



# **Township of West Lincoln**

## **Brownfield Community Improvement Plan**

**Prepared by:**



**July 2011**

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## **1.0 INTRODUCTION**

### **1.1 What are Brownfields?**

For purposes of this Brownfield Community Improvement Plan (CIP), “brownfields” are defined as abandoned, idled, or underused properties where expansion or redevelopment is complicated by real or perceived environmental contamination as a result of historical land use practices.

Brownfields are often also 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 in downtowns or along the waterfronts. It is conservatively estimated that there are at least 30,000 brownfield sites in Canada<sup>1</sup>. 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 is Brownfield Cleanup and Redevelopment Important?**

#### **1.2.1 Impacts of Brownfields on the Community**

Brownfields can have real and significant environmental, economic and social impacts on a community such as West Lincoln. A preliminary review of air photos and historical land use information by the Township’s Planning Department resulted in the identification of approximately 20 potential brownfield sites in the municipality with several of these sites located in the Urban Area of Smithville and the Hamlet Settlement Areas.

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 an economic perspective, the existence of brownfields in West Lincoln can reduce the availability of land for local economic development, thereby limiting employment opportunities. Brownfield sites can also lower surrounding property values, create land use conflicts, and contribute to neighbourhood deterioration.

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.

#### **1.2.2 Community Benefits of Brownfield Redevelopment**

Communities across Canada, including the Township of West Lincoln, have come to realize that brownfield development can transform environmentally impaired properties into productive

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<sup>1</sup> National Roundtable on the Environment and the Economy, 2003.

economic uses, and can result in the following environmental, economic and social community benefits:

- Improvements in environmental quality (soil, air and ground water)
- Improvements to human health
- Protection of groundwater resources, wetlands and wildlife habitats
- Utilization of existing sewer, water and road infrastructure, resulting in the reduction of urban sprawl and its associated costs
- Economic growth, including the retention and creation of local jobs
- Increased property tax revenues
- Revitalization of neighbourhoods and employment areas
- Increased affordable housing opportunities

The remainder of this section discusses the benefits of brownfield redevelopment in greater detail.

#### ***1.2.2.1 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 economy<sup>2</sup>. Numerous other U.S. and Canadian studies have found that brownfield development can increase neighbourhood property values<sup>3</sup>. 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.

#### ***1.2.2.2 Environmental Benefits***

The environmental restoration and development of brownfield sites will serve to improve the environmental quality of soil and groundwater in West Lincoln. 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 habitat<sup>4</sup>.

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 land<sup>5</sup>. 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

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<sup>2</sup> Regional Analytics. 2002.

<sup>3</sup> See for example, Environment Canada. 1998.

<sup>4</sup> Regional Analytics. 2002.

<sup>5</sup> Deason et.al. 2001.

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 development<sup>6</sup>. Therefore, brownfield development can have the effect of reducing commuting needs, thereby reducing traffic congestion and air pollution.

#### *1.2.2.3 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 renewal<sup>7</sup>. 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 community 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.

### **1.3 Key Impediments to Brownfield Redevelopment**

Historically, developers have avoided potential brownfield development opportunities due to a number of key impediments including:

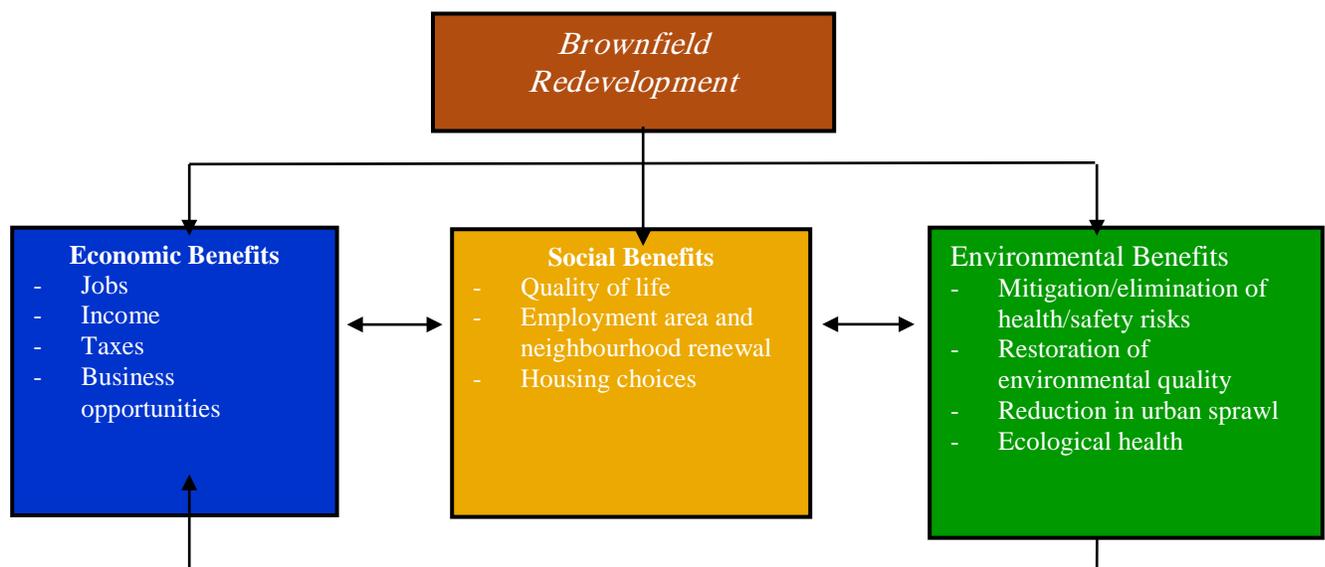
- Lack of funds to conduct required environmental studies;
- The cost of cleaning up contaminated sites;
- Difficulty obtaining project financing from traditional sources of development capital;
- Significant demolition and infrastructure upgrading costs;
- Fear of regulatory (government) and civil liability due to environmental contamination;
- Uncertain, lengthy and complicated environmental remediation and planning approval processes; and,
- Community and neighbourhood concerns and opposition.

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<sup>6</sup> Hara Associates. 2003.

<sup>7</sup> National Roundtable on the Environment and the Economy, 2003.

**Figure 1** Community Benefits of Brownfield Redevelopment



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

Numerous studies have shown that the costs to develop brownfields are greater than greenfields. However, positive experience and results in Canada and the U.S. have shown that the challenges to brownfield redevelopment can in fact be overcome to produce a profit for the developer and significant economic, environmental and social benefits for the community.

### 1.4 Purpose of the Brownfield CIP

The purpose of this Brownfield CIP is to provide a framework containing a series of municipal actions and incentive programs designed to promote brownfield redevelopment in the Township of West Lincoln. This CIP was developed based on a thorough review of:

- a) brownfield related legislation and regulations;
- b) applicable Provincial, Regional and Township policies relating to brownfield redevelopment;
- c) best practices used in other municipalities to promote brownfield redevelopment;
- d) a review of potential brownfield sites identified in West Lincoln;
- e) input received from the project steering committee and Township staff;
- f) input received from Township Council; and,
- g) experience preparing brownfield redevelopment strategies and CIPs in several other Niagara Region municipalities and municipalities across Ontario;

An Interim Report was produced in February 2011. This report summarized the results of the review of items a) to e) above, identified the goals for the Brownfield CIP, and also established a number of guiding principles that were used to prepare this CIP.

## **1.5 Report Content**

Section 2.0 of this CIP outlines the legislative authority and framework for preparation of this CIP.

Section 3.0 presents the provincial, regional and township policy framework that guided preparation of the CIP.

Section 4.0 discusses the public and stakeholder consultation used to help prepare this CIP.

Section 5.0 presents the goals for the Brownfield CIP.

Section 6.0 presents the recommended community improvement project area.

Section 7.0 outlines the recommended incentive programs designed to stimulate private sector redevelopment of brownfield sites.

Section 8.0 contains a municipal leadership strategy to be implemented by the Township to provide better support and leadership on brownfield redevelopment projects.

Section 9.0 contains a monitoring program to monitor the results of the incentive programs and municipal leadership strategy.

Section 10.0 contains a basic marketing strategy that should be used to market the programs contained in the CIP.

Section 11.0 contains a short conclusion to the CIP.

Section 12.0 provides a list of references cited in the CIP.

## **2.0 LEGISLATIVE 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 under subsection 28 (6), (7) or (7.2) of the *Planning Act* or under section 365.1 of the *Municipal Act, 2001*. It is the exception under Section 28 of the *Planning Act* that allows municipalities with enabling provisions in their official plans to prepare and adopt community improvement plans (CIPs).

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 for environmental remediation costs will be permitted to provide said tax assistance for municipal property taxes. 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 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

Other sections of the *Planning Act* also provide opportunities to promote brownfield redevelopment through a range of planning and financial incentives. These are briefly described below.

Section 37 of the *Planning Act* allows the council of a local municipality to authorize by way of a zoning by-law, increases in the height and density of development that will be permitted in return for the provision of such facilities, services or matters as are set out in the zoning by-law. These matters could conceivably include brownfield redevelopment. However, Section 37 is usually used to obtain public amenities such as park space in return for increased densities. This section of the *Planning Act* has not been extensively used to provide density or height increases in return for brownfield redevelopment.

Section 69 of the *Planning Act* allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Alternatively, a municipality can collect fees and then provide a grant equivalent to the fees collected, but this must be done within a CIP. The waiving of planning applications fees, either by way of a fee waiver outside of a CIP or a fee equivalent grant within a CIP, has been used by a number of Ontario municipalities to promote brownfield redevelopment.

### **2.3 Development Charges Act**

Section 5 of the *Development Charges Act* allows a municipality to exempt a type(s) of development from a development charge, but any resulting shortfall cannot be made up through higher development charges for other types of development. This allows municipalities to offer partial or total exemption from municipal development charges in order to promote community improvement such as brownfield redevelopment. Because this financial incentive is normally offered before construction, i.e., at the time of building permit issuance, it is a very attractive incentives for brownfield developers. The exemption from development charges and reduction of development charges has been used by a number of Ontario municipalities, including several municipalities in Niagara, as a key incentive to promote brownfield redevelopment.

### **3.0 POLICY FRAMEWORK**

#### **3.1 Provincial Policy Statement (PPS) 2005**

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and is intended to guide 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. Municipal official plans are required to be consistent with all applicable Provincial policies in the PPS by adopting appropriate land use designations and policies. As well, community improvement plans must be consistent with the PPS.

The Province of Ontario adopted a new Provincial Policy Statement in 2005 (PPS 2005). PPS 2005 is premised on sustainability principles and the stated vision of PPS 2005 is the wise management of growth. PPS 2005 is organized into three principal policy sections including Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. Within these sections, the Province outlines the guiding policy framework for land use decisions made by upper and lower-tier municipalities.

