

**City of Port Colborne  
Council Meeting Agenda**

**Date:** Tuesday, November 28, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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<b>1. Call to Order</b>	
<b>2. National Anthem</b>	
<b>3. Land Acknowledgment</b>	
<b>4. Proclamations</b>	
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	In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at <a href="http://www.portcolborne.ca/delegation">www.portcolborne.ca/delegation</a> , email <a href="mailto:deputyclerk@portcolborne.ca">deputyclerk@portcolborne.ca</a> or phone 905-835-2900, ext. 115.	
<b>13.</b>	<b>Mayor's Report</b>	
<b>14.</b>	<b>Regional Councillor's Report</b>	



<b>15.</b>	<b>Staff Remarks</b>	
<b>16.</b>	<b>Councillors' Remarks</b>	
<b>17.</b>	<b>Consideration of Items Requiring Separate Discussion</b>	
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	Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.	
<b>23.</b>	<b>Procedural Motions</b>	

24. Information items

25. Adjournment

**City of Port Colborne**  
**Council Meeting Minutes**

**Date:** Tuesday, November 14, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Aquilina, Councillor  
M. Bagu, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
D. Elliott, Councillor  
T. Hoyle, Councillor  
W. Steele, Mayor (presiding officer)

**Member(s) Absent:** E. Beauregard, Councillor

**Staff Present:** B. Boles, Director of Corporate Services/Treasurer  
S. Luey, Chief Administrative Officer  
S. Shypowskyj, Director of Public Works  
S. Tufail, Acting City Clerk  
D. Vasu, Acting Deputy Clerk (minutes)

**1. Call to Order**

Mayor Steele called the meeting to order at 6:30 p.m.

**2. National Anthem**

**3. Land Acknowledgment**

Councillor Elliott recited the Land Acknowledgement.

**4. Proclamations**

**5. Adoption of Agenda**

Moved by Councillor M. Aquilina  
Seconded by Councillor M. Bagu

That the agenda dated November 14, 2023, be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**7. Approval of Minutes**

**7.1 Regular Meeting of Council - October 24, 2023**

Moved by Councillor R. Bodner  
Seconded by Councillor D. Elliott

That the minutes of the regular meeting of Council, held on October 24, 2023, be approved as presented.

Carried

**8. Staff Reports**

Moved by Councillor F. Danch  
Seconded by Councillor T. Hoyle

That items 8.1 and 8.2 be approved, and the recommendations contained therein be adopted.

Carried

**8.1 Request for Parkland Dedication Reduction, 2023-235**

That Chief Administrative Officer Report 2023-235 be received; and

That the Council establish a Parkland Dedication Fee for the application at 60 Adelaide Street of \$6,904.00.

**8.2 Establishment of and Appointments to the Official Plan Technical Advisory Committee, 2023-237**

That Corporate Services Department Report 2023-237 be received; and

That the Official Plan Technical Advisory Committee be established; and

That Councillor G. Bruno and Councillor E. Beauregard be appointed as the Council representatives on the Official Plan Technical Advisory Committee for a term ending November 14, 2026.

**9. Correspondence Items**

Moved by Councillor F. Danch  
Seconded by Councillor T. Hoyle

That items 9.1 to 9.4 and 9.6 be received for information.

Carried

**9.1 Niagara Transit Commission - OnDemand Service Statistics (Jan-Aug 2023)**

**9.2 Niagara Transit Commission - 2024 Proposed Operating and Capital Budget Submission and Requisition - Niagara Transit Commission**

**9.3 Town of Aurora - Cannabis Retail Applications for the Town of Aurora**

**9.4 Township of Terrace Bay in Support of the Township of Aurora regarding Council Opposition to Strong Mayor Powers in Aurora**

**9.5 Municipality of Wawa - Water Treatment Training Resolution**

**10. Presentations**

**10.1 Christine Clark Lafleur, Chief Executive Officer, Port Cares- Update on the Chestnut Street Affordable Housing project**

Christine Clark Lafleur, Chief Executive Officer of Port Cares, provided an update on the Chestnut Street Affordable Housing project.

**11. Delegations**

**12. Mayor's Report**

A copy of the Mayor's Report is attached.

**13. Regional Councillor's Report**

**14. Staff Remarks**

**14.1 Private Water/Wastewater Warranty Letters (Luey)**

The Chief Administrative Officer clarified that the letters residents are receiving in the mail from Service Line Warranties Canada offering private water and wastewater line insurance are legitimate and authorized by the

City, though mailing information on the letters may be inaccurate as the City did not provide the company with any mailing information. The insurance offered by Service Line Warranties Canada is optional and the letters require no response from recipients.

## **15. Councillors' Remarks**

### **15.1 Elm Street Leash-Free Dog Park (Bruno)**

In response to Councillor Bruno's request for the maintenance of the entranceway of the Niagara Regional Leash-Free Dog Park located on Elm Street, the Mayor confirmed that he will relay this to the Niagara Region.

### **15.2 Highway 140 (Danch)**

In response to Councillor Danch's inquiry, the Mayor stated that Highway 140 is under the jurisdiction of Ministry of Transportation and is expected to re-open in the near future.

### **15.3 Site Alteration By-law (Bodner)**

In response to Councillor Bodner's inquiry, the Chief Administrative Officer advised that the current Site Alteration By-law is outdated and City staff from various departments are currently working on updating the by-law. He further stated that the Chief Planner will provide a status update at the November 28, 2023, Council Meeting.

### **15.4 Municipal Drain Information (Bodner)**

In response to Councillor Bodner's request, the Director of Corporate Services/Treasurer confirmed that he will work with the Drainage Superintendent to ensure that, when lawyers request information on properties prior to a sale, that those lawyers are notified whether the subject property is on a municipal drain.

### **15.5 Chestnut Street Affordable Housing Project (Hoyle)**

Councillor Hoyle expressed excitement for the Chestnut Street Affordable Housing project and the future educational component.

### **15.6 West Street (Hoyle)**

Councillor Hoyle asked when West Street will be reopened, to which the Director of Public Works responded that an update will be provided when available.

### **15.7 Removal from Mailing List (Bruno)**

Councillor Bruno asked whether the City can offer residents assistance in being removed from the Service Line Warranties Canada mailing list, and the Chief Administrative Officer confirmed that he will investigate and provide an update at a future Council meeting.

### **15.8 Updated Parkland Dedication Fees (Bruno)**

Councillor Bruno requested that the updated parkland dedication charges be brought forward sooner than scheduled and a chart be prepared which compares the parkland dedication fees charged by other local area municipalities. The Chief Administrative Officer stated that he will investigate and report back when possible.

### **15.9 Painting Poppies on Crosswalks (Bagu)**

Councillor Bagu asked that Public Works staff work with local veterans' associations to discuss whether it would be appropriate for poppies to be painted across a crosswalk in the City in honour of Remembrance Day next year, to which the Chief Administrative Officer responded that this request will be discussed at the Remembrance Day ceremony debrief.

### **15.10 Water Maintenance Notification Request (Bagu)**

Councillor Bagu requested that residents be notified of scheduled water line flushing activities in their area, to which the Director of Public Works responded that staff are working on creating new door hangers for this purpose with information regarding what to do if water becomes discoloured during these maintenance activities.

### **15.11 Remembrance Day Ceremony (Aquilina)**

Councillor Aquilina provided details regarding the Remembrance Day Ceremony at Centennial Park – Cedar Bay.

### **15.12 Ward 4 - Meet and Greet (Aquilina)**

Councillor Aquilina explained that the Ward 4 residents meet and greet was well-attended and it was a great opportunity for residents to provide feedback.

## **16. Consideration of Items Requiring Separate Discussion**

### **16.1 Request for Fence Variance - 57 Renfield Street, 2023-225**

Moved by Councillor M. Aquilina  
Seconded by Councillor M. Bagu

That Community Safety and Enforcement Department Report 2023-225, be received for information; and

That the owner of 57 Renfield Street be granted variance to allow for sections of the fence to be built at a height of 2.43 m (7.97 ft), whereas 3.04 metres (9.97ft) is proposed and the City's Fence By-law permits a height of 2 metres (6.56 ft) in residential areas.

