



CITY OF PORT COLBORNE

BROWNFIELD STRATEGY & COMMUNITY IMPROVEMENT PLAN

BROWNFIELD COMMUNITY IMPROVEMENT PLAN

NOVEMBER 2009



City of Port Colborne Brownfield Strategy and Community Improvement Plan
Brownfield Community Improvement Plan

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1.0 INTRODUCTION

1.1 What are Brownfields?

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

1.2 Why are Brownfields a Concern in Port Colborne?

Brownfield sites represent an environmental, economic and social concern for Port Colborne. From an economic perspective, brownfields can reduce local employment opportunities and property tax revenues, as well as limiting opportunity and economic development. Brownfields can also lower surrounding property values and this is of particular concern when a number of brownfield sites are located in or near a community’s downtown or central business district. A review of thirty-eight (38) identified potential brownfield sites in the city determined this to be the case in Port Colborne.

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. In the case of Port Colborne, the redevelopment of brownfield sites is critical to the revitalization of the City’s harbour and waterfront.

From a social perspective, brownfield sites can attract vandals, open dumping and other illegal activity that can lead to urban blight, contributing to neighbourhood and employment area deterioration and negatively impacting the quality of life in a community. Based on the inventory of redevelopment opportunities developed as part of this CIP, the City of Port Colborne contains upwards of 38 identified potential brownfield sites. Several of these properties are city owned, but most are privately owned. There may also be a number of potential brownfield sites such as former gasoline stations, long departed manufacturing businesses and old landfills that have not been identified, but that may be revealed to be brownfields once environmental testing is done on these sites at some point in the future.

1.3 Benefits of Brownfield Redevelopment

Numerous Canadian and U.S. studies have highlighted the benefits of brownfield development at all geographic levels (national, regional, local). However, most of the benefits of brownfield development tend to accrue at the local level because all development, be it brownfield or greenfield, is inherently local. Therefore, the rationale for addressing the brownfield issue in Port Colborne can be found in the significant economic, environmental and social benefits that would accrue in the City of Port Colborne.

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

1.3.1 Economic Benefits

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

Redevelopment of brownfield sites for residential, commercial and other uses represents an excellent economic opportunity for the City of Port Colborne to significantly increase the property tax revenues generated by these properties without incurring the significant public infrastructure costs typically associated with greenfield development. Furthermore, redevelopment of these brownfield sites would remove brownfield “eyesores” from a number of neighbourhoods and help to promote neighbourhood stability and further neighbourhood revitalization.

1.3.2 Environmental Benefits

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

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

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

² Regional Analytics. 2002.

³ See for example, Environment Canada. 1998.

⁴ Regional Analytics. 2002.

⁵ Deason et.al. 2001.

⁶ Hara Associates. 2003.

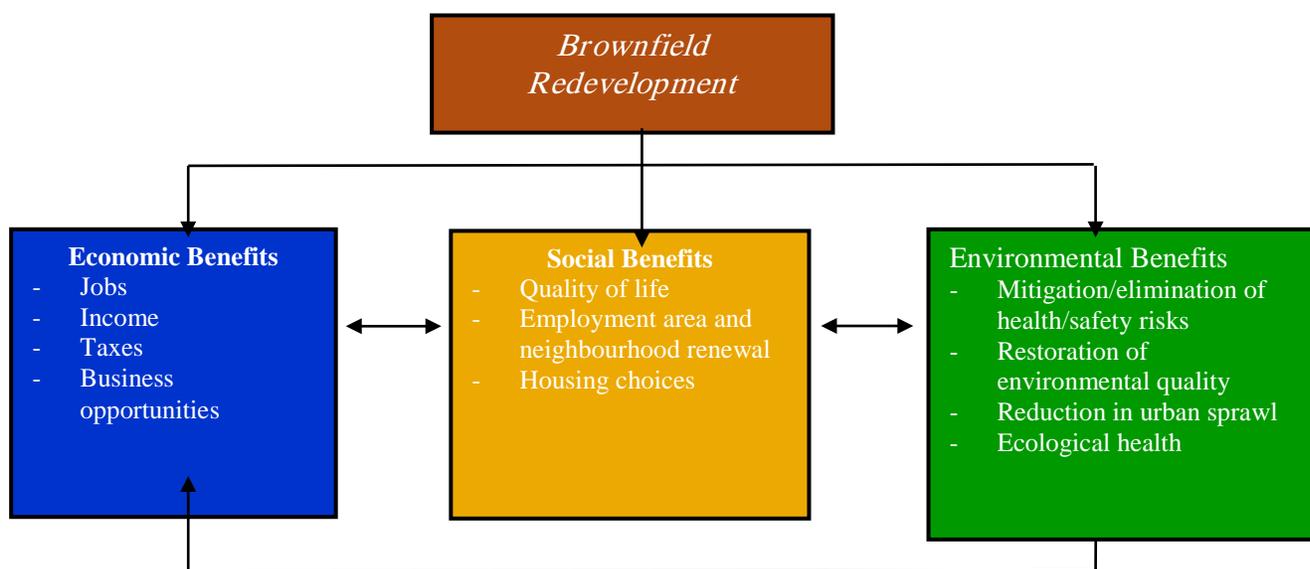
1.3.3 Social Benefits

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

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

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

Figure 1 Benefits of Brownfield Redevelopment



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

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

1.4 Purpose of the 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 City of Port Colborne.

This CIP was developed based on:

- a) a Brownfields Background Report (November 2008) containing a thorough review of:
 - i) brownfield related legislation and regulations;
 - ii) background information and applicable provincial, regional and local policies relating to brownfield redevelopment; and,
 - iii) best practices used in other municipalities to promote brownfield redevelopment;
- b) experience preparing brownfield redevelopment strategies and CIPs in several other Niagara Region municipalities and municipalities across Ontario;
- c) a review of thirty-eight (38) identified potential brownfield sites in the City of Port Colborne to determine key impediments to redevelopment of those sites; and,
- d) input obtained from City staff.

Based on the critical needs analysis contained in Section 3.0, this CIP outlines the key impediments to, and opportunities for, brownfield redevelopment in Port Colborne. Then, a comprehensive package of incentive programs and strategic municipal leadership actions was designed to help overcome the impediments to brownfield redevelopment in Port Colborne.

1.5 Goals of the Brownfield CIP

The main goal of this Brownfield CIP is to promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Port Colborne in a fiscally responsible and sustainable manner over the long term.

Other goals of this CIP for the City of Port Colborne include:

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

1.6 Report Outline

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

Section 3.0 presents the critical needs analysis leading to the key impediments and opportunities for brownfield redevelopment in Port Colborne.

Section 4.0 presents the recommended community improvement project area.

Section 5.0 outlines the recommended incentive programs designed to stimulate private sector redevelopment of brownfield sites.

Section 6.0 contains a municipal leadership strategy to be implemented by the City of Port Colborne to provide even better support and leadership on brownfield redevelopment projects.

Section 7.0 contains a monitoring program to monitor the results of the incentive programs and municipal leadership strategy.

Section 8.0 contains a basic marketing strategy that should be used to market the incentive programs and redevelopment opportunities in Port Colborne.

Section 9.0 contains a short conclusion to the CIP.

Section 10.0 provides a list of references cited in the CIP.

2.0 LEGISLATIVE AND POLICY FRAMEWORK

2.1 Municipal Act, 2001

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

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

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

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

2.2 Planning Act – Section 28 (Community Improvement)

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

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

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

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

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

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

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

2.3 Provincial Policy Statement (PPS) 2005

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

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

The PPS also supports Smart Growth through urban growth management. For example, section 1.1.3.3 of the PPS states “planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”. Therefore, the PPS supports brownfield redevelopment as a way to achieve the goal of promoting intensification and redevelopment. Other policies in the PPS (sections 1.1.1 a), 1.1.1 g) and 1.6.2) support the management of growth to achieve efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The redevelopment of brownfields has a role to play in this regard.

