

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2008-62

**A BY-LAW TO ADOPT
A COMMUNITY IMPROVEMENT PLAN FOR THE
BROWNFIELD COMMUNITY IMPROVEMENT PROJECT AREA**

WHEREAS there is an Official Plan in effect in the City of North Bay that contains provisions relating to community improvement in the City of North Bay;

AND WHEREAS the Council of The Corporation of the City of North Bay has designated certain lands as a Community Improvement Project Area by By-law No. 2001-22, passed pursuant to Subsection 2 of Section 28 of the Planning Act, R.S.O. 1990, as amended on the 17th day of December 2007;

AND WHERE AS Council has approved a **Brownfield Community Improvement Plan** by By-law 2007-237 but certain administrative amendments are deemed desirable thereto;

AND WHEREAS the Brownfield Community Improvement Plan conforms with the Official Plan of the City of North Bay;

AND WHEREAS the Brownfield Community Improvement Plan contemplates grants or loans under Section 28(7) which would be otherwise prohibited by Section 11 l(1) of the Municipal Act, unless the Minister of Municipal Affairs and Housing approves the exercises of such power or authority;

AND WHEREAS the Council now deems it desirable to adopt the said Community Improvement Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY, PURSUANT TO SUBSECTION 4 OF SECTION 28 OF THE PLANNING ACT, R.S.O. 1990, ENACTS AS FOLLOWS:

1. The Brownfield Community Improvement Plan consisting of the attached maps and schedules and explanatory text, is hereby adopted provided, however, that the Appendices thereto do not form part of the said Plan.
2. By-law 2007-237 is hereby repealed;
3. This by-law shall come into force and take effect on the day upon being finally passed

READ A FIRST TIME IN OPEN COUNCIL THE 19th DAY OF FEBRUARY 2008.

READ A SECOND TIME IN OPEN COUNCIL THE 19th DAY OF FEBRUARY 2008.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 19th DAY OF FEBRUARY 2008.

“Original signature on file”

MAYOR  _____
MAYOR VIC FEDELI

“Original signature on file”

 _____
DEPUTY CLERK TERRY RINGLER

City of North Bay
Brownfields
Community Improvement Plan

For former Rail and Adjacent lands in the Central Area

December 2007

Revised January 2008

Prepared by: City of North Bay

Table of Contents

1.0 What is a Brownfield?2

2.0 What is a Brownfields Community Improvement Plan?2

3.0 Background.....2

 3.1 Existing Conditions, Opportunities and Constraints.....4

 3.2 The Supporting Municipal Role6

 3.3 The Purpose and Goals of the Brownfield CIP10

4.0 The Legislative Framework and Planning Policies.....11

 4.1 The Planning Act.....11

 4.2 Provincial Policy Statement (PPS)12

 4.3 Municipal Act.....13

 4.4 Brownfields Statute Law Amendment Act.....14

 4.5 Tax Increment Financing Act, RSO 200614

 4.6 Official Plan Policies.....14

5.0 Public Participation16

6.0 Brownfield Community Improvement Plan Designated Area.....17

7.0 Financial Incentive Programs.....20

 7.1 Eligible Costs.....22

 7.2 Planning, Building and Legal Fee Rebate Program.....24

 7.3 Exemption from Parking Requirements Program26

 7.4 Exemption Development Charges Program27

 7.5 Landfill Tipping Fees Reduction Program.....28

 7.6 Exemption from Sanitary Sewer Discharges Fee Program29

 7.7 Environmental Study Grant Program.....30

 7.8 Tax Incentive Financing (TIF) - Municipal.....32

 7.9 Brownfields Financial Tax Incentive Program (BFTIP) - Education35

8.0 General Program Conditions.....39

9.0 Glossary of Terms.....41

10.0 Monitoring43

11.0 Revisions to the Plan44

12.0 Conclusion44

1.0 What is a Brownfield?

A brownfield is defined by the province as an undeveloped or previously developed property that may be contaminated. It was likely, but not necessarily, used for industrial or commercial purposes in the past and may now be underutilized, derelict or vacant.

In this plan – a brownfield is an unused or underutilized parcel within the designated areas that have known or suspected contamination problems. Lingering contamination concerns are obstacles to redevelopment. Brownfield properties have potential soil and groundwater contamination that must be identified and remedied within the context of a redevelopment plan. Mitigating steps to protect future inhabitants and natural ecosystems are likely. Some risk management strategies may require post development monitoring to ensure that management strategies are working effectively.

Brownfield properties in the designated project area are at risk of languishing as underutilized or vacant parcels unless community incentives are created to offset obstacles created by contamination and spur market interest.

2.0 What is a Brownfields Community Improvement Plan?

A Brownfield Community Improvement Plan is a document that identifies a designated project area within the community, as shown on Schedule A, where the Municipal Government will stimulate redevelopment by offering grants, special rates and rebates to help offset the costs of dealing with site contamination. The plan provides the justification and rationale for offering incentives and provides an implementation framework as well as the period that incentive will be offered. The designated project area to which incentives and the terms of the offering of the incentives apply requires endorsement by North Bay City Council before the municipal program can be implemented. Provincial tax incentives can also be offered when the applicant applies to the province, and received approval, pursuant to Section 365.1 of the Municipal Act and the Brownfield Financial Tax Incentive Program.

3.0 Background

The opportunity to redevelop brownfield sites in the core of the City of North Bay has never been better, having evolved over time as rail and industrial functions within the downtown core have declined or shifted to other parts of the community. Opportunity culminated with the abandonment of the CN line in 2001 and the relocation of the CP rail yard in 2002 (leaving a single CP rail line through the downtown area). The “negative impacts” of active industrial uses have largely disappeared from the downtown core area and significant renewal options have been created as a result.

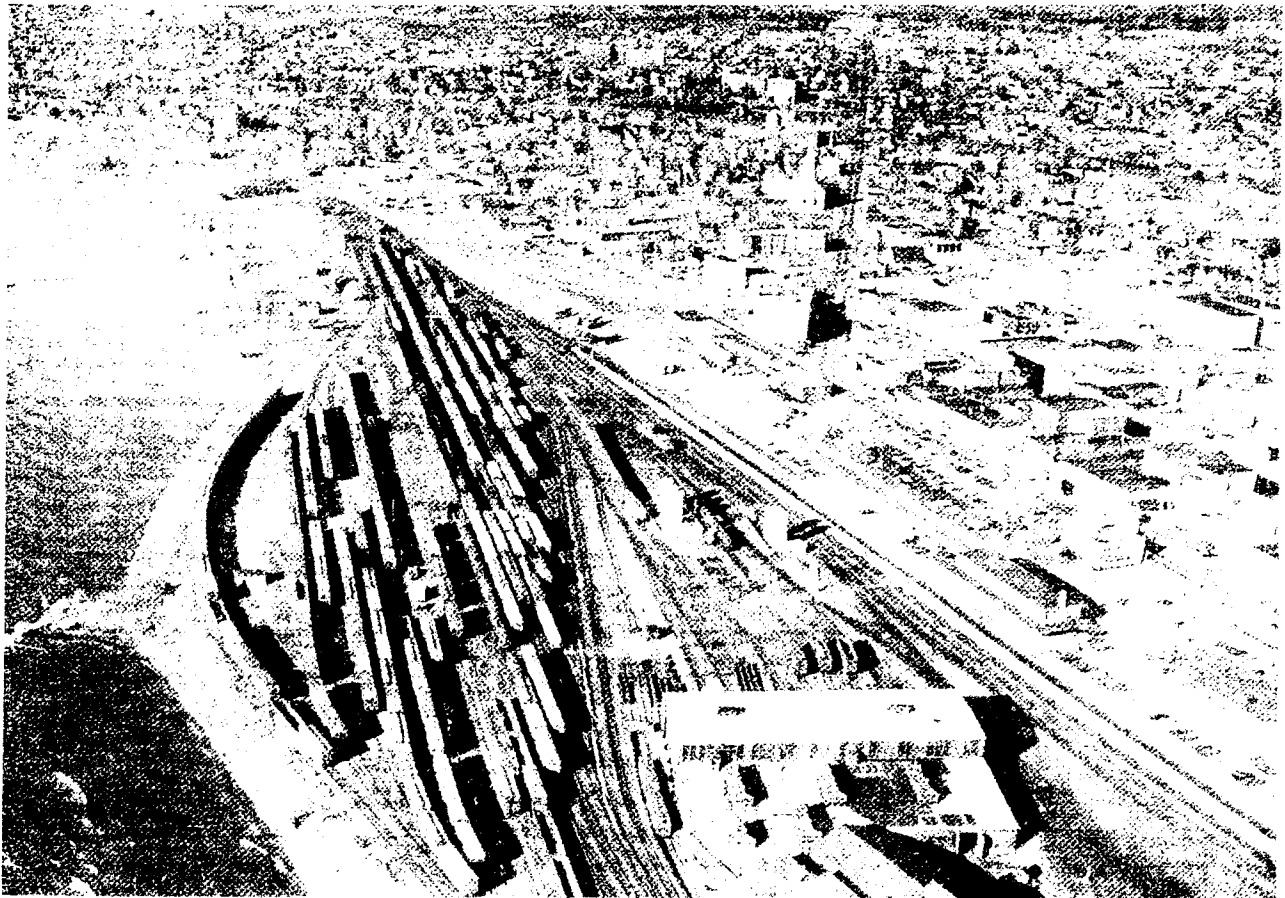
The Municipality initiated a Downtown Community Improvement Plan (DCIP) in 2003 for those lands within the Downtown Improvement Area (DIA), and adjacent waterfront and

former rail lands. The DCIP program was to be complete by the end of 2006. Council agreed to extend the program through 2007, and there is a committee recommendation to Council that the program be extended through 2008.