Lost

**a. Virtual delegation from Anna Lasko, applicant**

**16.2 Recommendation Report for Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21, 2023-229**

Moved by Councillor D. Elliott  
Seconded by Councillor G. Bruno

That Development and Legislative Services Department – Planning Division Report 2023-229 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-229 be approved; and

That Council direct staff to circulate a copy of Report 2023-229 to the Niagara Region advising of its adoption of Official Plan Amendment 13; and

That City Council requests that the Niagara Region Council approve Official Plan Amendment 13 for the City of Port Colborne; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-229 be approved, rezoning the lands from Agricultural to MAO-75; and

That Council require no further public notice in accordance with Section 34(17) of the Planning Act; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the Planning Act.



In Favour (7): Councillor M. Bagu, Councillor R. Bodner, Councillor G. Bruno, Councillor F. Danch, Councillor D. Elliott, Councillor T. Hoyle, and Mayor Steele

Opposed (1): Councillor M. Aquilina

Absent (1): Councillor E. Beauregard

Carried (7 to 1)

- a. **Delegation from Josef van Ruyven, resident**
- b. **Delegation from Gary Gaverluk, resident**
- c. **Delegation from Gail Babion, resident**
- d. **Delegation from Sharon Ladd and Kevin Ladd, resident**
- e. **Delegation from Barb Butters, resident**
- f. **Delegation from Melissa Bigford, resident**
- g. **Delegation from Robert Henderson, resident**
- h. **Delegation from David Klingspor, Austin Powder Ltd.**
- i. **Delegation from Dale Thompson, resident**
- j. **Delegation from Rob Carter, resident**
- k. **Delegation from Kevin Fitzpatrick, WSP Canada Inc.**
- l. **Delegation from Harry Wells, resident**
- m. **Delegation from Jack S Hellinga, resident**
- n. **Delegation from Lynne Scafe, resident**

**16.3 Stop and Close By-law – Laneway between Jefferson Avenue and Homewood Avenue, 2023-210**

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That Chief Administrative Officer Report 2023-210 be received; and

That the Stop-Up and Close By-law, being a By-law to stop-up and close the laneway between Jefferson Avenue and Homewood Avenue described as the public highway lying between Jefferson Avenue (west) and Homewood Avenue (east) north of Sugarloaf Street be approved; and

That the Mayor and Acting City Clerk be authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law.

Carried

#### **16.4 Annual Lighted Santa Claus Parade, 2023-202**

Moved by Councillor T. Hoyle

Seconded by Councillor F. Danch

That Corporate Services Department Report 2023-202 be received; and

That the proposed road closures and parking restrictions provided in Appendix B – Proposed Santa Claus Parade Route for the purposes of the Port Colborne Lighted Santa Claus Parade be approved.

##### **Amendment:**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That Corporate Services Department Report 2023-202 be received; and

That the **traditional road closures and parking restrictions provided in Appendix A – Traditional Santa Claus Parade Route** for the purposes of the Port Colborne Lighted Santa Claus Parade be approved.

Carried

#### **16.5 Delegation of Powers and Duties, 2023-201**

Moved by Councillor G. Bruno

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-201 be received; and

That Council consider the Draft Delegation of Powers and Duties By-law and associated schedules outlining the administrative powers and duties delegated to various municipal staff positions as detailed therein; and

That Staff be directed to present the By-law for Council approval at the next regular meeting.

Carried

**16.6 Niagara Region - Areas of Strategic Focus for Shared Services**

Moved by Councillor G. Bruno  
Seconded by Councillor M. Bagu

That the correspondence from Niagara Region regarding Areas of Strategic Focus for Shared Services, be received.

Carried

**16.7 Town of Plympton-Wyoming in Support of the Township of McKellar regarding Call for an Amendment to the Legislation Act, 2006 to Include Digital Publications as Acceptable means of Publication**

Moved by Councillor M. Bagu  
Seconded by Councillor G. Bruno

That the correspondence from Town of Plympton-Wyoming in Support of the Township of McKellar regarding Call for an Amendment to the Legislation Act, 2006 to Include Digital Publications as Acceptable means of Publication, be supported.

Carried

**17. Motions**

**18. Notice of Motions**

**19. Recommendations Arising from Boards and Committees**

**19.1 Memorandum- 2023-2026 Appointments to the Downtown Port Colborne Business Improvement Area (BIA) Board of Management**

Moved by Councillor M. Bagu  
Seconded by Councillor D. Elliott

That Council appoint the following members to the Downtown BIA for a term ending November 14, 2026, or until their successors are appointed:

- Bennet Terreberry
- Sarah Nunziato
- Jenni Darlow
- Sarah Gillardi Armstrong

Carried

**a. Delegation from Rick Hall, resident**

**20. Minutes of Boards & Committees**

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That items 20.1 and 20.2 be approved, as presented.

Carried

**20.1 Environmental Advisory Committee Meeting Minutes - September 13, 2023**

**20.2 Heritage Advisory Subcommittee Meeting Minutes, September 18, 2023**

**21. By-laws**

Moved by Councillor F. Danch

Seconded by Councillor D. Elliott

That items 21.2 to 21.6 be enacted and passed.

Carried

**21.2 By-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara**

**21.3 By-law to Stop Up and Close for the laneway between Jefferson Avenue and Homewood Avenue**

**21.4 By-law to Appoint a Member to the Downtown Port Colborne Business Improvement Area Board of Management to repeal By-law No. 7133/75/23**

**21.5 By-law to Establish an Official Plan Technical Advisory Committee**

**21.6 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**

**21.1 By-law to Adopt Amendment no. 13 to the Official Plan for the City of Port Colborne**

**a. By-law to Adopt Amendment no. 13 to the Official Plan for the City of Port Colborne**

Moved by Councillor F. Danch

Seconded by Councillor D. Elliott

That item 21.1 (a) be enacted and passed.

Carried

**22. Procedural Motions**

Moved by Councillor D. Elliott

Seconded by Councillor F. Danch

That the rules of procedure set out in Section 20.1 of the Procedural By-law be waived to allow the meeting to extend past 11:00 p.m.

Carried

**23. Information items**

**24. Adjournment**

Mayor Steele adjourned the meeting at approximately 11:27 p.m.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk

## **Mayor's Report Tuesday, Nov. 14**

### **Part 1**

#### **Hospital working group**

I will open my regular Mayor's Report to talk about something that's on everyone's mind – the closing of the Urgent Care Centre in 2028.

I know people are worried -- and afraid -- about the closure of the UCC at the Port Colborne Hospital site.

And while we don't have a lot of answers about the future of health care in Port Colborne today, you should have no doubt people who care about this community and about its people are determined to find those answers and fight for them to become reality.

Our health services are under the control of the provincial Ministry of Health and its creation, the Niagara Health System.

But health is the business of everyone, and this municipal council recognizes that Port Colborne needs to be part of every decision that affects the health services for our people.

As you all know, Niagara Health announced seven months ago it will close the Urgent Care Centre five years from now.

You are also aware, I hope, that if you face a health emergency – a heart attack, a stroke, a car accident – you call 911, or you go to the emergency department. That has not changed. It's been that way for years.

As I said in May, and over the summer, my office organized a working group of Port Colborne citizens to gather information from experts so we can provide accurate information and be better-informed about making logical, realistic decisions with regards to health care in our city.

The working group has been instructed to advise this council and our community about the best, most effective way to move forward without the Urgent Care Centre.

What we need to do, what we hope to do, is to improve access to **primary** care, so we keep you out of the hospital in the first place!

The members of the working group represent different parts of our community – seniors, labour, business, clergy, and front-line health care.

The chair of our group is **Donna Birrell Westlake**, who was director of nursing at Port Colborne Hospital and Health Program Director at Welland Hospital. She has more than 40 years of nursing experience working in management and administration.

**Members of the group include:**

**Taralea McLean**, the executive director of Bridges Community Health Centre.

In Port Colborne and Fort Erie, Taralea leads teams of physicians, nurse practitioners, nurses, dietitians, diabetes educators, social workers, health promoters, community health workers, physiotherapists, kinesiologist, a mental health team and other professionals in community health services.

**Tracey Dewar**, Director of Portal Village Retirement Home, has worked 25 years with seniors and their families.

**Kevin Langerak**, General Manager of Oskam Steel, one of our city's largest employers.

**Pastor Brian Lofthouse**, retired, is well-known for his dedication to our community. He represents church leaders in our city. Pastor Brian served as hospital chaplain many years, and he continues to be chaplain of our fire department.

**Brent Leclair** worked in maintenance and infrastructure at Port Colborne General almost all his career and represented union members for decades. If anyone knows how the hospital works, inside and out, it's Brent.

