



Brownfields Community Improvement Plan

June 2022

263 MAIN STREET, ODESSA ON K0H 2H0



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1.0 INTRODUCTION AND LEGISLATIVE/POLICY BASIS

1.1 Introduction and Purpose

Since the first permanent European settlement in 1784 by United Empire Loyalists, Loyalist Township has been characterized by a predominantly agricultural economy¹ that has evolved in the past 65 years to include a significant residential and manufacturing land base. However, following the settlement that began in 1784, small scale commercial and industrial uses were established, predominantly mills found in Bath, Millhaven, Asselstine, Odessa and Wilton.²

The rise of mixed farming in the latter half of the nineteenth century provided opportunity for the establishment of cheese factories in Wilton, Morven, Emerald, Stella, Violet and Bath.³

The modern manufacturing/industrial economy in the Township began on September 28, 1955, with the opening of Millhaven Fibres (owned by Canadian Industries Limited), east of Millhaven in Lots 23 and 25, Concessions 1 and Broken Front. Other industries set up in proximity to Millhaven Fibres due to the presence of superior infrastructure (electrical, natural gas, road and rail transportation, deep harbour, cooling water, etc). Assessment grew from \$1,490,253 in 1950 to over \$4,000,000 in 1960.⁴

Over time, many of the above sites have closed or have scaled down, and reinvestment has experienced difficulties because many of the properties are considered brownfields. Correspondingly, the Township's industrial assessment compared to overall assessment value has declined from 9% in 2000 to 2% in 2019 (refer to the Table of Assessment 2000-2019 at *Table 1* as prepared by the Township's Business Services Department).

A brownfield site is defined by the Oxford Dictionary as a, "former industrial or commercial site where future use is affected by real or perceived environmental contamination."

The Ontario Provincial Policy Statement, 2020, defines brownfield sites as, "undeveloped or previously developed properties that may be contaminated. They are usually, but not

¹ Larry Turner, *Ernestown Rural Spaces, Urban Places* (Louiseville Quebec: Dundurn Press, 1993), p21 [Turner]

² Ibid, p. 68-72

³ Orland French, *Lennox and Addington* (Napanee, Ontario: Napanee Beaver and the Friesens Corporation, 2009) p 78-9

⁴ Turner, 205

exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.”

To encourage reinvestment at these sites to increase employment, property assessment and economic activity, to take advantage of existing private and public infrastructure, and to address perceived or actual environmental concerns, such as possible groundwater contamination, the Township has proceeded to develop this Community Improvement Plan. It is anticipated that this Plan should improve the likelihood of converting vacant or underutilized lands into productive uses, leading to the increase of the industrial base creating employment and potentially spin off demand for local businesses thus supporting the local economy.

Table 1 Proportion of Industrial Assessment 2000 - 2019

Loyalist Township Proportion of Industrial Assessment			
Year	Industrial	Total	% Industrial
2019	44,528,200	2,001,731,100	2%
2018	38,691,200	1,948,059,700	2%
2017	36,765,000	1,922,534,300	2%
2016	34,040,011	1,739,115,566	2%
2015	32,025,711	1,702,456,966	2%
2014	32,161,868	1,675,343,700	2%
2013	32,042,868	1,633,783,400	2%
2012	36,456,136	1,396,758,039	3%
2011	35,707,136	1,350,981,989	3%
2010	37,096,132	1,207,761,836	3%
2009	36,565,227	1,130,259,279	3%
2008	40,754,205	1,048,659,595	4%
2007	39,974,205	1,038,460,805	4%
2006	39,080,165	1,016,477,105	4%
2005	39,755,382	864,780,280	5%
2004	40,048,882	848,180,720	5%
2003	40,309,269	770,407,759	5%
2002	46,785,936	698,883,438	7%
2001	48,060,321	700,387,470	7%
2000	60,424,682	673,118,800	9%

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

The Official Plan of Loyalist Township provides for the creation of community improvement plans within the entire geographic limits of the municipality as a Community Improvement Policy Area. The Official Plan establishes policies of Loyalist Township 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. A suite of financial incentives is included 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 Loyalist Township in promoting the redevelopment of key sites within the community which represent brownfield redevelopment opportunities.

The Brownfields CIP is a link between the Township's wider economic development policies and the Strategic Plan Vision – "Provide employment opportunities and amenities by increasing commercial and industrial activity" and satisfies the objective "increase commercial and industrial property assessment" and the existing policies for environmental improvement and enhancement contained in the Township's Official Plan. Furthermore, the CIP is supported by environmental language in the Strategic Plan by addressing the objective of "Be a municipal leader in climate action and environmental stewardship" and the key initiative of "Incorporate environmental responsibility in decision-making."

The purpose of the Brownfields 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 Township's wider efforts to improve its tax base and employment; utilizing existing infrastructure thereby reducing the need for infrastructure extension or expansion; and meets the objectives of provincial planning policy as well as the policies of the Township's and County's Official Plans. The specific purpose and goals of this plan, together with a description of the benefits arising from assisting property redevelopment efforts is described further in Section 2.0. Section 3.0 identifies the funding programs and their eligibility. Section 4.0 identifies monitoring objectives to assess the efficacy of the Plan.

1.2 Legislative and Provincial Policy Basis

1.2.1 Municipal Act and the Planning Act

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

- i) giving or lending any property of the municipality, including money;
- ii) guaranteeing borrowing;
- iii) leasing or selling any property of the municipality at below fair market value; or
- iv) giving a total or partial exemption from any levy, charge or fee.

Section 106 (3) of the Municipal Act, 2001, provides an exception to this bonusing rule for municipalities exercising authority Section 28 (6), (7) or (7.2) of the Planning Act or under Section 365.1 of this Act.

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

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

Section 28(1) of the Planning Act defines “Community Improvement” as:

...the planning or replanning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.⁵

The Act further identifies provisions with respect to grants, loans, agreements and maximum eligibility some of the most relevant changes from Section 28 are highlighted below.

⁵ *Ontario Planning Act, R.S.O. 1990, Section.28(7.1)*

Once a community improvement plan has come into effect, the Planning Act allows the following for a municipality:

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

Eligible costs are stipulated in Section 28(7.1) and read:

For the purposes of subsection (7), the eligible costs of a community improvement plan may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28(7.2) of the Planning Act allows for the County of Lennox and Addington to make grants or loans to a lower tier municipality for the purpose of carrying out a community improvement plan that has come into effect, on such terms as to security and otherwise as County council considers appropriate, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. The County Official Plan has such provisions (described later).

