Brownfield Redevelopment Strategy

February 2006

prepared by

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GSP group
ACRES international
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1.1 Purpose</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Report Outline</td>
<td>1</td>
</tr>
<tr>
<td>2.0 Rationale for Brownfield Redevelopment</td>
<td>3</td>
</tr>
<tr>
<td>2.1 What are Brownfields?</td>
<td>3</td>
</tr>
<tr>
<td>2.2 Benefits of Brownfield Redevelopment</td>
<td>3</td>
</tr>
<tr>
<td>2.2.1 Economic Benefits</td>
<td>3</td>
</tr>
<tr>
<td>2.2.2 Environmental Benefits</td>
<td>4</td>
</tr>
<tr>
<td>2.2.3 Social Benefits</td>
<td>4</td>
</tr>
<tr>
<td>2.3 Smart Growth</td>
<td>6</td>
</tr>
<tr>
<td>3.0 Impediments and Opportunities for Brownfield Redevelopment</td>
<td>7</td>
</tr>
<tr>
<td>3.1 Methodology</td>
<td>7</td>
</tr>
<tr>
<td>3.2 Impediments</td>
<td>7</td>
</tr>
<tr>
<td>3.3 Opportunities</td>
<td>8</td>
</tr>
<tr>
<td>4.0 Goals of the Brownfield Redevelopment Strategy</td>
<td>9</td>
</tr>
<tr>
<td>5.0 Recommended Community Improvement Project Area</td>
<td>10</td>
</tr>
<tr>
<td>6.0 Strategic Actions and Programs</td>
<td>11</td>
</tr>
<tr>
<td>6.1 Introduction</td>
<td>11</td>
</tr>
<tr>
<td>6.2 Revised Planning Policies</td>
<td>14</td>
</tr>
<tr>
<td>6.2.1 Community Improvement Policies</td>
<td>14</td>
</tr>
<tr>
<td>6.2.2 Environmental Quality Policies</td>
<td>14</td>
</tr>
<tr>
<td>6.3 Financial Incentive Programs</td>
<td>15</td>
</tr>
<tr>
<td>6.3.1 Financial Terms</td>
<td>15</td>
</tr>
<tr>
<td>6.3.2 General Program Requirements</td>
<td>16</td>
</tr>
<tr>
<td>6.3.3 Environmental Study Grant Program</td>
<td>17</td>
</tr>
<tr>
<td>6.3.3.1 Purpose</td>
<td>17</td>
</tr>
<tr>
<td>6.3.3.2 Description</td>
<td>17</td>
</tr>
<tr>
<td>6.3.3.3 Requirements</td>
<td>18</td>
</tr>
<tr>
<td>6.3.4 Brownfields Tax Assistance Program</td>
<td>18</td>
</tr>
<tr>
<td>6.3.4.1 Purpose</td>
<td>18</td>
</tr>
<tr>
<td>6.3.4.2 Description</td>
<td>19</td>
</tr>
<tr>
<td>6.3.4.3 Requirements</td>
<td>20</td>
</tr>
</tbody>
</table>
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3.5 Brownfields Rehabilitation Grant Program</td>
<td>22</td>
</tr>
<tr>
<td>6.3.5.1 Purpose</td>
<td>22</td>
</tr>
<tr>
<td>6.3.5.2 Description</td>
<td>22</td>
</tr>
<tr>
<td>6.3.5.3 Requirements</td>
<td>24</td>
</tr>
<tr>
<td>6.3.6 Rehabilitation Loan Program for Not-For-Profit Corporations</td>
<td>25</td>
</tr>
<tr>
<td>6.3.7 Brownfields Development Charge Exemption Program</td>
<td>26</td>
</tr>
<tr>
<td>6.3.7.1 Purpose</td>
<td>26</td>
</tr>
<tr>
<td>6.3.7.2 Description</td>
<td>26</td>
</tr>
<tr>
<td>6.3.7.3 Requirements</td>
<td>27</td>
</tr>
<tr>
<td>6.4 Brownfields Municipal Leadership Strategy</td>
<td>29</td>
</tr>
<tr>
<td>6.4.1 Purpose</td>
<td>29</td>
</tr>
<tr>
<td>6.4.2 Description</td>
<td>29</td>
</tr>
<tr>
<td>6.4.3 Guidelines for Identifying Priority Sites and Projects</td>
<td>31</td>
</tr>
<tr>
<td>6.5 Marketing Strategy</td>
<td>32</td>
</tr>
<tr>
<td>6.5.1 Purpose</td>
<td>32</td>
</tr>
<tr>
<td>6.5.2 Description</td>
<td>32</td>
</tr>
<tr>
<td>6.5.2.1 Target Audiences</td>
<td>32</td>
</tr>
<tr>
<td>6.5.2.2 Marketing Tools</td>
<td>33</td>
</tr>
<tr>
<td>6.5.2.3 Key Messages</td>
<td>34</td>
</tr>
<tr>
<td>6.6 Monitoring Program</td>
<td>35</td>
</tr>
<tr>
<td>6.6.1 Purpose</td>
<td>35</td>
</tr>
<tr>
<td>6.6.2 Description</td>
<td>35</td>
</tr>
<tr>
<td>7.0 Funding Requirements</td>
<td>37</td>
</tr>
<tr>
<td>8.0 References</td>
<td>38</td>
</tr>
<tr>
<td>List of Figures</td>
<td></td>
</tr>
<tr>
<td>1 Benefits of Brownfield Redevelopment</td>
<td>5</td>
</tr>
<tr>
<td>2 Rationale for Strategic Actions and Programs</td>
<td>12</td>
</tr>
<tr>
<td>3 Rehabilitation Grant Program</td>
<td>23</td>
</tr>
<tr>
<td>4 Variables to Be Monitored</td>
<td>36</td>
</tr>
<tr>
<td>Appendices</td>
<td></td>
</tr>
<tr>
<td>A Recommended Revisions to the Community Improvement Policies (Part 4, Section 11) in the City of Niagara Falls Official Plan</td>
<td>39</td>
</tr>
<tr>
<td>B Recommended Revisions to the Environmental Quality Policies (Part 3, Section 6) in the City of Niagara Falls Official Plan</td>
<td>44</td>
</tr>
<tr>
<td>C Recommended Environmental Due Diligence Procedure</td>
<td>47</td>
</tr>
</tbody>
</table>
1.0 Introduction

1.1 Purpose

The purpose of this Brownfield Redevelopment Strategy (“the Strategy”) is to outline a series of actions and programs that will provide a general framework for the promotion of brownfield redevelopment in the City of Niagara Falls. This Strategy is a policy document that will guide the City’s program activities to promote brownfield redevelopment. This strategy forms the basis for the City’s Brownfield Community Improvement Plan (CIP).

This Strategy was developed based on research and analysis contained in a number of comprehensive background reports, including:

B1 – Community Improvement Background Report (November 2004)
B3 – Environmental Due Diligence Procedure (November 2004)
C1 – Brownfield Best Practices (November 2004)

Report B1 establishes the legislative basis for the Niagara Falls Brownfield Strategy and CIP and also provides the rationale for the city-wide geographic approach to brownfield redevelopment adopted in this Strategy and the CIP. Reports B2 and B3 recommend revisions to the City’s Official Plan and implementation of an environmental due diligence procedure to be used by the City to guide its review of planning applications. These planning policies and procedures provide the enabling legislative and environmental due diligence framework for the Strategy and CIP. Finally, Report C1 reviews best practices in brownfield redevelopment in leading Ontario and U.S. municipalities to identify guiding principles and programs which could be successfully utilized in Niagara Falls. The best practices review was used along with the results of the stakeholder and public consultation to develop several different financial incentives programs and a municipal brownfield leadership strategy that form the basis of this Brownfield Redevelopment Strategy. These programs were designed specifically to address the key impediments to brownfield redevelopment in Niagara Falls.

1.2 Report Outline

Section 2.0 of this Strategy defines brownfields and discusses the rationale for brownfield redevelopment in Niagara Falls. Section 3.0 summarizes the key impediments and opportunities for brownfield redevelopment in Niagara Falls and serves as the foundation for the Strategy and the CIP. Section 4.0 outlines the goals of the Strategy. Section 5.0 describes the rationale for the designation of the community improvement project area. Section 6.0 outlines the strategic actions and programs to be taken by the City of Niagara Falls to promote brownfield redevelopment. This includes:

a) Revised Planning Policies and Procedures;
b) Financial Incentive Programs;
c) a Municipal Brownfield Leadership Strategy;
d) a Marketing Strategy; and,
d) a Monitoring Program.

Section 7.0 reviews the recommended funding requirements for each program.
2.0 Rationale for Brownfield Redevelopment

2.1 What are Brownfields?

For purposes of this Strategy, a “brownfield” is defined as abandoned, vacant, derelict, idled or underutilized industrial or commercial property in the urban area with an active potential for redevelopment, where redevelopment is complicated by real or perceived environmental contamination, building deterioration/obsolescence, and/or inadequate infrastructure. The terms “brownfield redevelopment” and “brownfield development” are used interchangeably in this document to mean the environmental remediation, rehabilitation and development of brownfields.

Brownfield sites represent an environmental, economic and social concern for any community. From an economic perspective, brownfields can reduce local employment opportunities and property tax revenues, as well as limiting opportunity and economic development. Brownfields can also lower surrounding property values. From the environmental perspective, contamination of soil and groundwater may be a concern for human health and safety, as well as environmental quality. Underused brownfield sites in the urban core represent a lost opportunity to limit urban sprawl onto greenfield sites at the urban fringe. Urban sprawl has significant economic and environmental costs and jeopardizes prime agricultural lands. From a social perspective, brownfield sites can attract vandals, open dumping and other illegal activity that can lead to urban blight, contributing to neighbourhood and employment area deterioration and negatively impacting the quality of life in a community.

2.2 Benefits of Brownfield Redevelopment

As described below, numerous Canadian and U.S. studies have highlighted the benefits of brownfield development at all geographic levels (national, regional, local). However, most of the benefits of brownfield development tend to accrue at the local level because all development, be it brownfield or greenfield, is inherently local. Therefore, with almost 700 potential brownfield sites distributed across the urban area of the City of Niagara Falls, the rationale for addressing the brownfield issue in Niagara Falls can be found in the significant economic, environmental and social benefits that would accrue in the City of Niagara Falls.

2.2.1 Economic Benefits

A recent study of brownfield development in Canada found that every $1 spent in the Canadian economy on brownfield development generates approximately $3.80 in total economic output in all industries in the Canadian economy\(^1\). Experience in the U.S. has demonstrated that as brownfields are developed, the value of surrounding properties within a radius of up to 2.5 km. (1.5 miles) can increase by an average of 10 percent\(^2\). Numerous other U.S. and Canadian studies

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1 Regional Analytics. 2002.
2 Hara Associates. 2003
have found that brownfield development can increase neighbourhood property values\(^3\). Experience in Hamilton and other municipalities that have had brownfield development programs in place for some time suggests that brownfield development projects can result in a significant increase in property tax revenues to local and provincial governments.