And of course, we have a doctor in our group, **Dr. Jeff Remington**, who runs the Niagara South Family Medicine Team. Dr. Remington's team includes five doctors, and a physician assistant who serve patients in Port Colborne and Ridgeway.

Dr. Remington also works shifts in the Emergency Room of Haldimand War Memorial Hospital in Dunnville.

He brings many years of success in recruiting physicians to Niagara.

**All the members of our group have a vested interest in the health of our community, and all of you.**

**They understand your worries and your fears.**

**They have families, too, with children and grandchildren, and aging parents.**

They know many of you don't have a doctor.

We're working on that, too.

The shortage of doctors is a critical issue for us. As it is in communities across Canada.

Any of us could open a walk-in clinic tomorrow to help with minor emergencies, but where do we find the doctors and nurses to work there?

Physician recruitment is at the top of our list. Along with recruiting doctors to our city, we need more physician assistants, nurses, and nurse practitioners. The competition is fierce. There are many reasons for these shortages, and we are working on all levels to address these issues.



**Jill Croteau** is the full-time recruiter for the Region of Niagara. She is a tremendous asset to our team. She has attended our meetings to explain the challenges and successes of convincing doctors to come to Niagara.

You've all heard and read about the challenges. This is not news. The issue of the closure of the UCC isn't only about a shortage of doctors and nurses and health care staff. It's about improving primary health care in our city.

I want you all to know our working group is doing exactly that: **working**.

We have met seven times since May. Each time we meet, we learn more about how things are working (and not working), and how we can improve them. We are consulting with doctors, nurses, hospital administrators. They are all working with us, helping us to navigate the choppy waters of delivering primary care. We believe the number of ER visits, wait times, and hospital admissions can be decreased with a model of comprehensive primary health care.

We've recently done a survey with our local doctors to find out what they think will improve our position in primary health care.

In the new year, we'll send a survey to you, the citizens of Port Colborne. Many of you have ideas – we hope you'll share them with us. We're in this together. Let's work it out together.

But before any of us can make logical decisions, we need to have all the information, and all the options and opportunities available to us.

**I know many of us feel passionate about our health care system. And I share the sense of loss many are feeling at the idea of the closing of the hospital on Sugarloaf. Children were born there, lives were saved, and sadly, lives ended within its walls. It has been an important part of our community's history. Today, however, we are faced with the challenge of building a workable health care system for today and the future.**

**Outbursts, demands, protests and petitions may make us feel better momentarily, but they are not going to change the course of what we're all facing in our future.**

Our working group has worked hard to stay neutral.

From the beginning, we agreed our group would not be political. We will not say or do things to pander or posture to your worries and fears. The working group will not be swayed or persuaded by any political affiliation.

**We rely on facts.**

Once we have all the facts, and have developed a course of action, that's when we go to the province to make our case. That's when we turn to the Minister of Health to work with us to deliver the best primary care possible.

We are sensitive to the worries and fears of our community.

We want what you want.

And we want you to know we will find a solution that works for the people of Port Colborne.

## Mayor's Report Tuesday, Nov. 14

### Part 2

#### REMEMBRANCE DAY

It was good to see several hundred people at the Cenotaph in HH Knoll Park Saturday to mark Remembrance Day.

Thank you to Royal Canadian Legion Branch 56 President Harry Hamilton and Poppy Chair Carol Madden for coordinating the annual ceremony.

My office received quite a few messages from people who were not able to attend in person -- they were so thankful they could watch the live-stream from home.

Thank you, Councillors Aquilina and Bodner for representing council at the Township of Humberstone memorial in Centennial Park at Cedar Bay.

I understand more than 100 people joined you there. It's great to see the tradition continue, often now with grandparents taking their grandchildren to ceremonies on November 11, to remember those who died in battle for our freedoms.

#### CANAL LANDS TRANSFER MEANS JOBS

MP Vance Badawey, Parliamentary Assistant to Canada's Minister of Transport, was in town on the first Saturday of November with me and Thorold Mayor Terry Ugolini and **Hamilton-Oshawa Port Authority** president and CEO Ian Hamilton.

They were here to announce the transfer of 40 acres of Transport Canada land on the southeast side of the Welland Canal to HOPA.

Two parcels of land in Thorold, one of 12 acres and the other 16 acres, were transferred a few weeks before.

You know what this means, right? Jobs jobs jobs!

Now that our partner, the Port Authority, has the land, it paves the way for opportunities in business, education, environment and ecology.

All those things mean JOBS, including cargo handling and storage, and improved multimodal service for shippers. Our Lake Erie access makes it viable for bulk, breakbulk and containerized cargo.

HOPA is also working with community partners on a Great Lakes multi-use centre for a portion of the Port Colborne lands, building on Niagara's maritime heritage and the leadership of its education sector.

Preliminary discussions have been held with organizations including the Seafarers International Union, the Niagara Peninsula Conservation Authority, and post-secondary institutions.

Those groups will become either tenants or users of the new Great Lakes Innovation Centre.

This is exactly the kind of cooperation and collaboration we've been talking about at this council since our inaugural meeting almost one year ago.

Nice when a year's work finally comes together, on so many levels.

## **RAISE THE FLAG FOR ACTIVISM AGAINST VIOLENCE**

Please join us next Friday morning, Nov. 24, when we raise the flag to launch 16 days of activism against gender-based violence.

Gwen Alves from the Canadian Federation of University Women, and Amanda Braet of Birchway Niagara will be here to proclaim the campaign underway and bring awareness to the International Day for the Elimination of Violence Against Women.

The campaign opens Nov. 25, the date the Mirabel sisters from the Dominican Republic were violently assassinated in 1960.

It ends 16 days later on Dec. 10, International Human Rights Day.

In Canada, we also observe **National Day of Remembrance and Action on Violence Against Women**, to remember the women who were murdered at Polytechnique in Montreal on Dec. 6, 1989.

In Niagara, we were shocked and saddened to learn of the violent deaths of two women in the past few weeks, one killed by her husband, another killed by a so-called boyfriend.

The white and purple flag will remind us that it happens everywhere, in large cities and small communities like ours.

The cupola on top of city hall will be lit purple during the campaign.

It's dark by 5pm now.

Next time you drive along Clarence Street downtown, look over at the roof of city hall, and be mindful why the cupola is purple – for **16 days of activism against gender-based violence**.

Share that with your friends, family, and neighbours – there are many ways to take action, at home and at work. We all need to learn the signs, and how to help stop the violence.

**Join us Friday morning, Nov. 24 at 10am. Right here at city hall.**

**Thank you for your attention.**

**Now back to our agenda this evening.**



**Subject: 2024 Rates Budget**

**To: Committee of the Whole - Budget**

**From: Corporate Services Department**

Report Number: 2023-164

Meeting Date: November 22, 2023

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**Recommendation:**

That the Committee of the Whole recommend to Council:

That Corporate Services Department Report 2023-164, **BE RECEIVED**; and

That the 2024 Rates Budget as outlined in Appendix B to Corporate Services Department Report 2023-164, **BE APPROVED**.

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**Purpose:**

The purpose of this report is to present the proposed 2024 Rates Budget to the Budget Committee of the Whole.

A separate report has been prepared and presented to the Committee of the Whole – Budget, titled “2024 Rates Setting Report 2023-165,” to establish water, wastewater, and storm sewer rates to be charged.

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**Background:**

The 2024 Rates Budget is presented in a similar fashion as the prior year Rate Budget.

Financial Services would like to thank Public Works staff for their leadership and support in developing the 2024 Rates Budget.

Should the 2024 Rates Budget report be approved by the Committee of the Whole – Budget on November 22, 2023, it will move forward to be ratified at the November 28, 2023, Council meeting.

Similar to the 2024 Capital and Related Project Budget, the 2024 Rate Budget was developed through a process that requested Council and staff input. Staff have prepared their recommendations after considering:

- The City's established Vision/Mission/Values;
- The Strategic Pillars identified in the City's Strategic Plan;
- The following themes/focuses:
  - Environment and Climate Change;
  - Welcoming, Livable, Healthy Community;
  - Economic Prosperity;
  - Increased Housing Options;
  - Sustainable and Resilient Infrastructure;
- Tactically considering where the City can support and drive competitive advantages:
  - People;
  - Processes – getting to simple (moving towards);
  - Community – Connection;
  - Location;
- Service levels;
- Growth – achieving economies of scale; and
- Impact of leading a reduction in the Infrastructure Deficit.

