

## Appendix A

### Smart Growth Tools

#### A1 Table of Smart Growth Tools

The following table is a preliminary list of Smart Growth tools, examples of where they have been used successfully, and their applicability to the Cytec and Gallaher brownfield sites.

	<b>TOOL</b>	<b>EXAMPLE CITIES, PROVINCES, STATES AND ORGANIZATIONS</b>	<b>POTENTIAL RELEVENCE TO CITY OF NIAGARA FALLS/THOROLD</b>
<b>Financial Tools</b>			
1	TAX INCREMENT FINANCING	Chicago, Indiana, many US States	NIAGARA FALLS AND THOROLD
2	EDUCATION PROPERTY TAX INCREMENT FINANCING	Ontario based tool	NIAGARA FALLS AND THOROLD
3	MUNICIPAL REDEVELOPMENT GRANT	Hamilton	NIAGARA FALLS AND THOROLD
4	TAX ABATEMENTS	Harris County, TX; Bastrop, TX	NIAGARA FALLS AND THOROLD
5	LOCATION EFFICIENT MORTGAGES	Chicago, Seattle, Los Angeles, San Francisco	THOROLD
6	TAX REBATES	Connecticut	NIAGARA FALLS AND THOROLD
7	DENSITY BONUSES	Maryland, Albuquerque	THOROLD
8	MUNICIPAL BONDS	Massachusetts	NIAGARA FALLS AND THOROLD
9	SUSTAINABLE DEVELOPMENT GRANTS	Previously offered by US Federal Government	THOROLD
10	LIVE NEAR YOUR WORK PROGRAMS	Maryland	THOROLD
<b>Targeting Areas</b>			

11	PRIORITY FUNDING	Maryland	NIAGARA FALLS
12	URBAN GROWTH BOUNDARIES	Portland	NIAGARA FALLS AND THOROLD
<b>Protection of Rural, Agricultural and Environmental Areas</b>			
13	LAND BANKING	Texas; North Mississippi; Rock Hill, SC	NIAGARA FALLS AND THOROLD
14	LAND TRUSTS	Colorado	NIAGARA FALLS AND THOROLD
15	CONSERVATION EASEMENTS	Maryland - Rural Legacy Program	THOROLD
16	OPEN SPACE ZONING	Michigan, Arizona, New England	NIAGARA FALLS
<b>Partnerships</b>			
17	PRIVATE/PUBLIC RELATIONS	Many Canadian Provinces and US States	NIAGARA FALLS AND THOROLD
18	PUBLIC/PRIVATE INVESTMENTS	Green Roofs - Vancouver, BC	NIAGARA FALLS AND THOROLD
19	VOLUNTARY CLEAN-UP PROGRAMS	Washington, DC; Baltimore, Maryland	NIAGARA FALLS
<b>Insurance</b>			
20	PROPERTY TRANSFER INSURANCE	AIG Environmental	NIAGARA FALLS
21	CLEAN-UP COST CAP INSURANCE	AIG Environmental	NIAGARA FALLS
<b>Municipal Policy and Fee Reforms</b>			
22	MUNICIPAL CHARGES	Ontario Municipalities.	NIAGARA FALLS AND THOROLD
23	DEVELOPMENT CHARGE FORGIVENESS	Cambridge, Ontario	NIAGARA FALLS AND THOROLD
24	DEVELOPMENT APPLICATION FEE FORGIVENESS	Cambridge, Ontario	NIAGARA FALLS AND THOROLD

25	GROWTH MANAGEMENT REVIEW COMMITTEE	Proposed by Smart Growth: From the Ground Up, further research into this tool is needed.	NIAGARA FALLS AND THOROLD
<b>Developer Initiatives</b>			
26	SMART DECONSTRUCTION	Baltimore	THOROLD
<b>Zoning, Policies and Amendments</b>			
28	ZONING TOOLS	Canan Beach, Oregon	THOROLD
29	TAX ARREARS POLICIES	Windsor, On; Cambridge, On	THOROLD
30	DEVELOPMENT PERMIT SYSTEMS	Toronto, Hamilton, Oakville, Waterloo, Lake of Bays, Muskoka	NIAGARA FALLS AND THOROLD

## A2 Additional Smart Growth Tools

The following are descriptions of Smart Growth tools that did not apply to the two sites studied, but may be used in developments using Smart Growth principles.

### A2.1 Smart Deconstruction

An alternative to demolition is the process of manually disassembling buildings to maximize the use of salvaged building materials. Materials that can be recovered are structural timbers, wood framing and sheathing. The yield of useful construction materials provides economic savings and resource conservation for developers. Smart Deconstruction is sensitive to the environment as the reuse of such recovered materials reduces the burden on landfills.

(Smartgrowth Network. Clinton-Gore Livability Agenda: Building Livable Communities for the 21<sup>st</sup> Century, Building Better American Bonds. Retrieved October 12, 2001, from <http://www.smartgrowth.org>)

### A2.2 Development Permit System

This Smart Growth tool involves the combination of three planning processes: zoning, minor variance and site plan control. The Development Permit System is a new regulatory initiative (section 70.2 of the Planning Act) announced by the Ministry of Municipal Affairs and Housing that is intended to fast-track applications for development by streamlining the development review process. A Development Permit System would be implemented at the local municipal level. To do so, an amendment would have to be made to the Official Plan of the municipality in order to recognize and identify a Development Permit Area.

The implementation of a Development Permit System would be a local municipal decision. A municipality would have control of development proposals by listing the permitted uses within development permit areas and imposing conditions on development approval. These set conditions allow municipalities to regulate site alteration in favor of mixed land uses, compact building design and a wide range of housing initiatives, while promoting conservation of open space and protection of the environment. A Development Permit System would address and facilitate several Smart Growth issues including the redevelopment of brownfield sites and the revitalization of aging downtown cores.

The Regional Municipality of Niagara implemented such a system in 1973 with the approval of the Niagara Escarpment Planning and Development Act by the Ontario Legislature. Within this Act there are provisions for establishing development permit requirements and exemptions, procedures for development control, and the establishment of a commission, which prepared the Niagara Escarpment Plan.