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 ensure 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.

#### **3.2 Places to Grow Growth Plan (2006)**

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.

### **3.3 Regional Policy Plan Amendment 2-2009**

Regional Policy Plan Amendment 2-2009 was adopted by Regional Council in May of 2009. The Amendment updates the Region's Policy Plan in order to implement the strategic directions of Niagara's Growth Management Strategy (Niagara 2031) and align the Plan with the Province's Places to Grow Growth Plan (2006) and the Provincial Policy Statement (2005). It establishes a new urban vision for the long term growth and development of Niagara and new policies to foster the development of sustainable, complete urban communities.

Regional Policy Plan Amendment 2-2009 contains several brownfield redevelopment supportive policies. This includes policies that:

- support intensification;
- encourage affordable housing on brownfield sites and in downtown areas through the use by developers of incentives from the Region and local municipalities; and,
- promote and facilitate the redevelopment of brownfields into mixed use areas.

### **3.4 Smart Growth in Niagara**

The 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 Regional Council. The Region's Smart Growth initiative is defined through the following ten principles and an associated list of supporting criteria:

- a) Create a mix of land uses;
- b) Promote a compact built form;
- c) Offer a range of housing opportunities and choices;
- d) Produce walkable neighbourhoods and communities;
- e) Foster attractive communities and a sense of place;

- f) Preserve farmland and natural resources;
- g) Direct development to existing communities;
- h) Provide a variety of transportation choices;
- i) Make development predictable and cost effective; and
- j) Encourage community stakeholder collaboration.

Building on the Smarter Niagara report, the Smarter Niagara Incentive Programs were endorsed by Regional Council in 2002. The Smarter Niagara Incentives Program contains several incentive programs listed below. These are:

- 1) Reduction of Regional Development Charges
- 2) Property Rehabilitation and Redevelopment Tax Increment Funding Grant Program
- 3) Building and Facade Improvement Grant/Loan Program
- 4) Residential Grant/Loan Program
- 5) Heritage Restoration and Improvement Grant/Loan Program
- 6) Environmental Assessment Study Grant Program
- 7) Public Domain Incentives Program

The Smarter Niagara Incentive Programs are described in greater detail in Appendix A. These programs are designed to help implement the vision for urban growth and community redevelopment and revitalization in the Niagara Region. Efforts have been ongoing to implement these programs since 2002. The Region has budgeted funds for the implementation of these programs. The Region and area municipalities in Niagara have also established a Region/Area Municipality Incentive Coordinating Committee to coordinate the provision of these incentives through local community improvement plans. The Smarter Niagara Incentive Programs are currently being reviewed and updated by Niagara Region.

Adoption of a Brownfield CIP containing programs that match the type of brownfield redevelopment programs available from the Region will allow the Township of West Lincoln to directly take advantage of matching funding from the Region. This includes a:

- a) Environmental Assessment Study Grant Program; and,
- b) Property Rehabilitation and Redevelopment Tax Increment Funding Grant Program.

The Township can also adopt other brownfield incentive programs that will allow it to promote brownfield redevelopment to property owners and developers. This includes but is not necessarily limited to a Development Charges Reduction Program and a Municipal Brownfield Leadership Strategy.

The Region has established that it will provide a matching proportionate share of any financial incentive offered by a local municipality, subject to a maximum share from the Region as specified in the Smarter Niagara Incentive Programs. Therefore, it is important that the incentives that are developed and included in the West Lincoln Brownfield CIP be consistent and complementary with the Region's Smarter Niagara Incentive Programs.

### 3.5 Township of West Lincoln Official Plan

The current Official Plan for the Township of West Lincoln was approved by the Region of Niagara on June 16, 1998. The Official Plan is currently undergoing a Five Year Review.

In February of 2008, Township Council adopted Amendment No. 14 to the Official Plan. This amendment contained new Community Improvement Policies and new Potentially Contaminated Sites Policies, thereby providing the policy basis for the preparation and adoption of the Sustainable Downtown Smithville CIP and the West Lincoln Brownfield CIP. Official Plan Amendment No. 14 was approved by Niagara Region in June of 2008.

In October of 2009, the Township of West Lincoln Council adopted the Sustainable Downtown Smithville CIP. This CIP contains a series of incentive programs and a public realm action plan designed to spur and guide the revitalization and redevelopment of Downtown Smithville in a manner that is economically, environmentally and socially sustainable. The Sustainable Downtown Smithville CIP will be implemented in 2011.

#### 3.5.1 Community Improvement Policies

The new Community Improvement Policies allow the Township to adopt CIPs that enable the Township to acquire and prepare land and buildings for community improvement, and to make grants and loans to owners of land and buildings within a community improvement project area. The boundary of a community improvement project area can be part or all of the entire Urban Area of Smithville and/or part or all of one or more of the Hamlet Communities. The conditions that must be present to designate a community improvement project area include a number of conditions that would apply to brownfields, including:

- Known or suspected environmental contamination; and,
- Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base.

Also, one of the criteria for priority community improvement project areas is those areas where one or more of the criteria for selection exist across the entire Urban Area of Smithville and/or across one or more of the Hamlet Communities, as is the case with brownfields in West Lincoln.

#### 3.5.2 Potentially Contaminated Sites Policies

The new Potentially Contaminated Sites Policies were designed provide an up-to-date policy that helps to ensure that lands subject of development applications and building permits have been properly assessed and made environmentally suitable for the proposed use. These policies spell out the role of the Township in reviewing planning applications and the role of the applicant in terms of documenting previous uses of a property and verifying the environmental suitability of a site based on the proposed use.

These policies were reviewed in light of the recent changes to O. Reg 153/04 contained in O. Reg 511/09. As these policies were developed at the time the regulation was being reviewed and amended, and the proposed revisions to O. Reg 153/04 as contained in O. Reg 511/09 were taken into consideration when the policies were developed, the policies remain current and do not require revision.

### **3.6 Township of West Lincoln Strategic Growth Management Plan**

Preparation of the Strategic Growth Management Plan was initiated in 2006 to direct the growth and development of the Township for the next 30 years. The purpose of the GMS was to identify if and where an urban boundary expansion for Smithville should occur. A number of background studies were prepared dealing with agricultural land use, the natural environment and natural heritage features. A vision for expansion for the Township was created based on these reports. On January 26, 2009, Township Council adopted resolutions to include 180 hectares within a proposed urban expansion area and 209 hectares within an urban reserve. The redevelopment of brownfield sites will help the Township of West Lincoln achieve its growth management goals.

### **3.7 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 a 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 Brownfield CIP in West Lincoln.

### **3.8 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 (GMF). The Green Municipal Funds 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 Township of West Lincoln was successful in obtaining a GMF grant from FCM for the preparation of its Downtown Smithville CIP and Brownfield CIP.

The Green Municipal Fund (GMF) 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 preparation and implementation of a Brownfield CIP will help the Township of West Lincoln to put in place the policy, financial and administrative framework to leverage FCM funding to help the Township achieve its brownfield redevelopment and growth management goals.

#### **4.0 PUBLIC AND STAKEHOLDER CONSULTATION**

A project steering committee was formed to help guide preparation of the Brownfield CIP. The committee is comprised of key stakeholders and members of the steering committee are listed in Appendix B. Meetings with the Steering Committee allow the consultant and Township staff to:

- provide the Steering Committee with progress updates;
- discuss key issues with the Steering Committee;
- obtain comments and input from the Steering Committee on draft reports prior to presentation of these reports to Council and the public; and,
- coordinate public meetings and other steps required to complete the CIP.

The steering committee met in April of 2010 to discuss brownfields, including the key impediments to and opportunities for brownfield redevelopment in West Lincoln, as well as the goals for the Brownfield CIP.

A public meeting was held on June 17, 2010 at Township of West Lincoln Municipal Offices to introduce the study to the public and key stakeholders. The consultants prepared and delivered a brownfield orientation presentation. A brochure on brownfields and brownfield redevelopment was made available at the meeting along with a comment sheet. The brochure and a comment sheet were also posted on the Township's web site. The comment sheet asked respondents to identify and rank the impediments to brownfield redevelopment in West Lincoln as well as the goals for the Brownfield CIP. The comment sheet also asked respondents to identify specific actions that the Township could take to promote brownfield redevelopment.

Six members of the public including a few Steering Committee members were present at the public meeting. One completed comment sheet was received following the public meeting. Based on input from the Steering Committee and comments made at the first public meeting, the key impediments to brownfield redevelopment in West Lincoln and the goals for the Brownfield CIP were identified and ranked from most important to least important.

A Draft Interim Report was then prepared. This draft report included the key impediments to brownfield redevelopment in West Lincoln and the goals for the Brownfield CIP along with guiding principles for the preparation of the Brownfield CIP. The Draft Interim Report was provided to Township staff, circulated to the Steering Committee, and presented to the Steering Committee in January of 2011. The Interim Report was then finalized in February of 2011 based on comments received from Township staff and the Steering Committee.

The key impediments to brownfield redevelopment in West Lincoln ranked from most important (1) to least important (7) are:

- (1) Cost/lack of funding to conduct environmental remediation;
- (2) Lack of funding to conduct upfront environmental site assessments ;
- (3) Fear of environmental liability (regulatory and civil);
- (4) Difficulty obtaining project financing for brownfield redevelopment projects;
- (5) Complexity and uncertainty of the MOE regulatory approvals process;
- (6) Brownfields stigma/ perception of risk; and,

- (7) Lack of awareness/ understanding of benefits/ opportunities for brownfield redevelopment.

In order to address the key impediments to brownfield redevelopment and achieve the goals of the Brownfield CIP, draft incentive programs and a draft municipal leadership strategy were prepared and circulated to Township staff and the Steering Committee for comment. These draft documents were also presented to the Steering Committee on May 5, 2011 and the Township Planning Committee on May 9, 2011. Comments from Township staff, the Steering Committee and the Township Planning Committee were then used to finalize the incentive programs and municipal leadership strategy for inclusion in this CIP.

## **5.0 GOALS FOR THE BROWNFIELD CIP**

Based on input from the Steering Committee and comments made at the first public meeting, the following emerged as the goals for the Brownfield CIP, ranked from most important (1) to least important (8):

- 1) Stimulate private sector investment in brownfield redevelopment;
- 2) Increase assessment values and property tax revenues;
- 3) Reduce urban sprawl and its related costs;
- 4) Improve physical and visual quality of brownfield sites;
- 5) Retain and increase employment opportunities;
- 6) Improve environmental health and public safety;
- 7) Make more efficient use of existing infrastructure and services;
- 8) Improve energy efficiency of new and existing buildings; and,
- 9) Promote and encourage intensification within the existing built-up area.