### 2.2.2 Environmental Benefits

The environmental restoration and development of brownfield sites will serve to remove threats to the health of workers and residents in Niagara Falls by improving the environmental quality of soil and groundwater. The positive impact of brownfield development on the environment is not limited to individual sites. Environmental restoration of individual sites can have a cumulative positive impact on the environment, including the protection of groundwater resources, wetlands and wildlife habitat\(^4\).

A study of brownfield versus greenfield development examined 48 brownfield projects in six cities across the United States. This study found that every acre of brownfield land developed would have required 4.5 acres of greenfield land\(^5\). This demonstrates the potential of brownfield development to reduce the amount of greenfield land being consumed in Niagara Falls, thereby reducing urban sprawl and its associated negative environmental impacts, including air and water pollution and the loss of prime agricultural land. By using existing infrastructure, brownfield development can also reduce the costs of urban sprawl, including the costs of providing hard and soft services to greenfield areas.

Brownfield projects, be they employment or residential uses, can also reduce the distance between the location of employment areas and residential areas, and therefore transportation costs. For example, a recent study found that every hectare of brownfield land redeveloped for residential purposes can save as much as $66,000 a year in transportation costs relative to equivalent greenfield development\(^6\). Therefore, brownfield development can have the effect of reducing commuting needs, thereby reducing traffic congestion and air pollution.

### 2.2.3 Social Benefits

While the economic and environmental benefits of brownfield development are more obvious, brownfield development can also generate significant social benefits at the local level. Based on an analysis of a dozen brownfield projects across Canada, the NRTEE concluded that brownfield development can be an engine for urban renewal\(^7\). Case studies reviewed by the NRTEE showed that this renewal can take the form of:

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3 See for example, Environment Canada. 1998.

4 Regional Analytics. 2002.

5 Deason et.al. 2001.


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

Figure 1 below summarizes the benefits of brownfield development and the interrelationship between these benefits. For example, the economic benefits resulting from brownfield development, such as increased incomes and property tax revenues can contribute to social benefits such as neighbourhood stability and quality of life. Therefore, financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

**Figure 1 Benefits of Brownfield Redevelopment**

![Diagram of benefits of brownfield redevelopment]

Source: Regional Analytics, 2002, Figure 2, p. 7.
2.3 Smart Growth

The rationale for promoting the redevelopment of brownfields in Niagara Falls is further supported by the Region of Niagara’s Smart Growth initiative. As part of its Smarter Niagara Incentive Programs, in April of 2003, the Region approved a series of brownfield financial incentive programs including:

i) An Environmental Assessment Grant Program to assist with the costs of conducting environmental studies;

ii) A tax-increment based (TIB) grant program to provide grants to help offset the costs of environmental remediation; and,

iii) A Municipal Brownfield Leadership Program to help fund public-private partnerships to clean up brownfield sites, as well as marketing and educational programs.

Municipalities in the Region of Niagara wishing to take advantage of this Regional funding must prepare and adopt community improvement plans.

In April of 2003, the Region also finalized its Development Charge Waiver/Exemption Program, which includes a minimum 75% waiver of development charges on brownfield sites, with up to a 100% waiver for projects that incorporate smart growth principles. The Region has been working with local municipalities in Niagara to promote brownfield development. By adopting a Brownfield Redevelopment Strategy and CIP, the City of Niagara Falls will be able to take advantage of Regional programs to promote brownfield redevelopment while doing its part to promote Smart Growth in the Region of Niagara.
3.0 Impediments and Opportunities for Brownfield Redevelopment

3.1 Methodology

In order to obtain input on the key impediments and opportunities for brownfield redevelopment, an extensive consultation exercise was conducted with key stakeholders, staff and the public. A public meeting was held at the beginning of the preparation of the Brownfield Strategy and CIP. Two sets of interviews were conducted during the summer of 2004 with key stakeholders, including brownfield property owners and developers, to determine what they viewed as the key impediments and the opportunities for brownfield redevelopment in Niagara Falls and the types of municipal actions and programs they felt were necessary to encourage them to clean up and redevelop brownfield sites. The input obtained at the public meeting and through the interviews was augmented through discussions with City and Regional staff, experience and best practices in other municipalities, and the key impediments identified by the National Roundtable on the Environment and Economy (NRTEE) in their 2003 National Brownfield Redevelopment Strategy for Canada.

3.2 Impediments

The following key impediments to brownfield redevelopment in Niagara Falls were identified:

a) Need clear and consistent process regarding municipal requirements when remediating a brownfield site;

b) The cost of environmental studies;

c) The cost of site remediation, risk assessment/risk management;

d) The cost of demolition, building retrofitting and upgrading/replacing on-site and off-site infrastructure;

e) Need an incentive for not-for-profit corporations wishing to rehabilitate brownfield sites;

f) Need an incentive to promote Smart Growth, including the use of green and energy efficient technologies;

g) Need more support and participation from the City and Region through leadership and partnerships;

h) Need to raise the awareness and knowledge of brownfields among developers and the general public; and,

i) Need incentives that work for both small and large developments.
3.3 Opportunities

Numerous opportunities for brownfield redevelopment were identified by the key stakeholders and staff. This includes several very large properties in the pilot project area and other parts of the city such as the Drummond Industrial Area. These properties are well located from an accessibility perspective and appear marketable for a number of uses. Several of the developers interviewed expressed strong interest in redeveloping the brownfield properties that they currently own or control and in acquiring additional brownfield properties in the city for redevelopment in the future. However, these same developers consistently cited the costs of environmental remediation, the need for the Ministry of Environment to expedite environmental approvals, and the need for the City and Region to expedite planning approvals and servicing for brownfield development projects as the key impediments to realization of the brownfield redevelopment opportunities in Niagara Falls. In summary, there appear to be significant brownfield redevelopment opportunities in the City of Niagara Falls. The purpose of this Strategy is to provide the strategic framework to unlock these opportunities.
4.0  Goals of the Brownfield Redevelopment Strategy

The main goal of this Strategy is to promote the remediation, rehabilitation, adaptive re-use, redevelopment and overall improvement of brownfield sites throughout the City of Niagara Falls.

Other goals of this Strategy for the City of Niagara Falls include:

a) Promote Smart Growth, including the reduction of urban sprawl and its related costs;
b) Improve the physical and visual quality of brownfield sites and the urban area;
c) Improve environmental health and public safety;
d) Retain and increase employment opportunities;
e) Increase tax assessment and property tax revenues for the City of Niagara Falls and the Province of Ontario;
f) Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment;
g) Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.
5.0 Recommended Community Improvement Project Area

The prevailing trend in municipalities now preparing comprehensive community improvement plans to promote brownfield redevelopment is to designate the entire municipality, or at least the entire urban area, as the community improvement project area to which the community improvement plan will apply.

The review of environmental conditions across the city conducted for Report B1 found 694 potential brownfield sites widely dispersed around the city. Only 7 of these 694 sites are located outside the urban boundary. Therefore, as permitted under Section 28(1) of the Planning Act, it is recommended that the entire urban area of the City of Niagara Falls, as amended from time to time, be designated as the Community Improvement Project Area for the City-wide Brownfields CIP. In this regard, the existing urban area map may be included in the CIP for illustrative purposes only.

Based on the review of physical, economic and environmental conditions in existing community improvement areas and direction provided in the request for proposals and by city staff, the Community Improvement Project Area has been divided into three sub-areas based on priority for the brownfields assistance programs contained in this Strategy. The highest priority has been assigned to the Pilot Project Area (see Reports D1 and D2). The second highest priority has been assigned to the Other General Areas for Community Improvement. The third highest priority has been assigned to the Rest of the Urban Area. The financial incentive programs contained in the next section reflect this prioritization.
6.0 Strategic Actions and Programs

6.1 Introduction

In order to achieve the brownfield redevelopment goals of this Strategy, the impediments to brownfield redevelopment in Niagara Falls must be overcome. The comprehensive set of strategic actions and programs contained in this section are specifically designed to address the impediments to brownfield development in Niagara Falls and help achieve the goals of this Strategy.

The financial incentive programs and municipal actions were developed based on extensive consultation with stakeholders, staff City Council and the public, as well as a review of best practices used by other municipalities (see Report C1). During the summer of 2004, key stakeholders were consulted regarding the impediments to brownfield redevelopment and the types of municipal actions and financial incentives they felt were necessary to encourage them to clean up and redevelop brownfield sites. Based on the comments received during these meetings and brownfield best practices in other municipalities, several financial incentive concepts were developed and presented to stakeholders and City and Regional staff at a meeting in February of 2005. Feedback received at this meeting was used to refine the financial incentive concepts into financial incentive programs contained in this Strategy. These programs were then presented at a public open house held in June of 2005. Comments received from the public and stakeholders during and after the open house were utilized to further refine the financial incentive programs contained in this Strategy.

The strategic actions contained in this section focus on providing a planning policy foundation for the CIP and the redevelopment of brownfield sites. These actions also provide a framework for the City to implement a proactive municipal strategy to promote and market brownfield redevelopment as well as monitor the results of the programs contained in this Strategy. This monitoring will help the City to adjust its programs in order to maximize the leveraging of private sector investment in redeveloping brownfield sites.

Figure 2 shows how the key impediments to brownfield development identified during the consultation process are addressed through the strategic actions and programs included in this Strategy. All of the strategic actions and programs described in this section are ultimately directed at encouraging private sector investment in brownfield redevelopment.
Figure 2  Rationale for Strategic Actions and Programs

Impediments

- Need clear and consistent process regarding municipal requirements when remediating a brownfield site
- Cost of environmental studies
- Cost of site remediation, risk assessment/risk management
- Costs of demolition and upgrading/replacing infrastructure
- Need incentive for not-for-profit corporations wishing to rehabilitate brownfield sites

Strategic Actions and Programs

- Revised Planning Policies
- Environmental Study Grant Program
- Tax Assistance Program
- Brownfields Rehabilitation Grant Program
- Brownfields Rehabilitation Loan Program
Figure 2  Rationale for Strategic Actions and Programs (Cont’d)

Impediments

Need incentive to promote Smart Growth

Need more support and participation from the City through leadership and partnerships

Need to raise awareness and knowledge of brownfields among developers and general public

Need incentives that work for small and large developments

Brownfields Development Charge Exemption Program

Brownfields Municipal Leadership Strategy

Marketing Strategy

Monitoring Program

Strategic Actions and Programs
6.2 Revised Planning Policies

Based on a review of the existing policies on Community Improvement and Environmental Quality in the City of Niagara Falls Official Plan and the opportunities and constraints presented by the brownfield related legislation and regulations, this Strategy recommends that the following policy sections in the Official Plan be revised.