The Niagara Escarpment Plan was originally approved in 1985 and serves as a framework of objectives and policies to strike a balance between development and preservation of the Niagara Escarpment. According to the Niagara Escarpment Commission the Plan was the first, large-scale environmental land-use plan in Canada to balance protection, conservation and sustainable development to ensure the preservation of the natural environment of the Escarpment. The purpose of the Plan is to ensure that the Niagara Escarpment is maintained as a continuous natural environment, ensuring only development compatible with the natural environment occurs. The Plan contains land use policies and designations governing how land shall be used throughout the Niagara Escarpment Area along with development criteria to determine how a proposed development should be carried out. According to the Plan, development criteria is used in the consideration of development permit applications and is used as a basis for bringing local official plans, secondary plans and, where applicable, zoning bylaws into conformity within the administration of site-plan control approvals. The Niagara Escarpment Development Permit System is currently used in Grimsby, Lincoln, Thorold, St. Catharines, Pelham, Niagara on the Lake, and Niagara Falls with great success.

The Province of Ontario is currently implementing a new Development Permit System pilot project in selected cities, including Toronto, Hamilton, Oakville, Waterloo and the Lake of Bays in Muskoka. If the pilot project is deemed successful in these test cities, the Province may expand the Development Permit System program province-wide in an effort to compliment the Smart Growth strategy in Ontario. With the Niagara Escarpment Plan, the Regional Municipality of Niagara has had considerable experience with Development Permit Systems. As such, the Province of Ontario should have included municipalities from the Niagara Region in the Development Permit System pilot project.

### A2.3 Education Property Tax Increment

Many municipalities are using tax increment based financing to increase the amount of funding available for the remediation of brownfields. By adding Education Property Tax Increment to Tax Increment Financing it doubles the amount of funds available for the

redevelopment of brownfields. This results in making some otherwise difficult projects possible and acts as a catalyst for other development projects.  
(Brownfields Advisory Panel. *Brownfields Policy Review*, November 2000.)

#### A2.4 Location Efficient Mortgages

The location in which someone lives can have a major effect on the cost of living. If an individual resides in an urban area, where most or all amenities are within walking distance, they save a substantial amount on transportation costs associated with owning and operating a vehicle. This concept has been used to create Location Efficient Mortgage programs. When purchasing a house within the urban area, the savings an individual incurs from not purchasing a vehicle can be assessed in the debt to income ratio. This strengthens the ability of the bank to lend more money to homebuyers, which increases their buying power. Indirect benefits of this system include increased home purchases in urban areas, boosts to public transit use, better support for neighborhood consumer services and cultural amenities, reduce energy consumption and improve air quality (LEM).

(Local Efficiency Mortgages, Making Urban Living Affordable. Retrieved October 25, 2001, from <http://locationefficiency.com/faq.html>)

#### A2.5 Land Banking

Prior to speculation pricing municipalities can purchase land at its current market value. This can provide major savings to municipalities that are trying to protect undeveloped land. To make this technique financially feasible the municipality can lease the land for agricultural use or sell it off again with deed restrictions, which are consistent with the plans of the government. Furthermore, land transfer credits can be used to finance the purchase of these areas. (*Putting Action Into the Open Space Element Land Banking*. Retrieved October 11, 2001, from [http://ceres.ca.gov/planning/open\\_space/banking.html](http://ceres.ca.gov/planning/open_space/banking.html))

#### A2.6 Land Trusts

Land Trusts, which are non-profit organizations, are established to protect and preserve various kinds of significant land that are beneficial to the community. These can be agricultural, historical, cultural, scenic or natural properties. Land may become part of a trust through a number of ways such as through donations, bargain sales, bequests, and life estates. Land trusts can receive tax breaks from the government as encouragement, which can be beneficial to governments because they do not have to purchase the land in order to preserve it. However, because the land trusts are private organizations, certain pieces of protected land may not coincide with the intended plans of the government. As a result land trusts pose a unique way to protect land that is faced with the pressure of urban growth. (Retrieve October 11, 2001, from <http://www.freenet.tlh.fl.us>)

#### A2.7 Conservation Easements

Conservation Easements are an agreement between the owner of the land and the city. This agreement restricts uses on a specific piece of land while the landowner maintains ownership. Conservation easements are often categorized as agricultural, open-space, historic or forest to define the type of man-made or natural resource they are put in place to protect. Easements do not eliminate the owner from responsibilities such as paying property tax, maintenance and improvements. The property restrictions must be monitored and enforced by the owner. If the easement is made as a charitable donation, there are often significant tax advantages.

Shear and Blane, "Conservation Easements". Ohio State University Community Development Fact sheet. Retrieved October 25, 2001, from <http://ohioline.osu.edu/cd-fact/1261.html>

### A2.8 Municipal Charges

This is a financial tool offered by some municipalities to encourage compact urban form. This tool requires that marginal cost pricing be applied to municipal fees so that high-density infill projects pay a lower rate on agricultural land. In effect the incentive is to keep development at a minimum by encouraging it within the urban core rather than on depleting agricultural land. In addition, maintaining high-density development within the core strengthens the city economy and minimizes potential environmental stresses.

(Romalty Ray Ph.D. *New Urban Agenda* Retrieved October 11, 2001, from [www.peck.ca](http://www.peck.ca))

### A2.9 Growth Management Review Committees

The municipality can establish review committees consisting of professionals in related fields to review current policies, Official Plans and legislation. The boards will draw out inconsistencies between these documents that act as barriers to Smart Growth development. Following the review, the committee will recommend innovations, new policies and guidelines that coincide with the vision for Smart Growth of the municipality.

### A2.10 Voluntary Clean-up Programs (VCPs)

Voluntary Clean-up Programs provide cooperative arrangements between landowners or prospective owners and environmental agencies in order to prepare sites for redevelopment. VCPs provide oversight to environmental clean-up, technical guidance, and clean-up verification and, most importantly to developers, liability assurances. VCPs speed the clean-up process and provide clear technical guidance and clean-up standards.

(US Environmental Protection Agency. *A Guidebook of Financial Tools*. Retrieved October 30, 2001, from <http://www.epa.gov/efinpage/guidbk98/gbk2a.htm>)

### A2.11 Zoning Tools

There are several ways to use zoning tools to encourage Smart Growth. One way is to rezone areas near transit corridors. This allows for higher densities or mixed uses consistent with pedestrian oriented and transit oriented design. New mixed-use development along transit corridors and transit nodes encourage mass transit use, which would alleviate traffic congestion and achieve other mobility goals. A high population density enables efficient and attractive public transit, which enhances competitiveness against automobiles.