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

2.4 Places to Grow Growth Plan

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

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

2.5 Smart Growth in Niagara

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

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

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

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

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

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

2.5.1 Waiver/Exemption from Regional Development Charges

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

2.5.2 Property Rehabilitation and Redevelopment Tax Increment Funding Program

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

2.5.3 Environmental Assessment Study Grant Program

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

2.6 Port Colborne Official Plan

The New Official Plan for the City of Port Colborne was adopted by City Council in October of 2006. This New Official Plan is awaiting approval by the Region. Key policies in the Plan with relevance for the Brownfield CIP are described below.

2.6.1 Taking Advantage of Underutilized Lands

Section II-B6 of the Official Plan includes a strategy for the City to take advantage of underutilized lands through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement. This includes the City:

- a) Aggressively pursuing the remediation of contaminated older industrial lands (Policy II-B6a);
- b) Reusing some of the older industrial lands along the waterfront and canal for tourism, recreational, residential and other uses that reintegrate these lands into community life; and,
- c) Provide for new canal related, non noxious industrial uses adjacent to commercial uses in the harbour area.

2.6.2 Community Improvement

Section VI of the Official Plan contains policies on Community Improvement. These policies are based on the report on Official Plan policies submitted to the City by RCI Consulting in October of 2005. These Community Improvement policies were prepared in accordance with the Region's Model Community Improvement Policies. The full text of the Community Improvement policies in the City of Port Colborne Official Plan are contained in Appendix B.

Section VI-A1 of the Official Plan describes how the City will accomplish community improvement through the designation of community improvement project areas and preparation, adoption and implementation of community improvement plans. This section of the Official Plan allows the entire urban area or part of the urban area of the city to be designated as a community improvement project area.

Section VI-A2 of the Official Plan outlines the criteria and priority for designation of a community improvement project areas and preparation and adoption of community improvement plans. The Brownfield CIP meets several of the criteria including criteria VI-A2a7 which is "known or perceived environmental contamination".

Section VI-A3a identifies the objectives of community improvement plans. Again, the Brownfield CIP meets several of these objectives including objective VI-A3a13 which is to "encourage the remediation and redevelopment of brownfields".

Section VI-A3b specifies the minimum content requirements of a CIP. This Brownfield CIP meets or exceeds all these minimum content requirements.

Section VI-A4 outlines a full range of actions that the City can undertake to implement a CIP and these actions have been included (as applicable) in this CIP.

The Community Improvement policies in the Official Plan were reviewed in light of changes to Section 28 of the *Planning Act* since October 2005 and Community Improvement policies adopted by other municipalities in the Region of Niagara since October of 2005. The policies in Section VI of the Official Plan remain current and provide good support and direction for the preparation of CIPs.

2.7 Port Colborne Harbour and Waterfront Revitalization Strategy

In 2003 and early 2004, Urban Strategies and a number of sub-consultants, including RCI Consulting, prepared a number of background reports for the Port Colborne Harbour and Waterfront Revitalization Strategy. These reports were submitted to the City but were never officially endorsed by the City or forwarded to Council for endorsement as completion of the Strategy was put on hold in 2004. Still, a number of these reports contain information that is relevant to the Brownfield CIP. A brief summary of the reports with information relevant to the Brownfield CIP is provided below.

2.7.1 Infrastructure Assessment

City of Port Colborne staff indicated that the only potential brownfield area within the urban area that is impacted by servicing constraints is the East Harbourfront lands. Therefore, the following servicing reports supplied by the City were reviewed:

- i) Port Colborne Infrastructure Needs Final Report (April 1992), prepared by CH2M Hill Engineering Ltd.; and,
- ii) City of Port Colborne Waterfront Redevelopment Water and Sewer Infrastructure Assessment (2004), prepared by CH2M Hill Canada Limited.

In addition to an extraneous flow control program and a water conservation program, the 1992 report recommended structural improvements including upgrades at three of the primary pumping stations (Union Street, Omer Street and Elm Street) that feed the Seaway Water Pollution Control Plant (WPCP). The report also recommended upgrades to the Seaway WPCP in the long term. These pumping station upgrades and upgrades to the Seaway WPCP were completed by the Region in the years following the 1992 report.

The 2004 report concluded that for the lands east of the Welland Canal, major Regional facilities can accommodate significant increases in the flows to the pumping and treatment facilities, except for the Nickel Street pumping station on the east side of the Canal. The report notes that this will restrict additional development to low sewage flow development and upgrades to the Nickel Street pumping station would be required. Only minor upgrades to the Nickel Street pumping station were completed during the past two years. Major upgrades to the Nickel Street pumping station will depend on the level of additional development that is contemplated for the east side of the Welland Canal.

The 2004 report identified sufficient water treatment plant production and pumping capacities and noted that development requiring normal usage of water can proceed without restrictions.

In terms of stormwater management, the 2004 report concluded that the storm water system in Port Colborne is generally a fractured system and that none of the existing systems could be utilized for future storm sewer extensions unless each system was examined and modeled in detail. The report also concluded that with the close proximity of open waters, there are readily available outlets for suitably designed storm sewers.

2.7.2 Environmental Analysis

CH2M Hill Canada Limited prepared a memorandum report in January of 2004 that documented environmental issues that need to be considered in the development of a revitalization strategy for the Port Colborne Harbourfront. This was by no means an exhaustive analysis, but an assimilation of pertinent information for a number of environmental studies and information available at the time. This

memorandum report was reviewed. For purposes of the Brownfield CIP, the relevant conclusions and recommendations from this report are presented below:

2.7.2.1 Key Conclusions

- Previous land uses in the study area have resulted in legacy environmental issues related to residues and by-products from industrial and commercial activity. Considerable effort has been expended to characterize these sites and solutions are actively being developed for many properties by several large corporate and government owners.
- There are significant environmental constraints for revitalization on or adjacent to the former INCO refinery site which represent a significant but not insurmountable challenge.

2.7.2.2 Key Recommendations

- Environmental site assessments should be considered for any former industrial lands that are critical to revitalization but where there is currently no knowledge of the presence or significance of historical environmental liabilities.
- Transport Canada and INCO, as well as any other owners who are actively developing site remediation/closure plans should be approached by the City to collaborate on an integrated revitalization plan, thereby taking advantage of any synergies that may exist in these efforts.
- Mapping should be completed to delineate areas of Federal lands relative to residential land use guidelines in addition to industrial/commercial guidelines used in existing reports.

2.7.3 Economic Development Incentive Tools

In October of 2003, RCI Consulting prepared a report on economic development incentive tools for the Harbour and Waterfront Revitalization Strategy. This report included a review of:

- Best Practices for brownfield redevelopment programs in a number of Ontario and U.S. municipalities;
- Waterfront redevelopment programs and corporations in Canada and the U.S.; and,
- The Port Colborne Smart Growth Development Incentives approved by City Council on July 14, 2003.

Based on this review, a series of Guiding Principles and Recommendations were developed for the Harbour and Waterfront Revitalization Strategy. These Guiding Principles and Recommendations dealt with the new Official Plan, the City's planning application review process, the Port Colborne Smart Growth Development Incentives, brownfield redevelopment incentives, municipal leadership on brownfields, and potential use of a waterfront redevelopment corporation. The recommendations pertaining to the new Official Plan and the City's planning application review process have been implemented. Many of the other recommendations on brownfield redevelopment incentives and municipal leadership on brownfields have been incorporated into this Brownfield CIP.

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

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

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

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

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

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

2.9 Federation of Canadian Municipalities (FCM) Green Municipal Funds

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

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

3.0 CRITICAL NEEDS ANALYSIS

3.1 Introduction

In order to inform the development of an effective Brownfield CIP for the City of Port Colborne, the key impediments to and opportunities for brownfield redevelopment in the City had to be determined. Therefore, a critical needs analysis was conducted. Appropriate incentive programs and municipal leadership initiatives were then developed based on the critical needs analysis.

