



**DRAFT / May 16, 2018**

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2018-XXX**

A by-law to designate the Brownfield Community Improvement Project Area

WHEREAS the Livable Oakville Official Plan, which applies to the lands south of Dundas Street and the lands north of Highway 407, was adopted by Council on June 22, 2009, and approved with modifications by the Ontario Municipal Board on May 10, 2011; and,

WHEREAS the North Oakville East Secondary Plan, approved by the Ontario Municipal Board on January 11, 2008, forms part of the Official Plan of the Oakville Planning Area applicable to lands not covered by the Livable Oakville Plan; and

WHEREAS the North Oakville West Secondary Plan, was approved May 25, 2009 and forms part of the Official Plan of the Oakville Planning Area applicable to lands not covered by the Livable Oakville Plan; and

WHEREAS subsection 28(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that a council of a municipality may, where there is an official plan in effect that contains provisions relating to community improvement, designate the whole or any part of an area covered by such an official plan as a community improvement project area; and

WHEREAS the Corporation of the Town of Oakville has two official plans, Livable Oakville and the Official Plan of the Oakville Planning Area, which both contain provisions relating to community improvement in the Town.

**COUNCIL ENACTS AS FOLLOWS:**

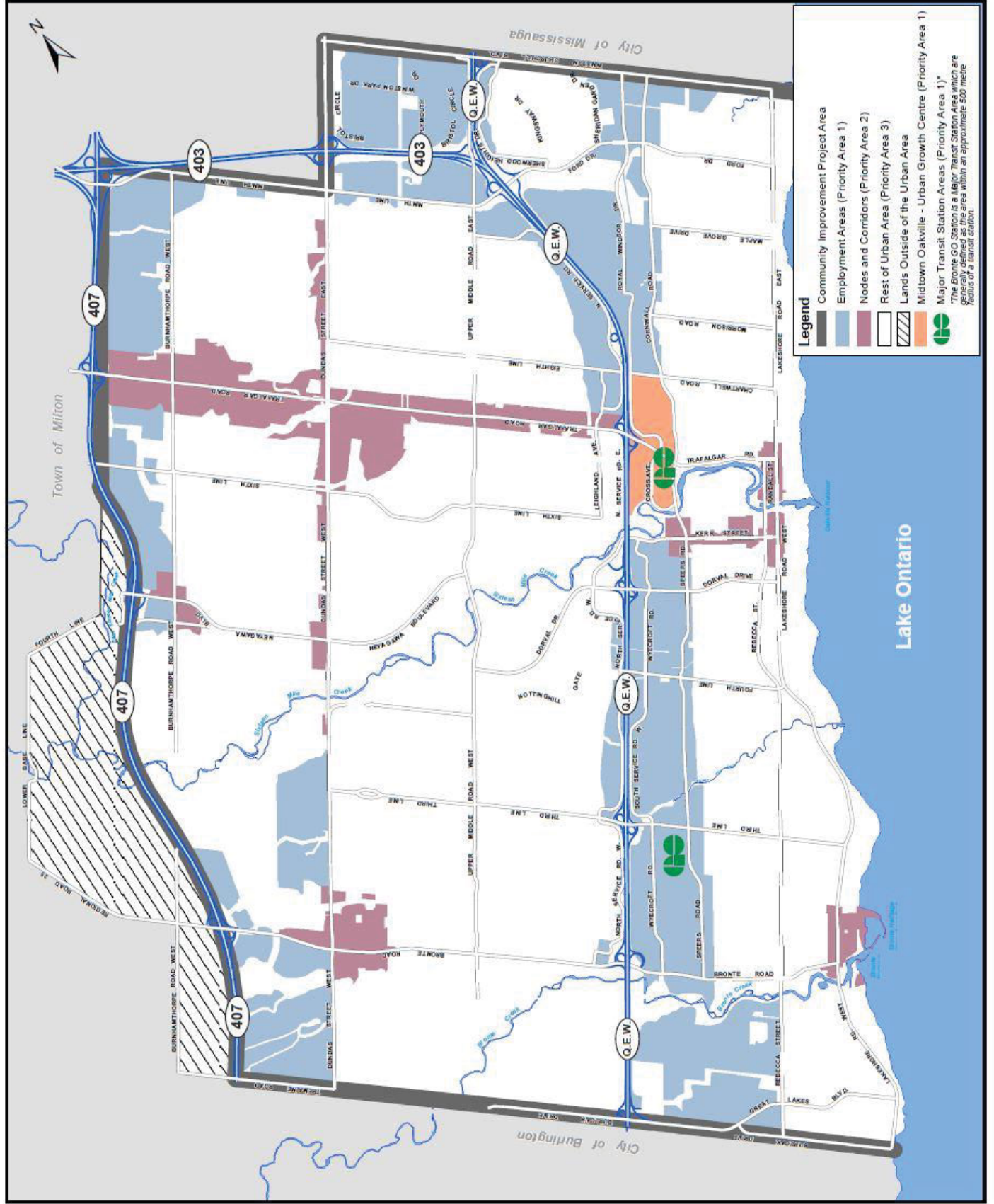
1. The land shown on the attached Schedule "A" is designated as a Community Improvement Project Area and is hereinafter known as the Brownfield Community Improvement Project Area.

PASSED this \_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

Schedule "A"





OAKVILLE

**DRAFT / May 16, 2018**

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2018-XXX**

A by-law to adopt a community improvement plan for the Brownfield Community Improvement Project Area

WHEREAS in By-law 2018-xxx, the Council of the Corporation of the Town of Oakville designated the Brownfield Community Improvement Project Area as a community improvement project area under subsection 28(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

WHEREAS pursuant to subsection 28(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the Council of the Corporation of the Town of Oakville may, when a by-law has been passed under subsection 28(2), adopt a community improvement plan for that Community Improvement Project Area; and

WHEREAS the Council of the Corporation of the Town of Oakville does wish to adopt a community improvement plan for the Brownfield Community Improvement Project Area;

**COUNCIL ENACTS AS FOLLOWS:**

1. The Brownfield Community Improvement Plan, attached hereto as Schedule "A", is hereby adopted as the Community Improvement Plan for the Brownfield Community Improvement Project Area.
2. Pursuant to subsections 28 (5) and 17(27) of the Planning Act, R.S.O. 1990, c.P.13, as amended, this by-law comes into effect upon the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17(24) and (25) of the said Act, as amended. Where one or more appeals have been filed under subsection 17(24) and (25) of the said Act, as amended, this by-law comes into effect when all such appeals have been withdrawn or finally disposed of.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**Schedule "A"**  
**Town of Oakville Brownfield Community Improvement Plan**



# Brownfield Community Improvement Plan



May 2018





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This Community Improvement Plan was developed by RCI Consulting on behalf of the Town of Oakville.

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## 1.0 INTRODUCTION

### 1.1 What are Brownfields?

Brownfields are abandoned, idled or underutilized properties where past actions have caused known or suspected environmental contamination, but where there is an active potential for redevelopment<sup>1</sup>. Brownfields are often also characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills, petroleum storage facilities, industrial manufacturing uses and warehouses, to dry cleaners, former gasoline stations, and even institutional uses such as schools and hospitals. Most brownfields are located in urban areas and many are located in key areas such as in downtowns, major growth centres, or employment areas. The terms “brownfield redevelopment” and “brownfield development” are used interchangeably in this document to mean the environmental remediation and/or risk assessment/risk management, and rehabilitation/renovation/adaptive reuse and/or development/redevelopment of brownfields.

### 1.2 Benefits of Brownfield Redevelopment

Brownfields can have real and significant negative environmental, economic and social impacts in a municipality such as Oakville. Therefore, brownfield redevelopment can remove these impacts and provide significant environmental, economic and social benefits as described below.

#### 1.2.1 Environmental Benefits

From an environmental perspective, the contamination of soil and groundwater caused by brownfield sites may be a concern for human health and safety, as well as environmental quality and health. The environmental restoration and development of brownfield sites serves to improve the environmental quality of soil and groundwater in a community, which in turn can improve human health. 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.

Brownfield projects, be they employment uses, residential uses, or a mix of uses, can also reduce the distance between the location of employment areas and residential areas and therefore transportation costs. For example, one 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<sup>2</sup>. Therefore, brownfield development can have the effect of reducing commuting needs, thereby reducing traffic congestion and air pollution.

#### 1.2.2 Economic Benefits

From an economic perspective, the existence of brownfields can reduce the availability of land for local economic development, thereby limiting employment opportunities. Brownfield sites can also lower surrounding property values, create land use conflicts, and contribute to neighbourhood deterioration.

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<sup>1</sup> National Roundtable on the Environment and the Economy, 2003.

<sup>2</sup> Hara Associates. 2003.

A 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<sup>3</sup>. Numerous other Canadian and U.S. studies have found that brownfield development can increase neighbourhood property values<sup>4</sup>. Experience in Hamilton, Ontario 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. As well, the redevelopment of brownfield sites for employment, commercial and residential uses represents an excellent economic opportunity for a municipality to increase the property tax revenues generated by these properties without incurring the significant public infrastructure costs typically associated with greenfield development.

### **1.2.3 Social Benefits**

From a social perspective, brownfield sites can attract vandals, open dumping and other illegal activity that can lead to blight, contributing to neighbourhood and employment area deterioration and negatively impacting the quality of life in a community. 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 National Roundtable on the Environment and the Economy (NRTEE) concluded that brownfield development can be an engine for urban renewal<sup>5</sup>. Case studies reviewed by the NRTEE showed that this renewal can take the form of:

- 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.

## **1.3 Approach to Brownfields in Oakville**

While it is true that there are likely fewer brownfields in Oakville than in other municipalities in Ontario that have a longer history of industrial manufacturing, there are still no doubt many brownfield sites in Oakville due to the existence of previous land uses such as manufacturing, gasoline stations, petroleum storage, asphalt plants, printers, drycleaners, textile mills, blacksmiths, automobile wrecking yards, and other uses that potentially contaminated soil and groundwater. A review of known and potentially contaminated sites in Oakville identified approximately two dozen brownfield sites totaling approximately 500 acres. There is potential for other unknown brownfield sites, particularly in industrial areas such as Speers Road and Wycroft Road, Midtown Oakville, and other sites throughout the town.

As noted above, brownfield sites in Oakville have a negative impact on the environment, economy and community. Existing brownfields represent a less than optimal use of existing infrastructure for the Town and Regional Municipality of Halton. Furthermore, brownfields can negatively impact the Town's ability to meet Provincially mandated intensification/growth targets, attract employment, and increase assessment and property tax revenues.

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<sup>3</sup> Regional Analytics. 2002.

<sup>4</sup> See for example, Environment Canada. 1998.

<sup>5</sup> National Roundtable on the Environment and the Economy, 2003.

In response, the Town of Oakville is undertaking a comprehensive and coordinated cross-departmental systems approach to addressing public and private brownfields in Oakville. This is known as the Comprehensive Brownfield Management Project (CBMP) and is broken into the following three phases:

Phase 1 – address the Public Sector Accounting Board 3260 requirements for public lands;

Phase 2 – evaluate departments’ activities related to contaminated site management of both public and private side lands; and,

Phase 3 – develop an approach to support the assessment, remediation, and redevelopment of privately owned contaminated sites (the Brownfield Strategy and this Brownfield Community Improvement Plan).

Additional detail regarding all three phases in the CBMP is provided in **Appendix A**.

Phases 1 and 2 are being led by the Environmental Policy Department. Phase 3 is being led by the Economic Development Department and supported by an inter-departmental project steering committee (PSC). As part of Phase 3, an application for matching study funding from the Federation of Canadian Municipalities (FCM) Green Municipal Fund was submitted in May 2016 and approved at the end of 2016. The CBMP, including the preparation of a Brownfield Strategy and this Brownfield Community Improvement Plan (CIP) follows FCM’s Leadership in Brownfield Redevelopment Program (LiBRe) best practices framework.

## **1.4 Purpose of the Community Improvement Plan**

Brownfield sites in Oakville are impacting the Town’s ability to increase employment, its property tax assessment base, and its ability to meet intensification and growth targets specified in Provincial, Regional and Town planning policies. Combined with the Town’s adoption of Vision 2057, this prompted the Town to prepare a Brownfield Strategy and this accompanying CIP as part of its Comprehensive Brownfield Management Project (CBMP).

The purpose of this Brownfield CIP (the “CIP”) is to outline a framework of incentive programs and accompanying strategies designed to promote the assessment, remediation, development, redevelopment, and adaptive reuse of brownfields by the private sector in Oakville. This CIP was developed based on a thorough review of incentive program related legislation and relevant Provincial, Regional and Town policies, best practices used in other municipalities, an examination of areas containing potential brownfield sites in Oakville, input obtained from the PSC, a meeting with the Executive Management Team, two workshop sessions with key local brownfield stakeholders, and two public meetings including a statutory public meeting held under the Planning Act.

Based on a critical analysis of brownfield community improvement needs in Oakville, this CIP outlines the key community improvement goals and targets for brownfield redevelopment in Oakville. The CIP contains a recommended Community Improvement Project Area (CIPA), and a framework of incentive programs designed to help achieve the goals and targets of the CIP.

## 1.5 Methodology

The first step in the preparation of this CIP was a review of the legislative framework for preparation and adoption of a CIP to promote brownfield redevelopment. Next, a multi-faceted review of key Town, Region of Halton and Provincial policies that provide direction on brownfields in Oakville was conducted. This included a review of:

- i) Provincial policies including the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe, with particular emphasis on policies related to promoting brownfield redevelopment and its role in promoting intensification;
- ii) Region of Halton policies including the Regional Official Plan (ROP) and Regional Guidelines for Participation in Local Municipal CIPs and Programs; and,
- iii) Town of Oakville policies including the Vision 2057 Framework, Community Sustainability Plan, Livable Oakville Official Plan, North Oakville Plans, Environmental Strategic Plan, Economic Development Strategy, Climate Change Adaptation Strategy and Midtown Strategy.

This was followed by a review of best practices being used in several other Ontario and Canadian municipalities with long-standing successful brownfield redevelopment programs.

Next, an analysis of critical brownfield community improvement needs in Oakville was conducted. This included a review of information and data on potential brownfields in Oakville and a tour of brownfield sites and areas by Town staff and the consultant. The nature of current industrial uses and the geographic extent of these uses was noted on the tour.

In order to further identify and verify key brownfield community improvement needs, goals and targets in Oakville, a Stakeholder Workshop was held with key brownfield redevelopment stakeholders (developers, brownfield property owners, real estate professionals, and planning and environmental consultants) on February 24, 2017. The purpose of this first workshop was to obtain input from key stakeholders on the critical needs, expectations and goals for brownfield redevelopment in Oakville and the types of incentive programs and other municipal actions that would work best to address these needs and goals. A total of 20 people attended the workshop including several senior Town and Regional staff. After a presentation by the consultant, attendees were led through a series of questions regarding the key needs for brownfield redevelopment, types of programs required to address these needs, and other municipal actions that would help facilitate brownfield redevelopment in Oakville. Each workshop group took notes and the responses were then reported back to those in attendance by a spokesperson for each group.

Based on the input received at the first workshop, community improvement needs, goals and targets for brownfield redevelopment in Oakville were finalized and preliminary incentive program concepts were developed to address these needs, goals and targets. The preliminary incentive programs were then presented at a second Stakeholder Workshop held on July 24, 2017. The preliminary incentive programs were well received by those in attendance at this workshop. Again a facilitated discussion was held and provided input used to refine the proposed incentive programs. A Public Meeting was also held on July 24, 2017. Throughout preparation of this CIP, the project steering committee (PSC) and senior Town staff in all departments met to provide input to the consultant.