The budget document should be read in conjunction with:

- The 2024 Capital and Related Project Budget (Report 2023-160) presented to the Budget Committee of the Whole on September 20, 2023 and ratified by Council on September 26, 2023.
- The 2024 User Fees and Charges (Report 2023-162) presented to the Budget Committee of the Whole on October 18, 2023 and ratified by Council on October 24, 2023 with appendments.

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## Discussion:

Financial Services highlights the budget is a plan to allocate resources in advance for the maximum benefit of City residents and stakeholders. It is a method to authorize revenue and expense authority. In preparing the 2024 Rates Budget, certain assumptions and estimates are necessary. They are based on information available to staff at the time of preparing the budget. Actual results will vary although, as regulated through the Municipal Act, a balanced budget is required.

## Rate Budget Impact

### Water and Wastewater

If the proposed 2024 Rates Budget and 2024 Rates Setting reports are approved as presented, the water and wastewater impact to a single-family property use 188 m<sup>3</sup> of water will be:

	\$ Change	% Change
<b>Water</b>	\$81.05 per year	12%
<b>Wastewater</b>	\$120.29 per year	12%
<b>Blended/Combined</b>	\$201.34 per year	12%
	\$16.78 per month	

This increase is required to offset the Niagara Region anticipated water and wastewater increases as presented at the Niagara Region's Budget Review Committee of the Whole – November 16, 2023, and to fund City of Port Colborne capital projects to reduce water loss and inflow and infiltration ("I&I"). Reduced water loss and I&I would result in lower charges from the Niagara Region, all things being equal.

### Storm Sewer

If the proposed 2024 Rates Budget is approved as presented, the storm sewer impact to a single-family property is \$55.90 per year or \$4.66 per month, which represents a 40% increase over the prior year.

This increase is part of the approved Disaster Mitigation Adaptation Fund (DMAF) grant application (Report 2023-39) to address storm sewer outlet protection, outlet pumping, and sump pump drains in storm sewer districts 6, 7, and 13 which are at highest risk of storm seiche events.

## Budget Summary

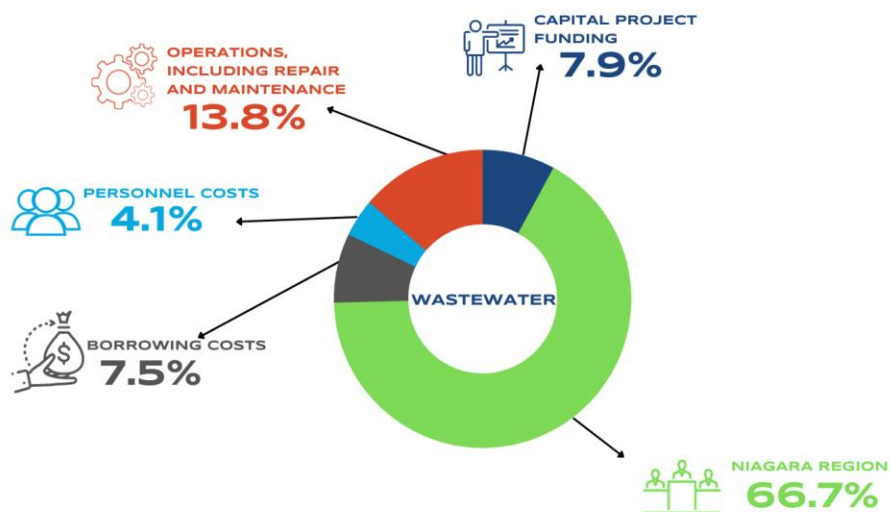
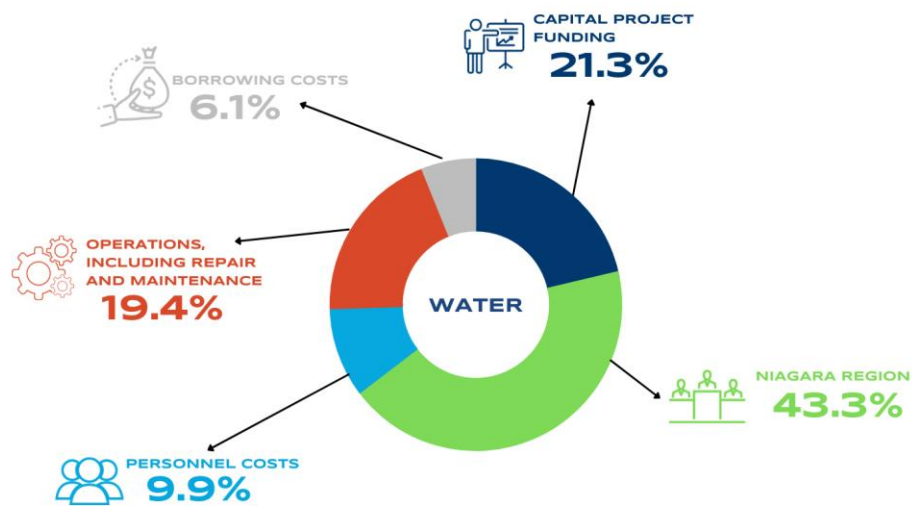
This budget was developed to maintain current service levels and tackle water loss and I&I.

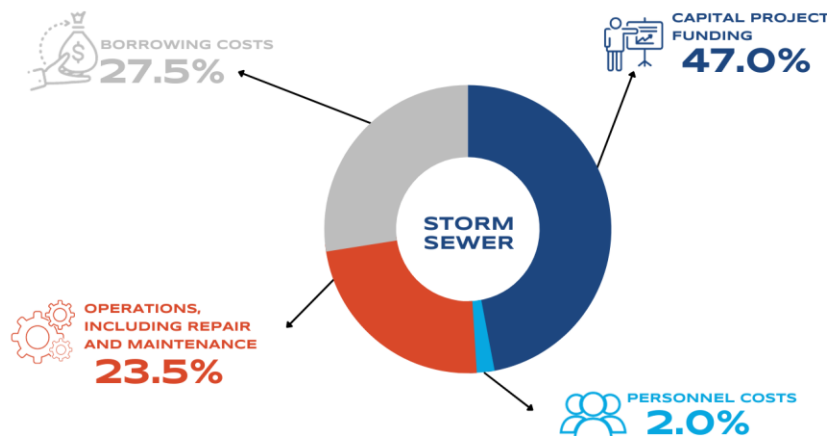
The number of initiatives and actions that are funded within this budget are significant.

The 2024 Rates Budget as outlined in Appendix A – 2024 Rates Budget Presentation and Appendix B – 2024 Rates Budget Divisional Summary & Detail totals \$16,559,613 (2023 - \$13,661,100).

In percentage terms, the water, wastewater, and storm sewer budgets can be broken down as follows:







In dollar terms, the water, wastewater, and storm sewer budgets can be broken down as follows:

	Water	Wastewater	Storm	Total
Revenue	5,939,113	8,685,700	1,934,800	16,559,613
Personnel Expenses	589,900	356,025	37,875	983,800
Operating Expenses	1,149,513	1,196,396	455,725	2,801,634
Borrowing Expenses	364,800	650,000	531,200	1,546,000
Niagara Region	2,572,900	5,797,279	-	8,370,179
Total Expenses	4,677,113	7,999,700	1,024,800	13,701,613
Surplus/(Deficit) Before Capital Transfers	1,262,000	686,000	910,000	2,858,000
Transfer to/(from) Capital	568,700	302,000	26,000	896,700
Transfer to/(from) Reserves	693,300	384,000	884,000	1,961,300
<b>Surplus/(Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Water and wastewater usage and billing metrics can be found in Appendix D.

Some of the salient highlights and changes in the 2024 Rates Budget are as follows:

- The budget incorporates an anticipated 7.95% combined increase in water and wastewater charges from the Niagara Region, as communicated at their Budget Review Committee of the Whole – November 16, 2023. This increase is before adjusting for the City's increase in water purchases and wastewater volumes.
- This budget accounts for the fact that water purchased vs. water billed ratio fell to a forecasted 56.6% in 2023 vs. 64.0% in 2022 and sent to the wastewater plant

vs. water metered increased to 2.7 m<sup>3</sup> in 2023 vs. 2.17 m<sup>3</sup> in 2022. These water and wastewater volume occurrences are why the combined water and wastewater budget to the Niagara Region has increased 14% year over year.