(Public Transit in America. Community Transportation Association. Retrieved October 29, 2001, from [www.ctaa.org](http://www.ctaa.org))

#### A2.12 Sliding Development Fees

Another way to encourage Smart Growth is by using sliding development fees. This tool involves charging developers with the costs of extending infrastructure to remote sites. When new suburban development occurs on rural greenfield municipalities must supply new infrastructure to these sites. By imposing Sliding Development Fees on developers that build on greenfields a municipality can cover the costs of infrastructure expansion.

(*Smart Investments for City and County Managers*. Retrieved October 12, 2001, from [www.smartgrowth.org](http://www.smartgrowth.org))

#### A2.13 Tax Arrears Policies

Unused brownfield often acquire tax arrears. This makes these sites very difficult for owners to sell and also results in lost property tax revenue for the municipality. In Ontario, under the Municipal Tax Sales Act, properties that have been in tax arrears for over three years can be registered and sold by the municipality. As a result, the sale of the land brings in the revenue that was lost in taxes. However, if the site is not sold, the municipality inherits the liabilities associated with the sites. This deters municipalities from attempting to sell the property while tax arrears continue to build. To deal with this problem, municipalities can create policies that under strict guidelines allow them to cancel tax arrears on brownfields. This makes these properties more attractive to potential buyers and encourages redevelopment.

(McCarthy, Linda. *Beyond Individual Competition: Competitive Regionalism in the United States and Western Europe*. Retrieved October 12, 2001, from <http://www.edco.on.ca/news/news20010321.htm>)

#### A2.14 Private and Public Relations

This tool is one of the most straightforward Smart Growth tools. It requires that a relationship between the private and public sectors be established to initiate open communication regarding the redevelopment of sites. An open forum is a positive tool not only to keep the public up to date with the intentions of the City and developer, but also to allow citizens to provide input and ideas for their community.

### A2.15 Tax Abatements

Abatements are local tax tools that freeze the assessed value of the land prior to its improvement. Reduced taxes attract developers, and following redevelopment taxes are gradually increased to reflect the new assessed value. The terms of tax abatement may depend on the number of new jobs created or the location of the brownfield site.

### A2.16 Municipal Bonds

Municipal bonds allow governments to create a large amount of low-interest capital to help fund Smart Growth initiatives. The bonds must be paid back to investors at a fixed rate of interest. The rate is usually lower than corporate bonds but tax exemptions make the municipal bonds attractive. The government still must find a source of revenue to pay back the bond purchasers, however they have a longer time period to produce this funding. There are four main types of municipal bonds, including General Obligation Bonds which are not tied to a specific use and are very low risk; Revenue bonds that rely on the revenue produced by specific projects; Commercial Paper Bonds that are short term and help fund immediate financial needs of governments; and Private Activity Bonds which fund private endeavours that qualify for tax exemptions.

(US Environmental Protection Agency. *A Guidebook of Financial Tools*. Retrieved October 30, 2001, from <http://www.epa.gov/efinpage/guidbk98/gbk2a.htm>

## Appendix B: Cytec Background Information

### B1 Cytec Ownership

The following sites are currently zoned Heavy Industrial (HI):

- A-1 (south) is owned by Cytec. This parcel was purchased from Theeb Investments Limited in September 1995.
- A-2 (RoW) is on lands owned by both Cytec and Ontario Hydro
- B-1 is owned by Ontario Hydro

The following site is zoned Open Space (OS):

- C-1 is owned by Ontario Hydro and the Niagara Parks Commission

### B2 Cyanide Definition

Electronic encyclopedia [[www.encyclopedia.com](http://www.encyclopedia.com)] 2001:

*Pronounced As:* “sinid”

Chemical compound containing the cyano group. Cyanides are salts or esters of hydrogen cyanide formed by replacing the hydrogen with a metal (e.g., sodium or potassium) or a radical (e.g., ammonium or ethyl). The most common and widely used cyanides are those of sodium and potassium; they are often referred to simply as cyanide. Both are white, crystalline, chemically active compounds. They are used as insecticides, in making pigments, in metallurgy (e.g., electroplating and case hardening), and in refining gold and silver by the cyanide process. Organic cyanides are called nitriles. Most cyanides are deadly poisons that cause respiratory failure. Symptoms of cyanide poisoning include an odor of bitter almond on the breath, dizziness, convulsions, collapse, and, often, froth on the mouth. In case of cyanide poisoning a doctor should be summoned immediately. If the poison was swallowed, vomiting should be induced. Artificial respiration should be used if needed.

### B3 Cytec Landfill Data

The study has determined four areas of concern based on elevated concentrations of free cyanide. These areas have been prioritized for future investigation relative to one another.

A-1: (Southern Part) It is estimated that 17,300m<sup>3</sup> of waste is present in this area. This property is owned by Theeb Investments Limited. The property is 6.6 ha (16.4 acres). Seepage flows overland and enters the cooling pond. The free cyanide leachate seepage is 32g/day.

A-2: (Hydro Right of Way) is 2.2 ha (5.5 acres). The waste deposit is 40 to 50 years old; 40,000m<sup>3</sup> of waste. 20g/day estimated Leachate seepage into Niagara Cooling Plant Pond, then into Whitty's Creek and into Niagara River.

B-1: Owned by Ontario Hydro. The waste is 40 to 50 years old. Estimated that 52,000m<sup>3</sup> of waste. The land is flat with either small amounts or no vegetation. The land area is approximately 4.5 ha (11 acres). Leachate seeps into ground

water flow into Chippawa Power Canal. The free cyanide loading into the power canal is 75g/day estimate.

- C-1: It is estimated that there is 85,700m<sup>3</sup> waste present. Ontario Hydro primarily owns the property. The waste deposit is 40 to 50 years old. The site is capped by 0.2m of soil and is well vegetated. The size of the C-1 land is 1.8 ha (4.5 acres). The waste extends 10m into ancestral ravine and in about 4m above bedrock. Leachate seeps 18g/day into small pond. The pond has a volume of 575m<sup>3</sup>. Surface water from this pond then flows into the Niagara Gorge and into the Niagara River intermittently throughout the year. However natural degradation of the free cyanide has reduced loading rates and thus resulted in no detectable loading into the Niagara River.

The study determined five areas of low priority for follow-up investigation due to negligible detections of free cyanide.