The incentive programs and municipal leadership strategy contained in this CIP are designed to achieve the above-noted goals over time by addressing and overcoming the impediments to brownfield redevelopment in West Lincoln. The incentive programs and municipal leadership strategy are designed to work together in a complementary and mutually reinforcing manner.

## **6.0 RECOMMENDED COMMUNITY IMPROVEMENT PROJECT AREA**

A preliminary review of air photos and historical land use information by the Township's Planning Department resulted in the identification of 20 potential brownfield sites in West Lincoln. Five of these 20 potential brownfield sites are located in the Urban Area of Smithville, three are located in Hamlet Settlement Areas, and the remainder are located in the Agricultural Area. Therefore, potential brownfield sites are dispersed across the Township, with some concentration in the Urban Area. This is what one would expect in a community with a lengthy agricultural history. Of course, it is expected that other potential brownfield sites exist across the Township that could not be identified as part of the basic inventory process conducted by the Planning Department.

The Official Plan restricts the designation of a community improvement project area to the entire Urban Area of Smithville and/or part or all of one or more of the Hamlet Communities because the Official Plan only permits development in the Urban Area of Smithville and the Hamlet Communities. Development is not permitted in the Agricultural Area. The predominant use of land within the Agricultural Area is for all types of agricultural uses, including specialty farming. Therefore, it would be inappropriate and would contradict the Town's Official Plan to designate any part or all of the Agricultural Area for community improvement under a Brownfield CIP.

Based on the above noted policies of the Township Official Plan, geographic distribution of potential brownfield sites in West Lincoln, and best practices in other municipalities, it is recommended that the community improvement project area for the Brownfield CIP be designated as "the Urban Area of Smithville and the Hamlet Communities as designated in the Township Official Plan, as amended from time to time".

## **7.0 INCENTIVE PROGRAMS**

A summary of the incentive programs contained in this CIP, including the priority for implementation of the incentive programs, is shown in Figure 2 below. These incentive programs represent a comprehensive framework containing a range of programs that are designed to stimulate local brownfield redevelopment by addressing the key impediments to brownfield redevelopment in West Lincoln identified in Section 4.0. The incentive programs included in this CIP were developed using input from the best practices review, project steering committee and Township staff. These incentive programs are designed to enable and encourage private sector remediation and rehabilitation, adaptive reuse and construction activity on brownfield sites within the Community Improvement Project Area so that the goals of this CIP can be achieved over time.

Figure 3 displays a typical development scenario on a brownfield site and when the various incentive programs could be utilized if all of the programs are implemented by the Township. The Township of West Lincoln will coordinate financial incentives and land use planning in order to support brownfield redevelopment and ensure that it is consistent with Township, Regional and Provincial planning policies and objectives.

General program requirements applicable to all of the incentive programs contained in this CIP are contained in Section 7.1 below. This is followed by a basic description of each incentive program including the purpose, format, and eligibility requirements. Administrative guidelines for each of the incentive programs (except the Brownfields Development Charge Reduction Program) are provided in Appendices C to G. While it is described in this CIP, the Brownfield Development Charge Reduction Program does not actually form part of this CIP because it is outside the scope of Section 28 of the *Planning Act*, and must therefore be implemented via an amendment to the Township's Development Charges By-law.

The incentive programs will be augmented by a proactive Municipal Leadership Strategy (see Section 8.0.). A Monitoring Program will monitor municipal funds expended on the incentive programs and program results (see Section 9.0). Finally, a basic Marketing Strategy for the incentive programs is outlined in Section 10.0.

**Township of West Lincoln**  
**Brownfield Community Improvement Plan**

**Figure 2 Summary of Incentive Programs**

<b>Program Name</b>	<b>Summary Program Description</b>	<b>Priority 1 = highest</b>	<b>Recommended Program Duration<sup>8</sup></b>
<b>Brownfield Rehabilitation Grant Program</b>	- Grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion.	1	- Approximately 10 years with the option to extend for up to another 5 years.
<b>Brownfield Development Charge Reduction Program<sup>9</sup></b>	- Up to 75% reduction of development charge payable on a brownfield site approved under the Brownfield Rehabilitation Grant Program.	2	- Approximately 10 years.
<b>Brownfield Property Tax Assistance Program</b>	- Cancel part or all of municipal property taxes and education property taxes for up to 3 years. - Cancellation of education property taxes is subject to approval by the Minister of Finance.	3	- Approximately 10 years.
<b>Environmental Site Assessment Grant Program</b>	- Grant equivalent to 50% of the cost of an eligible environmental site assessment, remedial action plan or risk assessment. - Maximum grant of \$10,000 per environmental study. - Maximum of 2 studies per property/project. - Maximum total grant of \$20,000 per property/project.	4	- Approximately 5 years with option to extend for up to another 5 years.
<b>Building Permit Fee Grant Program</b>	- Grant equivalent to 100% of the building permit fees paid.	5	- Approximately 5 years with option to extend for up to another 5 years.
<b>Feasibility Study Grant Program</b>	- Grant equivalent to 50% of the cost of an eligible feasibility study. - Maximum grant of \$7,500 per property/project and one grant per property/project.	6	- Approximately 5 years with option to extend for up to another 5 years.

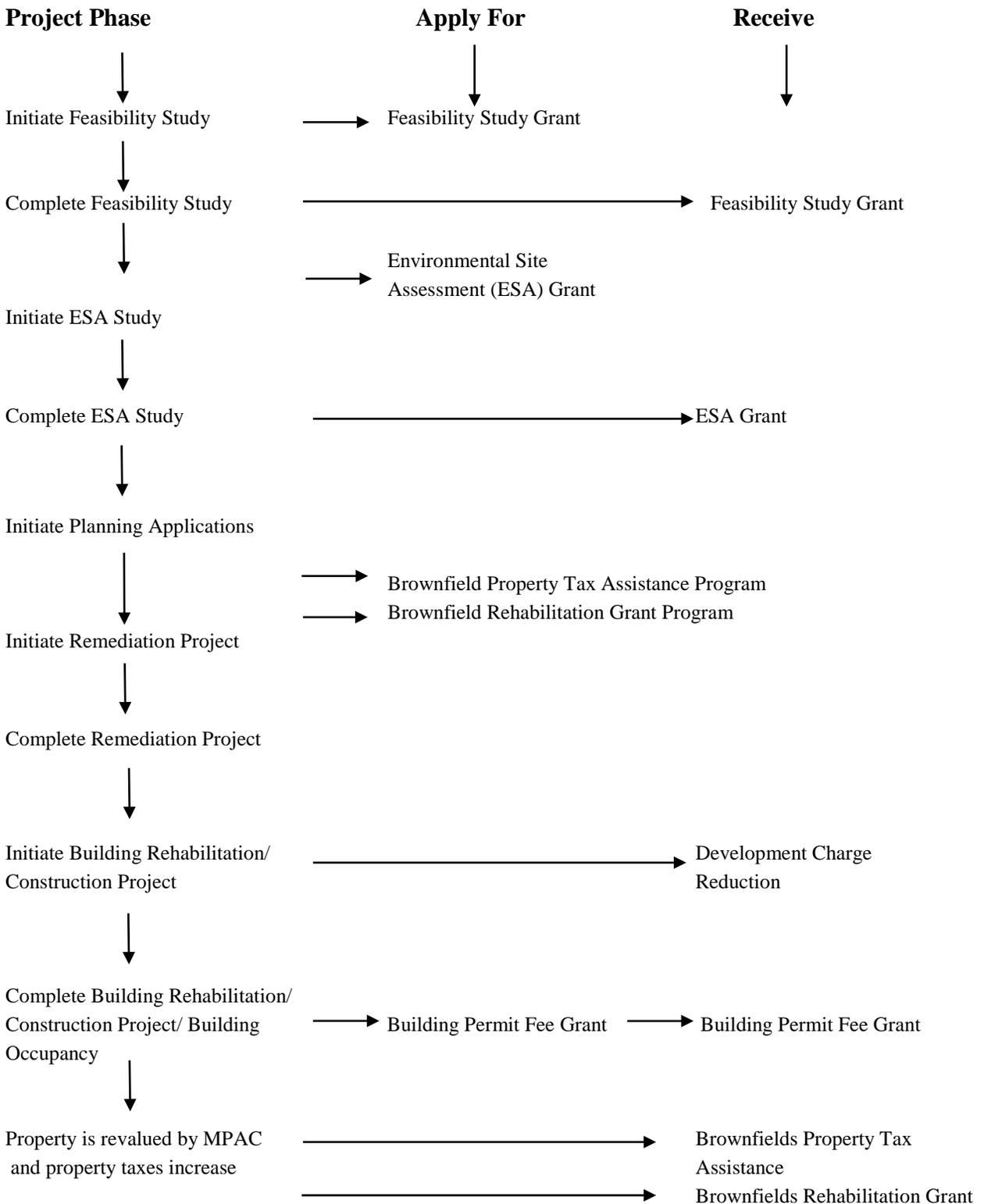
<sup>8</sup> Council may extend the program duration of any or all of the programs beyond what is recommended without amendment to this Plan.

<sup>9</sup> Note that this program does not form part of the CIP.

# Township of West Lincoln

## Brownfield Community Improvement Plan

**Figure 3 Potential CIP Incentive Program Utilization on a Brownfield Redevelopment Project**



## **7.1 General Program Requirements**

These general and program specific requirements are not necessarily exhaustive and the Township 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 contained in this CIP can be made only for properties within the designated Community Improvement Project Area;
- b) For the purposes of making application for any of the incentive programs in the CIP (except for the Feasibility Study Grant Program and the Environmental Site Assessment Grant Program), an eligible property is a property where a Phase II Environmental Site Assessment has been conducted, and that as of the date the Phase II Environmental Site Assessment 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. In other words, the property is contaminated with respect to the Ministry of Environment standards as to the proposed use of the property;
- c) “Applicant”, unless otherwise specified, means a registered owner, assessed owner or tenant of lands and buildings within the Community Improvement Project Area, and any person to whom a registered owner, assessed owner or tenant of lands and buildings within the Community Improvement Project Area has assigned the right to receive a grant or loan. Applicants may also be referred to as “owners” throughout this Plan;
- d) 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;
- e) The Provincial and Federal governments, Crown Corporations and the Regional Municipality of Niagara should not be eligible to apply for any of the incentive programs contained in the Brownfield CIP;
- f) Polluting owners who knowingly polluted their properties will not generally be permitted to make direct application for any of the incentive programs contained in this CIP. However, the Township reserves the right to make exceptions to this requirement on a case by case basis where redevelopment benefits to the municipality and community would be very significant;
- g) With the exception of the Building Fees Grant Program, an application for any financial incentive program contained in this CIP must be submitted to the Township prior to the commencement of any study or works to which the financial incentive program will apply and prior to application for building permit;
- h) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost;

