

City of Brockville

**CONSOLIDATED COPY  
BROWNFIELDS COMMUNITY IMPROVEMENT PLAN**

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APRIL 20, 2007

CONSOLIDATED: NOVEMBER 2015



## **AMENDMENTS/REVISIONS TO CIP – BROWNFIELDS**

- 1. Schedule 1 amended by By-law 009-2009, January 27, 2009.  
590 King Street West added to Priority Area No. 1.**
- 2. Revision – Council Resolution dated November 13, 2012 – extension of program deadlines and building permit fees grant program no longer in effect.**
- 3. Revision – Council Resolution dated November 10, 2015 – extension of Brownfields Remediation Tax Increment Equivalent Grant (TIEG) and Environmental Remediation Tax Cancellation Assistance Program (BFTIP).**

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## 1.0 INTRODUCTION AND LEGISLATIVE/POLICY BASIS

### 1.1 Introduction and Purpose

The City of Brockville Brownfields Community Improvement Plan (hereafter called the Brownfields CIP) is created under Section 28 of the *Ontario Planning Act, R.S.O. 1990*, as Amended and provisions of the *Ontario Municipal Act, 2001* governing tax-based financial incentive programs for contaminated lands.

The Official Plan of the City of Brockville provides for the creation of community improvement plans within those parts of the urban area designated as a Community Improvement Policy Area (Schedule H to the Official Plan of the City of Brockville). The Official Plan establishes policies of the City of Brockville with respect to the identification, remediation, and support for the development of properties which are environmentally contaminated. This plan establishes a Community Improvement Project Area for Brownfield redevelopment policies and programs of financial and other assistance to property owners and development interests for sites which are potentially contaminated (also referred to as sites of potential interest). This Plan includes a suite of financial incentives to assist property owners to overcome the constraints to redevelopment which exist because of environmental contamination. The plan also identifies other actions and priorities of the City of Brockville in promoting the redevelopment of key sites within the community which represent brownfield redevelopment opportunities.

The Brownfields CIP is a link between the City's wider economic development policies and the existing policies for environmental improvement and enhancement contained in the City's Official Plan. The purpose of the Brownfield CIP is to create incentives for the redevelopment of sites suffering from either the perception of, or actual, environmental contamination. Without public funding assistance these sites may remain contaminated, underutilized and/or derelict and otherwise never achieve their highest and best use. By bringing contaminated lands back into productive use, this plan contributes to the City's wider efforts to regenerate Downtown, meets the objectives of provincial planning policy as well as the policies of the City's Official Plan. The specific goals and objectives of this plan, together with a description of the benefits arising from assisting property redevelopment efforts is described further in Section 2.0.

### 1.2 Legislative and Provincial Policy Basis

#### 1.2.1 LEGISLATIVE BASIS

The Brownfields Statute Law Amendment Act of 2001 revised a number of Ontario Statutes with the specific purpose of providing regulatory and financial support to remediation of contaminated lands. There were essentially three pillars of the legislative framework involving changes to the *Environmental Protection Act*, the *Planning Act*, and the *Municipal Act*. Together these and other legislative revisions provided scoped changes which affected the treatment of contaminated lands in terms of environmental orders (regulatory matters), gave protections to property owners, municipalities and fiduciary interests, and provided alternative means of financial support through the Ontario property tax system.

**Key Elements: Brownfields Legislation**

**ENVIRONMENTAL LIABILITY**

Changes to Environmental Protection Act (EPA)

- ← Clarifies and limits environmental regulatory liability.
- ← Provides limited liability protection from environmental orders for municipalities, secured creditors, receivers, trustees in bankruptcy, fiduciaries and property investigators to a maximum of 5 years (can be extended by the Minister).
- ← Limits liability against orders when prescribed site assessment procedures are followed, where a Record of Site Condition is filed and accepted stating a site meets appropriate standards for specified use.

KEY NOTE: (i) Legislation does not remove owner's liability for future on-site contamination and off-site contamination; and (ii) Record of Site Condition specifies use under which liability is limited.

**FINANCIAL ASSISTANCE 1**

Changes to Municipal Act 2004 2005

- ← Local municipalities can freeze, reduce or cancel the municipal portion of property tax on contaminated sites; Ministry of Finance may match this for the Education Tax portion (BFTIP).
- ← Prior to Dec. 2005 tax cancellation was restricted to a maximum of 36 months beginning at commencement of environmental remediation; Dec. 2005 Revisions allow municipalities to determine the duration of municipal assistance and commence tax cancellation at any point specified in its by-law (including at a point in time following remediation and development of the site).
- ← Municipalities have two years to take ownership of land vested to the municipality for failure to pay property tax.
- ← Existing provisions allow municipalities to cancel tax arrears in part or in whole.

**FINANCIAL ASSISTANCE 2  
COMMUNITY IMPROVEMENT  
PLAN-BASED GRANTS &  
LOANS**

- ← Greater flexibility in undertaking community improvement (part or all of municipality).
- ← Municipal authority to approve plans involving financial incentives .
- ← Allows municipalities, with Community Improvement Plans, to provide grants and loans against an expansive list of eligible works which better define Rehabilitation.
- ← Tax Increment Grants (TIG) tools based on provision of the Planning Act (Section 28).
- ← CIPs provide capacity for municipalities to acquire, sell, lease and improve land pursuant to objectives of CIP.

A number of the provisions relating to the environmental investigation and Record of Site Condition process required under *Part XV.1 of the Environmental Protection Act* which came in to force October 1, 2004 with the issuance of Regulation 153/04. Subsequent changes to the Municipal Act of 2005 expanded the capacity of the Provincial Brownfield Financial Tax Incentives Program to offer matching education portion tax assistance to remediation of contaminated lands.

The legislative context of the City of Brockville Brownfields Community Improvement Plan is continuing to evolve – the Province has recently issued a proposal for further legislative amendments with respect to a number of matters related to regulatory control of site investigation, Records of Site Condition and other matters. In addition, the Province has provided pilot schemes for the implementation of Tax Increment Financing (TIFs) as a means to establish large site/district-wide infrastructure improvements including remediation of contaminated lands. It is a requirement of this Plan that regular monitoring of provincial policy occur and changes, as necessary, be incorporated into this Plan.

**1.2.2 PROVINCIAL POLICY BASIS**

The Provincial Policy Statement (PPS) (2005) provides direction to municipalities regarding the redevelopment of brownfield sites. The PPS identifies the redevelopment of brownfield sites as a

central element in the Province's provision for Land Use Planning to achieve efficient development land use patterns and create strong communities. The PPS seeks to strike a balance in municipal land use planning between efficient development and land use patterns, strong communities (fiscally, socially and environmentally), a clean and healthy environment and long-term economic growth.

The PPS requires the following policies to be pursued with respect to brownfield redevelopment:

- "1.1.3.3 *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.*"
- "1.6.2 *The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities.*"
- "1.7.1 *Long-term economic prosperity should be supported by:*
- b. *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
  - c. *promoting the redevelopment of brownfield sites;"*
- "3.2.2 *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.*"

The policies of the PPS with respect to the brownfield sites seek to promote the redevelopment of these sites but also to ensure that required environmental due diligence is undertaken by municipalities with respect to development applications for contaminated sites.

The PPS defines Brownfield Sites as follows:

*"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."*

For the purposes of the City of Brockville Brownfields CIP, the definition of a Brownfield site is as follows:

*Brownfields are abandoned, vacant, derelict or underutilized commercial and industrial properties, usually provided with urban services, where past actions have resulted in actual or perceived contamination.*

## 1.3 Financial Incentive Programs

### 1.3.1 MUNICIPAL TAX INCREMENT EQUIVALENT GRANTS

In the context of Brownfield (contaminated) land development, the aim of the Tax Increment Equivalent Grant (TIEG) is to utilize for a specified period of time the benefits associated with the assessment and property tax generated through **redevelopment** initiatives. The TIEG is provided as a grant equivalent to a **specified** increase in the municipal portion of the increase in property tax which is generated through redevelopment. The tax increase (or increment is net of any property tax rebates for which the property may be eligible).

This type of grant is provided for under Section 28 of the Ontario Planning Act. Currently, the capacity to utilize foregone revenue as a grant payable to the property owner is limited to the municipal portion of the property tax and specifically excludes the Provincial (education) portion of the property tax. Section 28 Grants can be comprised in any appropriate form. Some Municipalities have provided grants which are not tied to taxes generated by a property. While these are generally modest in scale, they represent financial assistance which is often accessible by the property owner earlier in the process. An example of a major non-tax based funding program is the City of Brantford Performance Grant which has comprised approximately \$5 million in grants payable at building completion. Total private sector investment leveraged is in the order of \$20 million. Such direct and “upfront” forms of grant assistance by the municipal sector are rare. More commonly a tax based “pay as you go” approach is adopted which in theory reduces the financial burden on the municipality while at the same time generating funding which reflects the scale of development undertaken. Given the mandate of this plan to stimulate contaminated land reclamation and development, the primary means of assistance is comprised of foregone tax revenues.

The TIEG does not represent a tax holiday and the tax increase is established following reassessment of the property upon completion (**or through the process to completion**). The increase in assessment is defined as the difference between the reassessed value and an original base value established by the Municipality prior to redevelopment. The grant is limited by a specified time limit as well as defined eligible costs to which the grant can be applied.

It is important that a tax increment grant reflects the risks associated with redevelopment of complicated urban sites – programs therefore need to be applicable to those instances where the developer of the site sells the interest in the site, following remediation and development, and is no longer the property owner. Referred to as an **assignable** Tax Increment Grant, this enables the original developer to obtain the grant even when they no longer own the property. This is particularly important in the case of the development of ownership residential properties where ownership is transferred either in fee simple or to a condominium corporation upon completion of the project.

### 1.3.2 PROVINCE OF ONTARIO BROWNFIELD FINANCIAL TAX INCENTIVES PROGRAM (BFTIP): MATCHING EDUCATION TAX CANCELLATION

At its root, the BFTIP program can provide identical options for assistance as a TIEG under Section 28 of the Planning Act through the use of foregone tax revenues to provide financial assistance. The program, however, permits deferral and subsequent cancellation of taxes. The key distinctions between the two forms of tax assistance include:

- Whereas the Tax Increment Equivalent Grant (as a Section 28 Grant) is limited to the municipal portion of any tax increase arising from redevelopment, brownfields property tax cancellation may include both the municipal portion of property tax as well as the provincial education portion of property taxes. The application of this program in the City of Brockville will be limited to cancellation of the increase in property tax arising from the remediation and redevelopment of major development sites within the Downtown Community Improvement Policy Area;
- Provision of the matching education portion of tax increase cancellation is subject to application by the City to the Ministry of Finance and the approval of the Minister of Finance of both the amount and duration of such assistance;
- The Section 28 Tax Increment Equivalent Grant is assignable by the owner of the property receiving tax increment grants to another party. Property tax cancellation for contaminated lands remediation is payable only to the registered owner and ceases upon transfer of title, severance or subdivision;
- Matching education portion property tax cancellation is currently limited to three years in duration;
- An extension of the education portion property tax cancellation beyond 3 years is only permissible upon approval by the Minister of Finance upon receipt and review of a business case provided by the Municipality;
- As with the Section 28 Grant, provision of the cancellation is limited to defined eligible costs. Under the tax cancellation program, these eligible costs are restricted to remediation – related expenditures.

## 2.0 GOALS OF THE BROWNFIELDS COMMUNITY IMPROVEMENT PLAN

The Brownfields CIP will act as a link between the general land use, economic development and environmental policies of the *City of Brockville Official Plan* and the revitalization goals of the *Community Improvement Plan for Brockville's Downtown*. The new series of policies and programs specific to contaminated lands will better integrate the land use approvals process, environmental remediation and the application of programs to support urban regeneration.

In broad terms: Goals include:

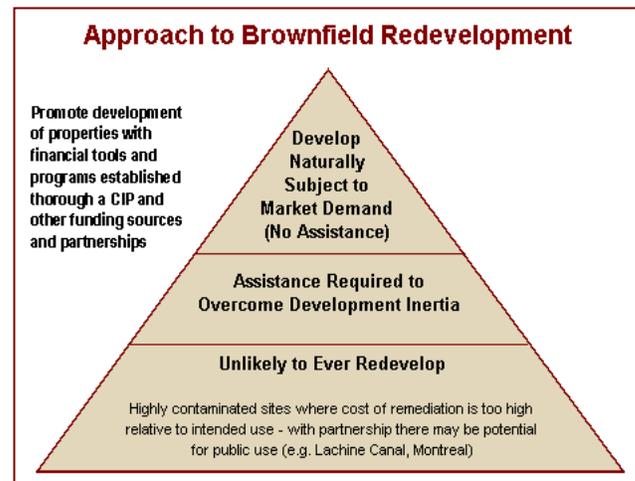
1. Land use planning aims as identified in relevant sections of this Plan;
2. Economic development and tourism;
3. Municipal fiscal accountability and long-term return on investment;
4. Environmental enhancement for specific sites, and neighbourhoods, characterized by a lack of investment; and
5. Community pride, safety and involvement.

Brownfield remediation, can in some instances, represent an expensive proposition. For-profit development requires a return on investment. The costs associated with the remediation of contaminated land and building structures can often be too great, thereby rendering a project unfeasible. Brownfield policies and programs unveiled to-date in Ontario have focused on reducing remediation and redevelopment costs in order to facilitate investment as well as reduce liability and risk for landowners.

The goal of the *City of Brockville Brownfields Program Strategy* is to provide the City with a policy framework and tools to help to offset the costs associated with site assessment and remediation in order to help facilitate site development, community improvement and urban regeneration.