6.2.1 Community Improvement Policies

A review of the Community Improvement policies (Part 4, Section 11) in the City’s Official Plan determined that these policies were written to satisfy the requirements of obtaining provincial funding under old Provincial programs such as the Commercial Area Improvement Program (CAIP), the Program for Renewal, Improvement and Development (PRIDE), and its predecessor, the NIP (Neighbourhood Improvement Program). Activities such as the municipal provision of grants and loans were not explicitly contemplated or included in the Official Plan at the time it was written. Therefore, it is recommended that the City revise the Community Improvement Policies in its Official Plan as per Section 3.0 of Report B2 in order to enable the City to provide financial incentives and engage in proactive municipal activities to promote community improvement through the preparation of community improvement plans for designated community improvement project areas. Appendix A contains the recommended revisions to the Community Improvement Policies in the Official Plan.

6.2.2 Environmental Quality Policies

A municipality wishing to promote brownfield redevelopment should have in place a foundation of planning policies and procedures that help to ensure that contaminated and potentially contaminated sites have been adequately identified, assessed and remediated prior to being developed. The Environmental Quality policies in the City’s Official Plan were reviewed in this regard. Consequently, it is recommended that the City of Niagara Falls revise the Environmental Quality policies in its Official Plan as per Section 2.0 of Report B2. Appendix B contains the recommended revisions to Environmental Quality policies in the Official Plan.

It is also recommended that the City adopt an Environmental Due Diligence Procedure to guide its screening and review of planning and development applications, as per Report B3. Appendix C contains the recommended Environmental Due Diligence Procedure. This procedure will reduce the City’s liability risk and demonstrate due diligence in its role as a plan review and approval authority under the Planning Act while providing a consistent and standardized foundation for the provision of incentives by the municipality.
6.3 Financial Incentive Programs

The financial incentive programs contained in this Strategy represent a comprehensive framework containing a tool kit of programs that taken together, are designed to achieve the goals outlined in Section 4.0 of this Strategy. This Strategy contains the following financial incentive programs:

a) Environmental Study Grant Program;
b) Tax Assistance Program;
c) Rehabilitation Grant Program;
d) Rehabilitation Loan Program; and,
e) Development Charge Waiver Program.

All of these financial incentive programs are directed at the private sector and are designed to encourage private sector remediation and rehabilitation, adaptive reuse and construction activity on brownfield sites. These incentive programs can be used individually or together by an applicant. For each of the financial incentive programs listed above, this section describes the purpose, type, duration, eligibility criteria and application requirements.

The financial incentive programs will be augmented and complemented by a proactive program of municipal actions including the Municipal Brownfield Leadership Strategy and a Marketing Strategy.

6.3.1 Financial Terms

The key terms used in this section are defined below.

“Applicant”: Unless otherwise specified, is a registered owner, assessed owner or tenant of lands and buildings within the community improvement project area, and any person to whom a registered owner, assessed owner or tenant of lands and buildings within the community improvement project area has assigned the right to receive a grant or loan.

“Eligible property”: unless otherwise specified, is a property (including land and buildings) that is included in the Community Improvement Project Area as defined by by-law.

“Qualified person”: as defined by Section 168.1 of the Environmental Protection Act and Ontario Regulation 153/04.

“Rehabilitation”: unless otherwise specified, this term is as defined and used in accordance with its meaning under Section 28 of the Planning Act.
6.3.2 General Program Requirements

All of the financial incentive programs contained in this Strategy are subject to the following general requirements as well as the individual requirements specified under each program.

a) The City reserves the right to audit the cost of environmental studies, environmental remediation works, and/or rehabilitation works that have been approved under any of the financial incentive programs, at the expense of the applicant;

b) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant and/or tax assistance;

c) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the City, the City may delay, reduce or cancel the approved grant and/or tax assistance;

d) The City may discontinue any of the programs at any time, but applicants with approved grants and/or tax assistance will still receive said grant and/or tax assistance, subject to meeting general and program specific requirements;

e) All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and zoning requirements and approvals;

f) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, and/or other required permits, and constructed in accordance with the Ontario Building Code;

g) Outstanding work orders, and/or orders or requests to comply, and/or other charges from the City must be satisfactorily addressed prior to grant and/or tax assistance payment;

h) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City.

i) The total of all grants, loans and tax assistance provided in respect of the particular lands and buildings of an applicant under the programs contained in this CIP shall not exceed the cost of rehabilitating said lands and buildings.
6.3.3 Environmental Study Grant Program

6.3.3.1 Purpose

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

6.3.3.2 Description

A Phase I Environmental Site Assessment (ESA) has become a standard requirement of most financial institutions and a Phase I ESA does not provide detailed information with respect to the type of contamination and cost of remediation, Phase I ESA’s are not eligible for funding under this program. To be eligible to apply for the Environmental Study Grant Program, a Phase I ESA must have been completed on the property and must show that the property is suspected of environmental contamination.

The Environmental Study Grant Program will provide a matching grant of 50% of the cost of an eligible environmental study to a maximum of:

a) $12,500 per study;

b) two studies per property/project;

c) $20,000 per property/project.

Eligible environmental studies include a Phase II ESA, Remedial Work Plan, and a Risk Assessment. Environmental Study Grants will only be offered on eligible properties where there is potential for rehabilitation and/or redevelopment of the property.

Review and evaluation of an application and supporting materials against program eligibility requirements will be done by City staff and a decision on the grant application will be made by City staff. Applications will be processed and approved on a first come, first serve basis, subject to a higher priority being placed on applications for sites where planning approvals are not required or sites where planning applications have been submitted.

Grants approved under this program would be provided to applicants following submission to the City for review of the final completed study with the original invoice, indicating that the study consultants have been paid in full. The grant will be paid on the lesser of a cost estimate provided by the qualified person (consultant) conducting the study or the actual cost of the study. The grant may be reduced or cancelled if the study is not completed, not completed as approved, or if the consultant(s) that conducted the study are not paid. The applicant will agree to provide the City with permission to notify any other subsequent project proponents of the existence of an environmental study or studies.

It is recommended that this program be offered for an initial period of approximately five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council.
6.3.3.3 Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council:

a) An application must be submitted to the Municipality prior to the start of any environmental study to which the grant will apply;

b) If the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and conduct the study.

c) Environmental studies shall be for the purpose of:
   i) confirming and describing contamination at the site (partial or complete Phase II ESA);
   ii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan/Risk Assessment);

d) Applicants must complete and submit to the City for review a Phase I ESA that demonstrates that site contamination is likely;

e) Applications will include:
   i) a detailed study work plan;
   ii) a cost estimate for the study; and,
   iii) a description of the planned redevelopment, including any planning applications that have been submitted/approved;

f) All environmental studies shall be completed by a “qualified person” as defined by Ontario Regulation 153/04;

g) All completed environmental studies must comply with the description of the studies as provided in the grant application form;

h) One (1) electronic and one (1) hard copy of the study findings shall be supplied to the City for review.

6.3.4 Brownfields Tax Assistance Program

6.3.4.1 Purpose

The purpose of the Brownfields Tax Assistance Program is to encourage the remediation and rehabilitation of brownfield sites by providing a freeze of property taxes on a property undergoing remediation and development to assist with payments of the costs of environmental remediation. This program applies only to properties requiring environmental remediation and/or risk assessment/management.
6.3.4.2 Description

The legislative authority for the Brownfields Tax Assistance Program is established under Sections 365.1 (2) and (3) of the *Municipal Act, 2001* which allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of a freeze or cancellation of part or all of the taxes levied on that property for municipal (City and Region) 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*.

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

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

i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program;

ii) environmental remediation, including the cost of preparing a RSC;

iii) placing clean fill and grading;

iv) installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment;

v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment;

vi) environmental insurance premiums.

In no case will the total amount of tax assistance provided under the Tax Assistance Program exceed the total of these eligible costs.

The tax assistance provided under the Brownfields Tax Assistance Program will cease:

a) when the total tax assistance provided equals the total eligible costs as specified above; or,

b) after 5 years 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.

As part of the tax assistance provided to the applicant, the City of Niagara Falls may also seek participation from the Regional Municipality of Niagara (Region) in order to provide for a freeze of the municipal (City and Region) taxes. The matching Regional portion of the property taxes to be frozen is subject to approval by Regional Council. The tax assistance provided by the Region may be delivered differently than the tax assistance provided by the City and may be subject to additional conditions. The matching education portion of the property taxes to be frozen is
subject to approval by the Minister of Finance, may be provided on a different schedule from the tax assistance provided by the City and the Region, and may be subject to additional conditions.

The property will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City as well as conditions required by the Region and the Minister of Finance. In order for the by-law to apply to Regional taxes, before it is passed by the City, the City must supply a copy of the proposed by-law to Regional Council. Regional Council must by resolution agree that the by-law will also provide for a matching equivalent freeze of Regional property taxes for up to 5 years. In order for the by-law to apply to education property taxes, before it is passed by the City, the by-law must be approved in writing by the Minister of Finance.

Applications will be processed and approved on a first come, first serve basis, subject to a higher priority being placed on sites where planning applications have already been approved or submitted. Review and evaluation of an application and supporting materials against program eligibility requirements will be done by City staff who will then make a recommendation to City Council. The application is subject to approval by City Council or Council’s designate. As a condition of approval of an application for Tax Assistance, the property owner must enter into an agreement with the City. This Agreement will specify the terms, duration and default provisions of the tax assistance. This Agreement is also subject to approval by City Council or Council’s designate.

The Brownfields Tax Assistance Program will commence on or after the date of approval of this Plan by the Minister of Municipal Affairs and Housing and will be offered for an initial period of approximately five (5) years, with an option to extend the program for up to another five (5) years, subject to the availability of funding as approved by City Council and the Minister of Finance.

6.3.4.3 Requirements

Only owners of property within the community improvement project area are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by City Council, Regional Council and the Minister of Finance:

a) An application must be submitted to the City prior to the start of any remediation works to which the tax assistance will apply;

b) The application must be accompanied by a Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the Environmental Protection Act to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry;

c) The application must be accompanied by a Phase II ESA, Remedial Work Plan or Risk Assessment prepared by a qualified person that contains:
i) an estimate of the cost of actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; and

ii) a work plan and budget for said environmental remediation and/or risk management actions;

d) As a condition of the application, the City may require the applicant to submit a Business Plan for redevelopment of the property (as applicable), with said Plan to the City’s satisfaction;

e) The property shall be rehabilitated such that the work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:

i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program;

ii) environmental remediation, including the cost of preparing a RSC;

iii) placing clean fill and grading;

iv) installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment;

v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment;

vi) environmental insurance premiums;

g) All property owners participating in this program will be required to enter into an agreement with the Municipality which will specify the terms, duration and default provisions of the tax assistance;

h) All Tax Assistance Program applications and agreements must be approved by Council or Council’s designate;

i) Should the owner of the property default on any of the conditions in the by-law, the tax assistance provided (plus interest) will become payable to the City, Region and Province;

j) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of Environment (MOE).
6.3.5 Brownfields Rehabilitation Grant Program

6.3.5.1 Purpose

The purpose of the Brownfields Rehabilitation Grant Program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing tax abatement to help pay for additional rehabilitation costs normally associated with brownfield sites.