- i) The total of all grants, loans and tax assistance provided by the Township, the Region and the Province in respect of the particular property for which an applicant is making application under the programs contained in this CIP and any other CIPs, shall not exceed the eligible costs of the improvements to that property under all applicable CIPs;
- j) In order to avoid double dipping between the tax increment based Infill, Intensification and Redevelopment Grant Program contained in the Sustainable Downtown Smithville CIP and the tax increment based Brownfield Rehabilitation Grant Program contained in this Brownfield CIP, application can be made for only one of these grant programs, per property, site or project;
- k) An application for any financial incentive program contained in this CIP must be accompanied by plans, estimates, contracts, reports and other details requested by the Township for purposes of satisfying the Township with respect to costs of the project and conformity of the project with the CIP;
- l) Review and evaluation of applications and supporting materials against program requirements will be done by Township staff, who will then make a recommendation to Township Council or Council's designate;
- m) All applications are subject to approval by Township Council or Council's designate;
- n) 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;
- o) Where other sources of government and/or non-profit organization funding (Federal, Provincial, Municipal, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application. Accordingly, the loan/grant may be reduced on a pro-rated basis;
- p) As a condition of application approval, the applicant may be required to enter into an agreement with the Township. This Agreement will specify the terms, duration and default provisions of the incentive to be provided. This Agreement may also subject to approval by Township Council or Council's designate;
- q) The Township reserves the right to audit the cost of feasibility studies, environmental site assessments, environmental remediation works, and/or rehabilitation works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- r) The Township 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;

- s) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Township, the Township may delay, reduce or cancel the approved grant and/or tax assistance;
- t) The Township 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;
- u) All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and zoning requirements and approvals;
- v) 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;
- w) Except for the Feasibility Study Grant Program and the Environmental Site Assessment Grant Program, outstanding work orders, and/or orders or requests to comply, and/or other charges from the Township (including tax arrears) must be addressed to the Township's satisfaction prior to grant and/or tax assistance payment;
- x) Township staff, officials, and/or agents of the Township may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Township;
- y) Applicants approved for the programs contained in the CIP will be required to complete the approved works within timeframes specified by the Township;
- z) Each program in this CIP is considered active if Council has approved implementation of the program, and Council has approved a budget allocation for the program (as applicable); and,
- aa) Availability of any or all of the incentive programs in this CIP in any given year is at the sole discretion of Council and subject to supporting budget allocation.

## **7.2 Feasibility Study Grant Program**

### **7.2.1 Purpose**

The purpose of the Feasibility Study Grant Program is to promote the undertaking of project feasibility studies so that potential investors can obtain more and better information with respect to the costs of reusing, rehabilitating and retrofitting brownfield buildings and lands as well as the market/economic feasibility of undertaking different types of development.

**7.2.2 Description**

The Feasibility Study Grant Program will provide a matching grant of 50% of the cost of an eligible feasibility study to a maximum grant of \$7,500 with a maximum of one study per property. Eligible feasibility studies include but are not limited to:

- a) structural analyses;
- b) evaluation of existing and proposed mechanical, electrical and other building systems;
- c) concept plans;
- d) market analyses; and,
- e) any other feasibility study as approved by the Township.

The feasibility study must provide significant information with respect to one or more aspects of the structural/engineering feasibility of the project and associated costing, conceptual feasibility, and/or the market/economic feasibility of the project.

Grants approved under this program would be provided to applicants following submission to the Township for review of the final completed study 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 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. The applicant will agree to provide the Township with permission to provide the study to subsequent owners and interested parties, should the applicant decide not to proceed with reuse, rehabilitation or retrofitting of the site.

It is recommended that the Feasibility Study Grant Program be offered for an initial period of five (5) years, with an option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Township Council.

**7.2.3 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 Council:

- a) A grant application must be submitted to the Township prior to the start of any feasibility 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) Feasibility studies shall be for the purpose of:
  - i) structural analyses;
  - ii) evaluation of existing and proposed mechanical, electrical and other building systems;
  - iii) concept plans;
  - iv) market analyses; and
  - v) any other feasibility study as approved by the Township;

- d) 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;
- e) All completed feasibility studies must comply with the description of the studies as provided in the grant application form;
- f) One electronic and one hard copy of the study findings shall be submitted to the Township for the Township's review and retention.

### **7.3 Environmental Site Assessment (ESA) Grant Program**

#### **7.3.1 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.

#### **7.3.2 Description**

A Phase I Environmental Site Assessment (ESA) has become a standard requirement of most financial institutions and 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) \$10,000 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. ESA grants will only be offered on eligible properties where there is potential for rehabilitation and/or redevelopment of the property.

Grant payments approved under this program would be provided to applicants following submission to the Township for review of the final completed environmental study 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 Township with permission to notify any other subsequent project proponents of the existence of an environmental study or studies.

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

### **7.3.3 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 Township Council:

- a) An application must be submitted to the Township 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, complete or supplemental 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 Township 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 Township for review.

## **7.4 Brownfield Property Tax Assistance Program (TAP)**

### **7.4.1 Purpose**

The purpose of the Brownfield Property 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 taxes on a property that is undergoing or has undergone remediation and development to assist with payment of the cost of environmental remediation. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

### **7.4.2 Description**

The legislative authority for the Brownfield Property TAP is established under Sections 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 (Township 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 Ministry of Finance, is subject to application and 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) for the proposed use 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 Brownfield Property 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) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. This includes the cost of:

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

In no case will the total amount of tax assistance provided under the Brownfield Property 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 three (3) 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 three (3) years, whichever comes first.

As part of the tax assistance provided to the applicant, the Township 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 (Township and Region) property taxes. The matching Regional portion of the property tax to be cancelled is subject to approval by Regional Council. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the Township and may be subject to additional conditions.

The Township will apply to the Ministry of Finance for matching education property tax assistance on behalf of the property owner. 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, may be provided on a different schedule from the tax assistance provided by the Township and the Region, and may be subject to additional conditions.

If a property that has been approved for tax assistance is severed, subdivided, sold or conveyed prior to the end of the three (3) year period specified above, the education property tax assistance will automatically end. However, any remaining municipal (Town/Region) property tax assistance can be converted into a grant and paid out under the Brownfield Rehabilitation Grant Program (see Section 7.5).

Any property approved for tax assistance will be subject to passing of a by-law by the Township that authorizes the provision of the tax assistance. This by-law will contain conditions required by the Township 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 Township, the Township 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 Regional property taxes for up to 3 years. In order for the by-law to apply to education property taxes, before it is passed by the Township, the by-law must be approved in writing by the Minister of Finance.

As a condition of approval of an application for Brownfield Property Tax Assistance, the property owner must enter into an agreement with the Township. This Agreement will specify the terms, duration and default provisions of the tax assistance. This Agreement is also subject to approval by Township Council or Council's designate.

It is recommended that the Brownfield Property Tax Assistance Program be offered for a period of approximately ten (10) years, subject to the availability of funding as approved by Township Council, Regional Council and the Province.

#### **7.4.3 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 Township Council, Regional Council and the Minister of Finance:

- a) An application must be submitted to the Township 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) for the proposed use 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) for the proposed use 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, including a description of the remediation proposed;
- d) As a condition of the application, the Township may require the applicant to submit a Business Plan for redevelopment of the property (as applicable), with said Plan to the Township'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 Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not disbursed 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 Township that will specify the terms, duration and default provisions of the tax assistance;
  - h) All Brownfield Property 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, deferred property taxes (plus interest) will become payable to the Township, the Region 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 Township proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

## **7.5 Brownfield Rehabilitation Grant Program**

### **7.5.1 Purpose**

The purpose of the Brownfield Rehabilitation Grant Program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs not fully disbursed by the Brownfield Property Tax Assistance Program and

non-environmental rehabilitation costs normally associated with brownfield site redevelopment. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

#### 7.5.2 Description

The Brownfield Rehabilitation Grant Program will provide a financial incentive in the form of an annual grant for up to ten (10) years to help offset the cost of remediating and rehabilitating eligible brownfield properties only where that rehabilitation results in an increase in assessment value and property taxes on these properties. 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.

An application can be made for the Brownfield Rehabilitation Grant Program or the Brownfield Property Tax Assistance Program, or both programs together. If an application for both the Brownfield Rehabilitation Grant Program and the Tax Assistance Program has been approved, the annual grant available under the Brownfield Rehabilitation Grant Program will begin when the benefits of the Brownfield Property Tax Assistance Program end. If a property that has been approved for Brownfields Property Tax Assistance is severed, subdivided, sold or conveyed prior to the end of the maximum three (3) year period for municipal property tax assistance, any remaining period of municipal (Town/Region) property tax assistance (up to 3 years) can be added to the maximum ten (10) year Brownfield Rehabilitation Grant period for a total maximum Brownfield Rehabilitation Grant period of thirteen (13) years.

The annual grant available under the Brownfield Rehabilitation Grant Program can be paid only once final building inspection and 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 Brownfield Rehabilitation Grant Program include the costs of:

- a) a feasibility study not disbursed by the Feasibility Study Grant;
- b) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not disbursed by the ESA Grant Program or the Brownfield Property TAP;
- c) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield Property TAP;
- d) placing clean fill and grading not disbursed by the Brownfield Property TAP;
- e) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
- f) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
- g) environmental insurance premiums not covered by the Brownfield Property TAP;
- h) 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;
- i) demolishing buildings;
- j) building rehabilitation and retrofit works (excluding permit fees); and,
- k) upgrading on-site infrastructure including water services, sanitary services and stormwater management facilities up to a maximum of 50% of the cost of on-site infrastructure upgrading.

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

The annual grant available under the Brownfield 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 Township receives the incremental property taxes that result from the rehabilitation project, the Township will reimburse the applicant in the form of an annual grant equivalent to 100% of the increase in municipal taxes that results from the project for a period of up to ten (10) years, or up to the time when total grant payments equal total eligible costs, whichever comes first.

As a condition of approval of an application for a Brownfield Rehabilitation Grant, the applicant must enter into an agreement with the Township. This Agreement will specify the terms, duration and default provisions of the grant. This Agreement is also subject to approval by Township Council or Council’s designate.

The amount of municipal (Township 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 (Township 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 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, with an option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Township Council.

