improved safety and security; and,
- an increased sense of community participation and civic pride.

Figure 1 below summarizes the benefits of brownfield development and the interrelationship between these benefits. For example, the economic benefits resulting from brownfield development, such as increased incomes and property tax revenues can contribute to social benefits such as neighbourhood stability and quality of life. Therefore, financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

Figure 1 Benefits of Brownfield Redevelopment



Source: Regional Analytics, 2002, Figure 2, p. 7.

⁷ National Roundtable on the Environment and the Economy, 2003.

1.4 Purpose of the Brownfields CIP

The purpose of this Brownfields CIP is to provide a framework containing incentive programs and a series of municipal actions that will promote brownfield redevelopment in the Town of Fort Erie. This CIP was developed based on a thorough review of:

- a) brownfield related legislation and regulations;
- b) policy and background information at the local, regional and provincial level;
- c) best practices used in other municipalities to promote brownfield redevelopment;
- d) input obtained from the project steering committee;
- e) interviews with key local brownfield stakeholders;
- f) and several public meetings.

Based on the critical needs analysis contained in Section 3.0, this CIP outlines the key impediments to, and opportunities for, brownfield redevelopment in Fort Erie. Then based on best practices in other municipalities, experience, the stakeholder interviews, and input from the project steering committee, a series of strategic municipal actions and incentive programs was designed to help overcome the impediments to brownfield redevelopment in Fort Erie.

1.5 Goals and Priorities

The main goal of the Brownfields CIP is to promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the Town of Fort Erie in a fiscally responsible and sustainable manner over the long term. Other goals of this CIP for the Town of Fort Erie include:

- a) Improve the physical and visual quality of brownfield sites;
- b) Improve environmental health and public safety;
- c) Provide opportunities for new housing;
- d) Provide opportunities for new employment uses;
- e) Increase tax assessment and property tax revenues;
- f) Promote Smart Growth, including the reduction of urban sprawl and its related costs, and energy efficiency through the construction of buildings that meet Leadership in Energy and Environmental Design (LEED) standards;
- g) Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and,
- h) Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Many of the prime vacant and underutilized brownfield sites in Fort Erie are in close proximity to existing residential areas. Redevelopment of these sites for residential, commercial and other uses represents an excellent economic opportunity for the Town of Fort Erie to significantly increase the property tax revenues generated by these properties without incurring the significant public infrastructure costs typically associated with greenfield development. Furthermore, redevelopment of these brownfield sites would remove brownfield “eyesores” from a number of neighbourhoods and help to promote neighbourhood stability and further neighbourhood revitalization.

While providing assistance for the redevelopment of all brownfield sites, in order to maximize the local benefits of brownfield redevelopment, the incentive programs contained in this CIP place a higher priority on what is referred to as “showcase sites”. These are larger, legacy type brownfield sites, the redevelopment of which will significantly increase residential, employment or entertainment

opportunities at both the neighbourhood and community level. The incentive programs in this CIP area also designed to promote Smart Growth by providing an additional financial incentive to brownfield redevelopment projects that incorporate LEED certification and Smart Growth design principles.

1.6 Plan Content

Section 2.0 of this CIP outlines the legislative authority for preparation of this CIP and the provincial, regional and town policy framework that guided preparation of the CIP.

Section 3.0 contains presents the critical needs analysis leading to the key impediments and opportunities for brownfield redevelopment in Fort Erie.

Section 4.0 presents the recommended community improvement project area.

Section 5.0 describes the recommended incentive programs designed to stimulate private sector redevelopment of brownfield sites in Fort Erie.

Section 6.0 contains a municipal leadership strategy to be implemented by the Town of Fort Erie to provide better support and leadership on brownfield redevelopment projects.

Section 7.0 contains an Implementation Strategy that summarizes the actions required to implement the Brownfields CIP.

Section 8.0 contains a monitoring program to monitor the results of the incentive programs and municipal leadership strategy.

Section 9.0 contains a short conclusion to the CIP.

Section 10 provides a list of references cited in the CIP.

2.0 LEGISLATIVE AND POLICY FRAMEWORK

2.1 Municipal Act, 2001

Section 106(1) and (2) of the *Municipal Act, 2001* prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. Prohibited actions include:

- Giving or lending any property of the municipality, including money;
- Guaranteeing borrowing;
- Leasing or selling any municipal property at below fair market value; and
- Giving a total or partial exemption from any levy, charge or fee.

This prohibition is generally known as the “bonusing rule”. Section 106(3) of the *Municipal Act, 2001* provides an exception to this bonusing rule for municipalities exercising powers subsection 28 (6), (7) or (7.2) of the *Planning Act* or under section 365.1 of the *Municipal Act, 2001*.

Section 365.1(2) and (3) of the *Municipal Act, 2001* allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and the development period of the property, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Section 365.1 of the *Municipal Act, 2001* operates within the framework of Section 28 of the *Planning Act*. A municipality with an approved community improvement plan in place that contains provisions specifying tax assistance will be permitted to provide tax assistance for municipal purposes. Municipalities may also apply to the Province to provide matching education property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

2.2 Planning Act – Section 28 (Community Improvement)

Section 28 of the *Planning Act* allows municipalities with provisions in their official plans relating to community improvement to designate by by-law a “community improvement project area” and prepare and adopt a community improvement plan for the community improvement project area. Once the community improvement plan has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28(6), (7) or (7.2) of the *Planning Act* or Section 365.1 of the *Municipal Act, 2001* in order that the exception provided for in Section 106 (3) of the *Municipal Act, 2001* will apply.

According to Section 28 (1) of the *Planning Act*, a “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”.

Section 28 (1) of the *Planning Act* defines “community improvement” as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable, or other uses, buildings,

structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary”.

Once a CIP has come into effect, the municipality may:

- i) acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28 (3) of the *Planning Act*);
- ii) construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan (Section 28 (6)); and
- iv) make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of land and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan (Section 28 (7)).

Section 28 (7.1) of the *Planning Act* specifies that the eligible costs of a community improvement plan for the purposes of Subsection 28 (7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28 (7.3) of the *Planning Act* specifies that the total of all grants and loans made in respect of particular lands and buildings under Section 28 (7) and (7.2) of the *Planning Act* and tax assistance provided under Section 365.1 of the *Municipal Act, 2001* in respect of the land and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

2.3 Provincial Policy Statement (PPS) 2005

The Provincial Policy Statement (PPS) was issued in 2005 under Section 3 of the *Planning Act* and is intended to provide policy direction on key provincial interests to municipalities as they make planning decisions. The *Planning Act* requires that municipal decisions in respect of the exercise of any authority that affects a planning matter “shall be consistent with” the PPS. As well, community improvement plans should be consistent with the PPS.

The PPS supports the remediation and redevelopment of brownfield sites. For example, section 1.7.1 c) of the PPS states that “long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites”. Brownfields are defined in the PPS as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant”.

The PPS also supports Smart Growth through urban growth management. For example, section 1.1.3.3 of the PPS states “planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.

Therefore, the PPS supports brownfield redevelopment as a way to achieve the goal of promoting intensification and redevelopment. Other policies in the PPS (sections 1.1.1 a), 1.1.1 g) and 1.6.2) support the management of growth to achieve efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The redevelopment of brownfields has a role to play in this regard.

Finally, section 3.2.2 of the PPS states that “Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects (as defined in the EPA).” Therefore, there is support in provincial policy for municipal planning policies that ensures contaminated sites are properly remediated prior to being developed. This policy directs municipalities to make planning decisions that ensure identified contaminated sites are assessed and remediated to an appropriate level prior to use or reuse.

2.4 Places to Grow Growth Plan

Places to Grow, the Growth Plan for the Greater Golden Horseshoe (GGH), is a Provincial initiative to manage growth across the GGH, including Niagara Region, to ensure that planning decisions are coordinated with strategic investments in community infrastructure. This plan provides a framework to build stronger and more prosperous communities through the better management of growth to 2031. The Growth Plan provides policy directions that:

- Direct growth to built-up areas where the capacity exists to best accommodate the expected population, household and employment growth while providing strict criteria for settlement area boundary expansion;
- By the year 2015 and every year thereafter, require at least 40% of all residential development occurring annually within a municipality to be in the built up area;
- Require municipalities to establish intensification targets;
- Promote transit-supportive densities and healthy mix of residential and employment uses;
- Preserve employment lands for future economic opportunities;
- Identify and support a transportation network that links urban growth centers through an extensive multi-modal system anchored by efficient public transit and highway systems for moving people and goods;
- Plan for community infrastructure to support growth;
- Ensure suitable water and wastewater services are available to support future growth; and,
- Identify a natural system and prime agricultural areas, and enhance the conservation of these valuable resources.

2.5 Smart Growth in Niagara

The Niagara Region has defined a vision for urban growth and community redevelopment and revitalization through its Smart Growth initiative, Smarter Niagara. This report was fully endorsed by Niagara Region and its member municipalities, including the Town of Fort Erie. The Region’s Smart Growth initiative is defined through the following ten principles and an associated list of supporting criteria:

- 1) Create a mix of land uses;
- 2) Promote a compact built form;
- 3) Offer a range of housing opportunities and choices;
- 4) Produce walkable neighbourhoods and communities;
- 5) Foster attractive communities and a sense of place;
- 6) Preserve farmland and natural resources;
- 7) Direct development to existing communities;
- 8) Provide a variety of transportation choices;
- 9) Make development predictable and cost effective; and
- 10) Encourage community stakeholder collaboration.

The rationale for promoting the redevelopment of brownfields in Fort Erie is further supported by the Region of Niagara's Smart Growth initiative. The Smarter Niagara Incentive Programs were endorsed by Regional Council in 2002. The Smarter Niagara Incentives Program includes the following programs:

- a) Waiver /Exemption from Regional Development Charges;
- b) Property Rehabilitation and Redevelopment Tax Increment Funding Program;
- c) Building and Facade Improvement Grant/Loan Program;
- d) Residential Grant/Loan Program;
- e) Heritage Restoration and Improvement Grant/Loan Program;
- f) Environmental Assessment Study Grant Program; and,
- g) Public Domain Incentives Program.

While all of the programs could potentially be used for or in conjunction with a brownfield redevelopment project, programs a), b) and f) are the most relevant programs for brownfield redevelopment projects. These programs are briefly described below.

Efforts have been ongoing to implement the Smarter Niagara Incentive Programs since 2002 and the Region has budgeted funds for the implementation of these programs. Municipalities in the Niagara Region wishing to take advantage of this Regional funding must prepare and adopt community improvement plans. Therefore, adoption of this Brownfields CIP will allow the Town of Fort Erie to take advantage of the matching funding available from the Niagara Region for the incentive programs described below designed to promote brownfield redevelopment.

2.5.1 Waiver/Exemption from Regional Development Charges

In downtown areas and on brownfield sites, the Region offers a waiver of 50% of the Regional development charge for new residential, commercial or institutional development or conversion of existing buildings to those uses. An additional 50% Development Charge waiver is available to developments that include at least three of the Region's five Smart Growth design principles into the proposed development (see Appendix A). While the Region encourages local municipalities to establish a waiver/exemption program for local development charges in central urban areas and on brownfields, the Waiver/Exemption from Regional Development Charges is available even if the local municipality does not have a similar program.

2.5.2 Property Rehabilitation and Redevelopment Tax Increment Funding Program

The purpose of this grant is to stimulate building and property rehabilitation or redevelopment. This includes downtown sites and brownfield sites. The Region will match the percentage of the tax increment generated by a rehabilitation or redevelopment project that is paid by the local municipality in the form of a grant to the applicant. Because the Regional tax share is larger than the local municipal tax share, this means that the Region will contribute more to the tax increment based grant than the local municipality.

2.5.3 Environmental Assessment Study Grant Program

The purpose of this program is to promote the undertaking of environmental site assessments so that better information is available with respect to the type of contamination and potential remediation costs on brownfield properties. The Region will provide a matching grant on a cost shared basis with the local municipality to a maximum grant from the Region of \$5,000 per property to promote the completion of Phase II Environmental Site Assessments, Remedial Action Plans and Risk Assessments.

2.6 Town of Fort Erie Official Plan

The Town of Fort Erie Official Plan was approved by Council on September 11, 2006 and has been submitted to Niagara Region for approval. Section 6 of the Town's Official Plan contains the Community Improvement policies. The Niagara Region has developed and circulated Model Community Improvement Policies to all the local municipalities in Niagara Region. These policies set out some basic guidelines and elements, but can be tailored by the local municipalities to meet their individual needs. The Community Improvement policies contained in Section 6 of the Town of Fort Erie Official Plan were prepared in accordance with the Region's Model Community Improvement Policies. Below is a summary of the Community Improvement policies in the Town's Official Plan. The full text of the Community Improvement policies in the Town of Fort Erie Official Plan are contained in Appendix B.

2.6.1 Community Improvement

The Community Improvement policies are intended to maintain and promote a safe and attractive living and working environment. Section 6.1 of the Official Plan highlights the need for areas characterized by inadequate infrastructure, obsolete and dilapidated buildings or conflicting land uses to undergo strategic improvement. This section of the OP also allows the entire urban area or part of the urban area to be designated as a community improvement project area.

