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# The City of Windsor Brownfield Redevelopment Strategy and Community Improvement Plan

## **BROWNFIELD REDEVELOPMENT COMMUNITY IMPROVEMENT PLAN**

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Prepared by:



April 2010

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## 1.0 INTRODUCTION

### 1.1 What are Brownfields?

For purposes of this Brownfield Redevelopment Community Improvement Plan (CIP), “brownfields” are defined as abandoned, idled, or underused properties where expansion or redevelopment is complicated by real or perceived environmental contamination as a result of historical industrial or commercial land use practices. Brownfields are often also characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills and abandoned factories to dry cleaners and former gasoline stations. Most brownfields are located in urban areas and many are located in key areas such as the downtown or along the waterfront. It is conservatively estimated that there are at least 30,000 brownfield sites in Canada<sup>1</sup>. The terms “brownfield redevelopment” and “brownfield development” are used interchangeably in this document to mean the environmental remediation, rehabilitation and development of brownfields.

### 1.2 Why Are Brownfields a Concern in Windsor?

Based on the City’s Redevelopment Opportunities Inventory (ROI) (see Priority Redevelopment Sites and Areas Report, September 2009), 137 brownfield properties were identified in the City of Windsor. The ROI represents over 226 ha. (559 acres) of land potentially available for adaptive reuse and redevelopment. This is a significant amount of land. This does not include other sites not identified in the ROI such as former gasoline stations, long departed manufacturing businesses and old landfills that have not been currently identified, but that may be revealed to be brownfields once environmental testing is done on these sites at some point in the future. Therefore, the issue of brownfields is a significant concern for the City of Windsor from the perspective of the number of sites, amount of land involved and potential for redevelopment of these lands.

Brownfields can have real and significant environmental, economic and social impacts on a community. In addition to the significant property tax revenues lost when industrial and commercial properties sit vacant, abandoned and underutilized, municipal governments must often dedicate police, fire, and other public services to respond to illegal dumping, vandalism, arson, and other problems at brownfield sites. Brownfield sites can also lower surrounding property values, create land use conflicts, and contribute to neighbourhood deterioration. The issue of conflicts with surrounding land uses is one that arose on several of the potential brownfield sites in Windsor identified in the ROI.

Communities across Canada, including the City of Windsor, have begun to realize that brownfield development can transform environmentally impaired properties into productive economic uses, and can result in the following environmental, economic and social community benefits:

- Improvements in environmental quality (soil, air and ground water);
- Improvements to human health;
- Protection of groundwater resources, wetlands and wildlife habitats;
- Utilization of existing sewer, water and road infrastructure, resulting in the reduction of urban sprawl and its associated costs;

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

- Economic growth, including the retention and creation of local jobs;
- Increased property tax revenues;
- Revitalization of neighbourhoods and employment areas; and,
- Increased affordable housing opportunities

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

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

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

### **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 Windsor can be found in the significant economic, environmental and social benefits that would accrue in the City of Windsor.

#### **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 economy<sup>2</sup>. Numerous other Canadian and U.S. studies have found that brownfield development can increase neighbourhood property values<sup>3</sup>. Experience in Hamilton and other municipalities that have had brownfield development programs in place for some time suggests that brownfield development projects can result in a significant increase in property tax revenues to local and provincial governments.

Redevelopment of brownfield sites for residential, commercial and other uses represents an excellent economic opportunity for the City of Windsor 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

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

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

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 Windsor. The positive impact of brownfield development on the environment is not limited to individual sites. Environmental restoration of individual sites can have a cumulative positive impact on the environment, including the protection of groundwater resources, wetlands and wildlife habitat<sup>4</sup>.

A study of brownfield versus greenfield development examined 48 brownfield projects in six cities across the United States. This study found that every acre of brownfield land developed would have required 4.5 acres of greenfield land<sup>5</sup>. This demonstrates the potential of brownfield development to reduce the amount of greenfield land consumed, thereby reducing urban 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 development<sup>6</sup>. Therefore, brownfield development can have the effect of reducing commuting needs, thereby reducing traffic congestion and air pollution.

### 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 renewal<sup>7</sup>. Case studies reviewed by the NRTEE showed that this renewal can take the form of:

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

Figure 1 below summarizes the benefits of brownfield development and the interrelationship between these benefits. For example, the economic benefits resulting from brownfield development, such as

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

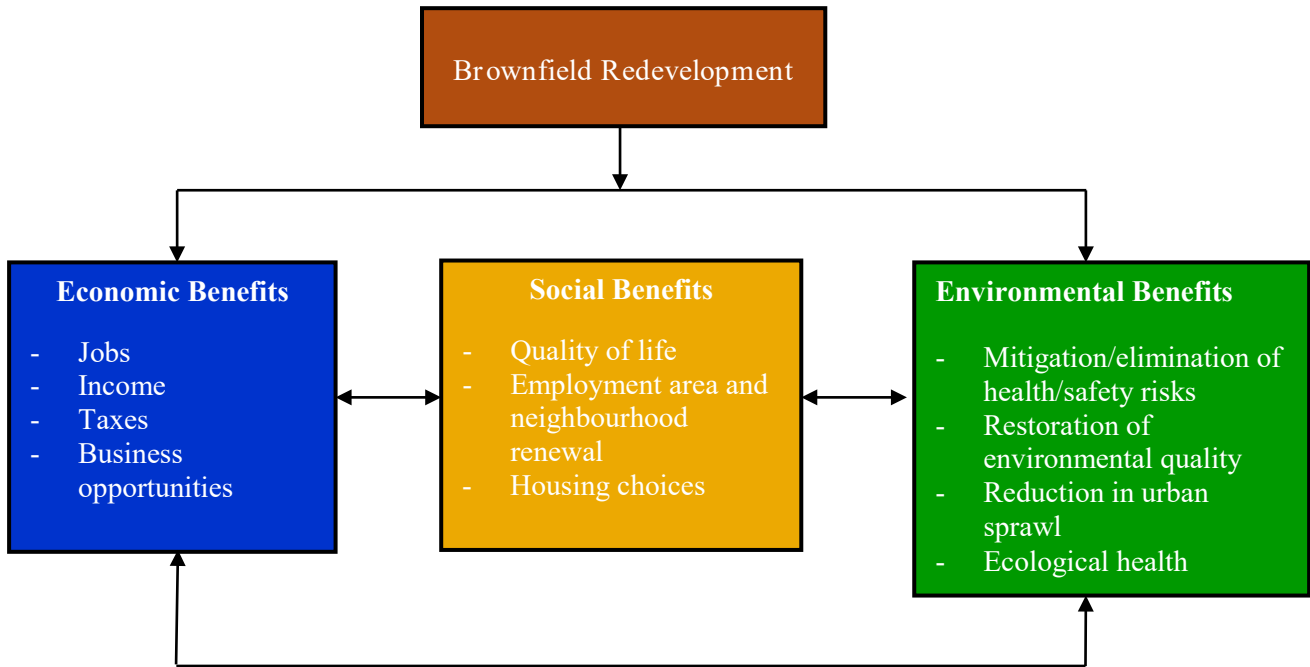
<sup>5</sup> Deason et.al. 2001.

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

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

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.

## 1.4 Purpose of the CIP

The purpose of this Brownfield Redevelopment CIP is to outline a framework of general actions and incentive programs to promote brownfield redevelopment in the City of Windsor. This CIP was developed based on the completion of a number of tasks and activities, including:

- A Brownfields Background Report (August 2008) containing a thorough review of brownfield related legislation and regulations, applicable provincial and local policies relating to brownfield redevelopment, and a review of best practices used in other municipalities to promote brownfield redevelopment;
- A review of the location, size, servicing, land use, environmental and other characteristics of 89 potential brownfield sites (comprised of 129 properties) in the City Redevelopment Opportunities Inventory (ROI) (see Priority Redevelopment Sites and Areas Report, September 2009);
- Interviews and a workshop conducted in August of 2008 with key local stakeholders to help determine the key impediments to, and opportunities for, brownfield redevelopment in Windsor;
- Two public meetings held to obtain input on the key impediments to brownfield redevelopment in Windsor (Public Meeting #1, May 22, 2008) and the proposed incentive programs and municipal leadership strategy (Public Meeting #2, October 22, 2009);
- Input and feedback provided throughout the project from City staff in various departments; and,

- f) Extensive experience on the part of the consultant in preparing brownfield redevelopment strategies and community improvement plans in numerous municipalities across Ontario.

Based on the critical needs analysis contained in Section 3.0, this CIP outlines a comprehensive and targeted framework containing complementary incentive programs and strategic municipal leadership actions designed to help overcome the impediments to brownfield redevelopment in Windsor.

## 1.5 Goals of the CIP

In 2005, the City of Windsor prepared a Brownfields Discussion Paper. This paper recommended that the City take the needed steps to develop a CIP to promote the remediation and redevelopment of brownfield lands. One of the first steps the City took was to apply to the Federation of Canadian Municipalities (FCM) for funding to help undertake the preparation of a Brownfield Redevelopment Strategy and CIP. After receiving approval of funding from the FCM, the City initiated preparation of a comprehensive Brownfield Redevelopment Strategy and CIP to provide improved municipal support to further stimulate brownfield redevelopment in Windsor.

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

Other goals of this CIP for the City of Windsor 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) Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- g) Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and,
- h) Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

The Windsor Brownfield CIP sets the legislative, policy and financial framework for the City to promote brownfield development in Windsor. The Brownfield CIP will enable the City to offer financial incentive programs and undertake municipal leadership actions such as land acquisition, preparation and participation in pilot projects. The Brownfield CIP will also allow the City to more readily take advantage of available and future Provincial and Federal financial incentives for brownfield remediation 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 for brownfield redevelopment in Windsor.

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 Windsor to provide 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 Windsor.

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 Community Strategic Plan

The new Community Strategic Plan was officially adopted by Council in February of 2007. This Plan contains a vision, mission statement, pillars and objectives to guide Windsor’s future. The Vision of Windsor is of a quality city full of history and potential, with a diverse culture, a durable economy and a healthy environment where citizens share a strong sense of belonging and a collective pride of place. Brownfield redevelopment certainly supports the particular focus of this Vision on a durable economy and a healthy environment.

The Community Strategic Plan is based on the following four pillars:

- i) Our Economy: Cultivated and Competitive;
- ii) Our Society: Diverse and Caring;
- iii) Our Environment: Clean and Efficient; and,
- iv) Our Government: Responsive and Responsible.

Several of the objectives under each of these pillars support the Brownfield Strategy and CIP. For example, one of the objectives under the Economy pillar is to:

- Grow Business – cultivate a positive and diverse economic environment for business growth.

The redevelopment of brownfield sites for new economic uses will help to create new business and job retention and creation opportunities. This in turn can result in increases in corporate and personal income and will help to strengthen the economy in Windsor.