The critical needs analysis was completed using a variety of information sources, including:

- a) A review of background policy reports, plans, and studies including municipal, regional, provincial and federal documents in order to establish the range and type of possible program policy responses (see Brownfields Background Report);
- b) A review of best practices in other municipalities (see Brownfields Background Report);
- c) The key impediments to brownfield redevelopment identified by the National Roundtable on the Environment and the Economy (NRTEE) in their 2003 National Brownfield Redevelopment Strategy for Canada;
- d) A public meeting held on September 3, 2008 at Port Colborne City Hall;
- e) Experience in preparing brownfield redevelopment strategies and CIPs in several other Niagara Region municipalities;
- f) A review of the thirty-eight (38) identified potential brownfield sites in the City of Port Colborne to determine key impediments to redevelopment of those sites; and,
- g) Input from City staff at key stages of the CIP preparation process.

3.2 Key Impediments

The following list presents the key impediments to brownfield redevelopment in Port Colborne. Each impediment has been categorized as primary (P) or secondary (S) to the realization of brownfield redevelopment in the City.

- Significant cost of environmental remediation on a number of sites due to contamination caused by past uses (P);
- Lack of funding and financing for the upfront costs of brownfield redevelopment, including environmental site assessment and remediation (P);
- Infrastructure constraints due to age, condition or capacity (P);
- Significant costs associated with demolition or retrofit of existing buildings (P) – half (19) of the 38 identified potential brownfield sites have buildings on them, and of these 19 sites, 14 are judged to have buildings with little or no reuse/adaptive reuse potential, i.e., the only likely option for these 14 sites is demolition of the existing building(s);
- Difficulty obtaining project financing from traditional sources of development capital (P);
- Lack of public education and awareness about brownfields and brownfield redevelopment (P);
- Lack of a marketing strategy to make the business community aware of brownfield redevelopment and the incentives available for brownfield redevelopment (P);
- Lack of local and regional developer experience and education pertaining to brownfield redevelopment matters, including the municipal incentives, provincial remediation requirements and technologies and long-term liability (S);
- Difficulty determining reuse/rehabilitation/retrofit/redevelopment options for existing buildings and properties (S);
- Need for proactive support and leadership from the City on brownfields (S); and,

- Lack of accessible information on the location of brownfields and brownfield redevelopment opportunities in Port Colborne (S).

The Brownfield CIP addresses a number of these impediments through inclusion of the incentive programs, a municipal leadership strategy, and a proactive marketing strategy designed to address the education and information issues identified above.

3.3 Opportunities for Brownfield Redevelopment

A number of opportunities for brownfield redevelopment in the City of Port Colborne were identified as follows:

- Seventeen (17) of the 38 identified potential brownfield sites feature waterfront or canal-front property lines;
- Seven (7) of the 38 identified potential brownfield sites are 5 acres or more in size with three sites being over 10 acres in size and one site over 100 acres in size;
- In total, the 38 potential brownfield sites offer just over 210 acres of potentially developable land, most of it in good locations.
- Numerous identified brownfield sites are located within the Central Business District (for which a CIP is being prepared) or within the Main Street Community Improvement Project Area (Olde Humberstone Main Street Area CIP) where a CIP already exists;
- Due to historical land uses, a number of the identified potential brownfield sites are likely of low to moderate risk of environmental contamination, and any contamination present would likely be minor in nature; and,
- Land prices are reasonable, providing opportunities for development through small business investment, affordable infill housing, as well as opportunities for new industrial development for compatible employment uses.

As suggested in the Guiding Principles section of the Brownfields Background Report, this CIP contains a number of proactive actions to promote brownfield redevelopment and take advantage of the opportunities described above. These proactive actions include:

- Implementing financial incentive programs to assist with the costs of environmental assessment, remediation, infrastructure replacement and upgrading, and building rehabilitation/demolition.
- Promoting the inclusion of Smart Growth principles and energy efficient design and construction in brownfield redevelopment projects by providing more generous incentives for brownfield redevelopment projects that incorporate Smart Growth principles, utilize more environmentally sustainable remediation techniques, and attain Leadership in Energy and Environmental Design (LEED) certification;
- Once the CIP is approved, increasing awareness around brownfield redevelopment and educating developers, property owners, real estate professionals and the general public with respect to the opportunities for, and the community benefits of brownfield redevelopment and the available incentive programs;
- Continuing the City's proactive and prominent leadership role in acquiring brownfield sites through the tax sales process or otherwise, and preparing and offering these sites for redevelopment, e.g., through the RFP process; and,
- Provide a focused point of contact for brownfields projects through the creation or assignment of a brownfield coordinator position with that staff person coordinating municipal staff and serving as a liaison between brownfields stakeholders.

4.0 RECOMMENDED COMMUNITY IMPROVEMENT PROJECT AREA

An inventory of 38 potential brownfield sites was identified by the City of Port Colborne. Many of these sites are vacant former industrial or commercial uses or currently operating but underutilized industrial/commercial uses. In total, the 38 identified sites comprise just over 210 acres, ranging in size from 0.1 acres to 107.9 acres. The geographic distribution of the 38 sites shows a concentration on the waterfront (at the entrance to the Welland Canal) and on the Canal itself. However, a number of sites are also spread across the city on both sides of the Canal.

As noted in the Best Practices Review contained in the Brownfields Background Report, the prevailing trend in municipalities now preparing comprehensive Brownfield CIPs is to designate the entire municipality, or at least the entire urban area, as the community improvement project area to which their Brownfield CIP will apply. Based on the location of potential brownfield sites in the City of Port Colborne and the possibility of other brownfield sites existing within the city that have not been identified, it is recommended that the entire urban area of the City of Port Colborne, as amended from time to time, be designated as the community improvement project area for the Brownfield CIP.

5.0 INCENTIVE PROGRAMS

The incentive programs contained in this CIP represent a comprehensive framework containing a range of programs that are designed to stimulate local brownfield redevelopment by addressing the critical needs identified in Section 3.0. The financial incentive programs are primarily directed at the private sector and are designed to encourage private sector remediation and rehabilitation, adaptive reuse and construction activity on brownfield sites.

The incentive programs contained in this CIP can be used individually or together by an applicant but in no case can two or more programs be used to pay for the same eligible cost, i.e., double dipping is not permitted. Also, the total of all grants, loans and tax assistance provided for the lands and buildings of an applicant under the incentive programs contained in this CIP shall not exceed the eligible cost of the community improvement plan for said land and buildings.

A summary of the recommended incentive programs is shown in Figure 2. A description of each incentive program including the purpose, type, eligibility requirements and recommended program duration is provided in the subsections that follow. Administrative guidelines for each of the incentive programs (except the Brownfields Development Charge Exemption Program) are provided in Appendices C to G.

The Brownfield Development Charge Exemption Program does not actually form part of the Brownfield CIP because it must be implemented via an amendment to the City's Development Charges By-law rather than by inclusion in the CIP. Therefore, because the amendment to the City's Development Charges By-law is outside the scope of the *Planning Act*, the Development Charge Exemption Program is only referenced in the CIP and does not form part of the CIP.

The incentive programs will be augmented by a proactive Municipal Leadership Strategy (see Section 6.0). A Monitoring Program will monitor municipal funds expended on the incentive programs and program results (see Section 7.0). Finally, a basic Marketing Strategy for the incentive programs is outlined in Section 8.0.