The overall policy goal of the *Brownfields Strategy* is to offset the costs associated with site assessment and remediation of brownfield sites. Important to the overall approach to municipal assistance for any given site is that the combined use of incentives does not exceed the costs incurred through environmental site investigations and remediation. Other programs of community improvement may be considered under a separate exercise (such as the Downtown CIP).

The City of Brockville Brownfields Community Improvement Plan provides a comprehensive framework for the delivery of programs to assist in the redevelopment and re-use of brownfield properties. The programs contained in this CIP aim to facilitate the redevelopment and re-use of brownfields in conditions where redevelopment is unlikely to occur because of the derelict nature of



the properties and the associated costs and risks. It is understood that not all of the goals of the *Brownfields Strategy* will be realized in the short-term. It is the intent of the Plan to realize long-term benefits to the community as well as financial payback to the City through private investment and development, new employment opportunities and increased property assessment and tax revenues. Environmental improvements help reduce liability and risk for property owners as well as the City. The *Brownfields Strategy* may also, over time, produce other intrinsic benefits to the community, such as improving the investment climate generally and enhancing the liveability of neighbourhoods.

The redevelopment of brownfield sites and the intended stimulus to redevelopment on surrounding lands, higher property taxation and the removal of potentially significant environmental liabilities are the principal public benefits resulting from the *Brownfield Strategy*.

## 3.0 INTEGRATION OF THE PLAN WITH THE CITY'S EXISTING LAND USE POLICY FRAMEWORK

### 3.1 City of Brockville Official Plan

The City of Brockville Official Plan was adopted by Council in 1987 and will be subject to comprehensive review during the lifetime of this Plan. Appended to this Brownfield CIP is an Official Plan Amendment relating to Section 5.22 of the City Official Plan which addresses community improvement policies and the rationale for identification of community improvement project areas and community improvement plans within a project area.

The Official Plan does not currently contain a policy test for the treatment of lands under application for Official Plan Amendment or Zoning By-Law Amendment where these lands are either suspected to be environmentally contaminated or which are demonstrated to be environmentally contaminated. Community improvement programs designed to offer financial assistance for remediation and redevelopment of brownfield sites must also support effective policies which help ensure environmental remediation is undertaken, where necessary as part of approved development.

The land use planning approvals process and requirements for environmental due diligence are linked only through the *Building Code Act* which provides municipalities with the power to necessitate a Record of Site Condition for changes of use involving a change from a less sensitive to a more sensitive land use as described under the *Environmental Protection Act* and implementing regulations. However, there are a variety of instances where planning approvals are required which do not involve a change in the sensitivity of land uses defined by the *Environmental Protection Act*. In these circumstances, the municipality may require environmental investigation to be undertaken to ascertain the condition of the site and to ensure any subsequent development meets all required environmental standards.

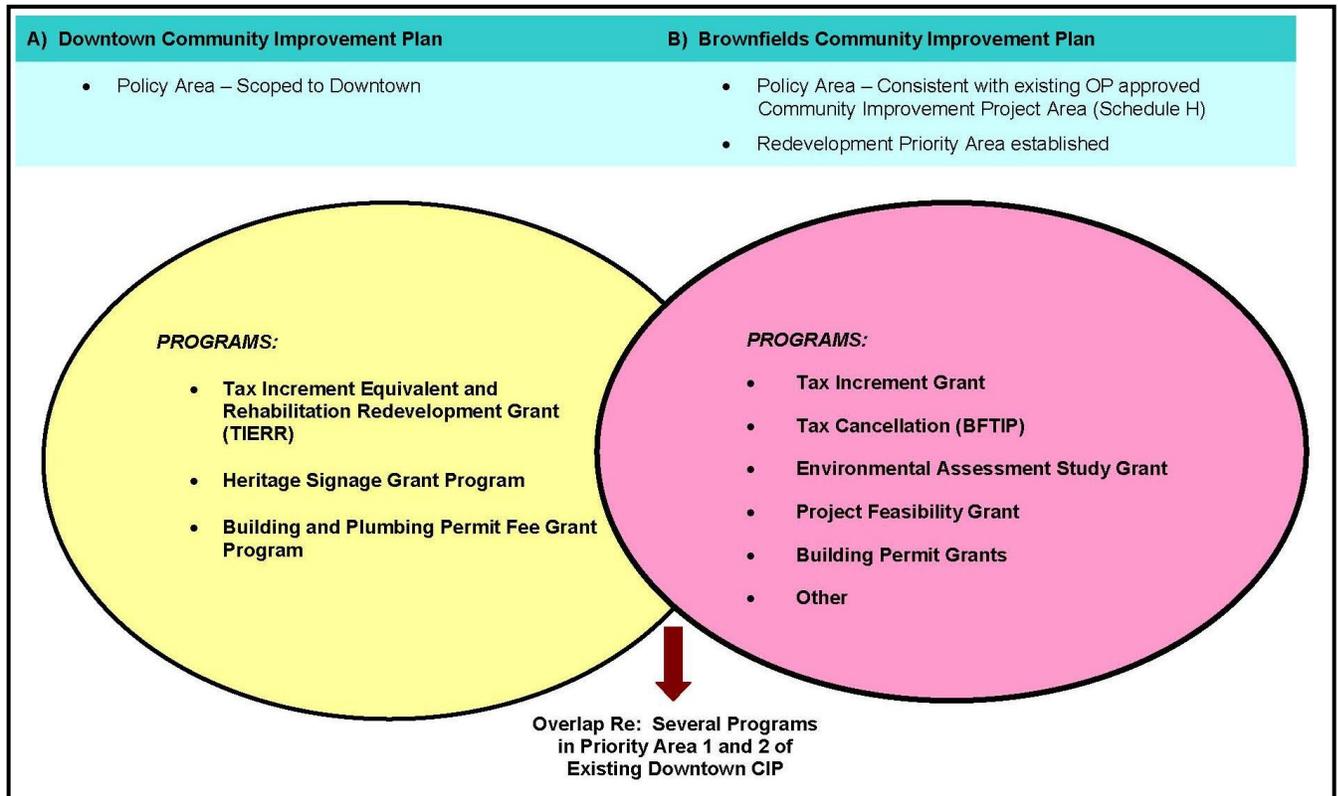
The Brownfield CIP is consistent with existing goals and objectives of the Official Plan including the following policies:

- Part III (Basis of Plan) policy 3.1(5) "lands with environmental hazards... shall be recognized... in order to protect and conserve the natural and man-made environment."
- Part IV (Goals and Objectives), Section 4.2 (Commercial), Goals: "To preserve and enhance the unique character and the distinctive role of the Downtown as a major commercial, business and employment centre for the Region"
- Part IV, (Goals and Objectives), Section 4.2 (Commercial), Objectives: "To strengthen the role of the Downtown as a multi-functional centre serving the immediate area as well as the greater region by encouraging a wide range of business and commercial uses, and by enhancing opportunities for commercial and tourism development within the Downtown and Waterfront Area."

### 3.2 Integration with Existing Community Improvement Plan for Downtown Brockville

The following are the principles of this Plan with respect to its operation in those instances where applicants to funding programs under this Plan are also eligible for support under the CIP for Downtown. The means of implementation of programs under each plan are contained in Section 7.0 (Implementation) of this Plan.

**Exhibit 3.1: Community Improvement Plan Co-Ordination**



#### Geographic Eligibility and Subordination of Plans

1. For properties assisted under the Brownfields Community Improvement Plan programs of financial assistance, the provisions and specified limits of this Plan take precedence over any other program of financial assistance provided by the City under any other plan or policy including the CIP for Downtown.
2. Integration of program support under the Brownfield CIP and the CIP for Downtown applies only to eligible properties located within the boundaries of Priority Area 1 of the CIP for Downtown.
3. Sites located within Priority Area 2 of the CIP for Downtown are ineligible for program support under combination of the two Plans and must access either the CIP for Downtown where the site is not contaminated, or the Brownfield CIP where the site is

suspected of contamination and which is subsequently demonstrated to be environmentally contaminated.

**Concurrency and Limits of Assistance**

4. Both the Brownfield CIP and the CIP for Downtown will operate for purposes of receiving applications for program support until December 31, 2015; and for approving applications in principle, until June 30, 2016.
5. Access to the programs of each plan (where eligible) shall be on the basis of concurrent access within the established limits of each program of assistance and the available annual increment of any tax assistance provided under relevant programs.
6. The limit of tax assistance provided under any program of support, whether through a single program of assistance or the combination of all programs of assistance, shall be 10 years. In no instance will tax assistance under any program extend further than 10 consecutive years from the date on which the first program of tax assistance commences. Specifically for applicants eligible for the Downtown TIEG and Brownfield TIEG support, the duration of tax assistance is based on concurrent commencement of the term limits of each program (i.e. the maximum duration (in consecutive years) of each program is measured from the start date of the first program of tax assistance).
7. Where tax increase cancellation of municipal and education property taxes commences as the first program of tax assistance support (Program 2 of this Plan), both the Tax Increment Equivalent Grant (TIEG) of the CIP for Downtown and Brownfield CIP Program 1 (Tax Increment Equivalent Grant) are deemed to operate concurrent with this program and are terminated 5 years from the commencement of Program 2 of this Plan (in the case of the CIP for Downtown TIEG) and 10 years from the commencement of Program 2 of this Plan (in the case of Program 1 of this Plan).
8. In all cases, tax assistance is limited to the total eligible costs under each Plan achieved through the combined assistance of all programs, or the term limits of each program (operating concurrently) as described herein.

**Separation of Eligible Costs to Operate Each Plan Independently**

9. Eligible Costs for purposes of financial assistance under programs contained in this Plan are specified in Section 5.0. Eligible costs are limited to the costs of investigating environmental condition of a site, remediating environmental contamination and conforming to environmental regulatory approvals.
10. Eligible costs under the CIP for Downtown are site rehabilitation costs less the costs associated with environmental contamination and its remediation as outlined above and specified in Section 5.0 of this Plan. By so doing, the mandate and limits of each plan are clarified.
11. Where a property is eligible for tax assistance under both the CIP for Downtown TIEG and Program 1 and 2 of this Plan, the maximum amount of such assistance is the combined eligible costs of each program. In all cases, tax assistance is limited by the available tax increment in each year and the term limits of each program, on the basis of their concurrent operation.

**A Simple Example of Combined Access to Tax Assistance**

12. As an example, a contaminated site that has access to the existing CIP for Downtown TIEG for the full 5 years of that program will also be eligible for tax assistance (to the limits of the available increment) for a further 5 years under the Brownfield CIP Programs 1 and or 2 (as may be relevant), subject always to the limits of eligible costs under this (Brownfields) Plan. In that instance, because the Downtown and Brownfield programs are accessed in combination with each other, the separate eligible costs under each plan are firstly identified to establish the limits of support under each program and then recombined for purposes of establishing the overall level and duration of tax assistance for the property in question. In this way, remediation costs incurred at the outset of a project are eligible in the year in which they are incurred, subject to the available tax increment.
  
13. The redevelopment funding agreement, required by the tax assistance programs, will establish the combined tax assistance programs as a single program for purposes of grant payment for a specified duration based on estimates of eligible costs.

## 4.0 COMMUNITY IMPROVEMENT PROJECT AREA

The City of Brockville Community Improvement Project Area is illustrated in Schedule 1 to this Plan. The Project Area is co-terminus with the boundaries of the existing Community Improvement Policy Area defined as Schedule H (July 1986) of the City of Brockville Official Plan (1987) with the following amendments:

- Revision to the boundary of the existing community improvement policy area in the southwest quadrant of the City to be equivalent to the northerly extent of the former Phillips Cables site; and
- Revision to the boundary in the northwest quadrant to exclude approximately 10 acres of land located on the southeast corner of Central Avenue West and Strowger Boulevard.

The remaining boundaries are unchanged from the existing Schedule H to the Official Plan. An OPA to amend Schedule H to include the Brownfield Community Improvement Project Area in full is part of the implementation process for this Plan.

In addition to the Brownfields Community Improvement Project Area, this Plan includes a target, or priority area in which efforts to assist in redevelopment of identified Brownfields will be concentrated. The Downtown area is the largest component of the Brownfield Redevelopment Priority Area. The inclusion of this priority area reflects the emphasis of the Plan to promote, as a first priority, revitalization of the Downtown, as articulated in the Community Improvement Plan for Downtown Brockville, Revised 2007.