6.3.5.2 Description

The Rehabilitation Grant Program will provide a financial incentive in the form of an annual grant for up to ten (10) years to help offset the cost of rehabilitating eligible brownfield properties only where that rehabilitation results in an increase in assessment value and property taxes on these properties. The annual grant available under the Rehabilitation Grant Program will begin when the benefits of the Tax Assistance Program end, provided that final building inspection has taken place, reassessment of the property has taken place, and the property owner has paid the property taxes in full for the year in which the grant is to be provided.

“Eligible costs” for the Rehabilitation Grant Program include the costs of:

i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program or the Brownfields Tax Assistance Program;
ii) environmental remediation, including the cost of preparing a RSC, not covered by the Brownfields Tax Assistance Program;
iii) placing clean fill and grading not covered by the Brownfields Tax Assistance Program;
iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;
v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;
vii) environmental insurance premiums not covered by the Brownfields Tax Assistance Program;
vii) demolishing buildings;
viii) building rehabilitation and retrofit works;
ix) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities;
x) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.

In no case will the total amount grant provided under the Rehabilitation Grant Program exceed the total of these eligible costs.
The annual grant will be offered as a tax-increment based grant on a “pay-as-you go” basis. The developer will initially pay for the entire costs of rehabilitation. When the City receives the incremental property taxes that result from the rehabilitation project, the City will reimburse the applicant in the form of an annual grant equivalent to 80% of the increase in municipal (City and Regional) taxes that result from the project for a period of up to ten (10) years, or up to the time when total grant payments equal total eligible costs, whichever comes first. Each year, the property owner must first pay taxes owing, and then the approved applicant will receive the grant. As shown in Figure 3, duration of the grant and eligible costs are dependant on the location of the property within the community improvement project area and whether or not the property requires environmental remediation.

Table: Rehabilitation Grant Program

<table>
<thead>
<tr>
<th>Location</th>
<th>Property Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Property requires environmental remediation</td>
</tr>
<tr>
<td><strong>Pilot Project Area</strong>&lt;sup&gt;9&lt;/sup&gt;</td>
<td>Duration = up to 10 years Eligible costs = items i) – x) above</td>
</tr>
<tr>
<td><strong>General Areas for Community Improvement</strong>&lt;sup&gt;10&lt;/sup&gt;</td>
<td>Duration = up to 7 years Eligible costs = items i) – x) above</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Duration = up to 7 years Eligible costs = items i) – x) above</td>
</tr>
</tbody>
</table>

In order to avoid double dipping between the Revitalization Grant Program available under the Downtown Niagara Falls CIP and the Brownfields Rehabilitation Grant Program available under this CIP, application can be made for only one of these grant programs, per property, site or project.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of an application and supporting materials against program eligibility requirements will be done by City staff who will then make a recommendation to Council. The application is subject to approval by Council or Council’s designate. As a condition of approval of an application for a Rehabilitation Grant, the applicant must enter into an agreement with the City. This Agreement will specify the terms, duration and default provisions of the grant. This Agreement is also subject to approval by City Council or Council’s designate.

The amount of municipal (City and Region) taxes (“base rate”) will be determined before commencement of the project. The increase in the municipal portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the

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<sup>8</sup> Eligible properties must be located within the designated community improvement project area.

<sup>9</sup> See Figure 1, p. 3, Report D1, Pilot Project Area Background Report

<sup>10</sup> See Figure 1, p. 34, Report B1, Community Improvement Background Report
amount of municipal (City and Region) taxes levied as a result of re-valuation by the Municipal Property Assessment Corporation (MPAC) following project completion. The amount of the grant will be recalculated every year based on the municipal tax increment every year.

It is recommended that this program be offered for a period of approximately ten (10) years.

6.3.5.3 Requirements

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council:

a) An application must be submitted to the City prior to the start of any rehabilitation works to which the grant will apply;

b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs and conformity of the project with the CIP;

c) If the application includes costs for environmental remediation, the application must be accompanied by a Phase II ESA, Remedial Work Plan or Risk Assessment prepared by a qualified person that contains:

i) an estimate of the cost of actions that will be required to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; and

ii) a work plan and budget for said environmental remediation, and/or risk management actions;

d) As a condition of the grant application, the City may require the applicant to submit a Business Plan, with said Plan to the City’s satisfaction;

e) The property shall be rehabilitated such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the grant provided under this program shall not exceed total eligible costs. This includes the costs of:

i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program or the Brownfields Tax Assistance Program;

ii) environmental remediation, including the cost of preparing a RSC, not covered by the Brownfields Tax Assistance Program;

iii) placing clean fill and grading not covered by the Brownfields Tax Assistance Program;
iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;

v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;

vi) environmental insurance premiums not covered by the Brownfields Tax Assistance Program;

vii) demolishing buildings;

viii) building rehabilitation and retrofit works;

ix) upgrading on-site infrastructure, including water services, sanitary sewers and stormwater management facilities;

x) constructing/upgrading off-site infrastructure including roads, water services, sanitary sewers, stormwater management facilities, electrical and gas utilities, where this is required to permit remediation, rehabilitation and/or adaptive reuse of the property that is subject of the application.

g) All applicants participating in this program will be required to enter into an agreement with the City which will specify the terms of the grant;

i) All Rehabilitation Grant Program applications and agreements must be approved by City Council or City Council’s designate;

j) If a building(s) erected on a property participating in this program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;

k) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

6.3.6 Rehabilitation Loan Program for Not-For-Profit Corporations

One of the impediments for not-for-profit corporations that wish to redevelop brownfield sites is that they cannot take advantage of property tax assistance or rehabilitation grant programs because they do not pay property taxes. However, these not-for-profit corporations must still absorb the costs of remediating and rehabilitating a brownfield site.

The Region of Niagara brought this issue to light in their Update on the Smarter Niagara Incentives Program Report to Regional Council dated July 13, 2005 (DPD 98-2005/CSD 101-2005). The report recommends that the Smarter Niagara Incentives Program be reviewed by Regional staff to address the challenges faced by not-for-profit housing providers in accessing the incentive programs to clean up and redevelop brownfield sites for housing. The same challenge exists for not-for-profit corporations who wish to redevelop brownfield sites either to house their own operations or to house buildings to offer services beneficial to the community.
A Rehabilitation Loan Program for Not-For-Profit Corporations was considered for inclusion in this Strategy. However, as the Region will be reviewing its incentive programs to provide better access to funding for not-for-profit corporations, it is not recommended that the City establish a brownfield rehabilitation loan program for not-for-profit corporations at this time. Rather, it is recommended that the City consult with the Region in this regard and that the City consider the establishment of a brownfield rehabilitation loan program for not-for-profit corporations once the Region has established a similar program.

6.3.7 Brownfields Development Charge Exemption Program

6.3.7.1 Purpose

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

6.3.7.2 Description

Most of the potential brownfield properties in the Community Improvement Project Area are already serviced with adequate water and sewer services and roads. Large scale redevelopment of brownfield sites may result in incremental increases in demand for both hard and soft services. However, it is recognized that the costs to provide these incremental services will be substantially lower than to provide new infrastructure and other services to greenfield areas. Therefore, there is a financial rationale for a lower development charge in brownfield areas than in greenfield areas.

The exemption of development charges has been shown to be a major incentive to promote brownfield redevelopment in other municipalities. In an effort to promote new residential and commercial development in downtowns, built-up urban areas, and brownfield areas, the Region passed a development charge waiver/exemption program in 2002 (Regional Report CSD 151-2002/DPD 131-2002). This was followed in 2003 with a report that outlined the administrative procedures for implementation of the development charge waiver/exemption program (Regional Report CSD 39-2003/DPD 48-2003).

The Region’s Development Charge Waiver/Exemption Program exempts a development from 75% of the Regional development charge if it is in a downtown, surrounding built-up urban area or brownfield area. Up to an additional 25% development charge exemption is provided depending on the inclusion of Smart Growth principles into the proposed development. Eligibility for the regional development charge exemption is determined by a Regional Development Charges Task Force.

While the exemption of local municipal development charges is not required by the Region as a condition of the Regional program, it is encouraged by the Region. Combined with the Regional development charge exemption, an exemption for City development charges on brownfield sites
will likely prove to be a significant upfront financial incentive to brownfield developers. Therefore, it is recommended that the City also exempt up to 100% of the development charge payable on a brownfield site utilizing the same eligibility requirements as the Region, and the eligibility requirements outlined below.

As this proposed Development Charge Exemption Program will require changes to the Development Charges By-law to be implemented, it’s implementation does not fall within the parameters of Section 28 of the Planning Act. Therefore, the Development Charge Exemption Program will not be forwarded to Council as part of the Community Improvement Plan, but will be forwarded to Council as a separate recommendation and implementing by-law.

The Development Charge Exemption Program will provide a financial incentive in the form of a reduction of development charges payable equal to the cost of environmental remediation approved under the Brownfields Rehabilitation Grant Program, up to 75% of the City development charge payable with respect to development on a brownfield site. The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the costs of environmental remediation against the development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the development charges payable (development charges exempted) will be deducted from the Rehabilitation Grant to be paid. Up to an additional 25% City development charge reduction will be provided depending on the inclusion of Smart Growth principles into the proposed development utilizing the same eligibility requirements as the Region.

The Development Charge Exemption Program is not an application based program. Therefore, an application for a development charge exemption at the time of building permit application will not be required. The development charge exemption will be applied at the time development charges are normally paid, i.e., building permit.

It is recommended that this program be offered for an initial period of approximately five (5) years, after which the program be evaluated, with the option to extend the program for up to another five (5) years, subject to the availability of funding as approved by Council, or that the program be offered as long as the Region offers its Waiver/Exemption from Regional Development Charges.