Section 6.2 of the Official Plan identifies the various conditions which can be used to designate a community improvement project area while Section 6.3 outlines the various goals that a CIP can have and the types of activities that the Town can undertake within a CIP to achieve these goals. These activities include:

- a) the provision of public funds such as grants, loans and other financial instruments;
- b) municipal acquisition of land and/or buildings for the purposes of community improvement;
and,
- c) other municipal activities, programs or investments

Section 6.4 requires that Council solicit input during the preparation of a CIP in accordance with the policies contained in the Official Plan for notification and public meetings. Section 6.5 provides direction regarding implementation of CIPs. This includes direction that Council will:

- a) determine the priorities and order in which CIPs will be prepared and adopted;
- b) apply for financial assistance available from the upper levels of government for the purposes of community improvement; and,
- c) encourage property and business owners within the existing Jarvis Street/Bridgeburg Community Improvement Project Area to utilize the existing Facade Improvement Grant Program for improvement to commercial properties within this area.

This review of the Community Improvement policies in the Town of Fort Erie Official Plan indicates that these policies are up to date and provide the Town of Fort Erie with good direction on the preparation of CIPs. These policies also include the full range of municipal actions permitted under Section 28 of the *Planning Act*.

2.7 Bridgeburg Neighbourhood Plan

The Bridgeburg Neighbourhood is located within the municipality of the Town of Fort Erie. The neighbourhood is bounded by Gilmore Road (Regional Highway #17) on the south, Thompson Road (Regional Highway #122) on the west, and the Niagara River on the north and east. The Town is currently preparing the Bridgeburg Neighbourhood Plan. The study area for this Plan encompasses the former Town of Bridgeburg, prior to amalgamation with Fort Erie in 1931.

The Bridgeburg Neighbourhood Plan is being developed in consultation with the community with a number of public consultation exercises having already been conducted over the last three years. The goal of the Plan is to create a blueprint for the future development and redevelopment of the Bridgeburg Neighbourhood which is characterized by its industrial past, a population of 3,700 that has remained constant for 25 years, an older housing stock, and a markedly higher unemployment rate than the rest of Fort Erie, the province and the country.

Through the community consultation process, several key areas of community improvement need were identified, including the:

- identification of the Coal Docks/Pier One property as a key to revitalization of the area;
- need to redevelop existing older industrial buildings, some of which present a blight on the urban landscape;
- need for mid-to-high density residential development in the core area; and,
- need for industrial development to be considered in order to provide local employment opportunities.

The redevelopment of brownfield sites represents an opportunity to provide much needed additional population and employment growth opportunities in the Bridgeburg Neighbourhood. Such brownfield redevelopment will capitalize upon existing social, recreational and physical infrastructure of the Neighbourhood, while protecting or restoring the local environment.

There are seven special policy areas (SPAs) within the Bridgeburg Neighbourhood Plan area. These special policy areas were selected based upon their importance to the overall development of the Bridgeburg Neighbourhood. Several of these areas contain a number of potential sites that represent opportunities for redevelopment. Some of the more prominent sites are SPA 2 (West Jarvis Site),

SPA 3 (Pratt and Lambert Site), SPA 5 Bridgeburg Landing and the Coal Docks, and SPA 7 (Former Horton CBI Steel and surrounding properties). Therefore, The Brownfields CIP will have particular relevance to SPAs 2, 3, 5 and 7 in the Bridgeburg Neighbourhood Plan.

2.8 National Roundtable on the Environment and the Economy (NRTEE) National Brownfield Redevelopment Strategy

In 2003, the National Round Table on the Environment and the Economy (NRTEE) released a report entitled “Cleaning Up the Past, Building for the Future, A National Brownfield Redevelopment Strategy for Canada”. This report was based on significant research into the impediments to and benefits of brownfield redevelopment, as well as input from a wide range of key stakeholders from all three levels of government, the development community, financial institutions, legal, real estate and environmental industry professionals. This Strategy identified the following “market failures” as the most significant impediments to brownfield redevelopment:

- lack of access to capital
- regulatory liability risk
- civil liability risk
- limited access to insurance protection
- regulatory delays
- stigma and risk perception
- lack of awareness among key public and private sector groups.

To address these impediments, the National Brownfield Redevelopment Strategy proposes actions under three strategic directions for transforming brownfields into vibrant centres of community life. These are:

- i) **Applying Strategic Public Investments to Address Upfront Costs.** This includes all three levels of government providing financial incentives in the form of grants and loans to promote brownfield redevelopment and removing liens and tax arrears on qualifying brownfield sites.
- ii) **Establishing an Effective Public Policy Regime for Environmental Liability and Risk Management.** This includes all three levels of government providing streamlined approval process for brownfields redevelopment, including termination of liability and effective site-specific assessment and approvals regimes.
- iii) **Building Capacity for and Community Awareness of Brownfield Redevelopment.** This includes improving the capacity at all levels of government to undertake brownfield redevelopment projects, promoting the use of innovative environmental remediation technologies and processes, and raising awareness of the benefits of brownfield redevelopment.

With these three strategic directions, the NRTEE Strategy provides strong support and guidance for the preparation and implementation of a Brownfields CIP in Fort Erie.

2.9 Federation of Canadian Municipalities (FCM) Green Municipal Funds

Funding for brownfield feasibility studies and remediation projects is available from the federal government through the Federation of Canadian Municipalities (FCM) Green Municipal Funds. The Green Municipal Fund provides grants to support feasibility studies, i.e., studies that assess the technical, environmental and/or economic feasibility of innovative municipal or municipally sponsored projects. The Town of Fort Erie was successful in obtaining a Green Municipal Fund grant from FCM for the preparation of this Brownfields CIP.

The Green Municipal Investment Fund (GMIF) is a \$200 million permanent revolving fund that supports the implementation of innovative environmental infrastructure projects by way of low interest loans and grants. The Green Municipal Funds were augmented with \$300 million through the Federal budget, with \$150 million earmarked to provide loans to assist communities with the cleanup and redevelopment of brownfields. The preparation and implementation of a Brownfield CIP will help the Town of Fort Erie to put in place the policy, financial and administrative framework to leverage FCM funding to help the Town achieve its brownfield redevelopment and growth management goals.

3.0 CRITICAL NEEDS ANALYSIS

3.1 Methodology

In order to develop an effective Brownfields CIP for the Town of Fort Erie, a critical needs analysis was conducted to determine the key impediments to, and opportunities for brownfield redevelopment, and the types of municipal actions and incentive programs required to effectively promote brownfield redevelopment in Fort Erie. The first step in this process was the review of the legislative and policy framework for brownfield redevelopment as described in Section 2.0. This was augmented by a review of best brownfield redevelopment practices in eleven Ontario municipalities and several leading U.S. municipalities. This review of legislation, background policies and best practices helped to establish the range and type of program responses to local impediments to brownfield redevelopment in Fort Erie.

The next step was to hold a public meeting in July of 2008 near the beginning of the preparation of the Brownfield Strategy and CIP. The purpose of the meeting was to inform the public and key stakeholders of the study process and to obtain input on the goals of brownfield redevelopment in Fort Erie, the significance of impediments to brownfield redevelopment and the opportunities for brownfield redevelopment in Fort Erie. Six members of the public attended the first public meeting.

Face-to-face and telephone interviews were conducted with five (5) key brownfield stakeholders in December of 2008. The key stakeholders included representatives from the brownfield redevelopment industry, including property owners, residential and commercial developers, and an end user of a rehabilitated brownfield site. The stakeholder interviews were guided by a questionnaire that asked questions about the key impediments to brownfield redevelopment in Fort Erie and the types of policies and incentive programs that could be put in place to address these key impediments.

The input and direction obtained through the background policy review, first public meeting and the stakeholder interviews was used to determine the key impediments and opportunities for brownfield redevelopment in Fort Erie described below. All of this information, including a summary of the input obtained from the key stakeholder interviews and questionnaires was provided to the project steering committee. The project steering committee was made up of senior Town staff from several departments and a member of Council.

The project steering committee then provided their input into the types of incentive programs and municipal leadership actions needed to promote brownfield redevelopment in Fort Erie. This input was used to guide preparation of the Draft Brownfield Strategy. The Draft Brownfield Strategy was presented at a second public meeting held in July of 2009. Six members of the public attended this public meeting. Comments received at this public meeting were very supportive of the Draft Brownfield Strategy. On August 10, 2009, Town Council endorsed the Draft Brownfield Strategy and authorized the preparation of the Brownfields CIP incorporating the key components of the Brownfield Strategy.

3.2 Key Impediments to Brownfield Redevelopment

Based on the Critical Needs Analysis, the following key impediments to brownfield redevelopment in Fort Erie were identified.

- a) Fear of long-term environmental liability;
- b) Age and condition of some of the infrastructure (both on-site and off-site) resulting in servicing inadequacies;
- c) Cost of infrastructure installation and upgrading;
- d) Lack of funding and financing for the upfront costs of brownfield redevelopment, including environmental site assessment and remediation;
- e) Fort Erie is a slow, controlled growth real estate market where demand for residential and industrial/commercial land is limited;
- f) Lack of significant industrial and commercial employment growth in the Town;
- g) Lack of public education and awareness about brownfields, brownfield redevelopment, and the planning approvals process in general;
- h) Need for more proactive support and leadership from the Town on brownfields;
- i) Timing of the approvals process for redevelopment on brownfield sites and need for more certainty in the process;
- j) Parkland dedication requirements; and,
- k) Some Site Plan requirements for industrial sites, such as landscaping.

The Brownfields CIP can do little to directly address some of these key impediments, such as overall real estate market conditions in Fort Erie, and the fear of long-term environmental liability under the current Ontario legislative framework. However, this Brownfields CIP has been designed to address many of these impediments through the inclusion of incentive programs and a municipal leadership strategy.

3.3 Key Opportunities for Brownfield Redevelopment

The Critical Needs Analysis also identified several opportunities for brownfield redevelopment in Fort Erie, including opportunities to:

- a) Implement financial incentive programs in the CIP to assist with the costs of environmental assessment, remediation, infrastructure replacement and upgrading, and building rehabilitation/demolition. The application and approval process for these incentive programs should be kept as simple as possible.
- b) Promote Smart Growth principles and energy efficient design and construction into brownfield redevelopment projects by providing more generous incentives for brownfield redevelopment projects that incorporate Smart Growth principles and are Leadership in Energy and Environmental Design (LEED) certified;
- c) Promote redevelopment of the largest and most prominent brownfield sites in Fort Erie, known as “showcase sites”, such as the former Coal Docks site and the former Horton CBI Steel site, by providing more generous incentives for these showcase sites;
- d) Better communicate the planning approvals process for brownfield redevelopment projects to developers and the general public;
- e) Once the CIP is approved, conduct information seminars to educate developers, property owners and the public with respect to the opportunities for, and the community benefits of, brownfield redevelopment and available incentive programs. This could include written materials in addition to those already provided at the first public meeting;

- f) Have the Town take a more proactive and prominent leadership role in brownfield redevelopment by acquiring brownfield sites through the tax sales process or otherwise, and preparing and offering these sites for redevelopment; and,
- g) Have the Town develop a policy for the undertaking of tax sales on tax delinquent brownfield properties and subsequent disposition of brownfield lands that fail at tax sale.

DRAFT

4.0 RECOMMENDED COMMUNITY IMPROVEMENT PROJECT AREA

An inventory of 27 immediate land development opportunities (many of them brownfield sites) was prepared in 2003 for the Town. Most of these properties include operating and non-operating industrial uses. There are also a number of former commercial uses and vacant lands. A number of the brownfield sites in the Town are concentrated in the Bridgeburg Neighbourhood and the area of Garrison Road and Helena Street.

The prevailing trend in municipalities now preparing comprehensive Brownfield CIPs is to designate the entire municipality, or at least the entire urban area, as the community improvement project area to which their Brownfield CIP will apply. Based on the location of potential brownfield sites in the Town of Fort Erie, it is recommended that the entire urban area of the Town of Fort Erie, as amended from time to time, be designated as the community improvement project area for the Brownfield CIP.

DRAFT

5.0 INCENTIVE PROGRAMS

This CIP contains the following incentive programs:

- a) Environmental Site Assessment Grant Program;
- b) Brownfields Tax Assistance Program;
- c) Brownfields Rehabilitation Grant Program;
- d) Parkland Dedication Reduction Program; and,
- e) Brownfields Development Charge Exemption Program.

These incentive programs represent a comprehensive framework containing a tool kit of programs that when taken together, are specifically designed to address the critical needs identified in Section 3.0 of this CIP. The rationale for inclusion of the particular types of incentive programs included in this CIP is summarized in Figure 2.

Input from the best practices review, first public meeting, key stakeholder interviews and the project steering committee was used to develop the draft incentive programs and draft municipal leadership strategy. These draft incentive programs and the draft municipal leadership strategy were then presented at the second public meeting in July of 2009 to obtain input from the public and key stakeholders. Six members of the public attended the second public meeting and provided supportive comments regarding the proposed incentive programs and municipal leadership strategy.

