



Brownfields Renaissance Community Improvement Plan



Investing in our
Community

The City of Oshawa Brownfields Renaissance Community Improvement Plan consists of the following:

- PART A - The Preamble which does not constitute part of the actual Community Improvement Plan but is included for reference.

- PART B - The actual City of Oshawa Brownfields Renaissance Community Improvement Plan consisting of text and Exhibit No. 1 which identifies the lands to which the Community Improvement Plan applies.

- PART C - Appendix No. 1 which does not constitute part of the actual Community Improvement Plan but is included for reference.

Adopted by Oshawa City Council on December 5, 2005

Approved by the Ministry of Municipal Affairs and Housing on May 12, 2006 with the following exceptions that were not approved:

1. Section 5.2.4;
2. Paragraph 4 of Section 5.3
3. Paragraph 2 of Section 5.4; and
4. Paragraph 2 of Section 5.5.

Table of Contents

Part A Preamble	1
1.0 Introduction.....	2
1.1 Community Improvement in Oshawa	2
1.2 What Are Brownfields?	3
1.3 The Public Good Rationale	3
1.4 City Of Oshawa Brownfields Renaissance Community Improvement Project Area Boundary.....	4
1.5 Community Improvement Plan Preparation	4
2.0 Background Information.....	4
2.1 Oshawa Official Plan Land Use Designations.....	4
2.2 Community Improvement Policies In The Oshawa Official Plan	4
2.3 Zoning By-Law No. 60-94	5
3.0 Problems and Deficiencies	5
3.1 Rehabilitation of Contaminated Lands	5
4.0 Community Improvement Plan Budget	5
4.1 Funding Sources.....	5
Part B The City of Oshawa Brownfields Renaissance Community Improvement Plan	7
5.0 Community Improvement Plan	8
5.1 City Of Oshawa Brownfields Renaissance Community Improvement Goals	8
5.2 City Of Oshawa Brownfields Renaissance Community Improvement Financial Incentives.....	9
5.3 Duration	20
5.4 Monitoring	20
5.5 Cancellation	21
6.0 Implementation	21
7.0 Interpretation	21
PART C – Appendices.....	23

Note: Sections 5.0, 6.0 and 7.0 and Exhibit No. 1 constitute the City of Oshawa Brownfields Renaissance Community Improvement Plan as adopted by By-law No. 157-2005 pursuant to Section 28 (4) of the Planning Act, R.S.O. 1990, c. P.13 and as amended by By-laws 91-2011 and 85-2015. Other sections of this document are provided for information purposes only.

Part A

Preamble

1.0 Introduction

1.1 Community Improvement in Oshawa

The City of Oshawa has a rich history of involvement in efforts to improve individual communities. Urban renewal initiatives were identified as early as the 1960's as City policy following the completion of a 1968 study by Murray V. Jones and Associates entitled "Urban Renewal Study: City of Oshawa".

The City subsequently participated in the Neighbourhood Improvement Program (NIP), a joint initiative of Federal and Provincial governments. This participation resulted in \$2.43 million in grants from the senior levels of government in order to undertake much needed upgrades within mature residential areas of the City.

The Federal government ended their participation in NIP in 1980. The Ontario Neighbourhood Improvement Program (ONIP) was subsequently established by the Province of Ontario and offered 50% funding of municipal improvement projects. In the early to mid 1980's, the City of Oshawa received ONIP grants totaling \$800,000. NIP and ONIP provided valuable funding assistance for improvements to municipally owned properties. Financial assistance to residential properties was available through the Ontario Home Renewal Program (OHRP) and continues to be available through a variety of programs including the Residential Rehabilitation Assistance Program (RRAP) and the Provincial Sales Tax Grant for Builders.

In March of 1985, the Minister of Municipal Affairs and Housing approved new Community Improvement policies for the City of Oshawa as an amendment to the Official Plan for the former Oshawa Planning Area. These policies were subsequently incorporated into the Oshawa Official Plan in June of 1985 and provided the basis for the continued improvement of Oshawa's communities including continued participation in Provincial programs.

In 1986, the Province established a revised improvement program known as the Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE). This program broadened the range of land uses eligible for financial assistance and included commercial, industrial and mixed-use areas. In January 1987, the City of Oshawa submitted a PRIDE application for lands generally comprising the Central Business District and the former Fittings site. The Minister allocated a grant of \$375,000 to the City, an amount that was matched by City Council in September of 1987. The funds were spent on parkette development, decorative street lighting and parking lot beautification among other matters.

In 1989, the City received and matched a provincial grant of \$350,000 under the PRIDE program for an area south of the Central Business District, extending to the 401, between Simcoe Street South and the Oshawa Creek/Cubert Street. A Community Improvement Plan was approved and implemented resulting in improvements to local community centres, the Oshawa Creek bicycle trail and street tree planting.

In December 1990, the City submitted a third application for PRIDE funding and received and matched a Provincial grant of \$200,000. The funds were earmarked for use in the Bloor Street corridor to undertake sidewalk improvements, road reconstruction, aesthetic improvements and improvements to parks and recreational facilities.

In July 2001, the City of Oshawa adopted the Central Business District Renaissance Community Improvement Plan. This Community Improvement Plan contains four grant programs and three loan programs and is intended to revitalize Oshawa's Central Business District. This Community Improvement Plan was approved by the Ministry of Municipal Affairs and Housing in October of 2001.

In July 2003, the City of Oshawa adopted the Simcoe Street South Renaissance Community Improvement Plan. This Community Improvement Plan contains a façade improvement loan program and a Streetscape Improvement Program. The Simcoe Street South Renaissance Community Improvement Plan is intended to encourage improvements to the appearance of buildings in the Simcoe Street South corridor. This Community Improvement Plan was approved by the Ministry of Municipal Affairs and Housing in November of 2003.

1.2 What Are Brownfields?

The Province's Brownfields Showcase Package defines brownfields as "lands on which industrial or commercial activity took place in the past but which are no longer in use, and:

- They may include buildings or they may be vacant;
- They may be underused or abandoned;
- They may or may not have soil or water contamination because of chemicals or other pollutants; and
- They are often located in prime locations where infrastructure, services and facilities already exist.