### **7.5.3 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 Township Council:

- a) A grant application must be submitted to the Township 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 Township 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 Township may require the applicant to submit a Business Plan, with said Plan to the Township'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 feasibility study not disbursed by the Feasibility Study Grant;
  - ii) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not disbursed by the ESA Grant Program or the Brownfield Property TAP;
  - iii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield Property TAP;
  - iv) placing clean fill and grading not disbursed by the Brownfield Property TAP;
  - v) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
  - vi) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
  - vii) environmental insurance premiums not disbursed by the Brownfield Property TAP;
  - viii) the following Leadership in Energy and Environmental Design (LEED) Program Components:
    - a) base plan review by a certified LEED consultant;
    - b) preparing new working drawings to the LEED standard;
    - c) submitting and administering the constructed element testing and certification used to determine the LEED designation;
    - d) increase in material/construction cost of LEED components over standard building code requirements to a maximum of 15% of total construction costs;
  - ix) demolishing buildings (excluding permit fees);
  - x) building rehabilitation and retrofit works (excluding permit fees);

- xi) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities up to a maximum of 50% of the cost of on-site infrastructure upgrading.
- g) All applicants participating in this program will be required to enter into an agreement with the Township which will specify the terms of the grant;
- h) All Brownfield Rehabilitation Grant Program applications and agreements must be approved by Township Council or Township 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;
- k) 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 Township proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

## **7.6 Brownfield Building Permit Fee Grant Program**

### **7.6.1 Purpose**

The purpose of the Brownfield Building Permit Fee Grant Program is to provide an additional incentive to augment the Township's other brownfield redevelopment incentive programs and to help facilitate and spur adaptive re-use and new construction activity on former brownfield sites.

### **7.6.2 Description**

The Brownfield Building Permit Fee Grant Program will provide a grant equivalent to 100% of the building permit fee paid on projects that have been approved for the Brownfield Property TAP and/or the Brownfield Rehabilitation Grant.

A separate application will not be required for the Building Permit Fee Grant Program. Applicants who have an approved Brownfield Property Tax Assistance application and/or an approved Brownfield Rehabilitation Grant application will notify Building Services of this at the time of application for building permit application.

Once a building permit has been issued, building construction is complete, and the applicant has met all the terms of their approved Brownfield Property Tax Assistance and/or Brownfield Rehabilitation Grant Program agreement, the Township will provide a grant equivalent to 100% of building permit fees paid. The Township may elect to pay the Brownfield Building Permit Fee Grant as a component of the grant approved under the Rehabilitation Grant Program.

It is recommended that the Brownfield Building Permit Fee Grant Program be offered for an initial period of five (5) years, with an option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Township Council.

#### 7.6.3 Requirements

Owners of properties within the Community Improvement Project Area are eligible for funding under this program, subject to meeting the general program requirements, the following program requirement, and subject to the availability of funding as approved by Township Council:

- a) Owners must have an approved Brownfield Property Tax Assistance application and/or an approved Brownfield Rehabilitation Grant application to take advantage of this program.

#### 7.7 Brownfield Development Charge Reduction Program

Note: This section does not form part of the CIP.

##### 7.7.1 Purpose

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

##### 7.7.2 Description

In an effort to promote new residential and commercial development in downtowns and built-up urban areas, and on brownfield sites within urban 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), and in 2004 by Region Development Charge By-law 90-2004 which formalized the reduction for development in downtown areas and on brownfields.

On July 30, 2009, Niagara Region Council passed a new Development Charges By-law (No. 62-2009) which 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 By-law No. 62-2009 or for development on brownfield sites within urban areas. The Region provides a further 50% reduction of Regional development charges for development located within the boundaries of designated central urban areas or on a brownfield sites within urban areas where said development includes at least three of the Region's five Smart Growth design principles.

While the reduction 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 reduction, a reduction of Township development charges on brownfield sites will likely prove to be a significant upfront financial incentive to promote brownfield redevelopment in West Lincoln.

The proposed Brownfield Development Charge Reduction Program outlined below will require that changes to the Township's Development Charges By-law be implemented. Therefore, implementation of this Program falls outside the parameters of Section 28 of the *Planning Act*. As

such, the Brownfield Development Charge Reduction Program has only been referenced in this Plan and does not form part of this Plan. It is recommended that the Brownfield Development Charge Reduction Program be forwarded to Council as a separate recommendation and implementing amendment to the Township's Development Charges By-law.

The Brownfield Development Charge Reduction Program will provide a financial incentive in the form of a reduction of Township development charges payable equal to the cost of environmental remediation (Items ii) – vii) in Section 7.5.3 f) of this CIP) approved under the Brownfield Rehabilitation Grant Program. This reduction of development charges will equal up to 75% of the Township development charge payable with respect to development on a brownfield site.

The applicant with an approved application and agreement for a property under the Brownfield 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 will be deducted from the Brownfield Rehabilitation Grant to be paid.

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

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

### **7.7.3 Requirements**

Owners of properties (and their assignees) within the Community Improvement Project Area are eligible for the Development Charge Reduction 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 Development Charge Reduction Program must have an approved Brownfield Rehabilitation Grant Program Application and Agreement in place;
- b) Only properties where an MOE acknowledged RSC for the proposed use has been filed in the Environmental Site Registry will be eligible for the Brownfield Development Charge Reduction Program;
- c) As a condition of development charge reduction, the Township 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, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not disbursed by the ESA Grant Program or the Brownfield Property TAP;
  - ii) environmental remediation, including the cost of preparing a RSC, not disbursed by the Brownfield Property TAP;
  - iii) placing clean fill and grading not disbursed by the Brownfield Property TAP;
  - iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
  - v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the Brownfield Property TAP;
  - vi) environmental insurance premiums not disbursed by the Brownfield Property TAP;

This program does not apply to security deposits or cash-in-lieu payments required as a result of the application.

## **8.0 MUNICIPAL LEADERSHIP STRATEGY**

### **8.1 Purpose**

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

- a) Directly address a number of the identified key impediments to brownfield redevelopment in West Lincoln;
- b) complement the financial incentive programs contained in this CIP; and,
- c) provide enhanced support, leadership and partnering on brownfield redevelopment projects.

The public sector actions contained in this 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.

In addition to the specific actions described below, the Township of West Lincoln may engage in any of these activities as part of its Brownfield Municipal Leadership Strategy in order to promote the undertaking of brownfield remediation and redevelopment projects within the Community Improvement Project Area that are identified and approved by the Township.

### **8.2 Municipal Support Actions**

The municipal actions recommended below are designed to provide a more supportive environment for private sector brownfield redevelopment by reducing or removing impediments to brownfield redevelopment.

#### **8.2.1 Planning Approvals**

It is recommended that the requirement for a record of site condition (RSC) as part of the planning and building permit approvals process be clarified and that applicants be notified as early as possible in the planning approvals and building permit approvals process of the record of site condition requirement procedure. This recommendation has been addressed by the recommended Environmental Due Diligence Procedure contained in the Interim Report (February 2011).

#### **8.2.2 Staff Capacity Building**

It is recommended that Township staff involved in the planning approvals process be provided with opportunities to obtain additional information and education on issues such as environmental regulations, risk assessment and remediation technologies. This can be accomplished by

attendance at one or more conferences, symposiums and seminars held annually in the GTA on brownfield redevelopment, environmental regulations, risk assessment and remediation technologies.

#### 8.2.3 Marketing Strategy

It is recommended that as part of its Brownfield CIP, the Township implement a Marketing Strategy to:

- a) regularly market the Township's available incentive programs to brownfield property owners, developers, potential end users, and support professionals both within and outside the Region of Niagara;
- b) Inform and educate developers, property owners, and the public with respect to the community benefits of brownfield redevelopment;
- c) provide information on all applicable incentives available from the various levels of government and other organizations; and,
- d) regularly update information on available redevelopment opportunities in the Township.

This recommendation is addressed in Section 10.0 of this report where a basic Marketing Strategy is presented.

#### 8.2.4 Coordination

It is recommended that the Township 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 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 Ministry of Environment (MOE) on regulatory approvals and expediting Township planning and environmental approvals. Therefore, the coordinator should have or should develop a good understanding of the planning approvals process, including efforts to streamline that process. The coordinator should also have or develop a good understanding of the environmental approvals process, including the Record of Site Condition regulation O. Reg. 153/04) and the MOE standards.

The Brownfield CIP coordinator function can ideally be combined with the Downtown Smithville CIP coordinator function. However, the brownfield coordinator will be required to attend brownfield specific conferences, training seminars and workshops in order to acquire the knowledge necessary to adequately perform the brownfield coordinator role.

### 8.3 Municipal Leadership Actions

In contrast to the Municipal Support Actions, the municipal leadership actions recommended below are designed to act as direct catalysts to leverage private sector investment on brownfield sites. The Municipal Support Actions outlined in the previous section and the Municipal Leadership Actions outlined below are designed to complement each other.

#### 8.3.1 Tax Sales

- a) If the Township of West Lincoln determines that tax arrears are an issue on a number of potential brownfield sites, it is recommended that the Township implement a more proactive program to put potential brownfield properties in tax arrears up for sale and to issue RFP's and cancel tax arrears on these properties. Any such program should be accompanied by legal agreements to protect the municipality's legal and financial interests, including financial security to ensure that the property is remediated to appropriate standards for the proposed use, and subsequently improved or redeveloped within a set time frame.
- b) If the Township of West Lincoln acquires properties through the tax sales process or other means, it should ensure that it has an "exit strategy", i.e., potential purchaser/developer for the property, so that the Township may minimize financial risk and transfer ownership within the window of regulatory liability limitation under applicable legislation

#### 8.3.2 Site Assessment, Acquisition, Preparation and Redevelopment

The Township can undertake a range of direct actions to promote and realize the undertaking of priority brownfield redevelopment projects that are identified and approved by the Township. These actions include:

- a) conducting environmental site assessments on municipally-owned properties that are potentially contaminated;
- b) conducting environmental site assessments on properties controlled or acquired through the tax arrears sales process and conducting requests for proposals (RFPs) on failed tax sale brownfield properties;
- c) remediating, rehabilitating, reusing and improving 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) acquiring and preparing key privately-owned brownfield sites for remediation and redevelopment, or remediating, rehabilitating, and redeveloping key privately-owned brownfield sites, including sites that have been mothballed by current owners; and,
- e) funding brownfield pilot projects and public-private partnerships that remediate, rehabilitate, and redevelop privately and publicly owned brownfield sites and projects that showcase innovative remediation approaches and technologies.

This Brownfield CIP and the Municipal Leadership Strategy will provide the Township with a stronger foundation 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 Township of West Lincoln was successful in obtaining funding from both the Region of Niagara and the FCM to help undertake the preparation of this Brownfield CIP. An appropriately structured and funded Municipal Leadership Strategy will allow the Township the financial means to leverage FCM funding to help implement this CIP.