The intent of this plan is to complement the DCIP by encouraging redevelopment of lands adjacent to the DIA, but not duplicate the financial incentives offered.

In instances where the DCIP and BCIP programs overlap, the property owner/ applicant will only be eligible for one of the plans, and will be required to identify which Plan they are applying for before work on the property begins.

Interest in reclaiming rail lands for non industrial uses has had a long history in North Bay. Railways were identified as barriers to community growth in North Bay's first "City Plan" – in 1928. The CN line, described as a wall across the City, was detrimental to surrounding land uses from "the introduction of noise, smoke and other disadvantages".



CP Rail Yard has historically been a barrier between Lake Nipissing and the Central Business District Core of the City – and impacted surrounding lands

Railway unification interests continued through the 70's, 80's and 90's through the completion of numerous rail rationalization studies. In 1985 the CP rail yard was boxed in by reclaiming a portion of Lake Nipissing along the North Bay shoreline to create a new waterfront park and marina, as a result of Federal, Provincial and Municipal funding. This park was an instant community success and started rejuvenation interests for surrounding lands. This venue has served as "home" for the City's Heritage Festival and it hosts many other community activities throughout the year.



Public use of the North Bay Waterfront during the Heritage Festival

The relocation of the former CP rail yard in 2002 (operated by the Ontario Valley Rail Link) freed up approximately 35 acres of land adjacent to the downtown core which the City purchased for redevelopment. A "central park plan" for approximately 20 acres adjacent to the former CP Railway Station was developed by a community group, know as the Community Waterfront Friends (CWF). The concept plan, illustrated on Schedule B, has been adopted by the City and is being developed in stages. This park will enhance tourism and recreational opportunities in the core and will establish new pedestrian links between the downtown and the North Bay Waterfront. The City has also purchased portions of the CN right-of-way through urbanized sections of the North Bay. These lands are being converted to residential and commercial uses (the disadvantages with an operating railway are gone, the "wall" is being removed and Record of Site Conditions are being obtained). Several CN parcels not purchased by the City, have been obtained by private developers and rezoned, but have not proceeded with development as of yet.

3.1 Existing Conditions, Opportunities and Constraints

In Section 4.7 of this Plan, the City's commitment to the Central Area is described in detail over the past 25 years. Even with this substantial investment, over this period, the sites on Schedule A to this plan, are vacant, underutilized or have uses that are incompatible with abutting uses.

A major challenge that faces the City's Central Area is that it is separated from the waterfront by the CP Main Line. The long term existence of this main line is a reality. The Community has responded to this challenge by preparing a vision for the former CP Rail Lands that will minimize the intrusiveness of the main line as much as possible.

Initially, it was felt that the DCIP and the City's purchase of the CP Rail Lands would on their own, incent those lands that are identified in this plan and are located within the Central Area and the waterfront. Except for the Marina Point Development, which participated in the DCIP, there has been no interest shown to redevelop the lands identified in this plan.

The public process associated with this plan has initiated discussions with the property owners of these lands, who have indicated that it will take the incentives of the BCIP before they would consider redeveloping their properties. They further indicated that it is the regulatory requirements and the unknown costs involved to satisfy those requirements that have kept them from redeveloping or initiating new development projects on their property.

Without the implementation of the BCIP the lands identified on Schedule A will not redevelop and the momentum gained through the DCIP and recent capital investment on the former CP Rail Lands will be lost. Therefore, the BCIP program is critical because, as indicated above, property owners are unwilling to initiate environmental studies and the resulting decommissioning of their sites.

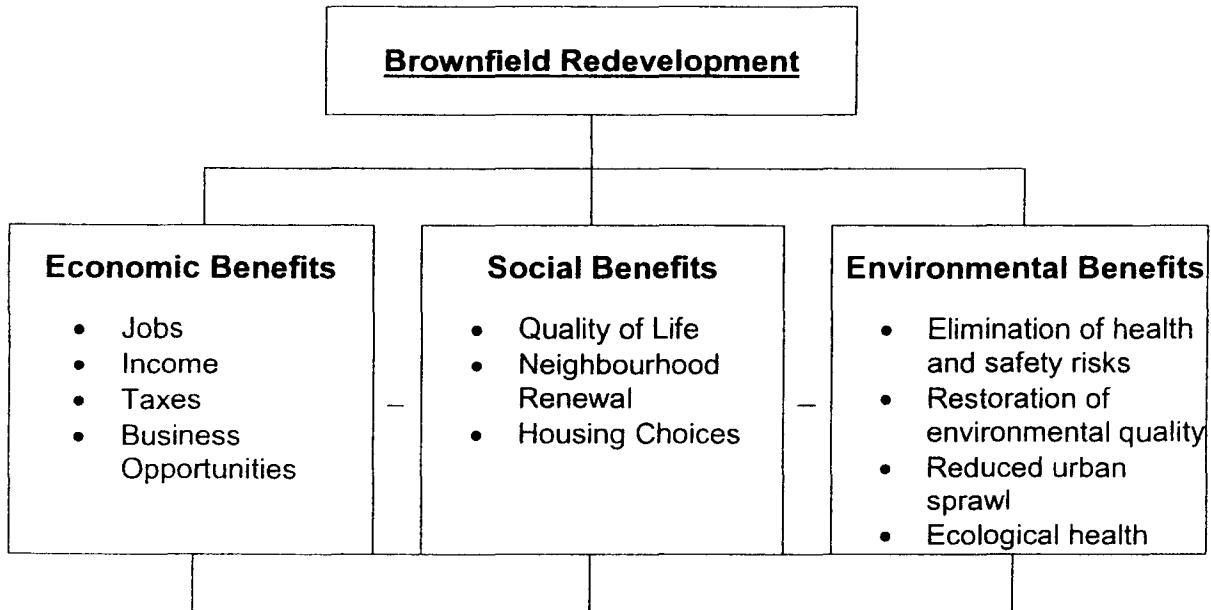
Without the incentives offered by the BCIP program, the brownfields within the Central Area will not redevelop, thereby, risking that the third component to the Central Area redevelopment will not occur (DIA/DCIP, CP Rail purchase/Community Waterfront Park, BCIP lands).

3.2 The Supporting Municipal Role

Redeveloping brownfields through the use of tools such as a Community Improvement Plan (CIP) is becoming increasingly common in Ontario municipalities. Redevelopment and investment interests in brownfields are sparked because various costs are reduced through incentive programs. The sites that typically make up Brownfield CIP areas are often of environmental, economic and social importance and concern for the residents of the community, which justifies offering incentives.

Figure 1 illustrates the community benefits expected to be derived from brownfield redevelopment in North Bay.

Figure 1 – Benefits of Brownfield Redevelopment



Note: Adapted from other Municipal BCIP plans

In conjunction with rail land purchases by the City, initial cleanup work and significant infrastructure improvements are being advanced to support core redevelopment opportunities. A modern transit terminal has been completed on the periphery of the CWF site (opened in 2007). A multi-million dollar senior's residential complex, attracted through Downtown Community Improvement Plan incentives and supported by risk management planning – is expected to open at the end of 2007 on peripheral lands. Remaining brownfield lands rimming the core parks or contaminated parcels along the CN corridor are at risk of remaining idle or being underutilized if incentives are not put into place to spur development.

Lands eligible for BCIP incentives have, or are perceived to have, soil and groundwater contamination issues that preclude traditional development methods. Approaches are required that can incent selective contaminant removal or onsite placement; soil and groundwater treatment or modified building and site designs to create appropriate barriers as determined by a "qualified person". Specialized planning, engineering and

architectural services may be employed to successfully move a plan to fruition. Non-traditional development approaches also adds time to the planning and approval process. Investors can be dissuaded by complex and lengthy planning timeframes and are reluctant to engage in brownfield developments. The City can play a supporting role to make redevelopment more attractive. North Bay has begun its support role by reconstructing municipal infrastructure and by advancing parkland development plans. Incentives, described herein, are offered to incite interest in lands that are vacant or underutilized.

Previous Central Area Community Improvement Projects

The City has maintained its commitment to the revitalization of the Downtown over the past two decades. A variety of businesses in the core of the Downtown, with the support of the City, formed the Downtown Improvement Area (DIA) in 1978. The DIA was created to market, promote and provide for improvements to the Downtown area. In an attempt to address concerns over the City Center's deterioration, a variety of studies and revitalization and investment efforts were completed. These include:

CAUSE Initiative

In 1982, a report was prepared by the Ontario Association of Architects through the Community Assist for an Urban Study Effort (CAUSE) at the request of the City of North Bay.