The financial incentive programs contained in this CIP are primarily directed at the private sector and are designed to encourage private sector remediation and rehabilitation, adaptive reuse and construction activity on brownfield sites. Each of the financial incentive programs is described below, including the program purpose, type, eligibility criteria and requirements. A summary of the recommended incentive programs is shown in Figure 3, while administrative guidelines for each of the incentive programs (except the Brownfields Development Charge Exemption Program) are provided in Appendices C to F. The incentive programs contained in this CIP can be used individually or together by an applicant, but in no case can two or more programs be used to pay for the same eligible cost, i.e., double dipping is not permitted.

The incentive programs are augmented and complemented by a proactive Municipal Leadership Strategy (see Section 6.0). Section 7.0 contains a summary Implementation Strategy. A Monitoring Program will monitor implementation progress and program results of this CIP (see Section 8.0).

Figure 2 Rationale for Incentive Programs

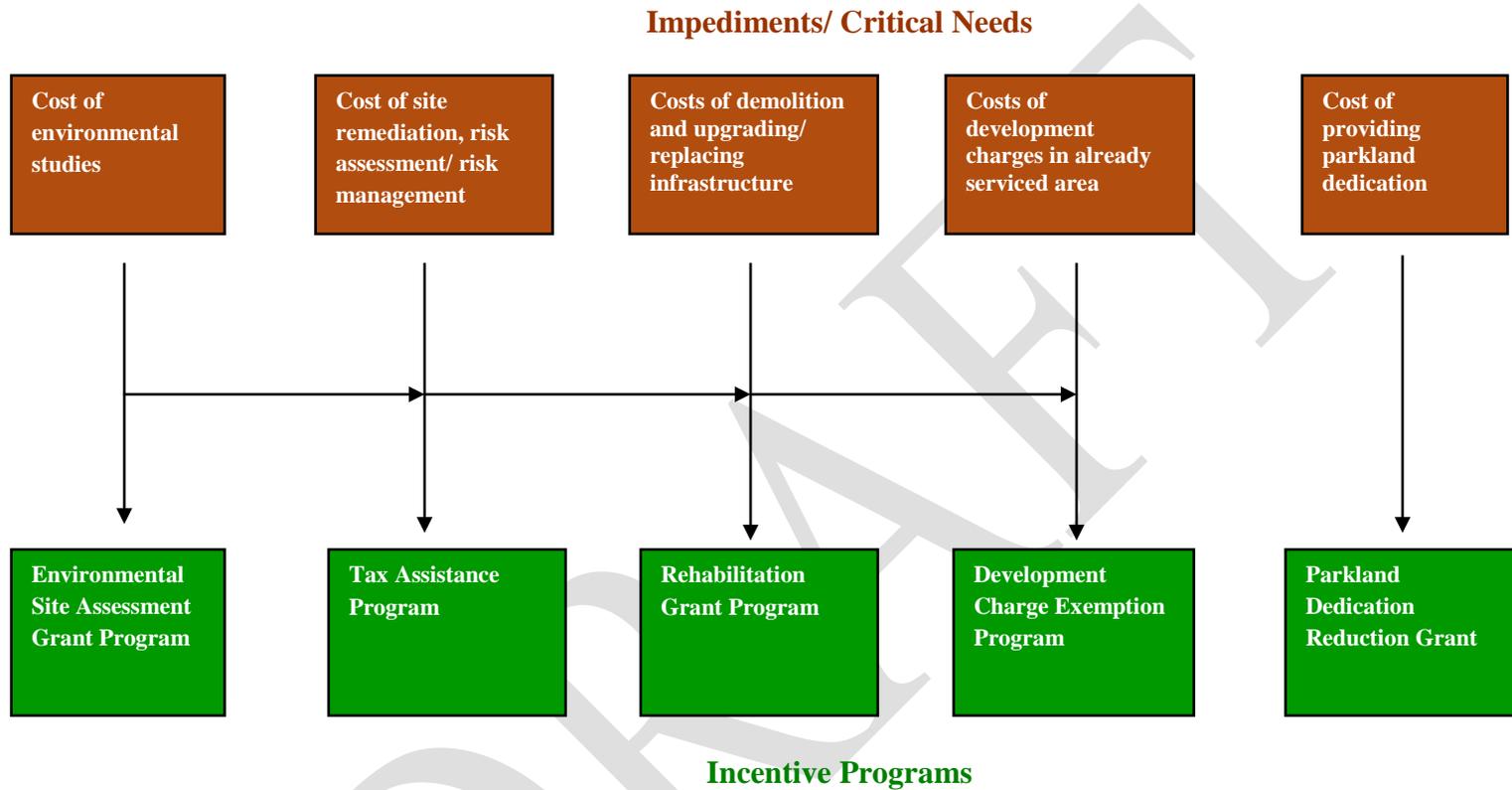


Figure 3 Summary of Incentive Programs

Program Name	Program Description	Recommended Program Duration⁸
Environmental Site Assessment Grant Program	<ul style="list-style-type: none"> - Grant equivalent to 50% of the cost of an eligible environmental site assessment, remedial action plan or risk assessment. - Maximum grant of \$13,000 per environmental study. - Maximum of 2 studies per property/project. - Maximum total grant of \$20,000 per property/project. 	- Five (5) + five (5) years
Brownfields Tax Assistance Program⁹	<ul style="list-style-type: none"> - Cancellation of the municipal property taxes/ tax increase for up to 5 years. - Cancellation of the education property taxes/tax increase for up to 3 years. 	- Five (5) + five (5) years
Brownfields Rehabilitation Grant Program	<ul style="list-style-type: none"> - Grant equivalent to up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion. - Grant level is dependent on showcase site status, incorporation of Smart Growth principles, and Leadership in Energy and Environmental Design (LEED) standard achieved (No Certification, Certified, Silver, Gold, or Platinum). 	- Ten (10) Years
Brownfields Parkland Dedication Grant Program	<ul style="list-style-type: none"> - Grant equivalent to 50% or 100% of parkland dedication fees. 	- Five (5) + five (5) years
Brownfields Development Charge Exemption Program¹⁰	<ul style="list-style-type: none"> - Remediation costs from Rehabilitation Grant can be applied against Town development charges up to a 75% reduction of development charges payable. - Rehabilitation Grant is reduced by the amount of remediation costs deducted from development charges payable. - For projects that achieve at least 80% tax increment grant level under the Brownfields Rehabilitation Grant Program, the costs of remediation applied against the development charges payable will not be deducted from the Brownfields Rehabilitation Grant to be paid. 	- Five (5) + five (5) years

⁸ Council may extend the program duration of any or all of the programs beyond what is recommended without amendment to this Plan.

⁹ Generally, matching education property tax assistance will last for a maximum of three years. Extensions are subject to the approval of the Minister of Finance.

¹⁰ Note that this program does not form part of the CIP.

5.1 General Program Requirements

These general program requirements and the program specific requirements are not necessarily exhaustive and the Town reserves the right to include other requirements and conditions as deemed necessary on a property specific basis. All of the financial incentive programs contained in this CIP are subject to the following general requirements as well as the individual requirements specified under each program.

- a) Application for any of the incentive programs can be made only for properties within the Community Improvement Project Area;
- b) For the purposes of making application for any of the incentive programs contained in this Strategy (except for the Environmental Site Assessment Grant Program), an eligible property is a property where a Phase II ESA has been conducted, and that as of the date the Phase II ESA was completed, did not meet the required Ministry of Environment standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry for the proposed use of the property.
- c) For the purposes of making application for the Environmental Site Assessment Grant Program, an eligible property is a property (including land and buildings) where a Phase I ESA concludes that a Phase II ESA is required.
- c) The Town reserves the right to audit the cost of environmental studies, environmental remediation works, and/or rehabilitation works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- d) The Town is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant and/or tax assistance;
- e) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel the approved grant and/or tax assistance;
- f) The Town may discontinue any of the programs at any time, but applicants with approved grants and/or tax assistance will still receive said grant and/or tax assistance, subject to meeting the general and program specific requirements;
- g) All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and zoning requirements and approvals;
- h) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, and/or other required permits, and constructed in accordance with the Ontario Building Code;

- i) Outstanding work orders, and/or orders or requests to comply, and/or other charges from the Town (including tax arrears) must be satisfactorily addressed prior to grant and/or tax assistance payment;
- j) Town staff, officials, and/or agents of the Town may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Town;
- k) The total of all grants, loans and tax assistance provided in respect of the particular lands and buildings of an applicant under the incentive programs shall not exceed eligible costs with respect to these lands and buildings; and,
- l) Applicants approved for the incentive programs will be required to complete the approved works within timeframes specified by the Town.

5.2 Environmental Site Assessment (ESA) Grant Program

5.2.1 Purpose

The purpose of the Environmental Site Assessment (ESA) Grant Program is to promote the undertaking of environmental studies so that more and better information is available with respect to the type of contamination and potential remediation costs on brownfield properties.

5.2.2 Description

A Phase I Environmental Site Assessment (ESA) has become a standard requirement of most financial institutions. A Phase I ESA does not provide detailed information with respect to the type of contamination and cost of remediation. Therefore, Phase I ESA's are not eligible for funding under this program. To be eligible to apply for the ESA Grant Program, a Phase I ESA must have been completed on the property and must show that the property is suspected of environmental contamination.

The ESA Grant Program will provide a matching grant of 50% of the cost of an eligible environmental study to a maximum grant of:

- a) \$13,000 per study;
- b) two studies per property/project; and,
- c) \$20,000 per property/project.

Eligible environmental studies include a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and a Risk Assessment. Environmental site assessment grants will only be offered on eligible properties where there is potential for rehabilitation and/or redevelopment of the property.

Review and evaluation of an application and supporting materials against program eligibility requirements will be done by Town staff and a decision on the grant application will be made by Town staff. Applications will be processed and approved on a first come, first serve basis, subject to availability of funding as approved by Council, with a higher priority being placed on applications for:

- i) Showcase sites;
- ii) Sites where planning approvals are not required;

- iii) Sites where planning applications have been submitted.

Grant payments approved under this program would be provided to applicants following submission to the Town for review of the final completed ESA with the original invoice, indicating that the study consultants have been paid in full. The grant will be paid on the lesser of a cost estimate provided by the qualified person (consultant) conducting the study or the actual cost of the study. The grant may be reduced or cancelled if the study is not completed, not completed as approved, or if the consultant(s) that conducted the study are not paid in full. The applicant will agree to provide the Town with permission to notify any other subsequent project proponents of the existence of an environmental study or studies.

It is recommended that this program be offered for an initial period of five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.

5.2.3 Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Town Council:

- a) An application must be submitted to the Town prior to the start of any environmental study to which the grant will apply;
- b) If the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and conduct the study.
- c) Environmental studies shall be for the purpose of:
 - i) confirming and describing contamination at the site (partial or complete Phase II ESA);
 - ii) surveying designated substances and hazardous materials at the site (Designated Substances and Hazardous Materials Survey);
 - iii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan/Risk Assessment);
- d) Applicants must complete and submit to the Town for review a Phase I ESA that demonstrates that site contamination is likely;
- e) Applications will include:
 - i) a detailed study work plan;
 - ii) a cost estimate for the study; and,
 - iii) a description of the planned redevelopment, including any planning applications that have been submitted/approved;
- f) All environmental studies shall be completed by a “qualified person” as defined by Ontario Regulation 153/04;
- g) All completed environmental studies must comply with the description of the studies as provided in the grant application form;

- h) One (1) electronic and one (1) hard copy of the study findings shall be supplied to the Town for review.

It is recommended that this program be offered for an initial period of five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.

5.3 Brownfields Tax Assistance Program

5.3.1 Purpose

The purpose of the Brownfields Tax Assistance Program (TAP) is to encourage the remediation and rehabilitation of brownfield sites by providing a cancellation of part or all of the property tax increase on a property that is undergoing or has undergone remediation and development to assist with payments of the cost of environmental remediation. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

5.3.2 Description

The legislative authority for the Brownfields TAP is established under Section 365.1 (2) of the *Municipal Act, 2001* which allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of cancellation of all or part of the taxes levied on that property for municipal (Town and Region) and education purposes during the “rehabilitation period” and the “development period” of the property, as defined in Section 365.1 of the *Municipal Act, 2001*.

Matching education property tax assistance for eligible properties under the provincial Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province, is subject to approval of the Minister of Finance on a case by case basis.

An “eligible property” for the Brownfields TAP is a property within the community improvement project area where a Phase II Environmental Site Assessment (ESA) has been conducted, and that as of the date the Phase II ESA was completed, did not meet the required standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry.

“Rehabilitation period” means, with respect to an eligible property, the period of time starting on the date on which the by-law under subsection 365.1(2) providing tax assistance for the property is passed and ending on the earliest of:

- a) the date that is 18 months after the date that the tax assistance begins to be provided,
- b) the date that a record of site condition for the property is filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
- c) the date that the tax assistance provided for the property equals the sum of,
 - i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and

- ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période de réhabilitation”)

“Development period” means, with respect to an eligible property, the period of time starting on the date the rehabilitation period ends and ending on the earlier of:

- a) the date specified in the by-law made under subsection 365.1(2), or
- b) the date that the tax assistance provided for the property equals the sum of,
 - i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
 - ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période d’aménagement”).