Relevant objectives under the Society pillar include:

- Stay Safe – ensure public safety and protection of residents, visitors and property.
- Protect Community Wellness – make sure citizens can pursue a healthy lifestyle.
- Create Complete Neighbourhoods – well integrated neighbourhoods with shopping, workplaces, and recreation.
- Honour Heritage – preserve heritage structures that tell the story of the past.

The return of activity to vacant, abandoned and derelict brownfield sites through reuse or redevelopment of these sites helps to improve public safety. The remediation and redevelopment of brownfield sites will help to promote an environment that is cleaner, healthier and safer for residents of the city. Infill and intensification through the remediation, reuse and redevelopment of vacant, derelict and underutilized properties in residential neighbourhoods, commercial areas and employment areas will make these areas more livable for the people who reside and work there and will help to create more complete and integrated neighbourhoods that offer a wider range of living, working and shopping opportunities. The cleanup of brownfield sites that are also heritage properties and the brownfield redevelopment in and near heritage districts will contribute to creating a city that is even richer in heritage and more unique in identity.

Relevant objectives under the Environment pillar include:

- Improve our Environment– Preserve and enhance the natural environment and our urban green spaces.
- Develop responsibly – develop land efficiently, attractively, and in ways that protect the environment.
- Conserve Energy – be an energy efficient community.

The remediation of brownfield sites will result in an improved level of soil and groundwater quality which in turn will help to preserve and enhance the natural environment. Brownfield redevelopment utilizes existing infrastructure and therefore is an efficient form of development. Studies have shown that brownfield redevelopment is much more land efficient than greenfield development<sup>8</sup> and therefore has the potential to reduce the amount of greenfield land consumed, thereby reducing urban sprawl and its associated negative impacts, including air and water pollution and the loss of prime agricultural land. By providing more live-work opportunities, brownfield redevelopment can also reduce commuting times, traffic congestion, air pollution, energy consumption and transportation costs<sup>9</sup>.

Relevant objectives under the Government pillar include:

- Improve Financial Success – maintain and improve the City’s financial health.
- Form Beneficial Partnerships – develop innovative partnerships between the public, private and not-for-profit sectors.
- Encourage Public Engagement – Engage citizens openly and frequently in decisions that affect their lives.

The redevelopment of brownfields will result in long-term increases in property assessment values and property tax revenues on properties that are currently underperforming. This will help to improve the City’s financial health in the long term. By its very nature, brownfield redevelopment is innovative and has been found to encourage innovative partnerships between the public, private and not-for-profit sectors in many municipalities that have implemented initiatives to promote brownfield redevelopment. Finally, by developing and implementing a Brownfield Redevelopment Strategy and CIP, the City of Windsor can demonstrate that it is an innovative, responsible and responsive city.

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<sup>8</sup> See Deason et. al, 2001.

<sup>9</sup> See Hara Associates, 2003.

## **2.5 Official Plan**

The current City of Windsor Official Plan was approved by City Council in 1999 and has been consolidated to November 2006. The City is currently in the process of reviewing and updating the Official Plan. In addition to the policies on community improvement contained in the Official Plan, numerous other policies in the Official Plan directly or indirectly support the redevelopment of brownfields. The key policies in the City of Windsor Official Plan that are relevant to the Brownfield Strategy and CIP are summarized below.

### **2.5.1 Growth Concept**

Section 3.3 of the Official Plan lays out the Growth Concept and focuses on accommodating projected growth through efficient land use management strategies. Policies in this section also stress the revitalization of areas in transition and directing compatible residential, commercial and employment growth to appropriate locations within existing and planned neighbourhoods to reduce development and infrastructure costs and provide opportunities to live, work and shop in close proximity.

### **2.5.2 Potentially Contaminated Sites**

Section 5.4.8 of the Official Plan contains a fairly comprehensive policy on potentially contaminated sites. This policy is based on the Ministry of Environment (MOE) Guideline for Use at Contaminated Sites (1996). This policy seeks to ensure that potentially contaminated sites have been made environmentally suitable for development that is proposed on these sites. The policies in Section 5.4.8 require that at the time of submission of a development application on a potentially contaminated site, the proponent must demonstrate that the site is environmentally suitable for the proposed use via submission by a qualified person of a statement verifying that the site requires no further environmental site assessment or that the site is suitable for the proposed development. Section 5.4.8 relies on the statement from the qualified person and gives the municipality the right to conduct a peer review of any environmental site assessment submitted in support of a planning application, with said peer review(s) to be paid for by the applicant.

A more detailed review of the Potentially Contaminated Sites Policies in the Official Plan and recommended revisions to these policies are included in the Planning Policies Report (February 2009).

### **2.5.3 Land Use and Physical Services**

Several of the policies in the Land Use section of the Official Plan indirectly support brownfield redevelopment. For example, Policy 6.3.1.2 supports compact neighbourhoods while Policy 6.3.1.3 promotes residential redevelopment, infill and intensification initiatives. Policies 6.3.1.7 and 6.4.1.7 seek to ensure a sufficient 20 year land supply for residential and employment purposes.

Policy 6.4.2.6 directly references and supports brownfield redevelopment. This policy states “Council shall encourage the redevelopment of contaminated industrial or business park sites in accordance with Section 5.4.8 of the Environment chapter of this Plan.

The goals, objectives and policies in Section 7 (Infrastructure) of the Official Plan support optimal use of existing infrastructure and physical services.

## 2.5.4 Community Improvement

Section 11.8 of the Official Plan contains the policies on Community Improvement. While not specifically referencing brownfields or contaminated sites, the objectives of the Community Improvement section of the Official Plan support:

- the revitalization of areas in decline or transition from one land use to another;
- standards for building and property maintenance;
- the strengthening of residential, employment, commercial and mixed use areas;
- the revitalization and strengthening of neighbourhoods; and,
- the provision of energy efficient uses, buildings, works, improvements and facilities.

While not specifically referencing contaminated sites or brownfields as a rationale, Section 11.8.2.2 allows the City to designate community improvement project areas for a number of reasons that would apply to brownfields such as:

- a) declining areas where there are a number of vacant, underutilized, derelict or obsolete properties;
- b) areas in land use conflict as a result of incompatible uses;
- c) areas that have the potential to be new employment areas.

Section 11.8.2.3 outlines the contents of a community improvement plan and requires that a CIP demonstrate that its goals are in keeping with the strategic direction and general goals and objectives of the Official Plan and provincial legislation, policies and guidelines. Section 11.8.2.3 also authorizes the City to include provisions in the CIP for:

- the revitalization of land and buildings;
- acquisition, sale or lease of lands or buildings acquired by the Municipality to facilitate community improvement;
- establishment and/or distribution of grants or loans for the purpose of revitalizing the area;
- other such matters as may be appropriate for the Community Improvement Project Area; and,
- affordable housing.

The full text of the Community Improvement policies in the City of Windsor Official Plan are contained in Appendix A. The Community Improvement policies in the current Official Plan provide adequate support and direction for preparation of this CIP. A more detailed review and recommended revisions to further update the Community Improvement Policies in the Official Plan are included in the Planning Policies Report (February 2009).

## 2.6 Brownfields Discussion Paper

In April of 2005, the City of Windsor Planning Department, Planning Policy Section, completed a Brownfields Discussion Paper in response to questions from Council regarding the identification and redevelopment of brownfield properties. This paper was the first step in the City's process of preparing a Brownfield Redevelopment Strategy and CIP.

The Brownfields Discussion Paper focused on the:

- a) Ontario legislative and policy regime;
- b) Benefits of brownfield redevelopment;
- c) Liability, financial and administrative impediments to brownfield redevelopment;

- d) Available provincial and federal funding for brownfield redevelopment studies and environmental remediation; and,
- e) Best practices employed by other municipalities to encourage and facilitate brownfield redevelopment.

The Brownfields Discussion Paper concluded by recommending that the City of Windsor take the necessary steps to develop a Strategy for the remediation and redevelopment of brownfield lands.

## **2.7 Brownfield Redevelopment Strategy Report to Council**

In October of 2005, City Council approved a report (Number 11584) which authorized the preparation of a Brownfield Redevelopment Strategy. The report identified five major components or phases of the Brownfield Redevelopment Strategy as follows:

- i) Community Awareness and Readiness;
- ii) Evaluation and Strategy (Study);
- iii) Planning;
- iv) Implementation; and,
- v) Management and Monitoring.

A Brownfield Symposium was held in December of 2005 to raise awareness of brownfield redevelopment and explore the various strategies and actions available to the City to promote brownfield redevelopment through a Brownfield Redevelopment Strategy and CIP. A written summary of the symposium was presented to Council in January of 2006.

## **2.8 Environmental Master Plan**

The City's Environmental Master Plan sets out a series of potential actions for the municipality to take, over the short- and long-term, to improve the City's environment. It provides a framework for decision making as it relates to the environment, and is intended to be implemented in part through the City's planning policy documents.

The Environmental Master Plan indicates that Windsor has a number of brownfields, and suggests through Goal C of the Plan, "To protect and enhance the City's Greenway System", that rehabilitation and naturalization of derelict and underutilized lands should be undertaken to expand the Greenway System. Specifically, the Plan notes that support should be given to the City's Brownfield Redevelopment Strategy and that consideration be given to the inclusion of rehabilitated brownfield lands in the Greenway System.

## **2.9 Walker Road North Corridor Study**

A land use study was undertaken in 2003 for lands on and adjacent to Walker Road between Riverside Drive and Windsor Street as part of the Walker Road North Corridor Study. Walker Road is an historic industrial corridor that is located in close proximity to the Walkerville residential neighbourhood and includes heritage features as well as a number of potential brownfield redevelopment sites.

The purpose of the Walker Road North Corridor Study was to determine if the land use policy and zoning regime in place in this area was supportive of and provided opportunity for the redevelopment of

the vacant and underutilized lands along Walker Road. The study concluded that in order to stimulate redevelopment of underutilized and vacant properties, lands in the study area should be redesignated to 'Mixed Use', 'Commercial Corridor' and 'Business Park'. The recommended 'Mixed Use' designation permits a mix of residential and non-residential uses and promotes the clustering of uses in a compact built form. The recommended 'Commercial Corridor' reflects existing commercial activities, while the recommended 'Business Park' designation incorporates the recent expansion of office uses in the area, and promotes the continued use of Walker Road for employment purposes.

In order to implement these land use changes, the study also recognized the need to rationalize zoning for the redesignated lands in the study area through a zoning by-law amendment. Further, the study recommended that the zoning strategy address urban design and development standards including, but not limited to, separation distances, buffering and screening, building entrance orientation to assist in preserving and enhancing the existing heritage built form. The study also recommended the reinstatement of 'Heritage Zoning' in the area to require the adaptive reuse of existing heritage structures. The Study also recommends that site plan control, typically only applied to commercial, industrial, institutional and multi-unit residential developments, be applied to portions of the study area. The study also recommended that Environmental Site Assessments be required to accompany planning application for properties known or suspected to be contaminated.