A Draft Brownfield Strategy, including the draft incentive programs was prepared and presented to Planning and Development Council on September 11, 2017. Council endorsed the Brownfield Strategy and incentive programs contained therein and directed that the Strategy be used as the basis for preparation and

implementation of this Brownfield CIP. The Town of Oakville Brownfield Strategy is available under separate cover.

The consultant then prepared a Draft Brownfield CIP which was reviewed by staff and then finalized. This Brownfield CIP also includes a Monitoring Program and a Marketing Strategy to help guide the implementation, marketing, and monitoring of the incentive programs.

## **1.6 Report Outline**

Section 2.0 of this CIP outlines the Provincial legislative framework for preparation of this CIP.

Section 3.0 summarizes the Town, Regional and Provincial policy framework used to guide preparation of this CIP.

Section 4.0 presents the results of the community improvement needs analysis and the goals for brownfield redevelopment in Oakville.

Section 5.0 presents the recommended Community Improvement Project Area (CIPA) for the CIP.

Section 6.0 outlines the recommended incentive programs designed to stimulate private sector development of brownfield sites in Oakville.

Section 7.0 contains a monitoring program to monitor the results of the incentive programs.

Section 8.0 contains a basic marketing strategy that can be used by the Town to market the incentive programs and promote brownfield redevelopment opportunities in Oakville.

Section 9.0 contains a short conclusion to the CIP.

Section 10.0 provides a list of references cited in the CIP.

## 2.0 LEGISLATIVE FRAMEWORK

### 2.1 Municipal Act, 2001

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 giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any municipal property at below fair market value; and giving a total or partial exemption from any levy, charge or fee.

This prohibition is generally known as the “bonusing rule”. Section 106 (3) of the *Municipal Act, 2001* provides an exception to this bonusing rule for municipalities exercising powers under Subsection 28 (6), (7) or (7.2) of the *Planning Act* or under Section 365.1 of the *Municipal Act, 2001*. It is this exception under Section 28 of the *Planning Act* that allows municipalities with enabling provisions in their official plans to prepare and adopt Community Improvement Plans (CIPs). CIPs provide municipalities with a comprehensive framework for the provision of economic development incentives in areas requiring community improvement.

Section 365.1 of the *Municipal Act, 2001* operates within the framework of Section 28 of the *Planning Act*. A municipality with an approved CIP in place that contains provisions specifying tax assistance for environmental remediation costs can pass a by-law providing tax assistance to an eligible brownfield property in the form of a deferral or cancellation of part or all of the taxes levied on that property for municipal and education purposes during the rehabilitation period and the development period of the property, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Upon receiving a copy of the proposed by-law from the lower-tier municipality, the upper-tier municipality may, by resolution, agree that the by-law may also provide for the cancellation of all or a portion of the taxes levied for upper-tier purposes, and the by-law so agreed to by the upper-tier municipality and passed by the lower-tier municipality is binding on the upper-tier municipality. Lower tier municipalities may also apply to the Province to provide matching education property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

### 2.2 Planning Act

Section 28 of the *Planning Act* allows municipalities with provisions in their official plans relating to community improvement to designate by by-law a “community improvement project area” and prepare and adopt a community improvement plan for the community improvement project area. Once the community improvement plan has been adopted by the municipality and comes into effect, the municipality may exercise authority under Section 28(6), (7) or (7.2) of the *Planning Act* or Section 365.1 of the *Municipal Act, 2001* in order that the exception provided for in Section 106 (3) of the *Municipal Act, 2001* will apply.

According to Section 28 (1) of the *Planning Act*, a “community improvement project area” is defined as “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”. It is important to note that there are a variety of reasons that an area can be designated as an area in need of community improvement. The criteria for designation cover physical deterioration, faulty arrangement, unsuitability of buildings and any other social or community economic development reasons.



Section 28 (1) of the *Planning Act* defines “community improvement” as “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”. This represents a wide range of possible municipal actions.

Once a CIP has come into effect, the municipality may:

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

Section 28 (7.1) of the *Planning Act* specifies that the eligible costs of a community improvement plan for the purposes of Subsection 28 (7) may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

Section 28 (7.3) of the *Planning Act* specifies that the total of all grants and loans made in respect of particular lands and buildings under Section 28 (7) and (7.2) of the *Planning Act* and tax assistance provided under Section 365.1 of the *Municipal Act, 2001* in respect of the land and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings.

Section 28(11) of the *Planning Act* allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

Section 69 of the *Planning Act* allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Alternatively, a municipality can collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

## **3.0 BACKGROUND POLICY REVIEW**

### **3.1 Provincial Policies**

#### **3.1.1 Provincial Policy Statement, 2014**

The Provincial Policy Statement (the “PPS”) is issued under Section 3 of the Planning Act and provides direction on matters of provincial significance related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The Province of Ontario released the latest version of the PPS on February 24, 2014 and the policies took effect on April 30, 2014. The PPS defines brownfield sites as “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.”

The vision for land use planning in Ontario in the PPS states that “the long-term prosperity and social well-being of Ontarians depends on planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy”.

A major objective of the PPS is to manage and direct land use to achieve efficient development and land use patterns that will sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1 a). This includes accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses (Section 1.1.1 b) and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Section 1.1.1 e).

Several sections of the PPS directly or indirectly support brownfield redevelopment and its contribution to intensification and redevelopment. For example, Section 1.1.3 of the PPS directs that Planning authorities identify appropriate locations 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 (Section 1.1.3.3). Brownfield sites are specifically identified as opportunities for redevelopment and intensification. The PPS also notes that economic development and competitiveness should be supported by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

In addition to the promotion of brownfield redevelopment as a way to achieve efficient development patterns and economic development, the PPS also stresses that development, including brownfield redevelopment, should be compact, well designed, and environmentally sensitive. For example, the PPS notes that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses (Section 1.1.1 b) and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate (1.1.1 h).

Other policies in the PPS also promote:

- An appropriate range of residential types and densities that accommodate current and future users, that efficiently use the land, services, infrastructure and public service facilities, and support active transportation and transit in areas where it exists or is to be developed (Section 1.4.3);
- Healthy, active communities with streets, parks, public spaces and trails that are pedestrian and cyclist-friendly and contain a range of different recreation opportunities (Section 1.5.1);
- Long-term prosperity through the maintenance and enhancement of downtown and mainstreets (Section 1.7.1c) and the redevelopment of brownfield sites (Section 1.7.1 e));
- Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (Section 1.7.1 d); and,
- Conservation of significant built heritage and cultural heritage resources (Section 2.6.1).

### **3.1.2 Growth Plan for the Greater Golden Horseshoe**

The 2017 Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) came into effect on July 1, 2017 and replaces the 2006 Growth Plan for the Greater Golden Horseshoe (GGH). The Growth Plan is the Province of Ontario’s growth strategy for the GGH region, which includes the Town of Oakville and the Regional Municipality of Halton. The Growth Plan provides an overall growth strategy for the region to 2041 that is implemented primarily by municipal planning documents, such as a Community Improvement Plan (CIP), and other municipal tools. The Growth Plan directs growth to settlement areas and prioritizes intensification with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields<sup>6</sup>.

As per the Growth Plan, the Town of Oakville identifies strategic growth areas within its settlement area and includes nodes and corridors, brownfields and other areas that have been identified as the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Midtown Oakville is identified in the Growth Plan as an Urban Growth Centre. Midtown Oakville is to be planned to achieve, by 2031 or earlier, a minimum gross density of 200 residents and jobs combined per hectare.

A number of the policies in the Growth Plan provide direction for this Brownfield CIP. More precisely, the Growth Plan seeks to build vibrant and complete communities that:

- Feature a diverse mix of land uses, including residential and employment uses;
- Prioritize intensification and higher densities to make efficient use of land and infrastructure;
- Provide a diverse range and mix of housing options, including affordable housing to serve all sizes, incomes, and ages of households;
- Ensure the development of high quality compact urban form;
- Integrate green infrastructure and low impact development;
- Support a strong and competitive economy; and,
- Optimize the use of new and existing infrastructure.

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<sup>6</sup> Greyfields are defined in the 2017 Growth Plan and in the Livable Oakville Plan as previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

Section 2.2.5.5 of the Growth Plan also specifies that upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will each develop an employment strategy that establishes a minimum density target for all employment areas and identifies opportunities for the intensification of employment areas.

## **3.2 Regional Municipality of Halton Policies**

### **3.2.1 Regional Official Plan (ROP)**

The Regional Official Plan (ROP) is the Regional Municipality of Halton's guiding document for land use planning. It contains the goals, objectives, and policies that manage growth and direct physical change. Section 72(8) of the ROP includes an objective for the Urban Area to promote the adaptive re-use of brownfield and greyfield sites. Section 85(13) includes an objective for housing to promote residential intensification through the development or redevelopment of brownfield and greyfield sites. Section 253.1(1) of the ROP specifically identifies brownfields as sites or areas with the potential to develop or redevelop at higher density than currently exist. The ROP policies consider intensification and the development of intensification areas as the higher priority of development within Halton and includes policies that support employment intensification.

The ROP directly identifies the use of Local Municipal CIPs to implement specific policies, including:

- Promoting and supporting intensification and development of Intensification Areas as the highest priority of urban development within the Region (Section 81(7.2));
- Promoting residential intensification, including the provision of assisted, affordable and special needs housing components through the redevelopment of brownfield and greyfield sites outside employment areas (Section 86(13.1)); and,
- Providing Assisted, Affordable and Special Needs Housing (Section 86(15)).

Sections 205.3 to 205.6 contain the Region's Community Improvement Plan policies. These policies specify that the Region may participate in a Local Municipality's CIP and make loans and grants to that Local Municipality in support of its Plan, and that Regional Council, in consultation with the affected Local Councils, will use CIPs at the appropriate time and circumstances to implement policies of the ROP.

### **3.2.2 Regional Guidelines for Regional Participation in Local Municipal CIPs and Programs**

The Regional Municipality of Halton has prepared a set of guidelines to aid in implementation of the ROP. One of these guidelines is the Regional Program for Community Improvement Plans (CIPs) Guidelines which was approved by the Region in September of 2016. These Guidelines assist Regional Council and staff in identifying those Local CIPs and programs that the Region may wish to participate in to implement certain ROP policies. The Guidelines also identify a process for the four Local Municipalities in Halton to follow when requesting Regional participation in their CIPs and CIP programs. The following relevant ROP policies have been identified as policies that could be implemented through CIPs:

- Promoting and supporting intensification and intensification area development;
- Promoting residential intensification on brownfields and greyfields;
- Encouraging and creating assisted, affordable and special needs housing;
- Promoting and supporting agriculture;
- Protecting and preserving cultural heritage resources; and,

- Promoting employment area intensification on brownfields and greyfields.

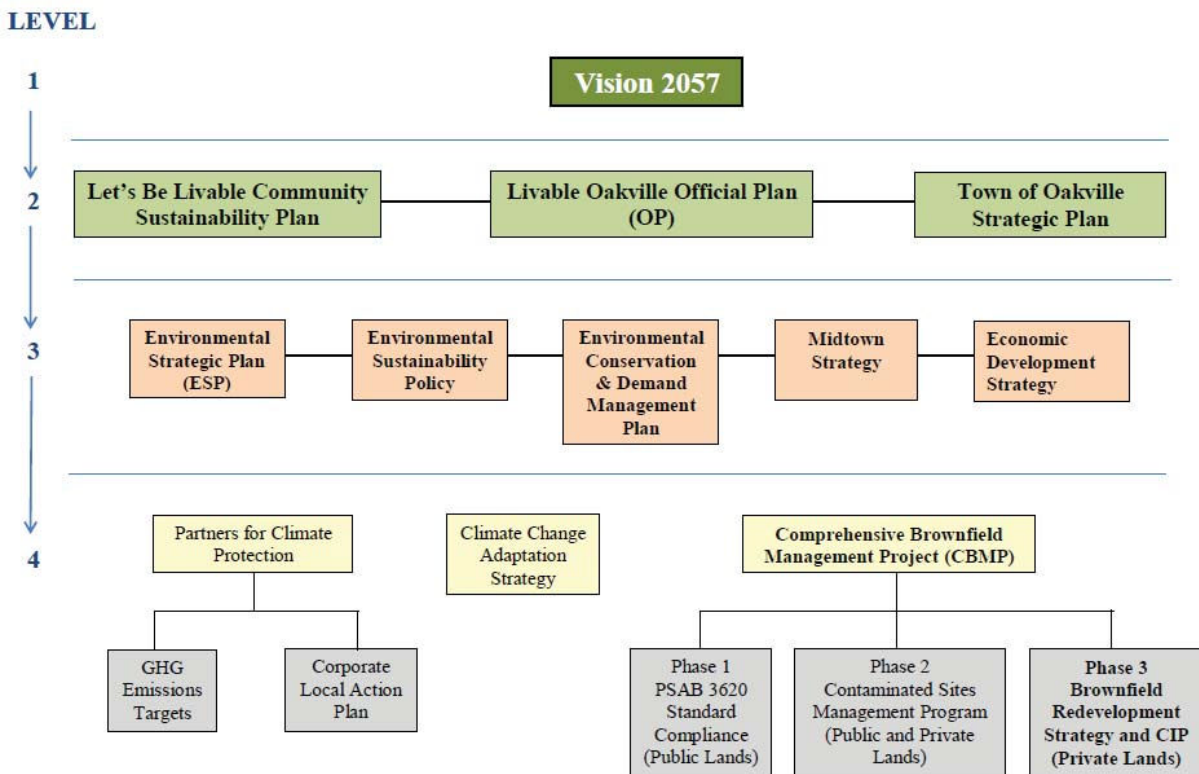
Regional participation in Local Municipal CIP programs will be based on demonstration that the applicable Local Municipal CIP program will aid in implementing one or more of the above-noted ROP policies. Any financial grant made by Halton Region to an individual Local Municipal CIP program application must be matched by the Local Municipality.

### 3.3 Town of Oakville Policies

#### 3.3.1 Vision 2057

In October of 2011, the Town of Oakville launched Vision 2057, an overarching sustainable community framework the Town has adopted to guide its comprehensive master planning. As shown in **Figure 1**, three major plans (Community Sustainability Plan, Official Plan, and Town of Oakville Strategic Plan,) form the basis of this framework. Other key plans, strategies and projects, including this CIP which is a component of the CBMP, flow directly from, and are designed to implement the directions contained in Vision 2057.

**Figure 1 Vision 2057 Framework**



#### 3.3.2 Let's Be Livable Community Sustainability Plan

The Community Sustainability Plan (CSP) integrates the four pillars of sustainability - environmental, social, economic and cultural, and defines how the community will achieve sustainability and strengthen community resiliency. Key directions in the CSP include the improvement of land, water and air quality;



reduction of waste, energy consumption and greenhouse gas emissions (GHGe); promotion of active transportation; and enhancement of the local economy. All of these directions reinforce the need for a Brownfield Strategy and CIP, and more specifically, the approach taken to prepare this Brownfield CIP.

### **3.3.3 Livable Oakville Official Plan**

Oakville's Official Plan is comprised of the Livable Oakville Plan and the North Oakville East and West Secondary Plans. The Livable Oakville Plan applies to the lands south of Dundas Street and north of Highway 407, while the North Oakville East and West Secondary Plans (see Section 3.3.4 below) apply to the lands north of Dundas Street and south of Highway 407.