- The budget maintains the wastewater backflow and disconnect grant program, with the backflow at \$1,000 and disconnect at \$2,500. This program exists through the wastewater by-law.
- The budget maintains the Guaranteed Income Supplement (GIS) grant introduced in 2021 for wastewater charges.
- The budget maintains the pre-authorized payment (PAP) and move to online billing incentives that have been in place since 2021. The City currently has 1,658 or 26.8% of properties on PAP and 889 or 14.4% of properties on online billing.
- The budget proposes changing the water and wastewater lateral replacement grant and loan program introduced in 2022 to a straight grant program with an incentive for doing both the water and wastewater lines at the same time. Specifically, instead of a proposed \$1,000 grant per line and up to a \$2,500 loan per line the program be adjusted to a straight grant of \$1,000 per line with an incentive, an additional \$1,000, if both lines are done. This would make the total value of the grant \$3,000. Moving away from the loan component will reduce complexity and collectability concerns.
- This budget provides a number of water, wastewater and storm water projects as follows:
  - \$5 million in water upgrades funded over 5 years with Federal and Provincial funding support.
  - \$10 million in wastewater lateral lining (1/3 the City).
  - \$32 million Disaster Mitigation Adaptation Fund (DMAF) Grant Application to address storm sewer outlet protection, outlet pumping, and sump pump drains in storm sewer districts 6, 7, and 13 which are at highest risk of storm seiche events.
- To facilitate the lining of 1/3 of the City's wastewater pipes, this debt includes annual funding of \$650,000 to fund \$10,000,000 in debt.

## 2023 Forecast

The City is forecasting a slight deficit in the combined rates budget of \$72,300. This represents ½ of 1% differential from budget. The main drivers are charges from the Niagara Region as volumes of water purchased and wastewater cleaned are higher than budgeted. Water sales are also down slightly year over year. These budget pressures were partly offset by reductions in personnel expenses and operating costs.

In preparing this forecast, as with this budget, certain assumptions and estimates are necessary. This forecast is based on information available to Staff at the time. Actual results will vary.

### **Reserve Forecasted Balances**

Should this budget be approved, and the 2024 budget equal actual, and the 2023 forecast equal forecast at year end, the forecasted rate reserves would be as follows at the end of 2024 (provided there are no new projects approved):

- Water forecasted at \$1,525,700;
- Wastewater forecasted at \$2,804,900;
- Storm Sewer forecasted at \$1,039,300.

Reserves are used in case of an emergency, to cover a budget shortfall in-year and to support future capital works recognizing the identified infrastructure deficit. The main priority of these reserves is to support the City's portion of funding in the DMAF Grant Application.

### **Risks to the Rates Budget**

- Changes to legislation, including rules and regulation;
- Decisions of other levels of government:
  - i.e. Ministry of the Environment, Conservation and Parks;
  - i.e. the Bereavement Authority of Ontario;
- Unforeseen and/or unplanned environmental considerations related to approved projects;
- Economic weakness or other unforeseen factors impacting changes in past patterns of facility and service usage and/or goods purchased by users and customers;
- Inflation advancing more than anticipated;
- Interest rate changes, impacting investments and borrowing costs;
- Unexpected changes or usage in infrastructure;
- Unbudgeted and/or unexpected changes in needs or wants of residents resulting in Council approved changes in service levels or goods and service offerings;
- A resurgence in COVID-19 or other epidemics, pandemics, or other public health crisis event; and
- Weather conditions that impact operations, including storm surges.

### **Looking Forward**

Corporate Services recognizes that continuous improvement is a process. Looking forward to 2024, staff identify the following activities that will help determine the financial outcomes of the City going into the 2025 budget process:

- Finalize reviewing fees (specifically non-full cost recovery fees);

- Continue to work on Key Performance Indicators (KPIs) and related benchmarks, where applicable;
  - Complete the Infrastructure Needs Assessment (INS) and Non-Linear Asset Management Plan to support future capital and related project budgets;
  - Update the development charges by-law so growth pays for growth Report 2023-161;
  - Review and update long standing by-laws related to rate budget activities;
  - Working on a multi-year operating forecast (anticipated T1 reporting time [June 2024]);
  - A multi-year capital and related project funding plan has been developed. Upon completion of the INS, staff will assign projects for Council consideration.
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### **Internal Consultations:**

As stated, Financial Services would like to thank Public Works for their leadership and support in developing this 2024 Rates Budget.

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### **Financial Implications:**

Financial Services identifies the proposed 2024 Rates Budget is a staff recommendation that Council can adjust, if required.

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### **Public Engagement:**

The 2024 Rates Budget was published on the City's website on November 17, 2023, through the agenda process. The 2024 Rates Budget will be considered by the Committee of the Whole on November 22, 2023, and, if approved by the Committee of the Whole, the 2024 Rates Budget will be presented before Council on November 28, 2023, for ratification.

Following the budget process, staff will continue to review service levels and operations. Should changes be requested or sought, staff will seek input and where necessary approval from Council.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
- Welcoming, Livable, Healthy Community

- Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

## **Conclusion:**

Staff recommend that the Committee of the Whole recommend approval of the 2024 Rates Budget as outlined in this report and the various appendices.

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## **Appendices:**

- a. Appendix A – 2024 Rates Budget Presentation
- b. Appendix B – Divisional Summary & Detail
- c. Appendix C – Divisional Multi-Year Budgets
- d. Appendix D – Divisional Usage & Billing Metrics

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

# 2024 Rate Budget

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Budget Committee of the Whole: November 22, 2023



**PORT COLBORNE**



# 2024 Rate Budget

In preparing the **2024 Rate Budget**, certain assumptions and estimates are necessary.

They are based on information available to staff at the time.

**Actual results will vary** although, as regulated through the Municipal Act, **a balanced budget is required.**





# Agenda

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- 1 2024 Budget Summary
- 2 City Fundamentals
- 3 Budget Details
- 4 Billing Change
- 5 Thank You

# Agenda

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1 2024 Budget Summary

2 City Fundamentals

3 Budget Details

4 Billing Change

5 Thank You

- Recommendation
- Vision, Mission & Corporate Values
- Alignment with the Strategic Plan
- Budget Highlights
- Process
- Rate impacts
- Tax and rate comparisons
- Risks to the budget

# Recommendation

That the Corporate Services  
Department, Financial Services  
Division, Report No. 2023-164  
Subject: 2024 Rate Budget, **BE  
RECEIVED**; And

That the 2024 Rate Budget as  
outlined in Report 2023-164, **BE  
APPROVED**.





# Vision, Mission & Corporate Values

## Vision Statement:

A healthy and vibrant waterfront community embracing growth for future generations.

## Mission Statement:

To provide an exceptional small-town experience in a big way.

## Corporate Values

- **Integrity** – We interact with others ethically and honourably
- **Respect** – We treat each other with empathy and understanding
- **Inclusion** – We welcome everyone
- **Responsibility** – We make tomorrow better
- **Collaboration** – We are better together



**PORT COLBORNE**



# Alignment with the Strategic Plan



**Environment  
& Climate  
Change**



**Welcoming,  
Livable &  
Healthy  
Community**



**Economic  
Prosperity**



**Increased  
Housing  
Options**



**Sustainable  
& Resilient  
Infrastructure**

**PEOPLE**  **SIMPLE**  **VALUE**  **CUSTOMER**



# Sustainable & Resilient Infrastructure



## Goal:

To sustainably renew and improve infrastructure.

## Measures:

- All stormwater assets to have a remaining asset life of 20% or greater by 2030. Currently 96%
- All wastewater assets to have a remaining asset life of 20% or greater by 2030. Currently 80%
- All water assets to have a remaining asset life of 20% or greater by 2040. Currently 64%

## Approach:

- **\$32 million** application to the Disaster Mitigation & Adaptation Fund (DMAF)
- **\$10 million** investment to reline 1/3 of the City
- **Erie Street plus \$5 million** Fed/Prov Grant Program (water projects)

## Reminder:

- 20% or less is very poor.

	Storm	Wastewater	Water	Total
Very Poor	6,676,630	48,626,018	83,995,037	139,297,685
Poor	19,207,416	34,072,821	11,534,660	64,814,897
	<b>25,884,046</b>	<b>82,698,839</b>	<b>95,529,697</b>	<b>204,112,582</b>



## Investment required in the system

2024 base funding = 2.8 million + 655 thousand in new debt payments  
2023 base funding = 1.8 million





# Sustainable & Resilient Infrastructure



## Goal:

To implement capital projects required for the sustainability of the water, wastewater, and storm water rate systems.