## **2.10 Housing Analysis and Recommended Strategies Report**

The purpose of the Housing Analysis and Recommended Strategies Report, prepared in 2004, was to prepare an Affordable Housing Strategy for Windsor and Essex County. The Housing Strategy contains a number of recommendations for increasing the supply of affordable housing including the following recommendations which relate directly to brownfield redevelopment:

- a) That the City of Windsor and Essex County local municipalities consider affordable housing development on brownfield sites; and,
- b) That the City of Windsor and Essex County actively promote the provision of infill housing in designated areas.

## **2.11 Existing Community Improvement Plans**

Four (4) community improvement plans (CIPs) have been adopted and approved for various parts of the municipality. These CIPs include the:

- Glengarry Marentette CIP;
- Little River Acres CIP;
- City Centre West CIP; and,
- Ford Powerhouse CIP

The City of Windsor also adopted the Olde Sandwich Towne Community CIP, but this CIP has been appealed to the Ontario Municipal Board. The purpose, goals and objectives, community improvement project area, and incentive programs applicable to each of the above noted CIPs was reviewed. This review determined that the goals of this Brownfield Redevelopment CIP are complementary to the goals of the existing CIPs in the City of Windsor. Furthermore, the incentive programs and municipal leadership strategy in this Brownfield Redevelopment CIP are complementary with the incentive programs in existing CIPs.

## **2.12 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:

- 1) **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.
- 2) **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.
- 3) **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 strategic directions, the NRTEE Strategy provides strong support for the preparation and implementation of a Brownfield Redevelopment CIP in Windsor. The impediments to brownfield redevelopment and the strategic directions and recommended actions identified in the NRTEE Strategy were used (where applicable) along with best practices in other municipalities and input from key stakeholders in the City of Windsor to help guide preparation of the City’s Brownfield Redevelopment CIP.

## **2.13 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 (GMF) 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 Windsor was successful in obtaining a GMF grant to prepare its Brownfield Redevelopment Strategy and 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 several years ago 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 this Brownfield Redevelopment CIP will help the City of Windsor 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 Methodology

In order to achieve the brownfield redevelopment goals of the CIP, the key impediments to and opportunities for brownfield redevelopment in Windsor had to be identified before appropriate financial incentive programs and a complementary municipal leadership strategy could be developed. Therefore, a critical needs analysis was conducted to determine the key impediments to brownfield redevelopment in Windsor. The first step in this analysis was a thorough review of background information. This included a review of:

- i) City and provincial policies relating to brownfield redevelopment;
- ii) the implications of brownfield related legislation and regulations for the City of Windsor; and,
- iii) best practices used to promote brownfield redevelopment in nine Ontario municipalities and a few leading U.S. municipalities.

This review of background information is contained in the City of Windsor Brownfield Redevelopment Strategy and CIP Brownfields Background Report (August 2008). This report establishes the parameters of possible program policy responses to local impediments to brownfield redevelopment. Section 7.3 of the Background Report also contains a series of principles used to guide preparation of the planning policies contained in the Planning Policies Report and the municipal incentive programs and actions contained in this Brownfield Redevelopment CIP.

A public meeting was held on May 22, 2008 at Windsor City Hall to introduce the Brownfield Redevelopment Strategy and CIP project to the public, Council and key stakeholders. Approximately 20 people were in attendance excluding staff and the consulting team. Of relevance to the potential incentive programs, one organization expressed support for the proposed geographic approach to brownfield redevelopment in Windsor that recommends the entire urban area be designated as the Community Improvement Project Area for the Brownfield CIP. Another organization identified opportunities to utilize cleaned up brownfield sites for affordable housing and/or open space in the Drouillard Road, St. Luke and Walker Road corridor. This organization also stressed the need for inclusion of incentives and marketing in the CIP to make the plan effective.

In August of 2008, invitations to interviews with the consultant were sent to approximately ten key stakeholders representing various sectors of the brownfield redevelopment industry, including property owners, developers, real estate, and environmental consulting professionals. A questionnaire with questions on the impediments to brownfield redevelopment in Windsor and the types of improvements that could be made to address these impediments was also sent to these key stakeholder representatives and formed the basis of the face-to-face and telephone interviews that were held with four key stakeholders between August 20 and August 28, 2008.

Representatives from the various sectors involved in brownfield redevelopment as well as the Windsor Essex Regional Chamber of Commerce and the Windsor Essex County Environment Committee (WECEC) were also invited to attend a workshop on brownfield redevelopment that was held on August 21, 2008. Those key stakeholders who attended the meeting provided their perspectives on the impediments to brownfield redevelopment in Windsor.

## 3.2 Key Impediments

In determining the key impediments to brownfield redevelopment in Windsor described below, the input obtained from the first public meeting, key stakeholder interviews and the workshop was augmented by the information contained in the Brownfields Background Report. Furthermore, members of the consulting team conducted site visits to the 89 sites identified in the ROI. Notes regarding site condition, characteristics, and neighbouring land uses were made and photos of each site taken during these site visits.

Based on the critical needs analysis, the following key impediments to brownfield redevelopment in Windsor were identified.

- 1) Current weak real estate market in Windsor due to lack of population and economic growth coupled with the availability of ample greenfield sites both within the city limits and in areas outside of Windsor in Southwestern Ontario equates to less demand for redevelopment of brownfield sites;
- 2) Inability for developers to transfer long term civil liability;
- 3) Overall quality of environmental site assessment work done in Windsor may not be at the same level as that being done in the Greater Toronto Area and even other municipalities such as Hamilton;
- 4) The City's requirements with respect to records of site condition (RSC) as part of the planning approvals process are not always clear;
- 5) Lack of funding and financing of the upfront costs of brownfield redevelopment, including environmental assessment and remediation;
- 6) Difficulty determining reuse/rehabilitation/retrofit/redevelopment options for existing buildings and properties (often related to land use compatibility issues);
- 7) Lack of developer awareness of brownfield redevelopment opportunities, experience with and education on brownfield redevelopment;
- 8) City staff need to be more aware and better educated on newer approaches to site rehabilitation such as risk assessment and innovative remedial technologies;
- 9) Lack of public education and awareness around brownfield redevelopment;
- 10) Lack of a marketing strategy to make the business community aware of brownfield redevelopment opportunities and the benefits of the Brownfield CIP;
- 11) Lack of information on the location of brownfields and brownfield opportunities in Windsor, i.e., an inventory; and,
- 12) The planning approvals process, and especially the site plan process in Windsor, while generally an efficient and timely process, can be cumbersome and could be further streamlined.<sup>10</sup>

In terms of the priority of the key impediments above, the lack of awareness around brownfield redevelopment and redevelopment opportunities was mentioned by numerous stakeholders as a key impediment. The following costs were also mentioned several times as key impediments to brownfield redevelopment in Windsor:

- the upfront costs of brownfield redevelopment such as environmental studies and environmental remediation;

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<sup>10</sup> N.B. The site plan process is currently under review by the City with the intention of further streamlining the process.

- the additional costs of determining the feasibility of reusing/redeveloping a building on a brownfield site or developing new uses on a vacant brownfield site; and,
- the costs of building rehabilitation and building demolition to allow developers the flexibility to address various types of obsolete buildings on brownfield sites in Windsor through adaptive reuse or demolition and redevelopment.

Consequently, the Brownfield Redevelopment Strategy was designed to directly address as many of the impediments listed above as possible through the:

- a) Recommendations contained in the Planning Policies Report (March 2009);
- b) The vast array of information contained in the Priority Redevelopment Sites and Areas Report (September 2009);
- c) Inclusion of custom designed municipal incentive programs in this CIP;
- d) Inclusion of a municipal leadership strategy for brownfields in this CIP; and,
- e) Inclusion of a proactive marketing strategy designed to address the information, education and marketing issues identified above in this CIP.

#### 4.0 RECOMMENDED COMMUNITY IMPROVEMENT PROJECT AREA

The choice of a community improvement project area for a Brownfield Redevelopment CIP depends on the location of brownfield sites in a municipality, which in turn depends in part on the historic industrialization and growth pattern of the municipality. This section of the report examines the geographic distribution of potential brownfield properties and areas in the City of Windsor. Based on the results of this analysis, a community improvement project area for the Brownfield Redevelopment CIP is recommended.

An inventory of 137 potential redevelopment properties was identified by the City of Windsor and these properties are shown on the map in Appendix A of the Priority Redevelopment Sites and Areas Report (September 2009). All 137 properties in the Redevelopment Opportunities Inventory (ROI) are located within the urban area. Most of these properties include non-operating and some operating heavy industrial and commercial uses. There are also a number of institutional uses and vacant lands. Many of the properties including those with buildings, are underutilized. In total, the 137 properties comprise approximately 226 ha (559 acres) with properties ranging in size from 0.017 ha (0.043 acres) to 64.4 ha (159.1 acres). The average property size is 1.65 ha (4.08 acres) with 11 of the 137 properties being over 4 ha (10 acres) in size.

The properties are located from the west end to the east end of the urban area. Most (over 70% of the properties) are concentrated in one of four clusters. At the west end, there are approximately 11 properties located in the port waterfront area in Olde Sandwich Towne. A second large cluster containing approximately 32 identified sites is located in the Walker Road area. This linear cluster extends from north of Tecumseh Road to Riverside Drive. A third cluster containing approximately 33 properties is located east of the Walker Road cluster and is centered just to the east of the former Ford foundry. This cluster is located between South National Street and the rail line to the north, Drouillard Street to the west and Seminole Street to the south. Finally, a fourth cluster containing approximately 21 properties is located in the east end of the city on the east and west sides of Lauzon Road at South National Street close to the City's new arena.

While 97 of the 137 or 71% of the identified properties are located in the four clusters, there are also a number of vacant or underutilized industrial, commercial or even institutional properties spread around in other parts of the city. This includes:

- the former Grace Hospital at the corner of University Avenue West and Crawford Avenue and several other properties near the hospital;
- industrial lands near Central Avenue and Plymouth Drive; and,
- industrial lands southwest of the airport.

Finally, there are a number of stand-alone sites spread throughout the central and western parts of the city. While most brownfields tend to occur in areas of former industrial use, certain uses such as waste disposal sites, gasoline and service stations, dry cleaners, printers, and some manufacturing uses are historically pervasive and occurred in locations throughout municipalities. We certainly expect this to be the case in the City of Windsor and anticipate that there are a number of properties that are or were in these types of uses across the urban area of Windsor.