The Brownfields Redevelopment Priority Area is defined as follows and illustrated in Schedule 1 to this Plan:

### Downtown

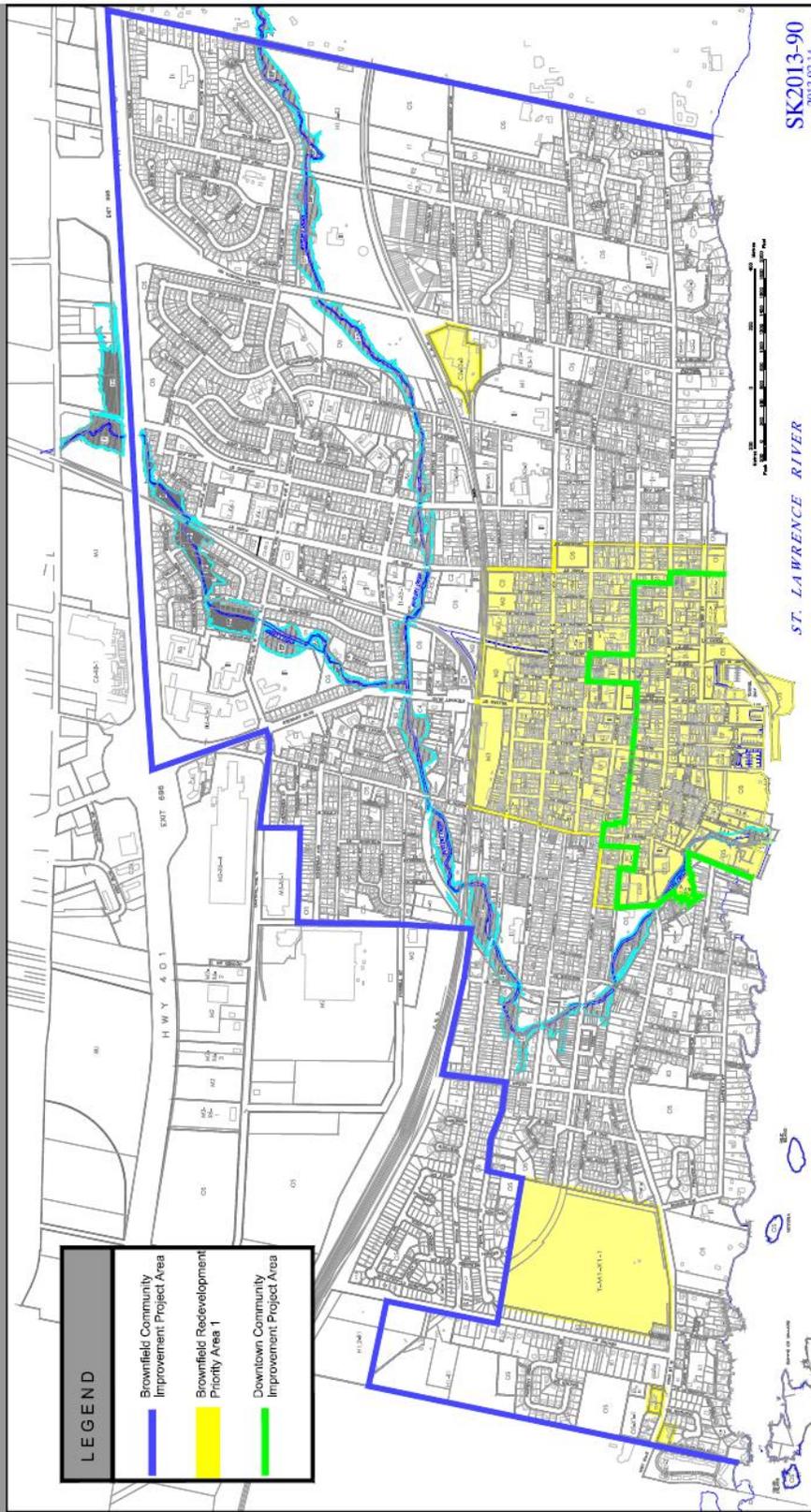
- In the **Northwest** by CN Railway Line;
- In the **Southwest** by St. Paul Street, Edward Lane, Edward Street, Butler Creek, Gilmour Street, Church Street, Perth Street;
- In the **Southeast** by St. Lawrence River Waterfront; and
- In the **Northeast** by Orchard Street, Pearl Street East, Park Street.
- 550 King St. West (part of former Phillips Cable site);
- Land on the southeast corner of King Street West, and Swift Water Road.
- Lands to the south of the C.N. Railway Line, west of North Augusta Road, extending south to a line equivalent to Winters Crescent the east, and in the west by Bartholomew Street (130 North Augusta Road).

The intent of the defined Project Area and Redevelopment Priority Area is to create a policy focus over the long-term based on redevelopment of contaminated sites located within the older urban

area of the City. For this reason, the boundary of the Project Area is entirely located south of Highway 401. Where sites in the areas of the City north of the Highway 401 corridor are contaminated, their remediation and where appropriate, redevelopment, is supported through the Official Plan as well as the City's Economic Development Strategy. This Plan, consistent with other policies of the City of Brockville, including the Anchor Attraction Policy, is centred on redevelopment of key redevelopment sites within the Downtown core of the City. In general terms, commercial and industrial sites located beyond the existing Project Area are less likely to have market-related constraints to their redevelopment.

In addition, the Plan prioritizes individual land holdings, in recognition of the significant potential for redevelopment of these sites. Their re-integration into the urban fabric will create productive re-use of underutilized urban lands and an opportunity to achieve more efficient land use and development patterns consistent with local and provincial planning policy.

Schedule 1 City of Brockville Brownfield Community Improvement Project Area



## 5.0 ELIGIBLE COSTS

*Successful applications for financial assistance involving tax-based assistance will necessitate a site-specific brownfield redevelopment funding agreement between the City and the applicant for Programs 1 and 2 (tax-based assistance) of the Plan. This agreement will establish the magnitude of anticipated eligible costs as well as provide for mechanisms to verify actual costs as eligible under the Plan.*

Assistance under the programs contained in this Plan is limited to the costs of environmental site assessment, remediation and risk management and compliance with environmental regulatory approval requirements. The following are eligible costs against which the combined total of funding assistance under each program will be applied. Assistance is limited to the stated eligible costs. All other rehabilitation-related costs are ineligible under this Plan. Eligible costs under this Plan can be accessed together with eligible costs under the Community Improvement Plan for Downtown Brockville based on the limitations governing combined access to programs detailed in Section 3.2 and illustrated conceptually in Section 7.2.

The following is the universe of eligible costs which are the basis for funding assistance under this Plan. As part of the Implementation Guidelines necessary to operationalize this plan, the City will require verification of these costs when applying the programs to individual projects which have been approved for funding assistance.

Eligible costs are generally defined as costs incurred in the remediation of a property which, as of the date of site assessment, does not meet the standards of the *Ontario Environmental Protection Act* to permit a Record of Site Condition to be filed in the Ontario Environmental Site Registry. More specifically, the eligible costs for purposes of this Plan are as follows:

- Environmental Site Assessments (Phase II and Phase III ESAs and Risk Assessments).
- Environmental remediation and costs of achieving a Record of Site Condition acknowledgement by MoE and Certificate of Property Use as may be required including Risk Management Plans. This includes remedial action plans, other risk management strategies, and costs to implement these.
- Waste transfer to landfill and tipping fees for contaminated soils land fill.
- Fill and grading to replace contaminated soils.
- At the discretion of Council, demolition of existing improvements to property.
- At the discretion of Council, site development and infrastructure work including improvement or reconstruction of existing on-site infrastructure and development, triggered by existence of contamination and requirements for remediation.
- Legal fees directly related to site investigation and remediation and filing of RSC and compliance with Certificate of Property Use.
- Insurance premiums for Cost Cap Insurance and Pollution Legal Liability (PLL) Insurance.

- Ongoing Site Environmental Monitoring and Management (part of risk management strategies).
- Interim financing costs (interest and financing fees) related to eligible costs. Long-term debt financing costs are not eligible.

The final decision as to the total level of eligible costs and the inclusion of specific costs within the categories listed herein, will rest with the City of Brockville.

## 6.0 BROWNFIELD REDEVELOPMENT FINANCIAL INCENTIVE PROGRAMS

### 6.1 Program 1: City of Brockville Brownfields Remediation – Tax Increment Equivalent Grant Program

Program 1	City of Brockville Brownfields Remediation - Tax Increment Equivalent Grant Program
<p><b>Rationale</b></p>	<p>Leveraging the increased assessment and property taxation generated by site remediation and redevelopment to reduce and/or eliminate environmental remediation costs for eligible properties:</p> <ul style="list-style-type: none"> <li>(i) Providing a grant equivalent to the municipal portion of the property tax increase for a given property;</li> <li>(ii) Limiting such grants to annual payments for a maximum period of 10-years or equivalent to the maximum cost of remediation (eligible costs) whichever occurs first; and</li> <li>(iii) Program applies to residential, commercial or other proposed use (the acceptance of which is based on provisions of the Official Plan/Zoning or approval of required Official Plan and/or Zoning By-Law Amendments).</li> </ul>
<p><b>Benefits</b></p>	<p>The City benefits by the resulting revaluation and increase in tax liability on the property (at expiry of the term of the agreement).</p> <p>Redevelopment of contaminated sites is promoted by financial assistance to reduce or eliminate costs associated with environmental assessment and clean-up.</p>
<p><b>Intended Recipients</b></p>	<p>Private sector owners of environmentally contaminated sites with significant potential for redevelopment or rehabilitation of the property.</p> <ul style="list-style-type: none"> <li>• To be eligible for assistance, sites must demonstrate the existence of environmental contamination of the surface, soils, groundwater or built structures.</li> <li>• Equal preference given to commercial and residential development, reuse and/or conversion.</li> <li>• Sites located in the Brownfield Redevelopment Priority Area are eligible under this program.</li> <li>• Properties located within the Brownfields Community Improvement Project Area outside of the Brownfield Redevelopment Priority Area are not eligible for assistance under this program at this time.</li> </ul>

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**Program 1**

**City of Brockville Brownfields Remediation - Tax Increment Equivalent Grant Program**

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**Specifics and Limitations**

- Grant based on the ***“Reimbursing Developer”*** approach – the landowner/developer pays for the full cost of remediation (eligible costs) as well as the resulting annual increase in property tax. The City reimburses the developer by way of an annual grant equivalent to 70% of the municipal portion of the incremental property tax increase over an established “base” assessment and tax liability. The increment is calculated net of any legislated tax rebates.
  - The grant is assignable by the owner of the property to another party (owner, tenant or other assignment) at any time during the period of the agreement.
  - The maximum amount of the grant in any year is limited to the value of the work undertaken under eligible costs in that year or the increase in municipal property tax on the property compared to the base (before redevelopment) property tax, whichever is less.
  - Eligible costs not reimbursed in the year they are incurred, can be rolled-over to subsequent years.
  - The maximum program duration is 10 years or when the total cumulative grant equals the total eligible costs, whichever occurs first.
  - The amount of the annual grant is reduced by the amount of any outstanding property tax payable on the property.
  - The grant is limited by the maximum eligible costs in combination with all other programs of assistance provided by this Plan.
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**Program 1**

**City of Brockville Brownfields Remediation - Tax Increment Equivalent Grant Program**

**Eligibility**

**Eligible Sites:**

- Private sector landowners who are actively seeking renovation/redevelopment or re-use of the property which, as of the date of site assessment, does not meet the standards of the *Ontario Environmental Protection Act* to permit a Record of Site Condition to be filed in the Ontario Ministry of the Environment's Environmental Site Registry (i.e. a contaminated site in need of remediation or risk management to enable an RSC to be acknowledged by the Ontario Ministry of the Environment to permit the intended use of the property).

**Eligible Costs:**

- Environmental Site Assessments (Phase II and Phase III ESAs and Risk Assessments).
- Environmental remediation and costs of achieving a Record of Site Condition acknowledgement by MoE and Certificate of Property Use as may be required including Risk Management Plans. This includes remedial action plans, other risk management strategies, and costs to implement these.
- Waste transfer to landfill and tipping fees for contaminated soils land fill.
- Fill and grading to replace contaminated soils.
- At the discretion of Council, demolition of existing improvements to the property (subject to limitations in Implementation Guidelines) where demolition is required as part of overall site remediation.
- At the discretion of Council, site development and infrastructure work including improvement or reconstruction of existing on-site infrastructure and development, triggered by existence of contamination and requirements for remediation.
- Legal fees directly related to site investigation and remediation and filing of RSC and compliance with Certificate of Property Use.
- Insurance premiums for Cost Cap Insurance and Pollution Legal Liability (PPL) Insurance.
- Ongoing Site Environmental Monitoring and Management (part of risk management strategies).
- Interim financing costs (interest and financing fees) related to eligible costs. Long-term debt financing costs are not eligible.

Program 1	City of Brockville Brownfields Remediation - Tax Increment Equivalent Grant Program
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p><b>Approval Process</b></p> </div>	<ul style="list-style-type: none"> <li>(i) Application Form (Registration of Intent).</li> <li>(ii) Screening of applications to ensure compliance with minimum requirements of the program including demonstration of contamination and requirement for remediation and/or risk management.</li> <li>(iii) Evaluation and approval in principle of accepted applications by City of Brockville Brownfields Evaluation Committee (see composition of committee below).</li> <li>(iv) Development must conform to approve Official Plan, Zoning By-law, site plan approval/agreements, and all other municipal by-laws, Legislation and supporting regulations/approvals by other levels of government.</li> <li>(v) Signing of a Site Specific Brownfield Redevelopment Funding Agreement which outlines in detail the terms and conditions of assistance, and its limitations.</li> <li>(vi) City of Brockville will determine the existing “base” assessment for the property which is, for purpose of this plan, assumed to be the assessed value of the property on the day prior to the commencement of remediation by the property owner.</li> <li>(vii) Where a project is phased over several years, the grant will be based on the property re-assessment and taxable status of the project in each of the interim years before project completion or on an alternative basis as may be provided for in any agreement between the Owner and the City. This may include, at the City's sole discretion, treatment of each <b>major</b> phase of a multi-phase project as a separate project where this is determined by the City as being reasonable to do so. Neither the tax increment nor the eligible costs from one phase can be transferred to a subsequent phase. Further, the City will require severance of the lands in each phase.</li> <li>(viii) Final approval and payment of grant funding occurs after:             <ul style="list-style-type: none"> <li>• Completion of project and submission of actual costs of work completed (the eligible costs);</li> <li>• Receipt of revaluation of the property by MPAC and full payment of resulting annual taxes by applicant;</li> <li>• Where a project is completed in phases, or where significant revaluation occurs prior to final completion, approval will be based on reassessment of the property in each year and submission and verification of eligible costs; and</li> <li>• Implementation through municipal By-Law.</li> </ul> </li> </ul>

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**Program 1                      City of Brockville Brownfields Remediation - Tax Increment Equivalent Grant Program**

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<b><i>Other Restrictions</i></b>	<ul style="list-style-type: none"><li>• City has the right to review and amend any and all aspects of the program, including the purpose, form, method of application, evaluation and amount of funding of the program, from time to time, or at any time, for any reason, and at the sole and absolute discretion of the City.</li><li>• As necessary, the City may add to or adjust the application and approval protocols associated with this program.</li><li>• One grant per property.</li></ul>
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<b><i>Fiscal Implications</i></b>	<ul style="list-style-type: none"><li>• Grant represents foregone income. Site redevelopment creates tax income which is foregone, a portion of which is foregone under this program. At expiry of the program, 100% of municipal property tax is retained by the City at expiry of the agreement.</li><li>• Foregone income is limited to maximum of 10-years following which the municipality retains 100% of property tax.</li><li>• City should be cognizant of potential increase in growth-related annual municipal operating costs to the City as a result of redevelopment of vacant or unused sites.</li></ul>
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<b><i>Evaluation Process</i></b>	<p>Brownfields Evaluation Committee will comprise:</p> <ol style="list-style-type: none"><li>1. City Manager;</li><li>2. Director of Planning;</li><li>3. Director of Economic Development;</li><li>4. City Treasurer;</li><li>5. Director of Operations;</li><li>6. One member of Council, appointed annually by Council; and</li><li>7. Other(s) as determined by Committee and approved by Council.</li></ol> <p>The City of Brockville Brownfields Evaluation Committee will evaluate all proposals under this program and recommend actions to Council. Approval of all grants under this program rests with Council.</p>
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<b><i>Program Application Deadline</i></b>	<ul style="list-style-type: none"><li>• Program applications accepted to December 31, 2018. Project must receive approval in principle by City Council no later than June 30, 2016 with all building permits issued by June 30, 2017.</li><li>• Program may be extended beyond the dates indicated by resolution of City Council.</li></ul>
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## 6.2 Program 2: City of Brockville Environmental Remediation Tax Cancellation Assistance Program

The following program is solely for development projects within the City that involve remediation of contaminated soil or buildings and/or risk management strategies which are eligible to such assistance under Section 365.1 of the *Ontario Municipal Act*.