“Eligible costs” for the Brownfields TAP are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. This includes the cost of:

- i) a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not covered by the ESA Grant Program;
- ii) environmental remediation, including the cost of preparing a RSC;
- iii) placing clean fill and grading;
- iv) installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment;
- v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment;
- vi) environmental insurance premiums.

In no case will the total amount of tax assistance provided under the Brownfields TAP exceed the total of these eligible costs.

The municipal property tax assistance provided will cease:

- a) when the total tax assistance provided equals the total eligible costs as specified above; or,
- b) after five (5) years, whichever comes first.

The matching education property tax assistance will cease:

- a) when the total tax assistance provided equals the total eligible costs as specified above; or,
- b) after such time period as is approved by the Minister of Finance¹¹, whichever comes first.

As part of the tax assistance provided to the applicant, the Town of Fort Erie may also seek participation from the Regional Municipality of Niagara (Region) in order to provide for a cancellation of part or all of the municipal (Town and Region) property tax increase. The matching

¹¹ Generally, matching education property tax assistance will last for a maximum of three (3) years. Extensions are subject to the approval of the Minister of Finance.

Regional portion of the property tax increase to be cancelled is subject to approval by Regional Council. The tax assistance provided by the Region may be delivered differently than the tax assistance provided by the Town and may be subject to additional conditions.

The matching education portion of the property tax increase to be cancelled through the BFTIP, or through any other replacement program(s) administered by the Province is subject to approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the Town and the Region, and may be subject to additional conditions.

If a property that has been approved for brownfields tax assistance is severed, subdivided, sold or conveyed prior to the end of the education tax assistance period specified above, the education property tax assistance will automatically end. However, any remaining municipal property tax assistance can be converted into a grant and paid out under the Brownfields Rehabilitation Grant Program (see Section 5.4).

Any property approved for tax assistance will be subject to passing of a by-law by the Town that authorizes the provision of the tax assistance. This by-law will contain conditions required by the Town as well as conditions required by the Region and the Minister of Finance. In order for the by-law to apply to Regional taxes, before it is passed by the Town, the Town must supply a copy of the proposed by-law to Regional Council. Regional Council must by resolution agree that the by-law will also provide for a matching equivalent cancellation of the Regional property tax increase for up to 5 years. In order for the by-law to apply to education property taxes, before it is passed by the Town, the by-law must be approved in writing by the Minister of Finance.

Applications will be processed on a first come, first serve basis, subject to a higher priority being placed on showcase sites and sites where planning applications have already been approved. Review and evaluation of an application and supporting materials against program requirements will be completed by Town staff who will then make a recommendation to Town Council or Council's designate. The application is subject to approval by Town Council or Council's designate. As a condition of approval of an application for Brownfields Tax Assistance, the property owner must enter into an agreement with the Town. This Agreement will specify the terms, duration and default provisions of the tax assistance. This Agreement is also subject to approval by Town Council or Council's designate.

It is recommended that this program be offered for an initial period of five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Town Council and the Province.

5.3.3 Requirements

Only owners of property within the community improvement project area are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by Town Council and the Minister of Finance:

- a) An application must be submitted to the Town prior to the start of any remediation works to which the tax assistance will apply;
- b) The application must be accompanied by a Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1)

of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry;

- c) The application must be accompanied by a Phase II ESA, Remedial Work Plan or Risk Assessment prepared by a qualified person that contains:
 - i) an estimate of the cost of actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*; and
 - ii) a work plan and budget for said environmental remediation and/or risk management actions;
- d) As a condition of the application, the Town may require the applicant to submit a Business Plan for redevelopment of the property (as applicable), with said Plan to the Town's satisfaction;
- e) The property shall be rehabilitated such that the work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;
- f) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:
 - i) a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not covered by the ESA Grant Program;
 - ii) environmental remediation, including the cost of preparing a RSC;
 - iii) placing clean fill and grading;
 - iv) installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment;
 - v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment;
 - vi) environmental insurance premiums;
- g) All property owners participating in this program will be required to enter into an agreement with the Town that will specify the terms, duration and default provisions of the tax assistance;
- h) All Brownfields Tax Assistance Program applications and agreements must be approved by Council or Council's designate;
- i) Should the owner of the property default on any of the conditions in the by-law, the tax assistance provided (plus interest) will become payable to the Town and Province;
- j) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the Town proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

5.4 Brownfields Rehabilitation Grant Program

5.4.1 Purpose

The purpose of the Brownfields Rehabilitation Grant Program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for additional rehabilitation costs normally associated with brownfield sites.

5.4.2 Description

The Brownfields Rehabilitation Grant Program will provide a financial incentive in the form of an annual grant to the party who remediates and rehabilitates an eligible brownfield property for up to ten (10) years to help offset the cost of remediation and rehabilitation only where that rehabilitation results in an increase in assessment value and property taxes on these properties. As a general program rule, the grant available under this program is paid to the original property owner who remediated/rehabilitated the brownfield property, even if the property is subsequently sold once it has been remediated/rehabilitated. The Town may consider at its own option and discretion a one-time assignment of the grant to the initial purchaser(s) of the remediated/rehabilitated site from the original applicant/owner. The Town's decision regarding such assignment requests will be dependent on the specifics circumstances of and ease of grant administration of each request on a case by case basis, and the Town's decision regarding assignment will be final.

An application can be made for the Rehabilitation Grant Program, the Brownfields Tax Assistance Program, or both programs together. If an application for both the Rehabilitation Grant Program and the Tax Assistance Program has been approved, the annual grant available under the Rehabilitation Grant Program will begin when the benefits of the Tax Assistance Program end. If a property that has been approved for tax assistance is severed, subdivided, sold or conveyed prior to the end of the maximum five (5) year period for municipal property tax assistance, any remaining period of municipal property tax assistance (up to 5 years) can be added to the maximum ten (10) year Brownfields Rehabilitation Grant period for a total maximum Brownfields Rehabilitation Grant period of fifteen (15) years.

The annual grant available under the Rehabilitation Grant Program can be paid only once final building inspection has taken place, reassessment of the property has taken place, and the property owner has paid the property taxes in full for the year in which the grant is to be provided.

“Eligible costs” for the Rehabilitation Grant Program include the costs of:

- a) a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not covered by the Environmental Site Assessment Grant Program or the Brownfields TAP;
- b) environmental remediation, including the costs of preparing a RSC, not covered by the Brownfields TAP;
- c) placing clean fill and grading not covered by the Brownfields TAP;
- d) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields TAP;
- e) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields TAP;
- f) environmental insurance premiums not covered by the Brownfields TAP;

- g) the following Leadership in Energy and Environmental Design (LEED) Program Components:
 - i) base plan review by a certified LEED consultant;
 - ii) preparing new working drawings to the LEED standard;
 - iii) submitting and administering the constructed element testing and certification used to determine the LEED designation;
 - iv) increase in material/construction cost of LEED components over standard building code requirements to a maximum of 15% of total construction costs;
- h) demolishing buildings;
- i) building rehabilitation and retrofit works;
- j) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
- k) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.

In no case will the total amount of the grant provided under the Brownfields Rehabilitation Grant Program exceed the total of these eligible costs.

The annual grant available under the Brownfields Rehabilitation Grant Program will be offered as a tax-increment based grant on a “pay-as-you go” basis. The applicant will initially pay for the entire costs of remediation and rehabilitation. When the Town receives the incremental property taxes that result from the rehabilitation project, the Town will reimburse the applicant in the form of an annual grant equivalent to a percentage of the increase in municipal taxes that results from the project for a period of up to ten years, or up to the time when total grant payments equal total eligible costs, whichever comes first.

In order to provide an additional incentive for showcase sites and to incorporate the principles of Smart Growth and energy efficiency into the Rehabilitation Grant Program, the percentage of the Rehabilitation Grant available for up to ten years varies as shown in Figure 4 below. Sites that are showcase sites, LEED certified, or incorporate a number of Smart Growth Principles (see Appendix A) will receive a higher percentage of the Town/Region property tax increase they generate.

Applications will be processed and approved on a first come, first serve basis, subject to availability of funding as approved by Council, with applications on showcase sites receiving higher priority. Review and evaluation of an application and supporting materials against program eligibility requirements will be done by Town staff who will then make a recommendation to Town Council or Council’s designate. The application is subject to approval by Town Council or Council’s designate. As a condition of approval of an application for a Brownfields Rehabilitation Grant, the applicant must enter into an agreement with the Town. This Agreement will specify the terms, duration and default provisions of the grant. This Agreement is also subject to approval by Town Council or Council’s designate.

The amount of municipal (Town and Region) taxes (“base rate”) will be determined before commencement of the project. The increase in the municipal portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the amount of municipal (Town and Region) taxes levied as a result of re-valuation by the Municipal Property Assessment Corporation (MPAC) following project completion. The amount of the grant will be the

tax increment multiplies by the applicable grant percentage as shown in Figure 4. The grant will be recalculated every year based on the municipal tax increment every year.

It is recommended that this program be offered for a period of ten (10) years, subject to the availability of funding as approved by Town Council.

Figure 4 Brownfields Rehabilitation Grant Level

	No LEED Certification	LEED Certification and/or 3 of 5 Smart Growth Principles	LEED Silver Certification and/or 4 of 5 Smart Growth Principles and/or a Showcase site	LEED Gold Certification and/or 5 of 5 Smart Growth Principles and/or a Showcase site that is LEED or LEED Silver Certified	LEED Platinum Certification and/or a Showcase site that is LEED Gold Certified
Grant as a % of the Town/Region Tax Increment	60%	70%	80%	90%	100%

5.4.3 Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by Town Council:

- a) A grant application must be submitted to the Town prior to the start of any rehabilitation works to which the grant will apply;
- b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the Town with respect to the eligible costs and conformity of the project with the CIP;
- c) If the application includes costs for environmental remediation, the application must be accompanied by a Phase II ESA, Remedial Work Plan or Risk Assessment Plan prepared by a qualified person that contains:
 - i) an estimate of the cost of actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; and
 - ii) a work plan and budget for said environmental remediation, and/or risk management actions;
- d) As a condition of the grant application, the Town may require the applicant to submit a Business Plan, with said Plan to the Town’s satisfaction;
- e) The property shall be rehabilitated such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

- f) The total value of the grant provided under this program shall not exceed total eligible costs. This includes the costs of:
 - i) a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not covered by the ESA Grant Program or the Brownfields TAP;
 - ii) environmental remediation, including the costs of preparing a RSC, not covered by the Brownfields TAP;
 - iii) placing clean fill and grading not covered by the Brownfields TAP;
 - iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields TAP;
 - v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields TAP;
 - vi) environmental insurance premiums not covered by the Brownfields TAP;
 - vii) the following Leadership in Energy and Environmental Design (LEED) Program Components:
 - i) base plan review by a certified LEED consultant;
 - ii) preparing new working drawings to the LEED standard;
 - iii) submitting and administering the constructed element testing and certification used to determine the LEED designation;
 - iv) increase in material/construction cost of LEED components over standard building code requirements to a maximum of 15% of total construction costs;
 - viii) demolishing buildings;
 - ix) building rehabilitation and retrofit works;
 - x) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
 - xi) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.
- g) All applicants participating in this program will be required to enter into an agreement with the Town which will specify the terms of the grant;
- h) All Rehabilitation Grant Program applications and agreements must be approved by Town Council or Town Council's designate;
- i) If a building(s) erected on a property participating in this program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;
- j) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the Town proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

5.5 Brownfields Parkland Dedication Grant Program

5.5.1 Purpose

The purpose of the Brownfields Parkland Dedication Grant Program is to reduce parkland dedication requirements or cash in lieu requirements to encourage the redevelopment of brownfield sites in built up areas that already have an adequate supply of parkland when the parkland demands of the redevelopment project are taken into consideration.

5.5.2 Description

Section 42.(1) of the *Planning Act* allows the Council of a local municipality to establish a by-law that requires no more than 2% of the land proposed for industrial or commercial development or redevelopment, and no more than 5% of the land proposed for all other types of development or redevelopment, be conveyed to the municipality for park or other public recreational purposes. Section 42.(6) of the *Planning Act* allows the local municipality to require payment of money to the value of the land otherwise required to be conveyed in lieu of the conveyance.

The Parkland Dedication Grant Program will provide an incentive in the form of a grant equivalent to 50% of the parkland dedication/cash-in-lieu requirements for any redevelopment project that has been approved under the Brownfields Tax Assistance Program and/or the Brownfields Rehabilitation Grant Program where it is determined by the Town that adequate parkland exists in the area of the project to service both existing and planned residential development. Any project that achieves at least an 80% tax increment grant level under the Brownfields Rehabilitation Grant Program will be eligible for a grant equivalent to 100% of the parkland dedication/cash-in-lieu requirements where it is determined by the Town that adequate parkland exists in the area of the project to service both existing and planned residential development.

It is recommended that this program be offered for an initial period of five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.

5.5.3 Requirements

Applicants with an approved Brownfields Tax Assistance and/or the Brownfields Rehabilitation Grant application are automatically eligible for the Brownfields Parkland Dedication Grant Program. However, the Town will determine if there is adequate parkland/parkland dedication reserve available to permit a parkland dedication grant at the time of approval of the Brownfields Tax Assistance/Brownfields Rehabilitation Grant.