The Livable Oakville Plan was adopted by the Council of the Corporation of the Town of Oakville on June 22, 2009 through By-law 2009-112 and approved by the Regional Municipality of Halton on November 30, 2009. Livable Oakville was deemed to conform to the Growth Plan, 2006, and the Region's Official Plan, as amended, and to be consistent with the PPS, 2005. Livable Oakville guides land use policy and community improvement planning and directs future growth in Oakville. Numerous policies in Livable Oakville directly or indirectly support brownfield redevelopment, intensification in Midtown Oakville, and the goals of this CIP. These policies are summarized below.

#### **3.3.3.1 Mission Statement**

The mission statement in Section 2 of Livable Oakville is "to enhance the Town's natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions." This mission statement sets the tone and direction of Livable Oakville in that the policies incorporated into Livable Oakville, and the planning and development decisions that flow from Livable Oakville, will promote a balance of environmental sustainability, cultural vibrancy, economic prosperity and social well-being.

#### **3.3.3.2 Guiding Principles**

Section 2.2.1 of Livable Oakville stresses that the Town will preserve and create a livable community with the majority of growth directed to appropriate locations where higher density, transit and pedestrian oriented development can be accommodated, and achievement of long-term economic security with a diverse range of employment opportunities for residents. Section 2.2.3 of Livable Oakville stresses the achievement of sustainability, both in terms of reducing the environmental impact of development and achieving sustainable building and community design.

#### **3.3.3.3 Managing Growth and Change**

The policies of Livable Oakville naturally reflect those of the PPS and Growth Plan which provide for a significant shift to a more compact urban form and intensification within the built-up area.

Section 3 of Livable Oakville identifies a town-wide Urban Structure<sup>7</sup> (see Schedule A1 of Livable Oakville) that directs mixed use development and intensification into a system of Nodes and Corridors, namely Midtown Oakville, Uptown Core, Palermo Village, Kerr Village, Bronte Village, Downtown Oakville, Trafalgar Road Corridor (QEW to Dundas Street) and the corridors along Dundas Street and Speers Road.

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<sup>7</sup> On September 26, 2017, Town Council adopted an amendment to the Livable Oakville Plan (By-law No. 2017-079) that incorporates the new Urban Structure policies which are referenced in this section of the report. This amendment was approved by the Regional Municipality of Halton on April 26, 2018 with the last date for appeals being May 16, 2018.



Section 3 of Livable Oakville notes that Midtown Oakville is an urban growth centre identified in the Growth Plan and is planned to accommodate a significant portion of Oakville and Halton's required intensification.

The Midtown Go Station and the Bronte GO Station are identified as Major Transit Station Areas by the Growth Plan and are intended to accommodate transit-supportive development.

Section 3 further identifies that "Employment Areas provide for a mix of employment uses including industrial, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The Employment Areas are generally located along the provincial highways including the QEW, the 403 and the 407. The Employment Mixed Use Corridor along Speers Road and Cornwall Road is identified for its mix of non-traditional employment development. It is anticipated that development in the Employment Areas shall continue to reflect an evolving town-wide macro-economy premised on decreased industrial and manufacturing growth and increased demand in the office sector. Employment Areas shall be planned to accommodate a more compact, transit-supportive and pedestrian-oriented environment, with a range of employment-supportive amenities."

#### **3.3.3.4 Urban Design**

Section 6 of Livable Oakville contains the policies on urban design. These policies promote a high standard of urban and architectural quality to provide an innovative and diverse urban form that promotes a sustainable, dynamic and livable environment.

#### **3.3.3.5 Sustainability**

Section 10 of Livable Oakville contains the Town's objectives and policies on achieving sustainable development in order to achieve environmental sustainability. The objectives in Section 10.1 center on minimizing the environmental impact of development and achieving sustainable building and community design.

Section 10.2 promotes climate change programs that mitigate and adapt to impacts. Examples are: initiatives to reduce GHGe through development that promotes increased transit usage and active transportation modes and encouraging energy efficient and green buildings. Section 10.4 notes that the Town will promote energy conservation by encouraging development that is compact, mixed use, designed to promote energy conservation, promotes transit and active transportation and uses appropriately selected and located vegetation to reduce the energy consumption of buildings. Section 10.5 encourages proposals for alternate energy systems and renewable energy systems at appropriate scale.

Section 10.6 notes that the Town will encourage innovative programs and construction methods which support the sustainable development and redevelopment of buildings. Sustainable features sought by the Town may include, but are not limited to:

- a) renewable energy systems such as wind, geothermal and solar power installations;
- b) energy-efficiency technologies that are consistent with high energy efficiency standards (such as Energy Star and LEED buildings), design features and construction practices;
- c) green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect;
- d) permeable paving and other innovative stormwater management methods;
- e) water conservation and efficiency measures; and,

- f) conserving heritage resources, which contributes to sustainability by reducing landfilling and lessening the demand for energy and resources needed for new construction.

Finally, Section 10.7 of Livable Oakville notes that where the redevelopment of large greyfield or brownfield sites for residential land uses is proposed, the intensification policies provided in section 11.1.9 shall apply. Such redevelopment shall also be planned in a comprehensive manner.

### **3.3.3.6 Midtown Oakville**

Section 20 of Livable Oakville contains policies on Midtown Oakville. Midtown Oakville is one of 25 areas identified as an urban growth centre in the Province's Growth Plan. The Midtown Oakville urban growth centre is approximately 100 hectares in size and bounded by the QEW to the north, Chartwell Road to the east, Cornwall Road to the south and the Sixteen Mile Creek valley to the west. Key objectives for Midtown Oakville in Section 20.2 of Livable Oakville include:

- a) promoting a compact urban form with higher density and higher intensity land uses;
- b) ensuring high quality urban design that complements and contributes to the vitality of both Midtown Oakville and the Town; and,
- c) promoting sustainable building practices.

The growth targets for Midtown Oakville are specified in Section 20.4.3 of Livable Oakville. Midtown Oakville shall provide for a minimum gross density of 200 residents and jobs combined per hectare by 2031 in accordance with the Growth Plan. This translates to approximately 5,900 residential units and 186,000 – 279,000 square metres of commercial and employment space to accommodate an estimated 12,000 residents and 8,000 jobs by 2031. Reductions in minimum heights or densities within Midtown Oakville will not be permitted.

### **3.3.3.7 Community Improvement Policies**

Section 28.14 of Livable Oakville contains the Town's community improvement policies that apply to lands south of Dundas Street. These Community Improvement policies are attached in **Appendix B**. Section 28.14.2 sets out the criteria for designating a community improvement project area. The areas identified and prioritized in this Brownfield CIP meet several of these criteria including building and structures in need of maintenance and repair, opportunities for infilling and development of under-utilized sites, existing or probable soil or water contamination, and in the case of Midtown, deficiencies in the physical infrastructure. Section 28.14.3 notes that a community improvement plan may be prepared, adopted and implemented to guide a number of actions on the part of the Town, including the provision of grants, loans or tax assistance for community improvement activities such as the cost of rehabilitating lands and buildings.

The only other CIP adopted by the Town is Kerr Village CIP, adopted in 2014. This CIP includes a grant to promote building facade improvement in Kerr Village, and therefore, does not conflict with this CIP.

The 2006 Oakville Official Plan was first adopted by Council on July 5, 1983 by By-law 1983-114 and was subsequently approved by the Minister of Municipal Affairs and Housing. It was amended many times to reflect new development or land-use changes. The consolidated version of the Official Plan incorporates all amendments and modifications approved by the Minister up to September 20, 2006.

Part C, Section 13 of the 2006 Oakville Official Plan contains the Town's community improvement policies that apply to lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and

Tremaine Road in the west. These policies are attached in **Appendix B**. Section 13.2 sets out the criteria for consideration when selecting potential areas for community improvement. The North Oakville area meets the criteria for community improvement under Section 13.2.f., including problems with inappropriate land uses, inadequate building maintenance, or lack of development on vacant or under-utilized land. Part B, Section 13 includes the goals and objectives regarding community improvement. This includes improving the property and business tax base in commercial areas by upgrading the urban infrastructure and stimulating private investment.

### **3.3.4 North Oakville East and West Secondary Plans**

The North Oakville East Secondary Plan and the North Oakville West Secondary Plan, known collectively as the “North Oakville Plans” provide a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and Tremaine Road in the west. The North Oakville East Secondary Plan was approved by the Ontario Municipal Board (OMB) in January 2008. The North Oakville West Secondary Plan was approved as Amendment 289 to the Town’s 2006 Official Plan, in May 2009. The North Oakville Plans are not technically part of Livable Oakville, but endure as amendments to the Town’s 2006 Official Plan.

Policies in the North Oakville Plans note that the provisions of Section 3, Urban Structure and Schedule A1 of the Livable Oakville Plan shall apply to the lands within the North Oakville Plans<sup>8</sup>.

In May 2017, the North Oakville Secondary Plans Review (NOSPR) was initiated. This study is a component of the town’s ongoing Official Plan Review and it is a major component of the NOSPR to bring the North Oakville Plans into Livable Oakville so that the Town has one Official Plan document.

A number of the policies in the 2006 Oakville Official Plan and the North Oakville Plans directly or indirectly support brownfield redevelopment and the goals of this CIP. These policies are summarized below.

#### **3.3.4.1 Community Vision**

The North Oakville Plans are founded on a vision for a compact, pedestrian-oriented, urban community. The character and pattern of North Oakville will be significantly influenced by a planned natural heritage and open space system. The North Oakville community will also be forward-looking and a model of smart growth and social diversity.

#### **3.3.4.2 General Development Objectives**

Section 7.2.3 of the North Oakville East Secondary Plan and Section 8.2.3 of the North Oakville West Secondary Plan outline General Development Objectives to guide future urban development. These development objectives include:

- incorporating measures to achieve the goals of environmental protection and enhancement including energy conservation, greenhouse gas reduction, and increased utilization of public transit;

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<sup>8</sup> On September 26, 2017, Town Council passed an amendment to the North Oakville East Secondary Plan (By-law No. 2017-080) and an amendment to the North Oakville West Secondary Plan (By-law No. 2017-081) that directs the reader to the town-wide Urban Structure policies and schedules contained in the Livable Oakville Plan. These amendments were approved by the Regional Municipality of Halton on April 26, 2018 with the last date for appeals being May 16, 2018.

- establishing overall development densities that equal or exceed the density established by the Halton Urban Structure Plan;
- creating employment districts which provide for a range of employment opportunities;
- planning for and promoting higher order employment densities at appropriate locations that maximize employment opportunities, particularly in areas where higher order/frequent transit service is planned; and,
- minimizing travel time, traffic, greenhouse gases, servicing costs and energy costs through a variety of mechanisms.

#### **3.3.4.3 Nodes and Corridors**

Nodes and Corridors are identified in the North Oakville Plans as the Health Oriented Mixed Use Node as well as urban core areas and include Trafalgar Urban Core Area, Dundas Urban Core Area and Neyagawa Urban Core Area.

#### **3.3.4.4 Employment Targets**

Section 7.3.7 of the North Oakville East Secondary Plan and Section 8.3.4 of the North Oakville West Secondary Plan outline the employment targets for North Oakville. The North Oakville Plans were designed to:

- a) Achieve a balance both in type and quantity between local employment opportunities and the resident labour force;
- b) Actively encourage a diversification of employment opportunities in Oakville; and,
- c) Encourage the growth of industrial commercial assessment.

The target for North Oakville East is approximately 300 net hectares of employment land and 16,500 jobs at capacity, reflecting a target of an average of 55 employees per net hectare. In addition, it is anticipated that there will be approximately 8,500 population related employees for a total target of 25,000 jobs at capacity. The target for North Oakville West is approximately 250 net hectares of employment land and 10,000 jobs at capacity, reflecting an average of 55 employees per net hectare.

#### **3.3.4.5 Sustainable Development Strategy**

The Town of Oakville is committed to the principle of sustainable development in North Oakville. Section 7.4 of the North Oakville East and Section 8.4 of the North Oakville West plans outline the Sustainable Development Strategy for North Oakville as it relates to development form. This Strategy identifies that the Town will actively encourage development which is specifically based on the principle of sustainable development. The Town will also work with other public agencies to encourage them to follow these principles. Such development will be designed to:

- a) reduce the consumption of energy, land, and other non-renewable resources;
- b) minimize the waste of materials, water, and other limited resources;
- c) create livable, healthy, and productive environments; and,
- d) reduce greenhouse gas emissions.

### **3.3.5 Town of Oakville Strategic Plan**

The Town of Oakville's 2015–2018 Strategic Plan outlines the goals, actions and measures that will help Council achieve its vision. The vision for Oakville is to be the most livable town in Canada. Five areas of

focus are outlined in the Strategic Plan and three of these areas of focus, environmental leadership, economic growth, and fiscal sustainability, relate directly to the Brownfield Strategy and this CIP. One of the key actions for 2016-2018 under the economic growth focus area is the development of a Brownfields Strategy for corporate and private lands to enhance and promote economic sustainability.

### **3.3.6 Environmental Sustainability Plan – 2018 Update**

The town recently updated the 2011 Environmental Strategic Plan (ESP) to transition into the Environmental Sustainability Plan 2018-2022. Transformational priorities are integrated into this ESP update reflecting the importance of creating resilience for changing climate, reducing Oakville's ecological footprint and transitioning toward becoming a smart city. A number of the ESP goals and objectives support this CIP, including:

- Sustaining and enhancing the natural environment;
- Reducing resource consumption and waste production;
- Creating and supporting a healthy and resilient community;
- Applying innovative best environmental management practices; and
- Fostering an environmentally sustainable urban form.

The ESP also recommends investigation of municipally-supported financial incentives for green development and building practices, reduced water and energy consumption, GHGe, and active transportation.

### **3.3.7 Midtown Strategy**

The Midtown Strategy envisions Midtown Oakville as a complete urban community and targets 12,000 people and 8,000 jobs by 2031. This will require increased development densities in Midtown and the Growth Plan specifies that the Midtown Oakville urban growth centre be planned to achieve, by 2031 or earlier, a minimum gross density of 200 residents and jobs combined per hectare.

The Midtown Strategy consists of three major studies: the Midtown Oakville Class Environmental Assessment, Midtown Oakville Parking Strategy, and of most relevance to this CIP, the Designing Midtown Oakville Study prepared in 2013 to 2014. Additional implementation tools, such as this CIP, will also be used to help implement the Midtown Strategy. In support of the Midtown Strategy, the Town of Oakville prepared a Draft Official Plan Amendment (OPA) and Draft Zoning By-law for Midtown Oakville. The Draft OPA identifies the Brownfield CIP as a key implementation tool to generate the required density of development in Midtown.

### **3.3.8 Economic Development Strategy**

The 2009-2019 Economic Development Strategy (EDS) outlines how economic development can contribute to the Town's vision to be the most livable town in Canada. The EDS notes that Oakville should make optimal use of its remaining employment lands. This CIP will help to achieve that objective by helping to promote the development and redevelopment of brownfield employment lands for new employment uses.

### **3.3.9 Climate Change Strategy**

In 2006, the Town of Oakville participated in the Joint Local Governments for Sustainability (ICLEI)/Federation of Canadian Municipalities (FCM)'s Partners for Climate Protection (PCP) program to develop and implement the town's GHGe reduction strategy. The town has successfully completed Milestone one to Five of the PCP Program and recently adopted the new PCP GHGe targets matching those of global leaders. For climate change adaption, the town was also one of the first 12 signatory municipalities working

with ICIEL's Building Adaptive & Resilient Communities (BARC) program. The town has also achieved Milestone 5 of the program. In 2014, the town developed a Climate Change Strategy and is into its fourth year of implementation.