Conceptual Design

A Conceptual Design Study for the North Bay Downtown Improvement Area (DIA) was prepared by David W. Cram & Associates Ltd. and Northland Engineering Limited in 1982.

Downtown Revitalization Phase 1 - 1982/83

This project included the reconstruction of a five-block portion of Main Street from Sherbrooke Street to Cassells Street. The cost of the project was approximately \$3.5 Million with \$3.0 Million funded by the City and \$500,000 funded by the Province through road and sewer subsidies. Projects included the replacement of sidewalk and road surfaces with interlocking paving stones; the introduction of landscaped areas (trees, shrubs, benches, litter receptacles, directories, phone booths, street lights); a new water main and sanitary and storm sewers, and the installation of underground duct systems and manholes to remove all above-ground hydro facilities.

Downtown Revitalization Phase 2 – 1986/87

The cost of this project was \$900,000. The City funded \$400,000; the Province funded \$400,000 through the Commercial Area Improvement Program (CAIP).

The Downtown Improvement Area (DIA) funded \$100,000. Projects included improvements to the municipal parking garage and several parking lots; pedestrian access improvements (laneway and crosswalk), and the creation of the Fraser Street parkette.

Waterfront Redevelopment

Since 1984, the City has invested in a program to develop the Waterfront. The initial funding included monies from the City, the Province and the Federal

Government. This included reclaiming the land from Lake Nipissing, the creation of several parking areas, landscaping, the creation of a pedestrian walkway from Downtown to the Waterfront, the construction of the municipal marina, the construction of a band shell, the redevelopment/restoration of the former CP Rail Lands, the CP Rail Station restoration to house North Bay Museum, and new Transit Terminal.

McIntyre Street Reconstruction

On several occasions, the City has improved and reconstructed McIntyre Street. The first project occurred in 1979 with the reconstruction of McIntyre Street between Wyld Street and Cassells Street. The second project took place in 1982 with reconstruction occurring between Sherbrooke Street and Cassells Street. Changes were also made to the south terminal of the Downtown in the 1990's. An overpass was established to improve traffic flow to and from the Downtown.

Parking Lot Development and Management

The City has continued to purchase, develop and manage properties for parking in the Downtown area. This includes lands throughout the Downtown area such as lands previously owned by the Canadian Pacific Railway.

Waterfront Link Charrette

In 1994, the local architects and planners hosted a design charrette which identified the need for a connection between the waterfront and the downtown.

The Rail Lands

In 1999, the City negotiated the purchase and relocation of 35 acres of CPR rail yards abutting the Downtown area. A phased, multi-year redevelopment plan was adopted by City Council. To date, the City and senior government has invested approximately \$24 million to prepare the site. The future development of these lands will facilitate the creation of a link between the Downtown Core and the Waterfront and will provide opportunities for redevelopment of the rail lands that will assist the Downtown in future years.

Major Arterial Improvements

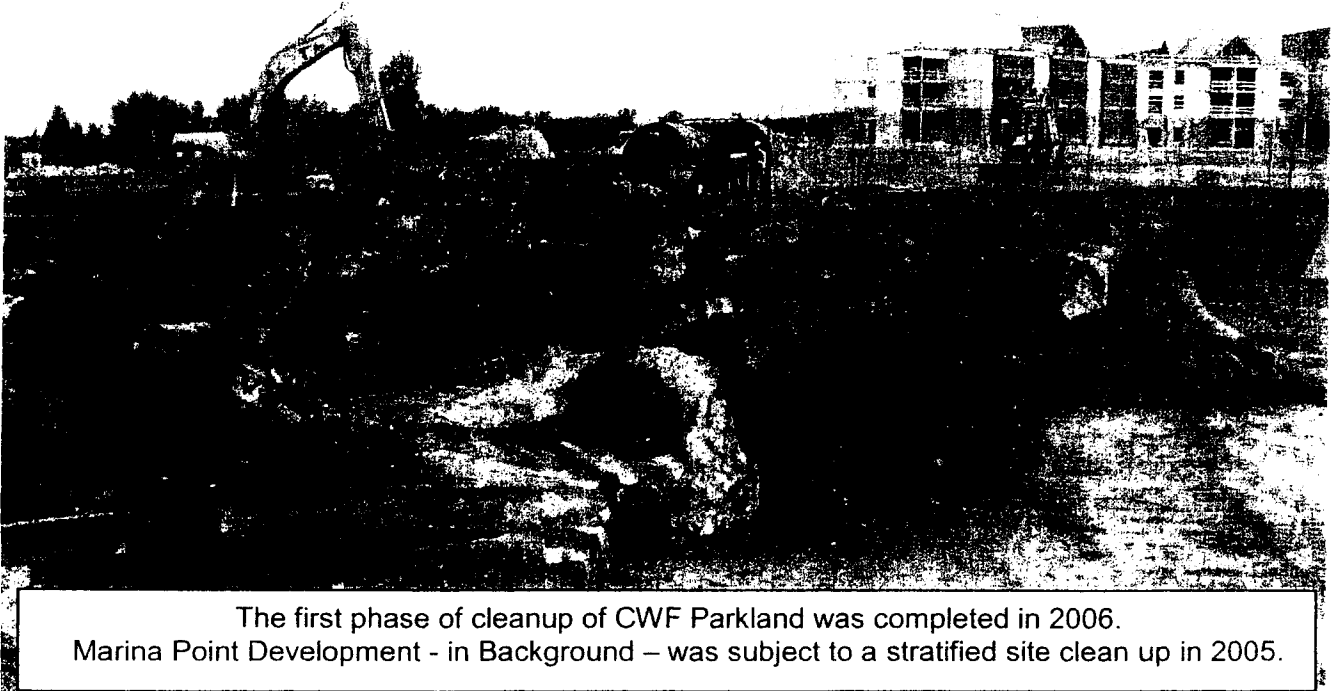
The City has continued to improve the major arterials leading to the Downtown area over the past twenty years. More recently, reconstruction work was conducted on Algonquin Avenue, Fisher Street and Cassells Street.

Downtown Community Improvement Plan (DCIP)

Initiated in 2003 to present, the DCIP provided financial incentives primarily to the DIA in the form of fee rebates, grants and no interest loans. The Plan has successfully incited development in and around the downtown, including the leveraging of private to public funds at a ratio of 7:1.

Waterfront Link

Federal, Provincial and Municipal funding was announced in October 2007 to construct the waterfront link. The waterfront link concept was initially developed during a DIA hosted design charette in 1994, and adopted by the Community Waterfront Friends in their Community Waterfront Park concept plan. This \$65 million project includes contributions of \$3.25 Million from the Provincial Government and \$1.375 Million from the Federal Government.



3.3 The Purpose and Goals of the Brownfield CIP

The purpose of the Brownfield CIP is to provide a mechanism to support the rehabilitation and redevelopment of brownfield sites through the provision of various financial incentive programs, that otherwise would not have occurred in the absence of such incentives.

It is anticipated that through the Brownfield Community Improvement Plan, industrial lands or buildings will be redeveloped for commercial or residential uses that complement the downtown core.

The goals of the BCIP are consistent with 2005 Provincial Policy Statement and the policies of the City's Official Plan. The priority goals of the Plan are:

- To stimulate the redevelopment of industrial or commercial impacted lands near the Central Area
- To stimulate diversity in the Central Area to include the creation of affordable housing

Other goals of the Plan include:

- Provide opportunities for residential accommodation close to the Central Area
- Promote infill development, including use of existing serviced sites
- Increase tax assessment and property tax revenue for the City of North Bay and the Province of Ontario
- Increase awareness of the benefits of brownfield redevelopment
- Improve environmental and public safety
- Retain and increase employment and business opportunities in the Central Area
- Utilize public sector investment to leverage private sector investment towards a good rate of return
- Provide affordable housing opportunities adjacent to the Central Area where there are infill opportunities to facilitate compatible intensification as stated in the Official Plan.

4.0 The Legislative Framework and Planning Policies

4.1 The Planning Act

Section 28 of the Planning Act, Chapter P. 13 R.S.O. 1990, as amended, permits municipalities, where the municipality has appropriate policy in its Official Plan, to pass a by-law designating a “Community Improvement Project Area” and to devise a “Community Improvement Plan.”

The Planning Act, in Subsection 28(1), provides the following definitions for “community improvement plan” and “community improvement project area (C.I.P.A.)”:

“Community Improvement Plan” means a plan for the community improvement of a community improvement project area;”

“Community Improvement Project Area” means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

The Planning Act allows municipalities, when carrying out a Community Improvement Plan within a community improvement project area, to:

- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

For the purpose of carrying out a municipality’s community improvement plan that has come into effect, the municipality may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan.

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

4.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement provides direction to municipalities regarding the redevelopment of brownfield sites. The PPS identifies the redevelopment of brownfield sites as a central element in the Province's provision for Land Use Planning to achieve efficient development land use patterns and create strong communities. The PPS seeks to strike a balance in municipal land use planning between efficient development and land use patterns, strong communities (fiscally, socially and environmentally), a clean and healthy environment and long-term economic growth.

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

"1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

"1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities."

"1.7.1 Long-term economic prosperity should be supported by:

- b. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- c. promoting the redevelopment of brownfield sites;"

"3.2.2 Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects."