6.3.7.3 Requirements

All owners of properties (and their assignees) within the Community Improvement Project Area are eligible for the Brownfields Development Charge Exemption Program, subject to meeting the general program requirements, the following program requirements, and availability of funding as approved by Council:

a) All properties considered eligible for the Brownfields Development Charge Exemption Program must have an approved Rehabilitation Grant Program Application and Agreement in place;
b) Only properties where an RSC has been filed in the Environmental Site Registry for the proposed use will be eligible for the Brownfields Development Charge Exemption Program;

c) As a condition of development charge exemption, the City may require the applicant to submit for approval professional design/architectural drawing(s) which shall be in conformity with any municipally issued urban design guidelines, as well as impact studies such as traffic studies and studies of microclimatic conditions (sun, shadow, wind);

d) Eligible costs include only the costs of:

   i) a Phase II ESA, Remedial Work Plan, and Risk Assessment not covered by the Environmental Study Grant Program or the Brownfields Tax Assistance Program;

   ii) environmental remediation, including the cost of preparing a RSC, not covered by the Brownfields Tax Assistance Program;

   iii) placing clean fill and grading not covered by the Brownfields Tax Assistance Program;

   iv) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;

   v) monitoring, maintaining and operating environmental and engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not covered by the Brownfields Tax Assistance Program;

   vi) environmental insurance premiums not covered by the Brownfields Tax Assistance Program;

 e) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements at both the local and regional level;

 f) All improvements made to properties shall be made pursuant to a building permit, and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals;

 g) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to development charge exemption.
6.4 Brownfields Municipal Leadership Strategy

6.4.1 Purpose

The purpose of the Brownfields Municipal Leadership Strategy outlined below is to set the framework for the City to better communicate with the development and business community and to provide better support and leadership on brownfield redevelopment projects. The public sector actions contained in the Municipal Leadership Strategy are designed to act as catalysts to leverage private sector investment on brownfield sites.

6.4.2 Description

One of the most significant impediments cited during the consultation exercise was the lack of better support and coordination on the part of the City and Region in terms of promoting brownfield redevelopment. Many people at the public meetings commented that it was positive to see the City and Region undertaking a brownfields redevelopment initiative. However, some of the comments from key stakeholders did highlight a lack of City and Regional government communication and cooperation at both levels on site-specific challenges around brownfield projects, e.g., cost sharing for off-site servicing upgrades for brownfield sites. A need for the City and Region to provide more proactive leadership for brownfield redevelopment was also clearly identified as a significant impediment through the consultation process. A proactive strategy of municipal leadership has been shown to be a key component of successful brownfield redevelopment programs in other Canadian and U.S. cities.

It was noted by one commenter that all staff in various departments at both levels of government may not be aware of the progress made by the City and Region on brownfield initiatives. Several of the key stakeholders also stressed that cooperation on the part of staff in all departments in finding solutions to site-specific challenges is required to realize brownfield redevelopment. Therefore, as part of their ongoing programs and activities to promote brownfield redevelopment, it is recommended that both the City and Region establish an inter-governmental staff team comprised of key staff members in affected Regional and City departments to examine their planning and servicing policies and current interpretation of these policies to determine if these policies are potentially limiting brownfield redevelopment opportunities.

A need for enhanced property by-law standards enforcement was also cited as an impediment to the cleanup of brownfield sites. Physical inspection of the pilot project area revealed several properties with potential property standards by-law violations including abandoned vehicles, scrap metal, litter and waste. It is recommended that the City enhance its enforcement of property standards on brownfield properties and particularly those in the pilot project area.

As per Sections 28(3) and 28(6) of the Planning Act, once a Community Improvement Project Area has been designated and a CIP is approved, a municipality may:

a) acquire, hold, clear, grade or otherwise prepare land for community improvement;

b) construct, repair, rehabilitate or improve buildings on land acquired or held by it in
conformity with the community improvement plan; and,
c) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan.

Therefore, the City may engage in any of these activities as part of its Brownfields Municipal Leadership Strategy in order to promote the undertaking of targeted projects that are identified and approved by the City.

The Brownfields Municipal Leadership Strategy recommended herein is a general program of municipal property acquisition, investment and involvement in pilot projects with the private sector to remediate and rehabilitate brownfield sites in the City of Niagara Falls. Pilot projects can showcase the use of innovative tools such as new environmental remediation technologies, the use of environmental insurance, and/or energy efficient building technologies. The City may also issue Requests for Proposals (RFP’s) on municipally owned brownfield sites, failed tax sale properties, and/or participate in public/private partnerships to clean up and redevelop publicly and privately owned brownfield sites.

It is recommended that the Municipal Leadership Strategy be funded from the 20% tax increment that is retained by the City as a result of properties participating in the Brownfields Rehabilitation Grant Program, and initial seed funding allocated by Council. The City may use these funds to:

i) conduct environmental site assessments on municipally owned properties that are potentially contaminated;

ii) conduct environmental site assessments on properties controlled or acquired through the tax arrears sales process and conduct requests for proposals (RFPs) on failed tax sale brownfield properties;

iii) remediate, rehabilitate, reuse and improve municipally owned brownfield properties, including pilot projects to showcase innovative remediation approaches and technologies, the use of tools such as environmental insurance, and innovative energy efficiency technologies;

iv) acquire and remediate, rehabilitate, reuse and improve key privately owned brownfield sites;

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

vi) educate and inform the public about the importance of brownfield redevelopment; and,

vii) implement a Marketing Strategy to regularly market the programs available in this CIP and brownfield redevelopment opportunities available in Niagara Falls to brownfield market makers such as property owners, developers, potential end users, and support professionals both within and outside the city.
The Brownfields Municipal Leadership Account will function as a revolving fund with any profits from the City’s brownfields project activities deposited back into the fund. The allocation of the 20% tax increment assistance to the Brownfields Municipal Leadership Account will end when the Brownfields Rehabilitation Grant Program ends. At that time, the City may return funds remaining in the Brownfields Municipal Leadership Account to general revenues or continue to utilize these funds for leadership activities until the Brownfields Municipal Leadership Account is exhausted.

The Brownfields Municipal Leadership Strategy will also provide funding to allow the City of Niagara Falls to access brownfield feasibility study and remediation funding available from the Federation of Canadian Municipalities (FCM) Green Municipal Funds (GMF). Any municipal government in Canada or its private or public sector partners can apply for funding from the GMF. The City of Niagara Falls was successful in obtaining a grant from FCM for the preparation of this Strategy and the CIP. An appropriately funded Municipal Leadership Strategy will allow the City of Niagara Falls the financial means to leverage FCM funding to help implement this Strategy.

6.4.3 Guidelines for Identifying Priority Sites and Projects

When identifying and evaluating sites for acquisition, partnering or any of the other municipal leadership actions described herein, the City should be strategic in its approach. Therefore, it is recommended that the City utilize the following criteria in evaluating and selecting sites and projects for purposes of the Municipal Brownfield Leadership Strategy:

i) The site has a good or excellent location with high visibility and accessibility to major transportation routes;

ii) The site is commercially viable and marketable;

iii) The property is located in one of the general areas for community improvement, especially the pilot project area or the downtown community improvement project area;

iv) The site is a “stigmatized” site, the cleanup and redevelopment of which will likely act as a catalyst for community improvement of the neighbourhood or employment area in which the site is located;

v) The site is designated under the Ontario Heritage Act or exhibits significant heritage and architectural characteristics;

vi) The site is surrounded in whole or in part by residential or other sensitive land uses;

vii) The site could be a “destination” site drawing large numbers of visitors/shoppers/diners and this would promote additional revitalization in the area;
viii) The proposed project will result in the leveraging of significant private sector investment resulting in a significant increase in property tax revenues, employment and/or residential opportunities;

ix) The proposed project will showcase innovative remediation approaches, technologies, risk assessment approaches and/or Smart Growth design and building principles.

6.5 Marketing Strategy

6.5.1 Purpose

The financial incentives in this Strategy are designed to make brownfield redevelopment opportunities in the Community Improvement Project Area much more attractive. Therefore, it is important to the successful implementation of this Strategy that these financial incentive programs and brownfield redevelopment opportunities available in Niagara Falls be effectively communicated to brownfield market makers such as property owners, developers, potential end users, and support professionals both within and outside the city. The purpose of this Marketing Strategy is to proactively and regularly advertise and market the City’s brownfield redevelopment incentive programs and publicly and privately owned brownfield redevelopment opportunities in order to help implement the Brownfield Redevelopment Strategy.

6.5.2 Description

6.5.2.1 Target Audiences

The Marketing Strategy should be targeted to:

a) Brownfield market makers, i.e., the key stakeholders who cause brownfield properties to be transacted, remediated and rehabilitated, including:

   i) owners/managers of brownfield properties in Niagara Falls;
   ii) potential developers of brownfield properties; and,
   iii) potential end users;

b) Support professionals, including:

   i) lending institutions such as banks and trust companies;
   ii) real estate professionals and organizations;
   iii) environmental consultants and contractors;
   iv) legal services industry;
   v) planning consultants and architects.

c) The general public, in order to enhance support for the Strategy and site-specific brownfield redevelopment projects.
6.5.2.2 Marketing Tools

The marketing of the Brownfield Redevelopment Strategy should be a comprehensive multi-media program containing information, education and advertising components. The following key tools are recommended to implement the Marketing Strategy:

a) Publications

i) The Niagara Falls Brownfield Community Information Package should be updated and augmented with a description of the financial incentive programs available from the City, including general program requirements and how to apply;

ii) A Profile of Brownfield Redevelopment Opportunities (where landowners agree) within the City of Niagara Falls should be developed and kept up to date. The Fort Erie Economic Development Corporation has produced Showcase Development Opportunities that could be used as a model;

iii) The brownfield incentive programs and brownfield redevelopment success stories should be profiled in the Business Development Current Newsletter and Current Economic Report;

iv) Applications for the incentive programs should be accompanied by Program Guides that provide a description of “how to apply” for the programs

b) Web Site Materials

i) The Economic Outreach section of the City’s Business Development web page should be enhanced via the addition of the Niagara Falls Brownfield Community Information Package. The Profile of Brownfield Redevelopment Opportunities should also be added to the Searchable Commercial Real Estate Listings;

c) Presentations to Brownfield Market Makers and Support Professionals

i) Business development staff should make periodic presentations on the Strategy, the incentives programs and brownfield success stories to industry groups such as the development community, real estate, environmental and planning consulting, finance, insurance and legal professionals.

d) Attendance at Brownfield Conferences

City staff should attend brownfield conferences in Canada and the United States in order to proactively market the City’s brownfield redevelopment programs and opportunities utilizing the above-noted publications and materials.
e) Media Releases

i) Press releases and profiles of successful brownfield redevelopment projects and initiatives should be sent to local and outside media.

