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BROWNFIELD SITES COMMUNITY IMPROVEMENT PLAN

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PART A – THE PREAMBLE

Part A is provided as background information, and does not constitute part of the Brownfield Sites Community Improvement Plan.

A.1 OFFICIAL PLAN COMMUNITY IMPROVEMENT POLICIES

The Brantford Brownfield Sites Community Improvement Plan implements the Natural and Built Environment objectives of the City's Official Plan. Section 6.2.4.1.e, of the Official Plan states that one of the objectives of the Official Plan is to:

Promote the rehabilitation of contaminated sites and encourage appropriate reuse opportunities.

The City of Brantford Official Plan, in Section 14, contains policies to encourage the:

Preservation, rehabilitation, renewal and redevelopment, where appropriate, of certain areas of the City in order to improve the safety, and quality of buildings, structures and facilities.

The Official Plan, in Section 14, provides criteria for the designation of industrial and commercial community improvement project areas. The Official Plan does not require that all of these criteria be met for the designation of a community improvement project area but only that some of the criteria be met.

Schedule 6 – Implementation of the Official Plan delineates the community improvement policy area for Brantford. The Brownfields Community Improvement Project Area, established in Bylaw 19-2003, is entirely situated within the Official Plan's community improvement policy area and meets the criteria for the designation of a community improvement project area.

Within a community improvement project area, Council may establish a budget for projects directed towards the rehabilitation, renewal or redevelopment of land and buildings and may implement incentive programs to assist property owners in undertaking works that are consistent with the objectives of the community improvement plan.

A.2 THE BROWNFIELD PROBLEM

City Council, through Bylaw 68-2006, has approved the following definition of a “brownfield site”:

A “brownfield site” is hereby defined to be a lot (as that term is defined in Bylaw 160-90) which, as a result of past uses, does not comply with the applicable provincial environmental standards for its existing or proposed uses.

Brownfield sites are a concern to neighbouring properties. The deteriorating state of vacant or largely abandoned brownfield properties discourages investment on adjacent lands. Neighbours have to contend with vandalism and the increased risk of fires associated with such sites and the possibility of environmental contamination leaching from the sites.

In most cases, brownfield sites cannot compete with greenfield sites for new development. In addition to the physical problems associated with such sites, a variety of legal, financial and environmental obstacles also discourage their redevelopment. The myriad of problems, whether real or perceived, discourage reinvestment.

If the property is to be converted to a more sensitive use, onerous and costly activities such as environmental site assessments, site remediation, and the submission of a record of site condition are required to standards set by the provincial Ministry of the Environment.

Where there is sufficient demand in the market place, it may be viable for the private sector to convert brownfield sites to other uses. In some brownfield areas, the scope of the project may be too large for the private sector to undertake even with municipal incentives. This is particularly the case in municipalities experiencing slow or moderate growth and where there is insufficient market demand to make redevelopment viable. In such situations, sites will remain idle or under-utilized and continue to deteriorate without the involvement of the public sector in acquiring the properties and initiating site remediation and redevelopment or providing financial incentives to encourage the private sector to carry out these activities.

Municipalities can provide limited incentive programmes such as the waving of development charges and permit fees, study grants, and by rebating a portion of the increased tax revenues resulting from the completion of a redevelopment project. Upon the approval of community improvement plans, municipalities may be able to offer grants, loans or tax assistance to the private sector in the remediation of brownfield sites.

A.3 INVENTORY

It is difficult to prepare a list of potential brownfield sites as environmental site assessments on most sites have either not been carried out or are not available to the municipality. While past use of a property may provide an indication of potential contamination, this can only be verified through on-site investigations. Potential brownfield properties can vary considerably in size and character. They can include former gasoline service station properties, former hydro properties as well as former industrial sites. In preparing an inventory, there are liability concerns as the labelling of a property as a brownfield may impact upon its value. The best that can be accomplished is to prepare an inventory of vacant or under-utilized former industrial or commercial properties within the core area.

A.4 BENEFITS OF BROWNFIELD REDEVELOPMENT

The redevelopment of brownfield sites can have many positive economic, social and environmental benefits to the Brantford community. Experience in Canada and in the United States has indicated that the following benefits may result from brownfield redevelopment:

1. **Improve environmental quality, health and safety.** The cleanup of brownfield sites removes contaminants from buildings, soils and ground water and restores the environmental quality of the community. Fires from abandoned buildings on brownfield properties can pose a significant threat to the environmental well being of nearby residents. The redevelopment of such sites removes the threat to human health and safety.
2. **Increased tax revenue as a result of increased property assessment.** The increase in municipal property tax revenue can be significant, particularly where the property was delinquent in tax payments prior to site remediation and redevelopment.
3. **Creation and retention of employment opportunities.** This may occur during site cleanup and redevelopment and in new enterprises that may be established on the rejuvenated property.
4. **Revitalization of neighbourhoods and communities.** Redevelopment or adaptive reuse of brownfield sites can bring new housing into a neighbourhood, can create new business and bring new recreational facilities that can improve the quality of life for neighbouring residents and stimulate investments on nearby properties.