Figure 2 Summary of Incentive Programs

Program Name	Program Description	Recommended Program Duration⁸
Feasibility Study Grant Program	<ul style="list-style-type: none"> - 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. 	- Approximately 5 years with option to extend for up to another 5 years.
Environmental Site Assessment Grant Program	<ul style="list-style-type: none"> - Grant equivalent to 50% of the cost of an eligible environmental site assessment, remedial action plan or risk assessment. - Maximum grant of \$15,000 per environmental study. - Maximum of 2 studies per property/project. - Maximum total grant of \$25,000 per property/project. 	- Approximately 5 years with option to extend for up to another 5 years.
Brownfield Property Tax Assistance Program	<ul style="list-style-type: none"> - Cancellation of the municipal property tax increase and the education property tax increase for up to 3 years. 	- Approximately 5 years with option to extend for up to another 5 years.
Brownfield Rehabilitation Grant Program	<ul style="list-style-type: none"> - Grant equivalent to between 60% and 100% of the municipal property tax increase created by the project for up to 12 years after project completion. - Grant level is dependent on incorporation of Smart Growth principles, and Leadership in Energy and Environmental Design (LEED) standard achieved (No Certification, Certified, Silver, Gold, or Platinum), or incorporation of a treatment based remediation approach rather than dig and dump. 	- Approximately 10 years with the option to extend for up to another 5 years.
Building Permit Fee Grant Program	<ul style="list-style-type: none"> - Grant equivalent to 100% of the building permit fees paid. 	- Approximately 5 years with option to extend for up to another 5 years.
Brownfields Development Charge Exemption Program⁹	<ul style="list-style-type: none"> - Up to 70% reduction of development charge payable on a brownfield site approved under the Brownfield Rehabilitation Grant Program. 	- Approximately 5 years with option to extend for up to another 5 years.

5.1 General Program Requirements

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

- a) Application for any of the incentive programs can be made only for properties within the Community Improvement Project Area;
- b) For the purposes of making application for any of the incentive programs in the CIP (except for the Project 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

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

⁹ Note that this program does not form part of the CIP.

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) 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;
- d) The City reserves the right to audit the cost of project feasibility studies, environmental studies, environmental remediation works, and/or rehabilitation works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- e) The City 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;
- f) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the City, the City may delay, reduce or cancel the approved grant and/or tax assistance;
- g) The City 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;
- h) 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;
- i) 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;
- j) Except for the Project 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 City (including tax arrears) must be addressed to the City's satisfaction prior to grant and/or tax assistance payment;
- k) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- l) The total of all grants, loans and tax assistance provided for the particular lands and buildings of an applicant under the programs contained in the CIP shall not exceed the eligible costs of the CIP with respect to those lands and buildings; and,
- m) Applicants approved for the programs contained in the CIP will be required to complete the approved works within timeframes specified by the City.

5.2 Feasibility Study Grant Program

5.2.1 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.

5.2.2 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 City.

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.

Review and evaluation of an application and supporting materials against program eligibility requirements will be done by City staff and a decision on the grant application will be made by City staff. Applications will be processed and approved on a first come, first serve basis, subject to availability of funding as approved by Council.

Grants approved under this program would be provided to applicants following submission to the City 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 City 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 City Council.

5.2.3 Requirements

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

- a) A grant application must be submitted to the City 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 City;
- 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 City for the City's review and retention.

5.3 Environmental Site Assessment (ESA) Grant Program

5.3.1 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.

5.3.2 Description

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

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

- a) \$15,000 per study;
- b) two studies per property/project; and,
- c) \$25,000 per property/project.

Eligible environmental studies include a Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and a Risk Assessment. Environmental site assessment grants will only be

offered on eligible properties where there is potential for rehabilitation and/or redevelopment of the property.

Review and evaluation of an application and supporting materials against program eligibility requirements will be done by City staff and a decision on the grant application will be made by City staff. Applications will be processed and approved on a first come, first serve basis, subject to availability of funding as approved by Council, with a higher priority being placed on applications for sites where planning approvals are not required or sites where planning applications have been submitted.

Grant payments approved under this program would be provided to applicants following submission to the City 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 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 City 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.

5.3.3 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 City Council:

- a) An application must be submitted to the City prior to the start of any environmental study to which the grant will apply;
- b) If the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and conduct the study.
- c) Environmental studies shall be for the purpose of:
 - i) confirming and describing contamination at the site (partial or complete Phase II ESA);
 - ii) surveying designated substances and hazardous materials at the site (Designated Substances and Hazardous Materials Survey);
 - iii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan/Risk Assessment);
- d) Applicants must complete and submit to the City 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 City for review.

5.4 Brownfield Property Tax Assistance Program (TAP)

5.4.1 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 tax increase 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.

5.4.2 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 (City 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*.

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 such time period as is approved by the Minister of Finance¹⁰, whichever comes first.

As part of the tax assistance provided to the applicant, the City 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 (City and Region) property tax increase. The matching Regional portion of the property tax increase to be cancelled is subject to approval by Regional Council. The tax assistance provided by the

¹⁰ Generally, matching education property tax assistance will last for a maximum of three (3) years. Extensions are subject to the approval of the Minister of Finance.

Region may be delivered on a different schedule than the tax assistance provided by the City and may be subject to additional conditions.

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 City and the Region, and may be subject to additional conditions.

If a property that has been approved for brownfields tax assistance is severed, subdivided, sold or conveyed prior to the end of the tax assistance period specified above, both the education property tax assistance and the municipal property tax assistance will automatically end.

Any property approved for tax assistance will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City 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 City, the City must supply a copy of the proposed by-law to Regional Council. Regional Council must by resolution agree that the by-law will also provide for a matching equivalent cancellation of the Regional property tax increase for up to 3 years. In order for the by-law to apply to education property taxes, before it is passed by the City, the by-law must be approved in writing by the Minister of Finance.

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

It is recommended that the Brownfields Property Tax Assistance Program be offered for an initial period of approximately 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 City Council, Regional Council and the Province.

5.4.3 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 City Council, Regional Council and the Minister of Finance:

- a) An application must be submitted to the City 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;
- d) As a condition of the application, the City may require the applicant to submit a Business Plan for redevelopment of the property (as applicable), with said Plan to the City'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 City 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, the tax assistance provided (plus interest) will become payable to the City 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 City proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

5.5 Brownfield Rehabilitation Grant Program

5.5.1 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 Brownfields 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.

5.5.2 Description

The Rehabilitation Grant Program will provide a financial incentive in the form of an annual grant for up to twelve (12) 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. 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 Tax Assistance Program end. 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;
- k) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;

- l) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.

In no case will the total amount of the grant provided under the 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 City receives the incremental property taxes that result from the rehabilitation project, the City will reimburse the applicant in the form of an annual grant equivalent to a percentage of the increase in municipal taxes that results from the project for a period of up to twelve (12) years, or up to the time when total grant payments equal total eligible costs, whichever comes first.

The Brownfield Rehabilitation Grant has been structured to help promote the inclusion of Smart Growth principles, more environmentally sustainable remediation approaches/ technologies, and energy efficient design and construction into brownfield redevelopment projects. Therefore, the Brownfield Rehabilitation Grant equals:

- a) 100% of the municipal property tax increase for projects that incorporate:
 - i) all five (5) of the Smart Growth principles in Appendix A; or,
 - ii) a treatment based remediation approach, i.e., in-situ or ex-situ treatment (not dig and dump); or,
 - iii) any level of LEED certification;
- b) 80% of the municipal property tax increase for projects that incorporate four (4) of the five (5) Smart Growth principles in Appendix A;
- c) 60% of the municipal property tax increase for all other projects.

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

The amount of municipal (City 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 (City 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 City Council.

5.5.3 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 City Council:

- a) A grant application must be submitted to the City 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 City 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 City may require the applicant to submit a Business Plan, with said Plan to the City'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;
 - xii) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.
- g) All applicants participating in this program will be required to enter into an agreement with the City which will specify the terms of the grant;
- h) All Brownfield Rehabilitation Grant Program applications and agreements must be approved by City Council or City Council's designate;
- i) If a building(s) erected on a property participating in this program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;
- j) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

5.6 Building Permit Fee Grant Program

5.6.1 Purpose

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

5.6.2 Description

The 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 City will provide a grant equivalent to 100% of building permit fees paid.

The City may elect to pay the Building Permit Fee Grant as a component of the grant approved under the Rehabilitation Grant Program.

It is recommended that the 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 City Council.

5.6.3 Requirements

All 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 City Council:

- a) Applicants must have an approved Brownfield Property Tax Assistance application and/or an approved Brownfield Rehabilitation Grant application.