<b>Program 2</b>	<b>City of Brockville Environmental Remediation Tax Cancellation Assistance Program</b>
<b>Rationale</b>	Property tax increase cancellation for eligible properties as an incentive for environmental rehabilitation.
<b>Intended Recipients</b>	Private sector landowners who are actively seeking renovation/redevelopment or re-use of the property which, as of the date of site assessment, does not meet the standards of the <i>Ontario Environmental Protection Act</i> to permit a Record of Site Condition to be filed in the Ontario Ministry of the Environment's Environmental Site Registry (i.e. a contaminated site in need of remediation or risk management to enable an RSC to be acknowledged by the Ontario Ministry of the Environment to permit the intended use of the property.
<b>Legislative Provision</b>	<i>Ontario Municipal Act</i> , Section 365.1, as amended December 2005 and <i>Ontario Regulation 274/04</i> .
<b>Specifics and Limitations</b>	<ul style="list-style-type: none"> <li>• Program includes annual cancellation of tax increases over the established base tax.</li> <li>• Specifics of any tax assistance will be identified in a municipal by-law which establishes the date that such tax assistance commences and the date of expiry of the assistance.</li> <li>• Assistance is limited to the increase in property tax over the established "base" tax.</li> <li>• At commencement of tax assistance (the beginning of the defined "rehabilitation period"), tax assistance comprising the municipal portion of any tax increase cancellation is in effect until the date specified in the municipal by-law.</li> <li>• With respect to the matching education portion of any tax assistance, such assistance is provided upon application to the Ontario Minister of Finance by the municipality and approved by the Minister of Finance.</li> <li>• Matching education portion tax assistance is limited to the earlier of a 36-month consecutive period or the date that tax assistance equals the costs of remediation necessary to permit filing of an RSC and the cost of complying with any certificate of property use issued under <i>Section 168.6 of the Environmental Protection Act</i>.</li> </ul>

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**Program 2**

**City of Brockville Environmental Remediation Tax Cancellation Assistance Program**

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- Extension beyond 36-months is at the discretion of the Minister of Finance upon review of a business case submitted by the municipality supporting extension of the period submitted by the municipality.
  - The municipality may offer municipal portion tax assistance for a longer period than 3-years, as defined in the by-law. In such circumstances, the City will at all times seek extension of matching education portion assistance, to a maximum of 2 additional years. The resulting maximum duration of this program is 5-years from commencement.
  - This program terminates in its application to a specific property once matching assistance from the Province terminates in regard to specific property.
  - At all times, total tax assistance is limited to the eligible costs defined in this Plan.
  - Municipal and Provincial tax assistance can be commenced at any time as specified in the By-Law, subject to approval, and any conditions imposed by the Minister of Finance with respect to the matching education portion. However, assistance cannot be applied retroactively in respect of remediation prior to the approval of the City BFTIP By-Law.
  - Eligible costs not reimbursed in the year in which they are incurred, can be rolled-over to subsequent years.
  - The amount of tax assistance in any one year is limited to the lesser of:
    - (i) The amount of eligible work carried out in that year; or
    - (ii) The amount of property tax which is cancelled by the City.
  - The amount of tax assistance is reduced by the amount of any outstanding property tax payable on the property.
  - Financial assistance under *Section 365.1 of the Ontario Municipal Act* is cumulative with any other financial assistance for site remediation necessary to permit an RSC to be filed and comply with any Certificate of Property Use.
  - Assistance under this Program terminates upon transfer of title to the property, severance or subdivision.
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**Program 2**

**City of Brockville Environmental Remediation Tax Cancellation Assistance Program**

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**Eligibility**

**Eligible Sites:**

- Sites located in the Brownfield Redevelopment Priority Area are eligible under this program.
- The need for remediation is defined as a site with a Phase II ESA which indicates that site conditions do not meet standards (under the Environmental Protection Act) to permit filing of an RSC.
- Properties located within the Brownfields Community Improvement Project Area but outside of the Brownfield Redevelopment Priority Area are not eligible for assistance under this program at this time.

**Eligible Costs:**

- Eligible costs are as per Program 1 and as adjusted by conditions of matching assistance provided by the Ontario Minister of Finance.
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**Program 2                      City of Brockville Environmental Remediation Tax Cancellation Assistance Program**

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***Approval Process***

- (i) Registration of Intent.
- (ii) Evaluation by Brownfield Evaluation Committee.
- (iii) Prior to signing Terms of brownfield Redevelopment Agreement, applicant must confirm details of the proposed development and submit:
  - Environmental site assessment (Phase II identifying likely costs of environmental clean-up).
- (iv) Signing of Terms of a site specific Brownfields Redevelopment Funding Agreement which outlines all terms and conditions of assistance, and its limitations of assistance. The Redevelopment Agreement can be separate from that required under Program 1 or combined with Program 1 requirements.
- (v) Development must conform to approved Official Plan, Zoning By-law, site plan approval/agreements, and all other municipal by-laws, Legislation and supporting regulations/approvals by other levels of government.

**BFTIP Application Process**

- (vi) City will approve in principle successful properties for Brownfield financial program assistance which includes potential tax cancellation assistance under this Program.
- (vii) Site-specific brownfield redevelopment funding agreement signed by applicant.
- (viii) City will draft a BFTIP By-Law establishing the specifics of the BFTIP assistance as per this CIP.
- (ix) Copy of the draft by-law and Agreement forwarded to the Minister of Finance for consideration. Any restrictions or other conditions required by the Minister of Finance will be included in the Municipal By-Law.
- (x) Council will review and approve the by-law and enable the execution of the agreement with the applicant.
- (xi) Where required, the City will provide, as part of the application package submitted to the Minister of Finance, a business case supporting an extension of Provincial matching education portion tax cancellation beyond 3-years.

***Other Restrictions***

- City has the right to review and amend any and all aspects of the program, including the purpose, form, and method of selection from time to time, or at any time, for any reason, and at the sole and absolute discretion of the City.
- As necessary, the City may amplify or adjust the application and approval protocols associated with this program.

***Fiscal Implications***

- (i) Cancellation of increase in tax represents potential income foregone by the City.
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**Program 2                      City of Brockville Environmental Remediation Tax Cancellation Assistance Program**

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***Evaluation Process***

Brownfields Evaluation Committee will comprise:

1. City Manager;
2. Director of Planning;
3. Director of Economic Development;
4. City Treasurer;
5. Director of Operations;
6. One member of Council, appointed annually by Council; and
7. Other(s) as determined by Committee and approved by Council.

The City of Brockville Brownfields Evaluation Committee will evaluate all proposals under this program and recommend actions to Council. Approval of all assistance under this program rests with Council.

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***Program Application Deadline***

- Program applications accepted to December 31, 2015. Project must receive approval in principle by City Council no later than June 30, 2016 with all building permits issued by June 30, 2017.
  - Program may be extended beyond the dates indicated by resolution of City Council.
  - The program will be monitored for effectiveness on an annual basis with an interim review in year 2 of the program (and detailed review in year 4) to determine whether the program has met the goals of the Brownfield's Community Improvement Plan.
  - Municipal portion of tax assistance is a maximum of 5 consecutive years subject to matching education portion tax assistance.
  - Municipal tax cancellation assistance under BFTIP will be limited to the duration approved for matching education property tax assistance.
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### 6.3 Program 3: City of Brockville Environmental Site Assessment (ESA) Grant Program

<b>Program 3</b>	<b>City of Brockville Environmental Site Assessment (ESA) Grant Program</b>
<b>Rationale</b>	For sites with a Phase I ESA, assistance to further specify extent and nature of environmental contamination through part-funding of Phase II ESA and Phase III ESA (Remedial Action Plan).
<b>Intended Recipients</b>	Private sector landowners/developers who are actively seeking renovation/ redevelopment or re-use of the property and provide Phase I ESA conducted by a qualified environmental consultant indicating a requirement for a phase II ESA.
<b>Legislative Provision</b>	<i>Planning Act</i> , providing for grant assistance under Section 28(7) of the <i>Planning Act</i> .
<b>Specifics and Limitations</b>	<p><b>Environmental Site Assessment (ESA) Grant</b></p> <ul style="list-style-type: none"> <li>• City of Brockville will reimburse owner for costs associated with eligible studies.</li> <li>• Maximum individual grant is \$15,000 or 50% of the cost of the ESA, whichever is less.</li> <li>• The Maximum assistance per property of:             <ol style="list-style-type: none"> <li>(i) Maximum of 2 studies per property; and</li> <li>(ii) Maximum of \$25,000 per property.</li> </ol> </li> </ul>

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**Program 3**

**City of Brockville Environmental Site Assessment (ESA) Grant Program**

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**Eligibility**

**Eligible Sites**

- The City of Brockville has compiled a list of sites which comprise sites which are either known to be contaminated, are perceived to be contaminated, or otherwise are land uses prescribed under Regulation as requiring a Phase II ESA. All such sites located within the Brownfield Community Improvement Project Area are eligible under this program and are priority candidates for this program, subject to Council issuing from time to time a revised listing of key redevelopment sites.

**Eligible Costs**

- Eligible costs include Phase II ESA and Phase III Remedial Action Plans.
- All sites located within the Brownfields Community Improvement Project Area are eligible for assistance.
- Sites which do not trigger a mandatory Phase 2 assessment by virtue of the historic, current or proposed land use, will also be considered eligible.
- Requirements of Regulation 153/04 to the *Environmental Protection Act* apply in all circumstances.

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**Approval Process**

- (i) Application Form (Registration of Intent).
- (ii) Screening of applications to ensure compliance with minimum requirements of the program.
- (iii) Evaluation of accepted applications by City of Brockville Brownfields Evaluation Committee. Applications which demonstrate clear intent to redevelop site will be favoured.
- (iv) Retained consultants confirm estimated and actual cost of conducting the study (the final cost of the study at completion).
- (v) Approval provided and payment issued following verification of costs submitted.

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**Other Restrictions**

- City has the right to review and amend any and all aspects of the program, including the purpose, form, method of application, evaluation and amount of funding of the program, from time to time, or at any time, for any reason, and at the sole and absolute discretion of the City.
  - As necessary, the City may add or adjust the application and approval protocols associated with this program.
  - The City may refuse an application if it deems project feasibility to be limited or for any other reason, at the discretion of the City.
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**Program 3**

**City of Brockville Environmental Site Assessment (ESA) Grant Program**

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***Evaluation Process***

Brownfields Evaluation Committee will comprise:

1. City Manager;
2. Director of Planning;
3. Director of Economic Development;
4. City Treasurer;
5. Director of Operations;
6. One member of Council, appointed annually by Council; and
7. Other(s) as determined by Committee and approved by Council.

The City of Brockville Brownfields Evaluation Committee will evaluate all proposals under this program and recommend actions to Council. Approval of all grants under this program rests with Council.