The prevailing trend in leading municipalities who have recently prepared comprehensive Brownfields CIPs is to designate the entire municipality, or at least the entire urban area, as a community improvement project area when brownfields are spread across the urban area or the entire municipality. Based on the location of potential brownfield redevelopment opportunities in the City of Windsor, it is recommended that the entire urban area of the City of Windsor, as amended from time to time, be designated as the Community Improvement Project Area for the Brownfield CIP.

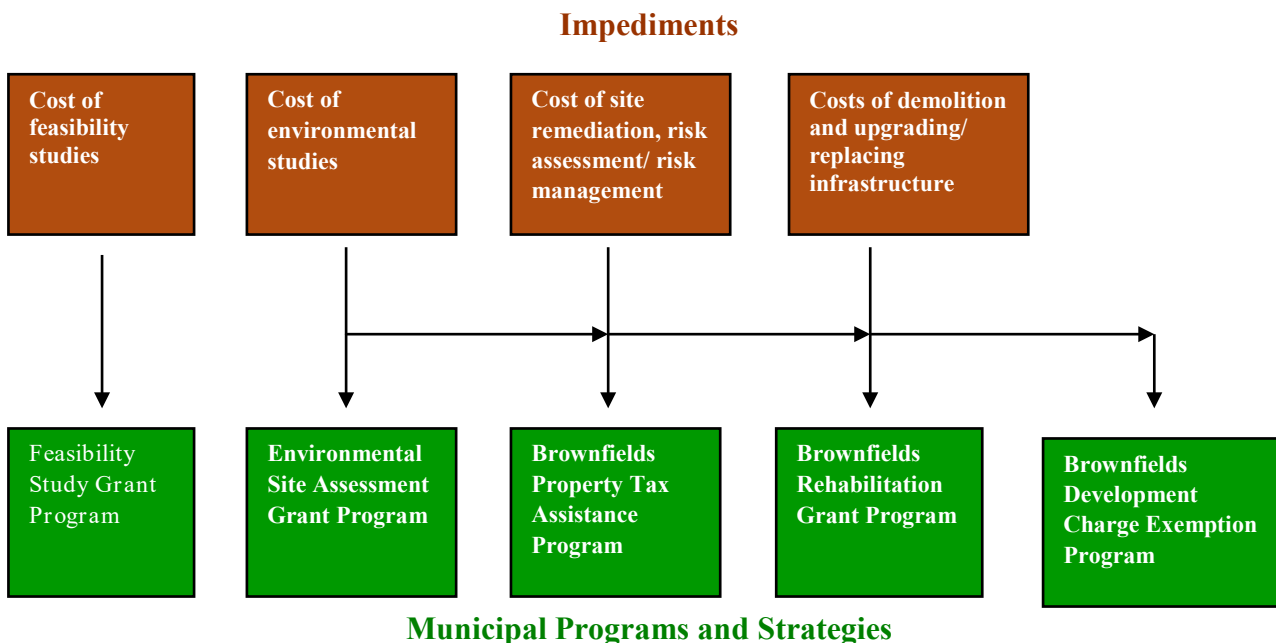
## 5.0 INCENTIVE PROGRAMS

Figure 2 shows how the key impediments to brownfield development in Windsor identified during the background review, consultation process and site inspections are addressed through the financial incentive programs contained in this CIP. Input from the best practices review, first public meeting, key stakeholder interviews/ workshop and City staff was used to develop draft incentive programs and a draft municipal leadership strategy. The draft incentive programs and draft municipal leadership strategy were then presented at the second public meeting on October 22 of 2009 to obtain input from the public and key stakeholders. Approximately 16 members of the public attended this second public meeting and one member of the public submitted a comment sheet.

All of the incentive programs shown in Figure 2 are directed at encouraging private sector remediation and rehabilitation, adaptive reuse and construction activity on brownfield sites. The incentive programs 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 in respect of the particular lands and buildings of an applicant under the programs contained in this CIP shall not exceed the eligible costs for said lands and buildings as specified in this CIP.

A basic description of each incentive program including the purpose, type, eligibility criteria and recommended program duration is provided in the subsections that follow. The incentive programs are augmented and complemented 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 marketing strategy for the incentive programs is outlined in Section 8.0.

**Figure 2 Rationale for Incentive Programs**



A summary of the incentive programs contained in this CIP is shown in Figure 3. An amendment to the City’s Development Charges By-law will be required to implement the Brownfields Development Charge Exemption Program. The Brownfields Development Charge Exemption Program is described in Section 5.6 of this report.

Figure 4 displays a typical development scenario on a brownfield site and when the various incentive programs could be utilized. The purpose, type, duration, eligibility criteria and application requirements for each of the financial incentive programs is described in detail below.

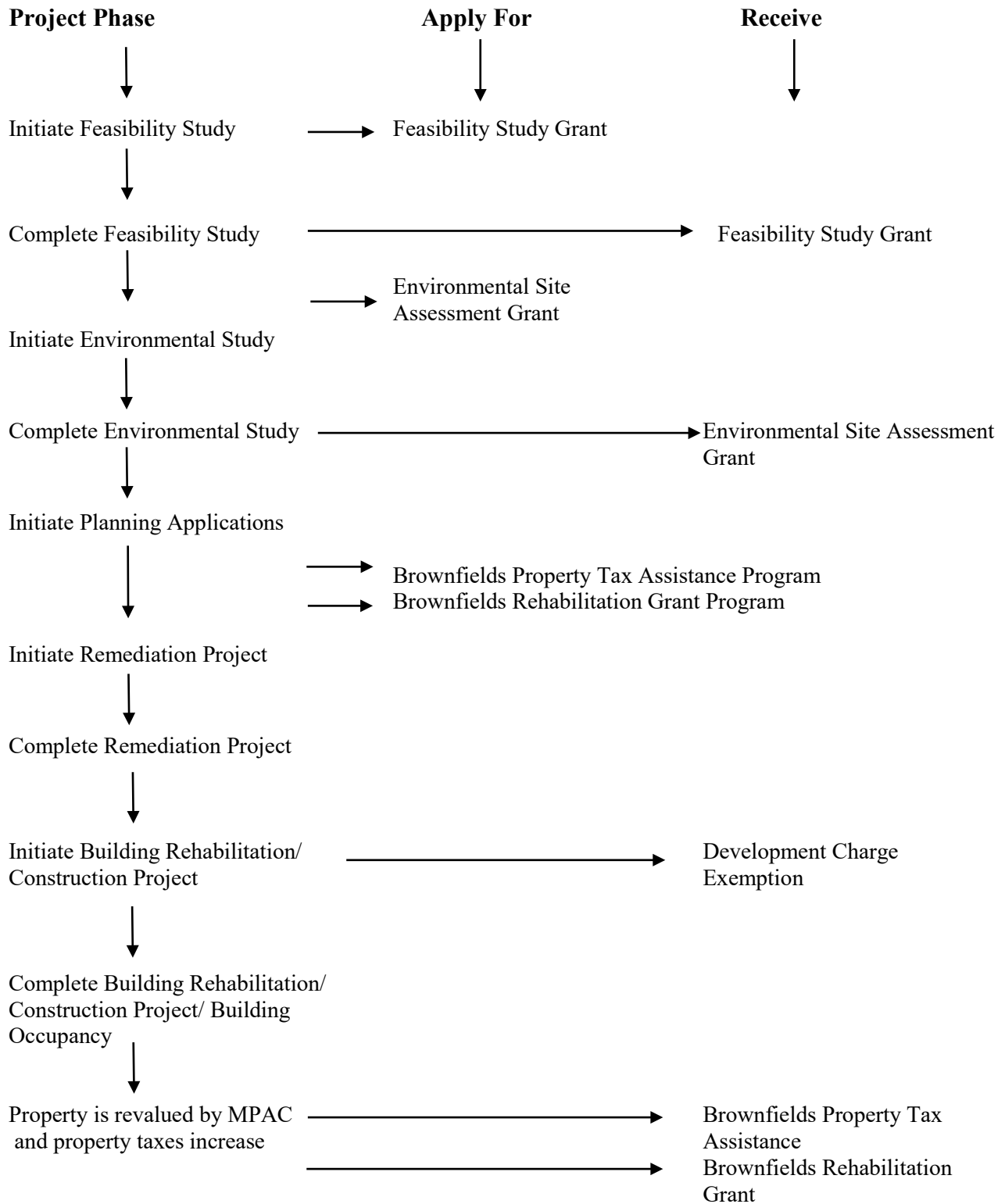
**Figure 3 Summary of Incentive Programs**

<b>Program Name</b>	<b>Program Description</b>	<b>Recommended Program Duration<sup>11</sup></b>
<b>Feasibility Study Grant Program</b>	<ul style="list-style-type: none"> <li>- Grant equivalent to 50% of the cost of an eligible feasibility study.</li> <li>- Maximum grant of \$7,500 with maximum one study per property.</li> </ul>	- Approximately 5 years with option to extend for up to another 5 years.
<b>Environmental Site Assessment Grant Program</b>	<ul style="list-style-type: none"> <li>- Grant equivalent to 50% of the cost of an eligible environmental site assessment, designated substances and hazardous materials survey, remedial action plan or risk assessment.</li> <li>- Maximum grant of \$15,000 per environmental study.</li> <li>- Maximum of 2 studies per property/project.</li> <li>- Maximum total grant of \$25,000 per property/project.</li> </ul>	- Approximately 5 years with option to extend for up to another 5 years.
<b>Brownfields Property Tax Assistance Program</b>	- 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.
<b>Brownfields Rehabilitation Grant Program</b>	- Grant equivalent to 70% (no LEED certification) or 100% (any LEED certification) of the municipal property tax increase created by the project for up to 10 years after project completion.	- Approximately 10 years.
<b>Brownfields Development Charge Exemption Program<sup>12</sup></b>	- Up to 60% reduction of development charge payable on a brownfield site approved under the Brownfields Rehabilitation Grant Program.	- Approximately 5 years with option to extend for up to another 5 years.

<sup>11</sup> Council may extend the duration of any or all of the programs beyond what is recommended without amendment to this Plan

<sup>12</sup> Note that implementation of this program must take place through an amendment to the City’s Development Charges By-law.