5.7 Brownfield Development Charge Exemption Program

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

5.7.1 Purpose

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

5.7.2 Description

Most, but not all of the potential brownfield sites in the Community Improvement Project Area are already serviced with adequate water and sewer services and roads. Therefore, large scale redevelopment of these brownfield sites should result in only incremental increases for both hard and soft services. However, large scale brownfield redevelopment in some areas, such as along Welland Street south of Clarence Street West, may result in more significant increases in demand for both hard and soft services. Yet, it is recognized that the total cost to provide these incremental services will be substantially lower than to provide new infrastructure and other services if this development were to take place in greenfield areas of the city. As such, there is a financial rationale for a lower development charge for brownfield redevelopment in the Community Improvement Project Area. And, the exemption of development charges has been shown to be a major incentive to promote brownfield redevelopment in other municipalities.

In an effort to promote new residential and commercial development in downtowns, built-up urban areas, and brownfield areas, the Region passed a development charge waiver/exemption program in 2002 (Regional Report CSD 151-2002/DPD 131-2002). This was followed in 2003 with a report that outlined the administrative procedures for implementation of the development charge waiver/exemption program (Regional Report CSD 39-2003/DPD 48-2003), and in 2004 by Region Development Charge By-law 90-2004 which formalized the exemption 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. 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 where said development includes at least three of the Region's five Smart Growth design principles (see Appendix A).

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

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

The Brownfield Development Charge Exemption Program will provide a financial incentive in the form of a reduction of City development charges payable equal to the cost of environmental remediation (Items ii) – vii) in Section 5.5.3 f) of this CIP) approved under the Brownfield Rehabilitation Grant Program. This reduction of development charges will equal up to 70% of the City 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 (development charges exempted) will be deducted from the Brownfield Rehabilitation Grant to be paid. In the case of any project that achieves at least an 80% tax increment grant level under the Brownfield Rehabilitation Grant Program, the costs of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfield Rehabilitation Grant to be paid.

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

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

5.7.3 Requirements

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

- a) All properties considered eligible for the Development Charge Exemption 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 Exemption Program;
- c) As a condition of development charge exemption, the City 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;
- e) Existing and proposed land uses must be in conformity with the Official Plan, Zoning By-law, Secondary Plans, Community Improvement Plans, and other planning requirements;
- f) All improvements made to properties shall be made pursuant to a building permit, and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals;
- g) Outstanding work orders and/or orders or requests to comply from the City must be addressed to the City's satisfaction prior to development charge exemption; and,
- h) This program does not apply to security deposits or cash-in-lieu payments required as a result of the application.

6.0 MUNICIPAL LEADERSHIP STRATEGY

6.1 Purpose

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

- a) provide enhanced support and leadership on brownfield redevelopment projects;
- b) promote brownfield redevelopment that meets Smart Growth principles;
- c) complement the financial incentive programs; and,
- d) improve the overall image of Port Colborne as a good community for investing in brownfield redevelopment projects.

6.2 Municipal Actions

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

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

Therefore, the City of Port Colborne may engage in any of these activities as part of its Brownfield Municipal Leadership Strategy in order to promote the undertaking of targeted projects that are identified and approved by the City.

The City of Port Colborne has been very active for a number of years in acquiring brownfield sites through the tax sales process. The City has also been active in issuing Requests for Proposals (RFP's) for the remediation and redevelopment of these sites. The Brownfield Municipal Leadership Strategy includes a continuation of these practices, along with investment and financial involvement/participation in pilot projects and public/private partnerships to clean up and redevelop both publicly and privately owned brownfield sites in Port Colborne. Pilot projects can showcase the use of innovative tools such as alternative approaches to site remediation and risk management, new environmental remediation technologies, the use of environmental insurance, and/or energy efficient building technologies.

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

- a) conduct environmental site assessments on municipally-owned properties that are potentially contaminated;
- b) conduct environmental site assessments on properties controlled or acquired through the tax arrears sales process and conduct requests for proposals (RFPs) on failed tax sale brownfield properties;
- c) remediate, rehabilitate, reuse and improve municipally owned brownfield properties, including undertaking or participating in pilot projects to showcase innovative remediation approaches and

technologies, the use of tools such as environmental insurance, and innovative energy efficiency technologies;

- d) acquire and remediate, rehabilitate, reuse and improve key privately-owned brownfield sites, including sites that have been mothballed by current owners;
- e) fund brownfield pilot projects and public-private partnerships to remediate, rehabilitate, reuse and improve or redevelop privately and publicly owned brownfield properties;
- f) educate and inform the public about the importance of brownfield redevelopment;
- g) provide education, training and informational resources to developers and land owners pertaining to more technical brownfield issues including innovative remediation approaches, environmental liability issues, the LEED certification process, etc...;
- h) work in cooperation with the Port Colborne Economic Development and Tourism Corporation to implement a Marketing Strategy that regularly markets the City's incentive programs and brownfield redevelopment opportunities available to brownfield market makers such as property owners, developers, potential end users, and support professionals in the City, Region and outside the Region of Niagara.

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

The Municipal Leadership Strategy will also provide funding to allow the City 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 City of Port Colborne was successful in obtaining funding from both the Region of Niagara and the Federation of Canadian Municipalities (FCM) to help undertake the preparation of a Brownfield Strategy and CIP. An appropriately funded Municipal Leadership Strategy will allow the City the financial means to leverage FCM funding to help implement this CIP.

It is also recommended that the City 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 MOE on regulatory approvals and expediting City planning and environmental approvals.

6.3 Guideline for Identifying Priority and Pilot Brownfield Sites/Projects

When identifying and evaluating sites for acquisition, partnering or any of the other municipal leadership actions described above, the City should be highly strategic in its approach. The completion of only a few priority or pilot projects in the coming years will be enough to demonstrate the City's commitment to its Brownfield Redevelopment Strategy. Therefore, it is recommended that the City utilize the following criteria when evaluating and selecting priority sites for public/private partnerships and pilot projects for purposes of the Municipal Leadership Strategy:

- a) The site has a good or excellent location with high visibility and proximity to major transportation routes;
- b) The site has been identified as a one of the Top Sites through the Redevelopment Opportunities Inventory process;
- 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 City;
- e) The site is designated under the Ontario Heritage Act or exhibits significant heritage and architectural characteristics;
- f) The site is also in one of the other Community Improvement Project Areas and/or the site has been identified as being within a secondary planning study or urban design study/plan;
- g) The site is causing major land use compatibility issues and is surrounded in whole or in part by residential or other sensitive land uses;
- h) 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;
- i) The proposed project will result in the leveraging of significant private sector investment resulting in a significant increase in property tax revenues, employment and/or residential opportunities;
- j) The proposed project will showcase innovative remediation approaches, technologies, risk assessment approaches and/or Smart Growth design/building principles such as LEED building standards; and,
- k) 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, 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 acquisition, partnering, pilot project status, or any of the other municipal leadership actions described in this CIP.

7.0 MONITORING PROGRAM

7.1 Purpose

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

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

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

7.2 Description

Figure 3 presents a list of the variables that should be monitored by the City of Port Colborne on an individual project and aggregate basis for the incentive programs and the Municipal Leadership Strategy. As well, the feedback received from users of the financial incentive programs should also be considered. It is important that these results of the monitoring program be utilized to help ensure that the incentive programs and the Municipal Leadership Strategy be effective as possible for both small and large brownfield projects.

From a Smart Growth perspective, the City should attempt to monitor the results of the programs in Figure 3 in terms of environmental, financial and social benefits. For example, it is important to highlight environmental and health threats that are removed through the remediation and risk management of contaminated sites. The increase in long-term property tax revenues from a brownfield redevelopment project can be compared to the total municipal financial incentive provided to the project to determine which projects are providing the highest return on investment. The cost savings associated with not having to extend public services into greenfield areas should be monitored. Increases in use of public transit and improvements in property values and social conditions in neighbourhoods where brownfield redevelopment projects are taking place should also be monitored.