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

The PPS defines Brownfield Sites as follows:

"undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant."

4.3 Municipal Act

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

- a) giving or lending money or municipal property;
- b) guaranteeing borrowing;
- c) leasing or selling any municipal property at below fair market value; and
- d) giving a total or partial exemption from any levy, charge or fee.

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

The municipal portion of property taxes may be matched, if the Minister of Finance approves, on a proportional basis with the education portion under the provincial Brownfields Financial Tax Incentive Program (BFTIP).

Section 365.1 (21) of the Municipal Act indicates that a Municipality may refund or credit for the purposes of tax assistance:

In providing tax assistance for an eligible property, the local municipality may,

- (a) refund the taxes to the extent required to provide the tax assistance, if the taxes have been paid; or***
- (b) credit the amount to be refunded to an outstanding tax liability of the owner of the eligible property with respect to the property, if the taxes have not been paid. 2004, c. 31, Sched. 26, s. 8 (2); 2005, c. 31, Sched. 17, s. 1 (15).***

Section 28 of the Planning Act allows municipalities with provisions in their official plans relating to community improvement to designate by by-law a "community improvement project area" and prepare and adopt a community improvement plan for the community improvement project area. Once the community improvement plan is approved, the Municipality may exercise authority under Section 28(6), (7) or (7.2) of the Planning Act or Section 365.1 of the Municipal Act, 2001 in order that the exception provided for in Section 106(3) of the Municipal Act, 2001 will apply.

It is proposed that the BCIP program will be in effect for a period of three (3) years. The only properties that can benefit from this program are those properties that are shown on Schedule A to this plan. ***Any benefits attributed to these properties shall be in compliance to provincial policy specifically section 365.1 of the Municipal Act, 2001.*** Any requests under this program that contravene any provincial legislation will be denied.

4.4 Brownfields Statute Law Amendment Act

The Brownfield Statute Law Amendment Act (Bill 56) was introduced in May 2001, and received Royal Assent in November 2001. The purpose of the Act is to encourage revitalization of contaminated land (brownfields) by way of limited liability and providing financial assistance. The Bill amended several Provincial Acts including the Environmental Protection Act, Municipal Act, Municipal Sales Tax Act and the Planning Act.

The Brownfield CIP takes advantage of the changes made to these Acts to assist with the redevelopment and revitalization of lands in the designated area.

The Environmental Protection Act now provides protection from the Ministry of Environment cleanup orders for municipalities, lenders, receivers and trustees undertaking actions with respect to securing, protecting, inspecting or conducting environmental investigations on property, thereby reducing the liability exposure. Through the previous legislation in the Environmental Protection Act and the Municipal Tax Sales Act required that if a municipality put property up for tax sale and the sale failed, the property automatically became vested with the City. As a result, there was increased liability on behalf of the City related to contaminated property. Through the current legislation, the municipality has two years to decide to vest after a failed tax sale. Throughout this period, the municipality can conduct environmental testing during that year. If municipality decides to vest the property, it received 5 years of protection from Ministry of Environment orders.

4.5 Tax Increment Financing Act, RSO 2006

Under this Act, the province can match the municipal tax incentives through a Brownfield Financial Tax Incentive Program (BFTIP), which would match the rebate for the education portion of the property tax as a result of a supplemental assessment by MPAC.

4.6 Official Plan Policies

The City of North Bay's Official Plan has a number of supportive policies related to Community Improvement Plans.

The Official Plan for the North Bay Planning Area was adopted by City Council on October 22, 1973 and approved by the Minister of Housing on December 20, 1974 and has had successive reviews approximately every 5 years to date.

The policies contained within the Official Plan establish the framework to allow Council to consider the establishment of a Community Improvement Project area and the adoption of a Community Improvement Plan.

Subsection 4.7, under the section of the Plan titled "Housing and the Environment in the Urban Area" encourages "the conservation and rehabilitation of existing residential and commercial areas".

Specifically, Subsections 4.7.2 through 4.7.5 identify the Central Area and the Waterfront Redevelopment Area as being in need of improvements and speak to the implementation of a community improvement strategy.

Within Part 8 of the Plan, that section that deals with Amenity and Design, Subsection 8.7 encourages "a continuing program of repair, reconstruction and replacement of all public physical facilities such as street furnishings, signs, lights, waste receptacles, etc."

Subsection 8.8 further encourages the preservation of "building and urban spaces of historical, cultural or architectural significance or which contribute to an attractive visual environment".

Part 10, the Implementation section of the Plan, states in Subsection 10.16.1 *"that before passing a Community Improvement Plan, Council shall insure that adequate information is made available to the public including a planning staff report"*.

Schedule "E-1" to the Official Plan designates Community Improvement Areas. An area loosely resembling the Central Area Boundary is identified as the Commercial Community Improvement Area.

A concurrent Official Plan Amendment is being processed at the same time as the subject Community Improvement Plan. The Central Area policies are being amended to include the following new sections related to brownfield development.

Section 2.3.1 of the OP is to be amended by adding the following new section:

- xiv) to facilitate private sector investment towards the development and redevelopment of brownfield sites within the Central Area, Council may adopt a Brownfield Community Improvement Plan to encourage new residential and commercial projects.

That the Official Plan be amended to include the following new subsection:

2.3.7 Lands adjacent to the Central Area are permitted to benefit from a Brownfield Community Improvement Plan. The Brownfield Community Improvement Plan should demonstrate how the Central Area will benefit through the development and redevelopment of the adjacent lands.

5.0 Public Participation

To be successful, the general public and neighborhoods that can be impacted by brownfield redevelopment need to be fully engaged in the planning process to ensure that their interests are protected. Therefore the planning process needs to be “open” with ample opportunities to both disseminate information as it develops and to receive public feedback. Community buy-in to this plan is essential for successful implementation and public support for the plan, once completed, is one of the incentives that the municipality can offer to spur brownfield development engagement.

Public input and buy-in will be solicited by:

- Affected land owners to be contacted directly and encouraged to attend the public open house and meeting before Council
- Holding public open house/meeting to present a draft version of the City of North Bay BCIP
- Revisions to the Plan will be made as a result of public input as agreed to by Council

6.0 Brownfield Community Improvement Plan Designated Area

In 2007 the timing is considered “strategic” to offer a package of brownfield incentives to help encourage redevelopment of former industrial lands adjacent to the downtown core for the following reasons:

- Former industrial uses on many sites are gone or are in decline leaving tracts of idle lands which are prime for redevelopment;
- Provincial and Municipal policy have now aligned to support infilling and intensification of urban areas using brownfields as a raw land source;
- It is recognized in the City’s Official Plan that a vibrant central business district, essential to community viability and economic diversity, is achieved by increasing white collar employment, public sector office space, residential intensification and the concentration of entertainment venues in the downtown area. Redevelopment on former rail lands is identified as an essential component to meeting these objectives;
- The brownfield cleanup industry, in an evolving regulatory climate, has matured and there is expressed interest in redeveloping North Bay brownfield sites if incentives are offered.
- Success is already being demonstrated by the uptake and redevelopment of former rail lands; the largest being attracted by offering incentives and using site specific risk management strategies;
- Interest in North Bay brownfields is currently driven by a robust local economy and a desire for brownfield redevelopment to contribute to core area renewal;
- Funding to build major park infrastructure to create the pedestrian linkages between the waterfront and the downtown has recently been approved which is a milestone in the implementation of the CWF “Central Park”;

Significant capital funding is being expended by the City and by local Utilities to upgrades supporting services and utilities in the area.

The total value of public sector capital investment in improvements servicing the BCIP area either recently completed or planned over the next 5 years exceeds \$20 million. The Financial Incentives offered through this Plan would encourage the rehabilitation and redevelopment of sites in the core.

A “City of North Bay Rail Lands Property Development Study”, completed by Earth Tech in 2003, has identified the servicing needs of CWF parkland and adjacent lands. The plan has recognized that the Central Park will be a major catalyst to spark significant adjacent residential and commercial development and servicing upgrades are being implemented to facilitate this new growth. All of the elements needed to attract interest to the downtown core are now falling into place. The elements of vision, growth and opportunity can be enhanced by the limited offering of timely and meaningful incentives.

The BCIP area is separated into 4 distinct areas, as shown on Schedule A.

Area 1 – Industrial lands within the Community Waterfront Park

This area consists of three (3) properties that are or were previously used for industrial uses, on which contamination is present or perceived. It is anticipated that these sites will require the most incentives because of their status and proximity to the park and the lake. The rehabilitation and redevelopment of these properties will contribute to the revitalization of the Downtown area, including the opportunity to locate additional residential developments and businesses.

The Rail Land have been approved for development under a Risk Assessment by CRA and accepted by the Ministry of Environment. The adjacent Kenroc lands have had some confidential studies done in contemplation of earlier sales transactions, which did not proceed. Those studies have been produced to the Ministry of Environment, and are included as appendices to this Plan for the purpose for making them available as public documents for the planning process.