5. **Maximize the utilization of municipal infrastructure in the existing urban core.** Brownfield sites are usually fully serviced properties. Redevelopment of such properties can contribute to the fuller utilization of existing municipal services and minimize the need to expand services at the edge of the built-up urban area to accommodate new growth.
6. **The redevelopment or re-use of brownfield properties may provide the City with the opportunity to meet other community needs.** For example, a brownfield property remediated by the City can provide the opportunity to develop new affordable housing. The municipal costs in acquiring and cleaning the land could qualify as the municipal contribution towards an affordable housing project under the new Federal/Provincial Affordable Housing Agreement.

Experience in other communities indicates that public investment in brownfield redevelopment can leverage a significant amount of private investment. Research carried out for the National Round Table on the Environment and the Economy (NRTEE) as part of its work program to develop a national brownfields strategy, has found that funds invested in brownfield redevelopment have a very large multiplier impact on the economy.¹ Overall, the study found that investment in brownfield redevelopment generates a multiplier effect of 3.8 times the amount of the original investment. That is, \$1 million investment in brownfield remediation activities will result in an economic impact of \$3.8 million in expenditures. According to the NRTEE study, the brownfield redevelopment cluster has the highest output multiplier of any sector in the Canadian economy. This is due to the high service content and the large number of inter-firm linkages that typify the brownfield redevelopment industry.

A.5 LEVELING THE PLAYING FIELD FOR BROWNFIELD PROPERTIES

In Brantford, brownfield sites have difficulty in competing with greenfield properties in attracting new development. Industrial lands in the City's new industrial parks are often sold at prices that are considerably less than cost that would be incurred in the clean up of a contaminated industrial property. On some brownfield sites in Brantford, demolition costs for existing obsolete buildings may be in excess of land value and the cost of converting existing buildings for modern needs. Also, brownfield properties often do not have the locational advantages of the industrial parks that have convenient access to Highway 403.

While brownfield sites can be remediated to the point that they are safe for residential development, a high standard and costly standard of site remediation is required for this

¹ National Round Table on the Environment and the Economy, "Helping Build Sustainable Communities: A National Brownfield Redevelopment Strategy for Canada", draft report, October 2002.

² City of Guelph, "Brownfields Strategy", May 2002.

form of redevelopment. Without incentives, private sector participation in the resolution of brownfield problems is often not feasible.

A number of municipalities, such as Hamilton and Guelph have introduced incentive programs that assist in leveling the playing field for brownfield redevelopment projects versus development projects on greenfield sites. The incentive programs approved in these municipalities essentially eliminate the cost of site remediation by offering grants based on the increased property tax revenue to be generated from the completion of a brownfield redevelopment project. These incentive programs are entirely municipally financed.

Without incentives, private sector participation in the resolution of brownfield problems is often not feasible.

A community improvement plan, prepared in accordance with the requirements of Section 28 of the *Planning Act*, and approved by the provincial Ministry of Municipal Affairs and Housing is a pre-requisite for the municipality to offer incentive programs to stimulate private sector involvement in the resolution of brownfield issues. The approval of a community improvement plan requires the establishment of a community improvement project area. To maintain maximum flexibility, the project area should be contiguous with the community improvement policy area as set out in Schedule 6 “Implementation” in the City’s Official Plan.

In addition to providing incentive programs, an approved community improvement plan would also enable the City, with respect to resolving brownfield problems, to carry out the following activities:

1. Acquire land;
2. Hold land;
3. Clear, grade or otherwise prepare the land for community improvement;
4. Construct, repair, rehabilitate or improve buildings on land acquired or held by it, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
5. Sell, lease or otherwise dispose of any land acquired or held by it to any person or governmental authority for use in conformity with the community improvement plan.
6. Make grants or loans to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan

provided that the total assistance provided does not exceed the cost of rehabilitating the land and buildings

A community improvement plan is an essential tool in the implementation of a municipal brownfields strategy. The *Planning Act* requires that Council hold a public meeting before it approves a community improvement plan.

A.6 MUNICIPAL BUDGET FOR BROWNFIELD ACTIVITIES

The City, in 1999, established a brownfields reserve fund through which various brownfield related activities have been financed. Projects that have been funded from the brownfields reserve fund include:

- Construction of an interceptor trench at 66 Mohawk Street;
- Demolition and site remediation work at 186 Pearl Street (the former Bay State Abrasives property);
- Demolition of all above ground structures and environmental site assessments at 22 Sydenham Street (the former Northern Globe property);
- Demolition of all above ground structures, environmental site assessments, and the removal of an underground storage tank at 17 Sydenham Street
- The Greenwich and Mohawk Streets Brownfield Sites Remediation Study.
- The demolition of all above ground structures (excluding the designated Cockshutt building) at 66 Mohawk Street.