- A-1 (Northern Part) No free cyanide was detected in the ground water. Some raw materials including coke and limestones present.
- A-2 (Old Swimming Pool Area) Complex mix of waste, earth fill and raw material fill. No free cyanide was detected in the ground water.
- A-2 (Back of Niagara Plant) Complex mix of waste, earth fill and raw material fill. No free cyanide was detected in the ground water.
- A-3 Raw material fills of coke. No free cyanide was detected.
- A-4 Approximately 45,000m<sup>3</sup> of low free cyanide content waste. Ground water has trace amounts of free cyanide discharges into abandoned Victoria Avenue municipal landfill and becomes indistinguishable with contaminated ground water of the landfill.

Free cyanide loads discharged into the Niagara Gorge are substantially degraded as it cascades down the face of the gorge. Free cyanide loads into the Niagara River are estimated at 33 g/day whereas 116 g/day is seeped above the gorge in Whitty's creek.

A small deposit of phorate (Thimet), which is an organo-phosphate insecticide, is in the waste material in the Ontario Hydro corridor right of way.

The wastes in Areas A-1 South, A-2 and B-1 are adjacent to shallow historical ravines. The surface of the wastes form relatively low and flat mounds. The wastes are exposed at the surface and have minimal vegetation cover. The wastes consist of coke, lime, calcium hydroxide, ash and minor amounts of calcium Cyanamide.

#### B4 Waste Characteristics

- |     |                                                            |
|-----|------------------------------------------------------------|
| 33% | Calcium Carbonate (CaCO <sub>3</sub> , or 'calcite')       |
| 25% | Calcium Hydroxide (Ca[OH] <sub>2</sub> , or 'slaked lime') |
| 25% | Calcium Oxide (CaO, or 'quicklime')                        |
| 10% | Ash                                                        |
| 1%  | Calcium Cyanamide (CaNCN)                                  |
| 6%  | Other                                                      |

## B5 Remedial Planning and Clean-up Alternatives

### Potential remedial alternatives

- Baseline monitoring of waste (minimal approach)
- Regarding, capping and vegetating the waste
- In-situ stabilization of the waste
- Biological remediation
- Removal of waste
- Leachate collection
- Collecting/containing contaminated ground water

From this list in-situ stabilization, biological remediation and collecting/containing wastes were eliminated because they would be unfeasible in this situation.

The preferred alternatives for the B-1, A-2 (RoW) and A-1 (South) waste sites is regrading, capping and vegetation. These areas are all poorly vegetated. This solution should eliminate leachate seeps into the water table by lowering the amount of precipitation infiltrating the waste material. This would dramatically lower the water table in these sites. Lowering the water table to the point where waste is in an unsaturated state would prevent leachate seeps from occurring. Leachate generation to the underlying groundwater would be significantly reduced or eliminated. This option would also lower the seeps into the Chippawa Power Canal by 49-84% according to groundwater modeling simulations. With respect to A-2 (RoW), the capping alternative is endorsed with the requirement that the cooling pond is not infilled. It is further recommended that the pond be drained or maintained at a lower level, as to drop the water table within the wastes. This would make the wastes unsaturated and eliminate the leachate seeps.

There are minimal health risks to on-site workers of regrading, capping and vegetation of the landfills revealed minimal exposure of on-site workers. There would even be less potential for exposure to the public. In contrast, the removal and transportation of the wastes to another site may increase the chance for exposure to workers or the general public.

Estimated costs for regrading, capping and vegetation alternatives:

B-1	\$1.2 - \$1.9 million
A-2 (RoW)	\$700,000 - \$1 million
A-1 (South)	\$300,000 - \$500,000

The alternative that best suits the C-1 site is to regrade and repair the existing restraining berm with a low permeability clay material. The site is already capped with silt and vegetation. The regrading of the restraining berm will eliminate the leachate seep that is present at the base of the berm.

C-1	\$150,000
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The cumulative costs for the preferred method of environmental remediation of the four site ranges between \$2.35 million to \$3.55 million as estimated by Environmental Strategies Limited. The City of Niagara Falls however estimates the capping option as being much higher, at \$6.3 million to \$7.2 million.

The previous options are much more viable than the removal of the material to another landfill site. The removal and transport of the material would increase the potential for exposure to remediation workers, neighboring sites and the environment. Neighbouring areas would be put at risk due to the release of soils, dust and vapors (ammonia) during transport. The estimated costs with re-disposal at another landfill facility would be much higher than the remediation and repair alternative. Another reason for eliminating this option is that not only is the waste itself contaminated, but a significant amount of the soil underlying the waste may also be contaminated. Relocating the waste to another landfill would simply transfer the problem from one location to another.

#### 1990 Costs

B-1	\$16 million
A-2 (RoW)	\$13 million
A-1 (South)	\$5 million
C-1	\$25 million
Total	\$59 million