## Measures:

- Reduce the wastewater to water ratio to 1 by 2040.  
Currently 2.17

Update for 2023 = 2.7

- Reduce the water loss rate to 15% by 2040.  
Currently 35%

Update for 2023 = 30.7% (unaccounted)

## Update:

- Approx 80% of all wastewater treated is resulting from inflow and infiltration
- The City needs a storm sewer system



PORT COLBORNE



# Sustainable & Resilient Infrastructure



## Goal:

To fund infrastructure resulting from growth.

## Measures:

- Complete a Development Charges (DCs) study and implement new DCs



## Approach:

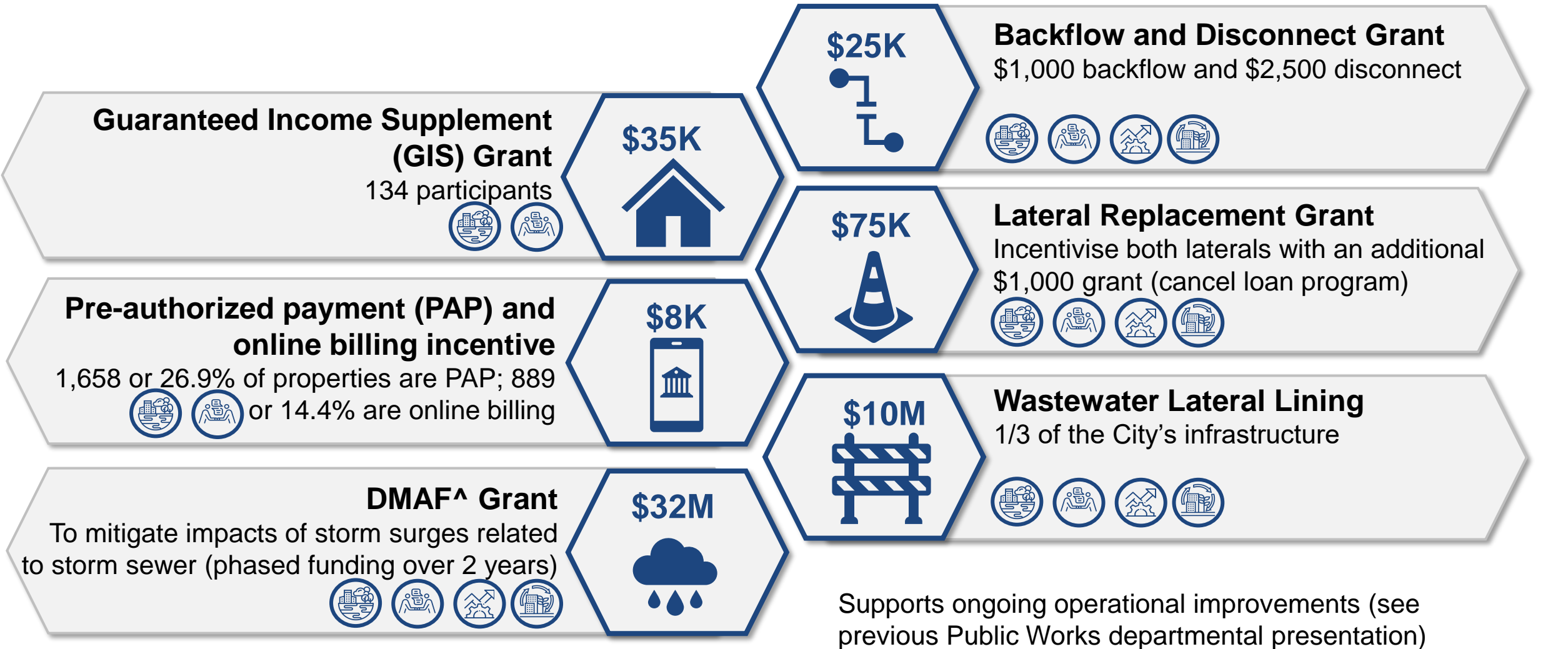
- Development Charge study is underway and estimated to be complete by spring 2024



**PORT COLBORNE**

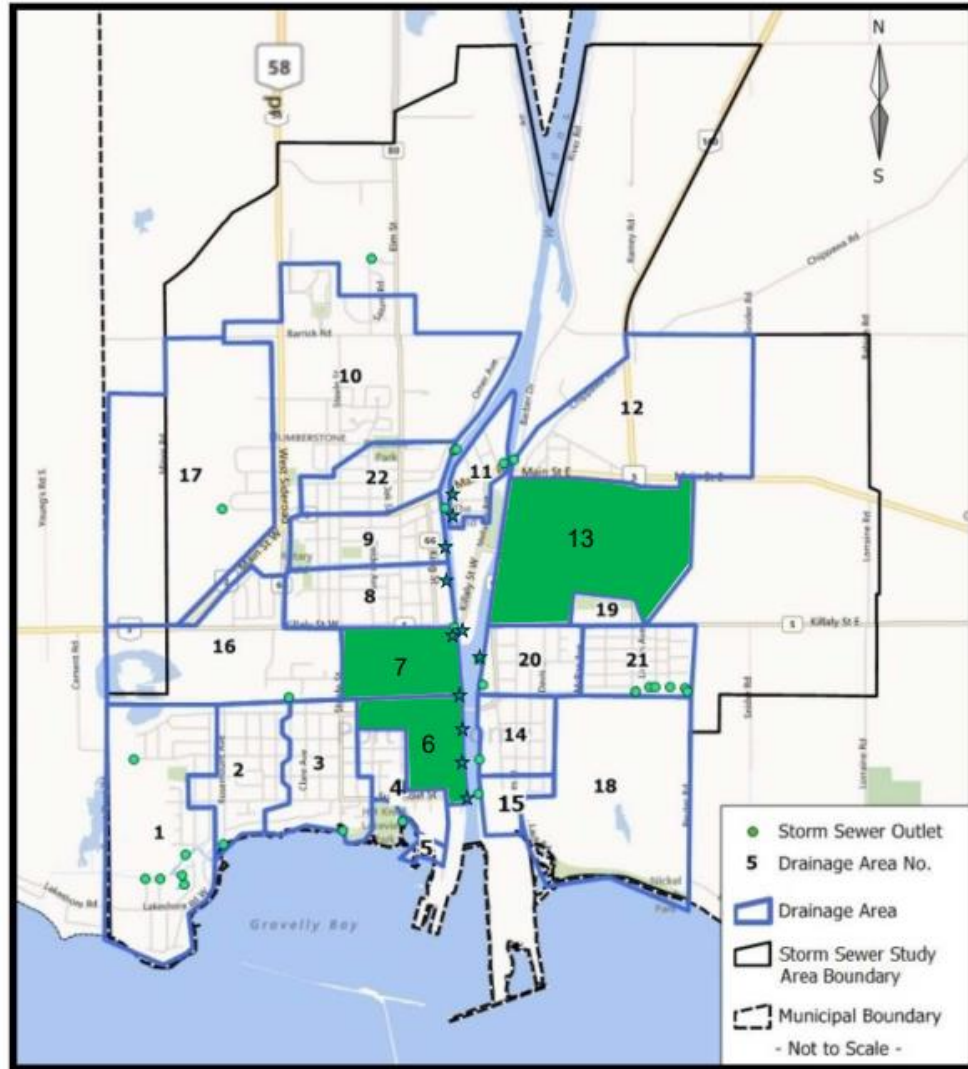


# Budget Highlights



<sup>^</sup>Disaster Mitigation and Adaptation Fund

# DMAF – Project



- Total estimated cost is \$32 million (40% would be grant)
- **Projects include:**
  - Storm sewer outlet protection
  - Storm sewer outlet pumping
  - Storm sewer and sump pump drains



# DMAF - Project Timeline

Phasing reduces risk



**2024**

Planning and Design

Area 13, Outlet Protection & Pumping



**2025**

Construction

Area 13, Outlet Protection & Pumping

Planning and Design

Outlet Protection & Pumping (cont)



**2026**

Construction

Area 13, Outlet Protection & Pumping (cont)