**Figure 4 Incentive Program Utilization on a Brownfield Redevelopment Project**



## 5.1 General Program Requirements

The 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) For the purposes of making application for any of the incentive programs in the CIP (except for the Environmental Site Assessment Grant Program and the Feasibility Study Grant Program), an eligible property is a property where a Phase II Environmental Site Assessment has been conducted, and that as of the date the Phase II Environmental Site Assessment was completed, did not meet the required Ministry of Environment standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry for the proposed use of the property. In other words, the property is contaminated with respect to the Ministry of Environment standards as to the proposed use of the property.
- b) Application for any of the incentive programs contained in the CIP can be made only for properties within the Community Improvement Project Area.
- c) “Applicant”, unless otherwise specified, means a registered owner, assessed owner or tenant of lands and buildings within the Community Improvement Project Area, and any person to whom a registered owner, assessed owner or tenant of lands and buildings within the Community Improvement Project Area has assigned the right to receive a grant or loan. Applicants may also be referred to as “owners” throughout this Plan.
- d) If the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application;
- e) None of the incentive programs contained in this Plan will be offered on a retroactive basis, i.e., an application for any financial incentive program contained in this CIP must be submitted to the Town prior to the commencement of any study or works to which the financial incentive program will apply and prior to application for building permit;
- f) 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;
- g) 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;
- h) 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;

- i) 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;
- j) 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;
- k) 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;
- l) 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;
- m) 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;
- n) The total of all grants, loans and tax assistance provided in respect of the particular lands and buildings of an applicant under the programs contained in the CIP shall not exceed eligible costs with respect to these lands and buildings; and,
- o) Applicants approved for the programs contained in the CIP will be required to complete the approved works within timeframes specified by the City.
- p) Availability of any or all of the incentive programs in this CIP in any given year is at the discretion of Council and subject to supporting budget allocation.

## **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.

### **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, subject to delegation of this approval authority from Council. 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 retain the study. 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 years, with an option to extend the program for up to another five years, subject to the availability of funding as approved by Council.

### **5.2.3 Requirements**

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by 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) 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;
- c) 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;

- d) 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 Substances and Hazardous Materials Survey, Remedial Work Plan, and a Risk Assessment. ESA grants will only be offered on eligible properties where there is potential for rehabilitation and/or redevelopment of the property.

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, subject to delegation of this approval authority from Council. 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.

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 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. 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, after which the program will be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.

### 5.3.3 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) 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);
- c) Applicants must complete and submit to the City for review a Phase I ESA that demonstrates that site contamination is likely;
- 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 environmental studies shall be completed by a “qualified person” as defined by Ontario Regulation 153/04;
- f) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- g) One (1) electronic and one (1) hard copy of the study findings shall be supplied to the City for review.

## 5.4 Brownfields Property Tax Assistance Program

### 5.4.1 Purpose

The purpose of the Brownfields Property Tax Assistance Program (TAP) is to encourage the remediation and rehabilitation of brownfield sites by providing a cancellation 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 Brownfields Property TAP will provide a financial incentive in the form of a cancellation of the property tax increase during the “rehabilitation period” and the “development period” of a property. This financial incentive is referred to as “tax assistance”.

The legislative authority for the Brownfields 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 and education purposes during the “rehabilitation period” and the “development period” of the property, as defined in Section 365.1 of the *Municipal Act, 2001*. Matching education property tax assistance for eligible properties under the provincial Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Ministry of Finance, is subject to application and approval of the Minister of Finance on a case by case basis.

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

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

- a) the date that is 18 months after the date that the tax assistance begins to be provided,
- b) the date that a record of site condition for the property is filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
- c) the date that the tax assistance provided for the property equals the sum of,
  - i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
  - ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période de réhabilitation”)

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

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

“Eligible costs” for the Brownfields 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) to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. This includes the cost of:

- i) a Phase II ESA, Designated 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.

In no case will the total amount of tax assistance provided under the Brownfields 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 Finance, whichever comes first.

Matching education property tax assistance through the BFTIP, or through any other replacement program(s) administered by the Ministry of Finance is subject to application and approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the City, and may be subject to additional conditions.

If a property that has been approved for tax assistance is severed, subdivided, sold or conveyed prior to the end of the three (3) year period specified above, the education property tax assistance will automatically end. However, any remaining municipal property tax assistance can be converted into a grant and paid out under the Brownfields Rehabilitation Grant Program (see Section 5.5).

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 Minister of Finance. 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 Council or Council's designate. The application is subject to approval by Council or Council's designate. As a condition of approval of an application for Brownfields 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 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 Council and the Minister of Finance.

### 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 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) to be filed in the Environmental Site Registry;
- c) The application must be accompanied by a Phase II ESA, Remedial Work Plan or Risk Assessment prepared by a qualified person that contains:
  - i) an estimate of the cost of actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*; and
  - ii) a work plan and budget for said environmental remediation and/or risk management actions, including pre-remediation studies and a description of the remediation proposed, including technologies to be used;
- 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 enough to 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 Brownfields 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 Brownfields Rehabilitation Grant Program**

### **5.5.1 Purpose**

The purpose of the Brownfields Rehabilitation Grant Program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for 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 Brownfields Rehabilitation Grant Program will provide a financial incentive in the form of an annual grant to the party who remediates and rehabilitates an eligible brownfield property for up to ten (10) years to help offset the cost of remediation and rehabilitation only where that rehabilitation results in an increase in assessment value and property taxes on these properties. The grant available under this program is paid to the original property owner who remediated/rehabilitated the brownfield property, even if the property is subsequently sold once it has been remediated/rehabilitated.

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

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

“Eligible costs” for the Brownfields 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 Environmental Site Assessment Grant Program or the Brownfields Property TAP;
- c) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfields Property TAP;
- d) placing clean fill and grading not disbursed by the Brownfields 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 Brownfields 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 Brownfields Property TAP;
- g) environmental insurance premiums not disbursed by the Brownfields 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 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 10% of total construction costs;
- i) demolishing buildings (excluding permit fees);
- j) building rehabilitation and retrofit works (excluding permit fees);
- k) development application fees and building permit fees (includes application for Official Plan Amendment, Zoning By-law Amendment, Minor Variance or Permission, Consent, Site Plan Approval/Amendment/Modification/Termination, Plan of Subdivision/Condominium, Condominium Conversion, Part Lot Control Exemption, Removal of the “H” Holding Symbol, Demolition Permit, and Building Permit);
- l) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
- m) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.

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

The annual grant available under the Brownfields Rehabilitation Grant Program will be offered as a tax-increment based grant on a “pay-as-you go” basis. The applicant will initially pay for the entire costs of remediation and rehabilitation. When the 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 ten years, or up to the time when total grant payments equal total eligible costs, whichever comes first.

In order to incorporate the principles of Smart Growth into the Brownfields Rehabilitation Grant Program, the annual Brownfields Rehabilitation Grant will equal:

- i) 100% of the municipal property tax increase for projects that achieve any level of LEED certification; and,
- ii) 70% of the municipal property tax increase for projects that do not achieve LEED certification.

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 Brownfields 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 City taxes (“base rate”) will be determined before commencement of the project. The increase in the City portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the amount of City 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, 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 Environmental Site Assessment Grant Program or the Brownfields Property TAP;
  - iii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfields Property TAP;
  - iv) placing clean fill and grading not disbursed by the Brownfields 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 Brownfields 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 Brownfields Property TAP;
  - vii) environmental insurance premiums not disbursed by the Brownfields 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 10% of total construction costs;
  - ix) demolishing buildings (excluding permit fees);
  - x) building rehabilitation and retrofit works (excluding permit fees);
  - xi) development application fees and building permit fees (includes application for Official Plan Amendment, Zoning By-law Amendment, Minor Variance or Permission, Consent, Site Plan Approval/Amendment/Modification/Termination, Plan of Subdivision/

- Condominium, Condominium Conversion, Part Lot Control Exemption, Removal of the “H” Holding Symbol, Demolition Permit, and Building Permit)<sup>13</sup>;
- xii) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
  - xiii) 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 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).

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<sup>13</sup> Eligible costs do not include city development charges or education development charges collected on behalf of school boards, security deposits, cash-in-lieu payments or bonds required as a result of a development or building permit application.

## 5.6 Brownfields Development Charge Exemption Program

### 5.6.1 Purpose

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

### 5.6.2 Description

While most of the potential brownfield properties in the Community Improvement Project Area are already serviced with adequate water and sewer services and roads, large scale redevelopment of brownfield sites may result in incremental increases in demand for both hard and soft services. However, it is recognized that the costs 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. Therefore, there is a financial rationale for a lower development charge for brownfield redevelopment in the Community Improvement Project Area. The exemption of development charges has been shown to be a major incentive to promote brownfield redevelopment in other municipalities.

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

The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the eligible costs of environmental remediation (see items 5.5.3 f) ii) – vii)) against the development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the development charges payable (development charges exempted) will be deducted from the Brownfields Rehabilitation Grant to be paid. This reduction of development charges will equal up to 60% of the City development charge payable with respect to development on a brownfield site. If any eligible costs of environmental remediation remain under the approved Brownfields Rehabilitation Grant after the reduction of development charges, these would be paid as an annual grant as described in Section 5.5 above.

For projects that achieve land use compatibility goals supported by the City's Official Plan, the inclusion of smart growth principles, and LEED certification into the proposed development, the cost of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfields Rehabilitation Grant to be paid. The City will develop principles to guide the determination of whether or not projects achieve land use compatibility goals and the inclusion of smart growth principles.

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 the Development Charge Exemption 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 City Council.

### 5.6.3 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 Brownfields Rehabilitation Grant Program Application and Agreement in place;
- b) Only properties where an MOE acknowledged RSC has been filed in the Environmental Site Registry for the proposed use will be eligible for the Brownfields Development Charge Exemption Program;
- c) As a condition of development charge exemption, the 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 Brownfields Property TAP;
  - ii) environmental remediation, including the cost of preparing a RSC, not disbursed by the Brownfields Property TAP;
  - iii) placing clean fill and grading not disbursed by the Brownfields 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 Brownfields 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 Brownfields Property TAP;
  - vi) environmental insurance premiums not disbursed by the Brownfields 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 Municipal Leadership Strategy is to establish a framework for the City to:

- a) Address a number of the identified key impediments to brownfield redevelopment;
- b) Streamline and clarify the planning approvals process for brownfield sites;
- c) Complement the financial incentive programs in this CIP;
- d) Provide more proactive municipal leadership, support and partnering on brownfield redevelopment projects, including pilot projects;
- e) Communicate and market to the development and business community the brownfield redevelopment opportunities in Windsor and the incentive programs available under the Brownfield Redevelopment CIP; and,
- f) Improve the overall image of Windsor as a community for investment in brownfield redevelopment projects.