6.5.2.3 Key Messages:

The following are the key messages that should be integrated into the above-noted publications, web site materials, presentations and media releases:

a) Brownfields are vacant or underutilized sites that may have real or perceived contamination problems;

b) Brownfields represent an enormous economic opportunity in the City of Niagara Falls;

c) The impediments to brownfield redevelopment can be overcome by the use of innovative approaches to planning, remediation and the use of now available financial incentives;

d) The cleaning up and rehabilitation of brownfields results in improvements in environmental quality, human health and economic growth;

e) Brownfield redevelopment is Smart Growth because it efficiently uses existing services and reduces urban sprawl into prime agricultural areas and its associated costs. Brownfield redevelopment supports the Smart Growth goals of the City and Region;

f) Brownfield reinvestment brings economic activity to derelict and underused sites. It generates employment, increased property taxes, and increased property tax revenues for the City and the Region;

g) Brownfield redevelopment can revitalize blighted residential neighbourhoods and employment areas;

h) The City of Niagara Falls is being proactive in encouraging reinvestment in brownfield sites by implementing brownfield supportive planning policies, offering financial incentives, implementing a municipal leadership strategy and working with developers of brownfield sites to expedite the development approvals process on these sites;

i) The City wants to find new opportunities and partnerships to deal with brownfields and the City is looking for interest from all types of developers and entrepreneurs (big and small)
6.6 Monitoring Program

6.6.1 Purpose

The purpose of the Monitoring Program is to monitor the performance and impact of the financial incentive programs and the Municipal Leadership Strategy and to utilize this information to make adjustments to the incentive programs and the Municipal Leadership Strategy in order to help ensure that the goals of the Brownfield Redevelopment Strategy are successfully accomplished.

6.6.2 Description

Figure 4 presents a list of the variables that should be monitored on an individual project and aggregate basis for the financial incentive programs and Municipal Leadership Strategy. As well, the feedback received from users of the financial incentive programs should also be considered. It is important that the results of the monitoring program be utilized to help ensure that the incentive programs and the Municipal Leadership Strategy be effective for both small and large brownfield projects.

Progress on implementing the strategic actions, programs and the Municipal Leadership Strategy and the results of the financial incentive programs should be reported on a regular basis (at least annually) to City Council. These monitoring results should also be used to recommend any adjustments that should be made to the terms and requirements of the financial incentive programs in order to improve these programs.
### Figure 4 Variables to be Monitored

<table>
<thead>
<tr>
<th>Program</th>
<th>Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Environmental Study Grant Program</td>
<td>- Number of applications&lt;br&gt;- Type of ESA (Phase II, Remedial Work Plan or Risk Assessment)&lt;br&gt;- Cost of study&lt;br&gt;- Amount of Environmental Study Grant&lt;br&gt;- Number of Environmental Study Grant Applications leading to Tax Assistance, Rehabilitation Grant Applications and/or actual environmental remediation and rehabilitation projects</td>
</tr>
<tr>
<td>2) Brownfields Tax Assistance Program</td>
<td>- Number of applications&lt;br&gt;- Increase in assessed value of participating properties&lt;br&gt;- Estimated and actual amount of municipal and education tax assistance provided&lt;br&gt;- Hectares/ acres of land remediated and redeveloped&lt;br&gt;- Industrial/commercial space (sq.ft.) rehabilitated or constructed&lt;br&gt;- Residential units/sq.ft. rehabilitated or constructed&lt;br&gt;- $ Value of private sector investment leveraged&lt;br&gt;- Jobs created/maintained&lt;br&gt;- Number of program defaults</td>
</tr>
<tr>
<td>3) Brownfields Rehabilitation Grant Program</td>
<td>- Number of applications&lt;br&gt;- Increase in assessed value of participating properties&lt;br&gt;- Increase in municipal and education property taxes of participating properties&lt;br&gt;- Estimated and actual amount of tax increment financing grants provided&lt;br&gt;- Hectares/ acres of land remediated and redeveloped&lt;br&gt;- Industrial/commercial space (sq.ft.) rehabilitated or constructed&lt;br&gt;- Residential units/sq.ft. rehabilitated or constructed&lt;br&gt;- $ Value of private sector investment leveraged&lt;br&gt;- Jobs created/maintained&lt;br&gt;- Number of program defaults</td>
</tr>
<tr>
<td>4) Brownfields Development Charge Exemption Program</td>
<td>- Amount of Development Charges Waived (City and Regional)&lt;br&gt;- Increase in assessed value of participating properties&lt;br&gt;- Increase in municipal and education property taxes of participating properties&lt;br&gt;- Hectares/ acres of land remediated and redeveloped&lt;br&gt;- Industrial/commercial space (sq.ft.) constructed&lt;br&gt;- Residential units/sq.ft. constructed&lt;br&gt;- $ Value of private sector investment leveraged&lt;br&gt;- Jobs created/maintained</td>
</tr>
<tr>
<td>5) Brownfields Municipal Leadership Strategy</td>
<td>- Funding amount by project type and purpose&lt;br&gt;- Amount of other government funding leveraged&lt;br&gt;- Increase in municipal and education property taxes of participating properties&lt;br&gt;- Estimated and actual amount of tax increment financing grants provided&lt;br&gt;- Hectares/ acres of land remediated and redeveloped&lt;br&gt;- Industrial/commercial space (sq.ft.) rehabilitated or constructed&lt;br&gt;- Residential units/sq.ft. rehabilitated or constructed&lt;br&gt;- $ Value of private sector investment leveraged&lt;br&gt;- Jobs created/maintained&lt;br&gt;- Number of program defaults</td>
</tr>
</tbody>
</table>
7.0 Funding Requirements

It is recommended that implementation of the Brownfields Redevelopment Strategy will be financed through annual operating budgets, capital budgets and one time expenditures based on the following cost estimates:

**Environmental Study Grant Program** – $30,000 in Year 1 and $50,000 per year thereafter

**Brownfields Municipal Leadership Strategy** – $150,000 in Year 1, $250,000 in Year 2, and $250,000 in Year 3, with funding levels in subsequent years, as required. The 20% tax increment from the Brownfields Rehabilitation Grant Program should also be directed to fund the Brownfields Municipal Leadership Strategy. It is recommended that the initial seed funding and revenues from the 20% of the tax increment retained by the City will be placed in a Brownfields Municipal Leadership Account. It is recommended that the Brownfields Municipal Leadership Account function as a revolving fund with any profits from Municipal Leadership Strategy activities such as land sales and involvement in public-private partnerships directed back into the Account.

**Marketing Strategy** - $35,000 in Year 1 and up to $20,000 per year in subsequent years, as required.

It is recommended that the City allow all of the above-noted funding to “roll-over” from year to year as interest in the incentive programs may not have reached its full potential during the first few years. It is also recommended that the City allow the transfer of funds from one program to another as required to accommodate demand and City priorities.
8.0 References


Appendix A

Recommended Revisions to the Community Improvement Policies (Part 4, Section 11) in the City of Niagara Falls Official Plan
It is recommended that Part 4, Section 11 of the Official Plan be deleted and replaced with the following:

PART 4

SECTION 11 – COMMUNITY IMPROVEMENT

PREAMBLE

The Community Improvement provisions of the Planning Act give Council a range of tools to proactively stimulate community improvement, rehabilitation and revitalization through the preparation and adoption of community improvement plans for designated community improvement project areas. It is the intent of Council to maintain and promote an attractive and safe living and working environment through community improvement. Depending on the purpose for which it is designated, a community improvement project area may be the entire urban area of the City of Niagara Falls, as amended from time to time, or any part of the urban area. Once a community improvement plan has been adopted by Council and approved by the Province, Council may undertake a wide range of actions for the purpose of carrying out the community improvement plan, including offering incentives to stimulate or leverage private and/or public sector investment.

POLICIES

11.1 Council shall promote an attractive, well maintained and safe living and working environment through community improvement.

11.2 Community improvement will be accomplished through the:

11.2.1 ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, social, community or recreational services, or economic instability;

11.2.2 establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;

11.2.3 designation by by-law of Community Improvement Project Areas, the boundary of which may be the entire urban area of the City of Niagara Falls, or any part of the urban area of the City of Niagara Falls, as defined in this Plan and as amended from time to time, and,

11.2.4 preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.
11.3 The following criteria should be considered when designating a Community Improvement Project Area:

11.3.1 buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;

11.3.2 non-conforming, conflicting, or incompatible land uses or activities;

11.3.3 deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;

11.3.4 poor road access and/or traffic circulation;

11.3.5 deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;

11.3.6 inadequate mix of housing types;

11.3.7 brownfield sites;

11.3.8 poor overall visual quality, including but not limited to, streetscapes and urban design;

11.3.9 high commercial or industrial vacancy rates and the general underutilization of buildings and land;

11.3.10 existing or potential business improvement areas;

11.3.11 vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;

11.3.12 shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

11.3.13 other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,

11.3.14 any other environmental, social or community economic development reasons.

11.4 Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas:
11.4.1 shown as General Areas for Community Improvement in Appendix V of this Plan; and/or

11.4.2 where the greatest number of conditions as established in Section 11.3 are present; and/or,

11.4.3 where one or more of the conditions as established in Section 11.3 is particularly acute; and/or,

11.4.4 where one or more of the conditions as established in Section 11.3 exists across the urban area of the city.

11.5 Community Improvement Plans shall be prepared and adopted which:

11.5.1 encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;

11.5.2 encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;

11.5.3 encourage residential and other types of infill and intensification;

11.5.4 encourage the construction of a range of housing types and the construction of affordable housing;

11.5.5 upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;

11.5.6 improve traffic circulation;

11.5.7 encourage off-street parking and provide municipal parking facilities where feasible and appropriate;

11.5.8 promote the ongoing viability and revitalization of the downtown and other general areas requiring community improvement;

11.5.9 support existing or potential business improvement areas;

11.5.10 improve environmental conditions;

11.5.11 improve social conditions;

11.5.12 promote cultural development;

11.5.13 facilitate and promote community economic development; and,
11.5.14 improve community quality, safety and stability.

11.6 In order to implement Community Improvement Plans within designated Community Improvement Project Areas, Council may undertake a range of actions, including:

11.6.1 the municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent;

11.6.1.1 clearance, grading, or environmental remediation of these properties;

11.6.1.2 repair, rehabilitation, construction or improvement of these properties;

11.6.1.3 sale, lease, or other disposition of these properties to any person or governmental authority;

11.6.1.4 other preparation of land or buildings for community improvement.

11.6.2 provision of public funds such as grants, loans and other financial instruments;

11.6.3 application for financial assistance from senior level government programs;

11.6.4 participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement;

11.6.5 provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;

11.6.6 support of heritage conservation through the Ontario Heritage Act and the Niagara Falls Municipal Heritage Committee;

11.7 All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.

11.8 Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.
Appendix B

Recommended Revisions to the Environmental Quality Policies (Part 3, Section 6) in the City of Niagara Falls Official Plan
It is recommended that the following revisions to the Environmental Quality Policies (Part 3, Section 6) in the City of Niagara Falls Official Plan be made:

The following paragraph should be added at the end of the Preamble:

_Potentially contaminated properties are properties where the environmental condition of the site (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, it is important to identify these properties and ensure that these properties either do not require environmental remediation, or that they have been remediated and made suitable for the proposed land use(s) in accordance with provincial legislation and regulations._

Add the following new policy:

6.1 While the identification of potentially contaminated properties through the planning application review process is important, the policies in this section should not be interpreted as a commitment on the part of the City to identify all contaminated properties or sites. Rather, these policies should be regarded as an effort on the part of the City to responsibly utilize available information in the planning application review process in order to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.