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***Program Application Deadline***

- Program applications accepted to December 31, 2015. Project must receive approval in principle by City Council no later than June 30, 2016 with all building permits issued by June 30, 2017;
  - Program may be extended beyond the dates indicated by resolution of City Council; and
  - The program will be monitored for effectiveness on an annual basis with an interim review in year 2 of the program (and full review in year 4) to determine whether the program has met the goals of the Brownfields CIP.
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***Other Government/ Non-Profit Organization Investment***

- Based on the principle of achieving maximum leverage of non-City funds, applicants who identify other sources of financial assistance for feasibility studies will be given preference in the allocation of funds.
  - Total combined assistance toward the costs of environmental site assessment from all public sources will not exceed 50% of total environmental site assessment costs. City funding will be the funding of last resort where other sources of public assistance exist.
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## 6.4 Program 4: City of Brockville Brownfield Building Permit Fees Grant Program

**(Note: The Brownfield Building Permit Fees Grant Program is no longer offered in accordance with resolution of Council dated November 13, 2012.)**

Program 4	City of Brockville Brownfield Building Permit Fees Grant Program
<b>Rationale</b>	Assistance to redevelopment of brownfield sites by further reducing cost of development related to building permit fees.
<b>Intended Recipients</b>	<p>Private sector land owners/developers who are actively seeking redevelopment of contaminated lands and which provide:</p> <ul style="list-style-type: none"> <li>(i) Applications for redevelopment/re-use of the property which necessitates environmental site assessment and remediation.</li> <li>(ii) A Phase II ESA which demonstrates that the proposed use does not meet MoE Standards for property use as contained in the <i>Soil, Ground Water and Sediment Standards</i> for use under Part XV.1 of the <i>Environmental Protection Act</i>.</li> </ul>
<b>Legislative Provision</b>	Grant paid against building permit fees payable for each project ( <i>Ontario Planning Act Section 28(7)</i> ).
<b>Specifics and Limitations</b>	<ul style="list-style-type: none"> <li>• The property owner or assignee pays for all building permit costs. These costs, to a maximum of 100%, are reimbursed to the owner, in the form of a grant based on the completion of the building as determined by the City.</li> <li>• Grant may be less than 100% and in all cases is limited by the 100% cap or total eligible cost, whichever is less.</li> </ul>
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>(i) Any environmentally contaminated property in the Brownfield Priority Area as demonstrated by a Phase II ESA.</li> <li>(ii) Properties located in the Brownfield Community Improvement Project Area but outside of the Brownfield Redevelopment Priority Area are not eligible for assistance under this program at this time.</li> </ul>
<b>Approval Process</b>	<ul style="list-style-type: none"> <li>(i) Applications via a registration of intent;</li> <li>(ii) Screening of applications which must include eligible remediation costs;</li> <li>(iii) Evaluation by the Committee and priority assignment of competing applications;</li> <li>(iv) Decisions – Grant equivalent to 100% fee is the maximum allowable. Grant may be less than 100% and <u>in all</u> cases is limited by the 100% cap or total eligible cost, whichever is less.</li> </ul>

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**Program 4                      City of Brockville Brownfield Building Permit Fees Grant Program**

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<b>Other Restrictions</b>	<ul style="list-style-type: none"> <li>• City has the right to review and amend any and all aspects of the program, including the purpose, form, method of application, evaluation and amount of funding of the program, from time to time, or at any time, for any reason, and at the sole and absolute discretion of the City.</li> <li>• As necessary, the City may amplify or adjust the application and approval protocols associated with this program.</li> <li>• Applicants who receive a permit grant under this program are ineligible for access to building permit fee grants under the City of Brockville Community Improvement Plan for Downtown.</li> </ul>
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<b>Fiscal Implications</b>	<ul style="list-style-type: none"> <li>• As a Section 28 Grant, funds to pay for this assistance should be provided from the annual budget. The accounts of the City for receipt of building permit fees will not be reduced by the amount of the grant. Such procedure is consistent with best practices in municipal accounts and in accordance with recent changes to the <i>Municipal Act (Amendments under Bill 130)</i> to increase transparency and accountability in municipal financing.</li> </ul>
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<b>Evaluation Process</b>	<p>Brownfields Evaluation Committee will comprise:</p> <ol style="list-style-type: none"> <li>1. City Manager;</li> <li>2. Director of Planning;</li> <li>3. Director of Economic Development;</li> <li>4. City Treasurer;</li> <li>5. Director of Operations;</li> <li>6. One member of Council, appointed annually by Council; and</li> <li>7. Other(s) as determined by Committee and approved by Council.</li> </ol> <p>The City of Brockville Brownfields Evaluation Committee will evaluate all proposals under this program and recommend actions to Council. Approval of all grants under this program rests with Council.</p>
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<b>Program Application Deadline</b>	<ul style="list-style-type: none"> <li>• Program applications accepted to June 30, 2012. Project must receive approval in principle by City Council no later than Dec. 31, 2012 with all building permits issued by Dec. 31, 2013.</li> <li>• Program may be extended beyond the dates indicated by resolution of the City Council.</li> <li>• The program will be monitored for effectiveness on an annual basis with an interim review in year 2 (and detailed review in year 4) to determine whether the program has met the goals of the <i>Brownfields CIP</i>.</li> </ul>
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### 6.5 Program 5: Key Sites Marketing Database

<b>PROGRAM 5</b>	<b>Key Sites Marketing Database</b>
<b>RATIONALE</b>	<p>Uncertainty and lack of site-specific information constrain opportunities for redevelopment of brownfields. The inventory and information assistance program is designed to:</p> <ul style="list-style-type: none"> <li>(i) Create market-ready information for key potential brownfield sites to assist would-be developers and tenants involved in redevelopment, renovations or re-use; and</li> <li>(ii) To provide on-going assistance with redevelopment efforts in the existing Community Improvement Plan for Downtown.</li> </ul>
<b>INTENDED RECIPIENTS</b>	(Prospective) landowners, developers, tenants, investors, insurance companies and lenders involved in real estate development.
<b>SPECIFICS AND LIMITATIONS</b>	<p><b><i>Specifics and Limitations</i></b></p> <ul style="list-style-type: none"> <li>• The City will provide staff resources to maintain and upgrade the existing key sites database.</li> <li>• The City will provide additional digital information for selected key brownfield sites in an effort to assist prospective investors in establishing redevelopment feasibility.</li> <li>• The database should be monitored annually for additional sites of interest.</li> <li>• For key sites, information should include: <ul style="list-style-type: none"> <li>– Ownership;</li> <li>– Site Statistics (e.g. site size, current and former uses, existing buildings, zoning, etc.);</li> <li>– Assessment/Taxation;</li> <li>– Evidence of contamination/listing of site investigation studies to date;</li> <li>– Planning approvals;</li> <li>– Key legal encumbrances, if any; and</li> <li>– Additional background material including any prior feasibility studies.</li> </ul> </li> <li>• The information database should be included as an economic development-marketing tool, promoted by the City of Brockville Economic Development Department, Planning Department and available on-line. Appendix 6 includes an example of a key sites marketing template.</li> </ul> <p>Based on the identification of key redevelopment opportunities, the City should give consideration to appropriate policies for these sites contained in any revisions to the City's Official Plan as part of the 5 year Official Plan review process.</p>

## 7.0 IMPLEMENTATION

### 7.1 Administering Brownfield Program Options

Administration of the brownfields program is predicated on access to the most appropriate individual program and combination of programs based on the different circumstances of each development project under consideration. In general terms, eligible costs will be established and verified to the extent possible at the time of approval of funding under each program. Estimates will only be verified as actual remediation costs once work is undertaken to clean up the property. Implementation guidelines will specify procedures for establishing eligible costs, verifying such costs and final approval of program assistance.

The general order of program assistance is established in the table below and includes a gradual draw down on eligible costs based on the amount of assistance provided under each separate program.

<b>BROWNFIELD PROGRAM</b>	<b>ELIGIBLE COSTS</b>
<ul style="list-style-type: none"> <li>• ESA Assistance Grant Program</li> </ul>	100% Eligible Costs (payment subject to grant maximum)
<ul style="list-style-type: none"> <li>• Building Permit Fee Grant Program</li> </ul>	Eligible costs less existing grants to date under ESA Grant Programs
<ul style="list-style-type: none"> <li>• Tax Assistance Program (BFTIP) (3 to 5 years)</li> </ul>	<b>Concurrent commencement of term limits</b> Eligible costs less all grants payable to date
<ul style="list-style-type: none"> <li>• Brownfield Redevelopment Tax Increment Equivalent Grant Program (10 years)</li> </ul>	
<ul style="list-style-type: none"> <li>• Reconciliation of all assistance vs. eligible costs</li> </ul>	Total of all programs cannot exceed 100% of Eligible Costs

Implementation of tax assistance programs is predicated on access (where possible) to matching education portion property tax assistance as part of Program 2: Property Tax Increase Cancellation before provision of Program 1 assistance which comprises a Tax Increment Grant based on the municipal tax increment resulting from remediation/redevelopment and reassessment of the property under application. Implementation guidelines will further detail the information requirements of the City as part of a formal application to the Ontario Ministry of Finance for matching education property tax assistance in relation to specified remediation/redevelopment projects.

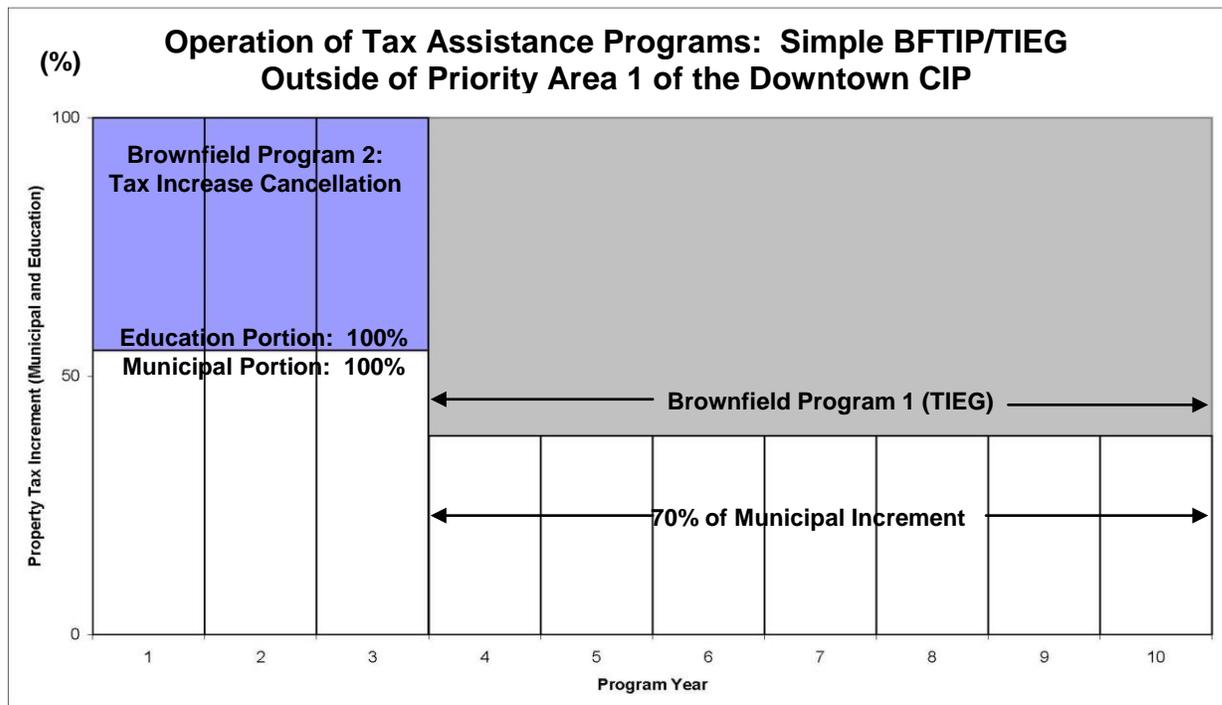
As stipulated elsewhere in this plan all forms of tax assistance are deemed to operate concurrently such that the duration of any of the programs of tax assistance can be determined by an implementing by-law and can occur at commencement of remediation, development or any other time agreed to by the City and approved by the Minister of Finance (regarding matching education property tax assistance). However, once the first program is commenced, all others are deemed to run concurrently from that date and for consecutive years to the expiry of their respective term limits.

## 7.2 Examples of Tax Assistance Program Operation

The following examples of operationalization of the tax assistance programs is provided to illustrate the principles of assistance. Specifics of potential development projects will create variation in the timing and proportionate impact of each program under this Plan. However, the principles and process of assistance are to be maintained with respect to all projects.

### 7.2.1 ASSISTANCE OUTSIDE OF DOWNTOWN

Program maximums are shown graphically below:



**Note:**

- (i) Example based on municipal share of total tax at 55%; share is illustrative only and will vary by tax class
- (ii) Matching education property tax assistance requires approval of the Province.

The following program duration<sup>1</sup> limits apply (in all cases, assistance is terminated (i) at the end of the term of the program or (ii) when total eligible costs are met from the combined monetary assistance in the form of all grant programs and tax cancellation, whichever occurs first).