The City of Oshawa Brownfields Renaissance Community Improvement Plan has been prepared based on this definition.

1.3 The Public Good Rationale

In the past, it has been difficult for municipalities to encourage the redevelopment of brownfield sites because of the high cost of remediation, the uncertainty about the level of contamination and the liability associated with the clean-up. The Province of Ontario enacted the Brownfields Statute Law Amendment Act, 2001 (the Brownfields Act) to address the financial and liability issues. Recently, the Province of Ontario has released detailed regulations to implement various legislative provisions.

The City of Oshawa Brownfields Renaissance Community Improvement Plan was prepared on the basis that the clean-up and development of contaminated lands is in the public interest since the development of contaminated lands may help to:

- Revitalize neighbourhoods;
- Improve the appearance of contaminated sites;
- Increase assessment and job creation;
- Improve soil quality;
- Reduce greenfield development through infilling and intensification; and
- Use existing services more effectively.

1.4 City Of Oshawa Brownfields Renaissance Community Improvement Project Area Boundary

The boundaries of the City of Oshawa Brownfields Renaissance Community Improvement Project Area are shown on Exhibit No. 1. The area is comprised of all lands within the Major Urban Area as delineated in the Oshawa Official Plan.

1.5 Community Improvement Plan Preparation

The City of Oshawa Brownfields Renaissance Community Improvement Plan as contained in Sections 5.0, 6.0 and 7.0 of this document has been prepared in accordance with the provisions of subsection 28 (7) of the Planning Act, R.S.O. 1990, c. P.13.

An opportunity to obtain stakeholder input from property owners and business interests was provided by holding a statutory public meeting in accordance with Section 17 of the Planning Act, R.S.O. 1990, c. P.13. The statutory public meeting was advertised in a local newspaper. The statutory public meeting was held on May 30, 2005, to explain the program and receive feedback. A copy of the statutory public meeting notice forms Appendix No. 1.

2.0 Background Information

2.1 Oshawa Official Plan Land Use Designations

The City of Oshawa Brownfields Renaissance Community Improvement Project Area is consistent with the Major Urban Area boundary as delineated in the Oshawa Official Plan. The Major Urban Area boundary includes Commercial, Residential, Industrial, Institutional, Open Space and Recreation, Airport, Utilities, Special Study Area, Special Policy Areas, and a Special Waterfront Area designations as well as Marina Node, Recreation Node and Tourist Node symbols.

2.2 Community Improvement Policies In The Oshawa Official Plan

Schedule "C-1" Renaissance Community Improvement Area of the Oshawa Official Plan delineates three Sub-areas: Sub-area A, Sub-area B and Sub-area C. Section 4.0, Community Improvement of the Oshawa Official Plan, contains a number of policies pertaining to community improvement. These Official Plan policies served as the basis for the City's participation in ONIP and PRIDE programs. Certain additional policies have been added to the Official Plan relating to Renaissance Community Improvement Areas.

Section 4.3.4 of the Oshawa Official Plan identifies a number of problems within Sub-areas A, B and C, including the need to rehabilitate contaminated lands. Programs to address these problems are described in Section 5.0 of this Plan.

As a prerequisite for the adoption of a Community Improvement Plan, Council has designated the City of Oshawa Brownfields Renaissance Community Improvement Project Area as a Community Improvement Project Area by by-law pursuant to Section 28 (2) of the Planning Act.

2.3 Zoning By-Law No. 60-94

There are numerous zone categories contained within the City of Oshawa Brownfields Renaissance Community Improvement Project Area and owing to their number, they have not been listed within this Plan.

It should be noted that Sections 2.1 and 2.2 are intended to provide a general overview of the planning framework. For specific information regarding the Oshawa Official Plan and Zoning By-law No. 60-94, the actual documents should be consulted.

3.0 Problems and Deficiencies

3.1 Rehabilitation of Contaminated Lands

In some areas of the City of Oshawa, lands that were once used for industrial purposes or commercial activities are underused, derelict or abandoned. Given the past activities on the site, some of these lands are contaminated. In many cases, this contamination, or perception of contamination, has been considered a disincentive for development owing to the costs associated with cleaning a site and the potential liability on the part of the owner after the clean-up has been completed.

The Municipal Act, 2001 has addressed many of the issues relating to the liability of a property owner. In addition, the Brownfields Act enables municipalities to pass By-laws to freeze or cancel all, or a portion of, the municipal, regional and provincial (education) taxes levied on eligible properties for specific time periods.

The various grants contained in the City of Oshawa Brownfields Renaissance Community Improvement Plan are intended to complement the cancellation of taxes as authorized by the Municipal Act, 2001.

4.0 Community Improvement Plan Budget

4.1 Funding Sources

The City of Oshawa and the Region of Durham may, subject to legislation fund the Brownfields Redevelopment Grant Program and the Brownfields Investment Program through the increase in the municipal portion of the property taxes that result from the redevelopment. However, this does not preclude the use of other funding sources as they become available. The City will endeavor to utilize other sources of funding for the implementation of these programs if such funding becomes available.

The City of Oshawa will fund the Brownfields Study Grant Program through the existing Renaissance Community Improvement Plan reserve 17-124. City Council will monitor the financial status of this reserve and consider contributions to it through the annual budget process.

The cancellation of taxes as authorized by the Municipal Act, 2001 and described in Section 5.0 of this Community Improvement Plan does not require any funding by the City of Oshawa. However, the cancellation of City property taxes for a site will result in any City services relating to the development of the site, such as garbage collection and snow removal, being financed through the annual budget process.

Part B
The City of Oshawa
Brownfields Renaissance
Community Improvement Plan

5.0 Community Improvement Plan

The City of Oshawa Brownfields Renaissance Community Improvement Plan has been prepared under the authority of Section 28 of the Planning Act, R.S.O. 1990, c. P.13.