Section 28(7.3) of the Planning Act specifies that the total of all grants and loans made in respect of particular lands and buildings under Sections 28(7.1) and 28(7.2) of the Planning Act and tax assistance under Section 365.1 of the Municipal Act, 2001 in respect of the land and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings. The incentive programs identified in Section 3.0 of this Plan have the required safeguards.

Sections 365.1(2) and (3) of the Municipal Act allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a deferral or cancellation in part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and the development period of the property, both defined in Section 365.1 of the Municipal Act as:

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

- (a) the date specified in the by-law made under subsection (2), or
- (b) the date that the tax assistance provided for the property equals the sum of,
 - (i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the Environmental Protection Act, and
 - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the Environmental Protection Act; ...[and]“rehabilitation period” means, with respect to an eligible property, the period of time starting on the date on which the by-law under subsection (2) providing tax assistance for the property is passed and ending on the earliest of,
 - (a) the date that is 18 months after the date that the tax assistance begins to be provided,
 - (b) the date that a record of site condition for the property is filed in the Environmental Site Registry under section 168.4 of the Environmental Protection Act, and
 - (c) the date that the tax assistance provided for the property equals the sum of,
 - (i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the Environmental Protection Act, and
 - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the Environmental Protection Act;⁶

Section 365.1 of the Municipal Act, 2001 operates within the framework of Section 28 of the Planning Act. A municipality with an approved community improvement plan in place that contains provisions specifying tax assistance will be permitted to provide tax assistance for municipal purposes, and upper tier tax assistance is also permissible subject to the criteria in the next paragraph.

If a lower tier municipality intends to pass a by-law under Section 365.1, it shall give a copy of the proposed by-law to the upper-tier municipality. Upon receiving a copy of the proposed by-law from the lower-tier municipality, the upper-tier municipality may, by resolution, agree that the by-law may also provide for the cancellation of all or a portion of the taxes levied for upper-tier purposes, and the by-law so agreed to by the upper-tier municipality and passed by the lower-tier municipality is binding on the upper-tier municipality.

Municipalities may also apply to the Minister of Finance to provide matching education property tax assistance through the Brownfields Financial Tax Incentive Program (BFTIP). To increase the incentive provided under this program, the Province has extended the period for matching provincial education tax assistance from three to six years for business developments and 10 years for residential developments. In addition, the Province intends to streamline administrative processes for this program, particularly related to the timeliness of the review of applications.

1.2.2 Provincial Policy Statement

⁶ *Municipal Act, 2001*, S.O.2001, c.25, Section 365.1

The Provincial Policy Statement (PPS) (2020) is adopted under Section 3 of the Planning Act and 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. In the PPS extracts below, certain terms used are defined and include:

Brownfields sites: means 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...[and]

Intensification: means the development of a property, site or area at a higher density than currently exists through: a) *redevelopment*, including the reuse of *brownfield sites*; b) the development of vacant and/or underutilized lots within previously developed areas;...[and]

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.⁷

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

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *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...[and]
- 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by: ...[and]
 - b) promoting regeneration, including the redevelopment of *brownfield sites*; ...[and]
- 1.3.1 Planning authorities shall promote economic development and competitiveness by: ...[and]
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;⁸

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. The PPS also requires the following considerations:

⁷ Provincial Policy Statement, 2020, Ontario, Section 6: p. 40, 45, 50.

⁸ Ibid., 9-10, 14.

- 1.7.1 Long-term economic prosperity should be supported by:
 - a) promoting opportunities for economic development and community investment-readiness;...[and]
 - f) promoting the redevelopment of *brownfield sites*...[and]
- 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.⁹

In conclusion, 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.

1.2.3 County and Township Official Plans

The County Official Plan closely follows the PPS template to address brownfield sites and supports the development of locally developed Community Improvement Plans and the opportunity for County grants. Applicable extracts follow.

- A2 GUIDING PRINCIPLES**
 - 2. To provide opportunities for economic development in all parts of the County in a manner that fosters competitiveness and a positive and attractive business environment.
- C1.1.3 Employment Areas and Uses...[and]**
 - b) To provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; [and]
 - d) To plan for, protect and preserve **employment areas** for current and future uses; ...[and]
- C2 RURAL SETTLEMENT AREAS**
- C2.1 GENERAL LAND USE OBJECTIVES ...[and]**
 - c) To promote regeneration, including the **redevelopment of brownfield sites**;...[and]
- D7.4 CONTAMINATED LANDS (BROWNFIELDS)**

The **development** or **redevelopment** of potentially contaminated sites shall be assessed and remediated in a manner consistent with the Environmental Protection Act and relevant regulations, and the relevant Ministry of Environment and Climate Change guidelines and procedures...[and]
- F5 COMMUNITY IMPROVEMENT PLANS**
- F5.1 OBJECTIVES**

The County encourages the local municipalities to identify Community Improvement Project Areas in consideration of the following objectives:

 - a) To encourage the efficient provision and maintenance of physical **infrastructure, public service facilities** to serve present and future needs on a local and regional scale;

⁹ Ibid., 22, 34.

- b) To promote opportunities for economic development and community investment-readiness and job creation;
- c) To promote diversification of the economic base and employment opportunities in **rural areas** through goods and services, including value-added products and the sustainable management or use of;
- d) To provide opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- e) To assist in the provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the **regional market area**;
- f) To retain and provide for the expansion of existing businesses;
- g) To ensure the maintenance and renewal of older housing stock;
- h) To foster **redevelopment**, reuse and/or maintenance of existing **brownfield sites** and/or current industrial sites;
- i) To maintain and, where possible, enhance the vitality and viability of downtowns and mainstreets;
- j) To encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including **built heritage resources** and **cultural heritage landscapes**;
- k) To provide opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses; and,
- l) To promote energy efficiency and sound environmental design.

F5.2 IMPLEMENTATION

- a) Local municipal councils, under the Planning Act may choose to designate Community Improvement Project Areas. Identifying a Community Improvement Project Area shall be carried out through a by-law designating the whole, or any part of the local municipality as Community Improvement Project Area. Background studies shall first be completed and made available to the public outlining the need for the Community Improvement Project Area.
- b) Community Improvement Plans at the local municipal level shall be submitted to the Ministry of Municipal Affairs and Housing for review and comment.
- c) County Council may make grants or loans to the council of a lower tier municipality, for the purpose of carrying out a community improvement plan that has come into effect, on such terms as to security and otherwise as the Council considers appropriate.¹⁰

1.2.4 Loyalist Township Official Plan

The Loyalist Official Plan was adopted in 2000 and approved by the Province in 2001. It was recently updated as part of a five-year review and Community Improvement Policies were expanded to be consistent with legislation and to widen the application of policies to cover the entire geographic municipality. Applicable policies to Brownfields include community improvement and contaminated sites and read:

¹⁰ County of Lennox & Addington Official Plan, Consolidated version dated February 13, 2018, p. 6, 18-19, 51, 64-65

1.3 APPLICATION AND SCOPE OF THE PLAN ...[and]

The Official Plan is Loyalist Township's principal planning document and focuses on land use matters. However, because land uses directly affect municipal infrastructure, the Plan also forms the basis and influences other general policies and matters such as:...[and]

- f) the development of strong, livable and healthy communities that promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change¹¹...[and]

2.1 PRINCIPLES ...[and]

2.1.6 Establish policies to allow for rehabilitation and ongoing community improvements where conditions warrant¹²...[and]

3.7 COMMUNITY IMPROVEMENT GOAL

To promote the coordinated implementation of community improvement by way of the maintenance, rehabilitation, and redevelopment of the physical environment in a coordinated and fiscally prudent manner while having regard to improvements to the economic potential and social environment.