The applicant will pay the parkland dedication payment in lieu amount at the time of registration of the plan of subdivision/condominium or at building permit issuance. The Town would then provide a grant in the form of a onetime payment of 50% or 100% of the payment in lieu amount paid by the applicant upon completion of the project and building occupancy, depending on the tax increment grant level achieved under the Brownfields Rehabilitation Grant Program.

5.6 Brownfields Development Charge Exemption Program

5.6.1 Purpose

The purpose of the Brownfields Development Charge Exemption Program is to promote brownfield redevelopment and Smart Growth on brownfield sites by providing a major economic catalyst in the form of an upfront reduction of the often large development charges that must be paid when a brownfield property is redeveloped.

5.6.2 Description

Most, but not necessarily all of the potential brownfield properties in Fort Erie are serviced with adequate water and sewer services and roads. Therefore, large scale redevelopment of brownfield sites may result in incremental increases in demand for both hard and soft services, but in some cases, may also result in more significant increases in demand for hard services upgrading and/or construction. It is recognized that the costs to provide these incremental services will be substantially lower than to provide new infrastructure and other services to greenfield areas. Therefore, there is a financial rationale for a lower development charge for brownfield redevelopment in the Town of Fort Erie.

The exemption of development charges has been shown to be a major incentive to promote brownfield redevelopment in other municipalities. As such, in an effort to promote new residential and commercial development in downtowns, built-up urban areas, and brownfield areas, the Region passed a development charge waiver/exemption program in 2002 (Regional Report CSD 151-2002/DPD 131-2002). This was followed in 2003 with a report that outlined the administrative procedures for implementation of the development charge waiver/exemption program (Regional Report CSD 39-2003/DPD 48-2003).

The Region's most recent Development Charges By-law (No. 62-2009) came into effect on September 1, 2009. This By-law reduces the Regional development charge payable by 50% for development located within the boundaries of designated central urban areas as set out in Schedule D of Regional By-law No. 62-2009, or on a brownfield site. The Region provides a further 50% reduction of Regional development charges payable for development located within the boundaries of designated central urban areas or on a brownfield site where said development includes at least three of the five Regional Smart Growth principles.

While the exemption of local municipal development charges is not required by the Region as a condition of the Regional program, it is encouraged by the Region. Combined with the Regional development charge exemption, an exemption for Town development charges on brownfield sites will likely prove to be a significant upfront financial incentive to brownfield developers.

The proposed Brownfields Development Charge Exemption Program outlined below will require that changes to the Town's Development Charges By-law be implemented. Therefore, implementation of this Program does not fall within the parameters of Section 28 of the *Planning Act* and the Brownfields Development Charge Exemption Program does not form part of this Brownfields CIP. The Brownfields Development Charge Exemption Program will be forwarded to Council as a separate recommendation and implementing amendment to the Town's Development Charges By-law.

The Brownfields Development Charge Exemption Program will provide a financial incentive in the form of a reduction of Town development charges payable equal to the cost of environmental remediation (Items a – f) in Section 5.4.2 of this CIP) approved under the Brownfields Rehabilitation Grant Program. This reduction of development charges will equal up to 75% of the Town development charge payable with respect to development on a brownfield site. The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the costs of environmental remediation against the development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the development charges payable (development charges exempted) will be deducted from the Brownfields Rehabilitation Grant to be paid. In the case of any project that achieves at least an 80% tax increment grant level under the Brownfields Rehabilitation Grant Program, the costs of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfields Rehabilitation Grant to be paid.

The Development Charge Exemption Program is not an application based program. Therefore, an application for a development charge exemption at the time of building permit application will not be required. The development charge exemption will be applied at the time development charges are normally paid, i.e., building permit.

It is recommended that this program be offered for an initial period of five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.

5.6.3 Requirements

All owners of properties (and their assignees) within the Community Improvement Project Area are eligible for the Brownfields Development Charge Exemption Program, subject to meeting the general program requirements, the following program requirements, and availability of funding as approved by Council:

- a) All properties considered eligible for the Brownfields Development Charge Exemption Program must have an approved Brownfields Rehabilitation Grant Program Application and Agreement in place;
- b) Only properties where an MOE acknowledged RSC has been filed in the Environmental Site Registry for the proposed use will be eligible for the Brownfields Development Charge Exemption Program;
- c) As a condition of development charge exemption, the Town may require the applicant to submit for approval professional design/architectural drawing(s) which shall be in conformity with any municipally issued urban design guidelines, as well as impact studies such as traffic studies and studies of microclimatic conditions (sun, shadow, wind);
- d) Eligible costs include only the costs of:
 - i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program or the Brownfields Tax Assistance Program;
 - ii) environmental remediation, including the cost of preparing a RSC, not covered by the Brownfields Tax Assistance Program;

- iii) placing clean fill and grading not covered by the Brownfields Tax Assistance Program;
 - iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;
 - v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;
 - vi) environmental insurance premiums not covered by the Brownfields Tax Assistance Program;
- e) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements at both the local and regional level;
 - f) All improvements made to properties shall be made pursuant to a building permit, and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals;
 - g) Outstanding work orders and/or orders or requests to comply from the Town must be satisfactorily addressed prior to development charge exemption.
 - h) This program does not apply to security deposits or cash-in-lieu payments required as a result of the application.

6.0 MUNICIPAL LEADERSHIP STRATEGY

6.1 Purpose

The purpose of the Municipal Leadership Strategy is to establish a framework for the Town to:

- a) provide better support and leadership on brownfield redevelopment projects by leading by example;
- b) complement the financial incentive programs;
- c) communicate to the development and business community the brownfield redevelopment opportunities in Fort Erie and the incentive programs available; and,
- d) improve the image of Fort Erie.

6.2 Municipal Actions

The public sector actions contained in the Municipal Leadership Strategy are designed to act as catalysts to leverage private sector investment on brownfield sites. As per Sections 28(3) and 28(6) of the *Planning Act*, once a Community Improvement Project Area has been designated and a CIP is approved, a municipality may:

- a) acquire, hold, clear, grade or otherwise prepare land for community improvement;
- b) construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan; and,
- c) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan.

Therefore, the Town of Fort Erie may engage in any of these activities as part of its Brownfields Municipal Leadership Strategy in order to promote the undertaking of targeted projects that are identified and approved by the Town. To facilitate its Municipal Leadership Strategy, the Town may engage in a general program of acquisition of brownfield or potential brownfield properties by a number of means. The Town may also become involved in targeted projects and/or pilot projects with the private sector to remediate and rehabilitate brownfield sites in Fort Erie or prepare these sites for remediation and/or redevelopment. Targeted projects could include projects on showcase sites.

Pilot projects can showcase the use of innovative tools such as alternative approaches to site remediation and risk management, new environmental remediation technologies, the use of environmental insurance, and/or energy efficient building technologies. The Town may also issue Requests for Proposals (RFP's) on Town owned brownfield sites, failed tax sale properties, and/or participate in public/private partnerships to clean up and redevelop publicly and privately owned brownfield sites.

It is recommended that the Municipal Leadership Strategy contained in this Brownfield Strategy be funded from part or all of the tax increment that is retained by the Town as a result of properties participating in the Brownfields Rehabilitation Grant Program, and any initial seed funding as allocated by Council. The Town can then use these funds as required to:

- a) conduct environmental site assessments on municipally-owned properties that are potentially contaminated;

- b) conduct environmental site assessments on properties controlled or acquired through the tax arrears sales process and conduct requests for proposals (RFPs) on failed tax sale brownfield properties;
- c) remediate, rehabilitate, reuse and improve municipally owned brownfield properties, including undertaking or participating in pilot projects to showcase innovative remediation approaches and technologies, the use of tools such as environmental insurance, and innovative energy efficiency technologies;
- d) acquire and remediate, rehabilitate, reuse and improve key privately-owned brownfield sites, including showcase sites that have been mothballed by current owners;
- e) fund brownfield pilot projects (public-private partnerships) to remediate, rehabilitate, reuse and improve redevelop privately and publicly owned brownfield properties;
- f) educate and inform the public about the importance of brownfield redevelopment;
- g) work in cooperation with the Fort Erie Economic Development and Tourism Corporation to implement a Marketing Strategy that regularly markets the Town's incentive programs and brownfield redevelopment opportunities available to brownfield market makers such as property owners, developers, potential end users, and support professionals in the Town, Region and outside the Region of Niagara.

Any initial seed funding and the tax increment that is retained by the Town as a result of properties participating in the Rehabilitation Grant Program should be placed into a Municipal Leadership Strategy Account. This account will function as a revolving fund. The allocation of the tax increment to the Municipal Leadership Strategy Account will end when the Brownfields Rehabilitation Grant Program ends, or earlier as determined by Council. At that time, the Town may return funds remaining in the Municipal Leadership Strategy Account to general revenues or continue to utilize these funds for leadership activities until the Municipal Leadership Strategy Account is exhausted.

The Municipal Leadership Strategy will also provide funding to allow the Town to access brownfield feasibility study and remediation funding available from the Federation of Canadian Municipalities (FCM) Green Municipal Funds (GMF). Any municipal government in Canada or its private or public sector partners can apply for funding from the GMF. The Town was successful in obtaining a grant from FCM for the preparation of its Brownfield Strategy and CIP. An appropriately funded Municipal Leadership Strategy will allow the Town the financial means to leverage FCM funding to help implement this Strategy and the CIP.

It is also recommended that the Town establish a single point of contact (brownfield coordinator/planner role) for brownfield information and financial incentives on brownfield sites. The role of this coordinator will be to administer applications for the financial incentive applications, coordinate financial incentive applications with planning applications, and provide guidance and advice to developers and their support professionals involved in brownfield redevelopment. The brownfield coordinator should also take on the role of facilitator with respect to brownfield redevelopment when there are planning and/or environmental regulatory issues. This should include acting as a facilitator with the MOE on regulatory approvals and expediting Town planning and environmental approvals.

6.3 Guideline for Identifying Priority Brownfield Sites and Projects

When identifying and evaluating sites for acquisition, partnering or any of the other municipal leadership actions described in this CIP, the Town should be strategic in its approach. Therefore, it is recommended that the Town utilize the following criteria when evaluating and selecting sites and projects for purposes of the Municipal Leadership Strategy:

- a) The site has a good or excellent location with high visibility and proximity to major transportation routes;
- b) The site is commercially viable and marketable;
- c) The site is a “stigmatized” site, the cleanup and redevelopment of which will likely act as a catalyst for community improvement of the neighbourhood or employment area in which the site is located;
- d) The site is designated under the Ontario Heritage Act or exhibits significant heritage and architectural characteristics;
- e) The site is surrounded in whole or in part by residential or other sensitive land uses;
- f) The site could be a “destination” site drawing large numbers of visitors/shoppers/diners and this would promote additional revitalization in the area where the site is located;
- g) The proposed project will result in the leveraging of significant private sector investment resulting in a significant increase in property tax revenues, employment and/or residential opportunities;
- h) The proposed project will showcase innovative remediation approaches, technologies, risk assessment approaches, and Smart Growth design/building principles such as LEED building standards.

Note that a site or project does not need to meet all of these criteria to be considered eligible for acquisition, partnering, or any of the other municipal leadership actions described in this Strategy. However, sites that meet more of these criteria should be favoured for the municipal leadership actions described in this Strategy

6.4 Guideline for Identifying Showcase Sites

It is intended that a few select sites in the Town of Fort Erie will be identified as “showcase sites”. These sites are showcase sites because these are larger, legacy type brownfield sites, the redevelopment of which will significantly increase residential, employment or entertainment opportunities at both the neighbourhood and community level. Therefore, it is recommended that showcase sites must meet criteria c) and g) above and also meet several of the other criteria specified in Section 6.3 above. Based on their size, high visibility location, historical land uses, and their significant redevelopment potential, both the former Horton CBI Steel site and the former Coal Docks site (and surrounding lands) have been pre-designated as “showcase sites”.

7.0 IMPLEMENTATION STRATEGY

As described in the previous sections, there are a number of actions required to implement this CIP. These include actions to implement the Incentive Programs and the Municipal Leadership Strategy. Figure 5 below summarizes these actions and identifies the various key stakeholders, recommended timing and relative priority of each action. Timing is in relation to timing of the approval of the CIP, with recommended actions to take place in the short term (0-2 years), medium term (2 – 5 years), and long term (5+ years). Figure 5 also identifies the priority of each action as medium, high and very high. There are no low priority actions as these would not have been included in the CIP.