Schedule “C-1” Renaissance Community Improvement Area of the Oshawa Official Plan delineates three Sub-areas: Sub-area A, Sub-area B and Sub-area C.

Section 4.3.4 of the Oshawa Official Plan identifies a number of problems within Sub-areas A, B and C, including the need to rehabilitate contaminated lands. Programs to address these problems are described in Sections 5.2.1 to 5.2.5. Grants and tax assistance under the City of Oshawa Brownfields Renaissance Community Improvement Plan is limited to the actual cost of rehabilitating the lands and buildings as required by subsections 28(7) and 28(7.1) of the Planning Act, R.S.O. 1990, c. P.13.

As a prerequisite for the adoption of the City of Oshawa Brownfields Renaissance Community Improvement Plan, Council has designated the City of Oshawa Brownfields Renaissance Community Improvement Project Area as a Community Improvement Project Area by by-law pursuant to subsection 28(2) of the Planning Act.

The City of Oshawa Brownfields Renaissance Community Improvement Plan consists of the following:

5.1 City Of Oshawa Brownfields Renaissance Community Improvement Goals

The goals of the City of Oshawa Brownfields Renaissance Community Improvement Plan are consistent with and complement the community improvement goals of the City of Oshawa Official Plan.

The goals of the City of Oshawa Brownfields Renaissance Community Improvement Plan are to:

- Revitalize neighbourhoods;
- Improve the appearance of contaminated sites;
- Increase assessment and job creation;
- Improve soil quality;
- Reduce greenfield development through infilling and intensification; and
- Use existing services more effectively.

Participation in the City of Oshawa Brownfields Renaissance Community Improvement Plan will be monitored by the Department of Development Services and reported to Council on a regular basis.

5.2 City Of Oshawa Brownfields Renaissance Community Improvement Financial Incentives

5.2.1 Brownfields Study Grant Program

If a municipality has an approved Community Improvement Plan, Section 28 of the Planning Act allows the municipality to pass by-laws to authorize the municipality to make grants or loans to registered owners, assessed owners and tenants of land and buildings and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan within the community improvement project area. The grants and loans are intended to pay for the whole or any cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

The lack of information regarding the level of contamination on brownfields is a major obstacle that can delay their redevelopment. In addition, since the cost to remediate brownfields can become onerous, the development community is sometimes reluctant to finance the necessary environmental studies required to initiate the redevelopment process. This uncertainty inhibits the redevelopment of sites that have manageable levels of contamination. The Brownfields Study Grant Program is designed to stimulate the undertaking of private sector environmental studies of brownfield sites in the Brownfields Renaissance Community Improvement Area.

The Brownfields Study Grant Program intends to establish a library of environmental studies on brownfield sites in a short period of time. Therefore, the Brownfields Study Grant Program will commence after the Province has approved this Plan and will be in effect until December 31, 2029. Applications for a Brownfields Study Grant will not be accepted after December 31, 2029.

Grants under the Brownfields Study Grant Program will be provided to property owners when the final completed study has been submitted to the City. The applicant will agree to permit the City to notify other proponents of the existence of the environmental study. However, the City will not release the study without the written consent of the applicant.

Brownfields Study Grant Program Requirements

All owners of property within the City of Oshawa Brownfields Renaissance Community Improvement Project Area, as shown on Exhibit No. 1 are eligible to apply for funding under this grant program subject to the following program requirements, and the availability of funding as approved by Council:

- (a) Applications for the Brownfields Study Grant Program must be approved by the City before commencing work on any environmental study for which a grant is being requested;
- (b) Applications for the Brownfields Study Grant Program must be submitted by the owner of the property or purchasers of the property with the consent of the owner;
- (c) The Brownfields Study Grant is based on 50% of the actual cost of the eligible study to a maximum of \$10,000 for each individual Study;
- (d) A maximum of two (2) environmental study grants will be given to any property;

(e) Eligible environmental studies are:

- (i) Phase II Environmental Site Assessments; and
 - (ii) Remedial work plans and risk assessments, including studies formerly known as Phase III Environmental Site Assessments.
- (f) All Brownfields Study Grants must relate to former industrial or commercial sites and not undeveloped greenfield sites;
- (g) All Brownfields Study Grants must be approved by Oshawa City Council; and
- (h) The subject property will be ineligible for the Brownfields Study Grant if the property is in tax arrears.

5.2.2 Brownfields Property Tax Cancellation Program

The Brownfields Property Tax Cancellation Program is intended to provide incentives to encourage the rehabilitation of brownfield sites by utilizing the tax cancellation provisions under section 365.1 of the Municipal Act, 2001. The City may also apply to the Region of Durham for regional property tax assistance, and to the Province for matching education property tax assistance.

The City of Oshawa Brownfields Property Tax Cancellation Program will provide financial relief in the form of cancelled property taxes to property owners who undertake the rehabilitation of contaminated lands. It should be noted that Regional property tax assistance and matching Provincial education property tax assistance are subject to the approval of the Region of Durham and the Minister of Finance respectively. Regional and Provincial property tax assistance will be approved on a site-specific basis. Properties are only eligible for the Brownfields Property Tax Cancellation Program when the necessity for site remediation is confirmed in a Phase II Environmental Site Assessment.

The City of Oshawa Brownfields Property Tax Cancellation Program will commence after the Province has approved this Plan and will be in effect until December 31, 2029. The Program will consist of both a “Rehabilitation Period” and a “Development Period” as defined in Section 365.1 of the Municipal Act, 2001.

Rehabilitation Period

All or a portion of City, Regional and Educational property taxes may be cancelled during the rehabilitation period which will end with the earliest of any one of the following three scenarios:

- (a) 18 months after the assistance began;
- (b) When a Record of Site Condition is filed with the Environmental Site Registry; or,
- (c) When the tax assistance equals the remediation costs or costs of complying with a Ministry of the Environment certificate of property use (E.g., when the total amount of assistance equals the full eligible costs of remediation. Municipal eligible costs may differ from those outlined by the Region of Durham and the Province of Ontario.)