### **3.3.10 Comprehensive Brownfield Management Project (CBMP)**

The Town recognizes that many departments are involved with brownfields through processes such as contaminated site/historical land use inventories, managing publicly owned brownfields (including risk assessment/management and liability mitigation), public land assumptions, property tax arrears on vacant and underutilized brownfield sites, public vesting, and cross property contamination issues. Only a comprehensive, coordinated and cross-departmental systems approach can fully address both public and private contaminated sites to promote sustainable brownfield redevelopment. That is why the Town has launched its Comprehensive Brownfield Management Project (CBMP).

As shown in Appendix A, the CBMP comprises three distinct phases. Phase 1 addresses the management of publicly owned contaminated sites, including the Public Sector Accounting Board 3260 requirements for public lands. Section PS 3260 establishes standards on how to account for and report a liability associated with the remediation of a contaminated site and applies to all governments and government organizations following Public Sector Accounting Standards (PSAS). Phase 1 will improve contaminated site tracking of Town lands.

Phase 2 addresses the Town's business processes related to contaminated sites. The Town will evaluate departmental activities related to contaminated site management of both public and private side lands. This includes strategies to address Town owned contaminated sites and the Town review of development applications.

Work on these Phases 1 and 2 is currently well underway.

Phase 3 of the CBMP, which is the Brownfield Strategy and this CIP, is aimed squarely at promoting the redevelopment of privately held brownfield lands.

### **3.3.11 Community Energy Plan**

The town initiated the development of a Community Energy Plan in late 2017 in partnership with Sheridan College, Oakville Hydro, Enbridge Gas and other key community and business stakeholders. The plan will be developed from 2017/2018 to 2019 to:

- Improve energy efficiency
- Reduce greenhouse gas emissions
- Ensure energy security
- Increase resiliency to climate change



## 4.0 COMMUNITY IMPROVEMENT NEEDS AND GOALS

As described in Section 1.5, an analysis was conducted to identify brownfield community improvement needs and goals in Oakville. In addition to the background policy review, this analysis included a review of information and data on potential brownfields in Oakville and a tour of brownfield sites and areas by staff and the consultant. Furthermore, two workshops were held with key brownfield stakeholders, and a public meeting was held. The project steering committee (PSC) and senior Town staff from multiple departments also met during preparation of the Brownfield Strategy and Community Improvement Plan (CIP) to further refine the community improvement needs and goals.

### 4.1 Needs

Based on the methodology described above the following key brownfield community improvement needs were identified:

- Financial assistance for environmental studies, remedial work plans, remediation and risk management measures is of primary importance – needs a partnership cost sharing approach from the municipality at various stages of the brownfield redevelopment process;
- Financial assistance for non-environmental costs associated with brownfield sites such as the costs of building demolition, building renovation/upgrading, and on-site infrastructure upgrading;
- Employment Areas, Major Transit Station Areas, and Midtown Oakville are the highest priority for financial incentive programs, with Nodes and Corridors second, and the rest of the urban area third;
- Financial assistance should be transferable to new owners;
- Flexibility on the Record of Site Condition (RSC)<sup>9</sup> requirement as it relates to a requirement for the financial incentive programs, i.e., where the proposed development is not a change to a more sensitive use, the municipality should provide a peer review option to the RSC requirement;
- Process of applying for and receiving approval for the brownfield incentive programs should be simple and not time consuming, especially for environmental study grants;
- A “fast pass; or “express permit” where approval authority is delegated to staff for smaller incentive program applications such as environmental study grants and tax increment grants under a certain threshold;
- The bonusing provision in the *Planning Act* can be used to promote higher densities and the provision of public open space and other public amenities;
- Incentive programs should also promote employment growth, energy efficient and environmentally sustainable buildings, high quality building and site design and construction, and affordable housing; and,
- There should be an established and stable funding pool for the incentive programs.

### 4.2 Goals

The goals of this CIP were developed with input from the policy direction contained in key Town, Regional and Provincial policies, along with input from the key brownfield redevelopment stakeholders, senior Town staff and the PSC.

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<sup>9</sup> A Record of Site Condition summarizes the environmental condition of a property, based on the completion of environmental site assessments. A property owner who wants to change the use of a property to a new use that is more sensitive than the previous use must have a Record of Site Condition filed in the Environmental Site Registry First. Source: <https://www.ontario.ca/page/brownfields-redevelopment#section-9>

**The main goal of this CIP is to stimulate more remediation and renovation, expansion, adaptive re-use, and development/redevelopment on brownfield sites in the urban area of the Town of Oakville.**

Based on the policy direction and input from key stakeholders, other key goals of this CIP include:

#### **4.2.1 Economic**

- a) Retain and increase employment opportunities;
- b) Increase tax assessment and property tax revenues;
- c) Increase construction activity and building permits;
- d) Make more efficient use of existing public infrastructure and services; and,
- e) Improve the potential profitability of brownfield sites.

#### **4.2.2 Environmental**

- a) Improve the quality and comprehensiveness of environmental studies done on potential brownfield sites;
- b) Remediation of contaminated lands to improve land, water, air quality and wildlife habitat;
- c) Ensure that remediated and risk assessed brownfield sites are environmentally suitable for the proposed use(s);
- d) Reduce greenhouse gas emissions;
- e) Reduce the environmental impact of brownfield redevelopment; and,
- f) Promote the construction of energy, water, and wastewater efficient sustainable buildings and community design.

#### **4.2.3 Livability**

- a) Improve the physical and visual quality of brownfield sites;
- b) Improve building and site design and construction quality;
- c) Support intensification of growth areas for mixed use, compact, land efficient forms of development;
- d) Preserve heritage buildings;
- e) Increase the supply and range of housing types to meet projected requirements of current and future residents;
- f) Increase the supply of affordable and special needs housing; and,
- g) Create more high quality public spaces.

## 5.0 COMMUNITY IMPROVEMENT PROJECT AREA

The prevailing trend in municipalities who have more recently prepared comprehensive Brownfield Community Improvement Plans (CIPs) is to designate the entire municipality, or at least the entire urban area, as the Community Improvement Project Area to which their Brownfield CIP will apply. Based on the historic industrialization pattern in Oakville and the tour conducted of the industrial areas (noting the nature of current industrial uses and the geographic extent of these uses), it is quite reasonable to expect that there is a higher concentration of brownfield sites in industrial areas such as Speers/Cornwall Road and Wyecroft Road. However, there are also known and suspected brownfield sites in several other areas of the municipality. Therefore, it is recommended that the Community Improvement Project Area (CIPA) for this CIP be designated as “all land within the urban area of the Town of Oakville (all lands south of Highway 407), as amended from time to time”. The CIPA is designated by a by-law passed by Council and the CIP will apply to the designated CIPA.

Based on policy direction, the results of the Community Improvement Needs analysis, and the Goals of this CIP, it was determined that Employment Areas, Major Transit Stations Areas (MTSA) – Bronte GO<sup>10</sup> and Midtown GO - and the Midtown Oakville Urban Growth Centre should have the highest priority (Priority Area 1) within the CIPA, followed by the Nodes and Corridors (Priority Area 2), and then the rest of the Urban Area (Priority Area 3). Employment Areas, the MTSA's, and Midtown Oakville are given the highest priority because brownfield redevelopment in these areas will address virtually all of the key community improvement needs and goals identified in this CIP – environmental, livability, and economic development.

The boundary of the CIPA and the following sub-areas at the time of preparation of this CIP is shown in **Figure 2** below:

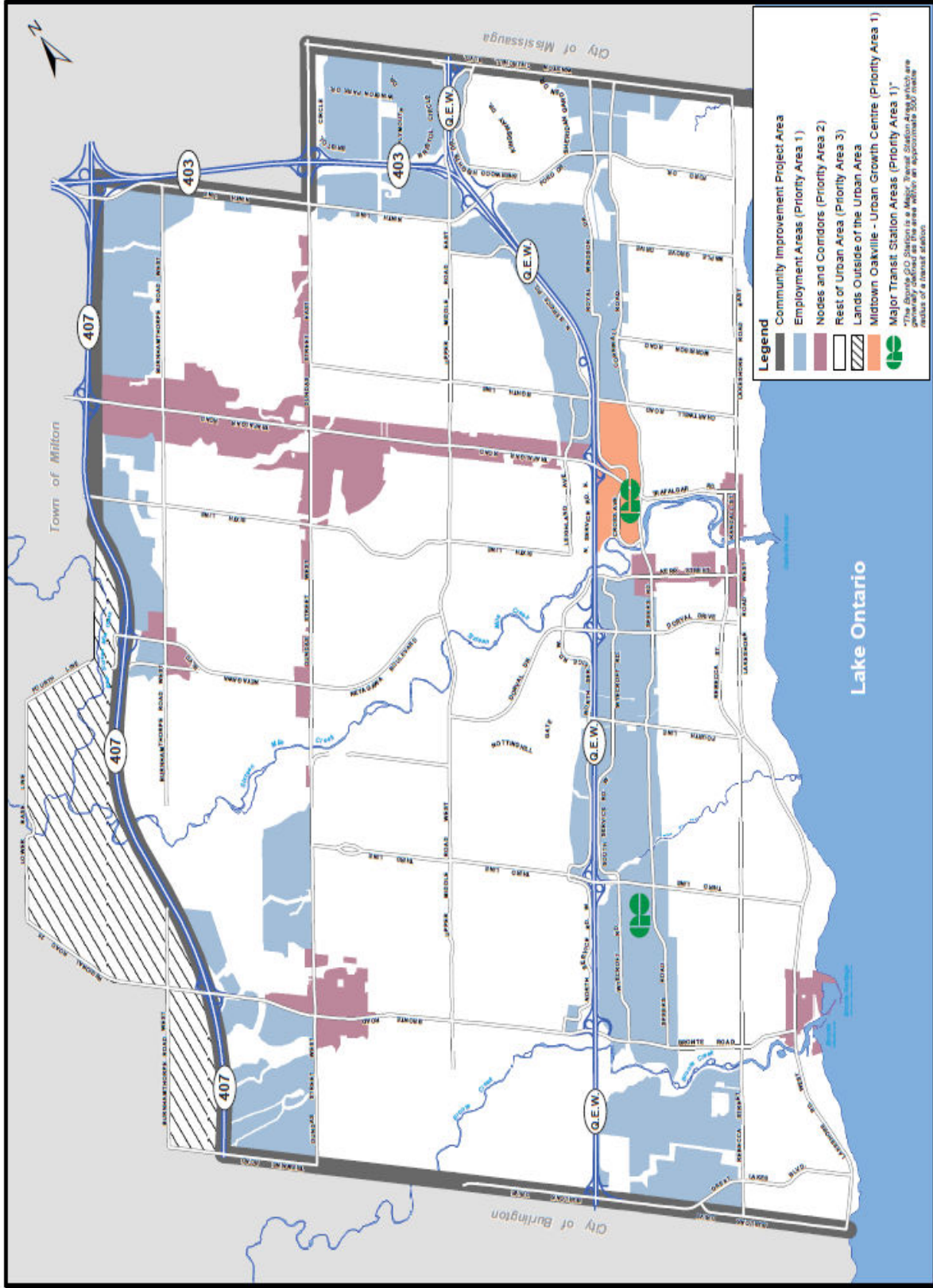
Priority Area 1 = All Employment Areas, Major Transit Station Areas and Midtown Oakville;  
Priority Area 2 = Nodes and Corridors; and,  
Priority Area 3 = Rest of the Urban Area.

This prioritization is reflected in the structure of the main incentive program contained in Section 6.0 of this report, i.e., the Tax Increment Grant (TIG) Program.

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<sup>10</sup> At the time of the preparation of this CIP, the Major Transit Station Area around the Bronte GO Station had not been delineated. However, Major Transit Station Areas are the areas including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major Transit Station Areas generally are defined as the area within an approximate 500 metre radius of a transit stations, representing about a 10-minute walk.

Figure 2 Community Improvement Project Area



## 6.0 INCENTIVE PROGRAMS

### 6.1 Approach

The incentive programs described below were developed using input from the best practices review, the key stakeholder workshops, and the project steering committee (PSC). The incentive programs are designed to enable and encourage private sector remediation, risk assessment/management, renovation/adaptive reuse and construction activity on brownfield sites within the Community Improvement Project Area so that the goals of this Community Improvement Plan (CIP) can be achieved over time. Section 6.7 contains utilization targets and sustainability targets for the performance of projects that will utilize the brownfield incentive programs.

The incentive programs contained in the CIP can be activated by Council, one or more at a time, based on Council approval of the implementation of each program. This CIP is an enabling document, however, Council is under no obligation to activate and implement any of the incentive programs contained in this CIP. Once activated, the programs in this CIP can be used individually or together by an applicant. The Town may accept applications all year round for any of the incentive programs contained in the CIP, or the Town may periodically issue a Request for Applications (RFA) for any of the incentive programs contained in the CIP, e.g., once or twice per year, depending on budget considerations and program interest.

This CIP includes general program requirements (Section 6.2) that apply to all the incentive programs contained in the CIP and program specific requirements to help ensure that the goals contained in this CIP will be achieved while protecting the financial interests of the Town.

**Figure 3** below summarizes basic details for each of the incentive programs and the balance of Section 6.0 describes the purpose, details, requirements, and targets for each of the incentive programs. Once the CIP has been adopted and approved, Council can set the maximum grant available for each program at or below the maximum specified for that program in the CIP, depending on budget considerations at the time.

**Figure 3 Summary of Incentive Programs**

Program Name	Program Description
<b>Environmental Study Grant (ESG) Program</b>	<ul style="list-style-type: none"> <li>- Grant equal to 50% of the cost of eligible environmental studies to a maximum:               <ul style="list-style-type: none"> <li>a) grant of \$3,000 for a Phase I ESA;</li> <li>b) grant of \$20,000 for any other eligible environmental study;</li> <li>c) of two (2) studies and \$30,000 per project.</li> </ul> </li> </ul>
<b>Tax Assistance Program (TAP)</b>	<ul style="list-style-type: none"> <li>- Cancellation of municipal property tax increase and education property tax increase for up to 3 years.</li> <li>- Cancellation of education property tax increase is subject to approval by the Minister of Finance and is a separate process from the CIP program application process.</li> </ul>
<b>Tax Increment Grant (TIG) Program</b>	<ul style="list-style-type: none"> <li>- Annual grant equal to between 60% and 100% of the municipal property tax increase generated by the project for up to 12 years after project completion or until such time as the project costs have been recovered, whichever comes first.</li> <li>- The percentage and duration of the annual grant payments is dependent on location of the project (Priority Area 1, 2 or 3) and whether or not the project achieves minimum employment densities, LEED certification, exemplary building/site design and implementation, heritage restoration, and/or the inclusion of affordable and/or special needs housing.</li> </ul>



Administrative guidelines for each of the incentive programs are provided in **Appendices C to E**. Appendices C to E do not form an operative part of the CIP and may be changed from time to time by the Town, as required, without amendment to the CIP.

**Appendices F to H** contain a number of supporting schedules for the incentive programs. These appendices do not form an operative part of the CIP and may be changed from time to time by the Town, as required, without amendment to this Plan.

## 6.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the general requirements listed below and the individual requirements specified under each program. The general and program specific requirements contained in this CIP are not necessarily exhaustive, and the Town reserves the right to include other requirements and conditions as deemed necessary on a program and/or property specific basis.