Area 2 - Rail Lands & Lands Adjacent to the Community Waterfront Park Area

This area consists of six (6) properties, on which contamination is present or perceived. This area is located on the rail lands and lands adjacent to the Community Waterfront Park. The rehabilitation and redevelopment of this area will contribute to the revitalization of the Downtown area, including the opportunity to locate additional residential developments and businesses.

Area 3 – specific areas of the Former Canadian National Railway property

The former CNR property is located through the centre of the outer core commercial areas. Through the abandonment of these lines by CN, and their purchase by private property owners, it is anticipated that these sites will be developed for residential uses.

In order to help achieve the City's Housing Strategy for Affordable Home Ownership, the financial assistance described in this plan is only available where the proposed project on the property results in the development of affordable housing projects as defined by Nipissing District Social Services Administration Board.

Where properties in Area 3 are designated Central Area in the City's Official Plan, they are eligible for all of the financial incentives described, as detailed in this Plan.

Area 4 – properties located along Jet Avenue

The lands located on the south west side of Jet Avenue have traditionally been used for various industrial uses. It is anticipated that this area will transition to residential development. To assist this transition, the financial incentives offered through this Plan

shall only be available where the rehabilitation and redevelopment results in a residential use. The financial incentive programs in this area will only be implemented at the time of redesignation to Residential through the new Official Plan process.

In addition to the above, the properties identified on Schedule A must be required to file a Record of Site Condition (RSC) with the Ministry of Environment, as required Provincial legislation.

7.0 Financial Incentive Programs

There are three main financial incentive programs available through the BCIP. These include Municipal Fee Rebate Program, Tax Assistance (Municipal & Provincial), and Grants.

The purpose of the financial incentives is to provide to facilitate and spur adaptive re-use and new construction activity on former brownfield sites in high priority areas.

The Municipal Fee Rebate Program would provide for a refund of the municipal fees related to site cleanup, Planning, Legal and Building Permits related to development approval, they are:

- Demolition Permit
- Building Permit (including occupancy permits) – up to a maximum permit value of \$250,000
- Official Plan and Zoning By-law Amendments
- Plans of Subdivision and Condominium
- Minor Variances
- Consents to Sever
- Site Plan Control Agreement preparation
- Development Charge Exemption
- Land Fill Tipping Fees Reduction/Exemption
- Sewer Discharge Rate Reduction

Environmental Study Grant Program

The City can offer direct grants for Environmental Studies that help define how best to clean up a property for any specific use planned. Site clean up work requires front end intrusive work to characterized soil and groundwater problems against the provincial generic soil and groundwater criteria. If Site Specific Risk Assessment Planning is required to deal with difficult to clean up contaminants - a Risk Assessment Plan could add considerable front end cost to a project. Such studies can include significant field sampling and lab costs, as well as specialized “qualified person” assessment to identify the risks and method to employ to deal with the risk. Follow up assessment work may also be required to verify that the targeted contaminants have been properly remediated.

Tax Assistance

Tax Incentive Financing (TIF) - Municipal Portion of Property Tax

Tax assistance will be available to property owners who, with the approval of the City, undertake a specific program for the rehabilitation or redevelopment of older buildings and underutilized sites that result in a reassessment of the properties, so as to recognize the increased value arising from such improvements.

A property owner would register their intent to participate in the TIF program by filing an application at the time of Building Permit application.

The amount of municipal taxes paid would be determined, and upon completion of the works, the municipal taxes to be paid as a result of the reassessment by the Municipal Property Assessment Corporation would be calculated. *The difference between the municipal taxes prior to the works being undertaken and the municipal taxes after the completion of the works would be the portion eligible for a grant under this program.* By using the Building Permit as the "trigger" for establishing participation in the program, the approximate value of the rehabilitation/redevelopment work to be undertaken can also be determined. The total value of the TIF grant, in addition to other incentives, will not exceed the cost of site remediation. The grant amount for this program would equal 100% of the increase in the Municipal portion of the taxes in year one of the program, decreasing to 66% in year-two and 33% in year-three, with the owner paying the full amount of taxes in year-four.

Provincial Portion of Property Tax

Pursuant to the Municipal Act, the City can apply to the Province to receive (matching) tax **assistance** on the proportional increase in the education tax collected for school purposes. The City can pass this tax assistance on to the property owner to proportionately match the TIF. The Act restricts tax assistance to only apply to certain remediation costs (stricter than what the municipality can consider) and the grant can only be paid to the original owner of the property, who pays for the remediation work (non transferable).

The maximum length of time that the tax assistance can be provided over a three (3) year period. The TIF and BFTIP program will extend for matching period of three years, with the education portion matching the City's tax assistance. The maximum amount of TIF and BFTIP available shall jointly not exceed the total cost of site remediation, including all other approved grants.

The municipal portion of property taxes may be matched, if the Minister of Finance approves, on a proportional basis with the education portion under the provincial Brownfields Financial Tax Incentive Program (BFTIP).

Section 365.1 (21) of the Municipal Act indicates that a Municipality may refund or credit for the purposes of tax assistance:

In providing tax assistance for an eligible property, the local municipality may,

(a) refund the taxes to the extent required to provide the tax assistance, if the taxes have been paid; or

(b) credit the amount to be refunded to an outstanding tax liability of the owner of the eligible property with respect to the property, if the taxes have not been paid. 2004, c. 31, Sched. 26, s. 8 (2); 2005, c. 31, Sched. 17, s. 1 (15).

7.1 Eligible Costs

To be eligible to receive incentives, the development costs that can be recovered must be clearly defined pursuant to Section 28 of the Planning Act.

In no case will the total amount of financial assistance provided under the BCIP exceed the total of these eligible costs.

The eligible costs for purposes of this Plan are as follows:

Site Remediation costs including:

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

Construction Costs including:

- Site servicing costs for Area 1 properties

The final decision as to the total level of eligible costs and the inclusion of specific costs within the categories listed herein, will rest with the City of North Bay. *In no case will the total amount of financial assistance provided under the BCIP exceed the total of these eligible costs.*

In instances where the DCIP and BCIP programs overlap, the property owner/ applicant will only be eligible for one of the plans, and will be required to identify which Plan/program they are applying for before work on the property begins.

The following costs are NOT eligible:

- Any costs incurred prior to the written approval of the BCIP application
- Materials, equipment and studies not associated with the remediation of the property
- General maintenance costs
- Land acquisition
- Operating expenses
- Administration costs
- In-kind labour costs
- Employee wages
- Equipment related to the normal operation of a business
- Refinancing and Bank charges
- Costs associated to the development of a Business Plan

7.2 Planning, Building and Legal Fee Rebate Program

7.2.1 Background

- 7.2.1.1 This program would provide financial relief to property owners who undertake revitalization projects. The program is intended to stimulate investment by both business and residential property owners in the BCIP Area through the provision of a rebate to those who wish to invest. The cost to the City would be minimal with the loss of potential revenues.

7.2.2 Target Area

- 7.2.2.1 Areas 1, 2, 3 and 4 are the target areas for this program.

7.2.3 Program Assistance

- 7.2.3.1 Assistance will be in the form of a refund of the fees for a Planning approval. (Parkland dedication or cash-in-lieu would be waived for new developments), legal fees related to the preparation of the Site Plan Control Agreement (excluding registration fees), Demolition or Building Permit (Building Permit fee rebate would be up to a maximum permit value of \$250,000).
- 7.2.3.2 This program will commence on the day following the date of Council adoption of the Plan and continue for three years.

7.2.4 Eligibility Requirements

- 7.2.4.1 Any property owner within the BCIP target area may apply in writing at the time of making an application(s) for planning approval, building permit approval or site plan approval.
- 7.2.4.2 The subject property shall not be in a position of property tax arrears.
- 7.2.4.3 Outstanding Work Orders from the City's Fire Department or Building Services Division and requests to comply must be addressed prior to grant approval.
- 7.2.4.4 For Building Permit Fees, the City will request the payment of fees at the application stage for Building Permit. Upon final inspection of the completed and occupied project, all Building Permit fees collected will be refunded to the property owner.
- 7.2.4.5 For Planning and Legal Fees, the City will request payment of fees at the application stage of the for the request approval. Upon release of the Building Permit, all collected fees will be refunded to the property owner.

- 7.2.4.6 The total value of the refund provided under this program plus any other program of this Plan shall not exceed the value of the work done as declared on the Application for Building Permit.
- 7.2.4.7 This program does not apply to any required performance securities (i.e. Letters of Credit) posted by the proponent, required professional studies, or to expenses incurred by the applicant because of an Ontario Municipal Board Hearing or Court proceedings. The cost of any newspaper notices would also not be included.
- 7.2.4.8 All applications requesting an exemption from parkland dedication (or cash-in-lieu) will be considered subject to the availability and proximity of parkland.
- 7.2.4.9 A maximum of one rebate is permitted per property (one planning fee rebate, one legal fee rebate, one building permit fee rebate and one demolition fee rebate). If the development is phased, any rebate qualified under this program will be paid for the initial phase only.

7.3 Exemption from Parking Requirements Program

7.3.1 Background

- 7.3.1.1 The proposed program would formalize an existing informal program and would provide relief, in the form of an exemption or reduction in the number of parking spaces required, to property owners who undertake improvement projects.

7.3.2 Target Area

- 7.3.2.1 Area **1** and 2 properties are the target area for this program.