Over \$1.5 million from the reserve fund was spent on these projects.

Based on past experience, adequate funds should be kept available in the brownfields reserve to accommodate three basic purposes:

1. Emergency situations such as the demolition of the above ground structures in response to orders from the Brant County Medical Officer of Health or the City's property standards office.
2. An annual allocation to fund environmental site assessments. Funding will be needed to carry out environmental site assessments on brownfield sites that are eligible for municipal tax sale, to assist private property owners in carrying out studies and for investigations on municipally owned properties.
3. An annual allocation to fund site remediation activities.

It is important that the recommended allocation for studies and site remediation work be carried out each year, even if the allocation from the previous year has not been spent.

By maintaining the annual allocations, funds may accumulate in the reserve so that, eventually, large remediation projects can be carried out.

The funding to the brownfield reserve account **does not** include the funding that may become available to property owners, through tax assistance for carrying out site remediation work, or from grants based on the increased property assessment that may be generated from redevelopment of vacant or under-utilized industrial or commercial properties. The funding also **does not** include grants or transfers that may become available from the provincial or federal governments through their brownfield initiatives.

Treasury Policy # 18, approved by City Council on May 7, 2001, states that revenues will also be added to the Brownfield Site Reserve Fund through the following mechanisms:

1. That any recovery of taxes from the sale of a brownfield site through the Tax Sale process be transferred to the Brownfield Site Reserve Fund.
2. That any surplus revenue from the sale of a brownfield site through the Tax Sale process be transferred to the Brownfield Site Reserve Fund.
3. That, if the City acquires a brownfield site property through the Tax Sale process and there are taxable tenants at the site, the Commissioner of Community Development budget annually a transfer to the Brownfield Site Reserve Fund in an amount equal to the City's share of taxes generated by the property until such time as the property is either sold or rejuvenated.
4. That, if the City acquires a brownfield site property through the Tax Sale process, rejuvenates the site and then sells the property, the Commissioner of Community Development budget annually for five years a transfer to the Brownfield Site Reserve Fund in an amount equal to the City's share of the taxes generated by the property, and that the amount the property sells for be transferred to the Brownfield Site Reserve Fund. [Note that City Council at its meeting on December 16th, 2002 has directed that the taxes from a cleaned up brownfield site be directed to the Brownfield Site Reserve Account for an indefinite period of time.]

Through this policy, revenues resulting from owning and redeveloping and selling brownfield properties are to be returned to the Brownfield Site Reserve Fund.

Part B of this document, along with *Schedule "A"*, form the Community Improvement Plan for the Brownfield Sites Community Improvement Project Area.

PART B – BROWNFIELD SITES COMMUNITY IMPROVEMENT PLAN

B.1. COMMUNITY IMPROVEMENT PROJECT AREA

The boundary of the Brownfield Sites Community Improvement Project Area will be as indicated on ***Schedule “A”***.

B.2 GOAL

B.2.1 Primary Goal

1. To facilitate the remediation and redevelopment or reuse of brownfield sites through the stimulation of private sector initiatives and strategic municipal action.
2. By achieving the Primary Goal, the municipality will succeed in:
 1. Improving the health and safety of older neighbourhoods, in which brownfield properties are located;
 2. Improving the municipal tax base by encouraging reinvestment on brownfield properties;
 3. Improving the environmental conditions in the central area of Brantford through the remediation or removal of contaminated soils and designated substances; and
 4. Increasing community awareness of the economic, social and environmental benefits of brownfield redevelopment.

B.3 STIMULATION OF PRIVATE SECTOR INITIATIVES

B.3.1 Objectives

1. Provide incentive programs, where possible in partnership with the provincial and federal governments, to encourage private sector initiative and investment towards the remediation and redevelopment or reuse of contaminated properties
2. Encourage the completion of environmental site assessments on suspected contaminated lands that will be available to prospective purchasers and other interested parties.
3. Take advantage of federal and provincial financial assistance programs, when available

B.3.2 “Study Grant” Program

1. The City may establish a study grant program to assist in the cost of undertaking environmental site assessments and for the preparation of remedial work plans. The City will establish conditions for the study grant program and may establish an upper limit for the maximum grant that can be given to a property. The assessments must meet standards set by the Ministry of the Environment and the City of Brantford and the completed study must be made available to the City to be included in the municipal database that can be made available to prospective purchasers and other interested parties. .
2. Specific details regarding the Study Grant Program will be set out in *guidelines* to the Community Improvement Plan, adopted by City Council, and may be varied without amendment to the Community Improvement Plan. The *guidelines* will serve to implement the Study Grant Program and are to be read in conjunction with this Plan.