#### **8.4 Guideline for Identifying Priority Sites/Projects**

When identifying and evaluating sites for acquisition, remediation, pilot projects, and partnerships with the private sector or any of the other municipal leadership actions described above, the Township should be highly strategic in its approach. Therefore, it is recommended that the Township utilize the following criteria when evaluating and selecting priority sites to which municipal leadership actions will be applied:

- a) The site has a good or excellent location with high visibility;
- b) The site is in the Downtown Community Improvement Project Area and/or the site has been identified as being within a secondary planning study or urban design study/plan;
- c) The site is a “stigmatized” site, the cleanup and redevelopment of which will likely act as a major catalyst for community improvement of the neighbourhood or employment area in which the site is located;
- d) The site is or can be made commercially viable and marketable based on an evaluation by the Township;
- e) The site is designated under the Ontario Heritage Act or exhibits significant heritage and architectural characteristics;
- f) The site is causing major land use compatibility issues and is surrounded in whole or in part by residential or other sensitive land uses;
- g) 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;
- h) The proposed project will result in the leveraging of significant private sector investment resulting in a significant increase in property tax revenues, employment, commercial and/or residential opportunities;
- i) The proposed project will showcase innovative remediation approaches, technologies, risk assessment approaches and/or Smart Growth design/building principles such; and,
- j) The proposed project will expand or improve open/green space.

Note that a site or project does not need to meet all of these criteria to be considered eligible for acquisition, remediation, redevelopment, partnering, pilot project status, or any of the other municipal leadership actions described in this CIP. However, a site or project should meet several of the above noted criteria to be eligible for the municipal leadership actions described in this CIP.

## **9.0 MONITORING PROGRAM**

### **9.1 Purpose**

The Township of West Lincoln 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 primary 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 this Brownfield 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.

### **9.2 Description**

Figure 4 presents a list of the variables that should be monitored by the Township of West Lincoln 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 redevelopment projects.

The Township should also attempt to monitor the results of the programs in Figure 4 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. Improvements in property values and social conditions in areas and 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 Council. 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 4 Variables to be Monitored**

<b>Program</b>	<b>Variable</b>
Feasibility Study Grant Program	<ul style="list-style-type: none"> <li>- Number of applications</li> <li>- Purpose of study</li> <li>- Cost of study</li> <li>- \$ Amount of Grant</li> <li>- Number of Grant Applications leading to Brownfield Property Tax Assistance, Rehabilitation Grant Applications and/or actual environmental remediation and rehabilitation projects</li> </ul>
Environmental Site Assessment Grant Program	<ul style="list-style-type: none"> <li>- Number of applications</li> <li>- Type of ESA (Phase II, Remedial Work Plan, or Risk Assessment)</li> <li>- Cost of study</li> <li>- \$ Amount of Grant</li> <li>- Number of Grant Applications leading to Brownfield Property Tax Assistance, Brownfield Rehabilitation Grant Applications and/or actual environmental remediation and rehabilitation projects</li> </ul>
Brownfield Property Tax Assistance Program	<ul style="list-style-type: none"> <li>- Number of applications</li> <li>- Increase in assessed value of participating properties</li> <li>- Estimated and actual amount of municipal and education tax assistance provided</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) rehabilitated or constructed</li> <li>- Residential units/sq.ft. rehabilitated or constructed</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> <li>- Number of program defaults</li> </ul>
Brownfield Rehabilitation Grant Program	<ul style="list-style-type: none"> <li>- Number of applications</li> <li>- Increase in assessed value of participating properties</li> <li>- Increase in municipal and education property taxes of participating properties</li> <li>- Estimated and actual amount of tax increment financing grants provided</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) rehabilitated or constructed</li> <li>- Residential units/sq.ft. rehabilitated or constructed</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> <li>- Number of program defaults</li> </ul>
Building Permit Fee Grant Program	<ul style="list-style-type: none"> <li>- Number of building permit fee grants</li> <li>- \$ Value of building permit fee grants</li> <li>- Construction \$ Value of building permit issued</li> </ul>
Brownfield Development Charge Exemption Program	<ul style="list-style-type: none"> <li>- Amount of Development Charges Waived</li> <li>- Increase in assessed value of participating properties</li> <li>- Increase in municipal and education property taxes of participating properties</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) constructed</li> <li>- Residential units/sq.ft. constructed</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> </ul>

**Figure 4 Variables to be Monitored (Cont'd)**

<b>Program</b>	<b>Variable</b>
Municipal Leadership Strategy	<ul style="list-style-type: none"> <li>- Funding amount by project type and purpose</li> <li>- Amount of other government funding leveraged</li> <li>- Increase in municipal and education property taxes of participating properties</li> <li>- Estimated and actual amount of tax increment financing grants provided</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) rehabilitated or constructed</li> <li>- Residential units/sq.ft. rehabilitated or constructed</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> <li>- Number of program defaults</li> </ul>

### **9.3 Program Adjustments**

The feedback from monitoring of the CIP programs may lead to minor revisions to programs contained in the CIP. Therefore, the Township 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 should 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 will require a formal amendment to the CIP in accordance with Section 28 of the *Planning Act*.

## **10.0 MARKETING STRATEGY**

### **10.1 Purpose**

It is important to the successful implementation of the Brownfield CIP that the Township's incentive programs and the brownfield redevelopment opportunities available in West Lincoln be effectively communicated to property owners, developers, potential end users, and support professionals both within and outside the township. The purpose of this Marketing Strategy is to proactively and regularly advertise and market the Township's brownfield redevelopment incentive programs and publicly and privately owned brownfield redevelopment opportunities in order to help implement the Brownfield CIP. Therefore, the Township should implement a comprehensive Marketing Strategy to:

- a) market its brownfield redevelopment programs and brownfield redevelopment opportunities;
- b) provide information on obtaining assistance and advice from the Township; and,
- c) educate the public and other stakeholders on environmental site assessment and remediation processes.

### **10.2 Target Audience**

The Marketing Strategy should be targeted to:

- a) Brownfield market makers, i.e., the key stakeholders who cause brownfield properties to be transacted, remediated and rehabilitated, including:
  - i) owners/managers of brownfield properties in West Lincoln;
  - ii) potential developers of brownfield properties; and,
  - iii) potential end users;
- b) Support professionals, including:
  - i) lending institutions such as banks and trust companies;
  - ii) real estate professionals and organizations;
  - iii) environmental consultants and contractors;
  - iv) legal services industry;
  - v) planning consultants and architects; and,
- c) The general public, in order to enhance support for the Brownfield CIP, and site-specific brownfield redevelopment projects.

### **10.3 Marketing Tools**

The marketing of the Brownfield CIP programs should be a comprehensive multi-media campaign containing information, education and advertising components. The following key tools are recommended to implement the Marketing Strategy:

**a) Publications**

- i) A brochure containing pertinent points (updated as required) from the Township of West Lincoln Brownfield Information Package (June 2010) and a description of the financial incentive programs available from the Township, including general program requirements and how to apply;
- ii) The brownfield incentive programs and any brownfield redevelopment success stories should be profiled in publications and newsletters published by the Township of West Lincoln and the Niagara Economic Development Corporation;
- iii) Applications for the incentive programs should be accompanied by Program Guides that provide a description of “how to apply” for the programs.

**b) Web Site Materials**

- i) The Township’s web page should be enhanced via the addition of the aforementioned brochure in pdf. format.

**c) Presentations to Brownfield Stakeholders and Support Professionals**

- i) The Brownfield CIP coordinator should make periodic presentations on the Brownfield CIP, available incentives programs, and brownfield success stories to industry groups such as the development community, real estate, environmental and planning consultants, finance, insurance and legal professionals. This direct face-to-face marketing tool is a very important component of the Marketing Strategy.

**d) Attendance at Brownfield Conferences**

Key Township staff and councillors should attend brownfield conferences in order to further educate themselves on brownfield redevelopment and proactively market the Township’s brownfield redevelopment programs and opportunities utilizing the above-noted publications and materials.

**e) Media Releases**

Press releases and profiles of successful brownfield redevelopment projects and initiatives should be sent to local and outside media.

## **10.4 Key Messages**

The following are the key messages that should be integrated into the above-noted publications, web site materials, presentations and media releases:

- a) Brownfields are vacant or underutilized sites that may have real or perceived contamination problems – a Phase I and II ESA should be done to determine the type and extent of soil and groundwater contamination;
- b) The impediments to brownfield redevelopment can be overcome by the use of innovative approaches to planning, remediation and the use of now available financial incentives;
- c) The cleaning up and rehabilitation of brownfield sites results in improvements in environmental quality, human health and economic growth;
- d) Brownfields represent a significant economic and development opportunity in West Lincoln;
- e) Brownfield redevelopment is Smart Growth because it efficiently uses existing services and reduces urban sprawl into prime agricultural areas and its associated costs. Brownfield redevelopment will help the Township of West Lincoln and the Region of Niagara to achieve its growth management goals;
- f) Brownfield reinvestment brings economic activity to derelict and underused sites. It will generate employment and increased property tax revenues for the Township of West Lincoln and the Region of Niagara;
- g) Brownfield redevelopment can revitalize blighted mixed use commercial areas, residential neighbourhoods and employment areas, resulting in an enhanced quality of life for the residents of West Lincoln;
- h) The Township of West Lincoln is being proactive in encouraging reinvestment in brownfield sites by implementing brownfield supportive planning policies, offering financial incentives, implementing a municipal leadership strategy, and conducting tax sales and RFP's on brownfield sites; and,
- i) The Township wants to find new opportunities and partnerships to deal with brownfields and the Township is looking for interest from all types of developers and entrepreneurs (big and small).

## **11.0 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 Township of West Lincoln'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. However, a priority for implementation of the incentive programs has been specified in Section 7.0 of this CIP.

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 Township devote sufficient resources to this activity.

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 program users should be utilized to inform adjustments to the CIP.

## **12.0 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 the Optimal Use of Brownfield Redevelopment Policy Instruments”. Report prepared for the NRTEE, January 14, 2003, Ottawa, Ontario.

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

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**

**Smarter Niagara Incentive Programs**

#### 1. Reduction of Regional Development Charges

In central areas and on brownfields within urban areas, the Region offers a reduction 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 reduction is available to developments that include at least three of the Region's five Smart Growth design principles into the proposed development.

These smart growth design principles are based on the Region of Niagara's Smart Growth Design Criteria.

- i) ***Intensification of an existing use*** – means redevelopment or building addition that adds floor area and/or a residential unit(s).
- ii) ***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.
- iii) ***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.
- iv) ***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.
- v) ***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 facade closer to the street line than the mid-point between the street line and the established building line.

While the Region encourages local municipalities to establish a reduction program for local development charges in central urban areas and for brownfields, the Reduction of Regional Development Charges is available even if the local municipality does not have a similar program.

**2. Property Rehabilitation and Redevelopment Tax Increment Funding Program**

The purpose of this grant is to stimulate building and property rehabilitation or redevelopment of lands located within the boundaries of the designated central urban areas and brownfield sites located within urban boundaries. The Region will match the percentage of the tax increment generated by a rehabilitation or redevelopment project that is paid by the 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.