3.7.1 Community Improvement Objectives

3.7.1.1 To encourage participation in programs for the improvement, rehabilitation and renewal of existing residential, commercial, industrial, agricultural and heritage structures, municipal infrastructure, community services and facilities.

3.7.1.2 To implement community improvement in a planned and coordinated manner which: stimulates economic development, and responds to local priorities and financial resources, so as to optimize the results to be achieved through capital expenditures.

3.7.1.3 To promote the rehabilitation and restoration of the existing building stock by, among other means, participation, where feasible and appropriate, in Federal and/or Provincial housing initiatives and in the rehabilitation of existing housing and other public buildings...[and]

3.7.1.7 To encourage the development or reuse of vacant lands or buildings to accommodate activities of value or benefit to the community¹³...[and]

PART 8 COMMUNITY IMPROVEMENT

8.1 GENERAL PRINCIPLES

Community Improvement generally encompasses those public and private activities which serve to maintain, rehabilitate and redevelop the existing physical environment in urban built-up areas to accommodate the social and economic priorities within the community.

It is important to recognize that declining public sector revenues, the cyclical performance of Ontario's economy, and increasing demand for services are requiring all government levels to plan for maximum efficiency

¹¹ Official Plan 2022, Loyalist Township, Section 1: p 11

¹² Ibid, Section 2: p 16

¹³ Ibid, Section 3: p 27

in the use and maintenance of services. The need for improvement to infrastructure and need to establish coordinated intergovernmental priorities in infrastructure improvement, make it essential that priorities are set when allocating the expenditure of limited financial resources.

Community Improvement Policies are a prerequisite to the designation of specific Community Improvement Project Areas, the preparation of detailed Community Improvement Plans, and municipal participation in Provincial and/or Federal funding programs. The Community Improvement process encourages a strategic planning approach to ensure that potential improvement projects fit into a long-range framework of community goals and objectives. The inclusion of community improvement policies in this Plan represents a statement of Loyalist Township's commitment to the ongoing maintenance and upgrading of its developed areas in a planned, coordinated, and fiscally prudent manner.

8.2 CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION

The criteria to be used in Community Improvement Project Area boundaries selection or modification should be established on the basis of a review and analysis of existing deficiencies, and the identification of conditions within the Township that could further benefit from enhancement activities. Criteria for improvement, redevelopment and revitalization are: ...[and]

- c) the presence of sub-standard building conditions and housing in need of improvement and revitalization; ...[and]
- e) the presence of vacant lands/buildings that could be developed, redeveloped or converted to another use;
- f) the presence of high commercial or industrial vacancy rates; ...[and]
- p) the presence of environmental contamination or potentially contaminated properties;...[and]
- t) any other environmental, social or community economic development reason.

The above listing is not to be construed as indicating that areas selected for community improvement must meet all the above criteria. The criteria should not be treated as being of equal importance. Weighting of criteria will vary with funds available, the severity of the problem, and the relationship of community improvement to other policies in this Plan and capital expenditure priorities of the Township...[and]

8.4 COMMUNITY IMPROVEMENT POLICIES

- a) It is the policy of Council to: ...[and]
 - ii) encourage improvement activities which contribute to a strong economic base including tourism, commercial and industrial development, cultural heritage, tourism and agri-tourism;
 - iii) encourage the maintenance of the existing housing stock, and promote the rehabilitation, renovation and repair of older buildings;
 - iv) preserve historically and/or architecturally significant buildings or areas;...[and]
 - vi) improve conditions in older predominantly residential areas;...[and]
 - x) ensure improvements made are carried out in such a way as to be compatible with other goals, policies and objectives of this Plan;

- xi) encourage, where feasible, energy efficient conservation through energy efficient land uses and buildings;
- xii) provide advice and guidance on maintenance and rehabilitation of buildings and structures and on energy conservation;
- xiii) encourage public participation in the community improvement planning process;
- xiv) undertake a monitoring program to review budgeting and program direction in respect to the attainment of specific policies;
- xv) work with business groups to identify and facilitate improvements.
- xvi) encourage the development, reuse and redevelopment of brownfield sites for economic growth and environmental clean-up reasons.

8.5 **PHASING OF IMPROVEMENTS**

Phasing priorities are dependent on two major criteria. These relate to priority in terms of area chosen and priority in terms of work to be undertaken.

- a) Community Improvement Areas are listed as follows in terms of areas chosen, given their overall need for improvement:
 - Amherstview;
 - Bath;
 - Odessa;
 - Millhaven;
 - Morven;
 - Stella;
 - Violet;
 - Wilton;
 - Rural and Prime Agricultural Areas; and
 - Trails.

This listing is to be used as a guide only. Financial constraints, onsite project necessities and funding may require a re-ordering of priorities. The ranking listed in this Plan may be changed without an amendment to the Plan.

- b) Council will give priority to:
 - i) making improvements to publicly owned buildings, structures and facilities;
 - ii) encouraging the redevelopment of commercial and industrial properties through the implementation of various programs, including tax increment equivalent grants;
 - iii) integrating community improvement projects into other municipal improvement programs, Asset Management, Green House Gas reduction initiatives, and capital works budgeting; and
 - iv) determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

8.6 **IMPLEMENTATION**

The Community Improvement policies will be implemented by means of powers conferred upon Council under the Planning Act, the Building Code Act, the Heritage Act, the Municipal Act, the Drainage Act, and other applicable statutes. Implementation may include the following:

- a) designation, by by-law, of community improvement project area(s) for the entire municipality or a portion of the municipality.
- b) adoption of community improvement plan(s) for the project area(s);
- c) the acquisition of land and/or buildings within community improvement project areas where a Community Improvement Plan has been adopted, approved and is in effect, and the subsequent
 - i) clearance, grading or environmental remediation of these properties;
 - ii) repair, rehabilitation, construction or improvement of these properties;
 - iii) sale, lease, or other disposition of these properties to any person or governmental authority;
 - iv) other preparation of land or buildings for community improvement.
- d) seek funds from other levels of government such as the county, provincial, and the federal government where their programs facilitate the implementation of the community improvement plan;
- e) enactment and enforcement of a property standards by-law with respect to residential, commercial and industrial building stock and lands;
- f) encouragement of public participation in the preparation of community improvement plan(s);
- g) encouragement of private sector use of government programs where they complement community improvement efforts;
- h) encouragement of infill development of vacant and/or underutilized properties in community improvement areas;
- i) the provision of public funds such as grants, loans and other financial instruments to registered and assessed owners, and tenants of lands and buildings located within a community improvement area;
- j) the provision of information on municipal initiatives, financial assistance programs, and other government assistance programs; and
- k) holding land within the community improvement project area acquired before or after the passing of the by-law designating the project area.¹⁴

Policies for contaminated sites read:

6.2.2 Decommissioning of Sites

Potentially contaminated Sites may include buildings, lands or structure which, for reasons of public health and safety or environmental quality, may have the potential for adverse effects to human health or the natural environment. Their rehabilitation is encouraged as part of this Plan.

6.2.2.1 Re-Use of Potentially Contaminated Sites

- a) Potentially contaminated sites include lands where contaminants may be sources of site contamination can include disposal of waste materials, raw present due to previous industrial, transportation, utility, or similar uses. material storage, residues left in containers, maintenance activities, and spills. Some commercial uses such as

¹⁴ Ibid, Part 8: p 176-181

gasoline stations and automotive repair garages have a similar potential.

- b) Mapping showing contaminated sites was not available at the time of drafting of this Plan. Where there is evidence that development is being proposed on lands that may be contaminated, council shall require that an appropriate study be prepared in accordance with Provincial guidelines for the decommissioning and clean-up of the contaminated site, and submitted along with the development application.
- c) Where the study produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake further appropriate technical studies as part of the development review process in order to:
 - identify the nature and extent of contamination,
 - determine potential human health and safety concerns as well as effects on ecological health and the natural environment,
 - demonstrate that the site can be rehabilitated to meet provincial standards, and
 - establish procedures for site rehabilitation and mitigation of the contamination in accordance with the Ministry of Environment, Conservation and Parks Guidelines for the Decommissioning and Clean-up of Sites in Ontario.
- d) Upon completion of the study identified above, the proponent will be required to restore the site and to make it suitable for the use proposed prior to development.
- e) The site is to be decommissioned or cleaned up to the satisfaction of the municipality and in accordance with Ministry of the Environment, Conservation and Parks guidelines, and subject of the submission to the municipality of a Ministry of the Environment, Conservation and Parks acknowledged "Record of Site Condition".¹⁵

¹⁵ Ibid, Section 6: 120-121

1.2.5 Loyalist Township Strategic Plan

The Loyalist Strategic Plan 2019-2023 adopted in 2019 established a mission:

To provide support and services that promote a prosperous quality of life for residents, the business community and visitors, through the effective delivery of services and governance, while maintaining economic and environmental sustainability.



Figure 1 Loyalist Township Strategic Plan 2018 - 2022



Figure 2 Strategic Plan Priorities & Objectives

The Strategic Vision is set out in *Figure 1* and drives the Brownfields CIP. The four vision statements are collectively actioned by five strategic priorities: Commercial & Industrial Activity and Infrastructure are key priorities for the Brownfields CIP. The diagram in *Figure 2* highlights the Objectives and Key Initiatives that relate to this CIP document.

1.2.6 Existing Community Improvement Plans

Loyalist Township adopted the Village of Bath Community Improvement Plan in 2012 under by-law 2012-011. This CIP will remain in effect and separate from this initiative except that the brownfields provisions in the Bath Plan will now be governed by the policies and procedures of the Brownfields CIP. The Bath CIP was adopted for the purpose of the revitalization of the Village's downtown core. It includes programs for the rehabilitation and improvement of commercial and residential facades and signage, for the enhancement of landscaping, the improvement of universal accessibility of buildings and sites, and the redevelopment of brownfield sites.

1.2.7 Resilient Loyalist Township Climate Action Plan

Loyalist Township received this report on February 8, 2021 and approved the Plan and its suite of goals, including those for the priority sector of sustainable land use. In particular, the following was adopted: "Meet the current and future needs of Loyalist Community while incorporating practices that will protect the environment and support local agriculture."¹⁶

Supporting text in this section of the Plan included:

Any concept of sustainable land use presupposes that every square inch of land should be maximized in what it can do to support the important work of biodiversity and rewilding, carbon sequestration, food production, dwellings, and more. Ecosystems are being destroyed at alarming rates because human expansion continues a pace without considering the costs of irreparable loss and damage in nature. Sustainable land use practices are thus about considering carefully how land is used and developed, always with an eye to maintaining and augmenting a critical mix and diversity of uses throughout the municipality. Of course, there are always pressures, such as the need for housing. Indeed, the conversion of vacant and agricultural lands into suburban lots is a typical product of the outward expansion of urban centres. However, the point is to not consider such proposals in a vacuum, or without taking account of how they propose to support more environmentally responsible practices in planning and construction. As well it is important to consider such residential development approvals within the matrix of other diverse land-based needs throughout the municipality.

Along those lines, adopting sustainable land use policies is one of the more cost-effective strategies that a municipality can take to reduce energy usage and GHG [greenhouse gas] emissions within its boundaries. Densification, the development of

¹⁶ ResiLienT Loyalist Township Climate Action Plan, p. ix

more compact and complete communities, can reduce long commutes and facilitate access to effective transit systems. Equally as effective is the protection of existing green spaces, which can allow for the production of food and also enable residents to connect with nature, which has been recognized during the COVID-19 pandemic as vital to mental health. By responsibly managing growth, municipalities have an opportunity to reduce GHG emissions in the community while improving the wellbeing of residents and the local economy.¹⁷

Redevelopment and reuse of brownfields sites reduces the need for sprawl and thus helps to protect ecosystems and allows for densification.

¹⁷ Ibid, p.25

2.0 GOALS AND APPROACH OF THE COMMUNITY IMPROVEMENT PLAN

Brownfield remediation, can in some instances, represent an expensive proposition. For-profit development requires a return on investment and the costs associated with the remediation of contaminated land and building structures can often be too great or be unknown.

Therefore, the purpose of the Brownfields CIP is to provide the opportunity to develop and redevelop brownfield properties within the Township through the use of incentives to encourage the reuse, rehabilitation and redevelopment of brownfield properties by removing or reducing the barriers to such redevelopment. The financial incentive program is intended to encourage the private sector to invest in these properties.