- a) Application for any of the incentive programs contained in this Plan can be made only for properties within the Community Improvement Project Area (CIPA);
- b) Application for the incentive programs contained in this Plan cannot be made on a retroactive basis. This has two meanings. First, the Town will accept applications for the financial incentive programs contained in this CIP only after this CIP has been formally adopted by Town Council and approved. Second, and as reinforced in the Program Requirements, this also means that an application for any financial incentive program contained in this CIP must be submitted to, and fully approved by the Town, prior to the commencement of the eligible studies or eligible works that are the subject of the application;
- c) For the purposes of making application for any of the incentive programs in the CIP (except for the Environmental Study Grant Program), an eligible property is a property where a Phase II Environmental Site Assessment has been conducted in accordance with Ontario Regulation (O. Reg.) 153/04, and that as of the date the Phase II Environmental Site Assessment 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 for the proposed use of the property;
- d) All environmental site assessments and risk assessments referenced in the incentive programs contained in this CIP and submitted in support of, or as a requirement of, the incentive programs contained in this CIP must be prepared in accordance with Ontario Regulation (O. Reg. 153/04)<sup>11</sup>.
- e) With the exception of the Environmental Study Grant Program, the applicant must be the owner of the property;
- f) For the Environmental Study Grant Program, if the applicant is not the owner of the property, the applicant must provide written consent (in a form acceptable to the Town) from the owner of the property to make the application and receive the grant (the property owner assigns the grant to the assignee);

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<sup>11</sup> Wherever O. Reg 153/04 is referenced in this CIP, this is understood to mean the current O. Reg 153/04 as of the date of this CIP, and in future, any regulation(s) that replace O. Reg 153/04.



- g) An application for any financial incentive program contained in this CIP must be accompanied by plans, estimates, contracts, reports and other details requested by the Town for purposes of satisfying the Town with respect to costs, design, performance, and conformity of the project with the CIP;
- h) Review and evaluation of an application and supporting materials against program eligibility requirements will be done by staff who will then make a recommendation to Council or Council's designate;
- i) All applications are subject to approval by Town Council or Council's designate. Should Council's designate decide not to approve the application, the applicant has the right to appeal that decision to Council;
- j) As a condition of application approval, the applicant may be required to enter into a grant agreement with the Town. This Agreement will specify the terms, duration and default provisions of the incentive to be provided. This Agreement is also subject to approval by Council or Council's designate;
- k) Each program in this CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation (as applicable) for the program;
- l) The Provincial and Federal governments, Crown Corporations and the Regional Municipality of Halton are not eligible to apply for any of the incentive programs contained in this CIP;
- m) Where other sources of government and/or non-profit organization funding (Federal, Provincial, Municipal, Canada Mortgage and Housing Corporation, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application, and accordingly, the grant from the Town may be reduced on a pro-rated basis;
- n) Polluting owners who knowingly polluted their properties will not generally be permitted to make direct application for any of the incentive programs contained in this CIP. However, the Town reserves the right to make exceptions to this requirement on a case by case basis where redevelopment benefits to the municipality and community would be very significant;
- o) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost;
- p) The total of all grants, loans and tax assistance provided in respect of the particular property for which an applicant is making application under the programs contained in this CIP and any other applicable CIPs shall not exceed the eligible cost of the improvements to that particular property under all applicable CIPs.
- q) The Town reserves the right to audit the cost of environmental studies, environmental remediation works, and building rehabilitation, construction, and any other works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- r) The Town 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;

- s) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel the approved grant and/or tax assistance, and require repayment of the approved grant and/or tax assistance;
- t) The Town may discontinue any of the programs contained in this CIP 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 and the requirements of any grant/tax assistance agreement entered into with the Town;
- u) All proposed works approved under the financial incentive programs and associated improvements to buildings and/or land must conform to all provincial laws, municipal by-laws, policies, procedures, and standards;
- v) All works completed must comply with the description of the works as provided in the application form and contained in the program agreement, with any amendments as approved by the Town;
- w) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements and approvals at both the local and regional level;
- x) All 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 and all applicable zoning requirements and planning approvals;
- y) When required by the Town, outstanding work orders, and/or orders or requests to comply, and/or other charges from the Town must be satisfactorily addressed prior to grant and/or tax assistance approval/payment;
- z) Town staff, officials, and/or agents of the Town may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Town; and,
- aa) Applicants approved for the programs contained in the CIP will be required to complete the approved works within timeframes specified by the Town.

## **6.3 Environmental Study Grant (ESG) Program**

### **6.3.1 Purpose**

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

### **6.3.2 Description**

Eligible environmental studies include a Phase I ESA, Phase II ESA, Designated Substance and Hazardous Materials Survey, Remedial Work Plan, and a Risk Assessment/Risk Management Plan. Environmental study grants will only be offered on eligible properties where there is potential for renovation or adaptive reuse of the buildings on the property and/or development/redevelopment of the property.

The ESG Program will provide a grant equal to 50% of the cost of eligible environmental studies to a maximum:

- a) grant of \$3,000 for a Phase I ESA;
- b) grant of \$20,000 for any other eligible environmental study;
- c) of two (2) studies per project and \$30,000 per project.

Applications for this program will be processed and approved on a first come, first served basis, subject to a higher priority being placed on applications:

- a) in Priority Areas 1 and 2;
- b) where planning applications have already been approved or submitted; and,
- c) located on key known or suspected brownfield sites.

Grant payments approved under this program would be provided to applicants following submission to the Town for review of the final completed environmental study with the original invoice, indicating that the study consultants have been paid in full. The grant will be paid on the lesser of the two cost estimates provided for the study or the actual cost of the study.

Property owners may assign the grant to non-owners, otherwise known as assignees. For example, some property owners may wish to enable prospective purchasers to be eligible for a study grant. Assignees are eligible to apply for and receive this grant, subject to providing the municipality with written consent from the owner to conduct the study and provided that the property owner has assigned the grant to the assignee.

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 in full. The applicant will agree to provide the Town with permission to notify any other subsequent project proponents of the existence of an environmental study or studies.

### **6.3.3 Program 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 Council:

- a) An application must be submitted to and approved by the Town prior to the start of any environmental study to which this 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, conduct the study and receive the grant payment.
- c) Environmental studies shall be for the purpose of:
  - i) determining the likelihood that one or more contaminants have affected any land or water on, in or under the property (Phase I ESA);
  - ii) confirming and describing the location and concentration of contamination at the site (partial, complete, or supplemental Phase II ESA);
  - iii) surveying designated substances and hazardous materials at the site (Designated Substances and Hazardous Materials Survey);

- iv) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan, Risk Assessment/Risk Management Plan);

For application type c ii) above, applicants must complete and submit to the Town for review and retention a Phase I ESA that demonstrates the property is suspected of environmental contamination and that preparation of a Phase II ESA is recommended.

For application type c iv) above, applicants must complete and submit to the Town for review and retention a Phase I ESA that demonstrates the property is suspected of environmental contamination and that preparation of a Phase II ESA is recommended, and a Phase II ESA that demonstrates that as of the date the Phase II ESA was completed, the property 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 for the proposed use of the property;

- d) All ESG applications will include:
  - i) a minimum of two (2) study cost estimates;
  - ii) a detailed study work plan; and,
  - iii) a description of the planned development/redevelopment, building renovation/adaptive reuse, and/or building expansion, including any planning applications that have been submitted/approved;
- e) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- f) One (1) electronic and one (1) hard copy of the study shall be supplied to the Town for review and retention; and,
- g) The total value of any grant(s) provided under this program will be deducted from eligible program costs for the Tax Assistance Program and/or Tax Increment Grant Program, as applicable.

## **6.4 Tax Assistance Program (TAP)**

### **6.4.1 Purpose**

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

### **6.4.2 Description**

The legislative authority for the TAP is established under Sections 365.1 (2) of the *Municipal Act, 2001* which allows municipalities to pass a by-law providing tax assistance to an eligible property in the form of cancellation of all or part of the taxes levied on that property for municipal and education purposes during the “rehabilitation period” and the “development period” of the property as defined in Section 365.1 of the *Municipal Act, 2001*. Matching education property tax assistance for eligible properties under the Provincial Brownfields Financial Tax Incentive Program (BFTIP), or through any replacement programs administered by

the Ministry of Finance, is subject to application and approval of the Minister of Finance on a case by case basis.

An “eligible property” for the TAP is a property within the Community Improvement Project Area (CIPA) where a Phase II ESA has been conducted in accordance with O. Reg. 153/04 and, 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) for the proposed use to be filed in the Environmental Site Registry.

“Eligible costs” for the TAP are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. These eligible costs are specified in the Program Requirements in Section 6.4.3 below. In no case will the total amount of the tax assistance provided under the TAP exceed the total of these eligible costs.

The Town will provide municipal property tax assistance in the form of a cancellation of the property tax increase and said tax assistance will cease:

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

The matching education property tax assistance will cease:

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

As part of the tax assistance provided to the applicant, the Town may also seek participation from the Regional Municipality of Halton (Region) (as applicable) in order to provide for a cancellation of the municipal (Town and Region) property tax increase. The matching Regional portion of the property tax to be cancelled is subject to approval by Regional Council. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the Town and may be subject to additional conditions.

Where a municipal property tax assistance program is in place under Section 365.1 of the *Municipal Act, 2001*, the Town may also apply to the Ministry of Finance for matching education property tax assistance on behalf of the property owner. Matching education property tax assistance for eligible properties under the Provincial Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province, is subject to approval of the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the Town and the Region, and may be subject to additional conditions.

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

Any property approved for tax assistance will be subject to passing of a by-law by the Town that authorizes the provision of the tax assistance. This by-law will contain conditions required by the Town 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 Town, the Town 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 cancellation of the Regional property tax increase for up to 3 years. In order for the by-law to apply to education property taxes, before it is passed by the Town, the by-law must be approved in writing by the Minister of Finance.

As a condition of approval of an application for Tax Assistance, the property owner will be required to enter into an agreement with the Town. This Agreement will specify the terms, duration and default provisions of the tax assistance. This Agreement is also subject to approval by Town Council or Council's designate.

### **6.4.3 Program Requirements**

Only owners of property within the Community Improvement Project Area (CIPA) 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 Town Council, Regional Council and the Minister of Finance:

- a) An application must be submitted to and approved by the Town prior to the start of any remediation and/or risk management works to which the tax assistance will apply;
- b) The application must be accompanied by a Phase I ESA, and also a Phase II ESA 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) for the proposed use to be filed in the Environmental Site Registry;
- c) The application must be accompanied by a Phase II ESA and a Remedial Work Plan or Risk Assessment/Risk Management Plan that contains or is accompanied by:
  - i) a minimum of two (2) cost estimates for the 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) for the proposed use 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 assessment/risk management actions, including a description of the proposed remediation, including the methods and technologies to be used;
- d) As a condition of the application, the Town may require the applicant to submit a Business Plan for redevelopment of the property (as applicable), with said Plan to the Town's satisfaction;
- e) The property shall be renovated or developed/redeveloped 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 I ESA, Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the ESG Program;
  - ii) environmental remediation, including the cost of preparing a RSC;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site;



- iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment/Management Plan; and,
  - v) environmental insurance premiums;
- g) All applicants participating in this program will be required to enter into an agreement with the Town that will specify the terms, duration and default provisions of the tax assistance;
- h) All TAP applications 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, deferred property taxes (plus interest) will become payable to the Town, the Region and the 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 Town proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

## 6.5 Tax Increment Grant (TIG) Program

### 6.5.1 Purpose

The purpose of the Tax Increment Grant (TIG) Program is to encourage the remediation, renovation, adaptive re-use, expansion of existing buildings, and the development of brownfield sites by providing grants to help pay for site assessment, remediation and risk assessment,/management costs not fully disbursed by the TAP, other non-environmental remediation costs normally associated with brownfield site redevelopment, and other costs associated with the design and construction of environmentally sustainable and high quality buildings and the provision of affordable and special needs housing. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

### 6.5.2 Description

As shown in **Figure 4** below, depending on the location of the approved TIG application (Priority Area 1, 2 or 3), the TIG Program will provide a financial incentive in the form of an annual grant equal to between 60% and 100% of the municipal property tax increase<sup>12</sup> for up to twelve (12) years to help offset the cost of remediating and renovating/adaptively reusing/developing/redeveloping eligible brownfield properties only where the project results in an increase in assessment value and property taxes on these properties.

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

An application can be made for the TIG Program or the Tax Assistance Program (TAP), or both programs together. If an application for both the TIG Program and the TAP has been approved, the annual grant available under the TIG Program will begin when the benefits of the TAP end.

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<sup>12</sup> This program does not include the education portion of the property tax increase.

**Figure 4 Tax Increment Grant Program**

Priority Area	Base TIG for Qualifying Project	Plus the Project	Achieves Minimum Employment Density specified by Town (See Appendix F)	Achieves any level of LEED Certification	Achieves exemplary building/site design and implemented or restores a designated heritage building/property (see Appendix G)	Includes a minimum of 20% of residential units that are: - Affordable; - Special needs; or, - A combination of the two. (See Appendix H)	Maximum Duration of TIG Payment
1 (Midtown Oakville)	80%		100%	100%	100%	100%	12 years
1 (All Other)	80%		100%	100%	100%	n/a	12 years
2	70%		90%	90%	90%	90%	10 years
3	60%		80%	80%	80%	80%	8 years

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

“Eligible costs” for the TIG are the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*, plus other costs including demolition, building rehabilitation and achieving Leadership in Energy and Environmental Design (LEED) Certification. These eligible costs are further specified in the Program Requirements in Section 6.5.3 below. In no case will the total grant provided under the TIG exceed the total of these eligible costs.

The annual grant available under the TIG Program will be offered as a tax-increment based grant on a “pay-as-you go” basis. The applicant will initially pay for the entire costs of remediation and rehabilitation/ redevelopment. When the Town receives the incremental property taxes that result from the approved project, the Town will reimburse the applicant in the form of an annual grant equivalent to up to 100% of the increase in municipal taxes that results from the project for a period of up to twelve (12) years, or up to the time when total grant payments equal total eligible costs, whichever comes first.

As a condition of approval of an application for a TIG, the property owner must enter into an agreement with the Town. This Agreement will specify the terms, duration and default provisions of the grant. This Agreement is also subject to approval by Town Council or Council’s designate.

Pre-project Municipal taxes will be determined before commencement of the project at the time the application is approved. For purposes of the grant calculation, the increase in the municipal portion of real property taxes (“municipal tax increment”) will be calculated as the difference between pre-project municipal property taxes and post-project municipal property taxes that are levied as a result of re-valuation of the property by the Municipal Property Assessment Corporation (MPAC) following project completion. The amount of the grant will be recalculated every year based on the municipal tax increment every year.