B.3.3 Financial Tax Incentive Program

1. To encourage private sector initiative towards the remediation and redevelopment of brownfield sites, the City may provide assistance through the property tax system to property owners who carry out such activities. The tax assistance would be through the cancellation or reduction of property taxes collected for municipal and school purposes. The Financial Tax Incentive Program will be administered in conformity to the requirements of Section 365.1 of the *Municipal Act, 2001*, related regulations and the provincial Brownfields Financial Tax Incentive Program. The taxes cancelled or reduced would not exceed the cost of completing environmental site assessments and completing site remediation work in compliance with Provincial legislation and guidelines.
2. To be eligible, a prior Phase II environmental site assessment, containing cost estimates for remediation, must have been completed in conformity with Provincial and City requirements, and the property conditions are such that environmental remediation is required before a record of site condition can be filed with the Ministry of the Environment.

To be eligible, a property must also have a completed environmental site assessment that indicates the property does not meet the standards set out in the *Environmental Protection Act*.

A by-law must be passed for each approved application in order for the applicant to receive property tax assistance for an eligible property. Site specific conditions may be imposed by the by-law as determined by the municipality and/or Province. It should be noted that the Province may impose different conditions than the requirements of the City for the reduction or cancellation on the education portion of the property tax.

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3. Specific details regarding the Financial Tax Incentive Program will be set out in *guidelines* to the Community Improvement Plan, adopted by City Council, and may be varied without amendment to the Community Improvement Plan. The *guidelines* will serve to implement the Property Tax Reduction Grant Program and are to be read in conjunction with this Plan.

B.3.4 Performance Tax Grant Back Program

1. The City may provide grants to encourage the rehabilitation of vacant or under-utilized former commercial or industrial properties. The financial assistance would be in the form of grants based on the estimated increase in the municipal portion of property taxes collected from the property following the completion of the rehabilitation work on vacant or under-utilized former commercial or industrial land. Eligible costs are subject to the limitations imposed by relevant provincial legislation and regulations and may include environmental studies and environmental remediation. Eligible costs would be net of any grants or tax assistance provided under either the Study Grant Program or the Property Tax Reduction Program.
2. Specific details regarding the Performance Tax Grant Back Program will be set out in *guidelines* to the Community Improvement Plan, adopted by City Council, and may be varied without amendment to the Community Improvement Plan. The *guidelines* will serve to implement the Property Tax Grant Back Program and are to be read in conjunction with this Plan.

B.3.5 Development Charges

1. The City of Brantford may review its Development Charges Bylaw to determine the feasibility of reducing or eliminating development charges for brownfield redevelopment projects.

B.3.6 Program Eligibility

1. All grant, loan or other incentive programs may be available to property owners, tenants and to the assignees of owners and tenants in accordance with the provisions of the *Planning Act*, as amended. The specific program guidelines approved by City Council may more specifically outline program eligibility.
2. Eligible properties must be located within the Brownfield Sites Community Improvement Project Area.

B.4 DIRECT MUNICIPAL ACTION

B.4.1 Objectives

1. Coordinate and provide the framework for strategic municipal actions to facilitate the cleanup and redevelopment of brownfield sites.
2. Ensure that municipal departments are working in a co-operative and co-ordinated manner towards the achievement of municipal brownfield objectives.
3. Utilize the Provincial brownfields legislation, to its full potential to augment the municipal action plan.
4. Enter into partnerships with Federal and Provincial agencies and the private-sector to undertake brownfield clean up and redevelopment activities.
5. Take pro-active appropriate municipal actions to prevent development sites from becoming problem brownfield properties.
6. Continue to seek innovative and low cost methods of brownfield remediation.

B.4.2 Direct Activities

1. The City, to encourage and promote brownfield redevelopment, may carry out the following activities:
 1. Enter into partnerships with federal and/or provincial governments and/or private property owners for the purpose of remediating and redeveloping brownfield properties.
 2. Provide or improve municipal infrastructure required to facilitate the redevelopment of brownfield sites.

3. Develop land use strategies, in consultation with affected neighbourhoods, to encourage the redevelopment or conversion of brownfield sites.
4. Acquire land, where appropriate, for the purpose of implementing a strategy for the redevelopment or reuse of a brownfield site; and
5. Sell, lease or otherwise dispose of brownfield properties acquired or held by the City to any person or government agency to facilitate the remediation, redevelopment or reuse of the property.
6. Prepare and maintain an inventory of vacant and underutilized former commercial and industrial properties.