The Brownfields CIP will provide incentives to develop and redevelop property in the form of grants, loans and tax assistance. The Brownfields CIP area is deemed to apply to the entire geographic limits of the Township.

2.1 Goals

The Brownfields CIP will act as a link between the general land use, economic development and environmental policies of the Loyalist Township Official Plan and the revitalization goals of the Industrial Community Improvement Plan. 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 community regeneration.

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 community regeneration.

In broad terms, the goals include:

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

2.2 Approach

The goal of the Loyalist Township Brownfields Community Improvement Plan is to provide the Township a policy framework and tools to offset the costs associated with site assessment and remediation in order to help facilitate site development, community improvement and environmental clean-up. Private reinvestment on such sites leads to property assessment growth, employment, and the better utilization of existing private and public infrastructure. Industrial growth can create spin off employment and support local businesses.

Brownfield reuse and redevelopment ensures that contaminated land is cleaned up and restored. Many existing brownfield sites are contaminated as a result of past industrial or commercial uses. Depending on the former use of these sites, contaminants may include a range of toxins, such as petroleum, metals, asbestos, pesticides, PCBs and solvents. These contaminants may create significant health and safety risks for those who live and work close to brownfield properties. When abandoned brownfield lands are left neglected, contaminants may migrate off-site, creating hazards for others nearby. This is particularly concerning as the majority of Loyalist Township's landscape has been characterized as being vulnerable to potential groundwater contamination due to shallow depth to water, thin/absent soils, exposed fractured bedrock and karst terrain. This state has been documented in three studies including the Loyalist Township Groundwater Study, 2001; the Western Cataraqui Region Groundwater Study, 2007; and the Groundwater Vulnerability and Analysis Report, 2008 (prepared for the Cataraqui Source Protection Authority).

Therefore, cleaning up these sites helps to improve the quality of the environment in the community and removes real and perceived threats to health and safety.

Loyalist Township has a number of known brownfield sites as well as other possible sites which have yet to be identified as contaminated. This is not unusual in a Township with a long history from 1784 which includes past milling and manufacturing activities which have undergone a transition to a new economy. Manufacturing employment peaked in 1970s when Millhaven Fibres alone employed 1,500 persons (site is now largely vacant), therefore the Brownfields CIP should restore employment levels.

Accordingly, this Plan provides incentives for the brownfield sites within the entire corporate limits of the municipality and does not provide site specific land designations for brownfield properties but rather deals with them as an area of interest. The strategy is to provide assistance through the full continuum of the redevelopment process as described in Section 3.0

Section 4.0 establishes monitoring criteria the Township can use to gauge the effectiveness of the various programs to enable modifications to program requirements if deemed necessary.

3.0 BROWNFIELD PROGRAMS AND ELIGIBILITY

3.1 General Criteria

The following is a list of criteria required for participation in the Brownfields CIP. The list below is not exhaustive, and the Township reserves the right to include other criteria or requirements on a site-specific basis as deemed appropriate:

Table 2 Brownfield Programs - General Criteria

Brownfield Programs – General Criteria	
1	All lands within the geographical area of the Township have been designated under the Brownfields Community Improvement Plan and properties within the plan area may be eligible for the incentives.
2	Owners of eligible property that is proposed for commercial, industrial, multi-residential and institutional use within the plan area are eligible to apply for an incentive program.
3	The Owner is required to enter into an agreement satisfactory to the Township to govern the administration of the incentive program prior to incurring any costs for which an incentive is applied for.
4	Works completed prior to approval by the Township are not eligible.
5	Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council and each program in this Brownfields CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation (as applicable) for the program.
6	An application for any financial incentive program contained in this Brownfields CIP may be accompanied by plans, estimates, contracts, reports and other details requested by the Township for purposes of satisfying the Township with respect to costs, design, performance, and conformity of the project with the Brownfields CIP.

Brownfield Programs – General Criteria

- | | |
|----|--|
| 7 | Review and evaluation of an application and supporting materials against program eligibility requirements will be done by staff (hereinafter called the Review Committee) who will then make a recommendation to Council or Council's designate. |
| 8 | Costs in excess of the approved eligible costs are the responsibility of the Owner. |
| 9 | The total value of all incentives under the program(s) in this Brownfields CIP cannot exceed the value of the approved eligible costs. |
| 10 | Stacking of grants is allowed (incentives provided through the Brownfields CIP may be used in partnership with other private, provincial or federal funding) provided that the total amount of all incentives, grants and other financial programs provided by all levels of government do not exceed the approved eligible costs. |
| 11 | Property Owners who are in arrears of taxes, water and sewer or any other municipal accounts receivable are not eligible to receive a loan or grant. |
| 12 | All outstanding work orders must be satisfied. |
| 13 | If the Owner is in default of any of the general or program specific requirements, or any other requirements of the Township, the Township may delay, reduce or cancel the approved incentives and require repayment of the approved incentives. |
| 14 | The Township reserves the right to audit the cost of environmental studies, environmental remediation and risk management works, and building renovation/retrofit, construction, and any other works that have been approved under any of the financial incentive programs, at the expense of the Owner. |
| 15 | The Township may discontinue any of the programs contained in this Brownfields CIP at any time, but Owners with approved grants will still receive said grant, subject to the meeting the general and program specific requirements. |

Brownfield Programs – General Criteria

- | | |
|----|--|
| 16 | Eligible Owners can apply for one, more or all of the incentive programs contained in this Brownfields CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all grant and tax cancellation provided in respect of the eligible property for which an Owner is making application under the programs contained in the Brownfields CIP shall not exceed the approved eligible costs. |
| 17 | Development must conform to approved Official Plan, Zoning By-law and all other municipal bylaws, legislation and supporting regulations/approvals by other levels of government. |
| 18 | Council has the absolute discretion to approve or refuse any incentive or combination of incentives related to the Brownfields CIP program. |

3.2 Project Components

For the purposes of the Brownfield CIP incentives there are four project components:

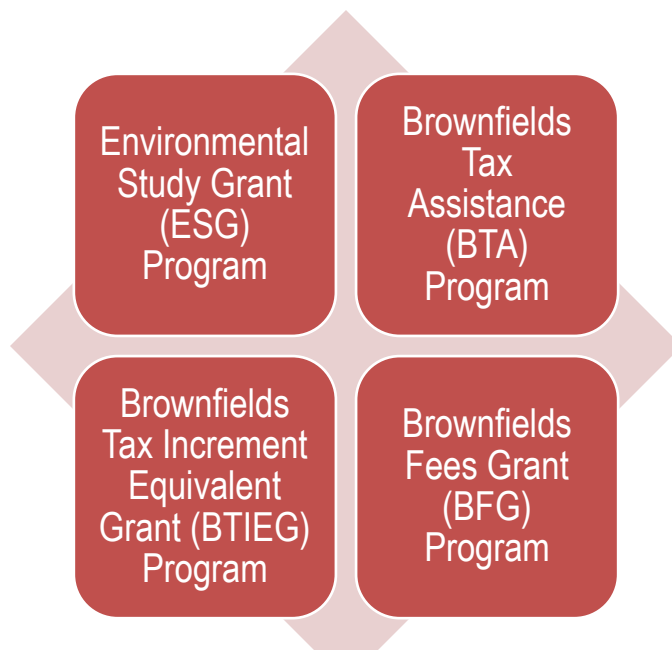


Figure 3 Brownfield Project Components

The ESG Program applies when the Owner is going to undertake a Phase II ESA.