Planning and Design

Area 6 & 7



**2027**

Construction

Area 6



**2028**

Construction

Area 7



# Rate Impacts



## Rate Impacts

For average residential water usage of 188m3

Storm:	↑ 40.0%	\$55.90	\$4.66
Wastewater:	↑ 12.0%	\$120.29	\$10.03
Water:	↑ 12.0%	\$81.05	\$6.75
		<b>\$257.24</b>	<b>\$21.44</b>
		Yearly	Monthly

**Drivers of increase:**

- Capital infrastructure
- Treatment costs (Niagara Region)

# Process

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Developed through a process that obtained input from both Council and Staff

Current Value Assessment	Capital	Levy	Rate
Submissions to Finance	June 31, 2023	June 31, 2023	September 29, 2023
Staff Review	August 10, 2023	September 13, 2023	November 1, 2023
Budget Committee Package	September 6, 2023	October 4, 2023	November 8 & 17, 2023
Budget Committee of the Whole	September 20, 2023	October 18, 2023	November 22, 2023
Council Approval	September 26, 2023	October 24, 2023	November 28, 2023

# Comparison: Property Taxes

	CVA	Niagara Region	City	Education	Total	
City of Port Colborne (ALL)	\$213,407	\$1,630	\$2,193	\$327	\$4,150	+ Storm \$139.76
<b>Average</b>						
City of Port Colborne (Standard)	\$199,897	\$1,527	\$2,055	\$306	\$3,887	+ Storm \$139.76
Weighted Average Local Area Municipality (LAMs)	\$297,431	\$2,272	\$1,783	\$455	\$4,510	
<b>Median</b>						
City of Port Colborne (Standard)	\$179,000	\$1,367	\$1,840	\$274	\$3,481	+ Storm \$139.76
Weighted Average Local Area Municipality (LAMs)	\$274,053	\$2,096	\$1,640	\$420	\$4,156	

Driven by assessment

Full-time fire department vs. volunteer; and Focus on capital (17% of levy in 2023)

# Comparison: Water and Wastewater Rates

	Avg. Usage	Water	Wastewater	Total
City of Port Colborne (ALL)	188 m3	\$676	\$1,002	\$1,678
Next Closest LAM	188 m3	\$601	\$974	\$1,575
Average LAM	188 m3	\$564	\$711	\$1,275

\$103

\$403

Wastewater differential is driven by inflow and infiltration

# Comparison: Total Cost

CVA	Port Colborne	Local Area Municipalities	Delta
Property Tax	3,887	4,510	(623)
Storm Sewer	140	Included in above	140
	4,027	4,510	(483)
Water and Wastewater	1,678	1,275	403
Total	5,705	5,785	(80)

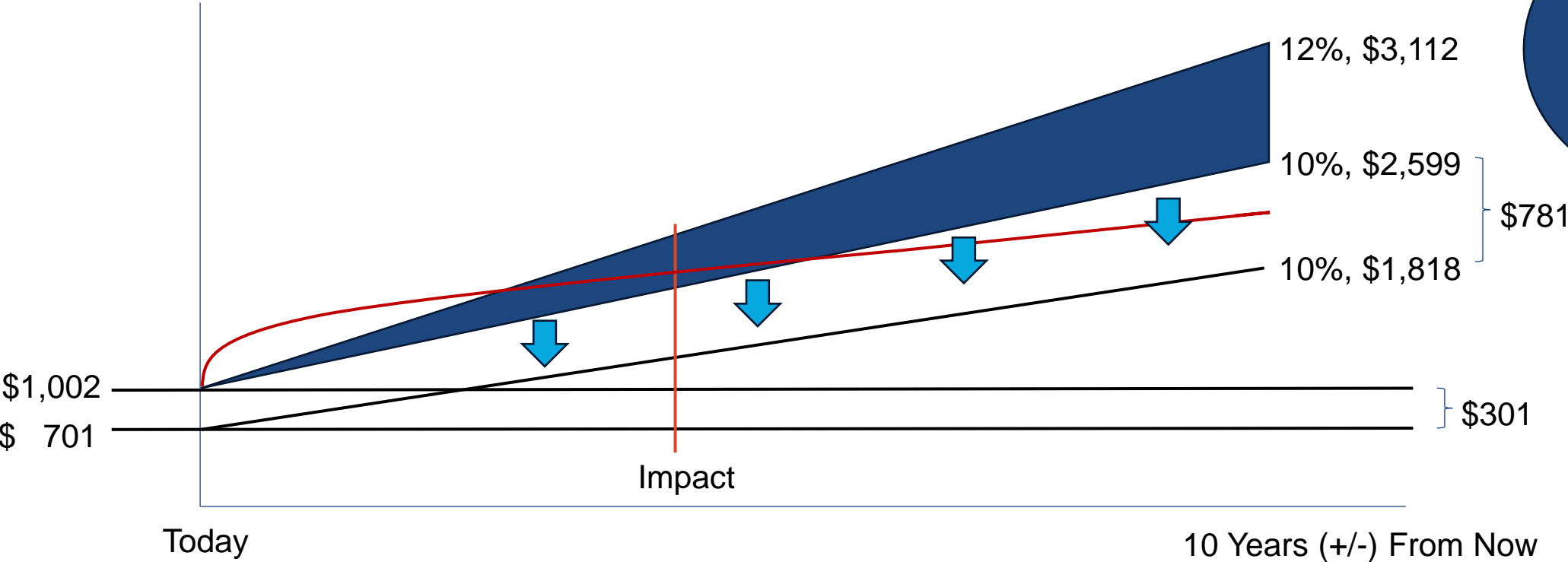
Net “all-in” average household cost is slightly below average





# Impact of Doing Nothing

Illustration - Annual Wastewater Payment per Average Residential Property

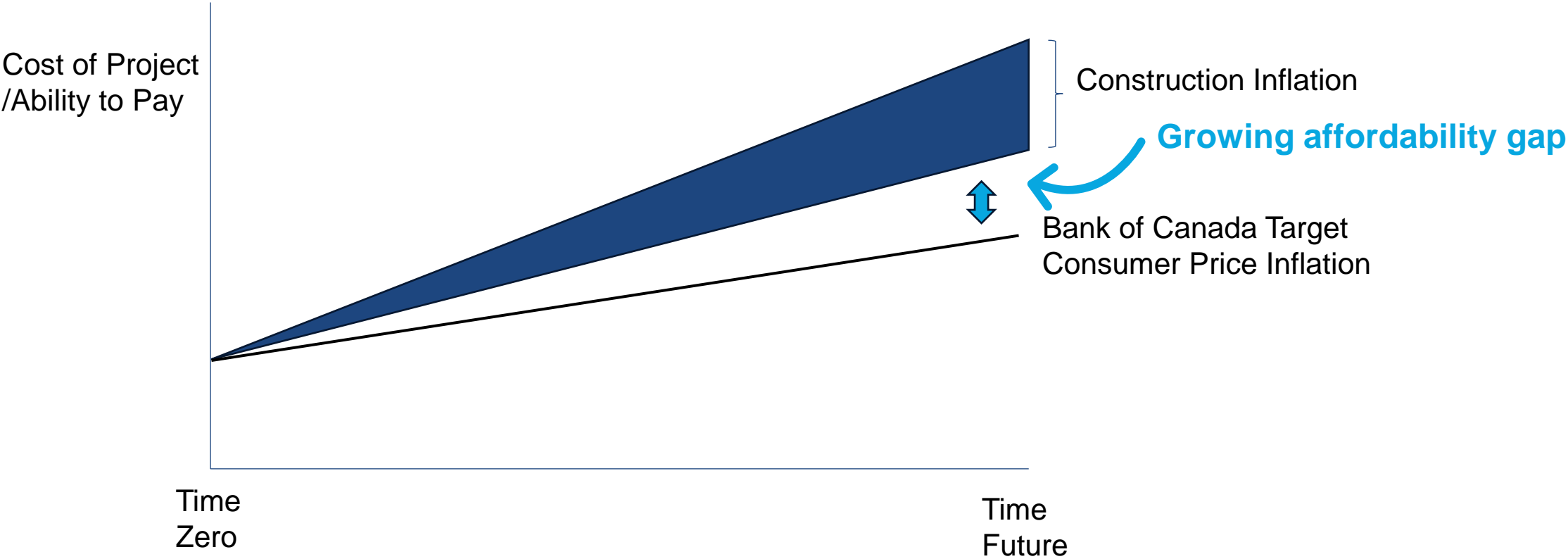


≈ 67% of bill  
is Niagara  
Region

↓ **Combined effort** – Address the 2/3 of the city without storm sewers  
and replace and/or reline wastewater pipes