Progress on implementation and the empirical results of the incentive programs and the Municipal Leadership Strategy should be reported on a regular basis (at least annually) to City Council. In later years, when the programs are being utilized to their maximum potential, this reporting to Council can even take place semi-annually, if necessary. 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 3 Variables to be Monitored

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

Figure 3 Variables to be Monitored (Cont'd)

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

7.3 Program Adjustments

The feedback from monitoring of the CIP programs may lead to minor revisions to programs contained in the CIP. Therefore, the City 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*.

8.0 MARKETING STRATEGY

8.1 Purpose

It is important to the successful implementation of the Brownfield CIP that the City's incentive programs and the brownfield redevelopment opportunities available in Port Colborne be effectively communicated to property owners, developers, potential end users, and support professionals both within and outside the city. The purpose of this Marketing Strategy is to proactively and regularly advertise and market the City's brownfield redevelopment incentive programs and publicly and privately owned brownfield redevelopment opportunities in order to help implement the Brownfield CIP. Therefore, the City 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 City; and,
- c) educate the public and other stakeholders on environmental site assessment and remediation processes.

8.2 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 Port Colborne;
 - 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 Strategy, the CIP, and site-specific brownfield redevelopment projects.

8.3 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 Port Colborne Brownfield Community Information Package (September 2008) and a description of the financial incentive programs available from the City, including general program requirements and how to apply;

- ii) The Marketing Reports for the Top 8 Redevelopment Sites should be distributed to developers and investors (where the property owners agree). These Marketing Reports should be updated going forward as required;
- iii) The brownfield incentive programs and any brownfield redevelopment success stories should be profiled in planning and economic development publications, newsletters and other publications published by the City of Port Colborne;
- iv) 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 City’s web page should be enhanced via the addition of the aforementioned brochure in pdf. format; and,
- ii) The Marketing Reports for the Top 8 Redevelopment Sites should also be added to the City’s web site (where the property owners agree).

c) Presentations to Brownfield Stakeholders and Support Professionals

- i) The brownfield coordinator/planner or planning and economic development staff should make periodic presentations on the Brownfield Strategy/CIP, available incentives programs, and brownfield success stories to industry groups such as the development community, real estate, environmental and planning consulting, 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 city planning and economic development staff and councillors should attend brownfield conferences in Canada and the United States in order to further educate themselves on brownfield redevelopment and proactively market the City’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.

8.4 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 Port Colborne with most brownfield redevelopment opportunities located in close proximity to the Welland Canal, the Central Business District and the Main Street commercial area;
- 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 City of Port Colborne 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 City of Port Colborne and the Region of Niagara;
- g) Brownfield redevelopment can revitalize blighted residential neighbourhoods and employment areas, resulting in an enhanced quality of life for the residents of Port Colborne;
- h) The City of Port Colborne 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 City wants to find new opportunities and partnerships to deal with brownfields and the City is looking for interest from all types of developers and entrepreneurs (big and small).

9.0 CONCLUSION

The programs and actions contained in this CIP have been developed specifically to address the key impediments to brownfield redevelopment identified during the detailed critical needs analysis. The adoption and approval of this CIP will provide the legislative basis and comprehensive policy framework to guide the City of Port Colborne'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.

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 City devote sufficient resources to this activity and work with the Port Colborne Economic and Tourism Development Corporation to market the CIP programs and brownfield redevelopment opportunities.

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

10.0 REFERENCES

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APPENDIX A

Niagara Region Smart Growth Principles

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

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

APPENDIX B

**Section VI of the City of Port Colborne New Official Plan
Community Improvement**

Preamble (shaded right side of page)

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare community improvement plans for designated community improvement project areas which require community improvement as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for purposes of carrying out the community improvement plan.

A. Policies and Project Areas

A1. General

A1a. The City will accomplish community improvement through:

- A1a1. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, social, community, recreational services, or economic instability;
- A1a2. Establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;
- A2a3. Designation by by-law of Community Improvement Project Areas, the boundary of which may be the entire urban area of the City of Port Colborne, or any part of the Urban Area of the City of Port Colborne, as defined in this Plan and as amended from time to time; and,
- A2a4. Preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.

A2. Community Improvement Project Areas

A2a. The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:

- A2a1. Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;
- A2a2. Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- A2a3. Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
- A2a4. Poor road access and/or traffic circulation;

- A2a5. Deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
 - A2a6. Inadequate mix of housing types;
 - A2a7. Known or perceived environmental contamination;
 - A2a8. Poor overall visual quality and/or urban design, including but not limited to, streetscapes, built form, parks and open space;
 - A2a9. High commercial vacancy rates;
 - A2a10. Existing or potential business improvement areas;
 - A2a11. Vacant lots and underutilized properties and buildings which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
 - A2a12. Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
 - A2a13. Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,
 - A2a14. Any other environmental, social or community economic development reasons.
- A2b. Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
- A2b1. The greatest number of conditions (as established in A2a) are present; and/or,
 - A2b2. Where one or more of the conditions (as established in A2a) is particularly acute; and/or,
 - A2b3. Where one or more of the conditions (as established in A2a) exists across the Urban Area of the city.

A3. Community Improvement Plans

- A3a. Community Improvement Plans shall be prepared and adopted to meet one or more of the following objectives:
- A3a1. Encourage the renovation, repair, remediation and rehabilitation, , or other improvement of lands and/or buildings;
 - A3a2. Encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings and properties;

- A3a3. Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities;
- A3a4. Encourage residential and other types of infill and intensification;
- A3a5. Encourage the construction of a range of housing types;
- A3a6. Encourage the construction of affordable housing;
- A3a7. Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
- A3a8. Maintain, upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
- A3a9. Improve vehicular and pedestrian traffic flow;
- A3a10. Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
- A3a11. Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
- A3a12. Promote the ongoing viability and revitalization of the Downtown, Waterfront/Harbourfront, and other general areas requiring community improvement;
- A3a13. Encourage the remediation and redevelopment of brownfields;
- A3a14. Support existing or potential business improvement areas;
- A3a15. Improve environmental conditions;
- A3a16. Improve social conditions;
- A3a17. Promote cultural development;
- A3a18. Facilitate and promote community economic development; and,
- A3a19. Improve community quality, safety and stability.
- A3b. Community Improvement Plans shall contain at a minimum:
 - A3b1. Statement of purpose;
 - A3b2. Goals and objectives;
 - A3b3. Clear description of the community improvement project area;

A3b4. Critical analysis of the need (justification) for community improvement; and,

A3b5 Description of all incentive programs.

A3c. During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

A4. Implementation

A4a. In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions, including:

A4a1. The municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent;

(a) Clearance, grading, or environmental remediation of these properties;

(b) Repair, rehabilitation, construction or improvement of these properties;

(c) Sale, lease, or other disposition of these properties to any person or governmental authority; and,

(d) Other preparation of land or buildings for community improvement.

A4a2. Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees, and other financial instruments;

A4a3. Provision of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;

A4a4. Application for financial assistance from senior level government programs;

A4a5. Participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement;

A4a6. Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs; and,

A4a7. Support of heritage conservation through the Ontario Heritage Act.

A4b. All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.

A4c. Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.

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 meeting 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 City 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 City.