The BTA Program applies after a Phase II ESA has been conducted and before a building permit is issued (not including a demolition permit).

The BTIEG Program occurs after redevelopment has occurred and there is a documented increase in property assessment.

The BFG can apply at various stages in a project (during ESG, BTA and BTIEG phases).

3.3 Environmental Study Grant Program

3.3.1 Purpose

The purpose of the Environmental Study Grant (ESG) Program is to promote the undertaking of environmental studies so that more and better information is available with respect to the type of contamination and potential remediation costs on brownfield properties.

3.3.2 Terms

A Phase I Environmental Site Assessment (ESA) has become a standard requirement of most financial institutions. A Phase I ESA does not provide detailed information with respect to the type of contamination and cost of remediation. Therefore, Phase I ESAs are not eligible for funding under this program.

3.3.3 Eligibility

Eligible environmental studies include:

- Phase II ESA,
- Designated Substance and Hazardous Materials Survey
- Remedial Work Plan
- Risk Assessment/Risk Management Plan

Only Phase 2 environmental site assessments that conform with the requirements of Ontario Regulation 153/04 and that are capable of forming part of a complete Record of Site Condition (RSC) are eligible for this incentive program. – see Schedule D of the Regulation.

3.3.4 Application Process - ESG

Table 3 Environmental Study Grant Program Application Process

ESG Program Application Process	
1	Property Owners may apply for a ESG incentive at any time, prior to the study being commenced. The purpose of the study grant is to confirm whether the property may be eligible for other incentive programs.
2	Owners must complete an application form and submit to the Township for review with a Phase I ESA report that demonstrates the property is suspected of environmental contamination and that preparation of a Phase II ESA is recommended.
3	The Owner must provide a copy of the invoice and proof of payment for the costs of the study to the Township as a condition of being eligible for the grant.
4	A detailed study work plan to be completed by a Qualified Person; AND A description of the planned development/redevelopment, building renovation/adaptive reuse, and/or building expansion, including any planning applications that have been submitted/approved.
5	All completed environmental studies must comply with the description of the studies as provided in the grant application form.
6	One (1) electronic and one (1) hard copy of the study shall be supplied to the Township for review and retention.
7	Approval of an ESG application (except Risk Assessments/Risk Management Plans) will be revoked if the study is not submitted within three (3) calendar years of the date that the ESG application is approved. An extension may be granted if a written request is made with reasons and Council or Council's designate feel the request is reasonable in the circumstances.
8	The total value of any grant(s) provided under this program will be deducted from eligible program costs for the BTA Program and/or BTIEG Program, as applicable.
9	A maximum of one grant per eligible property is available for a phase 2 study. The grant is a matching grant equal to 50% of the cost of the study or \$25,000, whichever is less.

3.4 Brownfields Tax Assistance Program

3.4.1 Purpose

The purpose of the Brownfields Tax Assistance (BTA) Program is to encourage the remediation, renovation, adaptive reuse and redevelopment of brownfield sites by providing a cancellation of the property taxes on a property that is undergoing or has undergone remediation and redevelopment to assist with payment of the cost of environmental remediation. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

The legislative authority for the BTA Program is established under Sections 365.1 (2) of the Municipal Act, 2001 and allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of cancellation of all, or part of, the taxes levied on that property for municipal and education purposes during the “rehabilitation period” and the “development period” of the property as defined in Section 365.1 of the Municipal Act, 2001. To increase the incentive provided under this program, the Province has extended the period for municipal matching of provincial education tax assistance under the Provincial Brownfields Financial Tax Incentive Program (BFTIP) from three to six years for business developments. Matching education property tax assistance for eligible properties, or through any replacement programs administered by the Ministry of Finance, is subject to application and approval of the Minister of Finance on a case-by-case basis.

3.4.2 Terms

The Township will provide municipal (Township and County) property tax assistance (County portion will only apply with County approval) in the form of a cancellation of municipal property taxes and said tax assistance will cease:

- a) when the total tax assistance provided equals the total eligible costs; or,
- b) after three (3) years, whichever comes first.¹⁸

As part of the tax assistance provided to the Owner, the Owner may seek participation from the County of Lennox and Addington (County) in order to provide for a cancellation of the municipal (Township and County) property tax. The matching County portion of the property tax assistance is subject to approval by County Council or County Council’s designate. The tax assistance provided by the County may be delivered on a different schedule than the tax assistance provided by the Township and may be subject to additional conditions.

Where a municipal property tax assistance program is in place under Section 365.1 of the Municipal Act, 2001, the Township may also apply to the Ministry of Finance for matching

¹⁸ Under the new Provincial incentives, matching tax assistance may be provided up to 6 years for business developments.

education property tax assistance on behalf of the property owner. Matching education property tax assistance for eligible properties under the Provincial Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province, may be provided on a different schedule from the tax assistance provided by the Township and the County, and may be subject to additional conditions.

If a property that has been approved for tax assistance is severed, subdivided, sold or conveyed prior to the end of the three (3) year period¹⁹ specified above, both the education property tax assistance and the municipal (Township and County) property tax assistance will automatically end.

3.4.3 Eligibility

“Eligible costs” for the BTA Program are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*, R.S.O. 1990 (Environmental Act).

Eligible properties are those properties for which a Phase 2 Environmental Site Assessment has been conducted, and where, as of the date of the Phase 2 Environmental Site Assessment, the property did not meet the standards that must be met under subparagraph four i) of subsection 168.4 (1) of the Environmental Protection Act to permit a record of site condition to be filed under that subsection in the Environmental Site Registry.

3.4.4 Application Process - BTA

Table 4 Brownfields Tax Assistance Program Application Process

BTA Program Application Process	
1	Owners of eligible property may apply for a cancellation of Municipal and Educational property taxes for a total period of three (3) years ²⁰ using the Township’s approved form and providing copies of the Phase 2 Environmental Site Assessment that shows what substances do not meet the standards of the Environmental Protection Act. The Township will coordinate with the Owner to satisfy any County requirements.