7.3.3 Program Assistance

- 7.3.3.1 Assistance will be in the form of an exemption from or reduction in the number of parking spaces (depending on the proposed size of the building) established within the Zoning By-law where there are improvements, and/or a change in use, to an existing building.
- 7.3.3.2 New buildings, additions to existing buildings and changes in use of a building will be exempt from the parking requirements to a maximum floor space limitation of 1500 square metres (16,146 square feet) of newly constructed gross floor area.
- 7.3.3.3 This program will commence on the day following the date of Council approval of the Plan and continue for three years.

7.3.4 Eligibility Requirements

- 7.3.4.1 All projects will be considered subject to the availability of parking spaces within the Downtown area.

7.4 Exemption Development Charges Program

7.4.1 Background

- 7.4.1.1 The City of North Bay applies development charges to new development pursuant to By-law 2004-199. Development charges are calculated based on the type of development and the floor area or number of units.

7.4.2 Target Area

- 7.4.2.1 Areas 1, 2 and 3 are the target areas for this program.

7.4.3 Program Assistance

- 7.4.3.1 This program will provide assistance in the form of a rebate of development charges associated with the proposed development.
- 7.4.3.2 This program will commence on the day following the date of Council adoption of the Plan and continue for three years.

7.4.4 Eligibility Requirements

- 7.4.4.1 Any property owner within the BCIP target area may apply in writing at the time of making an application(s) for Building Permit approval.
- 7.4.4.2 The subject property shall not be in a position of property tax arrears.
- 7.4.4.3 Outstanding Work Orders from the City's Fire Department or Building Services Division and requests to comply must be addressed prior to grant approval.
- 7.4.4.4 The total value of the refund provided under this program plus any other program of this Plan shall not exceed the value of the work done as declared on the Application for Building Permit.
- 7.4.4.5 The City will request the payment of fees at the application for Building Permit. Upon final inspection of the completed and occupied project, all fees collected will be refunded to the property owner.
- 7.4.4.6 This program does not apply to any required performance securities (i.e. Letters of Credit) posted by the proponent, required professional studies, or to expenses incurred by the applicant because of an Ontario Municipal Board Hearing or Court proceedings. The cost of any newspaper notices would also not be included.

7.5 Landfill Tipping Fees Reduction Program

7.5.1 Background

- 7.5.1.1 This program would provide financial relief to property owners who undertake revitalization projects. The program is intended to stimulate investment by both business and residential property owners in the BCIP area through the provision of a rebate to those who wish to invest. The loss of potential revenues and offset by increased assessment.
- 7.5.1.2 The reduction would apply to tipping fees at the City's Landfill Site to help lower clean up costs.

7.5.2 Target Area

- 7.5.2.1 Areas 1, 2 and 3 the target area for this program.

7.5.3 Program Assistance

- 7.5.3.1 Assistance will be in the form of a reduction in the tipping fees paid at the City's Landfill Site for contaminated soil to \$10/tonne or a fee of \$16/tonne deferred for 5 years, or a combination thereof.
- 7.5.3.2 The reduction in the tipping fees applies only to the removal of contaminated soil associated with the clean up of the site.
- 7.5.3.3 This program will commence on the day following the date of Council adoption of the Plan and continues until a maximum of 100,000 tonnes of contaminated soil has been received at the City Landfill, resulting from this program.

7.5.4 Eligibility

- 7.5.4.1 Any property owner within the BCIP target area may apply in writing at the commencement of the site clean up to have the tipping fees at the City's Landfill reduced to \$10/tonne for contaminated soil, or \$16/tonne deferred for 5 years, or a combination thereof.

7.6 Exemption from Sanitary Sewer Discharges Fee Program

7.6.1 Background

- 7.6.1.1 This program would provide financial relief to property owners who undertake revitalization projects. The program is intended to stimulate investment by both business and residential property owners in the BCIP area through the provision of a rebate to those who wish to invest. The cost to the City would be minimal with the loss of potential revenues.
- 7.6.1.2 If a contaminated site remediation project necessitates excavation below the groundwater table, considerable costs can be incurred for groundwater treatment and management.
- 7.6.1.3 The exemption would apply to fees associated with Sanitary Sewer Discharges.

7.6.2 Target Area

- 7.6.2.1 Areas 1, 2 and 3 the target areas for this program.

7.6.3 Program Assistance

- 7.6.3.1 The City of North Bay will exempt the sewer discharge fee for the discharge of treated groundwater to the sanitary sewer - that complies with the Sewer Use By-law Sanitary Criteria through a special agreement.
- 7.6.3.2 If onsite treatment can meet the Sewer Use By-law Stormwater Criteria – it is accepted at no charge. Discharges require a special agreement with the City (assuming there is not a capacity problem).

7.6.4 Eligibility

- 7.6.4.1 Any property owner within the BCIP target area may apply in writing at the commencement of the site clean or at the time when contamination in the groundwater is identified to receive an exemption from the sewer discharge rate to \$20/1000 liters.
- 7.6.4.2 This program only applies to situations where contamination has affected the groundwater table, and where the contamination has been treated prior to discharge into the City's Sanitary Sewer System, as part of either the clean up program or the long term management of contamination.

7.7 Environmental Study Grant Program

7.7.1 Background

- 7.7.1.1 This program would provide financial relief to property owners who undertake revitalization projects. The program is intended to stimulate investment by both business and residential property owners in the BCIP area through the provision of a rebate to those who wish to invest.
- 7.7.1.2 The grant would apply to Environmental Studies associated with site clean up, including Site Specific Risk Assessment Planning, a Phase I, II Environmental Site Assessment (ESA), Record of Site Condition or a Remedial Work Plan.

7.7.2 Target Area

- 7.7.2.1 Areas 1, 2 and 3 are the target areas for this program.

7.7.3 Program Assistance

- 7.7.3.1 The Environmental Study Grant Program will provide:

For a Phase I ESA, a 100% grant will be provided, to a maximum of:

- \$15,000 per study/plan
- One (1) study per property/project

For a Phase II ESA, Risk Management Plan, Remedial Work Plan or Record of Site Condition, a grant of 50% will be provided to a maximum of:

- \$25,000 per study/plan
- Two (2) studies per property/project
- In special circumstances, where in the opinion of the City and is in the public interest, an additional \$25,000 may be made available towards works recommended by the Study.

- 7.7.3.2 Fifty per cent of the grant approved under this program will be provided to property owners following submission of the final completed study with the original invoice indicating that the study's consultants have been paid in full. The remaining 50% will be paid to the property owner upon the building being available for occupancy.

- 7.7.3.3 One copy of the Study will be provided to the City for its retention. The applicants agree to provide the City with permission to share the findings with any other subsequent project proponent, property owners and/or related government agencies.

7.7.3.4 This program will commence on the day following Council approval of the program and continue for three years.

7.7.4 Eligibility

7.7.4.1 A grant application must be submitted to the City prior, and written approval be received by the applicant, prior to the start of any environmental study to which the grant will apply.

7.7.4.2 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.

7.7.4.3 The Studies shall be for the purpose of evaluating or determining the level of contamination associated with site clean up, such as a Phase I, II Environmental Site Assessment, Risk Assessment or Remedial Work Plan. All environmental studies shall be completed by a “qualified person” as defined by Ontario Regulation 153/04.

7.7.4.4 The subject property shall not be in a position of property tax arrears.

7.7.4.5 Outstanding work orders from the City’s Fire Department or Building Services Division and requests to comply must be addressed prior to grant approval.

7.7.4.6 Grants will be approved at the sole discretion of the City. All applications for assistance under this program will be considered, subject to the availability of funding.

7.8 Tax Incentive Financing (TIF) - Municipal

7.8.1 Background

- 7.8.1.1 The intent of this program is to stimulate the rehabilitation or renovation of existing buildings, the redevelopment of previously developed sites that are now vacant, or under-utilized sites that results in a significant investment
- 7.8.1.2 The City of North Bay may offer Tax Incentive Financing (TIF) grants to brownfield owners or developers by rebating the municipal portion of the increased property taxes - after the property redevelops – to the designated beneficiary. The TIF-based grant, rebated annually to the developer or assignee uses the increased assessment generated by the project (on that portion collected by the municipality) to reimburse the developer for eligible costs.
- 7.8.1.3 The combination of the TIF Grant and all other incentives of this program, when combined, shall not exceed the total costs incurred to remedy the property.

7.8.2 Target Area

- 7.8.2.1 Areas 1, 2, 3 and 4 are the target areas for this program.

7.8.3 Program Assistance

- 7.8.3.1 This program would provide a grant to property owners who undertake the rehabilitation or redevelopment of their properties that would result in a reassessment of the properties. The amount of the grant would be determined based upon the incremental increase in the municipal taxes that result from the work being undertaken for the rehabilitation or redevelopment of older buildings and underutilized sites.
- 7.8.3.2 This program would be implemented over a three-year period. Owners of properties participating in this grant program who apply in any year of the program will be eligible for the full grant. The grant amount for this program would equal 100% of the increase in the Municipal portion of the taxes in years one of the program, decreasing to 67% in year two and 33% in year three, with the owner paying the full amount of taxes in year four, with the exception of the following:
 - 7.8.3.2.1 For Area 3, the TIF only applies where the proposed project on the property results in the development of affordable housing projects as defined by Nipissing District Social Services Administration Board.