Development Period

All or a portion of City, Regional and Education property taxes may be cancelled during the applicable development period. The development period commences after the rehabilitation period ends and will end with the earliest of any one of the following two scenarios:

- (a) On the date specified in the adopting By-law; or,
- (b) When the tax assistance, including the tax assistance from the rehabilitation period, equals the remediation costs or costs of complying with a Ministry of the Environment certificate of property use (E.g., when the total amount of assistance, including assistance provided during the rehabilitation period, equals the full eligible costs of remediation. Municipal eligible costs may differ from those outlined by the Region of Durham and those outlined by the Province of Ontario.)

Brownfields Property Tax Cancellation Program Requirements

All owners of property within the City of Oshawa Brownfields Renaissance Community Improvement Area, as shown on Exhibit No. 1, are eligible to apply for this program subject to the following program requirements:

- (a) Applications for the Brownfields Property Tax Cancellation Program must be submitted before commencing any eligible works and before applying for a building permit;
- (b) The Minister of Finance may approve matching tax assistance on the education portion of a property's tax;
- (c) The education tax assistance may be delivered on a different schedule than the assistance provided by the City of Oshawa and may be subject to additional conditions;
- (d) The education tax assistance will last for a maximum of three years, but in some exceptional circumstances, the Minister of Finance may approve matching tax assistance for more than three years;
- (e) The applicant may be required to submit a Business Plan;
- (f) The total value of the cancelled taxes provided under this program shall not exceed the total value of work done under eligible program costs;
- (g) Eligible program costs are:
 - (i) environmental clean-ups undertaken to comply with a Ministry of the Environment certificate of property use (with the amount of any cancelled taxes under the Brownfields Tax Cancellation Program deducted from the value of eligible works under the Brownfield Redevelopment Grant Program); and
 - (ii) 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 including but not limited to environmental consultant fees and property insurance during remediation.

- (h) Actual costs for any or all items listed in Item (g) above may be subject to an independent audit, at the expense of the property owner;
- (i) All participating owners are required to enter into an agreement with the City;
- (j) A resolution of Regional Council is required in order to cancel the Regional portion of the tax bill. A copy of the resolution will be attached to the By-law to be adopted by Oshawa City Council;
- (k) The Provincial Minister of Finance must approve a draft By-law that includes the deferral or cancellation of the education portion of the property taxes before it is adopted by Council;
- (l) The By-law must specify the duration of the tax cancellation period, including the start date, as well as the amount of City, Regional and Educational taxes to be cancelled, inclusive of any adjustments for previously paid tax installments;
- (m) The applicant agrees to file a Record of Site Condition with the Ontario Ministry of the Environment as a condition of receiving the Brownfields Property Tax Cancellation;
- (n) The subject property will be ineligible for the Brownfields Property Tax Cancellation Program if the property is in tax arrears; and
- (o) Outstanding work orders issued by a Department of the City of Oshawa must be satisfactorily addressed before a By-law to cancel the property taxes is adopted by Council.

Note: Items (b), (c), (k), (l) and (m) refer specifically to the Province's Brownfields Financial Tax Incentive Program (BFTIP). Please refer to Appendix 2 for more details on this program.

5.2.3 City Of Oshawa Brownfields Redevelopment Grant Program

If a municipality has an approved Community Improvement Plan, Section 28 of the Planning Act allows the municipality to pass by-laws to authorize the municipality to make grants or loans to registered owners, assessed owners and tenants of land and buildings within the community improvement project area. The grants and loans are intended to pay for the whole or any cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.

The City of Oshawa Brownfields Redevelopment Grant Program starts after the Brownfields Tax Cancellation Program ends and will provide an annual City grant to property owners who undertake redevelopment of their properties in the Community Improvement Project Area that will result in an increase in assessment. The program also serves to encourage re-development that may not otherwise occur on lands that have undergone or require site remediation as confirmed in a Phase II Environmental Site Assessment.

The City of Oshawa Brownfields Redevelopment Grant Program will commence after the Province has approved this Plan and will be in effect until December 31, 2029.

Grant applications will not be accepted after December 31, 2029. Grants approved before December 31, 2029 will continue to be honoured.

Grants will cease with the earliest of the following scenarios:

- When total value of City grants equals one-third of the costs of eligible works; or
- After ten (10) years.

The City of Oshawa Brownfields Redevelopment Grant will equal 80% of the increase in City property taxes. The remaining 20% of the increase in the City portion of the property taxes will be dedicated to City of Oshawa Brownfields Investment Program (see Section 5.2.5).

The amount of pre-development City taxes will be determined before development commences. The captured value represents the difference between the pre-development City taxes and the post development City taxes levied owing to a re-evaluation of assessed value by the Municipal Property Assessment Corporation (MPAC) following project completion. The captured value will be used to fund the City of Oshawa Brownfields Redevelopment Grant Program. The City of Oshawa Brownfields Redevelopment Grant Program does not exempt property owners from a change in City taxes owing to a general tax rate change or a subsequent change in assessment.

Concurrent with the development approval process, a property owner would indicate their desire to participate in the City of Oshawa Brownfields Redevelopment Grant Program by completing a City of Oshawa Brownfields Redevelopment Grant application. Planning Services Branch will review the application to ensure that the project is located within the City of Oshawa Brownfields Renaissance Community Improvement Project Area. Once the application has been accepted for further processing, the application will be reviewed by a City of Oshawa Brownfields Redevelopment Grant Committee comprised of four staff members as follows:

- Two (2) members of the Policy and Special Projects Division;
- One (1) member from Finance and Business Planning Services; and
- One (1) of member from Economic Development.

The City of Oshawa Brownfields Redevelopment Grant Committee will be responsible for reviewing applications and the Commissioner of Development Services shall provide a recommendation to the Development Services Committee and Oshawa City Council regarding applications. The Community Improvement and Housing Coordinator will negotiate agreements in conjunction with Legal Services. The agreement will specify the terms of the grants, such as total monetary value, duration and any other stipulation required by Legal Services.