DRAFT

Figure 5 Implementation Strategy

Incentive Programs						
Action	Lead Organization(s)	Key Stakeholders	Timing			Priority
			Short Term (0-2 years)	Medium Term (2-5 years)	Long Term 5+ years	
1. Implement the ESA Grant Program	Town	Region of Niagara Property Owners Developers	X			Very High
2. Implement the Brownfields Tax Assistance Program	Town	Region of Niagara Property Owners Developers	X			High
3. Implement the Brownfields Rehabilitation Grant Program	Town	Region of Niagara Property Owners Developers	X			Very High
4. Implement the Brownfields Parkland Dedication Grant Program	Town	Property Owners Developers	X			Medium
5. Implement the Brownfields Development Charge Exemption Program	Town	Region of Niagara Property Owners Developers	X			Very High

Municipal Leadership Strategy						
Action	Lead Organization(s)	Key Stakeholders	Timing			Priority
			Short Term (0-2 years)	Medium Term (2-5 years)	Long Term 5+ years	
1. Conduct environmental site assessments on municipally owned properties that are potentially contaminated.	Town		X	X	X	Very High
2. Conduct environmental site assessments on properties controlled or acquired through the tax arrears sales process.	Town	Developers Investors	X	X	X	Very High
3. Issue requests for proposals (RFPs) on failed tax sale brownfield properties and surplus Town owned brownfield sites.	Town	Developers Investors	X	X	X	High
4. Remediate, rehabilitate, reuse and improve municipally owned brownfield properties, including undertaking or participating in pilot projects to showcase innovative remediation approaches and technologies, the use of tools such as environmental insurance, and innovative energy efficiency technologies.	Town	Technology Providers Environmental Consultants and Contractors	X	X	X	High
5. Acquire and remediate, rehabilitate, reuse and improve key privately-owned brownfield sites, including showcase sites that have been mothballed by current owners.	Town	Property Owners Developers Investors	X	X	X	High
6. Fund public-private partnerships to remediate, rehabilitate, reuse and redevelop privately and publicly owned brownfield properties, including showcase sites.	Town	Property Owners Developers Investors	X	X		Very High

Municipal Leadership Strategy						
Action	Lead Organization(s)	Key Stakeholders	Timing			Priority
			Short Term (0-2 years)	Medium Term (2-5 years)	Long Term 5+ years	
7. Educate and inform the public about the importance of brownfield redevelopment.	Town	Fort Erie Economic Development and Tourism Corporation Public	X	X	X	Very High
8. Work in cooperation with the Fort Erie Economic Development and Tourism Corporation to implement a Marketing Strategy that regularly markets the Town's incentive programs and brownfield redevelopment opportunities available to brownfield market makers such as property owners, developers, potential end users, and support professionals in the Town, Region and outside the Region of Niagara.	Town	Fort Erie Economic Development and Tourism Corporation Developers Investors Support Professionals	X	X	X	Very High
9. Establish a single point of contact (brownfield coordinator/planner) for the provision of information on brownfield opportunities and incentives.	Town	Developers Investors	X			Very High

8.0 MONITORING PROGRAM

8.1 Purpose

The Town of Fort Erie Brownfield CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, the purpose of the Monitoring Program is to monitor the performance and impact of the incentive programs and the Municipal Leadership Strategy and to utilize this information to make adjustments to the incentive programs and the Municipal Leadership Strategy in order to help ensure that the goals of the Brownfield Redevelopment Strategy and CIP are successfully accomplished.

The Monitoring Program set out in this section has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs by program type so as to determine which programs are being most utilized;
- b) The economic impact associated with projects taking advantage of the CIP incentive programs in order to determine the leverage ratio of private sector investment being leveraged by public sector investment;
- c) Feedback from users of the incentive programs so that adjustments can be made to the incentive programs over time as necessary.

8.2 Description

Figure 6 presents a list of the variables that should be monitored by the Town of Fort Erie on an individual project and aggregate basis for the incentive programs and the Municipal Leadership Strategy. As well, the feedback received from users of the financial incentive programs should also be considered. It is important that these results of the monitoring program be utilized to help ensure that the incentive programs and the Municipal Leadership Strategy be effective as possible for both small and large brownfield projects.

From a Smart Growth perspective, the Town should attempt to monitor the results of the programs in Figure 6 in terms of environmental, financial and social benefits. For example, it is important to highlight environmental and health threats that are removed through the remediation and risk management of contaminated sites. The increase in long-term property tax revenues from a brownfield redevelopment project can be compared to the total municipal financial incentive provided to the project to determine which projects are providing the highest return on investment. The cost savings associated with not having to extend public services into greenfield areas should be monitored. Increases in use of public transit and improvements in property values and social conditions in neighbourhoods where brownfield redevelopment projects are taking place should also be monitored.

Progress on implementation and the empirical results of the incentive programs and the Municipal Leadership Strategy should be reported on a regular basis (at least annually) to Town Council. In later years, when the programs are being utilized to their maximum potential, this reporting to Council can even take place semi-annually. The monitoring results should also be used to recommend any adjustments that should be made to the terms and requirements of the financial incentive programs in order to improve these programs.

Figure 6 Variables to be Monitored

Program	Variable
Environmental Site Assessment Grant	<ul style="list-style-type: none"> - Number of applications - Type of ESA (Phase II, Remedial Work Plan, or Risk Assessment) - Cost of study - \$ Amount of Grant - Number of Grant Applications leading to Tax Assistance, Rehabilitation Grant Applications and/or actual environmental remediation and rehabilitation projects
Brownfields Property Tax Assistance	<ul style="list-style-type: none"> - Number of applications - Increase in assessed value of participating properties - Estimated and actual amount of municipal and education tax assistance provided - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of private sector investment leveraged - Jobs created/maintained - Number of program defaults
Brownfields Rehabilitation Grant	<ul style="list-style-type: none"> - Number of applications - Increase in assessed value of participating properties - Increase in municipal and education property taxes of participating properties - Estimated and actual amount of tax increment financing grants provided - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of private sector investment leveraged - Jobs created/maintained - Number of program defaults
Brownfields Development Charge Exemption	<ul style="list-style-type: none"> - Amount of Development Charges Waived - Increase in assessed value of participating properties - Increase in municipal and education property taxes of participating properties - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) constructed - Residential units/sq.ft. constructed - \$ Value of private sector investment leveraged - Jobs created/maintained
Brownfields Parkland Dedication Grant	<ul style="list-style-type: none"> - Value of parkland dedication fees reduced - Proximity of proposed development to existing parkland
Municipal Leadership Strategy	<ul style="list-style-type: none"> - Funding amount by project type and purpose - Amount of other government funding leveraged - Increase in municipal and education property taxes of participating properties - Estimated and actual amount of tax increment financing grants provided - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of private sector investment leveraged - Jobs created/maintained - Number of program defaults

8.3 Program Adjustments

The feedback from monitoring of the CIP programs may lead to minor revisions to programs contained in the CIP. Therefore, the Town may periodically review and adjust the terms and requirements of any of the programs contained in the CIP, or discontinue any of the programs contained in the CIP, without amendment to the CIP. Such minor changes or discontinuation of programs will be provided to the Minister of Municipal Affairs and Housing for information purposes only. Increases in funding provided by existing financial incentives or changes to eligibility criteria that would increase funding provided by existing financial incentives, the addition of any new programs to the CIP, or an expansion of the Community Improvement Project Area beyond the urban area will require a formal amendment to the CIP in accordance with Section 28 of the *Planning Act*.

DRAFT

9.0 CONCLUSION

The programs and actions contained in this CIP have been developed specifically to address the key impediments to brownfield redevelopment identified during the detailed Critical Needs Analysis. The adoption and approval of this CIP will provide the legislative basis and comprehensive policy framework to guide the Town of Fort Erie's policies, programs and municipal leadership actions designed to promote and achieve brownfield redevelopment.

Successful implementation of this CIP will require a commitment by Council to capital funding for implementation of the incentive programs and municipal leadership strategy. If financially feasible, it is recommended that all of the incentive programs be implemented immediately upon approval of this CIP, or as soon as possible thereafter. If this is not possible, the incentive programs have been prioritized in Figure 5.

Experience in other municipalities has shown that early and effective marketing of incentive programs and brownfield redevelopment opportunities greatly improves the success of a brownfield CIP. Therefore, it is important that the Town devote sufficient resources to this activity and work with the Fort Erie Economic Development and Tourism Corp to market the CIP programs and brownfield redevelopment opportunities.

This Brownfields CIP is not a static plan. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will help to ensure the responsiveness and effectiveness of this CIP. In this regard, the monitoring program and feedback from programs users should be utilized to inform adjustments to the CIP.

10.0 REFERENCES

Deason, J.P., Sherk, W.G. and G. A. Carroll. 2001. "Public Policies and Private Decisions Affecting the Redevelopment of Brownfields: An Analysis of Critical Factors, Relative Weights and Areal Differentials", submitted to the U.S. Environmental Protection Agency, Washington, D.C., The George Washington University.

Environment Canada. 1998. "Rising Property Values on Hamilton's West Harbourfront: Effects of Environmental Restoration on Real Estate Prices", adapted from Zegarac, M. and T. Muir (1998). "The Effects of Rap Related Restoration and Parkland Development on Residential Property Values: A Hamilton Harbour Case Study. Burlington, Ontario, Environment Canada.

Hara Associates. 2003. "Market Failures and Optimal Use of Brownfield Redevelopment Policy Instruments", prepared for the National Roundtable on the Environment and the Economy. Ottawa, Ontario.

Haulk, J. and E. Montarti. 1999. "A Primer on Tax Increment Financing in Pittsburgh", Allegheny Institute Report #99-06, June.

National Roundtable on the Environment and the Economy (NRTEE). 2003. "Cleaning Up the Past, Building the Future – A National Brownfield Redevelopment Strategy for Canada". Ottawa, Ontario.

Ontario Ministry of Municipal Affairs and Housing. 2005. "Provincial Policy Statement". Queen's Printer for Ontario, Toronto.

Regional Analytics. 2002. "A Preliminary Investigation into the Economic Impact of Brownfield Redevelopment Activities in Canada", prepared for the National Roundtable on the Environment and the Economy. Burlington, Ontario.

APPENDIX A

Niagara Region Smart Growth Principles

DRAFT

Applicants for the Region's Development Charge Exemption program must meet at least three of these five principles in order to increase the refund of Regional development charges on a brownfield project from 50% to 100%.

- 1) ***Intensification of an existing use*** – means redevelopment or building addition that adds floor area and/or a residential unit(s).
- 2) ***Creation of mixed uses*** – means redevelopment, addition or conversion that adds a new compatible uses or uses to a building or property or new development that proposes a mixed use building or a mix of uses on the site.
- 3) ***Contribution towards the creation of a walkable neighbourhood character*** – means development, redevelopment, addition or conversion within a neighbourhood context that features one or more of the following:
 - Safe and clearly demarcated pedestrian access to and within the development site;
 - Building orientation and pedestrian access oriented toward the street;
 - Site and building access directly from the street without requiring passage across a driveway or parking area;
 - Street oriented building facade featuring fenestration and entranceways that create a sense of permeability and movement between the street and the building interior;
 - Contribution to the quality of the public space on the street by the provision of space for public assembly;
 - Street furniture, artworks and/or landscaping.
- 4) ***Creation of a range of housing opportunities and choices*** – means development, redevelopment, addition or conversion that adds multiple unit housing types to the housing stock.
- 5) ***Reduced setbacks from roadways*** – means development, redevelopment or conversion that places the building facade at the front lot line or closer to the street than the mid-point between the street line and the existing building. Where there is an existing building line along the block face that is set back from the street line, “reduced setbacks from roadways” means placing the building façade closer to the street line than the mid-point between the street line and the established building line.

APPENDIX B

**Section 6 of the Town of Fort Erie Official Plan
Community Improvement**

DRAFT

6.0 COMMUNITY IMPROVEMENT

- I. It is the intent of Council to maintain and promote an attractive and safe living and working environment through community improvement.

6.1 GENERAL

- I. Community improvement will be accomplished through:
 - (a) the ongoing maintenance, rehabilitation, *redevelopment*, and upgrading of communities and areas characterized by one or more of the following:
 - i. inadequate physical, social, community or recreational *infrastructure*;
 - ii. obsolete/dilapidated buildings; **and**
 - iii. conflicting land uses; **and**
 - (b) the establishment of comprehensive programs to promote *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues or needs.
- II. Community improvement will be implemented through the designation, by Council, of Community Improvement Project Areas and through the preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.
- III. It is the intent of Council that the entire urban area or any part of the urban area, as defined in this Plan, and as subsequently amended from time to time, may be designated by by-law as a Community Improvement Project Area.

6.2 COMMUNITY IMPROVEMENT PROJECT AREAS

- I. Community Improvement Project Areas will be designated based on one or more of the following conditions being present:
 - (a) buildings and/or property in need of repair, rehabilitation, or *redevelopment*;
 - (b) brownfields, underutilized lands or an abundance of unused or abandoned buildings;
 - (c) non-conforming, conflicting, encroaching or incompatible land uses or activities;
 - (d) deficiencies in physical *infrastructure* including but not limited to, the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
 - (e) poor road access and/or traffic circulation;
 - (f) deficiencies in community and social services including but not limited to, public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
 - (g) inadequate mix of housing types;
 - (h) buildings, structures and lands of heritage and/or architectural significance;
 - (i) known or perceived environmental contamination;
 - (j) poor overall visual quality, including but not limited to, streetscapes and urban design;
 - (k) existing designated Business Improvement Areas, potential for inclusion in a designated Business Improvement Area, and/or existing designated commercial area;

- (l) high commercial vacancy rates;
- (m) shortage of land to accommodate building expansion, parking and/or loading facilities;
- (n) other barriers to the repair, rehabilitation or *redevelopment* of underutilized land and/or buildings;
- (o) **provisions for energy efficiency and** any other environmental, social or community economic development reasons.