- 7.8.3.2.2 For Area 3, where the property is designated Central Area in the City's Official Plan and is developed for commercial purposes, the grant amount for this program would equal 25% of increases in the Municipal portion of the taxes in year one of the program, decreasing to 15% in year two, and 10% in year three, with the owner paying the full amount of taxes in year four.
- 7.8.3.3 For Area 4, the grant amount for this program would equal 100% of the increase in the Municipal portion of the taxes in years one of the program, decreasing to 67% in year two and 33% in year three, with the owner paying the full amount of taxes in year four
- 7.8.3.3.1 The TIF shall only be available where the rehabilitation and redevelopment results in a residential use. The financial incentive programs in this area will only be implemented at the time of redesignation to Residential through the new Official Plan process.
- 7.8.3.4 The property owner would be responsible for the full payment of taxes, after which the City would provide the grant. For that period beyond three years, the owner would be required to pay the full amount of the taxes with no grant provisions.
- 7.8.3.5 A property owner would register their intent to participate in the grant program by filing an application at the time of Building Permit application. The amount of municipal taxes paid would be determined, and upon completion of the works, the municipal taxes to be paid as a result of the reassessment by the Municipal Property Assessment Corporation would be calculated. The difference between the municipal taxes prior to the works being undertaken and the municipal taxes after the completion of the works would be the portion eligible for a grant under this program. By using the Building Permit as the "trigger" for establishing participation in the program, the approximate value of the rehabilitation/redevelopment work to be undertaken can also be determined. As indicated above, the total value of the grant and all other incentives of this program, when combined, shall not exceed the total costs incurred to remedy the property. The property owner is required to provide proof of the actual construction costs at the completion of the project to determine the eligible amount for the TIF.
- 7.8.3.6 This program would not exempt property owners from an increase in municipal taxes due to a general tax rate increase or a change in assessment for any other reason after the property has been improved, except by reason of an assessment appeal.

7.8.4 Eligibility Requirements

- 7.8.4.1 Any property owner within the target area may apply in writing at the time of making an application(s) for a Planning or Building Permit approval.
- 7.8.4.2 The subject property shall not be in a position of property tax arrears.
- 7.8.4.3 Outstanding Work Orders from the City's Fire Department or Building Services Division and requests to comply must be addressed prior to grant approval.
- 7.8.4.4 That the property owner enter into an agreement with the City prior the grant rebate to acknowledge and agree to the City's terms and conditions to ensure the property owner complied with all City rules and regulations prior to release to annual TIF rebate.
- 7.8.4.5 Improvements made to the buildings or land shall be made pursuant to a Building Permit, and constructed in accordance with the Ontario Building Code and all application Zoning requirements, Council approved design guidelines and any other necessary approvals.
- 7.8.4.6 The subject building shall be rehabilitated, or the land shall be redeveloped to an extent that such investment will result in an increased assessment of the property.
- 7.8.4.7 In the case of the redevelopment of vacant or cleared sites within the target area for new buildings, to determine the pre-development assessment base for these projects, the assessment shall be based upon the property as it existed on the date of Building Permit issuance.
- 7.8.4.8 The grant shall be forfeited by the owner and repaid to the City if the buildings and/or structures are demolished before the grant period elapses.
- 7.8.4.9 If a participating property is sold before the grant period elapses, the City may, at its discretion, continue the program for the prescribed timeframe and/or accept a new application from any subsequent owners of the property for additional works to be undertaken.
- 7.8.4.10 Only one TIF shall be permitted per property.

7.9 Brownfields Financial Tax Incentive Program (BFTIP) - Education

7.9.1 Background

7.9.1.1 The intent of this program is to stimulate the rehabilitation or renovation of existing buildings, the redevelopment of previously developed sites that are now vacant, or under-utilized sites that results in a significant investment

7.9.1.2 Pursuant to the Municipal Act, 2001, the City can apply to the Province to receive a (matching) rebate on the proportional increase in the education tax collected for school purposes. The City can pass this tax assistance on to the property owner to proportionately match the TIF. The Act restricts grants to only apply to certain remediation costs (stricter than what the municipality can consider) and the grant can only be paid to the original owner of the property, who pays for the remediation work (non transferable).

The municipal portion of property taxes may be matched, if the Minister of Finance approves, on a proportional basis with the education portion under the provincial Brownfields Financial Tax Incentive Program (BFTIP).

Section 365.1 (21) of the Municipal Act indicates that a Municipality may refund or credit for the purposes of tax assistance:

In providing tax assistance for an eligible property, the local municipality may,

(c) refund the taxes to the extent required to provide the tax assistance, if the taxes have been paid; or

(d) credit the amount to be refunded to an outstanding tax liability of the owner of the eligible property with respect to the property, if the taxes have not been paid. 2004, c. 31, Sched. 26, s. 8 (2); 2005, c. 31, Sched. 17, s. 1 (15).

7.9.2 Target Area

7.9.2.1 Areas 1, 2 and 3 are the target areas for this program.

7.9.3 Program Assistance

7.9.3.1 This program would provide tax assistance to the property owner(s) at the time of the commencement of the rehabilitation or redevelopment of the property that would result in a higher reassessment. The amount of the tax assistance would be determined based upon the incremental

increase in the education taxes that result from the work being completed.

- 7.9.3.2 The amount of the tax assistance or the total amount of funding when combined with any other Community Improvement Plan program will not exceed the value of the work that resulted in the reassessment. For this reason, the total value of the work, plus the amount of the education taxes paid prior to and after the redevelopment, would have to be known. "Education taxes" under this program refers to the portion of the total taxes being transferred to the school boards, and does not include any other taxes or amounts, including but not limited to, general municipal taxes and all urban service levies.
- 7.9.3.3 It is proposed that this program would be implemented over a three-year period. Owners of properties participating in this tax assistance program who apply in any year of the program will be eligible for the full tax assistance, subject to approval being granted to the Municipality by the Provincial Government, for each application.
- 7.9.3.4 Properties located in Area 1 and 2, the tax assistance amount for this program would equal 100% of the increase in the Education portion of the taxes in years one of the program, decreasing to 67% in year two and 33% in year three, with the owner paying the full amount of Education taxes in year four.
- 7.9.3.5 Properties located along Area 3, the tax assistance amount for this program shall only apply if the proposed development results in the development of affordable housing projects as defined by Nipissing District Social Services Administration Board. The tax assistance amount for this program would equal 100% of the increase in the Education portion of the taxes in years one of the program, decreasing to 67% in year two and 33% in year three, with the owner paying the full amount of Education taxes in year four.
- 7.9.3.5.1 For Area 3, where the property is designated Central Area in the City's Official Plan and is developed for commercial purposes, the tax assistance amount for this program would equal 25% of increases in the Municipal portion of the taxes in year one of the program, decreasing to 15% in year two, and 10% in year three, with the owner paying the full amount of taxes in year four.
- 7.9.3.6 For Area 4, the tax assistance amount for this program would equal 100% of the increase in the Education portion of the taxes in years one of the program, decreasing to 67% in year two and 33% in year three, with the owner paying the full amount of Education taxes in year four.

- 7.9.3.6.1 The TIF shall only be available where the rehabilitation and redevelopment results in a residential use. The financial incentive programs in this area will only be implemented at the time of redesignation to Residential through the new Official Plan process.
 - 7.9.3.7 The property owner would be responsible for the full payment of taxes, after which the City would provide the tax rebate. For that period beyond three years, the owner would be required to pay the full amount of the Education taxes with no rebate provisions.
 - 7.9.3.8 A property owner would register their intent to participate in the tax assistance program by filing an application at the time of Building Permit application. The amount of Education taxes paid would be determined, and upon completion of the works, the Education taxes to be paid as a result of the reassessment by the Municipal Property Assessment Corporation would be calculated. The difference between the Education taxes prior to the works being undertaken and the Education taxes after the completion of the works would be the portion eligible for a tax assistance under this program. By using the Building Permit as the “trigger” for establishing participation in the program, the approximate value of the rehabilitation/redevelopment work to be undertaken can also be determined. As indicated above, the total value of the tax assistance and all other incentives of this program, when combined, shall not exceed the value of the work shall not exceed the total costs incurred to remedy the property.
 - 7.9.3.9 This program would not exempt property owners from an increase in Education taxes due to a general tax rate increase or a change in assessment for any other reason after the property has been improved, except by reason of an assessment appeal.
- 7.9.4 Eligibility Requirements
- 7.9.4.1 Any property owner within the target area may apply in writing at the time of making an application(s) for a Planning or Building Permit approval.
 - 7.9.4.2 The subject property shall not be in a position of property tax arrears.
 - 7.9.4.3 Outstanding Work Orders from the City's Fire Department or Building Services Division and requests to comply must be addressed prior to tax assistance approval.
 - 7.9.4.4 Improvements made to the buildings or land shall be made pursuant to a Building Permit, and constructed in accordance with the Ontario Building

Code and all application Zoning requirements, Council approved design guidelines and any other necessary approvals.