**3 Building and Facade Improvement Grant/Loan Program**

The purpose of this program is to promote the structural improvement of buildings and/or the improvement of building facades. The Region will provide a matching grant or loan on a cost shared basis with the local municipality to a maximum grant from the Region of \$5,000 per property, or a matching loan from the Region of \$10,000 per property.

**4. Residential Grant/Loan Program**

The purpose of this program is to promote residential conversion, infill and intensification. The Region will provide a matching grant or loan on a cost shared basis with the local municipality to a maximum grant from the Region of \$5,000 per unit and 20 units per property, or a matching loan from the Region of \$10,000 per unit.

**5. Heritage Restoration and Improvement Grant/Loan Program**

The purpose of this program is to promote the restoration and improvement of buildings designated under the Ontario Heritage Act. The Region will provide a matching grant or loan on a cost shared basis with the local municipality to a maximum grant or loan from the Region of \$2,500 per residential property and \$10,000 per commercial or industrial property.

**6. 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.

**7. Public Domain Incentives Program**

This program was introduced in 2007. The Region will provide a matching grant on a cost shared basis with the local municipality to a maximum grant from the Region of \$100,000 per project to support public realm improvements already identified in or in compliance with municipal planning documents including CIPs, Secondary Plans or Official Plans. This programs is based on a competitive evaluation process whereby the project must meet the Region's eligibility criteria. These criteria include a "green component" constituting a minimum of 6% of overall project cost and compliance with local or Regional urban design guidelines. Preference will be given to projects that include heritage and/or public art components.

**APPENDIX B**

**Brownfield CIP Steering Committee Membership**

## **Township of West Lincoln**

### **Brownfield Community Improvement Plan**

Janice Green – Township Resident

Debora Coon-Petersen – Township Heritage Committee Representative

Phil Griffin – R. Griffin Construction

Cor Deboer – Special Occasion Tent Rentals

Harold Olij – Olij and Faber Lawfirm

Lance Parcher – Modern Sanitation, Smithville

Alderman Alex Micallef - Council Representative

Mark Johnson, Regional Municipality of Niagara

**APPENDIX C**

**Feasibility Study 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).

## **Feasibility Study 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 proposal and 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:

- i) a detailed study work plan;
- ii) a cost estimate for the study; and
- iii) a description of the planned redevelopment, including reference to any planning applications that have been submitted/approved.

Acceptance of the application by the Township 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 Township.

### **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.

### **Step 3 Application Approval**

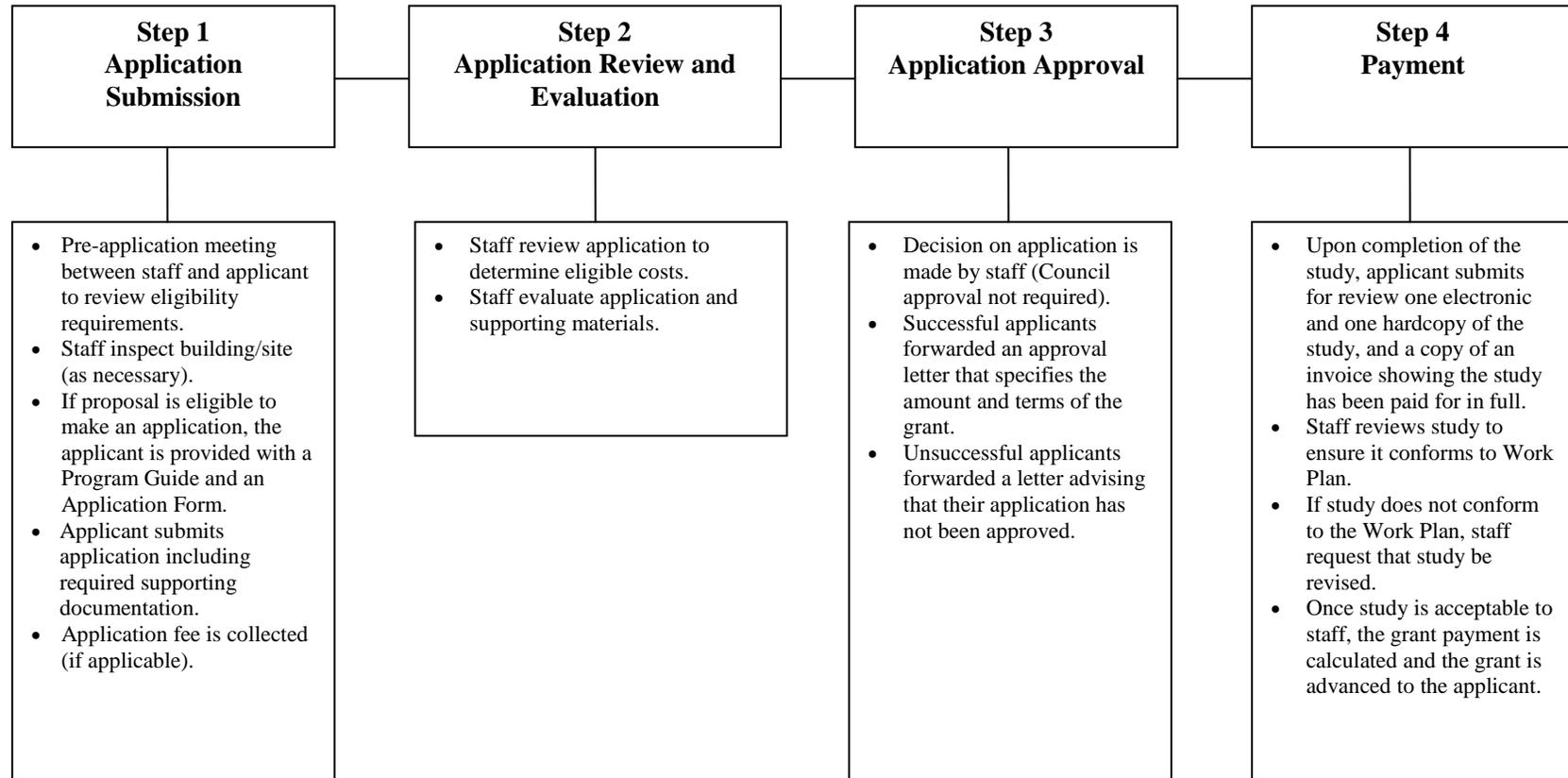
If an application is approved, the applicant will be sent a letter that outlines the terms and the amount of the grant. If an application is not approved, the applicant will also be advised by letter.

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 Township for review of one hard copy and one electronic copy of the final completed study 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. The applicant will agree to provide the Township with permission to provide the study to subsequent owners and interested parties, should the applicant decide not to proceed with reuse, rehabilitation or retrofitting of the site.

**Figure C-1 Feasibility Study Grant Program Administration**



**APPENDIX D**

**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).

## **Environmental Site Assessment (ESA) 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.

Acceptance of the application by the Township 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 Township.

### **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.

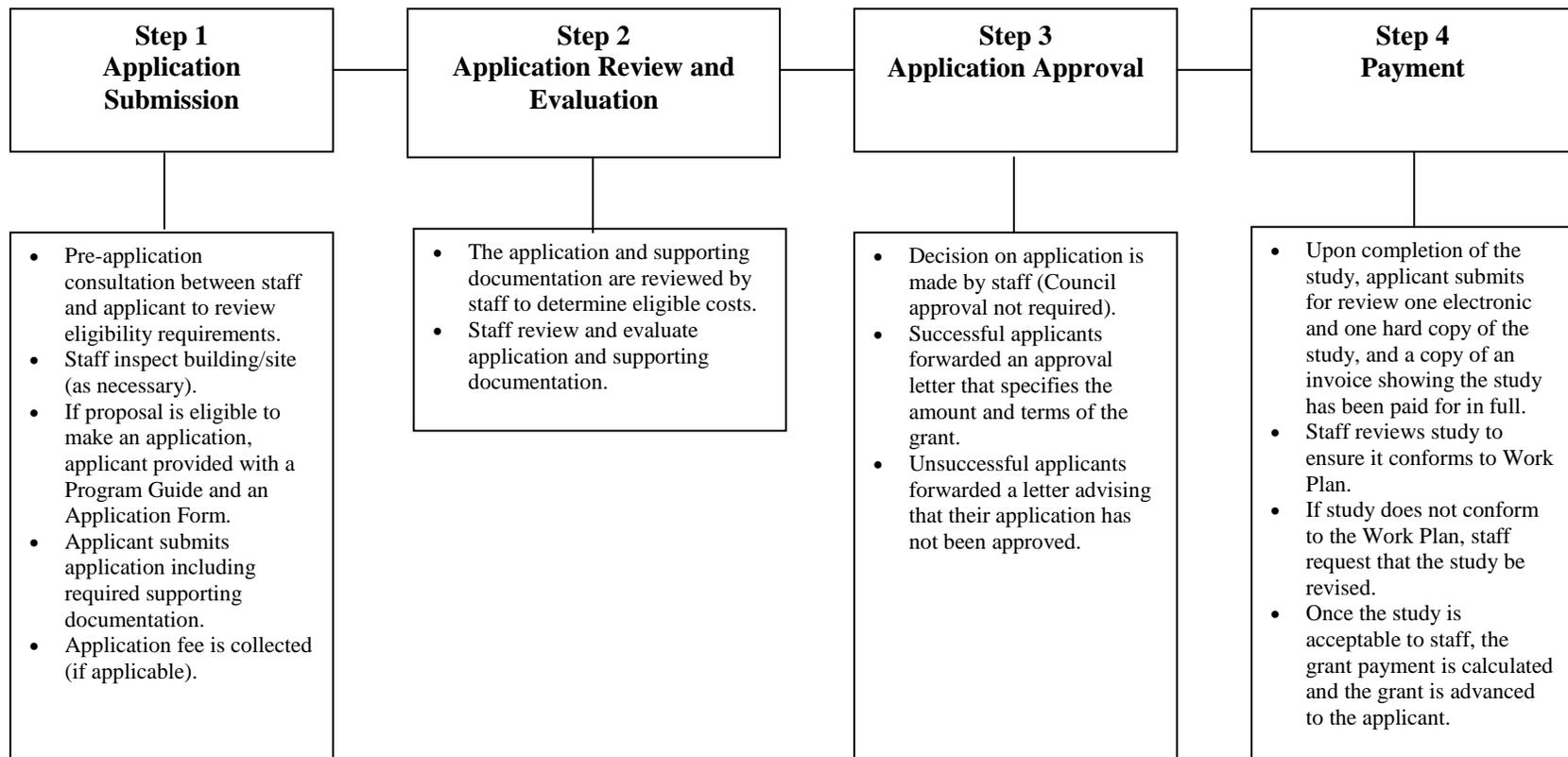
### **Step 3 Application Approval**

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 Township 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. The applicant will agree to provide the Township with permission to notify subsequent owners and interested parties of the existence of the environmental study.