#### 1997 Costs

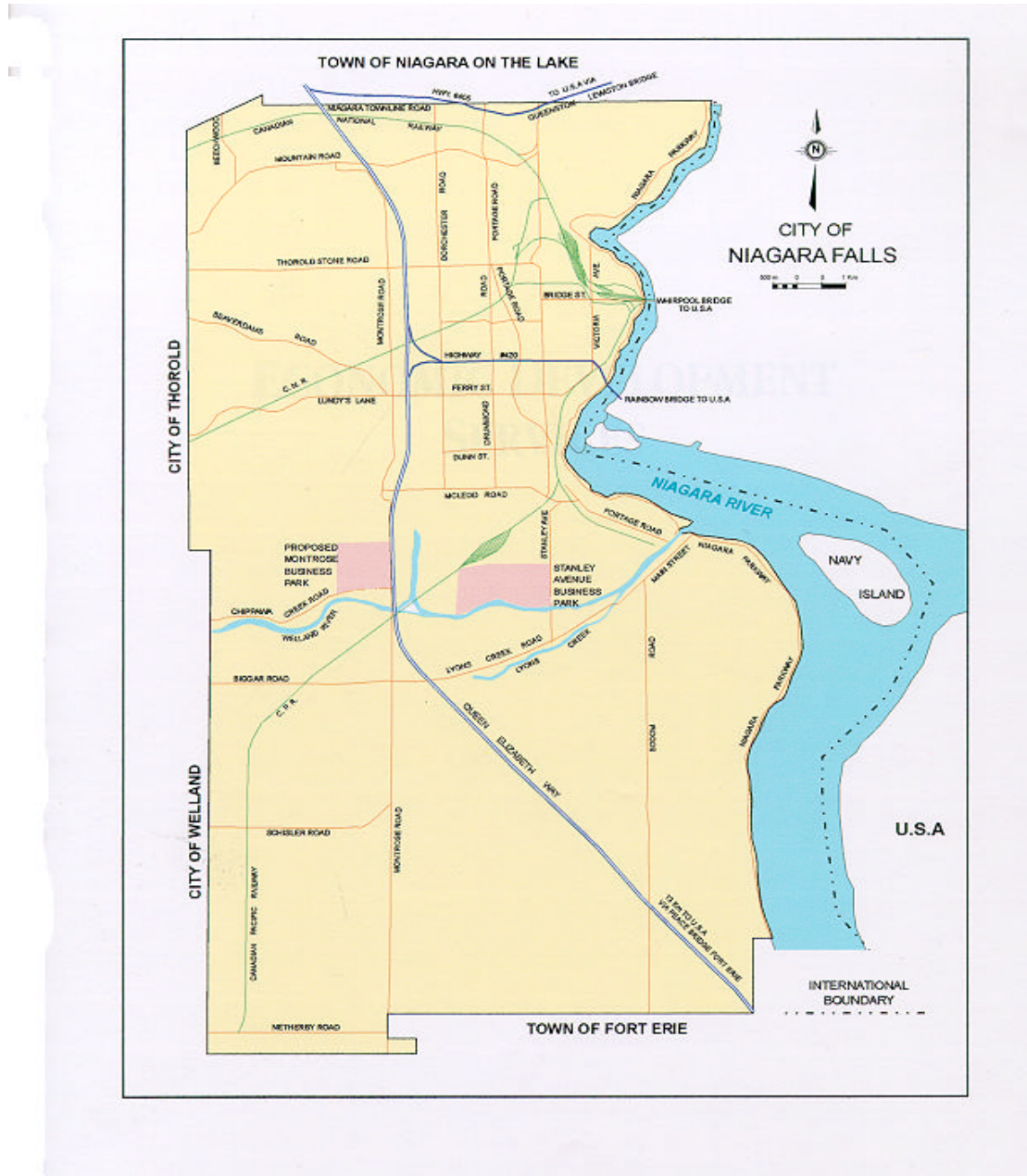
Costs for excavating and removing wastes have dramatically reduced since 1990. Tipping fees specifically have reduced from \$132/tonne in the ESL report in 1990 to \$50/tonne in the City of Niagara Falls report in 1997. This reduction will result in a total cost of \$17 million to remove 450,000 tonnes of waste material (192,000m<sup>3</sup> of waste plus 60,000m<sup>3</sup> for overexcavation). These new estimates will result in a cost savings of \$42 million from ESL's \$59 million capital cost estimate in 1990.

The leachate collection alternative would not completely eliminate contaminants from the Chippawa Power Canal. Calcium Carbonate would also mean that the leachate collection system would continually be encrusted and blocked and thus have to be maintained. Ongoing annual operating costs would be about \$200,000, as well as initial capital costs.

B-1	\$450,000
A-2 (RoW)	\$300,000
A-1 (South)	\$200,000
C-1	\$1 million

This model however would not eliminate the leachate seeps and environmental and health risks. Therefore it would be an unacceptable alternative.

## B6 Corporation of the City of Niagara Falls Policy



### B6.1 Purpose of plan:

The purpose of the City of Niagara Falls Policy Plan includes the following:

- Protect residential areas from adverse effects of growth
- Provide opportunities to encourage industrial and commercial growth
- Promote development of a commercial and tourist nature
- Plan provides emphasis on protecting natural resources including agricultural land and environmentally sensitive areas

- The plan incorporates the concepts of Niagara Region's Policy Plan and any relevant provincial and federal legislation. References to the Niagara Escarpment Plan have been made throughout the Official Plan. No development will be allowed in the protected Niagara Escarpment area that does not comply with existing legislation.
- The Official Plan is intended to guide and control development to 2011 with an expected population of 83,000 people. The focus of new growth will be concentrated in the south end of the city.

## B6.2 Land Use Designations

Land Use Designations within the City of Niagara Falls include:

- Residential
- Parkway Residential
- Commercial
- Tourist Commercial
- Resort Commercial
- Theme Park (Marineland)
- Good General Agriculture
- Rural/Agriculture
- Industrial
- Extractive Industrial
- Niagara Escarpment Plan Area
- Environmental Protection Areas
- Open Space

## B6.3 Special Policy Areas:

These are areas specially designated due to their unique characteristics and/or special circumstances affecting their development or redevelopment. This designation allows the City and developers to sway from the regulations found in the Official Plan.

- Part 2 Section 14.27.2 – residential plan of subdivision for single-detached dwellings
- Noise and vibration assessment, air quality study/impact assessment are needed due to proximity of rail line and an active sand and gravel pit
- Soil study may be required due to wastes found on site
- May be subject to certain separation requirements due to the proximity of the former Cytec waste disposal site
- Lands may contain archeological resources. A condition of draft plan approval will require development activities to cease and the Ministry of Citizenship, Culture and Recreation to be informed if any archeological remains are uncovered. (This is an example of a site with similar attributes to the site we have

chosen. It is located north west of our site but has the same environmental concerns from the same company.)

#### B6.4 Environmental Management

This section of the Official Plan focuses on the different strategies in place that strive to maintain the environmental quality of the area. The provision of sewage and water treatment is controlled as well as the disposal of solid waste. The control of these noxious aspects of urban life is essential to maintaining a healthy environment for citizens. The other key role of the Niagara Official Plan is to ensure efficient transportation throughout the city. The strategies of environmental management used by Niagara are geared towards the preservation and enhancement of the environment.

- Municipal Infrastructure
- Parkland Strategy
- Conservation Strategy
- Housing Strategy
- Amenity and Design Strategy
- Environmental quality

#### B6.5 Administration and Implementation

This section of the Official Plan focuses on the regulatory framework of development and the processes of implementation. All relevant regional and provincial policies are included in the Official Plan. The available tools and processes are outlined for development in order to produce the visions of the Official Plan.

- Provincial policies, official plans of the region and adjacent municipalities
- Official Plan Review and Amendments
- Community Secondary plans and Neighbourhood plans
- By-Laws
- Non-Complying uses
- Non-Conforming uses
- Subdivision Control
- Land Division Committee
- Committee of Adjustment
- Site Plan Control
- Community Improvement
- Property Maintenance
- Financial Considerations

## Appendix C: Provincial Policy

### C1 Planning Act

Many Smart Growth strategies or tools for brownfield redevelopment have their origins in the community improvement provision of the current Planning Act. Part IV of the Planning Act (Community Improvement) grants municipalities certain powers to regulate land acquisition and clearance within community improvement areas. In addition, the legislation allows for municipal grants and/or loans to be issued for developers interested in brownfield.