- 7.9.4.5 The subject building shall be rehabilitated, or the land shall be redeveloped to an extent that such investment will result in an increased assessment of the property.
- 7.9.4.6 In the case of the redevelopment of vacant or cleared sites within the target area for new buildings, to determine the pre-development assessment base for these projects, the assessment shall be based upon the property as it existed on the date of Building Permit issuance.
- 7.9.4.7 The tax assistance shall be forfeited by the owner and repaid to the City if the property is demolished before the tax assistance period elapses.
- 7.9.4.8 If a participating property is sold before the tax assistance period elapses, the tax assistance period will not be continued to the new property owner
- 7.9.4.9 A Phase II ESA must be completed and the contaminants of concern identified.
- 7.9.4.10 A Feasibility Study for the project area to justify the tax assistance based on expected benefits to the municipality and meet all other eligibility criteria is submitted to the province.
- 7.9.4.11 If the province accepts the City's feasibility study the tax assistance will be paid to the municipality by the province and would flow to the eligible party through the City.
- 7.9.4.12 All terms and conditions associated with the municipal TIF Agreement shall apply to the BFTIP.

8.0 General Program Conditions

The conditions outlined below relate to all financial incentive programs offered through the Brownfield Community Improvement Plan. The conditions include:

- i) Costs incurred prior to the written approval of the City will be deemed ineligible and will not be reimbursed.
- ii) ***In instances where the DCIP and BCIP programs overlap, the property owner/ applicant will only be eligible for one of the plans, and will be required to identify which Plan they are applying for before work on the property begins.***
- iii) Any combination of the BCIP incentives, including the BFTIP (provincial education portion of taxes), shall not exceed the total costs incurred to remedy the property so that a Record of Site Condition can be filed with, and accepted by, the Ministry of Environment and that building permit can be obtained
- iv) The City reserves the right to audit the cost of project feasibility studies, 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.
- v) 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.
- vi) 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.
- vii) 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 the general and program specific requirements.
- viii) 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.
- ix) 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.

- x) Outstanding work orders, and/or orders or requests to comply, and/or other charges from the City (including tax arrears) must be satisfactorily addressed prior to grant and/or tax assistance payment.
- xi) 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 this program.
- xii) The applicant may only have one active application in process per property.
- xiii) Any significant changes in design or scope of the project must be approved by the City.
- xiv) The City will withhold 10% of its total contribution for a minimum of 45 days following the project's completion.
- xv) The project must commence construction within one (1) year of formal notification of approval under the program. An extension to an approval will only be granted, where in the opinion of the City, there are reasonable unforeseen circumstances.

9.0 Glossary of Terms

Brownfield	An abandoned, vacant, derelict, idled or underutilized commercial or industrial property where past actions have resulted in actual or perceived environmental contamination and/or derelict or deteriorated buildings.
City	The City of North Bay.
Community Improvement	Unless otherwise specified, this term is as defined and used in accordance with its meaning under Section 28 of the Planning Act, and means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary. Without limiting the generality of this definition, for greater certainty, it includes the provision of affordable housing.
Community Improvement Plan	Unless otherwise specified, this term is as defined and used in accordance with its meaning under Section 28 of the <i>Planning Act</i> and means a plan for the community improvement of a community improvement project area
Community Improvement Project Area	Unless otherwise specified, this term is as defined and used in accordance with its meaning under Section 28 of the <i>Planning Act</i> and means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.
<i>Specified property</i>	<i>Unless otherwise specified, is a property (including land and buildings) that is within the Community Improvement Project Area as defined in this Plan, and shown on Schedule A.</i>
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. For the purposes of this BCIP, the words rehabilitation and remediation are interchangeable.

Tax Assistance *Means with respect to an eligible property, the cancellation or deferral of taxes pursuant to a by-law passed providing for the cancellation of all or a portion of the taxes for municipal and school purposes for a BCIP befitting property on such conditions as the Municipality may determine*

10.0 Monitoring

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

It is recommended that an Advisory Committee be formed to assist the City in monitoring implementation of the Brownfields CIP, and to review and make decisions on application submitted as part of the Brownfield CIP.

Monitoring of the implementation of the CIP should seek to:

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

In Year 3 of the program, a full review of the success of the Plan will be undertaken. Based on the review, staff will make recommendations to Council regarding the continuation, adjustment, amendment or discontinuance of part or the entire Plan at the end of the current plan period (December 31, 2010).

11.0 Revisions to the Plan

Council may review and make minor adjustments to any of the terms of any of the programs prescribed in this Community Improvement Plan and their application to specific target areas, and make minor modifications to the boundaries of the target areas without amendment to the Plan, provided that the general intent of the Plan is maintained.

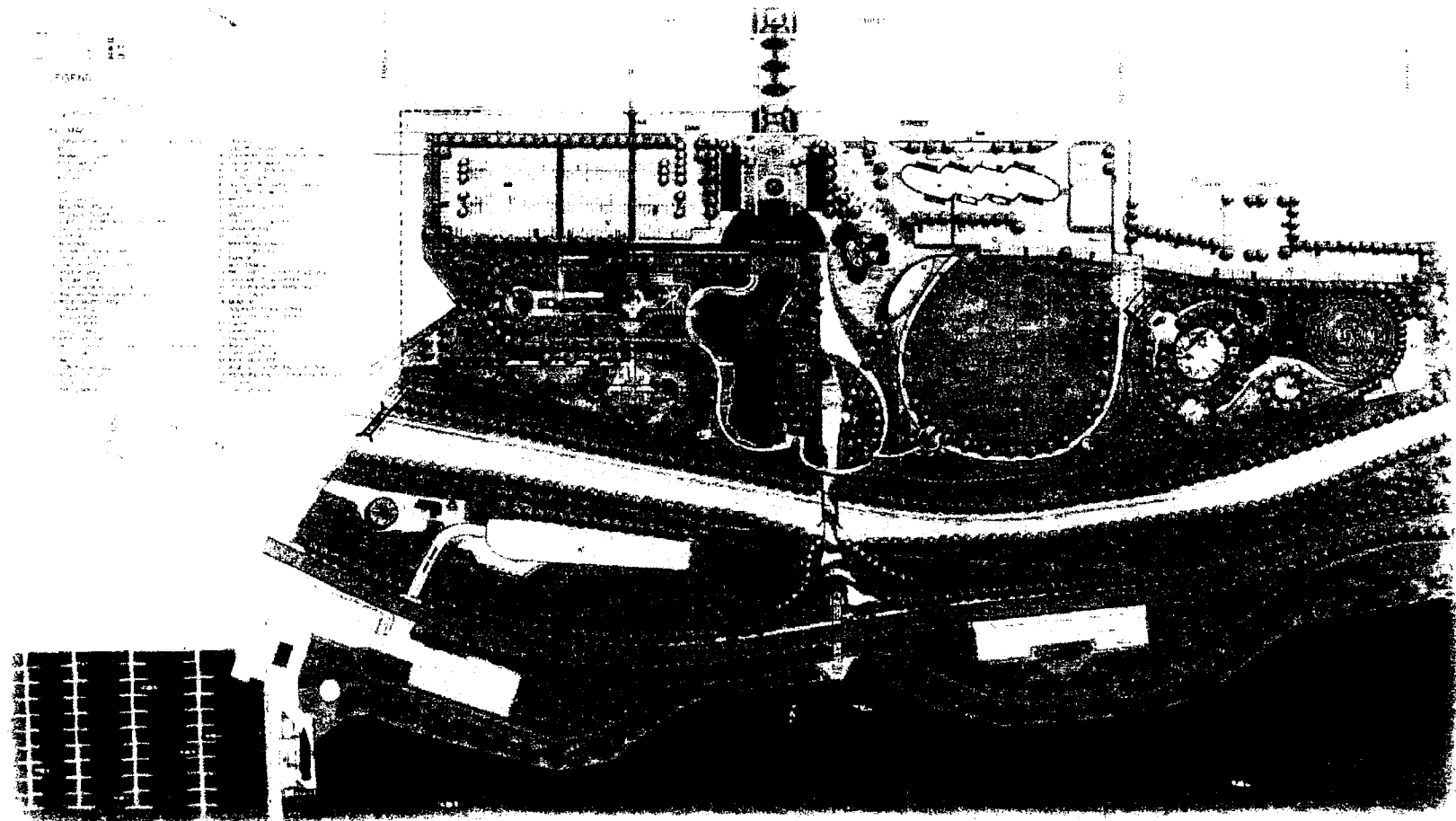
Program additions and major changes to the Plan will require a formal amendment in accordance with Subsection 28(4) of the Planning Act, and include notice of a public meeting at Council, adoption by Council or the Ontario Municipal Board.

12.0 Conclusion

This Brownfield Community Improvement Plan provides a mechanism to promote investment in and around the core of the City. New investment will result in generating economic development and increased assessment.

The approval of this Brownfield Community Improvement Plan will provide the legislative basis and planning context for certain programs which have been identified to foster revitalization and reinvestment in the core of the City.

Figure 1 – Community Waterfront Plan Concept



MASTER PLAN

NORTH BAY COMMUNITY WATERFRONT PARK

Figure 3 – BCIP Target Areas