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



**APPENDIX E**

**Brownfield Property 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).

## **Brownfield Property 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 Township 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 Township may also require submission of a Business Plan for the proposed redevelopment project.

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

### **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 Township is in receipt of a Regional Council resolution agreeing to the 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 Township and Region may continue to offer municipal tax assistance up to the time period specified for Township 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 Township 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 Township 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 Brownfields Property Tax Assistance Program Application and the Agreement, and adopts the by-law, the agreement will be executed by the authorized Township 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 Township.

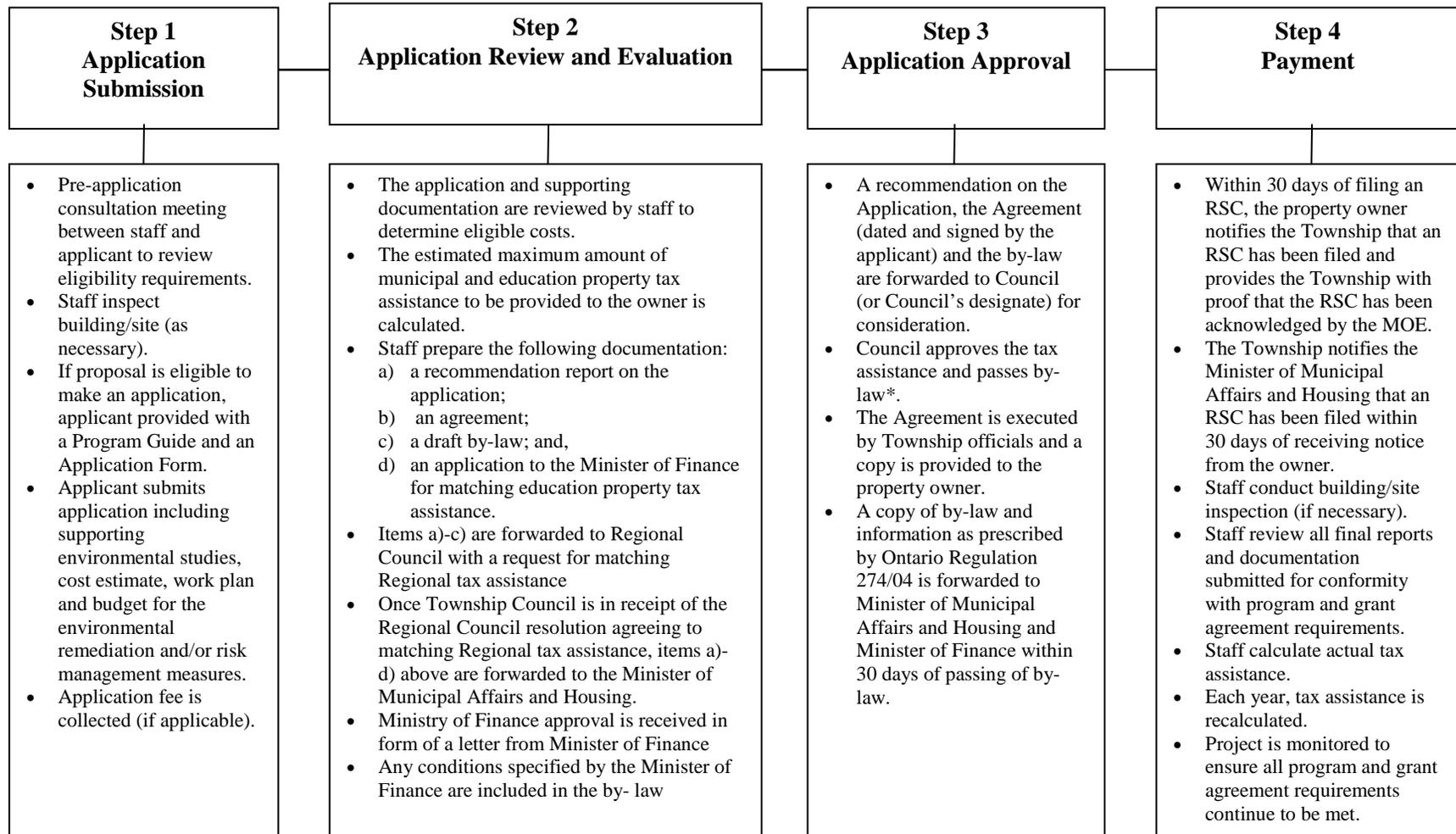
#### **Step 4 Payment**

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 Township 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 Township of the filing, and within 30 days after receiving said notice, the Township 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 Township 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 (Township and Region) conditions related to the rehabilitation and development of the lands. Under a conditional tax assistance scenario, the Township 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 Township and Region would provide the accumulated tax assistance to the landowner as identified in the by-law.

**Figure E-1 Brownfield Property 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 F**

**Brownfield 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).

## **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 Township 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. The Township may also require submission of a Business Plan.

Acceptance of the application by the Township 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 Township.

### **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 (Township 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 (Township 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 Brownfield 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 Township 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 Township 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 Township proof that the RSC has been acknowledged by the Ministry of the Environment (MOE). Prior to payment of the grant, the applicant must provide the Township with:

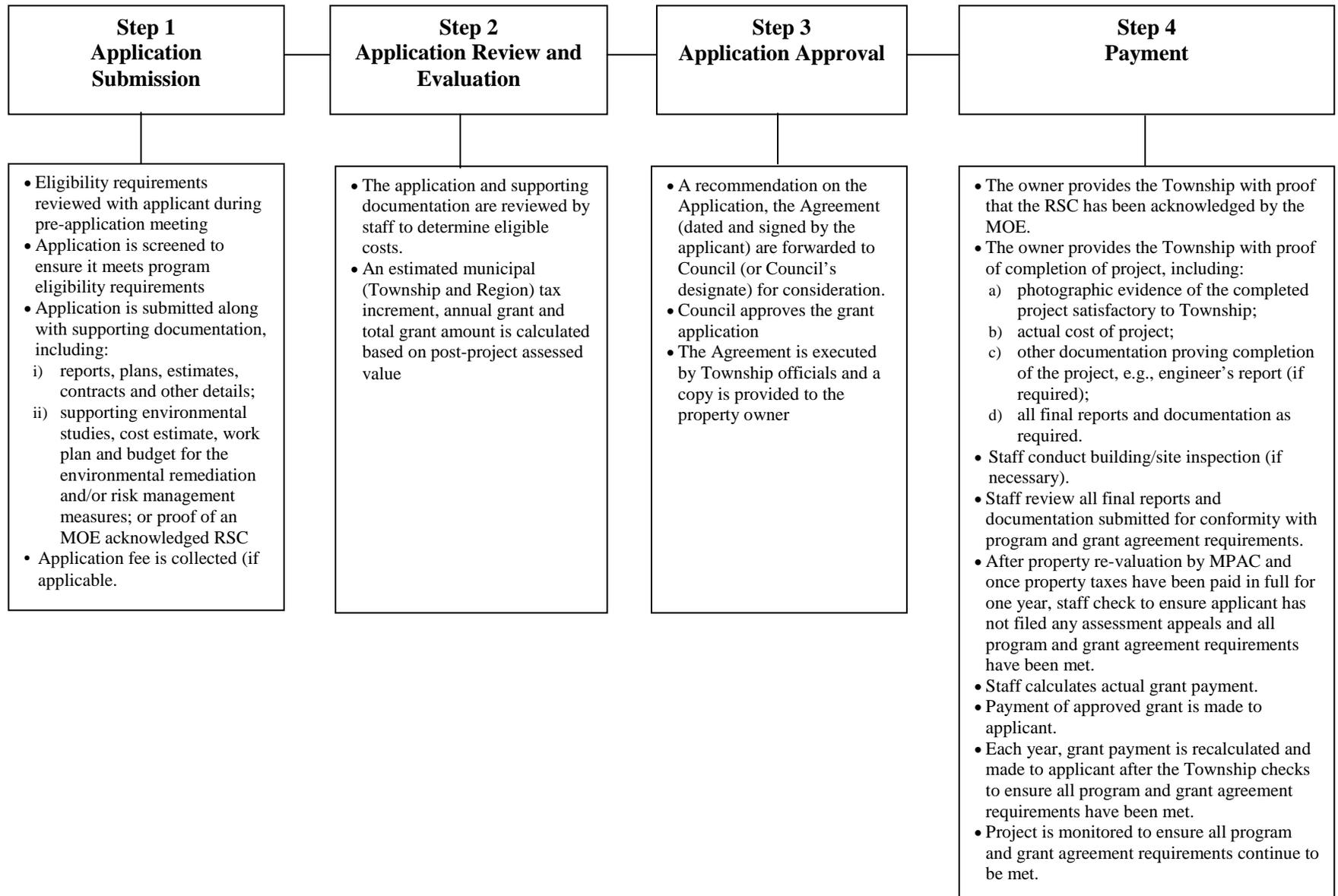
- a) photographic evidence of the completed works satisfactory to the Township;
- b) invoices for all eligible work done clearly showing the amount paid for eligible works; and,
- c) proof of payment of contractors in full.

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 Township 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 with all program and grant agreement requirements. The Township will calculate the actual tax increment and grant payment. The Township 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 F-1 Brownfield Rehabilitation Grant Program Administration**



**APPENDIX G**

**Brownfield Building Permit Fee 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)

**Step 1 Application Submission**

Applicants who have an approved Brownfield Property Tax Assistance application and/or an approved Brownfield Rehabilitation Grant application will notify Building Services of this at the time of application for building permit application.

Upon completion and substantial occupancy of the project approved under the Brownfield Property Tax Assistance Program and/or the Brownfield Rehabilitation Grant Program, a request for a Building Permit Fee Grant can be made. The applicant will provide receipts for all eligible building permit fees paid to the Township.

**Step 2 Application Review and Evaluation**

Receipts will be reviewed by staff and staff will check to ensure that the applicant has met all requirements under the against program requirements Brownfield Property Tax Assistance Program and/or the Brownfield Rehabilitation Grant Program. A decision on the grant request will be made by staff.

**Step 3 Application Approval**

If the request is approved, the applicant will be sent a letter that outlines the amount of the grant.

If the request application is not approved, the applicant will also be advised by letter.

**Step 4 Payment**

Grants approved under this program would be paid to the applicant at the same time as the approval letter referenced in Step 3 above.

**Figure G-1 Building Permit Fee Grant Program Administration**