The property owner shall obtain a Phase II Environmental Site Assessment prepared by a qualified person to identify the extent and expected cost to clean the property. The property owner will submit to the City a detailed work program and budget for the required work. The City will review the work program, suggest modifications if necessary, consult with MPAC as necessary and determine an estimated grant amount. The Brownfields Redevelopment Grant Committee may request a Business Plan to be submitted in support of the Brownfields Redevelopment Grant application.

The individual component costs of the work to be completed will be submitted to the City when the work is completed. Payment of the grants will be based on the City's review and satisfaction with all reports and documentation. The financial costs submitted by the property owner may be subject to a financial audit, at the expense of the property owner.

If during the course of the clean-up, the work to be completed changes, the costs are increased or decreased, or the actual re-evaluation by MPAC is different from the anticipated re-evaluation the City reserves the right to adjust the grant amount. The Redevelopment Grant Committee can decrease the amount of the grant to reflect actual decreased costs without the necessity of a report to Council. An increase to the amount of the grant will require City Council approval.

If the property has already undergone site remediation to clean-up environmental contamination as confirmed in a Phase II Environmental Site Assessment, the property shall still be eligible for a grant for undertaking new eligible works.

City of Oshawa Brownfields Redevelopment Grant Program Requirements

All owners of property within the City of Oshawa Brownfields Renaissance Community Improvement Area, as shown on Exhibit No. 1, are eligible to apply for funding under this grant program. This grant program is subject to the following program requirements and the availability of City funding as approved by Oshawa City Council:

- (a) Applications for the City of Oshawa Brownfields Redevelopment Grant Program must be submitted before commencing any eligible works that are the subject of the application and before applying for a building permit;
- (b) The applicant may be required to submit a Business Plan;
- (c) The property shall be redeveloped such that the amount of the work undertaken is sufficient to result in a re-evaluation of the property by MPAC;
- (d) The total value of the City grants provided under this program shall not exceed one third of the total value of work done under eligible program costs;
- (e) The City portion of the Brownfields Redevelopment Grant will consist of an annual grant in the amount of 80% of the increase in City property taxes resulting from redevelopment of the site until the total value of City grants equals one-third of the costs of eligible works;
- (f) Eligible program costs are:
 - (i) Environmental studies (unless already paid for under the Brownfields Study Grant Program);
 - (ii) Environmental clean-ups (less the amount of any cancelled taxes under the Brownfields Property Tax Cancellation Program);
 - (iii) Site preparation including construction/improvement of on-site public works; and
 - (iv) Demolition.
- (g) Actual costs for any or all items listed in Item (f) above may be subject to an independent audit, at the expense of the property owner;

- (h) All participating owners are required to enter into an agreement with the City to specify the terms of the grants;
- (i) All City of Oshawa Brownfields Redevelopment Grants must be approved by Oshawa City Council;
- (j) If the property participated in the Brownfields Property Tax Cancellation Program, the eligible program costs under the City of Oshawa Brownfields Redevelopment Grant Program will be reduced by the amount of the cancelled taxes;
- (k) If the property participated in the Increased Assessment Grant program in the Central Business District Renaissance Community Improvement Plan, the eligible program costs under the City of Oshawa Brownfields Redevelopment Grant Program will be reduced by the amount of the Increased Assessment Grant;
- (l) The subject property will be ineligible for the Brownfields Redevelopment Grant if the property is in tax arrears;
- (m) Buildings that are constructed under the City of Oshawa Brownfields Renaissance Community Improvement Plan and subsequently demolished before the grant period expires shall not receive the remainder of the grants; and
- (n) Outstanding work orders issued by a Department of the City of Oshawa must be satisfactorily addressed before a grant is approved.

5.2.4 Region of Durham Brownfields Redevelopment Grant Program

If a municipality has an approved Community Improvement Plan, Section 28 of the Planning Act allows the municipality to pass by-laws to authorize the municipality to make grants or loans to registered owners, assessed owners and tenants of land and buildings within the community improvement project area. The grants and loans are intended to pay for the whole or any cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

The Region of Durham Brownfields Redevelopment Grant Program starts after the Brownfields Tax Cancellation Program ends and will provide an annual Regional grant to property owners who undertake redevelopment of their properties in the Community Improvement Project Area that will result in an increase in assessment. The program also serves to encourage re-development that may not otherwise occur on lands that have undergone or require site remediation as confirmed in a Phase II Environmental Site Assessment.

The Region of Durham Brownfields Redevelopment Grant Program will commence after the Province has approved any necessary legislative amendments required to facilitate Regional participation in this program. The Plan will be in effect after its approval by the Province and will be in effect until December 31, 2015. Grant applications will not be accepted after December 31, 2015. Grants approved before December 15, 2015 will continue to be honoured.

Grants will cease with the earliest of the following scenarios:

- When total value of Regional grants equals one-third of the costs of eligible works; or
- After ten (10) years.

The Region of Durham Brownfields Redevelopment Grant will equal 80% of the increase in Regional property taxes. The remaining 20% of the increase in the Regional portion of the property taxes will be retained by the Region of Durham.

The amount of pre-development Regional taxes will be determined before development commences. The captured value represents the difference between the pre-development Regional taxes and the post development Regional taxes levied owing to a re-evaluation of assessed value by the Municipal Property Assessment Corporation (MPAC) following project completion. The captured value will be used to fund the Region of Durham Brownfields Redevelopment Grant Program. The Region of Durham Brownfields Redevelopment Grant Program does not exempt property owners from a change in Regional taxes owing to a general tax rate change or a subsequent change in assessment.

Concurrent with the development approval process, a property owner would indicate their desire to participate in the Region of Durham Brownfields Redevelopment Grant Program by completing a Region of Durham Brownfields Redevelopment Grant application. Regional staff, in consultation with City staff, will review the application to ensure that the project is located within the City of Oshawa Brownfields Renaissance Community Improvement Project Area.