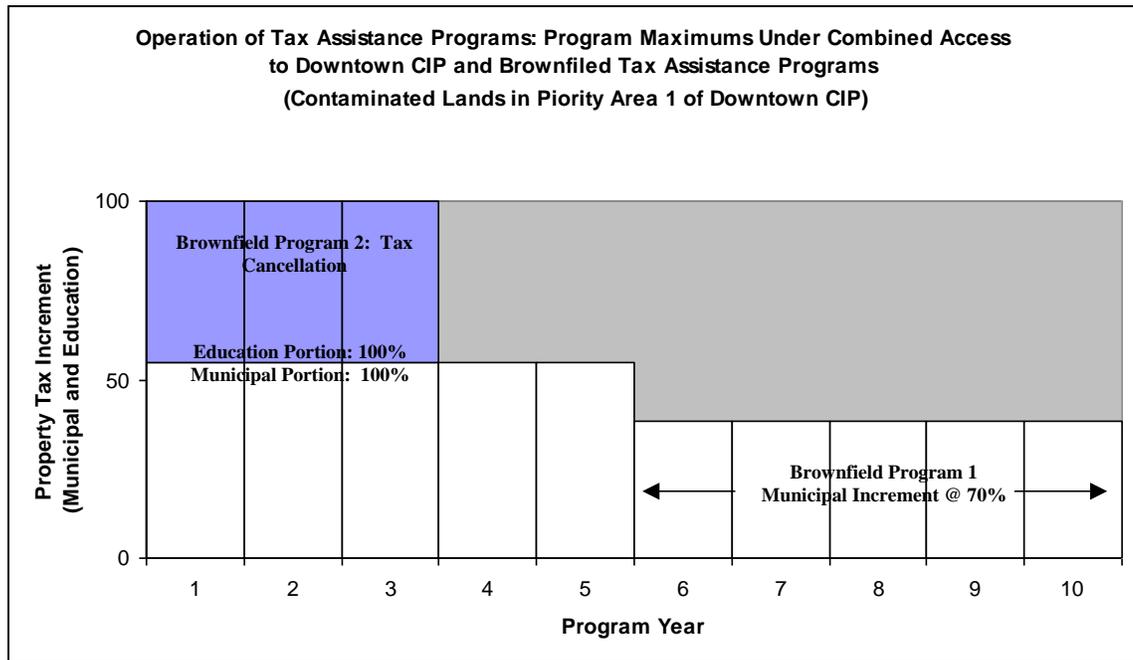
- Program 1 TIEG operates from the date remediation is commenced and is limited to a maximum duration of 10 years. Assistance is limited to 70% of the municipal portion of the tax increment.
- At the discretion of Council, Program 1 can commence at any time specified in municipal by-law.
- In the example above, the Program 2 (Tax Cancellation) operates concurrent with the term limit of Program 1 TIG. The available municipal and education increments are cancelled in year 1 to 3 (and may be extended if permitted by the Ontario Minister of Finance) through the provisions of Program 2 which takes precedence over the Program 1 TIEG in access to the municipal increment. Following the termination of Program 2, the available municipal increment is provided as a grant in the amount of 70% of the municipal increment for the period from Year 4 to Year 10.
- On the basis of a maximum of 10 years of tax assistance for eligible brownfields, the 10 year TIEG is reduced by the duration of the BFTIP Program. The result is a 3 year BFTIP assistance program and 7 year Section 28 Tax-Based Grant: a total of 10 years of tax assistance, including, in this example, 3 years of assistance which could include up to 100% of the property tax increase in each year.
- It is possible under this Plan to operate Program 2 later in the 10 year period of the Program 1 TIG. In this instance, the term limit of the Program 1 TIEG would continue to be 10 years and would commence prior to Program 2 Tax Cancellation. The principle of concurrent program operation is maintained and maximum tax assistance under both programs is 10 years.
- The impact of Program 2 Tax Increase Cancellation will vary according to the tax class of the project receiving the assistance.
- Tax increase cancellation will initially be defined as a tax deferral by the City and Province pending verification of eligible costs and other protocols as will be specified in a Brownfield Redevelopment Funding Agreement. On approval of these matters, deferred taxes will then be formally cancelled.
- Tax cancellation assistance (Program 2) is only to the benefit of the registered owner and cannot be assigned to another party. Tax assistance under this program terminates upon transfer of title, severance or subdivision.

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<sup>1</sup> Program duration means the time from commencement to expiry of tax assistance programs as specified under each program.

**7.2.2 BLENDED TAX ASSISTANCE – CONTAMINATED LANDS IN DOWNTOWN**

Under this scenario the contaminated properties are eligible for assistance over and above the tax grant available through the CIP for Downtown as a direct result of their being contaminated. Changes to the Downtown Plan exclude contamination related costs as eligible costs under that Plan.



Note:  
 (i) Example based on municipal share of total tax at 55%; share is illustrative only and will vary by tax class.  
 (ii) Example assumes that eligible remediation costs are large enough to maximize available tax increment in each year. Where eligible remediation costs are minor, project would largely draw on Downtown TIEG though to end of year 5.

The following implementation rules will apply in situations where access under the Downtown CIP tax grant program exists:

- All tax assistance programs run concurrent with one another to the extent of their relative term limits: Program 1 – 10 years; Downtown CIP TIEG – 5 years; Program 2 BFTIP – 3 to 5 years or as otherwise approved by the Minister of Finance.
- Tax assistance maximums are always the earlier of assistance equal to the total combined eligible costs, or the established term limits of each program.
- Program 2 Tax Cancellation operates in years 1 to 3, following which 2 years of access under the Downtown CIP TIEG are provided based on the provisions of that Plan which include 100% of the municipal increment in Years 4 and 5. As remediation costs are sufficiently high, access to the Brownfield TIEG maximum of 70% of the municipal tax increment is provided for years 6-10.
- Under this combined Plan access protocol, a Site Specific Brownfield Redevelopment Funding Agreement will establish these separate tax assistance maximums as a single

schedule of cancellations and subsequent grants set against specified eligible costs for both the Brownfield Plan and the Downtown Plan.

**Exhibit 7.3: Brownfield versus Clean Site in Priority Area 1 of Downtown CIP**

	Site 1 (Priority Area 1 Brownfield)	Site 2 (Priority Area 1; No Contamination)
Remediation Cost	\$1,000,000	Zero
Eligible Rehabilitation Costs	\$35,000,000	\$35,000,000
Build-out	200-unit residential (condo)	200-unit residential (condo)
<b>Program Assistance</b>		
<b>A. Tax Increment Equivalent Redevelopment Grant (TIERR)</b>		
▪ Base Tax	\$43,000	\$43,000
▪ Build-out Tax	\$543,000	\$543,000
▪ Municipal portion (83%)	\$414,825	\$414,825
Program Limits (current)		
• 100% of municipal increment/ yrs 1-5	\$1,950,000	\$1,950,000
	<b>Site 1 (Brownfield)</b>	<b>Site 2 (Priority Area 1; No Contamination)</b>
<b>B. Brownfield Remediation TIG</b>		
▪ 70% of Municipal Increment	\$290,000	N/A
▪ Explicitly for Remediation Costs		
▪ Max Assistance Reached	3.45 years	N/A
▪ Comparison	Approx 8.5 yr TIEG (based on combination of Existing TIERR & Brownfield Program)	5 yr TIEG
Total Assistance	\$2,950,000	\$1,950,000

*Note: Assistance package excludes Program 2 Tax Cancellation*

## 8.0 MONITORING AND UPDATE

Monitoring of the implementation of the CIP should seek to:

- Document the nature and extent of projects for which applications are made under each program; a review of these applications should be provided to Council each year.
- Identify the contribution of assistance under each program to the success of the remediation/redevelopment projects - specifically, analysis of the achieved and projected leveraged impacts of municipal funding via each of the programs should be undertaken to determine the overall payback to the City from its Brownfield investment strategy.
- An annual staff report to Council should document funding by program and anticipated benefits including non-financial benefits to the community.
- Ensure City staff continue to monitor changes to applicable Provincial and Federal legislation, as well as environmental clean-up guidelines and other funding programs to ensure that the CIP and its constituent programs remain applicable and utilize all available legislative and funding resources, consistent with the overall priorities of the City.

At the end of the second year of the Plan, based on the monitoring of take-up of the programs of the Plan as well as review of the existing legislative environment, Council will instruct staff to undertake an interim review of the Plan and recommend any proposed changes to the Plan as may be required.

In Year 4 of the program, a full review of the success of the Plan will be undertaken. Based on the review, staff will make recommendations to Council regarding the continuation, adjustment, amendment or discontinuance of part or all of the Plan at the end of the current plan period (June 30, 2011).

## APPENDIX 1

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### GLOSSARY OF TERMS

**Actual Remediation Costs** means the actual costs to remediate the Lands, proven by the Owner to have been incurred, are eligible for Program Assistance, and are verified as such to the satisfaction of the City.

**Brownfields Financial Tax Incentive Program (BFTIP)** is a financing tool established under the authority of section 365.1 of the Municipal Act, 2001 that allows municipalities to provide property tax assistance to landowners as an incentive for environmental rehabilitation. The Minister of Finance can also approve matching education property tax assistance for eligible properties under this program.

**Community Improvement Plan (CIP)** is a planning tool under Section 28 of the Planning Act which permits planning and financial assistance programs involving lands, buildings, loans, grants and tax assistance for designated community improvement project areas.

**City** means the Corporation of the City of Brockville.

**Education Portion** means taxes arising from that element of the total tax rate set annually, which is collected by the Province of Ontario to support the provincial school By-Laws.

**Eligible Costs** includes all cost categories for which the Owner is entitled to Program Assistance from the City as provided for in an Agreement and subject to all program protocols and conditions as stated in the Agreement and the CIP.

**Environmental Protection Act (EPA)** is the Act which provides for the protection and conservation of the natural environment. With respect to brownfield redevelopment, the Act sets out the requirements for the assessment and clean-up of a property and the filing of a Record of Site Condition (RSC) and includes provisions reducing the potential liability from orders for property owners after an RCS has been filed.

**Environmental Site Assessment** means the assessment of the environmental condition of the land including the soil, ground water and sediment, if any. It is required in order to file a RSC in Ontario's Environmental Site Registry (Part XV.1 of the EPA).

**Municipal Portion** means taxes arising from that element of the total tax rate, set annually, which supports expenditures by the City of Brockville as a single tier municipality.

**Owner** means the registered Owner of the Lands and includes any successors, assigns, agents, partners and any affiliated corporation.

**Phase I ESA** is the study conducted to determine the likelihood that one or more contaminants have affected all or part of a property. The specific requirements for carrying out a Phase I ESA are set out in Part VII of the Ontario Regulation 153/04 (Record of Site Condition: A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition, MoE, 2004).

**Phase II ESA** is the study conducted to determine the location and concentration of one or more contaminants in the natural environment. The specific requirements for carrying out a Phase II ESA are set out in Part VIII of the Ontario Regulation 153/04 (Record of Site Condition: A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition, MoE, 2004).

**Program Application Deadline** refers to the date on which a completed registration of intent form must be filed with the City of Brockville. The deadline does not refer to the date of any tax assistance.

**Program Assistance** means all or any of the programs contained in and provided for by the CIP.

**Program Duration** means the time from commencement to expiry of tax assistance programs as specified under each program.

**Qualified Person** means a person that meets the qualification requirements specified by Ontario Regulation 153/04.

**Record of Site Condition (RSC)** is a document that summarizes the environmental condition of a property on a specific date, as determined by a qualified person by conducting a Phase I ESA, a Phase II ESA (if appropriate) and confirmatory sampling (in the case of site clean-up). Under Part XV.1 of the EPA, a RSC must be completed and filed on the Environmental Site Registry if a property owner wishes to obtain protection from potential future environmental orders for the property as specified in Part XV.1. For certain types of land use changes, such as a change from industrial use to residential use, filing a RCS on the Environmental Site Registry is mandatory.

**Redevelopment** means the development of new buildings, new or expanded uses and site infrastructure development previously developed land in existing communities, including brownfield sites.

**Remediation Plan** means Remediation Works and any Risk Management Plan developed for the Lands. Risk Assessment means site investigation and other actions undertaken by a Qualified Person for Risk Assessment in accordance with the MoE guideline entitled "Procedures for the use of Risk Assessment under Part XV.1 of the Environmental Protection Act".

**Risk Management Plan** refers to measures to manage or limit the movement of contaminant or limit the potential for receptors to be exposed to contaminants, as more fully described in Section 7.8 of the MoE guideline entitled "*Records of Site Condition – A guide to Site Assessment, the Cleanup of Brownfields Sites and the Filing of Records of Site Condition*".

**Tax Assistance** means Program Assistance under CIP Programs 1 and 2, as well as tax assistance under the Downtown CIP.

**Tax Cancellation** means the cancelling of the increase in tax liability.

**Tax Increment** means the difference between the property tax liability for the lands in any year of the Program and the existing "base" tax liability. The Tax Increment is limited to the Municipal Portion of the tax liability in those instances where program assistance is limited to the Municipal Portion of taxation as provided for in the CIP.

**Tax Liability** means the annual real property taxes levied by the City of Brockville including the Municipal and Education Portions of the taxes.

**TIEG** means Tax Increment Equivalent Grant as provided for under Section 28(7) of the Ontario Planning Act.

## APPENDIX 2

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### **OFFICIAL PLAN AMENDMENTS (OPAS) REGARDING CONTAMINATED LANDS AND COMMUNITY IMPROVEMENT**

## APPENDIX 2A

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### **OPA REGARDING CONTAMINATED LANDS**

## Contaminated Lands

Brownfield sites are undeveloped or previously developed properties that may be contaminated and are typically underutilized, derelict, or vacant. Rehabilitation and redevelopment of these sites is important to achieving the land use, economic development and environmental goals of this Plan. The following policies apply to all lands within the Official Plan. Contaminated sites as well as site suspected to be contaminated and which are located within the Brownfields Community Improvement Project Area shown on Schedule 1, are subject to policies contained in Section 5.22 of this plan.

- a) The City will encourage the rehabilitation and redevelopment of brownfield sites in the City as a means to achieve environmental enhancement, neighbourhood revitalization, efficient use of existing infrastructure and urban services and to remedy the blighting effects of vacant and derelict properties. Where sites may be contaminated, such sites could have the potential for adverse effects on the human and/or the natural environment and their remediation is a principal goal of this Plan.
- b) When considering applications for development which include sites, either known to be, or suspected of being, contaminated, the City may require a Phase 1 Environmental Site Assessment (ESA) for such sites. This study, which is the responsibility of the applicant, shall be in accordance with the Ontario Regulation 153/04 as may be amended from time to time. This requirement is in addition to Ontario Regulation 153/04, which prescribes those uses for which a Phase II ESA is required.
- c) For sites, either known to be, or suspected of being, contaminated, the City will require that a Phase 2 ESA be undertaken by the applicant where a Phase 1 ESA indicates the potential presence of contamination. The Phase 2 ESA, undertaken in accordance with Ontario Regulation 153/04, will be expected to address the following:
  - Identify the nature and extent of soil or groundwater contamination or absence thereof;
  - Determine potential risks to human health and safety as well as effects on ecological health and the natural environment;
  - Demonstrate whether the site meets relevant Provincial standards for the proposed use;
  - Where necessary as a result of a Phase II report, a Phase III remedial action plan should be undertaken and implemented to meet, at a minimum, the regulatory requirements of the Ontario Ministry of the Environment (MoE), and where relevant, the Federal Government.
- d) As a condition of approval, the City will require that remediation, where required, is undertaken to the appropriate standards of the MoE, as specified in Regulation 153/04 and in its companion document *Soil, Ground Water and Sediment Standards for use under Part XV.1 of the Environmental Protection Act (March 9, 2004)*, or according to any other regulatory requirements of the MoE, as amended from time to time.
- e) A Record of Site Condition may, at the City's discretion, be a required condition of approval under this Plan. In addition to changes of use prescribed by Ontario Regulation 153/04 as uses for which a Record of Site Condition is mandatory (a change of use to a more sensitive land use), the City may require a Record of Site Condition to be filed where the application does not involve a change of use to a more sensitive land use as defined in Ontario Regulation 153/04. This requirement is to ensure, to the City's satisfaction, that any remediation, or risk assessment and risk management, necessary to permit the intended use is to satisfaction of the MoE. In such instances, final approval of the application, or waiving of conditions of approval, is contingent on MoE acknowledgment of the

Record of Site Condition as well as any Certificate of Property Use issued by the MoE in respect of the property.