### **6.5.3 Program Requirements**

Only owners of property within the Community Improvement Project Area (CIPA) 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 Town Council and Regional Council:

- a) An application must be submitted to and approved by the Town prior to the start of any demolition, remediation, risk management, building rehabilitation, renovation and retrofit works to which the grant will apply;
- b) The application must be accompanied by a Phase I ESA, and also a Phase II ESA 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) for the proposed use to be filed in the Environmental Site Registry;
- c) The application must be accompanied by a Phase II ESA and a Remedial Work Plan or Risk Assessment/Risk Management Plan that contains:

- i) a minimum of two (2) cost estimates for the 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) for the proposed use 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, including a description of the remediation proposed including methods and technologies to be used;
- d) As a condition of the application, the Town may require the applicant to submit a Business Plan for rehabilitation/renovation/adaptive reuse/development/redevelopment of the property (as applicable), with said Plan to the Town's satisfaction;
- e) The property shall be rehabilitated or developed/redeveloped 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 I ESA, Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment not disbursed by the Environmental Study Grant (ESG) Program or the Tax Assistance Program (TAP);
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment, not disbursed by the TAP;
  - v) environmental insurance premiums not disbursed by the TAP; and,
  - vi) the following LEED Program Components<sup>13</sup>:
    - a) base plan review by a certified LEED consultant;
    - b) preparing new working drawings to the LEED standard;
    - c) submitting and administering the constructed element testing and certification used to determine the LEED designation;
    - d) increase in material/construction cost of LEED components over standard building code requirements;
  - vii) demolishing buildings (excluding permit fees); and,
  - viii) building rehabilitation, renovation, and retrofit works (excluding permit fees).
- g) All applicants participating in this program will be required to enter into an agreement with the Town that will specify the terms, duration and default provisions of the grant;
- h) All TIG applications must be approved by Council or Council's designate;
- i) 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; and,

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<sup>13</sup> Maximum total of items vi) a) to d) is 10% of total construction costs.

- 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 Town proof that the RSC has been acknowledged by the Ministry of Environment (MOE)<sup>14</sup>.

## 6.6 Regional Funding Participation

As previously noted, the Regional Municipality of Halton Official Plan allows the Region to participate in a Local Municipality's Community Improvement Plan (CIP) and make loans and grants to that Local Municipality in support of its CIP. The Region prepared and approved the Regional Program for CIPs Guidelines to assist Regional Council and staff in identifying those Local CIPs and programs that the Region may wish to participate in to implement certain Regional Official Plan (ROP) policies. The Guidelines also identify a process for the four Local Municipalities in Halton to follow when requesting Regional participation in their CIPs and CIP programs.

Therefore, once the CIP is adopted and approved, the enabling mechanism is in place for the Region of Halton to participate with the Town of Oakville in funding one or more of the incentive programs contained in the CIP. If the Region of Halton were to partner with the Town of Oakville in funding some of the incentive programs contained in the CIP, this would significantly increase the ability of the Town to fund more grant applications in the CIPA, thereby improving the effectiveness of this CIP.

In particular, participation by Halton Region in the TIG Program would significantly improve the attractiveness and effectiveness of this program. In order to avoid an amendment to the CIP should the Region decide in the future to participate in the TIG Program, the TIG Program is shown as applying to the municipal property tax increment (i.e., which could include both the Town and Regional portion). However, future Regional participation in the TIG Program is entirely subject to approval by the Region of Halton. Should the Region elect not to participate in the TIG Program, then the TIG available under this program will apply only to the Town property tax increment.

## 6.7 Targets

Experience in a number of best practice municipalities with long-standing Brownfield CIPs has demonstrated that even with an aggressive outreach and marketing campaign, it often takes a few years before the incentive programs contained in Brownfield CIPs become well known and utilized by brownfield property owners and developers. Often, these programs do not reach optimal utilization until several years into the life of CIP. In particular, it can take several years for a TIG program to reach a mature level of uptake due to the time required to undertake environmental studies and project planning before site remediation takes place.

It is very difficult to estimate program utilization past a 5 year period. Furthermore, because the CIP should be reviewed and updated as necessary at least every 5 years, utilization targets were established for an initial 5 year period. Experience in other municipalities has shown that setting these types of targets is at best an exercise to help with budgeting and resource allocation. The actual number and grant values of program applications can vary considerably from year to year and from initial targets or estimates.

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<sup>14</sup> This requirement may be waived by the Town, entirely at its own discretion, for applications that are not a change to a more sensitive use as per O. Reg 153/04 where the applicant is using a risk assessment approach. In these cases, the Town may, entirely at its own discretion, permit a peer review of the risk assessment (at the applicant's expense) as an alternative to the RSC requirement.

Taking into consideration the program uptake in municipalities with established brownfield incentive programs, and the number and location of known and potential brownfield sites in Oakville, incentive program utilization (uptake) targets have been established for the next 5 years and these utilization targets are presented in Section 6.7.1 below.

Sustainability targets for applications utilizing the incentive programs have also been established. These performance targets relate specifically to incorporation of the environmental, economic and livability goals specified for this CIP. The sustainability targets are presented in Section 6.7.2 below.

The utilization and sustainability targets reflect the prioritization of brownfield redevelopment in the three priority areas and the types of development planned for these areas. The targets can be adjusted accordingly as the CIP is implemented and Town staff receive feedback on the uptake and results of the incentive programs. The utilization targets assume that all incentive programs contained in the CIP will be implemented starting no later than 2019. Any delay in implementation of one or more of the incentive programs contained in the CIP may require adjustment to the timing of the utilization targets below.

### 6.7.1 Utilization Targets

The targets for general uptake of the Environmental Study Grant (ESG) and Tax Increment Grant (TIG) programs are shown in **Figures 5 and 6** below. These targets assume a healthy uptake for the programs and a continuation of the current economic environment in Southern Ontario and Oakville. It is virtually impossible to estimate the uptake of the Tax Assistance Program (TAP) as this program is not well utilized in Ontario and depends entirely on the applicant's willingness to apply for this program. Therefore, utilization targets have not been established for the TAP. However, based on utilization rates of the TAP in other municipalities, it can be assumed that the uptake of the TAP program in Oakville will not likely exceed approximately 15% to 20% of the TIG Program uptake.

**Figure 5 ESG Program Utilization Targets**

Priority Area	Year 1	Year 2	Year 3	Year 4	Year 5	Total
1	1	2	2	2	1	8
2	1	1	1	1	2	6
3	0	0	1	1	2	4
<b>Total</b>	2	3	4	4	5	18

**Figure 6 TIG Program Utilization Targets**

Priority Area	Year 1	Year 2	Year 3	Year 4	Year 5	Total
1	0	1	1	1	1	4
2	0	0	0	1	2	3
3	0	0	0	1	1	2
<b>Total</b>	0	1	1	3	4	9

### 6.7.2 Sustainability Targets

The establishment of sustainability targets for the performance of projects taking advantage of the brownfield redevelopment incentive programs in the CIP is also a very difficult exercise. Certain types of development in certain locations may be more readily able to meet the sustainability performance targets. Therefore, the



sustainability targets should be interpreted as desirable targets that the Town hopes projects utilizing the TIG program will achieve. Again, as with the utilization targets, the sustainability targets should be reviewed and adjusted as required at least every 5 years based on the as-built performance of projects taking advantage of the brownfield redevelopment incentive programs. The sustainability targets are shown in **Figure 7** below.

**Figure 7 Sustainability Targets**

Priority Area	% of TIG projects that:			
	Achieve minimum employment density	Achieve any level of LEED Certification	Achieve exemplary building/site design and implementation or restores a designated heritage building/property	Include minimum 20% of residential units that are affordable or special needs
<b>1</b>	75%	50%	50%	50% <sup>15</sup>
<b>2</b>	60%	40%	50%	40%
<b>3</b>	50%	25%	25%	25%

<sup>15</sup> Applies only to Midtown Oakville and not Employment Areas.

## 7.0 MONITORING PROGRAM

### 7.1 Purpose

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

The Monitoring Program set out in this section has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs by program type so as to determine which programs are being most utilized;
- b) The economic impact associated with projects taking advantage of the CIP incentive programs to determine the amount of private sector investment being leveraged by public sector investment; and,
- c) Positive and negative feedback from users of the incentive program.

### 7.2 Description

This CIP is not intended to be a static planning document. It is intended to be a proactive plan to promote brownfield redevelopment in the Project Area. Monitoring of the uptake and performance of the incentive programs should be done on a regular basis. The information collected through the Monitoring Program should be utilized to provide regular reports, e.g., annually, to Council on the amount of private sector investment being leveraged by the municipal incentive programs and the economic benefits associated with these private sector projects. As well, information obtained through the Monitoring Program should be used by the Town to periodically adjust the incentive programs to improve their effectiveness, make them even more relevant and user friendly, and help ensure that the key community improvement goals contained in this CIP are ultimately achieved. It is also important that the results of the monitoring program be utilized to help ensure that the incentive programs be effective as possible for both small and large brownfield projects.

**Figure 8** presents a list of the variables that should be monitored by the Town on an individual project and aggregate basis for the incentive programs contained in this CIP. This information can be used to compare the increase in long-term property tax revenues from a brownfield project to the total municipal financial incentive provided to the project to determine which projects are providing the highest return on investment.

In addition to these quantitative measures, the Town should also attempt to monitor the qualitative results of the CIP in terms of its environmental, social and community benefits. For example, it is important to highlight environmental and health threats that are removed through the remediation and risk management of contaminated sites. Brownfield projects can also have a positive impact on existing businesses and properties in the area surrounding the brownfield project. Therefore, regular qualitative observations should be conducted by staff of the individual and cumulative impact of projects spurred by the CIP on the Project Area. This should include comments received by staff from individual business owners, property owners, investors and residents. These qualitative measures should be regularly monitored and reported to Council along with the quantitative measures specified in Figure 8.

**Figure 8 Monitoring Variables**

<b>Program</b>	<b>Variable</b>
Environmental Study Grant (ESG) Program	<ul style="list-style-type: none"> <li>- Property location</li> <li>- Number of applications</li> <li>- Type of ESA (Phase I, II, DS&amp;HM Survey, Remedial Work Plan, Risk Assessment)</li> <li>- Cost of study</li> <li>- \$ Amount of Grant by type of study</li> <li>- Number of Grant Applications leading to TAP applications, TIG applications, and/or actual environmental remediation and redevelopment projects</li> <li>- Time required to approve complete application.</li> </ul>
Tax Assistance Program (TAP)	<ul style="list-style-type: none"> <li>- Property location</li> <li>- Number of applications</li> <li>- Eligible cost by type</li> <li>- Increase in assessment value of participating properties</li> <li>- Increase in municipal and education property taxes of participating properties</li> <li>- Estimated and actual \$ amount of municipal and education tax assistance provided</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) rehabilitated or constructed</li> <li>- Residential units/sq.ft. rehabilitated or constructed</li> <li>- Number of affordable housing and special needs housing units created</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> <li>- Number and \$ amount of program defaults</li> <li>- Time required to approve complete application</li> </ul>
Tax Increment Grant (TIG) Program	<ul style="list-style-type: none"> <li>- Property location</li> <li>- Number of applications</li> <li>- Eligible cost by type</li> <li>- Increase in assessment value of participating properties</li> <li>- Increase in municipal and education property taxes of participating properties</li> <li>- Estimated and actual \$ amount of tax increment grant provided</li> <li>- Hectares/acres of land remediated and redeveloped</li> <li>- Industrial/commercial space (sq.ft.) rehabilitated or constructed</li> <li>- Residential units/sq.ft. rehabilitated or constructed</li> <li>- Number of affordable housing and special needs housing units created</li> <li>- \$ Value of private sector investment leveraged</li> <li>- Jobs created/maintained</li> <li>- Number and \$ amount of program defaults</li> <li>- Time required to approve complete application</li> <li>- Sustainability targets</li> </ul>

### 7.3 Program Adjustments

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

## 8.0 MARKETING STRATEGY

### 8.1 Purpose

It is important for the successful implementation of this Community Improvement Plan (CIP) that the incentive programs be effectively communicated to property owners, business owners, developers, potential end users, and support professionals within the Project Area, Halton Region, and beyond. The purpose of this basic Marketing Strategy is to proactively and regularly educate, advertise and market the Town's brownfield incentive programs in order to help achieve the goals of this CIP.

Therefore, it is recommended that the Town budget for and implement a Marketing Strategy that:

- a) Educates the public, property owners, developers and other stakeholders regarding environmental site assessment and remediation processes and the Region and Town requirements with respect to these processes;
- b) Provides direction on how to obtain information on available incentive programs, including program guides and application forms, as well as assistance and advice from staff on making application for the incentive programs; and,
- c) Publicizes brownfield success stories within the Project Area, particularly those that took advantage of the CIP incentives programs.

### 8.2 Target Audience

The long-term success of the CIP will depend on investment in brownfield redevelopment from both within (existing property and business owners) and outside the town, and from both small and large brownfield projects of various types (employment use, commercial use, residential and mixed use). Therefore, it is important for the Town to market the CIP incentive programs to a large target audience and regularly reach out to a number of target groups using the marketing tools described below to inform them about available incentive programs.

The Marketing Strategy should be targeted to:

- a) Brownfield stakeholders, i.e., those who enable brownfield properties to be transacted, remediated and developed/redeveloped, including:
  - i) owners/managers of brownfield properties in Oakville;
  - ii) potential developers of brownfield properties who are active in the Halton and GTA markets, and beyond; and,
  - iii) potential end users of vacant and underutilized brownfield sites.
- 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) the legal services industry; and,
  - v) planning consultants and architects.

- c) Industrial and business associations both within and outside Oakville, including the Oakville Chamber of Commerce.
- d) The general public, in order to enhance support for the Brownfield CIP and site-specific brownfield redevelopment projects.

### **8.3 Marketing Tools**

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

#### **8.3.1 Publications**

- a) An easy to read online and hardcopy brochure that outlines the brownfield financial incentive programs available from the Town, including basic information on program amounts, requirements, and how to apply;
- b) Profiling of the available incentive programs and any brownfield redevelopment success stories in publications and newsletters published by the planning and economic development publications, newsletters and other publications published by the Town and the Region of Halton; and,
- c) An application form for the incentive programs should be accompanied by a program guide(s) that provide a description of “how to apply” for the programs.

#### **8.3.2 Web Site Materials**

- a) The Town’s web page should be updated to include the CIP and all marketing materials, including direct (one-click or two-click maximum) access to information on the available incentive programs, including the aforementioned brochure, program guide(s) and application form.

#### **8.3.3 Outreach**

- a) Town staff should make periodic presentations on the Brownfield CIP including the available incentive programs and brownfield success stories to Brownfield stakeholders and support professionals such as the development community, real estate, environmental and planning consultants, finance, insurance and legal professionals. This direct face-to-face marketing tool is an important component of the Marketing Strategy; and,
- b) Town staff should also align outreach with existing town outreach programs to target audiences.

#### **8.3.4 Attendance at Brownfield Conferences**

- a) Key Town staff and councillors should attend brownfield conferences in order to further educate themselves on brownfield redevelopment and proactively market the Town’s brownfield redevelopment programs and opportunities utilizing the above-noted publications and materials.

#### **8.3.5 Media Releases**

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

## 8.4 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 abandoned, idled or underutilized properties where past actions caused known or suspected environmental contamination, but where there is an active potential for redevelopment.
- b) Environmental studies must be done to determine the type and extent of any soil and groundwater contamination on a suspected brownfield site;
- c) The remediation and development/redevelopment of brownfield sites results in improvements in environmental quality, human health, built form and economic growth;
- d) Brownfields in Oakville present untapped economic development opportunities because the redevelopment of these sites will generate employment opportunities and increased property tax revenues for the Town;
- e) The redevelopment of brownfield sites will help to better utilize existing infrastructure and promote intensification;
- f) Brownfield redevelopment can help to revitalize mixed use commercial areas, residential neighbourhoods and employment areas, resulting in an enhanced quality of life and civic pride for residents of Oakville; and,
- g) The Town is being proactive in encouraging reinvestment in brownfield sites by implementing brownfield supportive policies and offering financial incentive programs.



## 9.0 CONCLUSION

This Community Improvement Plan (CIP) has been prepared to address key brownfield community improvement needs in Oakville and help achieve the goals of the CIP. The adoption and approval of this CIP will provide the legislative basis and comprehensive policy framework to guide the Town of Oakville's incentive programs designed to promote private sector brownfield redevelopment. In order to promote successful implementation of this CIP, it is recommended that all of the incentive programs contained in this CIP be implemented as soon as possible after approval of the CIP.