The property owner shall obtain an Environmental Site Assessment prepared by a qualified person to identify the extent and expected cost to clean the property. The property owner will submit to the Region a detailed work program and budget for the required work. The Region will review the work program, suggest modifications if necessary, consult with MPAC as necessary and determine an estimated grant amount. The Region may request a Business Plan to be submitted in support of the Region of Durham Brownfields Redevelopment Grant application.

The individual component costs of the work to be completed will be submitted to the Region when the work is completed. Payment of the grants will be based on the Region's review and satisfaction with all reports and documentation. The financial costs submitted by the property owner may be subject to a financial audit, at the expense of the property owner.

If during the course of the clean-up, the work to be completed changes, or the costs are increased or decreased, the Region reserves the right to adjust the grant amount. The Redevelopment Grant Committee can decrease the amount of the grant to reflect actual decreased costs without the necessity of a report to Council. An increase to the amount of the grant will require Regional Council approval.

If the property has already undergone site remediation to clean-up environmental contamination as confirmed in a Phase II Environmental Site Assessment, the property shall still be eligible for a grant for undertaking new eligible works.

Region of Durham Brownfields Redevelopment Grant Program Requirements

All owners of property within the City of Oshawa Brownfields Renaissance Community Improvement Area, as shown on Exhibit No. 1, are eligible to apply for funding under this grant program. This grant program is subject to the following program requirements and the availability of Regional funding as approved by Regional Council:

- (a) Applications for the Region of Durham Brownfields Redevelopment Grant Program must be submitted before commencing any eligible works and before applying for a building permit;
- (b) The applicant may be required to submit a Business Plan;

- (c) The property shall be redeveloped such that the amount of the work undertaken is sufficient to result in a re-evaluation of the property by MPAC;
- (d) The total value of the Regional grants provided under this program shall not exceed one third of the total value of work done under eligible program costs;
- (e) The Regional portion of the Brownfields Redevelopment Grant will consist of an annual grant in the amount of 80% of the increase in Regional property taxes resulting from redevelopment of the site until the total value of Regional grants equals one-third of the costs of eligible works;
- (f) Eligible program costs are:
 - (i) Environmental studies (unless already paid for under the Brownfields Study Grant Program);
 - (ii) Environmental clean-ups (less the amount of any cancelled taxes under the Brownfields Property Tax Cancellation Program);
 - (iii) Site preparation including construction/improvement of on-site public works; and
 - (iv) Demolition.
- (g) Actual costs for any or all items listed in Item (f) above may be subject to an independent audit, at the expense of the property owner;
- (h) All participating owners are required to enter into an agreement with the Region to specify the terms of the grants;
- (i) All Region of Durham Brownfields Redevelopment Grants must be approved by Regional Council;
- (j) If the property participated in the Brownfields Property Tax Cancellation Program, the eligible program costs under the Region of Durham Brownfields Redevelopment Grant Program will be reduced by the amount of the cancelled taxes;
- (k) The subject property will be ineligible for the Brownfields Redevelopment Grant if the property is in tax arrears; and
- (l) Buildings that are constructed under the Region of Durham Brownfields Renaissance Community Improvement Plan and subsequently demolished before the grant period expires shall not receive the remainder of the grants.

5.2.5 Brownfields Investment Program

If a municipality has an approved Community Improvement Plan, Section 28 of the Planning Act allows the municipality to pass by-laws to authorize the municipality to:

- (a) Acquire, hold, clear, grade or otherwise prepare land for community improvement;

- (b) Construct, repair, rehabilitate, or improve buildings on land acquired or held by it in conformity with the Community Improvement Plan;
- (c) Sell, lease or otherwise dispose of any land and buildings acquired or held by it in conformity with the Community Improvement Plan.

There are many vacant, underutilized properties in the City of Oshawa. Occasionally, properties end up in tax arrears and the City could offer these properties for tax sale. Although the Province has recently addressed certain issues relating to liability, this process has generally been discouraged. Consequently, properties could sit vacant for many years, and as the tax arrears continue to accrue, the site becomes even less attractive to the development community.

In order to achieve the goals of the City of Oshawa Brownfields Renaissance Community Improvement Plan, as expressed in Section 5.1, it may be necessary for the City to take a more proactive role in the redevelopment of brownfield properties. This more proactive role may involve any of the actions listed in Section 5.2.5 (a), (b) or (c). This would authorize Council to:

- (a) Obtain contaminated lands;
- (b) Rehabilitate and/or remediate contaminated lands to provincial standards; and
- (c) Market and dispose of the rehabilitated/remediated land.

However, the Brownfields Investment Program is not intended to authorize Council to sell, lease or dispose of any land or buildings at less than fair market value.

Brownfields Investment Program Requirements

This program applies to all properties within the Community Improvement Project Area shown on Exhibit No. 1.

This program is funded by the 20% of the tax increases that are retained by the City of Oshawa when redeveloped properties participate in the Brownfields Redevelopment Grant Program. The program could accrue funds as late as December 31, 2025, the last possible day for participation in the Brownfields Redevelopment Grant Program. The funds will be deposited in a special fund for Brownfields Investment Reserve that will be used to purchase, rehabilitate and redevelop strategic brownfield sites.

The Brownfields Investment Reserve will function as a revolving fund. Any profits made from the acquisition, rehabilitation and redevelopment of property will be deposited into the Brownfields Investment Reserve.

At any time, Council may choose to provide additional funding into the Brownfields Investment Reserve. The Brownfields Redevelopment Grant Program could end as late as December 31, 2025. The Brownfields Investment Program will end one year from the date of the last grant. During the last year, City Council may undertake any of the actions described in Section 5.2.5 (a), (b) or (c). Any funds that remain in the Brownfields Investment Reserve one year after the date of the last grant will be transferred to general revenues.

5.3 Duration

Brownfields Study Grant Program

The Brownfields Study Grant Program will commence on or after the approval of the City of Oshawa Brownfields Renaissance Community Improvement Plan by the Province of Ontario and will run until December 31, 2029. The Brownfields Study Grant Program will not be applied retroactively and grant applications will not be accepted after December 31, 2029. Applications received before December 31, 2029 will be processed subject to the availability of funding.