### 6.2 Key Impediments and Opportunities

Just as the financial incentive programs were designed to address certain key impediments to brownfield redevelopment, the actions contained in this Municipal Leadership Strategy (MLS) are designed to address certain key impediments to brownfield redevelopment and take advantage of certain opportunities for brownfield redevelopment in Windsor. These impediments and opportunities were identified during the critical needs analysis. A number of municipal actions were suggested by key stakeholders during the critical needs analysis. These municipal actions are listed below and provide direction for the municipal support and leadership actions that follow:

- 1) Develop and implement a clearer, simpler, less cumbersome and judicious record of site condition requirement procedure as part of the planning approvals process;
- 2) Examine other ways to further streamline the planning approvals process in Windsor, especially the site plan approvals process;
- 3) Better educate municipal staff on risk assessment and remediation technologies;
- 4) Cross train key municipal staff on several disciplines associated with brownfield redevelopment;
- 5) Develop and implement an outreach program to educate developers, property owners, and the public with respect to the opportunities for, and the community benefits of, brownfield redevelopment. This could include written materials in addition to those already provided at the first public meeting and information seminars;
- 6) Continue outreach to organizations that will be instrumental in helping the City to implement the Brownfield Redevelopment Strategy and CIP, such as the Windsor-Essex Development Commission and the Windsor-Essex Regional Chamber of Commerce;
- 7) Once the CIP is approved, implement an aggressive marketing campaign on the part of the City to market the incentives that are available under the CIP and redevelopment opportunities to the brownfield redevelopment industry and the business community in general;
- 8) Provide a “single window” service for brownfield redevelopment projects, including the hiring/appointment of a key staff contact person who would be recognized as a brownfield coordinator.
- 9) Examine the feasibility of permitting and promoting the disposal of non-hazardous soils from brownfield sites to the municipal landfill (possibly for use as daily cover) at a reduced tipping fee;

- 10) Address overall economic development and an overall growth strategy for the entire region and not just Windsor; and,
- 11) Demonstrate the CIP incentive programs and the new proactive approach being taken by the City via involvement in pilot projects on a few brownfield sites that the City and other key stakeholders can learn from and use to build momentum.

### **6.3 Municipal Support Actions**

The public sector actions recommended below are designed to provide a more supportive environment for private sector brownfield redevelopment by reducing or removing impediments to brownfield redevelopment. These recommended Municipal Support Actions items help to address items 1) to 10) above.

#### **6.3.1 Planning Approvals**

It is recommended that the requirement for a record of site condition (RSC) as part of the planning and building permit approvals process be clarified and that applicants be notified as early as possible in the planning approvals and building permit approvals process of the judicious record of site condition requirement procedure as part of the plan review and building permit approvals process. This recommendation has been addressed by the recommended revisions to the Contaminated Sites Policies in the Official Plan and the recommended Environmental Due Diligence Procedure contained in the Planning Policies Report (March 2009).

It is also recommended that the City examine other ways to further streamline the planning approvals process in Windsor with particular emphasis on the site plan approvals process. This could include a review of the City's standard site plan requirements, particularly in situations where former industrial sites are redeveloped for industrial or commercial purposes<sup>14</sup>.

#### **6.3.2 Staff Capacity Building**

It is recommended that City staff involved in the planning approvals process be provided with opportunities to obtain additional information and education on issues such as environmental regulations, risk assessment and remediation technologies. This could be accomplished by inviting staff from the Ministry or Municipal Affairs and Housing and the Ministry of Environment and staff from local and external environmental consulting and technology firms to provide seminars or symposiums to City staff, or as part of a locally organized brownfields conference.

#### **6.3.3 Marketing Strategy**

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

- a) regularly market the City's incentive programs and redevelopment opportunities available in Windsor to brownfield market makers such as property owners, developers, potential end users, and support professionals both within and outside the City;
- b) Inform and educate developers, property owners, and the public with respect to the community benefits of brownfield redevelopment;

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<sup>14</sup> N.B. The site plan process is currently under review by the City with the intention of further streamlining the process.

- c) continue outreach to organizations that will be instrumental in helping the City to implement the Brownfield Redevelopment Strategy and CIP, such as the Windsor-Essex Development Commission and the Windsor-Essex Regional Chamber of Commerce;
- d) provide information on all applicable incentives available from the various levels of government and other organizations; and,
- e) regularly update information on available redevelopment opportunities and available City incentives.

This recommendation is addressed in Section 8.0 of this report where a basic Marketing Strategy is presented.

#### **6.3.4 Coordination**

It is 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. Therefore, the coordinator should have or should develop a good understanding of the planning approvals process, including efforts to streamline that process. The coordinator should also have or develop a good understanding of the environmental approvals process, including the Record of Site Condition regulation and the Ministry of Environment standards.

The brownfield coordinator function can be combined with a planning function or a community improvement plan coordinator function. However, the brownfield coordinator will be required to attend brownfield specific conferences, training seminars and workshops in order to acquire the knowledge necessary to adequately perform the brownfield coordinator role.

#### **6.3.5 Other Support Actions**

As a result of the stakeholder consultation process, a couple of other municipal actions were also suggested. First, it is recommended that the feasibility of permitting and promoting the disposal of non-hazardous soils from brownfield sites to the municipal landfill (possibly for use as daily cover) at a reduced tipping fee be investigated by the City. This investigation would have to take into consideration factors such as MOE regulations, landfill capacity, and what types of projects would be permitted to make use of a reduced tipping fee model if it were to be introduced.

In addition to City staff attending conferences, symposiums and seminars on environmental regulations, risk assessment and remediation technologies, it was also suggested by stakeholders that invitation to these information and education sessions should be extended to stakeholders who want to become more knowledgeable about brownfield redevelopment.

Finally, a number of stakeholders consulted during the critical needs analysis cited overall economic conditions and market demand for development sites in Windsor as an impediment to brownfield redevelopment. Some of these stakeholders suggested that an overall economic development and growth strategy for the entire region and not just Windsor is required.

## 6.4 Municipal Leadership Actions

In contrast to the Municipal Support Actions, the public sector actions recommended below are designed to act as direct catalysts to leverage private sector investment on brownfield sites. These recommended Municipal Leadership Actions address item 11) in Section 6.2 above. The Municipal Support Actions outlined in the previous section and the Municipal Leadership Actions outlined below are designed to complement each other.

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 Windsor may engage in any of these activities as part of its Brownfields Municipal Leadership Strategy (MLS) in order to promote the undertaking of target projects or pilot projects that are identified and approved by the City. To facilitate its MLS, the City may engage in a general program of acquisition of brownfield or potential brownfield properties by a number of means. The City may also undertake, invest in or become involved with target projects to remediate and redevelop high profile or priority brownfield sites or prepare these sites for remediation and/or redevelopment as permitted under Section 28 of the *Planning Act*. The City may also undertake, invest in or become involved with pilot projects that demonstrate the use of innovative tools such as alternative approaches to site remediation and risk management, new environmental remediation technologies, the use of environmental insurance, and/or energy efficient building technologies. The City may also issue Requests for Proposals (RFP's) on City owned brownfield sites, failed tax sale properties, and/or participate in public/private partnerships to clean up and redevelop publicly and privately owned brownfield sites.

It is recommended that these Municipal Leadership Actions be funded from initial seed funding allocated by Council, and on a long term ongoing basis, on part or all of the tax increment that is retained by the City as a result of properties participating in the Brownfields Rehabilitation Grant Program. The City can then use these funds to:

- d) conduct environmental site assessments on municipally-owned properties that are potentially contaminated;
- e) conduct environmental site assessments on properties controlled or acquired by the City through the tax arrears sales process or other means, and conduct requests for proposals (RFPs) on failed tax sale brownfield properties and other properties controlled or owned by the City;
- f) acquire and remediate, rehabilitate, reuse and improve key high priority privately-owned brownfield sites;
- g) 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;

- h) fund brownfield pilot projects (public-private partnerships) to remediate, rehabilitate, reuse and improve redevelop privately and publicly owned brownfield properties;

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

The MLS 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) or any brownfield funding programs that may be implemented by the Province of Ontario in the future. Any municipal government in Canada or its private or public sector partners can apply for funding from the GMF. The City was successful in obtaining a GMF grant from FCM for the preparation of the Brownfield Redevelopment Strategy and CIP. An appropriately funded Municipal Leadership Strategy will allow the City the financial means to leverage FCM funding to help implement the Brownfield Redevelopment Strategy and CIP.

## **6.5 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 and CIP. Therefore, it is recommended that the City utilize the following criteria when evaluating and selecting high priority sites/areas and pilot projects for purposes of the Municipal Leadership Strategy:

- a) The site/area has been identified as a priority redevelopment site/area in the Priority Redevelopment Sites and Areas Report;
- b) The site is or can be made commercially viable and marketable based on an evaluation by the City;
- 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 designated under the Ontario Heritage Act or exhibits significant heritage and architectural characteristics;
- e) 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;

- f) The site is causing major land use compatibility issues and is surrounded in whole or in part by residential or other sensitive land uses;
- g) The site could be a “destination” site drawing large numbers of visitors/shoppers/diners and this would promote additional revitalization in the area where the site is located;
- h) The proposed project will result in the leveraging of significant private sector investment resulting in a significant increase in property tax revenues, employment and/or residential opportunities;
- i) The proposed project will showcase innovative remediation approaches, technologies, risk assessment approaches and/or Smart Growth design/building principles such as LEED building standards; and,
- j) The proposed project will expand or improve the City’s Greenway System.

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

The results of the evaluation of potential redevelopment opportunities in the Inventory suggest that there are three geographic clusters of sites with the highest potential for redevelopment in the City of Windsor. The first cluster is along the Walker Road corridor (Sites 5 to 12). The second cluster (Sites 13 to 16) can be found in the industrial area east of the Ford plant bordered by High Street, Ontario Street and George Avenue. The third cluster (Sites 19 to 23) is located in the east part of the city in the Lauzon Road area. The City should consider these three areas as priority areas for the municipal leadership activities specified in Section 6.4 of this CIP.

## 7.0 MONITORING PROGRAM

### 7.1 Purpose

The City of Windsor Brownfield Redevelopment CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, the purpose of the monitoring program is to monitor the performance and impact of the incentive programs and the municipal leadership strategy and to utilize this information to make adjustments to the incentive programs and the municipal leadership strategy in order to help ensure that the goals of the Brownfield Redevelopment Strategy and CIP are successfully accomplished.

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

- a) Funds dispersed through the CIP incentive programs by program type so as to determine which programs are being most utilized;
- b) The economic impact associated with projects taking advantage of the CIP incentive programs in order to determine the leverage ratio of private sector investment being leveraged by public sector investment; and,
- 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 5 presents a list of the variables that should be monitored by the City of Windsor 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 particularly attempt to monitor the results of the programs in Figure 5 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. 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 5 Variables to be Monitored**

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

**Figure 5 Variables to be Monitored (Cont'd)**

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

### 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 will be provided to the Minister of Municipal Affairs and Housing for information purposes only. Increases in funding provided by existing financial incentives or changes to eligibility criteria that would increase funding provided by existing financial incentives, or the addition of any new programs to the CIP 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 this Brownfield Redevelopment CIP that the City's incentive programs, municipal leadership actions, and the redevelopment opportunities available in Windsor 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 redevelopment opportunities in order to help implement the Brownfield Redevelopment CIP. This Marketing Strategy will help guide the City when:

- a) marketing its brownfield redevelopment programs and brownfield redevelopment opportunities;
- b) providing information on obtaining assistance and advice from the City; and,
- c) educating 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 Windsor;
  - 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 CIP and site-specific brownfield redevelopment projects.