“Subsection 28 (7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans...for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.”

Subsection 28 (8) allows for municipalities to use subsection (7) in spite of the fact that its use is prohibited under subsection 111 (1) of the Municipal Act. Loans issued will be repaid in the form of municipal taxes. Essentially, what happens is that loans are added to the properties' assessment roll and collected as municipal taxes over a period fixed by council. This method of repayment – or perhaps its manipulation – is similar to that involved in tax increment financing.

### C2 Brownfield Statute Law Amendment Act 2001

The Minister of Municipal Affairs and Housing has introduced the Brownfields Statute Law Amendment Act 2001 in response to requests from municipalities, developers, environmentalists and lenders for policy improvements. These improvements were sought to facilitate the timely clean-up and redevelopment of brownfields properties. The new legislation introduces policy improvements to encourage and facilitate voluntary clean-up and will provide advice on how to address the three main challenges to brownfields redevelopment: environmental liability, financing and the planning processes.

## Appendix D: Community Improvement Plans

### D1 Thorold Draft Community Improvement Plan

The Community Improvement Plan creates a framework for the City, to encourage maintenance, rehabilitation and redevelopment of the former Gallaher Paper Company lands. It will also enhance the role of the downtown core as a center for commercial, administrative and cultural activities.

The Official Plan of Thorold currently contains provisions for community improvement policies. The former Gallaher Site is located within Community Improvement Area 5 (Thorold Centre). Council wishes to encourage redevelopment of the site in seeking improved social, economic and cultural vitality in the Thorold downtown. A request for Proposal was circulated, and council accepted the Keefer Development Ltd. proposal.

It is believed that this proposal will help meet their goals. This proposal will reuse the vacant buildings and historical structures on this site leading to revitalization of the downtown. The proposal will also attract new businesses to the downtown core, ensuring downtown Thorold remains the desired focal point of commerce, administration and cultural activity.

The Ontario Planning Act allows council to adopt a by-law to designate all or part of an area identified in the Official Plan as a 'community improvement project area.' This plan adopted gives the municipality the authority to implement a grant or loan program and offer other incentives with limitations of the Municipal Act.

Council wants to encourage redevelopment in the area, ensuring preservation of heritage resources and through the reuse, retention and conversion of existing buildings. They may include reasonable financial incentives as authorized.

To facilitate the redevelopment of a major site in downtown Thorold and to test the use of new incentives by the City, the Gallaher site has been chosen as a test area.

Council decided that the redevelopment of the Gallaher site is in keeping with regional and municipal principles related to Smart Growth and brownfields redevelopment and is consistent with provincial policy in this regard.

#### Provisions

##### Section 28- Ontario Planning Act

Section 111 of the Municipal Act prohibits "bonusing". An exception is made in Section 111(2) of the Municipal Act for municipalities exercising powers under Section 26(6) or (7) of the Planning Act. The Planning Act allows under Section 28 municipalities with provisions in their Official Plans relating to community improvement to designate by by-law a "community improvement project area". Once this is done, a municipality may

prepare a plan for the improvement area. It is the intention of Thorold, through adoption and provincial approval of this plan, to avail itself of the said waiver of prohibited bonusing provisions.

The primary goal of the plan is to encourage appropriate redevelopment. To accomplish this the City will implement the following supportive programs:

- waiving building and demolition permit fees
- waiving of planning application fees
- giving consideration to the effects of the Development Charges By-law of the City and how it will be applied to redevelopment lands
- acquire, improve and sell lands to facilitate development in targeted areas
- a Redevelopment Grant Program to provide financial assistance where property taxes increase as a direct result of improving a property in accordance with the goals and objectives of this Community Improvement Plan. (For more details on this provision refer to the Tools section of this report.)

The Redevelopment Grant Program that will be implemented with this plan will provide a maximum grant, which is the equivalent of 80% of the increase in the City portion of property taxes. The provisions established above under this Community Improvement Plan will be implemented over ten years.

#### Goals and Objectives

- Improve and maintain the existing building inventory within the downtown core
- To recognize and maintain the downtown core as the commercial, administrative and cultural centre of the city
- To encourage and provide for the development of new uses in accordance with the Official Plan and Zoning By-law through better utilization of existing buildings as well as new construction
- To enhance streetscaping, landscaping and to provide for road improvements
- To preserve heritage resources of architectural and historical significance and encourage improvement consistent with the history of the building and area
- To encourage redevelopment which improves the importance of the area as a destination for residents and visitors
- To provide for the more efficient utilization of the municipal physical infrastructure by infilling or redeveloping vacant or underutilized land while maintaining the compatibility of land uses
- To delineate a planned approach to community improvement projects and the expenditure of public and/or private funds
- To encourage redevelopment in keeping with Smart Growth principles such as sustaining a strong economy, building a strong community and promoting a healthy environment including clean-up of brownfield sites
- To encourage a linkage between the Merritt Trail and the Welland Canals Parkway

- To enhance the attractiveness of the area
- To encourage investment in maintaining or improving adjacent properties
- To improve pedestrian and vehicular movement
- To improve the economic climate of the area to provide for job growth, tourism opportunities and to attract residents and visitors
- To reduce or eliminate environmental hazards
- To stabilize neighbourhoods
- To relieve pressure on urban boundaries

## D2 Hamilton ERASE Community Improvement Plan

Hamilton's ERASE plan for brownfield redevelopment contains useful strategies municipal governments as well as private developers may use to initiate redevelopment of brownfield sites. The report outlines the use of Community Improvement legislation contained in the Planning Act under section 28 by the City of Hamilton. The strategies enabled through the legislations are divided into four categories: three for developers; two for municipalities and marketing; one regarding development charges and one addressing tax arrears. Each initiative is well explained.

It is important to mention that in order to take advantage of financial tools for redevelopment, the O.P. of a municipality must contain an approved 'community improvement area' within which a Community Improvement Project may take place.

The following is a brief summary of each strategy employed by the City of Hamilton. Listed below are programs aimed at developers.