B.4.3 Property Tax Sales

1. The City will, as soon as the property is eligible, place a brownfield property up for tax sale to maximize the prospects of a successful sale.
2. If as a result of a failed tax sale, the City becomes the owner of a brownfield property, the City may carry out any or all of the following activities:
 1. Carry out environmental site assessments or risk assessments to determine the cost of rehabilitating the property to a use that conforms to the Official Plan designation.
 2. Request proposals from private parties to purchase, rehabilitate and redevelop the property.
 3. Enter into partnerships with private parties and/or other government agencies to rehabilitate and redevelop the property.
 4. Develop, sell, or lease adjacent or nearby lands, already in municipal ownership, where such activity will assist in the remediation and redevelopment of the brownfield property.
 5. Take advantage of the special provisions provided to municipalities under the *Environmental Protection Act*.
 6. Consult with abutting neighbourhoods regarding redevelopment options for the property.

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7. Rehabilitate the site to permit the filing of a Record of Site Condition in the Environmental Site Registry and to comply with any certificate of property use issued under the *Environmental Protection Act*.
 8. Redevelop the property.

B.4.4 Preventive Measures

1. The City will inspect brownfield properties to identify breaches of the Fire Code and the Property Standards Bylaw.
2. Appropriate enforcement action will be taken having regard for the circumstances, available resources and other pertinent considerations.
3. The City will ensure that brownfield properties under its ownership are in compliance with fire code regulations and to property maintenance standards.
4. Where the City is advised of conditions on brownfield properties that are in violation of provincial or federal environmental regulations, it will notify the appropriate government agencies so that appropriate action can be undertaken.

B.4.5 Innovative Methods of Remediation

- 1 The City will consider and implement, where feasible, innovative methods of environmental remediation that can reduce costs and achieve acceptable environmental conditions on brownfield properties that are municipally controlled.
- 2 The City will, where feasible, work with and cooperate with research scientists and engineers in the development and application of innovative environmental remediation technologies.
- 3 The City will seek funding support from provincial and federal governments and other agencies to assist in the financing of innovative environmental remediation projects.
4. The City will encourage the private sector to adopt innovative technologies and methods for site remediation provided that appropriate standards for site clean up can be achieved.

B.4.6 Meeting Community Needs

1. The City will investigate how brownfield sites can be redeveloped or reused to meet community needs. Specifically, the City will:
 1. investigate, where appropriate, the feasibility of redeveloping brownfield sites for affordable housing to meet the objectives of a municipal affordable housing strategy;
 2. where neighbourhoods are deficient in open space and there are no alternative sites available for park development, redevelop part or all of a brownfield site for open space use; and
 3. consider, where appropriate, the feasibility of redeveloping brownfield properties for needed public facilities.

B.4.7 Community Involvement

1. The City, when appropriate, will hold public meetings or information sessions, at locations convenient to the neighbourhood to obtain community input for the preparation of redevelopment plans for brownfield sites and to discuss and to provide information on issues of concern relating to brownfield properties.
2. The City, where there are identified off-site impacts from brownfield properties, will notify property owners and tenants who may potentially be affected of the nature, extent and possible hazards associated with the contamination.
3. The City will work in cooperation with the Brant County Health Unit and the provincial Ministry of the Environment and other relevant government agencies in the dissemination of information of community concern regarding contaminated brownfield properties.

B.5 IMPLEMENTATION

B.5.1 General Activities

1. The City of Brantford may enter partnership arrangements, as permitted by provincial legislation, with private and private non-profit organizations for implementing various components of the Brownfields Strategic Action Plan and the brownfields community improvement plan.

B.5.2 Funding

1. The City will maintain a reserve fund for the purpose of funding municipal brownfield redevelopment activity. The reserve fund will be used to finance emergency demolition work on brownfield properties, environmental site assessments and site environmental remediation.
2. Provincial and/or federal grant or loan programs, when available, may be used by the City of Brantford to supplement municipal funding sources for the purposes of implementing various aspects of the Brownfield Sites Community Improvement Plan.

B.5.3 Marketing

1. The City will actively promote the redevelopment or adaptive reuse of vacant or under-utilized former commercial or industrial properties. The City will prepare information packages on properties with redevelopment or reuse potential outlining property characteristics, site conditions and make this information available to prospective purchasers, real estate agents and to their consultants.
2. The City will actively market, through appropriate media, the incentive programs that are established to encourage redevelopment or reuse of vacant or under-utilized former commercial or industrial properties.

B.5.4 Monitoring

1. The City will annually prepare a monitoring report, outlining the activities carried out towards the achievement of the objectives of the brownfields strategy, the take-up of the financial incentive programs, environmental site assessments carried out during the year, redevelopment activity that occurred on brownfield sites, changes in property assessment on redeveloped brownfield sites as well as the identification of issues and concerns that may require modification to the incentive programs or changes to the brownfields strategic action plan.