The City should also seek the cooperation and participation of the Windsor-Essex Development Commission, Windsor Essex Regional Chamber of Commerce and the Windsor Essex County Environment Committee (WECEC) in marketing to their members.

### **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 City of Windsor Brownfield Redevelopment Community Information Package (May 2008) and a description of the financial incentive programs available from the City, including general program requirements and how to apply;
- ii) The Priority Redevelopment Sites and Areas Report should be distributed to developers and investors (where the property owners agree).
- 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 Windsor;
- 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 Priority Redevelopment Sites and Areas Report 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 should make periodic presentations on the Brownfield Redevelopment Strategy and CIP, available incentive programs, and brownfield success stories to industry groups such as the development community, real estate, environmental and planning consultants, finance, insurance and legal professionals. This direct face-to-face marketing tool is a very important component of the Marketing Strategy.

#### **d) Attendance at Brownfield Conferences**

Key city 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 often 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 Windsor with most brownfield redevelopment opportunities located in close proximity to the downtown and existing residential and commercial areas;
- e) Brownfield redevelopment can help revitalize residential neighbourhoods and employment areas, resulting in an enhanced quality of life for the residents of Windsor;
- f) 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 Windsor to achieve its growth management goals;
- g) Brownfield reinvestment brings economic activity to derelict and underused sites. It will generate employment and increased property tax revenues for the City of Windsor;
- h) The City of Windsor 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 incentive programs and municipal leadership strategy 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 Windsor'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 Windsor Essex Regional Chamber of Commerce and the Windsor Essex County Environment Committee (WECEC) 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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Hara Associates. 2003. “Market Failures and Optimal Use of Brownfield Redevelopment Policy Instruments”, prepared for the National Roundtable on the Environment and the Economy. Ottawa, Ontario.

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## **APPENDIX A**

### **Section 11.8 of the City of Windsor Official Plan Community Improvement Policies**

## 11.8 Community Improvement

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another.

### 11.8.1 Objectives

<i>COMMUNITY IMPROVEMENT PLANS</i>	11.8.1.1	To revitalize areas in decline or in transition from one land use to another through the use of Community Improvement Plans.
<i>MAINTENANCE &amp; OCCUPANCY</i>	11.8.1.2	To provide standards for building and property maintenance and occupancy.
<i>NEIGHBOURHOOD GROUPS</i>	11.8.1.3	To establish partnerships with neighbourhood groups to strengthen residential areas.
<i>BUSINESS ASSOCIATIONS</i>	11.8.1.4	To establish partnerships with business associations to strengthen employment, commercial and mixed use areas.
<i>MUNICIPAL ACTIONS</i>	11.8.1.5	To direct municipal actions to revitalize and strengthen neighbourhoods.
<i>ENERGY EFFICIENCY</i>	11.8.1.6	To ensure the provision of energy efficient uses, buildings, structures, works, improvements or facilities. (Added by OPA #66-11/05/07-B/L209-2007)

### 11.8.2 Policies

<i>COMMUNITY IMPROVEMENT PROJECT AREA</i>	11.8.2.1	Council may designate by by-law a Community Improvement Project Area in accordance with the Planning Act to revitalize planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another.
<i>AREAS FOR DESIGNATION</i>	11.8.2.2	<del>A Community Improvement Project Area may include any planning district, neighbourhood, corridor or any other identified area of the city and shall be encouraged for:</del> (Deleted by OPA #66-11/05/07-B/L209-2007) <ul style="list-style-type: none"> <li>(a) <del>residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;</del></li> <li>(b) <del>declining commercial or mixed use areas where there are a number of vacant or underutilized properties;</del></li> <li>(c) <del>declining or obsolete industrial areas;</del></li> </ul>

<p>AREAS FOR DESIGNATION</p>	<p>11.8.2.2</p>	<p>(d) <del>areas in which there are land use conflicts as a result of incompatible uses;</del></p> <p>(e) <del>areas that have deficient municipal services such as parks, sewers and roads; and</del></p> <p>(f) <del>areas that have the potential to be new employment areas.</del></p>
	<p>A Community Improvement Project Area may include any planning district, neighbourhood, corridor, site, or any identified area of the city and shall be encouraged for:        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(a) residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(b) declining commercial or mixed use areas where there are a number of vacant or underutilized properties;        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(c) declining, underutilized, derelict, vacant or obsolete industrial or commercial areas;        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(d) areas in which there are land use conflicts as a result of incompatible uses;        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(e) areas that have deficient municipal services such as parks, sewers and roads; and,        (Added by OPA #66-11/05/07-B/L209-2007)</p> <p>(f) areas that have the potential to be new employment areas.        (Added by OPA #66-11/05/07-B/L209-2007)</p>	
<p>COMMUNITY IMPROVEMENT PLAN CONTENTS</p>	<p>11.8.2.3</p>	<p>Where Council authorizes the preparation of a Community Improvement Plan, it shall be prepared in accordance with the provisions of the Planning Act and shall generally contain the following:</p> <p>(a) a statement of the basis or rationale for the preparation of the Community Improvement Plan;</p> <p>(b) a description of the Community Improvement Project Area, including a reference map and the role and relationship of the Community Improvement Project Area to the city as a whole;</p> <p>(c) a statement of the desired purpose of the Community Improvement Plan;</p>

- (d) the goals and objectives appropriate for the Community Improvement Project Area including a statement demonstrating how they are in keeping with the strategic directions and general goals and objectives of this Plan and provincial legislation, policies and guidelines; and
- (e) provisions, as appropriate to the Community Improvement Project Area and in keeping with the Planning Act, for:
  - (i) the revitalization of land and buildings;
  - (ii) the acquisition, sale or lease of lands or buildings acquired by the Municipality to facilitate community improvement;
  - (iii) the establishment and/or distribution of grants or loans for the purpose of revitalizing the area;
  - (iv) other such matters as may be appropriate for the Community Improvement Project Area; and
  - (v) affordable housing.  
 (Added by OPA #66-11/05/07-B/L209-2007)

*PUBLIC INPUT*            11.8.2.4            Council shall solicit public input on the Community Improvement Plan in accordance with the provisions of the Planning Act and section 10.6 of this Plan.

*DISSOLVE A  
 COMMUNITY  
 IMPROVEMENT  
 PROJECT AREA*            11.8.2.5            Council may dissolve a Community Improvement Project Area in accordance with the Planning Act once it has been determined that the purpose for Community Improvement Plan has been satisfied.

*MAINTENANCE  
 & OCCUPANCY  
 STANDARDS  
 BY-LAW*            11.8.2.6            Council may pass a Maintenance and Occupancy Standards By-law in accordance with the Planning Act to sustain a high standard of building and property maintenance.

*STANDARDS*            11.8.2.7            The Maintenance and Occupancy Standards By-law may, among other items:

- (a) prescribe standards for maintenance and occupancy;
- (b) prohibit the occupancy of such property that does not conform to the standards; and
- (c) require the repair and maintenance of property that does not conform to the standards.

<i>ENFORCEMENT</i>	11.8.2.8	In the event that Council passes a maintenance and occupancy standards by-law, Council shall appoint a Property Standards Officer responsible for the administration and enforcement of the By-law.
<i>APPEALS</i>	11.8.2.9	In the event that Council passes a maintenance and occupancy standards by-law, Council shall appoint a Property Standards Committee in accordance with the Planning Act for the purpose of hearing appeals against an order of the Property Standards Officer.
<i>NEIGHBOURHOOD GROUPS</i>	11.8.2.10	Council will encourage the establishment of neighbourhood groups and business associations, such as Business Improvement Areas, to improve areas of the city.
<i>PARTNERSHIPS</i>	11.8.2.11	Council will pursue partnerships with neighbourhood groups and business associations to improve areas of the city.
<i>MUNICIPAL INITIATIVES</i>	11.8.2.12	<p>Council may contribute funding toward the revitalization of areas through the capital works budget for projects including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) streetscape improvements;</li> <li>(b) infrastructure improvements;</li> <li>(c) the provision and upgrading of open space areas; and</li> <li>(d) the provision and upgrading of community facilities.</li> <li>(e) environmental site assessment and remediation; (Added by OPA #66-11/05/07-B/L209-2007)</li> <li>(f) development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes; and,(Added by OPA #66-11/05/07-B/L209-2007)</li> <li>(g) the provision of energy efficient uses, buildings, structures, works, improvements or facilities. (Added by OPA #66-11/05/07-B/L209-2007)</li> </ul>