### 1. GRANTS

The first program grants money to developers in order to offset the financial burden associated with municipal tax increases as a result of development.

### 2. ENVIRONMENTAL STUDY

This initiative hopes to encourage the analysis of potentially contaminated lands through monies for environmental assessments. Liability associated with clean-up is considered a major obstacle to brownfield redevelopment.

### 3. FEES PROGRAM

Rebates are offered for investment in brownfield redevelopment. Rebates will be offered of such applications as a zoning by-law amendment, building inspection and minor variances.

The two programs aimed at municipalities and the general public are detailed below.

### 4. MARKETING

This is a public relations tool and advertising technique meant to notify as many persons as possible about the opportunities that exist in Hamilton for

redevelopment. Actual products include a marketing document, a CD ROM and a web page.

#### 5. MUNICIPAL PROPERTY ACQUISITION

This program sets up a fund of money collected from increased municipal taxes on redeveloped properties and uses it solely for the purpose of acquiring lands in tax arrears for redevelopment.

The last two initiatives are unrelated to the provisions of section 28 (7) of the Planning Act and therefore will be implemented through local council separate from the original report.

#### 6. DEVELOPMENT CHARGES

By eliminating development charges on residential and commercial developments developers will choose to build on brownfield sites instead of greenfield areas.

#### 7. TAX ARREARS

The city of Hamilton is preparing a report that will review tax collection procedures and remedies.

# Appendix E Niagara Regional Statistics

## E1 Niagara Region Manufacturing Sector



P.O. Box 1042, 2201 St. David's Rd  
Thorold, ON L2V 4J7  
For Economic Development call: (905) 884-1308  
For Tourism Information call: (905) 884-2626  
For Economic Development and Tourism Fax: (905) 888-0907  
e-mail: [info@niagaracanada.com](mailto:info@niagaracanada.com)  
Web site: <http://www.niagaracanada.com>

Fact Sheet N

Niagara's Manufacturing Sector

March 2000

### Business Directory Listings by Industry

<u>Manufacturing</u>	<u>Number of Firms</u>	<u>Total Employment</u>
Food	93	2,726
Beverage	38	1,334
Rubber	8	1,154
Plastics	26	458
Leather & Allied	14	174
Textiles	32	412
Clothing	17	221
Wood	76	1,171
Furniture & Fixtures	76	466
Paper & Allied	6	1,257
Printing, Publishing & Allied	156	1,216
Primary Metal	38	3,044
Fabricated Metal	282	7,491
Machinery	55	2,335
Transportation Equipment	68	13,622
Electrical & Electronic	51	1,941
Non-Metallic Mineral	32	592
Refined Petroleum	11	259
Chemical & Chemical Products	48	1,158
Other Manufacturing	136	2,178
<b>Total</b>	<b>1,263</b>	<b>43,209</b>

Note: Includes full-time and seasonal employees

Source: Business Directory 2000

## E2 Niagara Region Population Breakdown

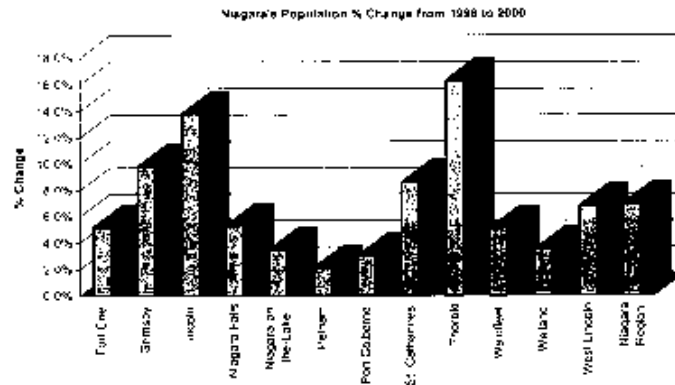


P.O. Box 1042, 2201 St. David's Rd  
 Thorold, ON L2V 4T3  
 For Economic Development call: (905) 685-1508  
 For Tourism Information call: (905) 984-3626  
 For Economic Development and Tourism Fax: (905) 688-9907  
 e-mail: info@niagaracanada.com  
 Web site: <http://www.niagaracanada.com>

Fact Sheet C

### Niagara's Population

March 2000



MUNICIPALITY	Census 1996	Estimate 2000	% CHANGE	Average Annual Growth Rate
Fort Erie	27,183	28,600	5.2%	1.30%
Grimsby	19,585	21,500	9.8%	2.44%
Lincoln	18,801	21,400	13.8%	3.46%
Niagara Falls	76,917	81,000	5.3%	1.33%
Niagara-on-the-Lake	13,238	13,700	3.5%	0.87%
Pelham	14,393	14,700	2.1%	0.53%
Port Colborne	18,451	19,000	3.0%	0.74%
St. Catharines	130,926	142,200	8.6%	2.15%
Thorold	17,883	20,800	16.3%	4.08%
Wellfleet	6,253	6,572	5.1%	1.28%
Welland	48,411	50,100	3.5%	0.87%
West Lincoln	11,513	12,300	6.8%	1.71%
<b>Niagara Region</b>	<b>403,554</b>	<b>431,872</b>	<b>7.0%</b>	<b>1.75%</b>

Source: Financial Post Markets, Canadian Demographics 2000

## Regional Municipality of Niagara

### POPULATION

June 1, 2000 Estimate	431,700
% Canadian Total	0.45
% Change, '01-'00	10.94
Average annual growth rate	1.15

### INCOME

2000 Estimates	
Per's'l Income	\$8,653.8
Per Capita	\$20,000

### MARKET

2000 Estimates	
Retail Sales	\$3,772.4
Per Capita	\$6,700

### POPULATION

2000 Estimate		
Total:	434,053	
Male	212,472	
Female	221,581	

#### Age Groups

	Male	Female
0-4	13,360	12,847
5-9	14,514	13,018
10-14	13,703	13,118
15-19	13,725	13,070
20-24	14,122	13,545
25-29	18,151	14,500
30-34	16,161	16,177
35-39	17,567	17,836
40-44	18,086	18,438
45-49	14,540	14,363
50-54	12,712	13,112
55-59	11,086	11,560
60-64	9,675	10,562
65-69	8,881	10,202
70-74	7,880	9,832
75+	12,650	21,783

### FAMILIES

2000 Estimates	
Families in Private Households	118,206
Husband-wife families	103,975
One-parent families	14,233
Average number of persons per family	3