B.5.5 Administration

1. The Community Development Committee of Council will be responsible for the overall implementation of the Brownfields Community Improvement Plan including the development and administration of loan, grant and incentive programs. The Community Development Committee will co-ordinate the activities of other municipal departments towards the implementation of this Plan. The Community Development Committee will also carry out liaison with the Ministry of Municipal Affairs and Housing, as required.
2. All of the grant, loan and incentive programs will be administered on a first come first served basis subject to the limit of available funding and according to the *guidelines* established by City Council. Council will establish the *guidelines* to meet the intent of the Brownfields Community Improvement Plan.

B.6 INTREPRETATION

B.6.1 Constitutional Statement

Part B of this document, along with *Schedule "A"* shall form the actual Community Improvement Plan for the Brownfields Community Improvement Project Area. **Part A** and the **Part C - Appendices** do not constitute part of the Brownfields Community Improvement Plan.

B.6.2 Changes to the Brownfields Community Improvement Plan and Project Area

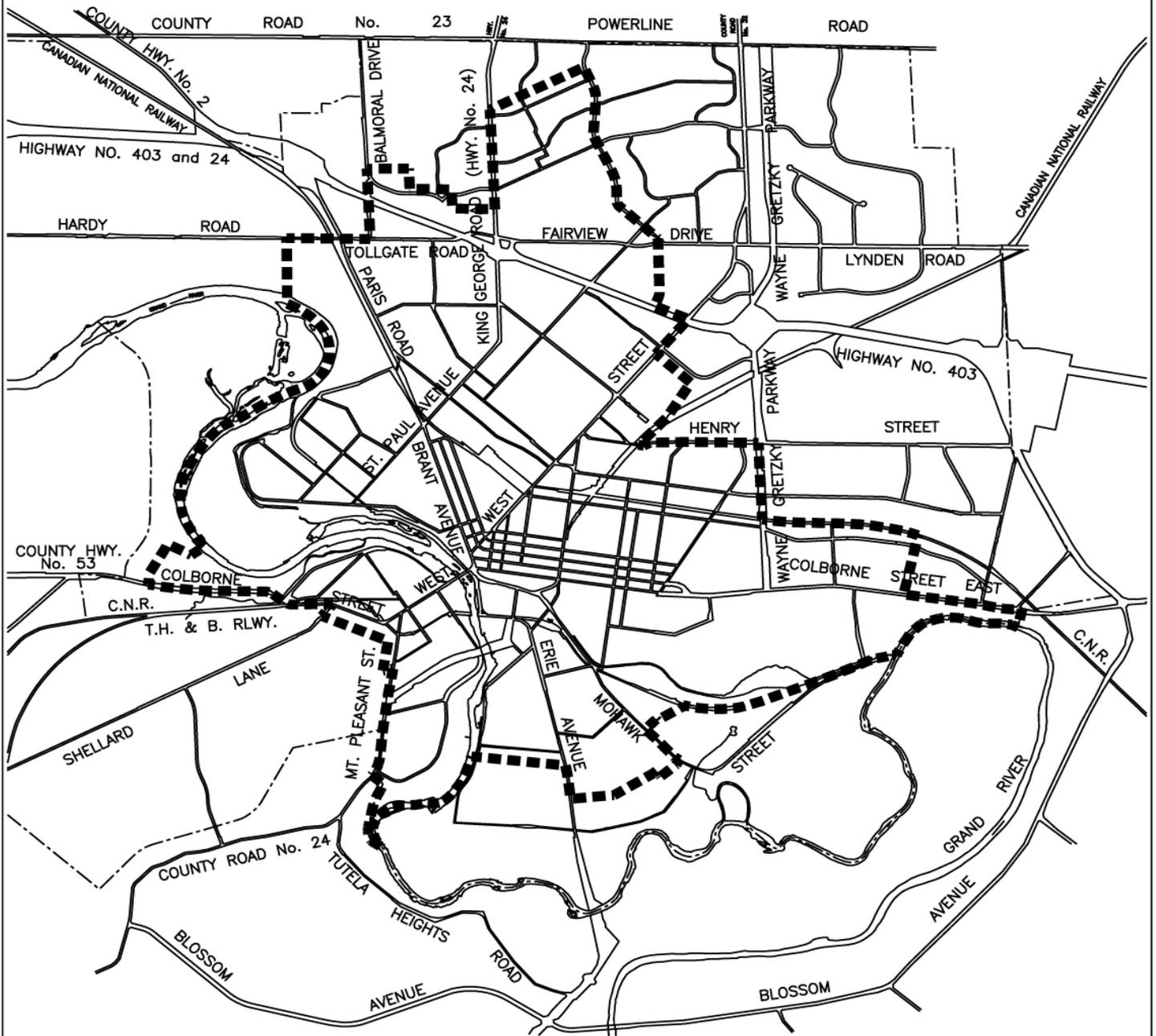
Changes to the Brownfields Community Improvement Project Area boundary, and the addition of grant, loan and incentive programs, not referred to in the Brownfields Community Improvement Plan, shall require an amendment to this Plan. The deletion, by Council of any program referred to in the Brownfields Community Improvement Plan shall not require an amendment to the Plan.