## **APPENDIX B**

### **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**

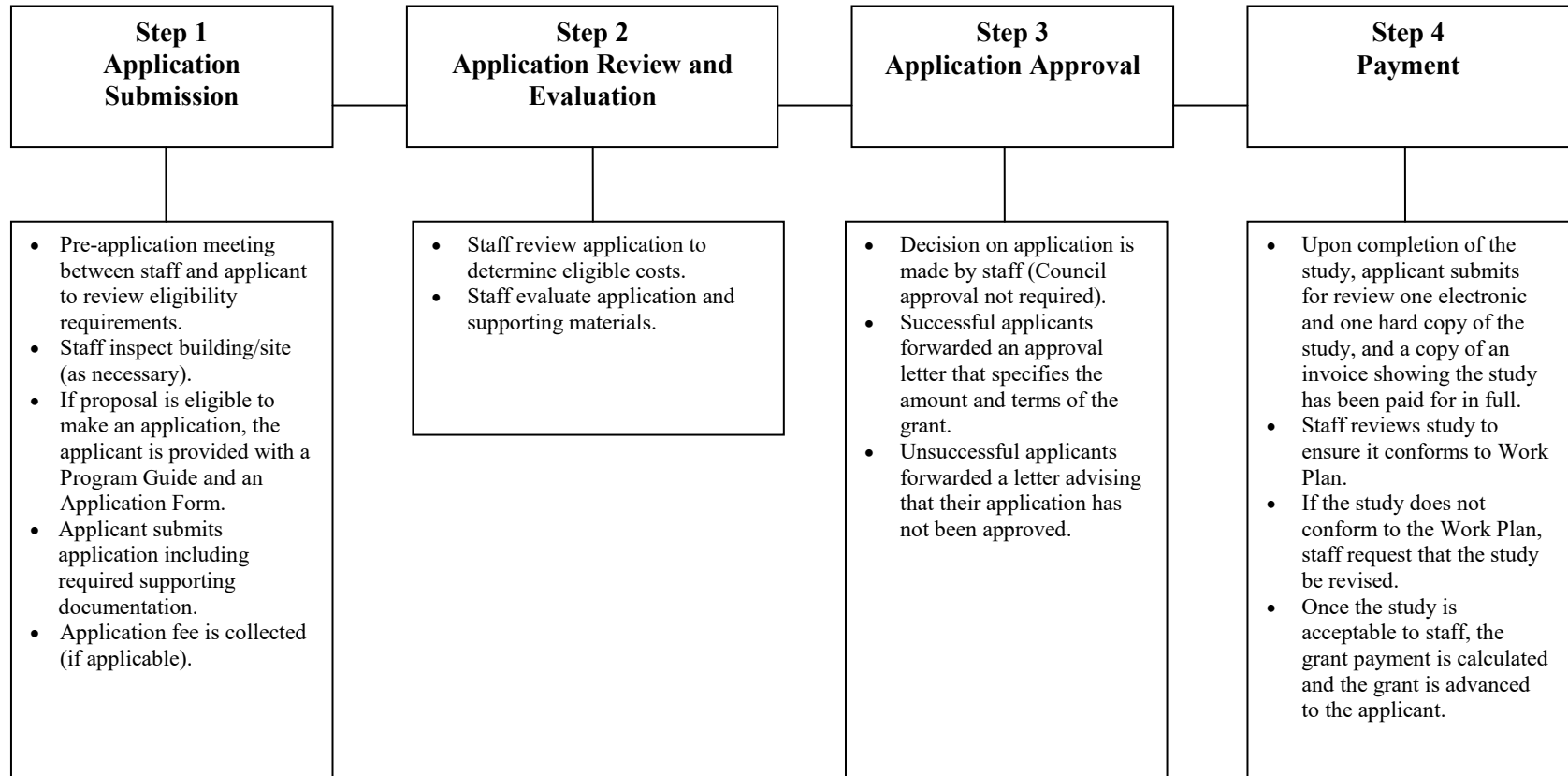
If an application is approved, the applicant will be sent a letter that outlines the terms and the amount of the grant. If an application is not approved, the applicant will also be advised by letter.

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 and retention 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.

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



## **APPENDIX C**

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

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

## **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.

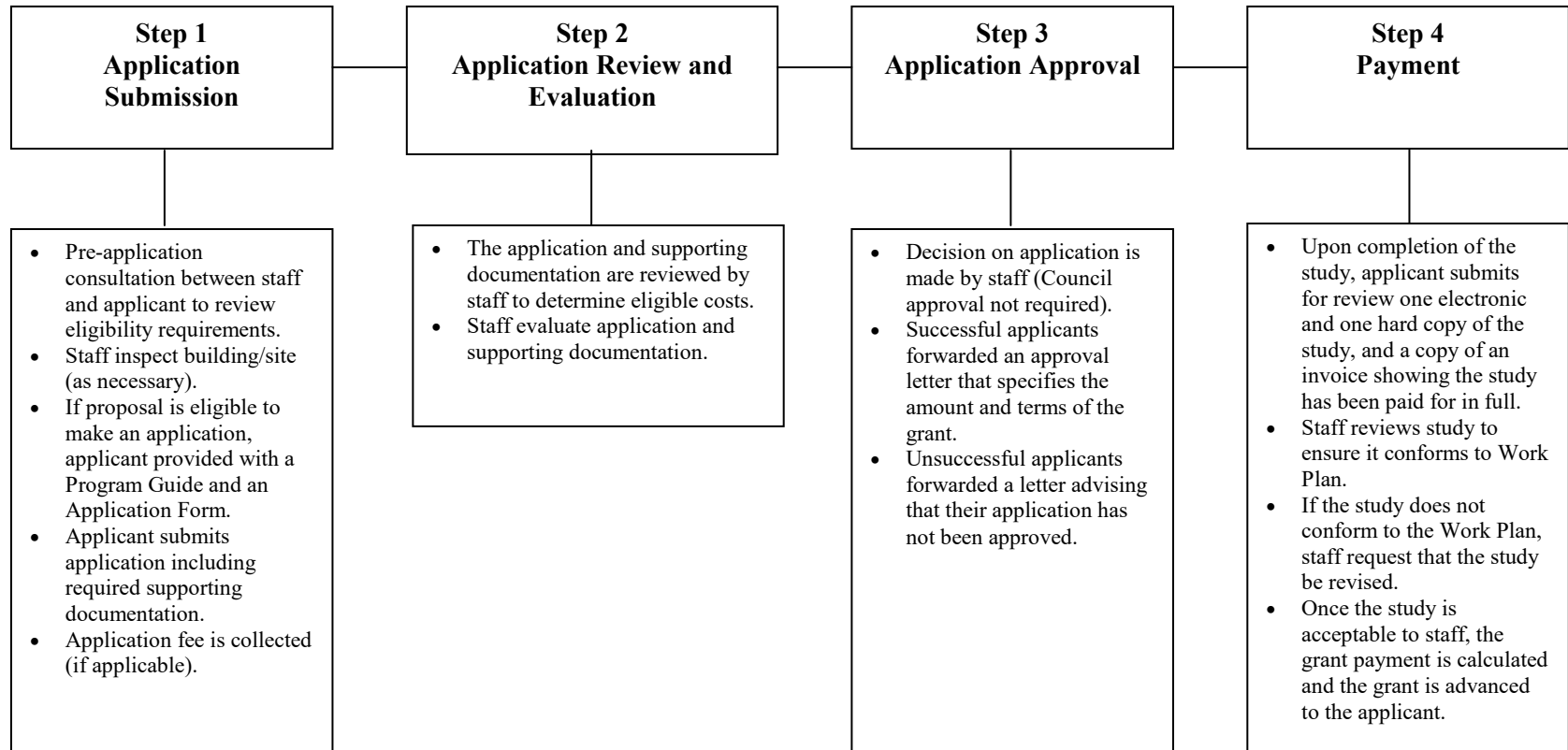
### **Step 3 Application Approval**

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



## **APPENDIX D**

### **Brownfields 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 Property Tax Assistance, staff will prepare the following documents:

- a) A recommendation report to Council or Council's designate on the Brownfields Property Tax Assistance Program Application;
- b) a Brownfields Property 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) – d) above will be forwarded 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 may continue to offer municipal tax assistance up to the time period specified for City 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 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.

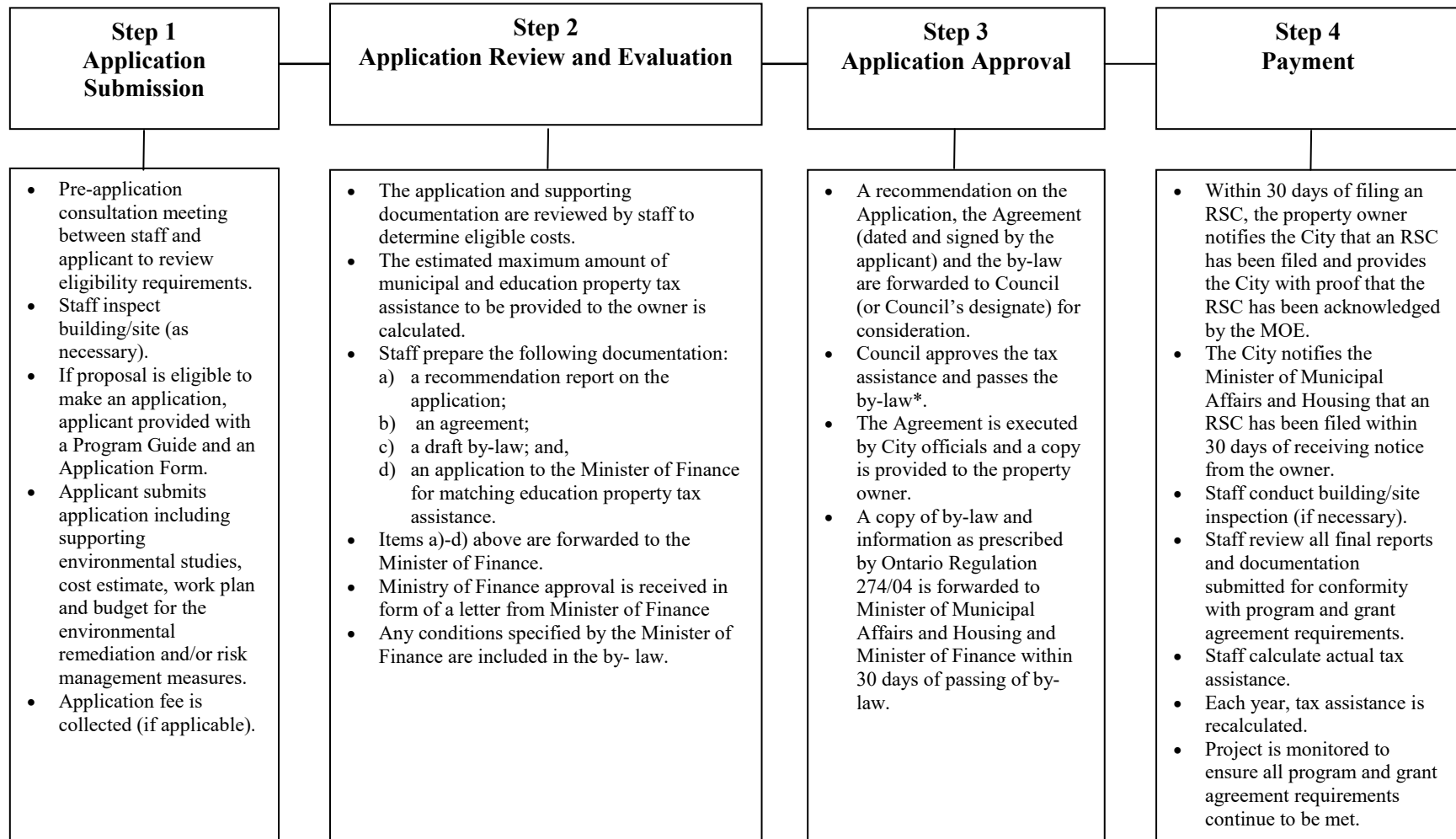
### **Step 4 Payment**

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 has the option of providing conditional tax assistance, which means that the tax assistance will not be provided until the landowner has first met municipal conditions related to the rehabilitation and development of the lands. Under a conditional tax assistance scenario, the City has 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 would provide the accumulated tax assistance to the landowner as identified in the by-law.

**Figure D-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 E**

### **Brownfields Rehabilitation Grant Program Administration**

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

## **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 Brownfields Rehabilitation Grant Program Agreement.

### **Step 3 Application Approval**

A recommendation report will be prepared by staff. If this report recommends approval of the application, a grant agreement satisfactory to the 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 E-1 Brownfields Rehabilitation Grant Program Administration**