### PRIVATE HOUSEHOLDS

2000 Estimates	
Private Households - Total	168,231
Population in private households	418,768
Average number per household	3

### MOTHER TONGUE

2000 Estimates		
	Total	%
English	400,167	92.70%
French	5,253	1.22%
Chinese	519	0.12%
Croatian	430	0.10%
Dutch	584	0.14%
German	2,281	0.52%
Greek	416	0.10%
Hungarian	1,275	0.30%
Italian	5,046	1.17%
Japanese	299	0.07%
Korean	487	0.11%
Polish	2,279	0.53%
Portuguese	68	0.02%
Spanish	588	0.14%
Tagalog (Filipino)	378	0.09%
Ukrainian	1,383	0.32%
Multiple Response	6,363	1.47%
Other languages	3,889	0.90%

### LEGAL MARITAL STATUS

2000 Estimates: (Age 15+)	
Single (never married)	87,834
Legally married (not separated)	200,170
Legally married (separated)	13,710
Widowed	25,584
Divorced	18,862

### HOUSING

2000 Estimates	
Occupied Private Dwellings	168,231
Owned	119,822
Rented	48,458
Single-detached house	116,266
Semi-detached	4,651
Apartment, 5+ storeys	12,376
Other dwellings	7,552

### LEVEL OF SCHOOLING

2000 Estimates	
Population 15+ years	352,147
Grade 9 or less	43,126
Grades 9-13 w/o cert.	96,836
Grades 9-13 with cert.	59,898
Trades cert./dip.	12,886
Non-Univ. w/o cert./dip.	24,148
Non-Univ. with cert./dip.	56,964
Univ. w/o degree/certif.	15,061
Univ. with certif.	13,358
University with degree	38,092

### LABOUR FORCE

#### 2000 Estimates

#### Males

In the labour force	130,263
Participation rate %	79.2
Employed	120,691
Unemployed	9,572
Unemployment rate %	5
Not in labour force	39,284

#### Females

In the labour force	106,538
Participation rate %	65
Employed	97,023
Unemployed	9,515
Unemployment rate %	8
Not in labour force	76,062

### HOMES BUILT

2000 Estimates			
Number of Homes Built:			
	1998	1997	1996
	1,614	1,553	1,099

### BUILDING PERMITS

Value of Building Permits			
	1998	1997	1996
		\$000	
	340,668	374,380	234,116

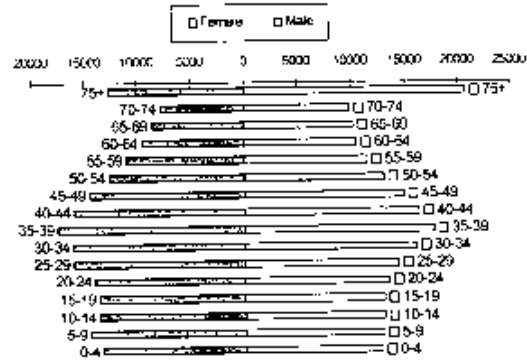
## Regional Municipality of Niagara (continued)

### OCCUPATIONS BY MAJOR GROUP

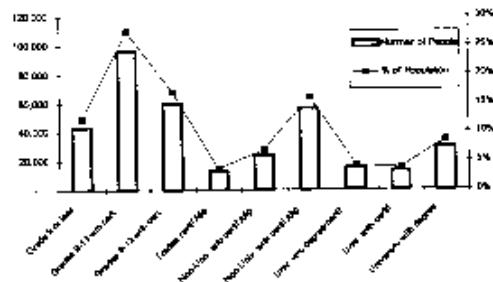
2000 Estimates

Occupation	Male	Female
Managerial & Admn.	17,194	9,532
Natural Sciences, Engl. & Math.	9,994	1,414
Social Sciences	1,830	2,834
Religious	564	177
Teaching	3,675	5,416
Medicine & Health	1,922	8,833
Recreation	1,208	1,387
Clerical	8,173	29,982
Sales	6,568	8,506
Service	10,804	16,280
Farming, Horticulture & Animal Husbandry	5,490	1,460
Fishing & Trapping	11	-
Forestry & Logging	253	22
Mining, Quarrying, Oil & Gas	68	-
Processing	4,940	1,268
Machining & Related	8,875	291
Product Fab., Assembling & Repair	14,014	1,444
Construction	14,014	179
Transport Equipment	6,499	940
Operating		
Metal Handling & Related	2,809	541
Other Crafts & Equip. Operation	1,628	392
Other	3,574	756
All Occupations	123,408	94,658

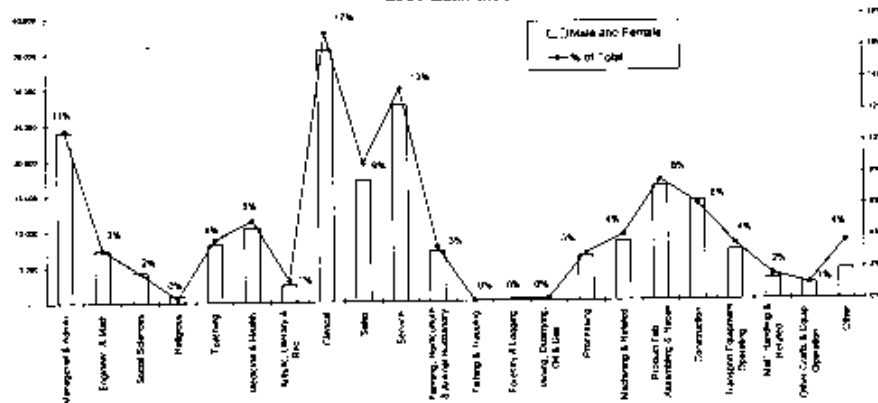
Niagara Region Population by Age Group  
2000 Estimates



Niagara Region Population by Level of Schooling  
2000 Estimates



Niagara Region Occupations (Male & Female)  
2000 Estimates



#### E4 Niagara Region Agricultural

Tender Fruits are the most significant component of agricultural market in Niagara Region. Over 14,500,000 square feet of green house space exists or almost one quarter (21.6%) of the Ontario total. The 2,672 farms in Niagara Region comprise of only 1.65% of the Ontario total emphasizing the importance of the tender fruits and grapes to the Niagara economy. The farms in Niagara generate \$408,323,000 every year, 5.24% of the Ontario total. These numbers make it evident that the grape and tender fruit production create the most significant sector in the agricultural production.

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