- f) Where the City is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the City may require that such transfers are conditional upon the verification, satisfactory to the City, that the environmental condition of the property meets provincial legislation, regulations and guidelines. Where required by the City or by the MoE, this may include the filing of a Record of Site Condition on the Environmental Site Registry by a Qualified Person as defined by legislation and regulation, and its acknowledgement by the MoE

## APPENDIX 2B

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### **OPA REGARDING COMMUNITY IMPROVEMENT PLANNING PROVISIONS OF THE OFFICIAL PLAN**

**5.22 COMMUNITY IMPROVEMENT POLICIES**

**5.22.1 Goals**

1. Maintain, rehabilitate, redevelop, intensify, and upgrade the existing physical condition of the urban environment to address the social, economic, and environmental priorities of the community and improve the quality of life for residents, workers, and visitors in Brockville.
2. Reinforce the stability of existing residential, commercial, and industrial areas of the City while addressing existing land use conflicts and minimizing the potential for future concerns.
3. Consider community improvement as an important part of the City's commitment to local economic development and support for tourism, commerce, and industry in Brockville.
4. Recognize community improvement as the primary means by which the City can facilitate brownfield redevelopment.

**OBJECTIVES**

Continue to improve the quality of life for residents, workers, and visitors in the City by means of the following:

- Maintaining and improving municipal infrastructure, services, public utilities, and social and recreational facilities;
- Encouraging improvement activities that contribute to local economic development and support tourism, commerce, and industry;
- Encouraging redevelopment, particularly of brownfield sites, and the reintegration of these sites into the urban fabric, provided that such redevelopment does not disrupt the historical, cultural, or social fabric of the community;
- Encouraging the maintenance of the existing building stock and facilitating the rehabilitation, renovation, and repair of older buildings;
- Improving conditions in older, predominantly residential areas, including encouraging infill housing and a mix of housing types on vacant lands as a means of stabilizing neighbourhoods;
- Facilitating the preservation and restoration of historically and/or architecturally significant buildings or areas and encouraging the adaptive reuse of such buildings or areas;
- Improving traffic and parking patterns and pedestrian and bicycle circulation making them more compatible with surrounding uses and needs;
- Improving the overall streetscape and/or aesthetics of commercial and industrial areas of the City;

- Encouraging and expanding opportunities for the integration of amenity space within commercial and industrial areas of the City;
- Encouraging an appropriate mix of uses while reducing existing or potential land use conflicts;
- Ensuring improvements made are carried out in such a way as to be compatible with other goals and policies of this Official Plan;
- Encouraging, where feasible, energy efficient conservation through energy efficient land uses;
- Providing advice and guidance on maintenance and rehabilitation of buildings and structures and on energy conservation;
- Encouraging public participation in the community improvement planning process;
- Undertaking a monitoring program to review budgeting and program direction in respect to the attainment of specific policies; and
- Working with business leaders in the community to identify and facilitate improvements.

#### **5.22.2 Criteria used for Selection of Community Improvement Areas**

Identify and establish potential community improvement project areas in the City using the following criteria. The relative importance of each will be determined by the City as the need for designation of a project area(s) arises:

- Deficiencies in hard services including but not limited to roads, sidewalks, curbs, gutters, water distribution system, sanitary collection system, and storm sewers;
- Presence of sub-standard building conditions and housing in need of improvement and revitalization;
- Opportunity to expand the housing stock through the redevelopment or conversion of underutilized lands and/or buildings;
- Presence of vacant lands/buildings and obsolete/aging low-density land uses that could be developed, redeveloped, intensified, or converted to other uses;
- High levels of commercial and industrial vacancy and declining assessments;
- Presence of brownfield sites that are abandoned, vacant, derelict, or underutilized and may be contaminated;
- Need to upgrade the streetscape or aesthetics of an area;
- Need to upgrade elements of the transportation system including but not limited to sub-standard road conditions and road widths, poorly designed intersections, condition and availability of parking facilities, inadequate access to transit, and inadequate pedestrian and bicycle facilities and access;

- Need to provide or improve recreational and cultural facilities and public open space including but not limited to parkland acquisition, facilities improvement, and trails enhancement;
- Presence of incompatible land use activity;
- Presence of hazard lands that have an impact on the City's pattern of development including but not limited to contaminated sites, areas with unstable slopes, or areas requiring improvements because of poor drainage conditions, including ditching and flood proofing;
- Presence of buildings or lands of architectural and/or historical merit and sites of archaeological significance or interest, in need of preservation, restoration, repair, or improvement;
- Areas requiring shoreline improvements to enhance public usability while furthering public efforts at shoreline management along the waterfront;
- Presence of points of interest and/or special visual amenities, such as downtown and the waterfront, that provide an opportunity for tourism, and which could benefit from protection and enhancement; and
- Presence of lighting or other public utilities that fail to meet municipal standards or that are not energy efficient.

### **5.22.3 Means of Implementation**

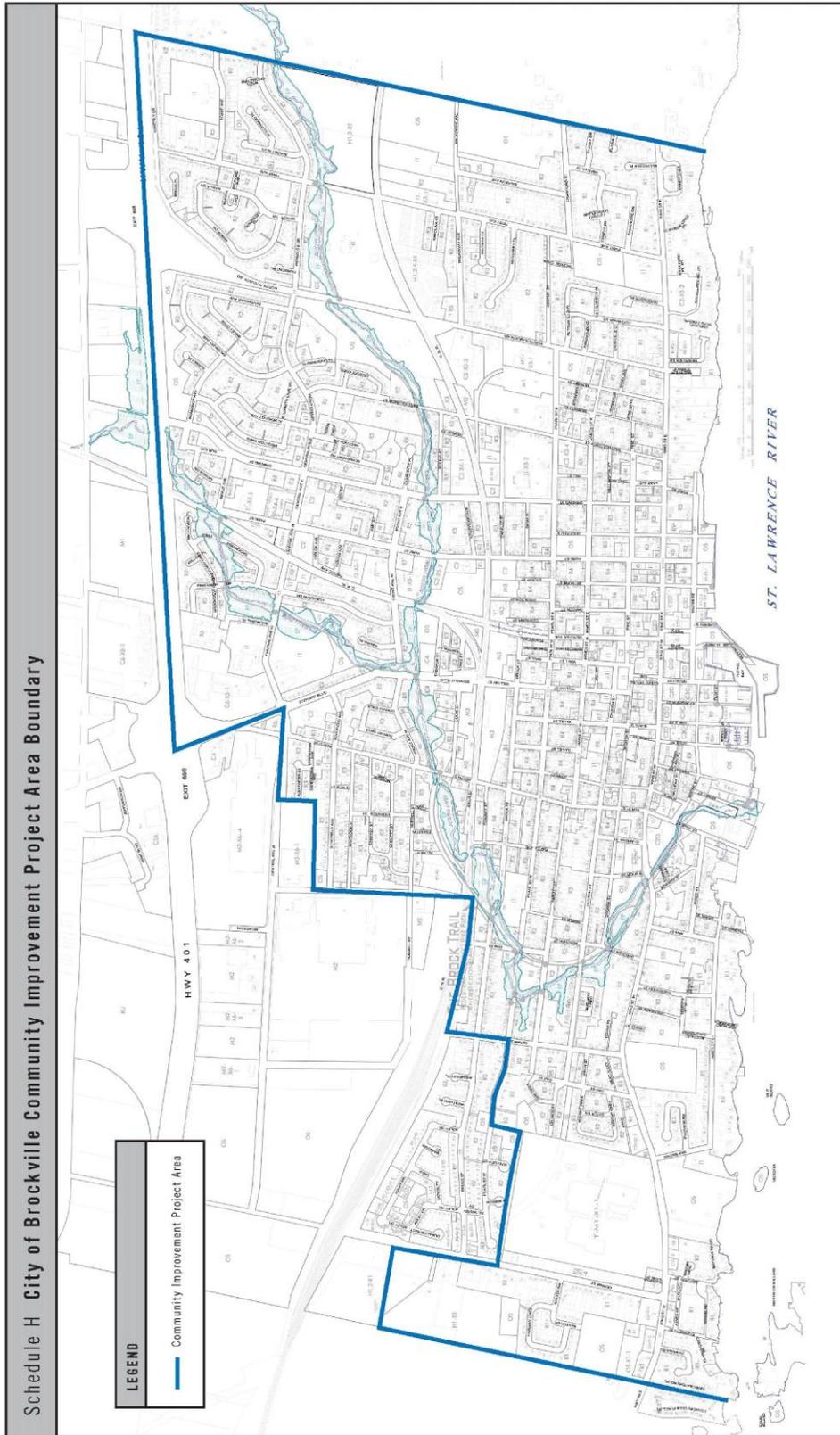
1. Implement the goals and policies of this section by means of the powers conferred upon City Council under the relevant legislation.  
Implementation measures could include the following:
  - Designation by by-law of a community improvement project area and adoption of community improvement plan for the area;
  - Where feasible, acquisition of land and buildings within a community improvement project area, and clearing, grading, environmental remediation, or otherwise preparing the land for community improvement;
  - Construct, repair, rehabilitate or improve buildings on land acquired or held by the City in a Community Improvement Project Area in conformity with the Community Improvement Plan;
  - Sell, lease, or otherwise dispose of land held by the City in a Community Improvement Project Area in conformity with the Community Improvement Plan;
  - Seeking funds from other levels of government (county, provincial, and federal) where their programs facilitate the implementation of the community improvement plan;
  - Enactment and enforcement of the property maintenance and occupancy standards by-law with respect to residential, commercial, and industrial building stock and lands;
  - Providing financial incentive programs to support private sector redevelopment/reuse of sites, as provided for under relevant legislation;

- Providing municipal tax relief as an incentive for building improvements and development;
  - Encouragement of public participation in the preparation of community improvement plan(s);
  - Encouragement of private sector use of government programs where they complement municipal community improvement efforts;
  - Encouragement of infill development and intensification of vacant and/or under utilized properties in community improvement areas;
  - Upgrading of municipal services; and
  - Continuing to support and work with Heritage Brockville on various heritage conservation programs and initiatives.
2. Ensure that development occurring as a result of the policies and programs of Community Improvement Plans in the City conform with the policies of this Plan, as well as the requirements of the Zoning By-law, Property Maintenance and Occupancy Standards By-law, and all other related municipal policies, plans, and by-laws.

## APPENDIX 3

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### **SCHEDULE H TO THE OFFICIAL PLAN AS AMENDED – CITY OF BROCKVILLE COMMUNITY IMPROVEMENT POLICY AREA**



## APPENDIX 4

### **SCHEMATIC APPLICATION OF THE BROWNFIELD PROGRAMS**

**EXAMPLE PRO-FORMA EXHIBIT 1**

**Schematic Illustration of Brownfield Redevelopment Support Programs**

**Example: Commercial Retail Development on Contaminated Site**

Site Area	6	Acres
<b>Site Acquisition and Development Costs</b>		
<b>Land Costs</b>		
Land Cost per Acre	\$150,000	
Total Land Cost	\$900,000	
Environmental Remediation Costs incl. demolition/fill as required (e.g. to Industrial/Commercial Standards)	\$4,000,000	
Site Development/Serviceing Costs	\$600,000	\$100,000 per acre
Parking and Landscaping Costs	\$910,878	5 spaces per 100 sq. m. (1,076 sq. ft.) at \$2500 per space
Payment in Lieu of Parkland Dedication	\$18,000	2% of land cost
<b>Construction Costs<sup>1</sup></b>		
Site Coverage (F.S.I.)	0.3	
GFA Constructed	78,408	
Hard Cost per Sq. Ft.	\$110	
Total Hard Construction Cost	\$8,624,920	
<b>Soft Costs</b>		
Building Permit Fees <sup>2</sup>	\$27,443	
Planning and Development Fees <sup>2</sup>	\$2,050	
	As % of hard costs	
Architect and Engineering		
Design Phase	1.50%	\$129,374
Construction Phase	4.50%	\$388,121
Legal and Accounting/Overhead	1.50%	\$129,374
Construction Management	4.00%	\$344,997
Contingency for Cost Over-Run	5.50%	\$474,371
Total Soft Costs		\$1,495,729
<b>Total Development Costs</b>		<b>\$16,549,527</b>
<b>Financing Costs</b>		
Invested Equity (25%)	\$4,137,382	
Indicative Financing Costs (75%) over 12 months at 7% x 2 Phases	\$434,425	
<b>Total Costs (excl. tenant fit-up and lease commissions)</b>		<b>\$16,983,952</b>
<b>Revenues</b>		
Return Based on 20 Year Amortization of Costs		
Lease Rate (Triple Net) <sup>3</sup>	\$15.00	
Present Value of Income Stream	\$11,928,627	
Equity Invested	\$4,137,382	
<b>Return on Investment</b>		<b>10.4%</b>
<b>Impacts of Brownfields Support Programs</b>		
Tax Increment Grant	see calc. below	\$1,846,457 Note: Over 10 years based on average of \$184,646 p.a.
BFTIP		\$728,942
ESA Grant (x2)		\$20,000
Building Permit Grant @	100%	\$27,443
Development Charge Reduction (assume 20% credit for existing buildings on site) - Available under separate By-Law for Defined Downtown Area - Assume Unavailable for Example Location (Outside of DC Exemption Area)	0%	\$0 \$2.36 per Square ft GFA
<b>Total Development Cost Savings</b>		<b>\$2,622,841</b>
Prior to Remediation/Development		\$20,000
Year 2 (at occupancy)		\$27,443
BFTIP/TIG		see cash flow
<b>Impact on Return on Investment</b>		<b>13.3%</b> (equity investment unchanged)