B.6.3 Conformity to Official Plan

This Plan has been prepared in accordance with the City of Brantford Official Plan.

SCHEDULE 'A'

BROWNFIELDS SITES COMMUNITY IMPROVEMENT PROJECT AREA



LEGEND:



**BROWNFIELDS SITES
COMMUNITY IMPROVEMENT PROJECT AREA.**



PART C

APPENDICES PROGRAM GUIDELINES

Part C is provided as background information and does not constitute part of the Brownfield Sites Community Improvement Plan. Should the municipality choose to operate the programs provided for in Part B, specific program guidelines will be adopted by City Council. Program guidelines, once adopted, may be changed by City Council without an amendment to the Brownfield Sites Community Improvement Plan. The following are provided only as an indication of the possible nature of the programs.

C.1 FINANCIAL TAX INCENTIVE PROGRAM

To encourage private sector initiative towards the remediation and redevelopment of brownfield sites within the community improvement project area, the City of Brantford will provide assistance through the property tax system to property owners who carry out such activities. The tax assistance will be through the cancellation of property taxes collected for municipal and school purposes will be based upon the following schedule. Property taxes cancelled or reduced for school purposes are subject to the approval of the Minister of Finance.

During the Rehabilitation Period:

Up to 100 per cent of property taxes due for municipal may be cancelled and a matching amount may be cancelled for school purposes. The amount cancelled shall not exceed rehabilitation costs.

During the Development Period

Property taxes due for municipal may be cancelled and the matching amount may be cancelled for school purposes.

The total amount of property taxes cancelled during the rehabilitation and development periods for a property shall not exceed the total eligible costs of the work required to prepare a Record of Site Condition for the property that is acceptable to the Ministry of the Environment and filing with the Ministry of the Environment and the cost of complying with any certificate of property use issued under the *Environmental Protection Act*.

The terms “rehabilitation period” and “development period” shall have the following meanings as provided in the *Municipal Act*:

"rehabilitation period" means, with respect to an eligible property, the period of time starting on the date that tax assistance begins to be provided under this section for the property and ending on the earliest of,

- (a) the date that is 18 months after the date that the tax assistance begins to be provided,
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- (b) the date that a record of site condition for the property is filed with the Ministry of the Environment, and
 - (c) the date that the tax assistance provided for the property equals the sum of,
 - (i) the cost of rehabilitating the property to permit a record of site condition to be filed with the Ministry of the Environment, and
 - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*.

"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 approved by the municipality, or
- (b) the date that the tax assistance provided for the property equals the sum of,
 - (i) the cost of rehabilitating the property to permit a record of site condition to be filed with the Ministry of the Environment, and
 - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*.

Eligible costs shall include:

1. Costs associated with the preparation of Phase I, II or III environmental site assessments or risk assessments by qualified professionals net of any municipal grants received by the property owner to carry out such studies;
2. Removal of designated substances and environmental remediation; and
3. Site preparation including the construction/removal of on-site works, e.g., water, sanitary and storm services, roads.

To be eligible

1. The subject property must be located within the brownfield sites community improvement project area;
2. The subject property must not be in a position of property tax arrears. All property taxes shall be paid or cancelled, before the disbursement of any grant money;
3. A phase II environmental site assessment must have been completed for the property indicating that the property does not meet the standards under paragraph 4 of subsection 168.4 of the *Environmental Protection Act* to permit the filing of a record of site condition with the Ministry of the Environment or a risk assessment has been completed to identify the work required to comply with a certificate of property use issued under the *Environmental Protection Act*.

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4. The applicant must provide the City with estimates, prepared by qualified professionals of the cost of rehabilitating the property to permit the filing of a Record of Site Condition to be filed with the Ministry of the Environment and the cost of complying with any certificate of property use issued under the *Environmental Protection Act*.
 5. The property must be rehabilitated to a standard that accommodates the uses permitted within the Official Plan land use designation of the property.

C.2 BROWNFIELD ENVIRONMENTAL SITE ASSESSMENT STUDY GRANT PROGRAM

Grants will be available to property owners or to the bona fide purchasers of brownfield sites for the purpose of carrying out Phase II environmental site assessments or the preparation of remedial work plans (Phase III ESA's) or risk assessments. Individual grants cannot exceed \$20,000 or 50% of the cost of preparing the assessments or work plan, whichever is less.