¹⁹ Under the new Provincial incentives, matching tax assistance may be provided up to 6 years for business developments.

²⁰ Ibid.

BTA Program Application Process

2

The Owner may apply for a cancellation of taxes for the eligible property during the rehabilitation period and the development period as defined in this Brownfields CIP.

3

Educational property tax is subject to Minister of Finance approval.

4

Eligible properties must have an estimated total cleanup cost in excess of \$50,000 to be eligible for this program.

5

Eligible costs are the costs associated with any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act. This includes the cost of environmental remediation including:

- placing clean fill and grading;
- demolition costs;
- costs of removing and or treating substances designated under Ontario Regulation 490/09 “Designated Substances” for projects involving re-use or demolition of existing structures;
- environmental insurance premiums; and
- complying with any certificate of property use issued under section 168.6 of the Environmental Protection Act.

6

In no case will the total amount of the taxes cancelled under the Property Tax Cancellation Program exceed the total of these eligible costs.

7

The Property Tax Cancellation Program will cease:

- When the total tax assistance provided equals the total eligible costs as specified above; or

BTA Program Application Process

- After three (3) years²¹ for the municipal portion of taxes, and after such time period as is approved by the Minister of Finance for the education portion of taxes, whichever comes first; or
- If the Owner is in the Occupancy Phase.

8

The eligible property will not be eligible to receive tax cancellation until the Township and the County pass a Bylaw authorizing the provision of assistance. In addition, the by-law will address any conditions imposed by the Minister of Finance.

9

If the Owner is in default of any conditions in the By-law or brownfield agreement, the tax assistance will be re-payable to the Township, County and the Province.

3.5 Brownfields Fees Grant Program

3.5.1 Purpose

The purpose of the Brownfields Fees Grant (BFG) Program is to provide an additional incentive that complements and augments the other brownfield redevelopment incentive programs in this Brownfields CIP and helps facilitate and spur adaptive re-use and new construction activity. Development application fees can often represent an upfront cost barrier to development.

3.5.2 Terms

An “eligible property” for the BFG Program is a property where an application has been approved for the BTA Program and/or the BTIEG Program and all requirements of the applicable program have been met, including the approved eligible works and construction of the proposed building project.

3.5.3 Eligibility

The BFG Program will provide a grant equal to

²¹ Under the new Provincial incentives, matching tax assistance may be provided up to 6 years for business developments.

- 50% of fees for all planning applications and other Planning Act related levies;
- 50% of the demolition permit fee;
- 50% of the building permit fee(s).

3.5.4 Application Process - BFG

The Township will require payment of all applicable planning application fees and demolition and building permit fees at the application stage. Upon final inspection of the completed and substantially occupied project, any current or previous Owner of an eligible property may apply for a refund of planning and building permit fees that they have paid to the Township. To receive a refund of fees paid, the Owner must provide copies of receipts for said paid fees.

Eligible municipal planning applications, municipal and building permits fees include:

- official plan amendments;
- consent application;
- zoning amendments;
- site plan control application;
- cash-in-lieu parkland payment (up to 5% residential, up to 2% non-residential)
- demolition permit; and
- building and plumbing permits.

This incentive program is not available in isolation from other incentive programs. Eligible properties may apply for this incentive program only in conjunction with one or more applications for other incentive programs.

3.6 Brownfields Tax Increment Equivalent Grant Program

3.6.1 Purpose

The Tax Increment provides a grant to the full amount or a portion of the amount of the property tax increase after the property is redeveloped.

The purpose of the Brownfields Tax Increment Equivalent Grant (BTIEG) Program is to encourage the remediation, renovation, adaptive re-use, expansion of existing buildings, and the redevelopment of brownfield sites by providing grants to help pay for site assessment, remediation and risk assessment/management costs not fully disbursed by the ESG and BTA Programs, and other non-environmental remediation costs typically associated with brownfield site redevelopment.

3.6.2 Terms

This program applies only to properties requiring environmental remediation and/or risk assessment/management and addresses eligible costs. If the purpose of the remediation is to create multi-unit housing, the Township may require as part of the BTIEG Program that a certain number of units be set aside as affordable units.

3.6.3 Eligibility

“Eligible costs” for the BTIEG Program are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*, plus other costs including removal/abatement of designated substances and hazardous materials designated under Ontario Regulation 490/09, demolition, building renovation, building construction, placing of clean fill and grading, on-site infrastructure upgrading, and complying with and certificate of property use issued under Section 168.6 of the *Environmental Protection Act*. These eligible costs are further specified in the Application Process requirements in Section 3.6.4 below. In no case will the total grant provided under the BTIEG exceed the total of these eligible costs.

3.6.4 Application Process – BTIEG

Table 5 Brownfields Tax Increment Equivalent Grant Program Application Process

BTIEG Program Application Process	
1	Owners of eligible properties may apply for the BTIEG program provided that the estimated costs of remediation exceed \$50,000. Owners are required to complete the applicable application form which must be accompanied by the documentation outlined in the application, also refer to items 15 and 16 below. The quantification of eligible costs expended (cost report) shall be identified and certified by a qualified professional, and the Township reserves the right to review the cost report.
2	Property tax increment grants are only available after a property has been redeveloped following the filing of a record of site condition (RSC) by a qualified person, and the Owner shall submit to the Township proof that the RSC has been acknowledged by the Ministry of the Environment (MOE).
3	Pre-project Municipal taxes will be determined before commencement of the project at the time the application is approved. For purposes of the grant calculation, the increase in the municipal portion of real property taxes (“municipal tax increment”) will be calculated as the difference between pre-project municipal property taxes and post-project municipal property taxes that are levied as a

BTIEG Program Application Process

result of re-valuation of the property by the Municipal Property Assessment Corporation (MPAC) following project completion.

The amount of the grant will be recalculated every year based on the municipal tax increment every year. Participation in the BTIEG Program does not exempt property Owners from an increase/decrease in municipal taxes due to a general rate increase/decrease or a change in assessment for any other reason.

4

The difference in municipal taxes is the portion eligible for a full or partial tax increment-based grant to off-set- eligible costs. This grant is available for a set time period set out in the brownfield agreement between the Township and the property Owner.

5

To be eligible for a tax increment grant the remediation and redevelopment of the eligible property must result in an increase in assessed value and property tax revenues for that property.

6

The grant available under this program is generally paid to the original property owner who remediated the brownfield property, even if the property is subsequently sold once it has been remediated. The grant may be assigned by the original property Owner to a third party, subject to approval by the Township, but this is limited to a one-time assignability by the original property Owner with an approved BTIEG Application and Agreement.