Experience in other municipalities has shown that early and effective marketing of incentive programs and brownfield redevelopment opportunities greatly improves the success of a Brownfield CIP. Therefore, it is important that the Town devote sufficient resources to this activity and work with the Region, Chamber of Commerce, Province of Ontario, and others to promote brownfield redevelopment in Oakville.

Finally, this Brownfield CIP is not a static plan. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will help to ensure the long-term effectiveness and success of this CIP.

## 10.0 REFERENCES

Environment Canada. 1998. "Rising Property Values on Hamilton's West Harbourfront: Effects of Environmental Restoration on Real Estate Prices", adapted from Zegarac, M. and T. Muir (1998). "The Effects of Rap Related Restoration and Parkland Development on Residential Property Values: A Hamilton Harbour Case Study. Burlington, Ontario, Environment Canada.

Hara Associates. 2003. "Market Failures and Optimal Use of Brownfield Redevelopment Policy Instruments", prepared for the National Roundtable on the Environment and the Economy. Ottawa, Ontario.

National Roundtable on the Environment and the Economy (NRTEE). 2003. "Cleaning Up the Past, Building the Future – A National Brownfield Redevelopment CIP for Canada". Ottawa, Ontario.

Regional Analytics. 2002. "A Preliminary Investigation into the Economic Impact of Brownfield Redevelopment Activities in Canada", prepared for the National Roundtable on the Environment and the Economy. Burlington, Ontario.

**APPENDIX A**  
**Comprehensive Brownfield Management Project**

## Phase 1

### PSAB PS3260 Standard Compliance and Data Collection

(October 2014 to mid-2016)

#### Tasks

- Review baseline information
- Create Inventory of town's contaminated sites
- Compile comprehensive data pull
- Analyze data available
- Conduct field work required
- Assess liability of PS 3260 identified sites
- Review and analyze business processes / rules specific to PS 3260 accounting policy

#### Goals

- PSAB PS 3260 Standard compliance
- Establish baseline inventory with contaminated sites
- Establish corporate policy and associated business processes
- Further define staff roles and responsibilities related to contaminated site management

## Phase 2

### Business Processes Optimization in Brownfield Management for Town Lands

(Late 2016 to 2019)

#### Tasks

- Establish optimized business processes
- Implement optimized business processes
- Review and utilize existing database structure for contaminated site inventory
- Implement database modifications

#### Goals

- Improve risk mitigation in decision-making process
- Enhance staff awareness and connectedness of brownfield management activities
- Reduce corporate liability
- Achieve competencies and efficiencies in contaminated site data management
- Create a risk smart culture

## Phase 3

### Brownfield Redevelopment Strategy and Brownfield CIP for Private Lands

(2015 to 2018, contingent on external funding)

#### Tasks

- Develop and award RFP for Brownfield Redevelopment Strategy and Brownfield CIP
- Prepare and submit FCM funding application
- Develop Brownfield Redevelopment Strategy and Brownfield CIP
- Update and modify inventory of town's contaminated sites
- Implement and promote Brownfield Redevelopment Strategy for private lands

#### Goals

- Reduce amount of vacant non-productive lands
- Improve environment by addressing contamination
- Optimize property tax recovery and levy
- Promote economic development

**APPENDIX B**

**Livable Oakville: Community Improvement Policies, Section 28.14**

**2006 Oakville Official Plan: Community Improvement Policies, Part C, Section 13**

## **Livable Oakville: 28.14 Community Improvement**

28.14.1 The Town may, in a by-law, designate one or more community improvement project areas in accordance with the provisions of the Planning Act.

28.14.2 The designation of a community improvement project area shall be based on one or more of the following criteria:

- a) deficiencies in the physical infrastructure of the area, including water, sanitary sewers, storm sewers, roads, sidewalks, curbs, street lighting, traffic control and electrical facilities;
- b) deficiencies in the provision or design of off-street parking areas;
- c) inadequate parks, open space, landscaping and community or recreation facilities;
- d) evidence of economic decline in commercial areas, such as unstable uses or high vacancy rates;
- e) problems with incompatible land uses;
- f) buildings and structures in need of maintenance and repair;
- g) need to improve streetscape amenities on public and/or private property;
- h) need for heritage resource conservation;
- i) opportunities for infilling and development of under-utilized sites; and,
- j) existing or probable soil or water contamination.

28.14.3 A community improvement plan may be prepared, adopted and implemented to guide the following within each community improvement project area:

- a) upgrades to existing municipal infrastructure and services for the purpose of stimulating private investment;
- b) the construction, repair, rehabilitation or improvement of buildings and structures;
- c) the acquisition, holding, clearing, grading or preparation of land for community improvement;
- d) the sale, lease or transfer of municipal lands and buildings; and,
- e) the provision of grants, loans or tax assistance for community improvement activities such as the cost of rehabilitating lands and buildings.

28.14.4 The Town may, in a by-law, dissolve a community improvement project area where it is satisfied that the community improvement plan has been carried out.



## **2006 Official Plan: Community Improvement Policies, Part C, Section 13**

- 13.1 The Town may designate areas of community improvement in accordance with the provisions of the Planning Act.
- 13.2 The following criteria will be considered when selecting potential areas for community improvement:
- a) deficiencies in the sewer, water, or storm sewer systems;
  - b) deficiencies in the provision or design of off-street parking areas;
  - c) deficiencies in existing roads, sidewalks and/or curbs;
  - d) lack of provision and/or design problems with existing public facilities such as parks, open space, landscaping, and public buildings;
  - e) significant need for aesthetic improvement on public and/or private land;
  - f) problems with inappropriate land uses, inadequate building maintenance, or lack of development on vacant or under-utilized land;
  - g) inadequate, outdated, or inappropriate street lighting, traffic control, and signage;
  - h) indications of a need for heritage resource conservation.
- 13.3 In an area designated for community improvement, a community improvement plan will be prepared in accordance with the Planning Act. The implementation of the community improvement plan will be assisted:
- a) through participation in funding programs with senior levels of government;
  - b) through enforcement of the Town's Property Standards By-law and the encouragement of the rehabilitation and maintenance of existing structures;
  - c) through encouraging the formation and continuation of Business Improvement Areas to maintain and enhance the viability of commercial areas;
  - d) through the preparation of streetscape improvement and beautification plans, where appropriate;
  - e) through the preparation of architectural guidelines and the application of bonus zoning techniques, where appropriate;
  - f) through the review of existing zoning and sign control by-laws;
  - g) through the coordination and phasing of public utility and public works spending programs;
  - h) through such programs and policies as Council sets out in the Community Plan

**APPENDIX C**  
**Environmental Study Grant Program Administration**

## **Environmental Study Grant (ESG) Program Administration**

### **Step 1 Application Submission**

Applicants will be required to have a pre-application consultation meeting with staff in order to determine program eligibility, proposed scope of work and project timing.

Staff may perform an initial site visit(s) and inspection(s) of the building/property (as necessary).

Before accepting an application, staff will screen the application. If the application is not within the Community Improvement Project Area, or the application clearly does not meet the program eligibility criteria, the application will not be accepted. If staff determine that the application is not acceptable for one or more of the above noted reasons, the application will be returned to the applicant with a letter explaining the reason for not accepting the application. Acceptance of the application by the Town in no way implies program approval.

Applications will include (as applicable):

- a) a Phase I ESA that shows the property is suspected of environmental contamination;
- b) a detailed study work plan and a minimum of two (2) cost estimates for preparation of the proposed study; and,
- c) a description of the planned redevelopment, including reference to any planning applications that have been submitted/approved.

Program eligibility will be determined by staff and applications will be approved only if they meet the criteria specified in this Plan and any other Town requirements.

An application fee (if applicable) may be collected at the time of application.

### **Step 2 Application Review and Evaluation**

Applications and supporting materials will be reviewed by staff against program requirements and applicable Town Guidelines. A decision on the grant application will then be made by staff<sup>16</sup>.

All environmental site assessments approved under this program must be completed and submitted in accordance with O. reg 153/04. All completed environmental site assessments must comply with the description of the study as provided in the grant application form.

### **Step 3 Application Approval**

If an application is approved, the applicant will be sent a letter that outlines the terms of the grant and the amount of the grant. If an application is not approved, the applicant will also be advised by letter. The grant amount will be equal to 50% of the lowest estimated cost of the study (excluding taxes) or 50% of the actual cost of the study (excluding taxes), whichever is less, to the maximum grant amount.

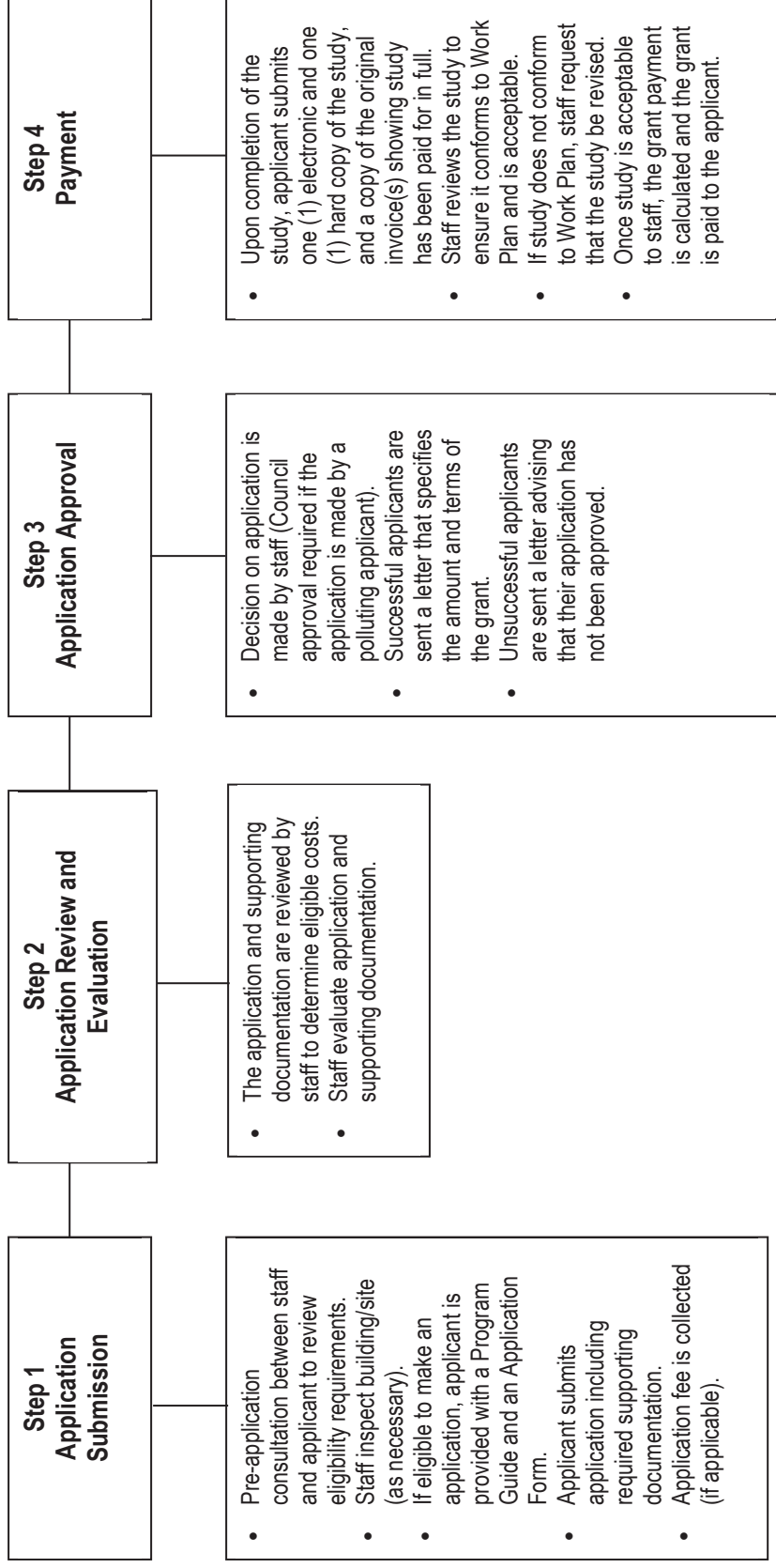
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<sup>16</sup> Where an application is made by a polluting applicant, the application must be approved by Council rather than staff.

#### **Step 4 Payment**

Grants approved under this program would be paid to applicants following satisfactory submission to the Town of one (1) electronic copy and one (1) hard copy of the final completed environmental study with a copy of the original invoice(s) indicating that the study consultants have been paid in full. 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 have not been paid in full.

**Figure C-1 ESG Program Administration**



## **APPENDIX D**

### **Tax Assistance Program Administration**



## **Tax Assistance Program (TAP) Administration**

### **Step 1 Application Submission**

Applicants will be required to have a pre-application consultation meeting with staff in order to determine program eligibility, proposed scope of work, and project timing.

Staff will perform an initial site visit(s) and inspection(s) of the building/property (if necessary).

Before accepting an application, staff will screen the application. If the application is not within the Community Improvement Project Area, or the application clearly does not meet the program eligibility criteria, the application will not be accepted. If staff determines that the application is not acceptable for one or more of the above noted reasons, the application will be returned to the applicant with a letter explaining the reason for not accepting the application. Acceptance of the application by the Town in no way implies program approval.

Applications submitted to the Town shall be accompanied by a Phase 1 ESA, a Phase II ESA, and a Remedial Work Plan or Risk Assessment/Risk Management Plan prepared by a QP that identifies and details the eligible works, and two (2) cost estimates for the proposed eligible works. The Town may also require submission of a work plan and budget for the proposed redevelopment project.

An application fee (If applicable) may be collected at the time of application.

### **Step 2 Application Review and Evaluation**

Applications and supporting materials and documentation are reviewed by Town staff against program requirements. Town staff will determine the eligible works and costs.

The actual pre-project education and municipal (Town and Region) property taxes and estimated post-project assessed value and applicable tax rates will be used to calculate the estimated post-project property taxes, increase in municipal property taxes, education property taxes, and the estimated maximum amount of municipal and education property tax assistance to be provided during the rehabilitation period and the development period (as defined under Section 365.1 (1) of the *Municipal Act, 2001*).

Where staff will be recommending approval of a TAP application, staff will follow the Region's Program for CIP Guidelines and send a letter to Regional Council (or designate) requesting the Region's participation in funding the application. Once in receipt of the Region's response, staff will prepare the following documents:

- a) a recommendation report to Council or Council's designate on the TAP Application;
- b) a TAP Agreement;
- c) a draft by-law to authorize municipal and education tax assistance under Section 365.1 of the *Municipal Act, 2001*; and,
- d) an application to the Minister of Finance for matching education property tax assistance.

Town staff will forward the Region's approval letter (as applicable) and Items a) – d) above to the Minister of Finance. Matching education property tax assistance through the Brownfield Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province is subject to approval by the Minister of Finance. Once written approval of the by-law is received from the Minister of Finance, any conditions or restrictions specified by the Minister will be included in the by-law.

### **Step 3 Application Approval**

The Minister of Finance is currently prepared to authorize municipal applications for matching education property tax assistance for a maximum of three (3) years from the date of the passing of the by-law. Applications seeking matching education property tax assistance for a longer period are subject to approval of the Minister of Finance. The Town and Region may continue to offer municipal tax assistance up to the time period specified for Town and Regional tax assistance in the by-law, or when the total tax assistance provided equals the total eligible costs, whichever comes first. The matching education property tax assistance may be provided on a different schedule from the tax assistance provided by the Town and the Region, and may be subject to different or additional conditions.