Renumber existing policies 6.1 to 6.5, inclusive as 6.2 to 6.6.

Policies 6.6 to 6.9 should be deleted and replaced by the following policies:

6.7 The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:

6.7.1 activities involved with the elimination of waste and other residues, including, but not limited to landfill sites, settling ponds and waste disposal areas;

6.7.2 industrial, commercial or agricultural activities involving the storage and/or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints or solvents;

6.7.3 railway lands, which include private lands where railway spur lines have been located; and,

6.7.4 lands that may be potentially impacted by the migration of potentially contaminated ground or surface water emanating from other sites.

6.8 In order to assist the City in determining the potential for site contamination, development proponents shall as part of any planning application, document previous uses of lands that are subject of a planning application and/or lands that may be adversely impacting lands that area subject of a planning application.
6.9 For properties that have been identified through the planning application review process as “potentially contaminated”, and where there is a proposed change in land use to a more sensitive use, the City will:

6.9.1 require verification to the satisfaction of the City from a Qualified Person as defined by provincial legislation and/or regulations, that the property or properties in question do not require remediation in accordance with provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by City policies or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission by the owner to the City of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC.

6.9.2 not consider an RSC as acknowledged by the MOE for the purposes of Policy 6.9.1 until either:

a) the MOE has confirmed that the RSC will not be audited; or,

b) the MOE has confirmed that the RSC has passed the audit.

6.9.3 establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 6.9.1;

6.9.4 where applicable, utilize the holding provisions of the Planning Act to ensure that satisfactory verification of suitable environmental site condition is received as per Policy 6.9.1.

6.10 Where the City is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the City may require, as a condition of transfer, satisfactory verification of environmental site condition as per Policy 6.9.1.
Appendix C

Recommended Environmental Due Diligence Procedure
1.0 Planning Applications

As of October 1, 2005, a RSC will be required where there is a change in use to a more sensitive use as defined by legislation and Part IV of Ontario Regulation 153/04. In as-of-right zoning situations, the Chief Building Official will likely be required to determine if there has been a change in the use of the property to a more sensitive use.

Therefore, it is recommended that the following section on Previous Property Uses be added to all planning application forms after the question on present use of the property and all building permit application forms in order to help the City identify potential for site contamination. Alternatively, the following section can be attached to the planning and building permits application forms as a separate Environmental Site Screening Questionnaire.

1. Previous Use of Property (if applicable)
   - Residential
   - Industrial
   - Commercial
   - Institutional
   - Agricultural
   - Parkland
   - Vacant
   - Other

1.1 If Industrial or Commercial, specify use

1.2 Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
   - Yes
   - No
   - Unknown

1.3 Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
   - Yes
   - No
   - Unknown

1.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
   - Yes
   - No
   - Unknown

1.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
   - Yes
   - No
   - Unknown

1.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
   - Yes
   - No
   - Unknown

1.7 Have the lands or adjacent lands ever been used as a weapons firing range?
   - Yes
   - No
   - Unknown
1.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
   □ Yes   □ No   □ Unknown

1.9 If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB’s)?
   □ Yes   □ No   □ Unknown

1.10 Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
   □ Yes   □ No   □ Unknown

   * Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

1.11 If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1.1 to 1.10 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

In order to avoid confusion around the RSC filing requirement, it is important that the City advise applicants as soon as possible during the planning application process or the building permit application process that they may be required to file an RSC in the Environmental Site Registry. This should be done as a matter of course during the pre-application meeting, where one takes place. In order to formally advise applicants of the potential for an RSC filing requirement and to limit the City’s liability exposure, the following Applicant Acknowledgement Clause should be added to the end of all planning applications, or alternatively, to the end of the Environmental Site Screening Questionnaire, and it should be added to the end of all building permit applications:

**ACKNOWLEDGEMENT CLAUSE**

I hereby acknowledge that is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City’s Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City
may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

_________________________________________  ____________________________
Name (please print)                              Signature of Applicant

_________________________________________
Date

2.0 Environmental Screening Protocol

If the planning application is for a change of property use to a more sensitive use the planner reviewing the planning application should utilize the following Environmental Screening Protocol to determine if the application is on lands that are potentially contaminated. In so doing, the planner will rely on information provided by the applicant in the answers to the environmental screening questions in the application form, the City’s mapping of potential pollution sources, mapping and databases available from the Ministry of Environment such as waste disposal sites and PCB storage sites, and any other knowledge regarding past or present land uses and activities on the subject lands. The planner will then answer the questions below and use the Rating of Former and Existing Land Uses by Potential for Environmental Contamination (see Attachment A), to determine if the site is potentially contaminated:

2.1 Review the answers to the environmental screening questions in the planning application. Did the applicant answer “Yes” to any of the questions 1.1 to 1.10?
☐ Yes  ☐ No

If “Yes”, the site should be considered as potentially contaminated.

2.2 Check the City’s mapping of potential pollution sources. Is the site, an adjacent site, or another site that may be impacting the site potentially contaminated? For a potentially contaminated adjacent or other site to be impacting the site, there must be potential for migration of contaminants onto the site in questions, e.g., if the adjacent site is a gasoline station.
☐ Yes  ☐ No

If “Yes”, the site should be considered as potentially contaminated.

11 A “change to a more sensitive use” should be interpreted to be the same as a “change of property use” under Section 168.3.1 (1) of the Environmental Protection Act and Part IV of Regulation 153/04 made under the Environmental Protection Act, as well as any change to a use where there could be adverse effects as the result of potential contaminants on site and/or potential contaminants off-site affecting the site that is subject of the planning application.
2.3 Check mapping and information on waste disposal/landfill sites (including any mapping/information provided by the MOE). Does the site contain or is it within 500 metres (1,640 feet) of a former or existing waste disposal site or landfill?
☐ Yes ☐ No
If “Yes”, the site should be considered as potentially contaminated.

2.4 Check mapping and information on PCB storage sites (including any mapping/information provided by the MOE). Is the site or an adjacent site a PCB storage site?
☐ Yes ☐ No
If “Yes”, the site should be considered as potentially contaminated.

2.5 Do any of the following land uses exist or did any of the following land uses exist on the whole site, part of the site, or on an adjacent site?

a) waste disposal or landfill site;
b) PCB storage site;
c) manufacturing or industrial use;
d) raw storage of hazardous materials, including but not limited to fuels, oils, chemicals, pesticides, paints or solvents, or other potential contaminants;
e) public works yard;
f) fuelling depots;
g) gasoline station;
h) automobile service/repair station;
i) dry cleaner;
j) transportation or utility;
k) sites where fill has been deposited.

☐ Yes ☐ No
If “Yes”, the site should be considered as potentially contaminated.

2.6 Refer to the Rating of Current and Former Land Uses by Potential for Environmental Contamination (Attachment A). Do any of the high risk uses or any of the medium risk uses where fuels, oils, chemicals, pesticides, paints or solvents, or other potential contaminants have been stored on site exist or did they exist on the whole site, part of the site, or on an adjacent site?
☐ Yes ☐ No
If “Yes”, the site should be considered as potentially contaminated.

N.B. Appendix A provides a list of various land uses by potential for contamination and should be used only as a guide in combination with the information provided by the applicant, the answers to the questions in this Environmental Screening Protocol, the information in the City’s mapping of potential pollution sources, and other sources of information and databases.

2.7 If the answer to questions 2.1 to 2.6 is “No”, but you suspect the site or an adjacent site is contaminated for any other reason such as first hand knowledge of past land use or
activities that did or could have resulted in contamination, then the site should be considered as potentially contaminated.

2.8 Based on your answers to questions 2.1 to 2.7 above, is the application on a site, adjacent to a site, or impacted by a site that is potentially contaminated as a result of current or previous land use?

☐ Yes   ☐ No

If “No”, no further action required.
If “Yes”, continue screening procedure below.

2.9* If the answer to question 2.8 is “Yes”, the planner should require that a Record of Site Condition (RSC) be filed in the Environmental Site Registry as a condition of planning application approval. The following standard condition should be included as a condition of approval:

That the owner be required to file a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry and submit a copy of this RSC along with a Declaration signed by the qualified person to the City. This RSC must be to the satisfaction of the Ministry of Environment (MOE) and the City, including proof that the MOE has acknowledged receipt of the RSC.

2.10* If the answer to question 2.8 is “Yes” and there is a building permit application but no planning application, the chief building official will determine if there has been a change of property use. If so, the chief building official should require

That the owner be required to file a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry and submit a copy of this RSC along with a Declaration signed by the qualified person to the Director, Planning and Infrastructure Approvals, and the Director, Building Services. This RSC must be to the satisfaction of the Ministry of Environment (MOE) and the City, including proof that the MOE has acknowledged receipt of the RSC.

* Note: In items 2.9 and 2.10 above, the acknowledgement of the RSC should not be considered complete until it can be confirmed that the RSC will not be audited by the MOE, or the RSC had passed an MOE audit. It is recommended that the City consult with the MOE to develop a protocol that consistently includes an indication as to whether or not the RSC will be audited in the acknowledgement letter, or alternatively, a set period of time from the date the RSC is acknowledged, e.g., 3 weeks, after which time an audit would be conducted only upon new information suggesting an audit may be necessary becoming available to the MOE.

12 See Figure 1 below for a summary table showing when an RSC is required for a change in property use as per Section 168.3.1 of the Environmental Protection Act and Part IV of Ontario Regulation 153/04. This table is presented only as a summary guide. Refer to Section 168.3.1 of the Environmental Protection Act and Parts I and IV of Regulation 153/04 for definitions of property use, prohibitions on change of property use, and exemptions.
Figure 1  RSC Requirement for Change of Property Use

<table>
<thead>
<tr>
<th>Current Use</th>
<th>Proposed Use</th>
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<tr>
<td></td>
<td>Industrial</td>
</tr>
<tr>
<td>Industrial</td>
<td>X</td>
</tr>
<tr>
<td>Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Community</td>
<td>X</td>
</tr>
<tr>
<td>Residential</td>
<td>X</td>
</tr>
<tr>
<td>Institutional</td>
<td>X</td>
</tr>
<tr>
<td>Parkland</td>
<td>X</td>
</tr>
<tr>
<td>Agricultural Or Other</td>
<td>X</td>
</tr>
</tbody>
</table>

3.0 Declaration of Qualified Person

Based on the recent changes to the RSC as described in Section 2.2.3 of the Community Improvement Background Report, it was recommended that the City require qualified persons filing RSC’s in the Environmental Site Registry to sign and submit a separate Declaration stating that the City may rely on the statements in the RSC. For proper record keeping purposes, this Declaration should be submitted to the City attached to a hard copy of the RSC to which it pertains on the date that the RSC is filed in the Environmental Site Registry.