**Schematic Illustration of Brownfield Redevelopment Support Programs**  
**Example: Commercial Retail Development on Moderately Contaminated Site**

**Tax Increment Grant Calculation**

Existing Site Assessment Class	Industrial-Vacant			
Existing Assessment	\$900,000	Assumes some value despite contamination rendering site unmarketable		
Tax Rate (Municipal Component), 2006	0.02296505	(Brockville Vacant Industrial)		
Existing Annual Tax	\$20,669			
Post-Redevelopment Assessment Class	Commercial-Occupied			
Replacement Costs	\$12,579,020			
Re-valued Assessment Adjusted to 80%	\$10,692,167			
Applicable Tax Rate (Municipal Component), 2006	0.02660341	(Brockville Occupied Commercial)		
Annual Tax	\$284,448	Assumes 100% occupancy		
Redevelopment-Based Increment (excl. escalation and increase arising from potential changes to tax rates)	\$184,646	170%	of increment	
Maximum Grant Allowable	\$4,000,000			
Less other grants for remediation	\$47,443			
Less BFTIP (3 years matching education tax assistance)	\$728,942			
Maximum Grant - Adjusted for all sources of assistance	\$3,223,615			
No. of Years of Grant to reach Max.	17.458			
<b>BFTIP Program</b>				
(Assumes applied conservatively at inception of remediation to end of Year 3)				
Year 1	Remediation			
Year 2	Phase 1 and 2 complete assessment based on 50% completion			
Year 3	First Year of fully operations and max. redevelopment assessment value			
Taxes:	Municipal	Education	Total	
Tax Rate (Brockville Occupied Commercial)	0.02660341	0.02309206	0.04969547	
Tax Rate in Year 1	0.02296505	0.01486094	0.03782599	(Vacant Industrial)
Year 1	\$20,669	\$13,375	\$34,043	(vacant Site)
Year 2	\$142,224	\$123,452	\$265,676	(occupied commercial)
Year 3	\$284,448	\$246,904	\$531,352	
Increase over Base (Tax Increase Cancellation)				
Year 1	\$0	\$0	\$0	
Year 2	\$121,556	\$110,077	\$231,633	
Year 3	\$263,780	\$233,529	\$497,309	
Total Assistance	\$385,335	\$343,607	\$728,942	

<sup>1</sup> Based on Altus Helyar Construction Cost Guide, 2006

<sup>2</sup> Based on Class 11 Building Permit Fees for alternations and additions to industrial, public and commercial buildings (\$0.35 per sq. ft. as per By-law No. 039/2006. Note: Developments in the DBIA are exempt).

<sup>3</sup> Analysis assumes tenant fit-up and lease commissions are recovered from gross rent. Lease revenue shown above is triple net.

**Note:**

Performa excludes annual inflation in costs/revenues which may occur.  
Parking requirements for Retail Uses. Refer to Zoning By-law 194-94 for parking requirements for other forms of commercial (e.g. office, mixed-use development, personal services, etc.)

**Source:**

IBI Group

## APPENDIX 5

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### **SUMMARY OF FINANCIAL ASSISTANCE FOR BROWNFIELD REDEVELOPMENT PROVIDED BY SELECTED MUNICIPALITIES**

**Summary of Financial Assistance Provided by Various Municipalities for *Brownfield Redevelopment***

**Tax Increment Grant (TIG) Programs**

Municipality	Title of Community Improvement Plan (CIP) Initiative	Title of Program	Duration of Grant (years)	Amount of Grant (i.e.. Portion of Increase in Municipal Taxes)
Cambridge	Core Areas Revitalization Program*	Realty Tax Grant Program - Cancelled in 2004, phased out in 2006.	3	75% (yr. 1), 50% (yr. 2), 25% (yr. 3)
Cornwall	Brownfields CIP	Brownfields Redevelopment Grant (Tax Increment Grant)	10	80% (yrs. 1 & 2), 70% (yrs. 3 & 4), 60% (yrs. 5 and 6), 50% (yrs. 7 & 8), 40% (yrs. 9 & 10)
Hamilton	ERASE CIP (brownfield)	ERASE Redevelopment Grants	10	80%
Kitchener	The Kitchener EDGE Strategy	Brownfield Remediation Program - Tax Incremental Financing (TIF)	10	100%
Kingston	Community Improvement Plan - Brownfields Project Areas 1A & 1B	Rehabilitation Grant	10	80%
North Bay	Downtown CIP*	Tax Increment-Based Grant for the Rehabilitation or Redevelopment of Older Buildings and Under-Utilized Sites	9	50% (yrs. 1 to 5), 40% (yr. 6), 30% (yr. 7), 20% (yr. 8), 10% (yr. 9)
Ottawa	Brownfields Redevelopment CIP	Rehabilitation Grant Program	10	70%
Owen Sound	Downtown and Harbor CIP	Tax Incentive Program for Vacant Downtown and Former Industrial Sites	10	10% (yr. 1), 20% (yr. 2), 30% (yr. 3), 40% (yr. 4), 50% (yr. 5), 60% (yr. 6), 70% (yr. 7), 80% (yr. 8), 90% (yr. 9), 100% (yr. 10)
Sarnia	Brownfields CIP	Brownfields Tax Increment Based Grant Program	10	100%

Source: IBI Group based on research undertaken in 2006. For information purposes. Refer to municipal CIPs and/or planning departments for specific program details.

Notes: The City of Cambridge Core Areas Revitalization Program applies to the Downtown and brownfield sites. The City of North Bay Downtown CIP applies to the Downtown and the Waterfront and Railway Lands, which include brownfields.

**Building and Planning Fee Exemption or Grant Programs**

Municipality	Title of Community Improvement Plan (CIP) Initiative	Title of Program	Timing	Fees Eligible For Waiver or Amount of Grant
Cambridge	Core Areas Revitalization Program	Building Permit Fee Exemption	n/a	Building permit fees for all new developments.
Cornwall	Brownfields CIP	Municipal Planning/Development Fees Rebate Program	building permit, draft approval or occupancy*	Planning and development permit costs for brownfield projects.
Hamilton	ERASE CIP	ERASE Planning and Development Fee Rebates - discontinued in 2004		Application and permit fees for brownfield projects.
Kingston	Community Improvement Plan - Brownfields Project Areas 1A & 1B	Planning & Development Fees Grant	project completion	Planning application fees and demolition permits - not building permits.
Kitchener	The Kitchener EDGE Strategy - Downtown Financial Incentives Program	Rebates for Building Permit/Planning Fees	project completion	All demolition, building and planning related fees.
Ottawa	Brownfields Redevelopment CIP	Building Permit Fee Grant Program	project completion	Grant equivalent to 30% of building permit fees.
Sarnia	Brownfields CIP	Planning, Development and Building Fees Exemption Program	n/a	Application and permit fees for brownfield projects.

Source: IBI Group based on research undertaken in 2006. For information purposes. Refer to municipal CIPs and/or planning departments for specific program details.

Notes: Rebate for planning application fees paid once building permit is released, building permit fees paid once occupancy permit is released.

**Summary of Environmental Site Assessment (ESA) Grant Programs Provided by Various Municipalities**

Municipality	Title of Community Improvement Plan (CIP) Initiative	Title of Program	Timing	Amount of Grant
Cambridge	Core Areas Revitalization Program	Contaminated Sites Grant Program	completion of project (construction)	Up to 100% of restoration costs (e.g. studies, consultant fees), provided projects result in RSC and approval by the City. Maximum of \$1,500 per residential unit and/or \$10 per sq. m. of GFA.
Cornwall	Brownfields CIP	Cornwall ESA Grant	study completion	Up to 50% of the ESA study costs, or \$15,000 per study, whichever is less. Maximum of \$45,000 per applicant for all sites.
Kingston	Community Improvement Plan - Brownfields Project Areas 1A & 1B	Initial Study Grant	study completion	Matching grant up to 50% of the ESA study costs, or \$10,000 per study, whichever is less. Maximum of 2 studies per property, with a maximum of \$10,000 in total grants per applicant.

**Summary of Financial Assistance Provided by Various Municipalities for *Downtown Renewal/Revitalization***

**Tax Increment Grant (TIG) Programs**

Municipality	Title of Community Improvement Plan (CIP) Initiative	Title of Program	Duration of Grant (years)	Amount of Grant (i.e., Portion of Increase in Municipal Taxes)
Cambridge	Core Areas Revitalization Program*	Realty Tax Grant Program - Cancelled in 2004, phased out in 2006.	3	75% (yr. 1), 50% (yr. 2), 25% (yr. 3)
Hamilton	Hamilton's Downtown and Community Improvement Plans	Enterprise Zone – Municipal Realty Incentive Grant Program	9	100% (first 5 yrs.), 80% (yr. 6), 60% (yr. 7), 40% (yr. 8), 20% (yr. 9)
Kitchener	The Kitchener EDGE Strategy	Downtown Financial Incentives Program	3	50% yearly
		Tax Rebate Program		40% of the municipal and school taxes. Max. 10 rebates per property.
		Heritage Tax Rebate Program		
		Adaptive Re-Use Tax Increment-Based (TIF) Grant	10	100% - Maximum of \$10,000 per residential unit or 5% of the eligible costs for office and commercial.
London	Main Street London - 'About Face' Program	Rehabilitation Grant Program	10	80% (yrs. 1 & 2), 70% (yr. 3), 60% (yr. 4), 50% (yr. 5), 40% (yr. 6), 30% (yr. 7), 20% (yr. 8), and 10% (yrs. 9 & 10).
North Bay	Downtown CIP*	Downtown Improvement Area (DIA) Tax Increment Based Grant	9	100% (yrs. 1 to 5), 80% (yr. 6), 60% (yr. 7), 40% (yr. 8), 20% (yr. 9)
		Tax Increment-Based Grant for the Rehabilitation or Redevelopment of Older Buildings and Under-Utilized Sites	9	50% (yrs. 1 to 5), 40% (yr. 6), 30% (yr. 7), 20% (yr. 8), 10% (yr. 9)
Owen Sound	Downtown Improvement Plan Structural/Façade Improvements	Tax Deferment Program	5	Phased-in tax increase resulting from façade and structural improvements. 20% (yr. 1), 40% (yr. 2), 60% (yr. 3), 80% (yr. 4), 100% (yr. 5)
			10 - larger projects	Phased-in tax increase resulting from façade and structural improvements. 10% (yr. 1), 20% (yr. 2), 30% (yr. 3), 40% (yr. 4), 50% (yr. 5), 60% (yr. 6), 70% (yr. 7), 80% (yr. 8), 90% (yr. 9), 100% (yr. 10)
Sarnia	Downtown CIP	Downtown Rehabilitation Grant Program (Heritage)	12	100% in years 1-10, 75% in year 11 and 50% in year 12
		Downtown Rehabilitation Grant Program (Non-Heritage)	10	100% in years 1-8, 75% in year 9 and 50% in year 10
Welland	Downtown Improvement Incentive Program	Property Rehabilitation and Redevelopment Tax Rebate Program	10	80% (yrs. 1 & 2), 70% (yrs. 3 & 4), 60% (yr. 5), 50% (yr. 6), 40% (yr. 7), 30% (yr. 8), 20% (yr. 9), 10% (yr. 10)

Source: IBI Group based on research undertaken in 2006. For information purposes. Refer to municipal CIPS and/or planning departments for specific program details.

Notes: The City of Cambridge Core Areas Revitalization Program applies to the Downtown and brownfield sites. The City of North Bay Downtown CIP applies to the Downtown and the Waterfront and Railway Lands, which include brownfields.

**Summary of Building and Planning Fee Exemption or Grant Programs Provided by Various Municipalities**

Municipality	Title of Community Improvement Plan (CIP) Initiative	Title of Program	Timing	Eligible Fees
North Bay	Downtown CIP	Rebates for Building Permit/Planning Fees	project completion	Building permit fee rebate up to maximum permit value of \$250,000. Maximum of 10 rebates per property.
Owen Sound	Downtown Improvement Plan Structural/Façade Improvements Downtown Owen Sound	Waving of City Building and Sign Permit Fees	n/a	Building and sign permit fees.
Welland	Downtown Improvement Incentive Program	Refund of Local Planning and Building Fees Program	project completion	100% refund for new residential rental projects. 50% refund for all other projects.

Source: IBI Group based on research undertaken in 2006. For information purposes. Refer to municipal CIPS and/or planning departments for specific program details.

Notes: Rebate for planning application fees paid once building permit is released, building permit fees paid once occupancy permit is released.

## APPENDIX 6

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### EXAMPLE OF KEY SITES MARKETING TEMPLATE

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## APPENDIX 7

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### REGISTRATION OF INTENT FORM