Brownfields Property Tax Cancellation Program

The Brownfields Property Tax Cancellation Program will commence on or after the approval of the City of Oshawa Brownfields Renaissance Community Improvement Plan by the Province of Ontario and will run until December 31, 2029. The Brownfields Tax Cancellation Program will not be applied retroactively and applications will not be accepted after December 31, 2029. Applications received before December 31, 2029 will be processed in the normal manner.

City of Oshawa Brownfields Redevelopment Grant Program

The Brownfields Redevelopment Grant Program will commence on or after the approval of the City of Oshawa Brownfields Renaissance Community Improvement Plan by the Province of Ontario and will run until December 31, 2029. The Brownfields Redevelopment Grant Program will not be applied retroactively and grant applications will not be accepted after December 31, 2029. Applications received before December 31, 2029 will continue to be honoured.

Region of Durham Brownfields Redevelopment Grant Program

The Region of Durham Brownfields Redevelopment Grant Program will commence after the Province has approved any necessary legislative amendments required to facilitate Regional participation in this program. The Plan will be in effect after its approval by the Province and will be in effect until December 31, 2015. Grant applications will not be accepted after December 31, 2015. Grants approved before December 15, 2015 will continue to be honoured.

Exclusion

Brownfields Investment Program

The Brownfields Investment Program will commence on or after the approval of the City of Oshawa Brownfields Renaissance Community Improvement Plan by the Province of Ontario. This program will end one year after the last grant is issued under the Brownfields Redevelopment Grant Program.

5.4 Monitoring

Council will conduct periodic reviews of the City of Oshawa Brownfields Renaissance Community Improvement Plan to determine its effectiveness.

Regional Council will conduct periodic reviews of the Region of Durham Brownfields Redevelopment Grant Program to determine its effectiveness.

Exclusion

5.5 Cancellation

The City of Oshawa may discontinue the Brownfields Study Grant Program, the Brownfields Property Tax Cancellation Program, the City of Oshawa Brownfields Redevelopment Grant Program or the Brownfields Investment Program at any time without an amendment to this Plan. Grants or tax cancellations that were approved before the cancellation of any program in this Community Improvement Plan will continue to be honoured.

The Region of Durham may discontinue the Region of Durham Brownfields Redevelopment Grant Program at any time without an amendment to this Plan. Grants that were approved before the cancellation of any program in this Community Improvement Plan will continue to be honoured.

6.0 Implementation

The City of Oshawa Brownfields Renaissance Community Improvement Plan will be implemented through the provisions of Section 4 of the Oshawa Official Plan and Section 28 of the Planning Act, R.S.O. 1990, c. P.13.

The overall implementation of the grant program, including liaison with the Ministry of Municipal Affairs and Housing, shall be the responsibility of the Department of Development Services.

The Brownfields Study Grant Program will be administered on a first come first served basis to the limit of available funding in accordance with any administrative rules governing the program.

7.0 Interpretation

Sections 5.0, 6.0 and 7.0 (Part B) of this document, along with Exhibit No. 1, shall form the actual City of Oshawa Brownfields Renaissance Community Improvement Plan for the City of Oshawa Brownfields Community Improvement Area. Sections 1.0, 2.0, 3.0 and 4.0 (Part A), and Appendices No. 1 and 2 (Part C) do not constitute part of the actual City of Oshawa Brownfields Community Improvement Plan.

Changes to the City of Oshawa Brownfields Renaissance Community Improvement Project Area boundary or addition of other finance programs shall require an amendment to this Plan approved by the Ministry of Municipal Affairs and Housing. Changes to the policy numbering, cross referencing of policy sections and/or minor editorial changes may be permitted without an amendment to this Plan. This Plan has been prepared in accordance with and shall conform to the City of Oshawa Official Plan. Any changes or amendments shall be forwarded to the Ministry of Municipal Affairs and Housing.

This Plan shall be referred to as the City of Oshawa Brownfields Renaissance Community Improvement Plan. At such time as other Community Improvement Plans are prepared for this or other areas, this title may be modified for clarification purposes without requiring an amendment to this Plan.