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

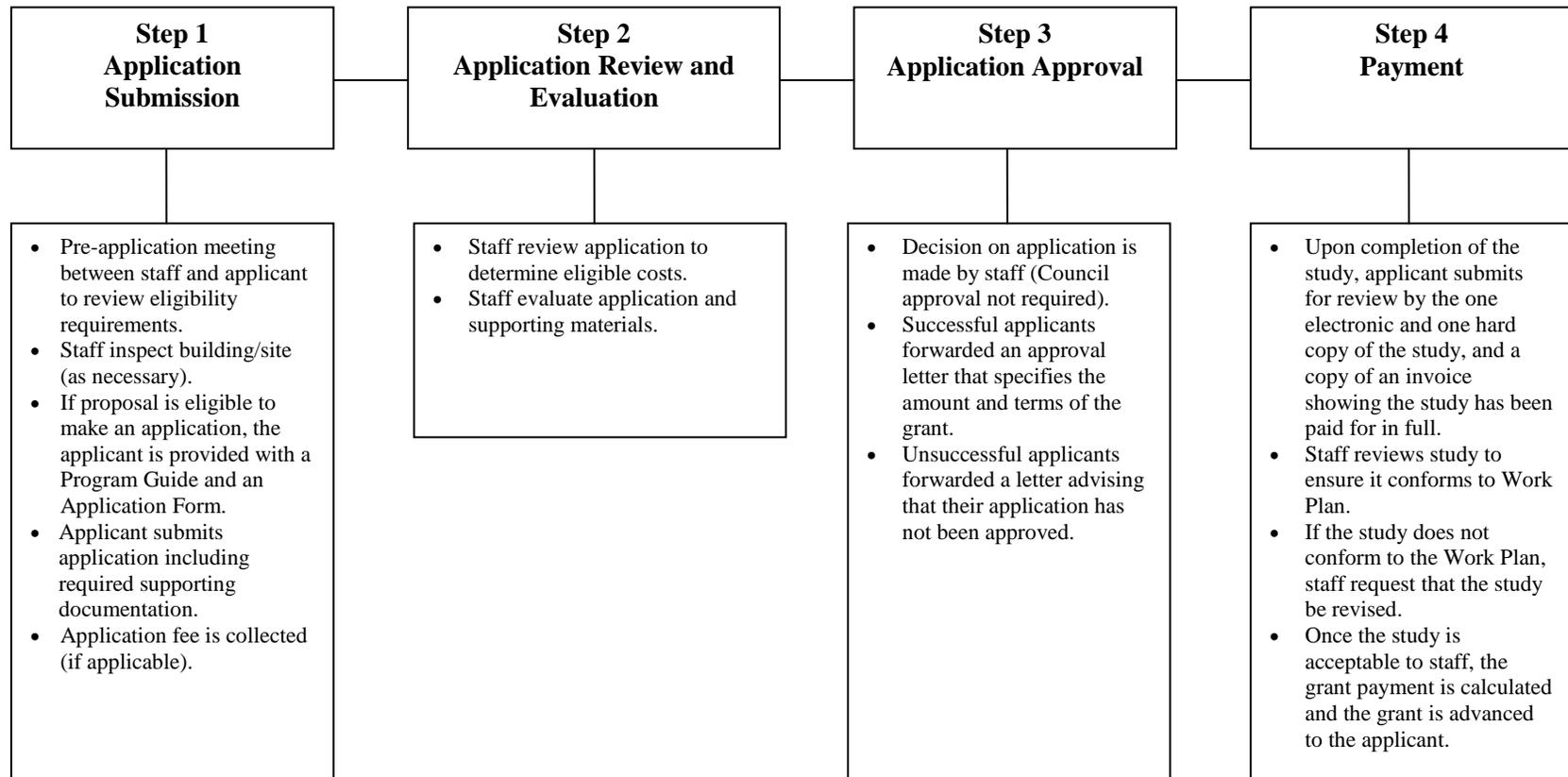
If an application is approved, the applicant will be sent a letter that outlines the terms and the amount of the grant. If an application is not approved, the applicant will also be advised by letter.

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 City 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 City 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 City 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 City.

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.

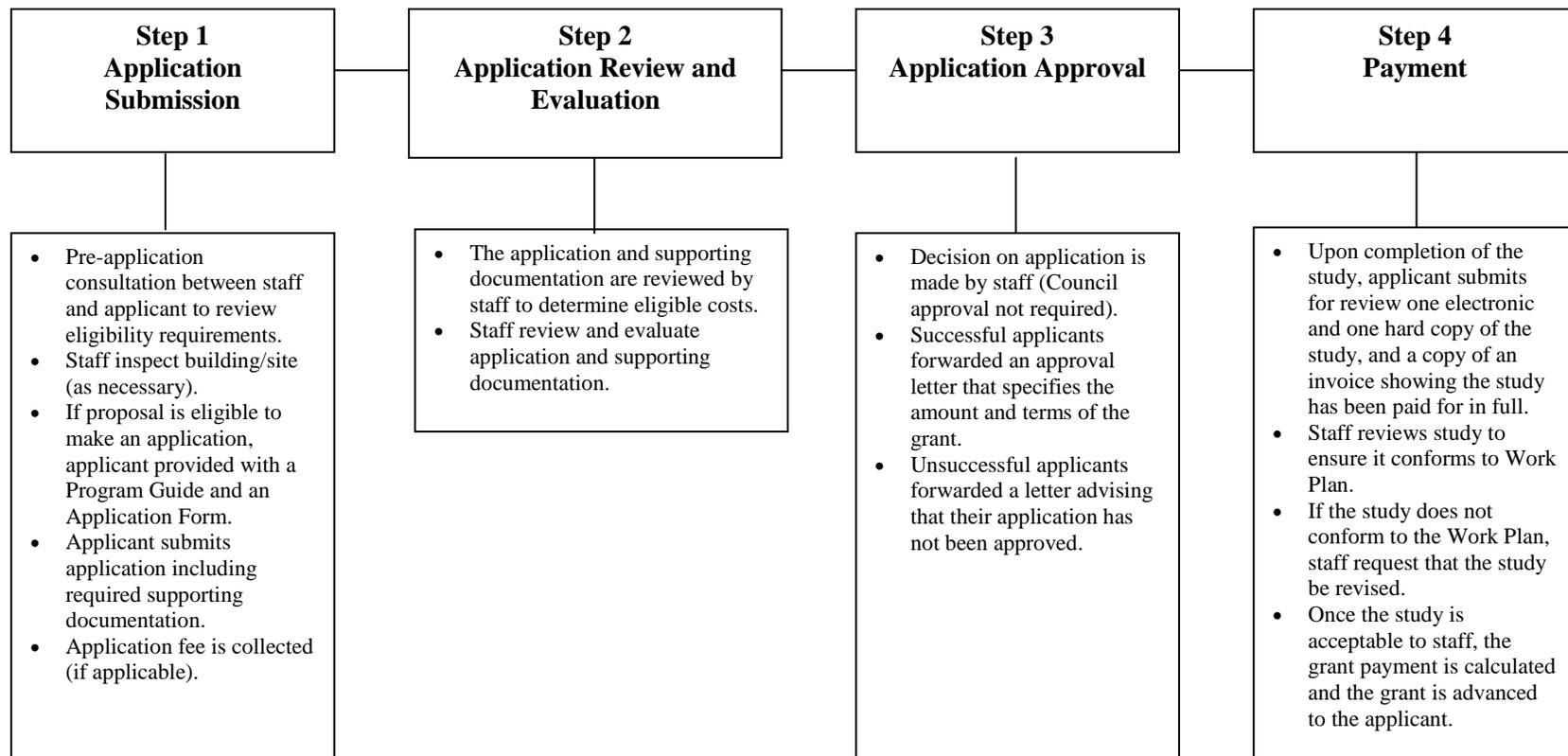
Step 3 Application Approval

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 City for review of one hard copy and one electronic copy of the final completed environmental site assessment with the original invoice, indicating that the study consultants have been paid in full. The grant may be reduced or cancelled if the study is not completed, not completed as approved, or if the consultant(s) that conducted the study have not been paid in full.

Figure 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 City 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 City may also require submission of a Business Plan for the proposed redevelopment project.

Acceptance of the application by the City 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 City.

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 City 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 City and Region may continue to offer municipal tax assistance up to the time period specified for City 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 City 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 City 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 City 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 City.