7

An application can be made for the BTIEG Program or the BTA Program, or both programs together. If an application for both the BTIEG Program and the BTA Program has been approved, the annual grant available under the BTIEG Program will begin when all criteria of the BTIEG program are met and the benefits of the BTA Program end.

8

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

9

As a condition of approval of an application for a BTIEG, the property Owner will be required to enter into an Agreement with the Township. This Agreement will specify the terms, duration and

BTIEG Program Application Process

	default provisions of the grant. This Agreement is also subject to approval by Township Council or Council's designate.
10	The incentive available is calculated only in relation to the general portion of the total taxes paid and does not include the education taxes levied. County tax incentive availability will only be eligible should the County agree to provide such assistance.
11	<p>The tax increment grant is provided to the property Owner annually over a four-year period after all real property taxes have been paid. Once approval is given by Council, a by-law is passed and all applicable agreements are entered into, the Owner will receive an annual grant from the Municipality in accordance with the following formula, commencing the year the property is occupied after remediation and redevelopment:</p> <ul style="list-style-type: none">• Year one, 100% of the value of the tax increment• Year two, 75% of the value of the tax increment• Year three, 50% of the value of the tax increment• Year four, 25% of the value of the tax increment• At the end of year four, the Owner shall no longer receive tax increment grants
12	The total of all grants provided under this program shall not exceed the total of eligible costs.
13	Should the property Owner default on any of the conditions outlined in the Agreement, the tax assistance provided (plus interest) will become payable to the Township.
14	If a building(s) erected on a property participating in this program is demolished before the grant period expires, all grant payments shall cease.
15	<p>The application may require the submission of some or all of the following. The Township reserves the right to request additional documentation or information as follows:</p> <ul style="list-style-type: none">• Phase II ESA by a Qualified Person that determines that the property does not meet the standards under Section 168.4(1) of the Environmental Protection Act to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry

BTIEG Program Application Process

	<ul style="list-style-type: none">• A description of the planned development along with a timeline for completion and an assessment of Planning Act or other approvals required to proceed• An estimate of all eligible costs and where possible supporting documentation related to those costs• A pre-construction property assessment confirmed by the Municipal Property Assessment Corporation (MPAC)
16	A minimum of three quotes are required for the requested works (Study Phase). Owners are required to obtain all necessary building or work permits.
17	Application may be circulated by the Review Committee to any internal departments for review and comment.
18	If the application meets all relevant criteria, the Review Committee may recommend approval of the application to Council.
19	Upon approval by Council or by Council's designate, the Owner will be required to sign a site-specific agreement between the Owner and the Township. Council will approve or refuse any incentive or combination of incentives.
20	Upon completion of the remediation, the Owner must file a Record of Site Condition (RSC) with the Ministry of Environment, with a copy to the Township.
21	The Owner must pay for all work performed for which an incentive is sought and submit proof of payment to the Township along with two (2) copies of the completed study and all other required documentation.

4.0 MONITORING PROGRAM

4.1 Purpose

The purpose of the Monitoring Program is to monitor the performance and impact of the incentive programs of the Brownfields CIP and to utilize this information to make adjustments to the incentive programs in order to help ensure that the goals of the Brownfields CIP are successfully accomplished.

4.2 Description

This Brownfields CIP is not intended to be a static planning document. It is intended to be a proactive plan to promote brownfield redevelopment in the Township. Therefore, monitoring of the uptake and performance of the incentive programs should be done on a regular basis, and the results of the monitoring should be used to help ensure that the incentive programs be as effective as possible for both small and large brownfield projects. Performance indicators are listed on the right column in the chart below.

Table 6 Brownfields CIP Performance Indicators

Program Funding Phase	Indicators
Environmental Site Assessment Program (ESA)	<ul style="list-style-type: none"> - Property location - Number of applications - Type of ESA (Phase II, DS&HM Survey, Remedial Work Plan, or Risk Assessment) - Cost of study - Amount of ESA - Number of ESA applications leading to BTA and BTIEG applications, and/or actual environmental remediation/redevelopment projects
Brownfields Tax Assistance Program (BTA)	<ul style="list-style-type: none"> - Property location - Number of applications - Eligible remediation cost - Increase in assessed value of participating properties - Estimated and actual amount of municipal and education tax assistance provided - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of private sector investment leveraged

Program Funding Phase	Indicators
	<ul style="list-style-type: none"> - Jobs created/maintained - Number and \$ amount of program defaults - Time required to approve complete application
Brownfields Tax Increment Equivalent Grant Program (BTIEG)	<ul style="list-style-type: none"> - Property location - Number of applications - Eligible remediation cost - Increase in assessed value of participating properties - Estimated and actual \$ amount of TIG provided - Hectares/acres of land remediated and redeveloped - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of private sector investment leveraged - Jobs created/maintained - Number and \$ amount of program defaults - Time required to approve complete application
Brownfields Fees Grant Program (BFG)	<ul style="list-style-type: none"> - Number, type and \$ value of fees grant by fee type - Industrial/commercial space (sq.ft.) rehabilitated or constructed - Residential units/sq.ft. rehabilitated or constructed - \$ Value of building permit fees paid - \$ Value of building permits issued

4.3 Program Adjustments

The individual incentive programs contained in this Brownfields CIP can be activated, deactivated or discontinued by Council without amendment to this Plan. The Township may periodically review and adjust the terms and requirements of any of the programs contained in this Plan or discontinue any of the programs contained in this Plan, without amendment to the Plan. Such minor changes or discontinuation of programs will be provided to the Minister of Municipal Affairs and the County of Lennox and Addington for information purposes only. Increases in funding provided by the financial incentives contained in this Brownfields CIP; the addition of any new programs to this Brownfields CIP; or an expansion of the Community Improvement Project Area will require a formal amendment to the Brownfields CIP in accordance with Section 28 of the Planning Act.

5.0 REFERENCES

5.1 References

County of Lennox & Addington Official Plan, Consolidated version, February 13, 2018

Draft Official Plan 2020, Loyalist Township

Larry Turner, *Ernestown Rural Spaces, Urban Places* (Louiseville Quebec: Dundurn Press, 1993)

Loyalist Township Strategic Plan 2018 - 2022

Municipal Act, 2001, S.O.2001, c.25,

Ontario Planning Act, R.S.O. 1990, Section.28

Orland French, *Lennox and Addington* (Napanee, Ontario: Napanee Beaver and the Friesens Corporation, 2009)

Provincial Policy Statement, 2020, Ontario

Resilient Loyalist Township Climate Action Plan

Village of Bath Community Improvement Plan, 2012

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