To be eligible:

1. The subject property must be located within the Brownfield Sites Community Improvement Project Area;
2. A Phase I environmental site assessment must have been completed with the conclusion that the subject property is suspected of containing designated substances and contaminated soils. Environmental screening reports prepared for the Official Plan Review Program, completed in 2000, will be considered as adequate Phase I environmental site assessments for the purpose of determining eligibility for a study grant.
3. The subject property must not be in a position of property tax arrears. All property taxes shall be paid or cancelled, before the disbursement of any grant money;
4. The environmental site assessments must be carried out by qualified persons as defined in the *Environmental Protection Act*;
5. The environmental site assessments or risk assessments must be carried out by qualified persons as defined in the *Environmental Protection Act* in conformity to Ministry of the Environment guidelines;

Applicants for a study grant must submit the terms of reference and the estimated cost of the proposed study and enter into an agreement with the City of Brantford prior to the

commencement of the study. Grants will not be provided for studies that did not have prior approval for a grant and for which agreements with the City were not entered into. The City is to be free to provide the results of the study to prospective purchasers of the property

The costs involved in obtaining a peer review of an environmental site assessment will also be eligible for grant assistance provided that prior approval has been given for the peer review by the City and provided that the total grant amount for the assessment and peer review cannot exceed \$20,000 or 50 per cent, whichever is less. Furthermore, the City is to be free to also provide the results of the peer review to prospective purchasers of the property.

Grants will be disbursed upon the submission of the final completed study and a copy of the original paid invoice. The City will reserve the right to refuse the grant if the study was not satisfactorily completed in accordance with the terms of reference for the study and if *Environmental Protection Act* requirements are not met. The City will also require that any funds disbursed be returned if an audit conducted by the Ministry of the Environment indicates that the study was not satisfactorily carried out with respect to *Environmental Protection Act* requirements.

Grants will be subject to the availability of funds.

C.3 PERFORMANCE TAX GRANT BACK PROGRAM

Council may establish a Performance Tax Grant Back Program to encourage private sector initiative towards the remediation and or redevelopment of vacant and under-utilized former commercial and industrial properties.

Financial assistance

The financial assistance would be in the form of grants based on the estimated increase in the municipal portion of property taxes collected from the property following the completion of the redevelopment work on vacant or under-utilized former commercial or industrial land. The financial assistance provided will be subject to agreements approved by City Council. Grants to applicants will be subject to achieving performance objectives as outlined in the agreement. The agreements will lay out the time period over which the grant will be disbursed and the total amount of the grant. The grant will be based on the estimated increase in the municipal share of property taxes resulting from the improvements to the property that are to be carried out.

Eligible Costs

Eligible costs shall include:

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1. Costs associated with the preparation of Phase I or II environmental site assessments or risk assessments by qualified professionals net of any municipal grants received by the property owner to carry out such studies;
 2. Removal of designated substances;
 3. Environmental remediation required for the filing of a record of site condition with the Ministry of the Environment or a risk assessment has been completed to identify the work required to comply with a certificate of property use issued under the *Environmental Protection Act*;
 4. Costs associated with the rehabilitation of the property; and
 5. Costs for which grants have been given under any other program under either the Brownfield Sites Community Improvement Plan or the Downtown Community Improvement Plan will not be eligible for assistance under the Performance Tax Grant Back Program.

To be eligible

1. The subject property must be located within the Brownfield Sites Community Improvement Project Area;
2. The subject property must not be in a position of property tax arrears. All property taxes shall be paid or cancelled, before the disbursement of any grant money;
3. The applicant must provide the City with estimates, prepared by qualified professionals of the cost of rehabilitating the property to permit the filing of a Record of Site Condition and the cost of complying with any certificate of property use issued under the *Environmental Protection Act* as well as cost estimates prepared by qualified professionals for any proposed building conversion, or rehabilitation proposal.
4. The property must be rehabilitated to a standard that accommodates the uses permitted within the Official Plan land use designation of the property.
5. Properties located within the Downtown Community Improvement Project Area are eligible only to the extent of the cost of rehabilitating the property to permit a record of site condition to be filed with the Ministry of the Environment, and/or the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*.

C.4 CLEARANCE OF TAX ARREARS

The City of Brantford may consider the clearance of municipal property tax arrears for a bona fide purchaser of a brownfield site if all of the following conditions are satisfied:

1. The property has been put up for tax sale and there were no successful bidders.
2. The applicant agrees to carry out all required environmental site assessments or risk assessments by qualified professionals and in accordance with *Environmental Protection Act* requirements.
3. The applicant agrees to carry out site rehabilitation to permit the filing of a Record of Site Condition and to comply with any certificate of property use issued under the *Environmental Protection Act* or agrees to carry out an adaptive reuse project on the property in conformity with applicable environmental guidelines.
4. The redevelopment or reuse plans for the subject property are in conformity with the Official Plan designations and zoning bylaw regulations for the subject property.
5. The proposed use of the property will generate property tax revenues for the municipality.
6. The applicant has entered into an agreement with the municipality outlining the performance measures that are to be carried out in exchange for the clearance of outstanding municipal property taxes.