6.3 COMMUNITY IMPROVEMENT PLANS

- I. Community Improvement Plans will be prepared to provide direction regarding one or more of the following activities:
 - (a) the provision of public funds such as grants, loans and other financial instruments designed to encourage and promote:
 - i. physical remediation, repair, rehabilitation, *redevelopment* or improvement of lands and/or buildings;
 - ii. residential and other types of infill and *intensification*;
 - iii. a range of housing types;
 - iv. *affordable housing*;
 - v. heritage and architectural preservation, restoration and improvement;
 - vi. ongoing viability and revitalization of commercial areas and commercial uses.
 - (b) municipal acquisition of land and/or buildings for the purposes of community improvement, and subsequent:
 - i. clearance, grading, or environmental remediation of these properties;
 - ii. repair, rehabilitation, construction or improvement of these properties;
 - iii. sale, lease, or other disposition of these properties to any person or governmental authority;
 - (c) other preparation of land or buildings for community improvement other municipal activities, programs or investments for the purpose of:
 - i. improving community quality, safety and stability;
 - ii. improving environmental conditions **and energy efficiency**;
 - iii. improving social condition;
 - iv. facilitating and promoting local economic development and growth;
 - v. promoting cultural development.
 - (d) coordination of any of the activities identified in Section **6.3.1.A-C** above with other public and/or private community improvement activities.

6.4 PUBLIC PARTICIPATION

- I. During the preparation of a Community Improvement Plan and any subsequent amendments, Council will inform the public and obtain public input in keeping with the policies contained in this Plan for notification and public meetings.

6.5 IMPLEMENTATION

- I. Council will determine the priorities and order in which designated Community Improvement Project Areas will have Community Improvement Plans prepared and adopted.

- II. All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related Town policies and by-laws.
- III. Council will apply for grants and other financial assistance through federal, provincial and regional programs and encourage community organizations to provide financial assistance to the Town for the purposes of community improvement.
- IV. Council will participate in regional, provincial, federal programs that provide assistance to private landowners for the purposes of community improvement.
- V. Council will be satisfied that its participation in community improvement activities will be within the financial capabilities of the Town.
- VI. The Jarvis Street/Bridgeburg Community Improvement Plan encourages property owners and merchants within the plan area to undertake structural and façade improvement to commercial buildings. Structural and façade improvements shall be undertaken in accordance with the Façade Streetscape Plan for the Bridgeburg Business Improvement Area. Eligible structural and façade improvements may also be undertaken in accordance with the provisions of the Bridgeburg Façade Improvement Grant Program.

The Façade Improvement Grant Program is intended to provide partial funding for the improvement of existing façade treatments on commercial properties within the Jarvis Street/Bridgeburg Business Improvement Area. Property owners and business proprietors willing to undertake façade improvements are eligible to apply.

The lands shown as being within the Community Improvement Project Area on Schedule A to Bylaw No. 205-85 are hereby designated as those lands subject to the Jarvis Street/ Bridgeburg Façade Improvement Grant Program.

APPENDIX C

Environmental Site Assessment (ESA) Grant Program Administration

(This appendix does not form an operative part of the Community Improvement Plan and may be changed from time to time, as required, without amendment to the CIP).

DRAFT

Environmental Site Assessment Grant Program Administration

Step 1 Application Submission

Applicants will be required to have a pre-application consultation with staff in order to determine program eligibility, proposed scope of work, project timing, etc...

Staff may perform an initial site visit(s) and inspection(s) of the building/property (as necessary).

Before accepting an application, staff will screen the application. If the application is not within the Community Improvement Project Area, or the application clearly does not meet the program eligibility criteria, the application will not be accepted and it will be returned to the applicant with a letter explaining the reason for not accepting the application.

Applications will include:

- a) a Phase I ESA that shows the property is suspected of environmental contamination;
- b) a detailed study work plan and cost estimate for the study, submitted by a qualified person as defined in Ontario Regulation 153/04; and,
- c) a description of the planned redevelopment, including reference to any planning applications that have been submitted/approved.

Applications must be accompanied by a Phase I ESA that demonstrates site contamination is likely.

Acceptance of the application by the Town in no way implies program approval. Program eligibility will be determined by staff and applications will be approved by staff only if they meet the criteria specified in this Plan and any other requirements of the Town.

Step 2 Application Review and Evaluation

Applications and supporting materials will be reviewed by staff against program requirements. A decision on the grant application will be made by staff.

All environmental site assessments approved under this program must be completed and submitted by a qualified person as defined under Ontario Regulation 153/04. All completed environmental site assessments must comply with the description of the study as provided in the grant application form.

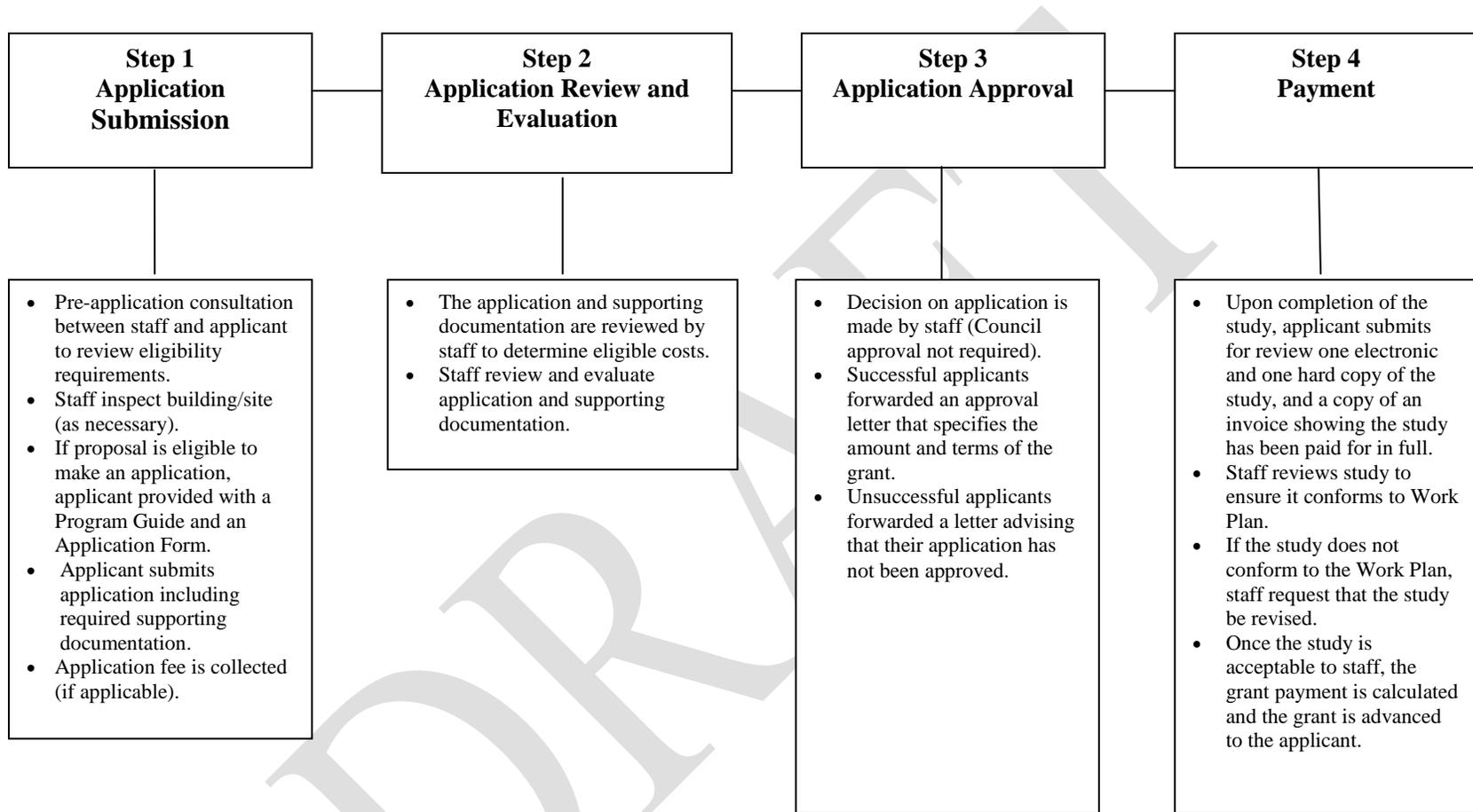
Step 3 Application Approval

If an application is approved, the applicant will be sent a letter that outlines the terms and the amount of the grant. If an application is not approved, the applicant will also be advised by letter. The grant amount will be based on 50% of the estimated cost of the study (excluding taxes) or 50% of the actual cost of the study (excluding taxes), whichever is less.

Step 4 Payment

Grants approved under this program would be provided to applicants following submission to the Town for review of one hard copy and one electronic copy of the final completed environmental site assessment with the original invoice, indicating that the study consultants have been paid in full. The grant may be reduced or cancelled if the study is not completed, not completed as approved, or if the consultant(s) that conducted the study have not been paid in full.

Figure C-1 Environmental Site Assessment (ESA) Grant Program Administration



APPENDIX D

Brownfields Tax Assistance Program Administration

(This appendix does not form an operative part of the Community Improvement Plan and may be changed from time to time, as required, without amendment to the CIP).

DRAFT

Brownfields Tax Assistance Program Administration

Step 1 Application Submission

Applicants will be required to have a pre-application consultation meeting with staff in order to determine program eligibility, proposed scope of work, and project timing.

Staff will perform an initial site visit(s) and inspection(s) of the building/property (as necessary).

Before accepting an application, staff will screen the application. If the application clearly does not meet the program requirements, the application will not be accepted and it will be returned to the applicant with a letter explaining the reason for not accepting the application.

Applications shall be submitted to the Town and shall be accompanied by a Phase II ESA and/or Remedial Work Plan and/or Risk Assessment prepared by a qualified person that identifies and details estimated eligible costs and a work plan and budget for the proposed remediation. The Town may also require submission of a Business Plan for the proposed redevelopment project.

Acceptance of the application by the Town in no way implies program approval. Applications will be recommended for approval only if they meet the requirements specified in this Plan and any other requirements of the Town.

Step 2 Application Review and Evaluation

Applications and supporting materials and documentation are reviewed by staff against program requirements and staff will determine the eligible works and costs.

The actual pre-project education and municipal property taxes and estimated post-project assessed value and applicable tax rates will be used to calculate the estimated post-project property taxes, increase in municipal property taxes, education property taxes, and the estimated maximum amount of municipal and education property tax assistance to be provided during the rehabilitation period and the development period (as defined under Section 365.1 (1) of the *Municipal Act, 2001*).

Where staff will be recommending approval of an application for Brownfields Tax Assistance, staff will prepare the following documents:

- a) A recommendation report to Council or Council's designate on the Brownfields Tax Assistance Program Application;
- b) a Brownfields Tax Assistance Program Agreement;
- c) a draft by-law to authorize municipal and education tax assistance under Section 365.1 of the *Municipal Act, 2001*; and
- d) an application to the Minister of Finance for matching education property tax assistance.

Items a) – c) above will be forwarded to Regional Council and Regional Council will be requested by resolution, to agree to the matching Regional tax assistance.

Once the Town is in receipt of a Regional Council resolution agreeing to matching Regional tax assistance, staff will forward this Regional Council resolution and Items a) – d) above to the Minister of Finance. Matching education property tax assistance through the Brownfield Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province is subject to approval by the Minister of Finance. Once written approval of the by-law is received

from the Minister of Finance, any conditions or restrictions specified by the Minister will be included in the by-law.

Step 3 Application Approval

The Minister of Finance is currently prepared to authorize municipal applications for matching education property tax assistance for a maximum of three (3) years from the date of the passing of the by-law. Applications seeking matching education property tax assistance for a longer period are subject to approval of the Minister of Finance. The Town and Region may continue to offer municipal tax assistance beyond the three years up to the time period specified for Town and Regional tax assistance in the by-law, or when the total tax assistance provided equals the total eligible costs, whichever comes first. The matching education property tax assistance may be provided on a different schedule from the tax assistance provided by the Town and the Region and may be subject to additional conditions.

A recommendation report will be prepared by staff. If this report recommends approval of the application, a grant agreement satisfactory to the Town Solicitor will also be prepared. This agreement will contain conditions to ensure that the project is commenced and completed in a timely fashion. This agreement will be forwarded to the applicant to be dated and signed.

The recommendation report, the Agreement (dated and signed by the property owner), and the by-law will then be forwarded to Council (or Council's designate) for consideration. If Council or Council's designate approves the Tax Assistance Program Application and the Agreement, and adopts the by-law, the agreement will be executed by the authorized Town officials and a copy will be provided to the property owner. A copy of the by-law, including all information prescribed by Ontario Regulation 274/04 will be forwarded to the Minister of Municipal Affairs and Housing and the Minister of Finance within 30 days of passing of the by-law by the Town.

Step 4 Payment

Where the Minister of Finance has approved an application for matching education property tax assistance, the municipal property tax assistance and education property tax assistance will begin when Council passes the Minister of Finance approved by-law for tax assistance.