Exhibit No. 1

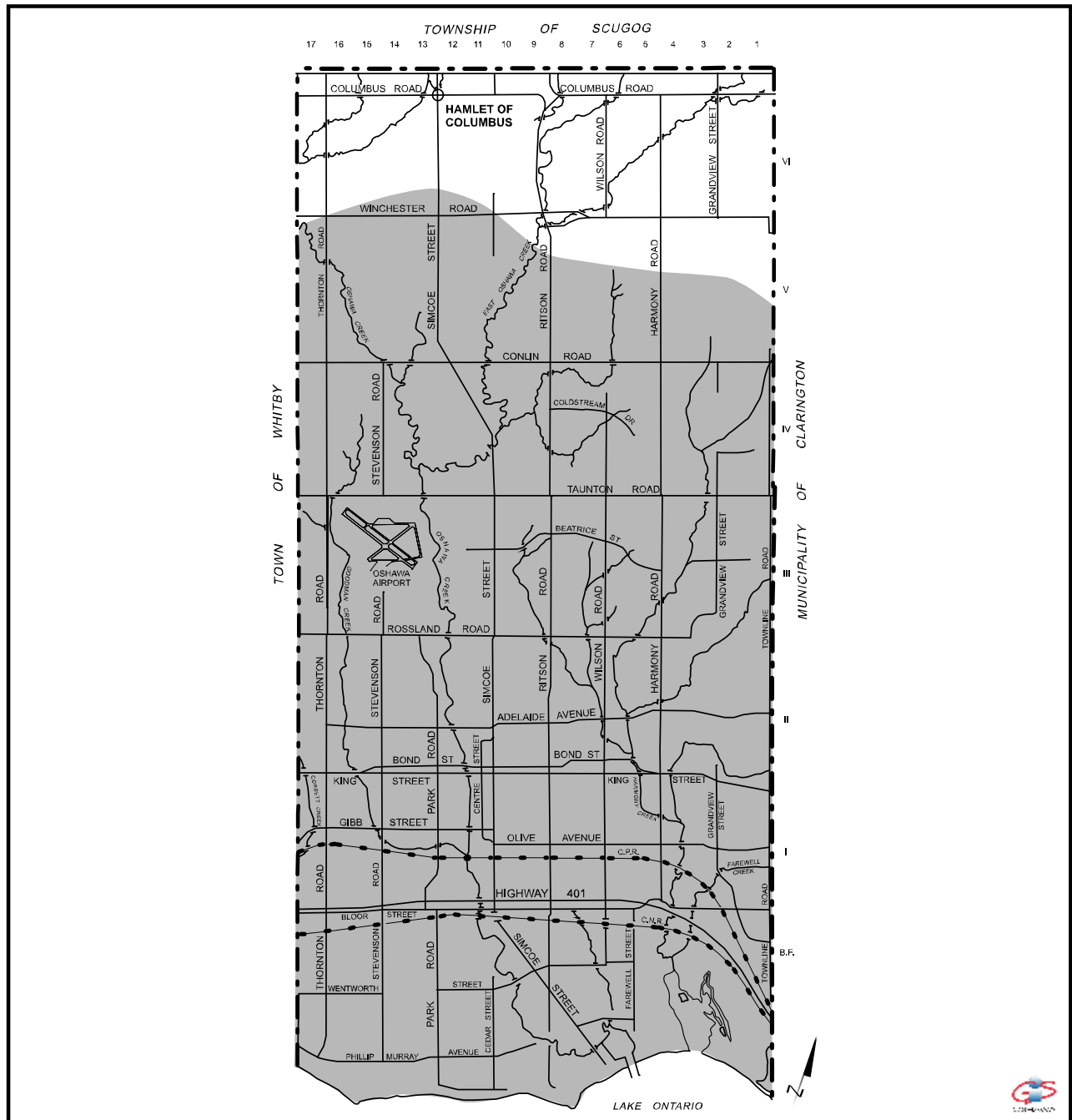
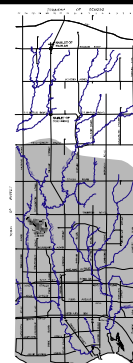


Exhibit No. 1

DEPARTMENT OF DEVELOPMENT SERVICES

 City of Oshawa Brownfields Renaissance Community Improvement Area



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PART C – Appendices

Appendix No. 1: Notice of Public Meeting

NOTICE OF PUBLIC MEETING – PLANNING ACT

Re: Proposed Brownfields Renaissance Community Improvement Plan
(File No. B1200 0002)

Date: May 30, 2005 – 5:30 p.m.

Place: Council Chamber, City Hall
50 Centre St. S., Oshawa

THE OSHAWA DEVELOPMENT SERVICES COMMITTEE WILL BE CONSIDERING:

A NEW COMMUNITY IMPROVEMENT PLAN FOR THE CITY OF OSHAWA TO ENABLE THE CITY TO ESTABLISH GRANT PROGRAMS AND TO CANCEL PROPERTY TAXES ON BROWNFIELD (CONTAMINATED) SITES FOR CERTAIN TIME PERIODS IN ORDER TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELD SITES. THE PROPOSED COMMUNITY IMPROVEMENT PLAN APPLIES TO ALL PROPERTIES WITHIN THE OSHAWA MAJOR URBAN AREA WHICH EXTENDS NORTHERLY TO FUTURE HIGHWAY 407.

Information regarding the proposed Community Improvement Plan is available between 8:30 a.m. and 4:30 p.m., Monday to Friday, in the Department of Development Services, 7th Floor, Rundle Tower, City Hall, 50 Centre St. S., Oshawa, Ontario, L1H 3Z7, or by calling Warren Munro at (905) 436-5636, extension 2410.

Written submissions regarding the proposed Community Improvement Plan can be made to T. W. Goodchild, Commissioner, Department of Development Services, or be made at the public meeting.

A Community Improvement Plan adopted by Oshawa City Council is forwarded to the Ministry of Municipal Affairs and Housing for approval.

If a person or public body that files a notice of an appeal of a decision of the City of Oshawa in respect of the proposed Community Improvement Plan, does not make oral submissions at the public meeting or make written submissions to the City of Oshawa before the proposed Community Improvement Plan is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

If you wish to be notified of the adoption of the Community Improvement Plan, you must make a written request to the City Clerk, 50 Centre St. S., Oshawa, Ontario L1H 3Z7.

Ted W. Goodchild, MCIP, RPP, Commissioner
Department of Development Services

2005.05.04

Appendix No. 2: Brownfields Financial Tax Incentive Program (BFTIP)

Overview

The Minister of Finance may approve the matching education property tax assistance through the BFTIP to eligible properties in a proportional basis.

Timing

Matching education tax assistance under BFTIP may be provided in either or both the rehabilitation and development periods. Municipal property tax assistance may be provided by the municipality on a different schedule than matching education tax assistance from the Province.

A By-law specifying the duration of a the tax cancellation period, including the start dates, as well as the amount of City, Regional and Education property taxes to be cancelled, is subject to the approval of the Minister of Finance.

Length of Provincial Assistance

Matching education tax assistance will last for a maximum of three years. In some circumstances, extensions for matching education tax assistance may be approved by the Minister of Finance. Matching education tax assistance equals the total eligible cost of remediation.

Eligible Costs Under BFTIP

Eligible costs for matching property tax assistance under Brownfields Financial Tax Incentive Program (BFTIP) may differ from costs eligible for municipal property tax assistance under the Brownfield Property Tax Cancellation program.

To find out more about these programs, please contact:

City of Oshawa
Planning Services
50 Centre Street South
8th Floor, Rundle Tower
Oshawa, Ontario L1H 3Z7

Telephone: 905-436-3853 or toll-free
at 1-800-6-OSHAWA

Email: planning@oshawa.ca

Website: www.oshawa.ca