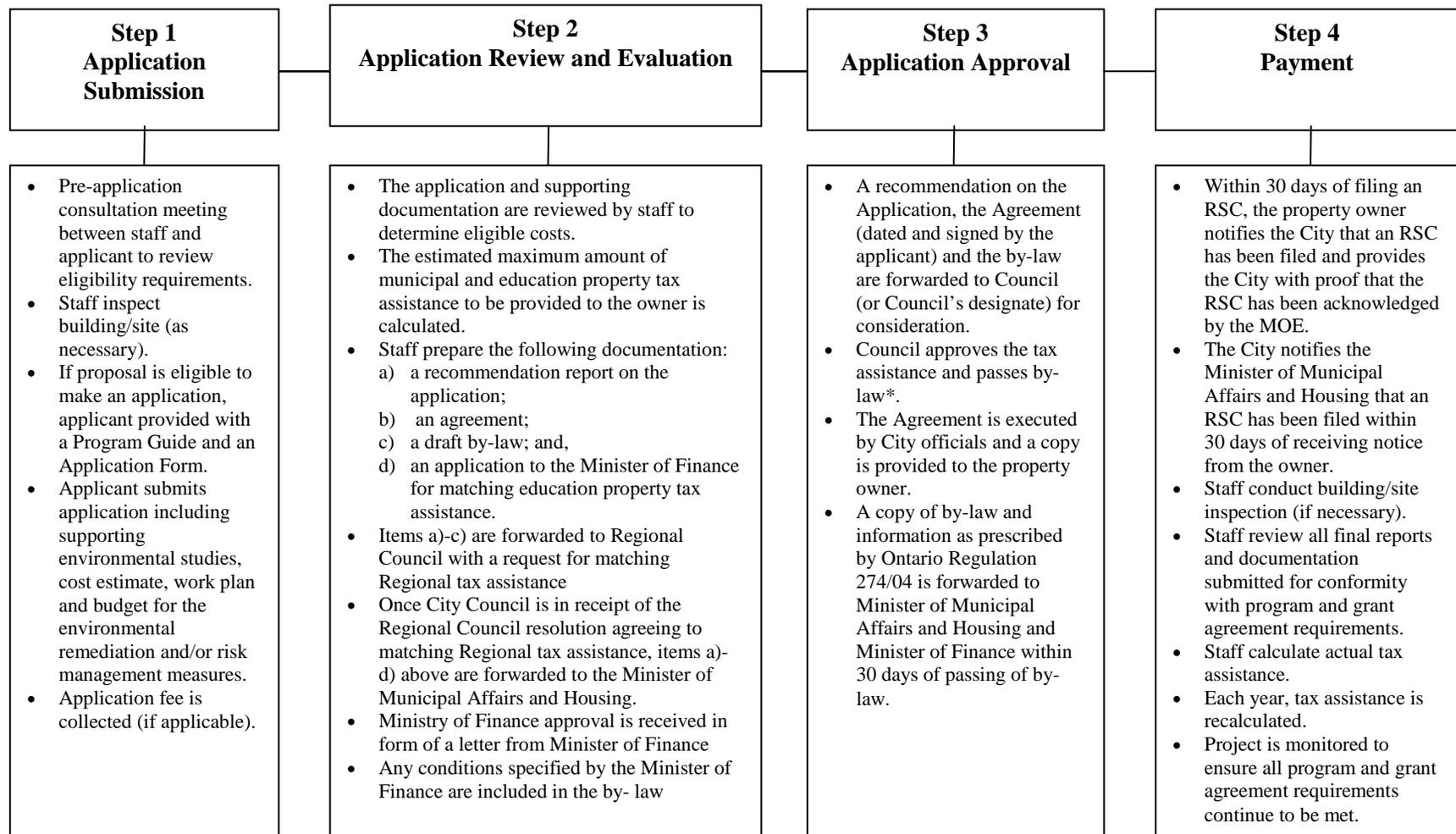
Step 4 Payment

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 City 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 City of the filing, and within 30 days after receiving said notice, the City 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 City 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 (City and Region) conditions related to the rehabilitation and development of the lands. Under a conditional tax assistance scenario, the City 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 City 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 City 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 City may also require submission of a Business Plan.

Acceptance of the application by the City 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 City.

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 (City 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 (City 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 City 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 City 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 City 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 City with:

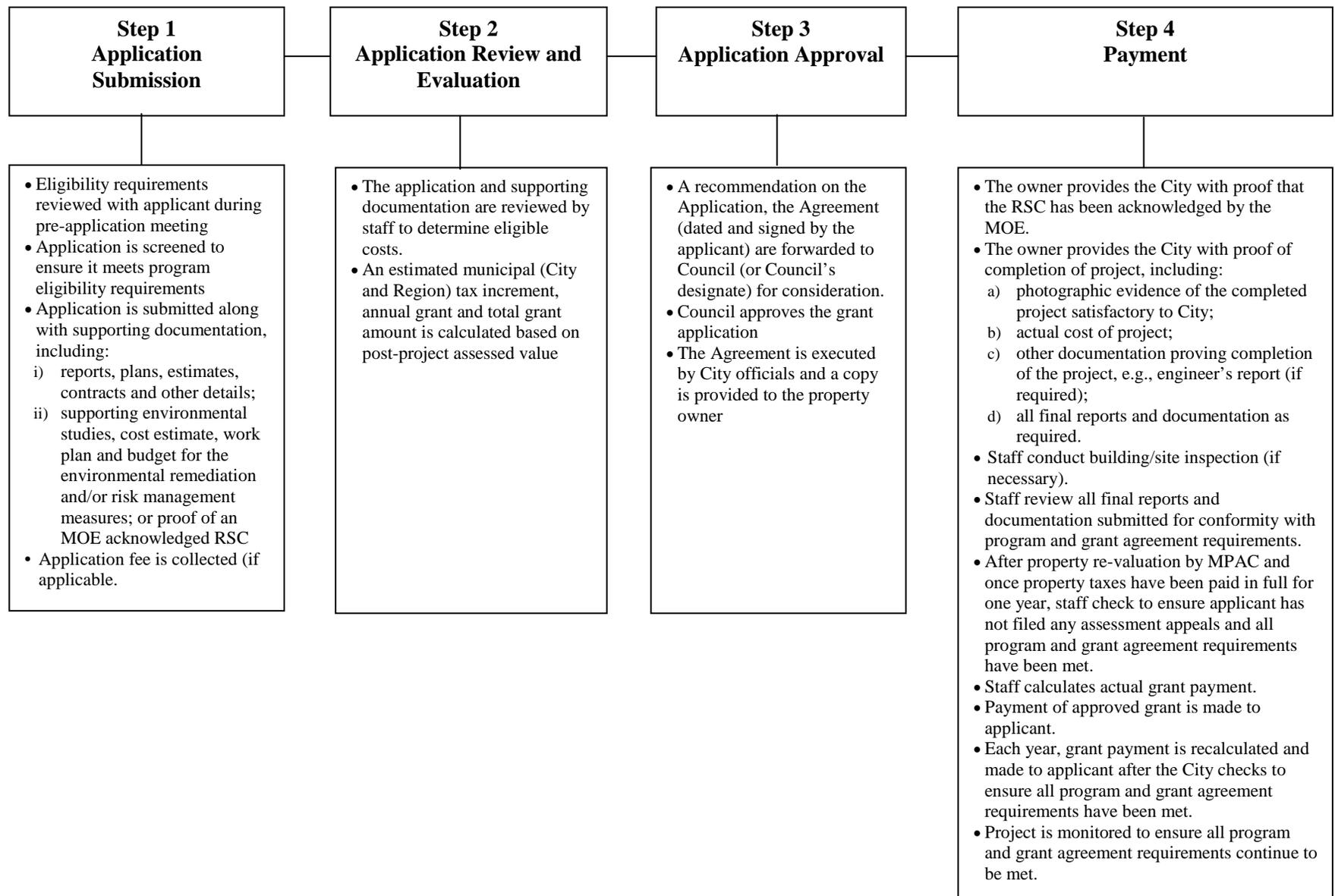
- a) photographic evidence of the completed works satisfactory to the City;
- b) invoices for all eligible work done clearly showing the amount paid for eligible works; and,
- c) proof of payment of contractors in full.

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 City 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 City will calculate the actual tax increment and grant payment. The City 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

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

Upon completion and substantial occupancy of the project, an application for a Building Permit Fee Grant can be made.

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 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 will include receipts for all eligible building permit fees paid to the City.

Acceptance of the application by the City 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 City.

Step 2 Application Review and Evaluation

Applications and receipts 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 amount of the grant.

If an 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