A recommendation report will be prepared by staff. If this report recommends approval of the application, a grant agreement satisfactory to the Town Solicitor will also be prepared. This agreement will contain conditions to ensure that the project is commenced and completed in a timely fashion. This agreement will be forwarded to the applicant to be dated and signed.

The recommendation report, the Agreement (dated and signed by the applicant), and the by-law will then be forwarded to Council (or Council's designate) for consideration. If Council or Council's designate approves the application and the agreement, and adopts the by-law, the agreement will be executed by the authorized Town officials and a copy will be provided to the applicant. A copy of the by-law, including all information prescribed by Ontario Regulation 274/04 will be forwarded to the Minister of Municipal Affairs and the Minister of Finance within 30 days of passing of the by-law by the Town.

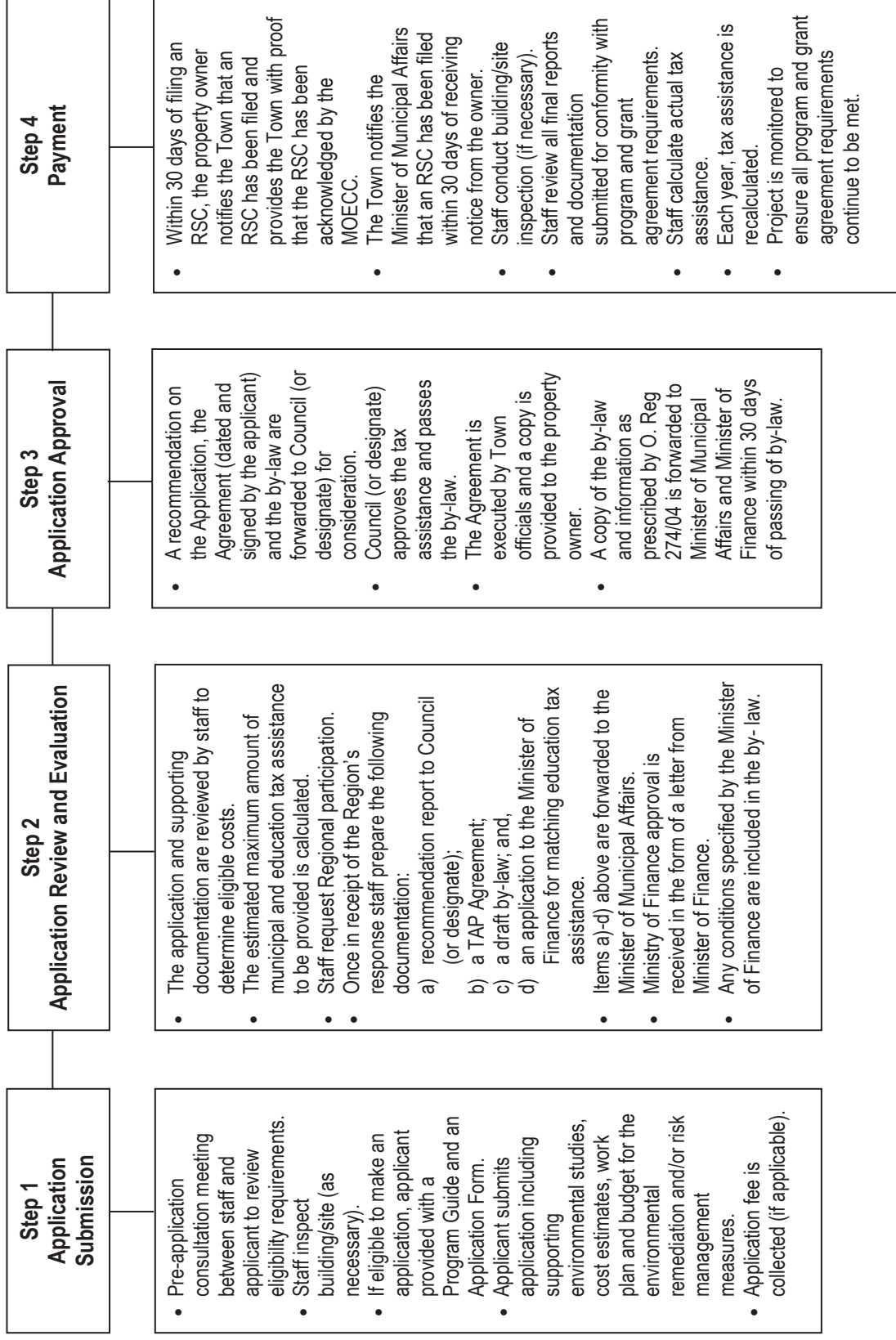
### **Step 4 Payment**

Where the Minister of Finance has approved an application for matching education property tax assistance, the municipal property tax assistance and education property tax assistance will begin as stipulated under the by-law for tax assistance approved by Council.

Once remediation of the property is complete, the property owner shall file in the Environmental Site Registry a Record of Site Condition (RSC) for the property signed by a qualified person, and the owner shall submit to the Town proof that the RSC has been acknowledged by the Ministry of the Environment (MOE). The owner shall, within 30 days of filing the RSC, notify the Town of the filing, and within 30 days after receiving said notice, the Town shall advise the Minister of Municipal Affairs of the filing of the RSC.

Tax assistance will not be provided until the landowner has first met conditions related to the rehabilitation and development of the lands. All property taxes would be payable and collected until these conditions have been satisfied. Once these conditions have been satisfied, tax assistance for both the municipal and education amounts would be provided to the landowner as specified in the by-law.

**Figure D-1 TAP Administration**



**APPENDIX E**  
**Tax Increment Grant Program Administration**

## **Tax Increment Grant (TIG) Program Administration**

### **Step 1 Application Submission**

Applicants will be required to have a pre-application consultation meeting with staff in order to determine program eligibility, proposed scope of work, and project timing.

Staff will perform an initial site visit(s) and inspection(s) of the building/property (as necessary).

Before accepting an application, staff will screen the application and proposal. If the application is not within the Community Improvement Project Area, or the application clearly does not meet the program requirements, the application will not be accepted. If staff determines that the application is not acceptable for one or more of the above noted reasons, the application will be returned to the applicant with a letter explaining the reason for not accepting the application. Acceptance of the application by the Town in no way implies program approval.

Applications submitted to the Town shall be accompanied by a Phase 1 ESA, a Phase II ESA, and a Remedial Work Plan or Risk Assessment/Risk Management Plan that identifies and details the eligible works, and two (2) cost estimates for the proposed eligible works. The Town may also require submission of a Business Plan for the proposed redevelopment project.

An application fee (if applicable) may be collected at the time of application.

### **Step 2 Application Review and Evaluation**

Applications and supporting materials and documentation are reviewed by staff against program requirements and staff will determine the eligible works and costs.

The actual pre-project municipal property taxes and estimated post-project assessed value and applicable tax rates will be used to calculate the estimated post-project property taxes, increase in municipal property taxes, and the estimated annual and total grant amount to be provided.

Where staff will be recommending approval of an application for a TIG, staff will follow the Region's Program for CIP Guidelines and send a letter to Regional Council (or designate) requesting the Region's participation in funding the application. Once in receipt of the Region's response, staff will prepare the following documents:

- i) a recommendation report to Council or Council's designate on the TIG Application; and,
- ii) a TIG Program Agreement.

### **Step 3 Application Approval**

A recommendation report will be prepared by staff. If this report recommends approval of the application, a grant agreement satisfactory to the Town Solicitor will also be prepared. This agreement will contain conditions to ensure that the project is commenced and completed in a timely fashion. This agreement will be forwarded to the applicant to be dated and signed.

The recommendation report and the Agreement (dated and signed by the applicant), will then be forwarded to Council (or Council's designate) for consideration. If Council or Council's designate approves the Application and the Agreement, the agreement will be executed by the authorized Town officials and a copy will be provided to the applicant.

#### **Step 4 Payment**

Once remediation of the property is complete, the property 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 Town proof that the RSC has been acknowledged by the Ministry of the Environment (MOE)<sup>17</sup>. Prior to payment of the grant, the applicant must provide the Town with:

- a) invoices for all eligible work done clearly showing the amount paid for eligible works, and a summary of eligible costs paid;
- b) documentation proving completion of the project, e.g., engineer's report;
- c) all final reports and documentation as required;
- d) photographic evidence of the completed works satisfactory to the Town; and,
- e) proof of payment of consultants/contractors in full.

Staff will conduct a final building/site inspection (as necessary) to ensure that the project has been completed in accordance with the grant application and agreement.

Once the redevelopment project is complete, an occupancy permit has been issued, and the property has been re-valued by the Municipal Property Assessment Corporation, the property owner will be sent a new tax bill. After the property owner has paid in full the new taxes for one (1) year, the Town will check to ensure that the applicant has not filed any assessment appeals, the property is not in tax arrears and the property is still in conformity with all program and grant agreement requirements. The Town will calculate the actual tax increment and grant payment. The Town will then issue payment of the grant in the form of a cheque in the amount specified as per the calculation of the actual grant payment.

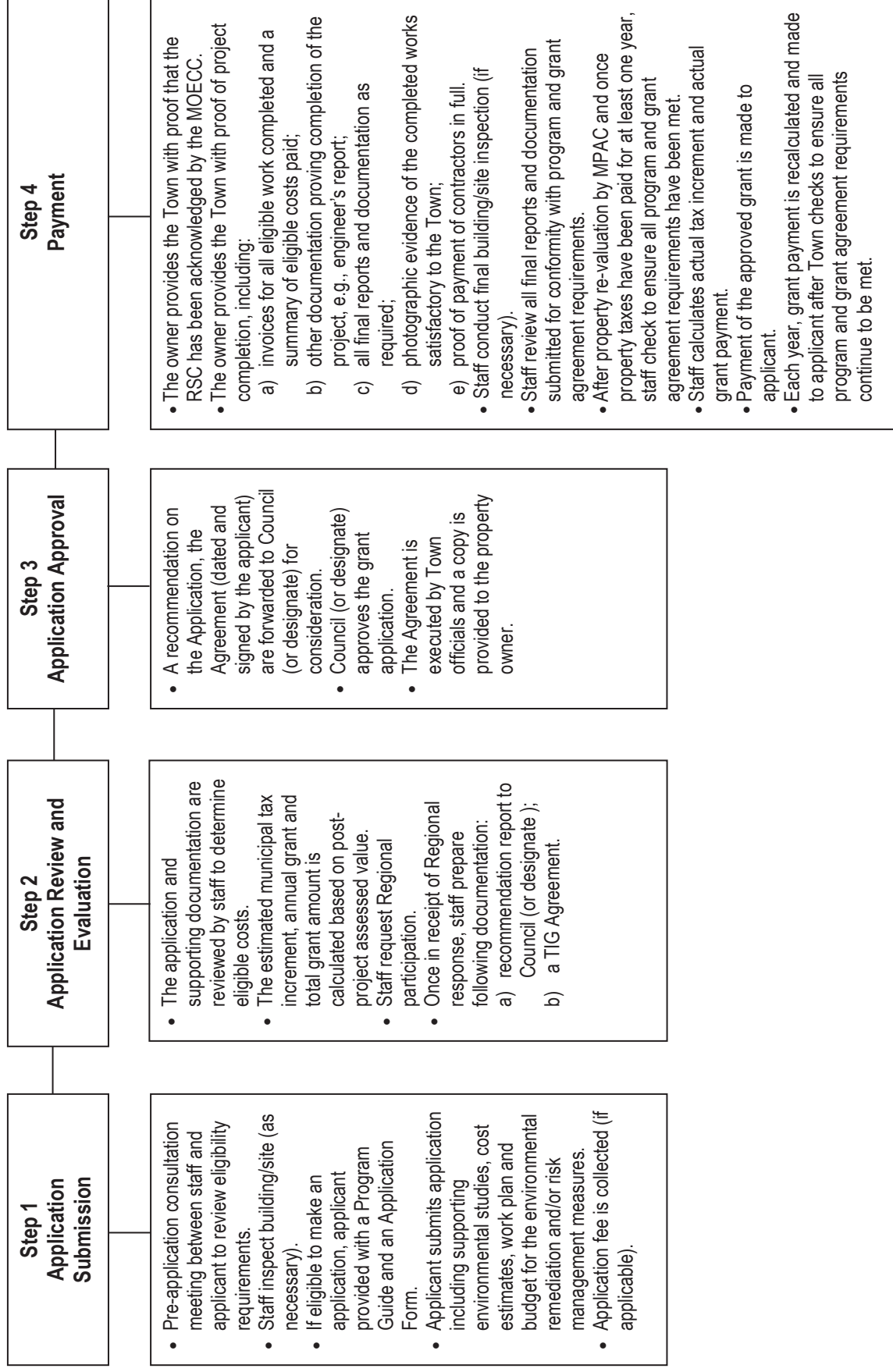
Staff will monitor the project, periodically checking that the project is in compliance with all program and grant agreement requirements. Staff will take appropriate remedies as specified in the grant agreement if the applicant defaults on the agreement.

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<sup>17</sup> This requirement may be waived by the Town, entirely at its own discretion, for applications that are not a change to a more sensitive use as per O. Reg 153/04 where the applicant is using a risk assessment approach. In these cases, the Town may, entirely at its own discretion, permit a peer review of the risk assessment (at the applicant's expense) as an alternative to the RSC requirement.



**Figure E-1 TIG Program Administration**



**APPENDIX F**  
**Minimum Employment Density**

It is anticipated that the Regional Municipality of Halton Employment Strategy (to be prepared) through the next Regional Official Plan Review will set out minimum employment densities for employment areas in Halton. Until such time as the Halton Employment Strategy is prepared and adopted, the minimum employment density criteria will be determined by the Town on a case-by-case basis, informed by Town staff expertise and available data from the Region of Halton Employment Survey.

## **APPENDIX G**

### **Exemplary Building/Site Design and Construction and Heritage Designation**

The project must:

- a) Achieve exemplary building/site design and implementation as determined by the Town, on a case by case basis. Each application will be reviewed through the lens of the Livable Oakville Official Plan Urban Design Policies (Section 6), the Livable by Design Manual, and the North Oakville Urban Design and Open Space Guidelines. To be considered exemplary building/site design and implementation, a development must exceed the standards as outlined in the Livable by Design Manual, as determined by staff; or,
- b) The project must restore a heritage building/property designated under Part IV or Part V of the *Ontario Heritage Act*.

## **APPENDIX H**

### **Affordable and Special Needs Housing**



The definition of “affordable housing” is as follows:

**Affordable Housing** (Livable Oakville – Section 29.5 Glossary) - *Affordable housing means housing with market price or rent that is affordable to households of low and moderate income spending 30 per cent of their gross household income without government subsidies. Such households would be able to afford, at the low end, at least three out of ten rental properties on the market and, at the high end, ownership housing with sufficient income left, after housing expenses, to sustain a basic standard of living.*

When determining whether an application meets the test of including a minimum of 20% of residential units that are affordable, the Town should refer to the Assisted and Affordable Thresholds in the most current annual State of Housing report published by Halton Region.

The definition of “special needs housing” is as follows:

**Special Needs Housing** (Livable Oakville – Section 29.5 Glossary) - *Special needs housing means any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include but are not limited to housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for the elderly, group homes, emergency shelter, housing for the homeless, and independent permanent living arrangements where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community based support services in their own home.*