Owners/applicants and their qualified persons should be made aware of the RSC and RSC Declaration requirement for properties that are identified as potentially contaminated as soon as possible during the planning application process, or building permit application process, as applicable.

The Declaration of the Qualified Person should read as follows:

DECLARATION OF QUALIFIED PERSON

[Name of qualified person] acknowledge that the City of Ottawa may rely on the statements in the attached RSC for the purposes of issuing planning and development approvals and/or issuing building permits. The attached RSC was filed in the Environmental Site Registry on [date RSC filed in Environmental Site Registry].

Name of Qualified Person (please print)  Signature of Qualified Person  Date

Name of Witness (please print)  Signature of Witness  Date
Attachment A
Rating of Current and Former Land Uses By Potential for Environmental Contamination

The following pages contain an alphabetical listing of common land uses and the relative risk (low, medium, high) of encountering contamination on a site based on land use. The rationale for the relative risk rating is also provided.

Please note that this list is provided for general guidance only. This list should be used only as a guide or advisory tool in combination with the mapping of potential pollution sources, information provided by the applicant, the answers to the questions in the Environmental Screening Protocol, and other sources of information such as mapping and databases to determine whether a site is potentially contaminated. This rating list does not replace a proper Phase 1 and 2 ESA.

When using this rating list, assigning a low risk does not guarantee that a particular site is not contaminated. Similarly, assigning a high risk does not guarantee that a site is contaminated. Regard should be had for site-specific circumstances in determining the potential for contamination, particularly with sites that are assigned a medium risk using this rating list. Please follow the Environmental Screening Protocol in its entirety.

Evaluation of Risk Ranking

High – site contamination is almost certain

Medium – site contamination may or may not be present depending on site-specific operations.

Low – site contamination is not likely for typical operations.
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>RELATIVE RISK</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt Plant</td>
<td>High</td>
<td>Storage of petroleum products</td>
</tr>
<tr>
<td>Bulk Fuel/Oil Terminal</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>Bus Terminal</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>Cannery</td>
<td>High</td>
<td>May have on-site wastewater treatment lagoons</td>
</tr>
<tr>
<td>Car Dealer</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Car/Truck Rental Agency</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Carpet Manufacturer</td>
<td>High</td>
<td>Chemicals used to treat and dye carpets</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Medium</td>
<td>Chemicals used in certain funeral practices may leach under certain geological conditions</td>
</tr>
<tr>
<td>Chemical Manufacturer</td>
<td>High</td>
<td>Handle and store large volumes of chemicals</td>
</tr>
<tr>
<td>Church, Synagogue, Temple</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Community Centre</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Concrete Products Manufacturer</td>
<td>Medium</td>
<td>May or may not store fuel and chemicals on site</td>
</tr>
<tr>
<td>Correctional Centre</td>
<td>High</td>
<td>Heating oil storage; fuel storage for vehicles</td>
</tr>
<tr>
<td>Cutlery Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Curling Club</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Dairy</td>
<td>High</td>
<td>May have on-site wastewater treatment lagoons</td>
</tr>
<tr>
<td>Day Care</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Distillery</td>
<td>High</td>
<td>Fuel storage</td>
</tr>
<tr>
<td>Distribution Facility</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Doctor/Dentist Office</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Drive-in Theatre</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Dry Cleaner</td>
<td>High</td>
<td>Use of chlorinated solvents</td>
</tr>
<tr>
<td>Electrical Industrial Equipment Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals, PCB handling in the past</td>
</tr>
<tr>
<td>Fastener Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Feed, Flour, Cereal Mill</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Fire Station</td>
<td>High</td>
<td>Fuel storage and fire training</td>
</tr>
<tr>
<td>Foundry</td>
<td>High</td>
<td>Fuel storage, on-site waste disposal</td>
</tr>
<tr>
<td>Fruit/Vegetable Processing Plant</td>
<td>High</td>
<td>May have on-site wastewater treatment lagoons</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>Medium</td>
<td>Handling and storage of chemicals</td>
</tr>
<tr>
<td>LAND USE</td>
<td>RELATIVE RISK</td>
<td>RATIONALE</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Galvanized Metal Products Manufacturer</td>
<td>High</td>
<td>Handle and storage of large volumes of chemicals</td>
</tr>
<tr>
<td>Gasoline/Automobile Service Station</td>
<td>High</td>
<td>Fuel storage, handling and storage of oils</td>
</tr>
<tr>
<td>Glass Plant</td>
<td>High</td>
<td>Handling and storage of oils and solvents, historical use of heavy metals</td>
</tr>
<tr>
<td>Golf and Country Club</td>
<td>Medium</td>
<td>Storage of pesticides and lawn care chemicals</td>
</tr>
<tr>
<td>Hardware Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Hatchery</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Hospital</td>
<td>Medium</td>
<td>May or may not store fuel on site</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Incinerator</td>
<td>High</td>
<td>Fuel storage; deposition from air emissions</td>
</tr>
<tr>
<td>Kennel</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Laboratory</td>
<td>Medium</td>
<td>Chemical handling</td>
</tr>
<tr>
<td>Landfill (current or former)</td>
<td>High</td>
<td>Leachate, methane</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Medium</td>
<td>May or may not store fuel on site, may have also had a dry cleaner</td>
</tr>
<tr>
<td>Library</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Lighting Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Lumber Yard</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles; may or may not treat wood</td>
</tr>
<tr>
<td>Machine Shop</td>
<td>High</td>
<td>Handling and storage of oils, solvents and paints</td>
</tr>
<tr>
<td>Marina</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Meat Packing Plant</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Metal Casting Operation</td>
<td>High</td>
<td>Solvent baths, metals deposition from air emissions</td>
</tr>
<tr>
<td>Metal/Chrome Plating Shop</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Metal Products Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paint, and solvents</td>
</tr>
<tr>
<td>Mobile Trailer Park</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Motor Vehicle Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Motor Vehicle Collision Repair Facility</td>
<td>High</td>
<td>Storage of large volumes of petroleum products and paints</td>
</tr>
<tr>
<td>Motor Vehicle Storage Facility</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Office Building</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Oil Refinery</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>LAND USE</td>
<td>RELATIVE RISK</td>
<td>RATIONALE</td>
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<tr>
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</tr>
<tr>
<td>Parkland</td>
<td>Low/Medium</td>
<td>Medium only if park built on top of former landfill</td>
</tr>
<tr>
<td>Plastic Products Manufacturer</td>
<td>High</td>
<td>Handling and storage of large volumes of chemicals</td>
</tr>
<tr>
<td>Plywood Plant</td>
<td>High</td>
<td>Storage of adhesives, paints, varnishes, machine lubricants and cleaning solvents</td>
</tr>
<tr>
<td>Police Station</td>
<td>High</td>
<td>Typically have/had fuel storage for vehicles</td>
</tr>
<tr>
<td>Pool Hall</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Printer</td>
<td>Medium</td>
<td>Inks and solvents used; volumes depend on size of operation</td>
</tr>
<tr>
<td>Public Swimming Pool or Waterworks</td>
<td>Medium</td>
<td>May or may not store fuel and liquid water treatment chemicals</td>
</tr>
<tr>
<td>Publisher</td>
<td>Low/Medium</td>
<td>Medium only if includes Printer use – see above</td>
</tr>
<tr>
<td>Quarry</td>
<td>Medium</td>
<td>May or may not store fuel</td>
</tr>
<tr>
<td>Race Track – Motor Vehicles</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>Race Track – No Motor Vehicles</td>
<td>Medium</td>
<td>May or may not store fuel, waste disposal</td>
</tr>
<tr>
<td>Railway Line/Spur</td>
<td>Medium</td>
<td>Potential for spills of hazardous materials from rail cars</td>
</tr>
<tr>
<td>Railway Yard</td>
<td>High</td>
<td>Storage of petroleum products; wood treatment chemicals may have been used</td>
</tr>
<tr>
<td>Ready-Mix Concrete Plant</td>
<td>High</td>
<td>Storage of petroleum products</td>
</tr>
<tr>
<td>Rendering Plant</td>
<td>High</td>
<td>Storage of oils</td>
</tr>
<tr>
<td>Residential</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Retail Store</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Rifle Range</td>
<td>High</td>
<td>Metal and phosphorous contamination from bullets</td>
</tr>
<tr>
<td>Roofing Manufacturer</td>
<td>High</td>
<td>Handling and storage of tars and thinners</td>
</tr>
<tr>
<td>Rubber Products Manufacturer</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Sawmill</td>
<td>High</td>
<td>Handling and leakage of hydraulic fluids</td>
</tr>
<tr>
<td>School</td>
<td>Low/Medium</td>
<td>Medium only if heating oil storage and/or fuel storage for vehicles</td>
</tr>
<tr>
<td>Scrap yard</td>
<td>High</td>
<td>Fuel and oil spills; PCB electrical equipment; heavy metals</td>
</tr>
<tr>
<td>Self-storage</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Shopping Mall</td>
<td>Medium</td>
<td>May have fuel storage</td>
</tr>
<tr>
<td>Sign and Display Manufacturer</td>
<td>Medium</td>
<td>Volumes of paints, solvents and adhesives depends on size of operation</td>
</tr>
<tr>
<td>LAND USE</td>
<td>RELATIVE RISK</td>
<td>RATIONALE</td>
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<tr>
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</tr>
<tr>
<td>Spring Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Steel Mill</td>
<td>High</td>
<td>Storage of large volumes of petroleum products; waste disposal; heavy metals</td>
</tr>
<tr>
<td>Tannery</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Textile Manufacturer</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Theatre</td>
<td>Low</td>
<td>No environmental concerns</td>
</tr>
<tr>
<td>Tire Manufacturer</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Tool Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Train Terminal</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>Trucking Company/Depot</td>
<td>High</td>
<td>Storage of large volumes of petroleum products</td>
</tr>
<tr>
<td>University/College</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Utility Company</td>
<td>High</td>
<td>May or may not have fuel storage for vehicles; may handle PCB’s</td>
</tr>
<tr>
<td>Vegetable Oil Mill/Processing</td>
<td>High</td>
<td>Storage of large volumes of oily materials</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
<tr>
<td>Winery</td>
<td>Medium</td>
<td>May or may not store fuel</td>
</tr>
<tr>
<td>Wire Manufacturer</td>
<td>High</td>
<td>Handling and storage of oils, paints, solvents and surface treatment chemicals</td>
</tr>
<tr>
<td>Wood Preserving Facility</td>
<td>High</td>
<td>Handling and storage of large volumes of hazardous chemicals</td>
</tr>
<tr>
<td>Zoo</td>
<td>Medium</td>
<td>May or may not have fuel storage for vehicles</td>
</tr>
</tbody>
</table>