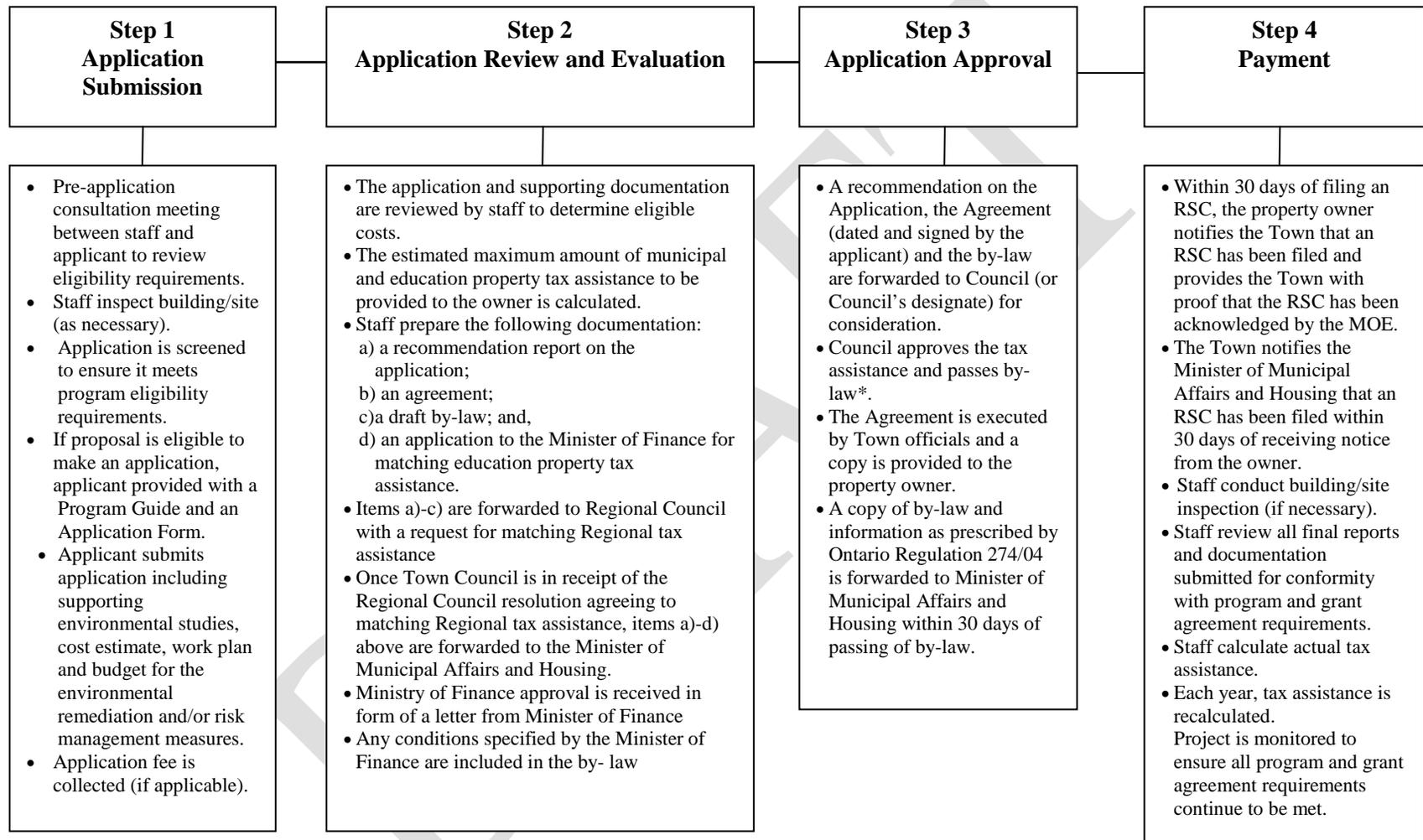
Once remediation of the property is complete, the property owner shall file in the Environmental Site Registry a Record of Site Condition (RSC) for the property signed by a qualified person, and the owner shall submit to the Town proof that the RSC has been acknowledged by the Ministry of the Environment (MOE). The owner shall, within 30 days of filing the RSC, notify the Town of the filing, and within 30 days after receiving said notice, the Town shall advise the Minister of Municipal Affairs and Housing of the filing of the RSC.

The Ministry of Finance's tax assistance will be given as a tax deferral followed by cancellation to the landowner when conditions are met. During the deferral and cancellation stage, the landowner would not be required to pay the education taxes that have been deferred or cancelled. The Town and Region have the option of providing conditional tax assistance, which means that the tax assistance will not be provided until the landowner has first met municipal (Town and Region) conditions related to the rehabilitation and development of the lands. Under a conditional tax assistance scenario, the Town and Region have decided to provide no deferral, only cancellation when conditions are met. The full municipal taxes are payable and collected until these conditions have been satisfied. Once the

conditions have been satisfied, the Town and Region would provide the accumulated tax assistance to the landowner as identified in the by-law.

DRAFT

Figure D-1 Brownfields Tax Assistance Program Administration



*The owner may elect to have the by-law passed after an RSC has been filed and acknowledged and the property has been redeveloped in order to maximize the total amount of municipal and education property taxes frozen over the period of time specified in the by-law.

APPENDIX E

Brownfields Rehabilitation Grant Program Administration

(This appendix does not form an operative part of the Community Improvement Plan and may be changed from time to time, as required, without amendment to the CIP).

DRAFT

Brownfields Rehabilitation Grant Program Administration

Step 1 Application Submission

Applicants will be required to have a pre-application consultation meeting with staff in order to determine program eligibility, proposed scope of work, and project timing.

Staff will perform an initial site visit(s) and inspection(s) of the building/property (as necessary).

Before accepting an application, staff will screen the application and proposal. If the application is not within the Community Improvement Project Area, or the application clearly does not meet the program requirements, the application will not be accepted and it will be returned to the applicant with a letter explaining the reason for not accepting the application.

Applications shall be submitted to the Town and shall include a detailed work plan and cost estimate for the proposed eligible works. The application will be accompanied by a Phase II ESA and/or Remedial Work Plan and/or Risk Assessment prepared by a qualified person that identifies and details estimated eligible costs and a work plan and budget for the proposed remediation OR proof that an RSC for the proposed use of the property has been acknowledged by the MOE. The Town may also require submission of a Business Plan.

Acceptance of the application by the Town in no way implies program approval. Applications will be recommended for approval only if they meet the requirements specified in this Plan and any other requirements of the Town.

Step 2 Application Review and Evaluation

Applications and supporting materials and documentation are reviewed by staff against program requirements and staff will determine the eligible works and costs.

The actual pre-project municipal (Town and Region) property taxes and estimated post-project assessed value and applicable tax rates will be used to calculate the estimated post-project property taxes, increase in municipal (Town and Region) property taxes, and the estimated annual and total grant amount to be provided.

Where staff will be recommending approval of an application for a Brownfields Rehabilitation Grant, staff will prepare the following documents:

- i) a recommendation report to Council or Council's designate; and
- ii) a Brownfields Rehabilitation Grant Program Agreement.

Step 3 Application Approval

A recommendation report will be prepared by staff. If this report recommends approval of the application, a grant agreement satisfactory to the Town Solicitor will also be prepared. This agreement will contain conditions to ensure that the project is commenced and completed in a timely fashion. This agreement will be forwarded to the applicant to be dated and signed.

The recommendation report and the Agreement (dated and signed by the property owner), will then be forwarded to Council (or Council's designate) for consideration. If Council or Council's designate

approves the Application and the Agreement, the agreement will be executed by the authorized Town officials and a copy will be provided to the owner.

Step 4 Payment

Once remediation of the property is complete, the property owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the Town proof that the RSC has been acknowledged by the Ministry of the Environment (MOE). The owner shall, within 30 days of filing the RSC, notify the Town of the filing, and within 30 days after receiving said notice, the Town shall advise the Minister of Municipal Affairs and Housing of the filing of the RSC.

Prior to payment of the grant, the applicant must provide the Town with:

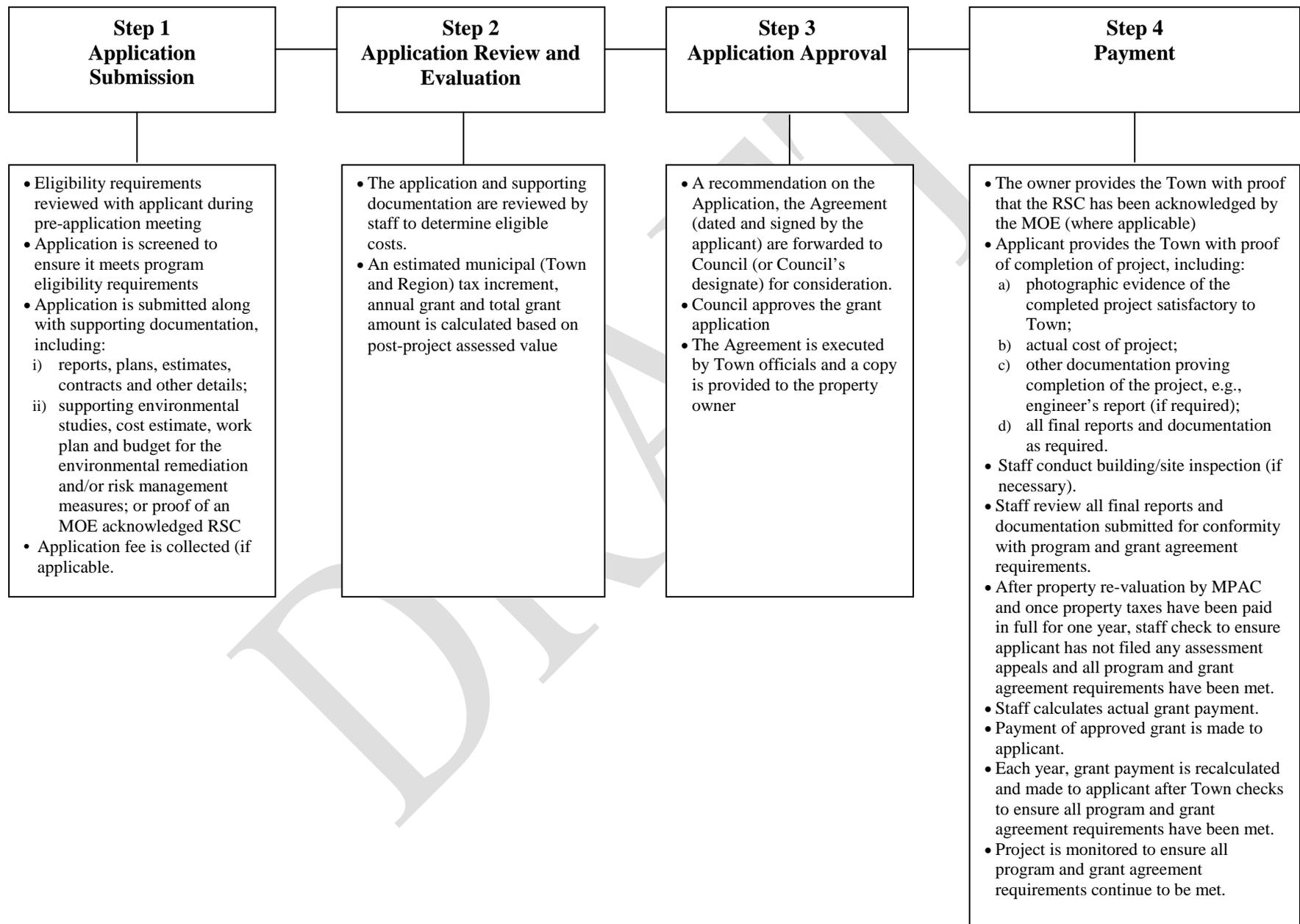
- a) photographic evidence of the completed works satisfactory to the Town;
- b) invoices for all eligible work done clearly showing the amount paid for eligible works; and,
- c) proof of payment of contractors in full.

Town staff will conduct a final building/site inspection (as necessary) to ensure that the project has been completed in accordance with the grant application and agreement.

Once the redevelopment project is complete, an occupancy permit has been issued, and the property has been re-valued by the Municipal Property Assessment Corporation, the property owner will be sent a new tax bill. After the property owner has paid in full the new taxes for one (1) year, the Town will check to ensure that the applicant has not filed any assessment appeals, the property is not in tax arrears and the property is still in conformity all program and grant agreement requirements. The Town will calculate the actual tax increment and grant payment. The Town will then issue payment of the grant in the form of a cheque in the amount specified as per the calculation of the actual grant payment.

Staff will monitor the project, periodically checking that the project is in compliance with all program and grant agreement requirements. Staff will take appropriate remedies as specified in the grant agreement if the applicant defaults on the agreement.

Figure E-1 Brownfields Rehabilitation Grant Program Administration



APPENDIX F

Brownfields Parkland Dedication Grant Program Administration

(This appendix does not form an operative part of the Community Improvement Plan and may be changed from time to time, as required, without amendment to the CIP).

DRAFT

Figure F-1 Brownfields Parkland Dedication Grant Program Administration