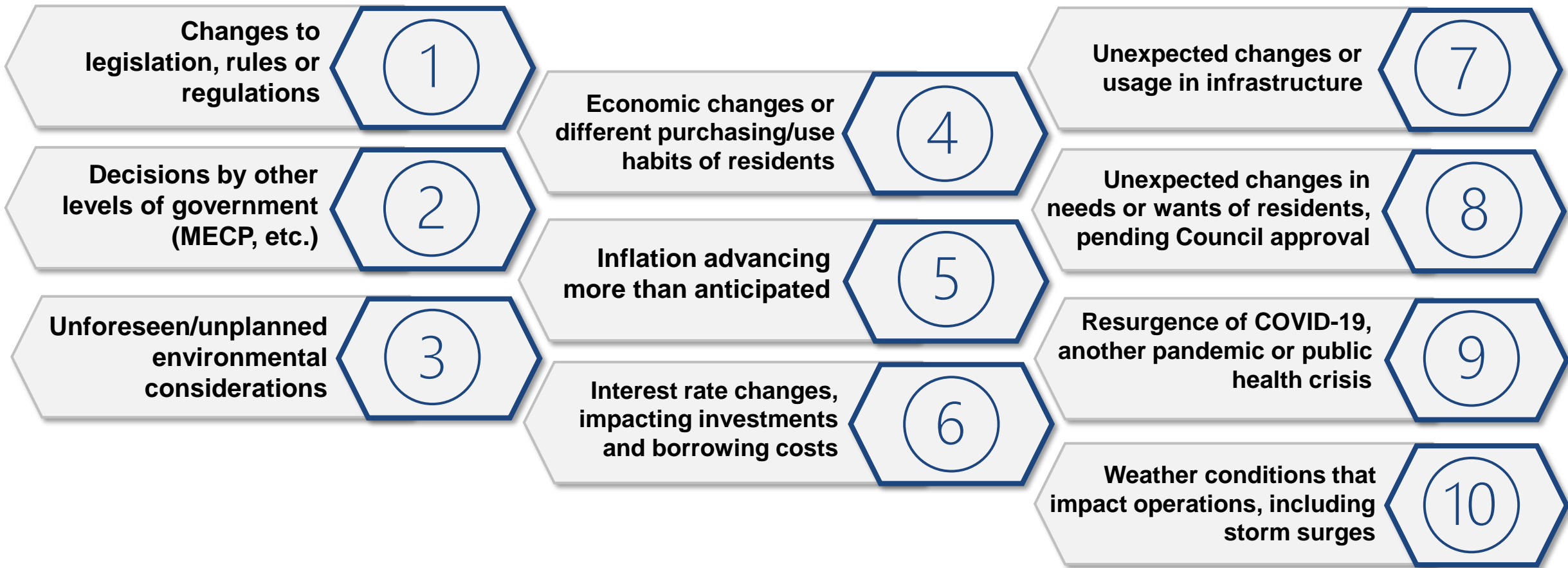
# Impact of Doing Nothing

Illustration – Timing of Construction Projections



# Risks to the Budget

Actual events and results can be substantially different from what is expected or implied as a result of risk, uncertainties, and other factors, many of which are beyond our control, including, but not limited to:



# Agenda

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1 2024 Budget Summary

2 City Fundamentals

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4 Billing Change

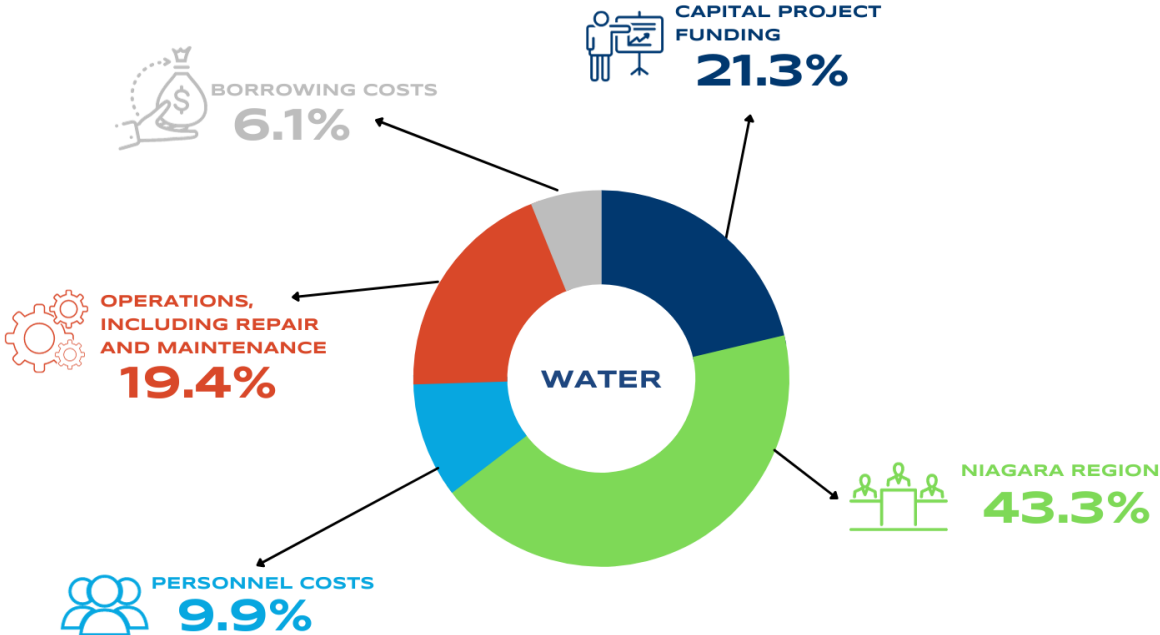
5 Thank You

- 
- What rate dollars support ...
  - City growth projections
  - 2023 Forecast
  - Debt outlook
  - Reserves

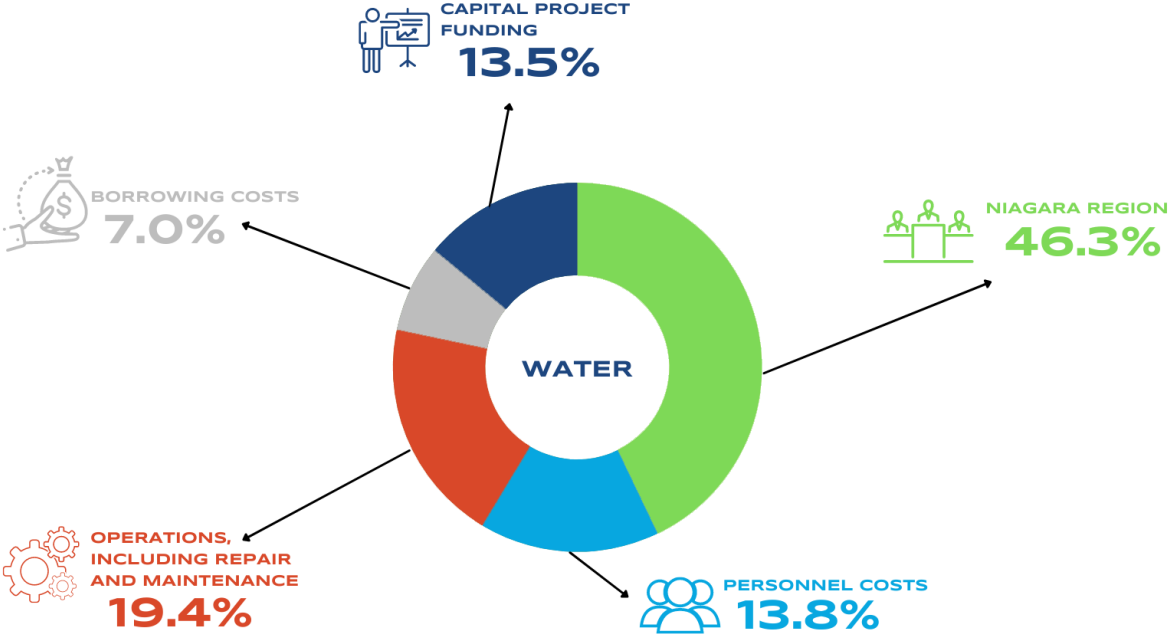


# What water dollars support ...

2024

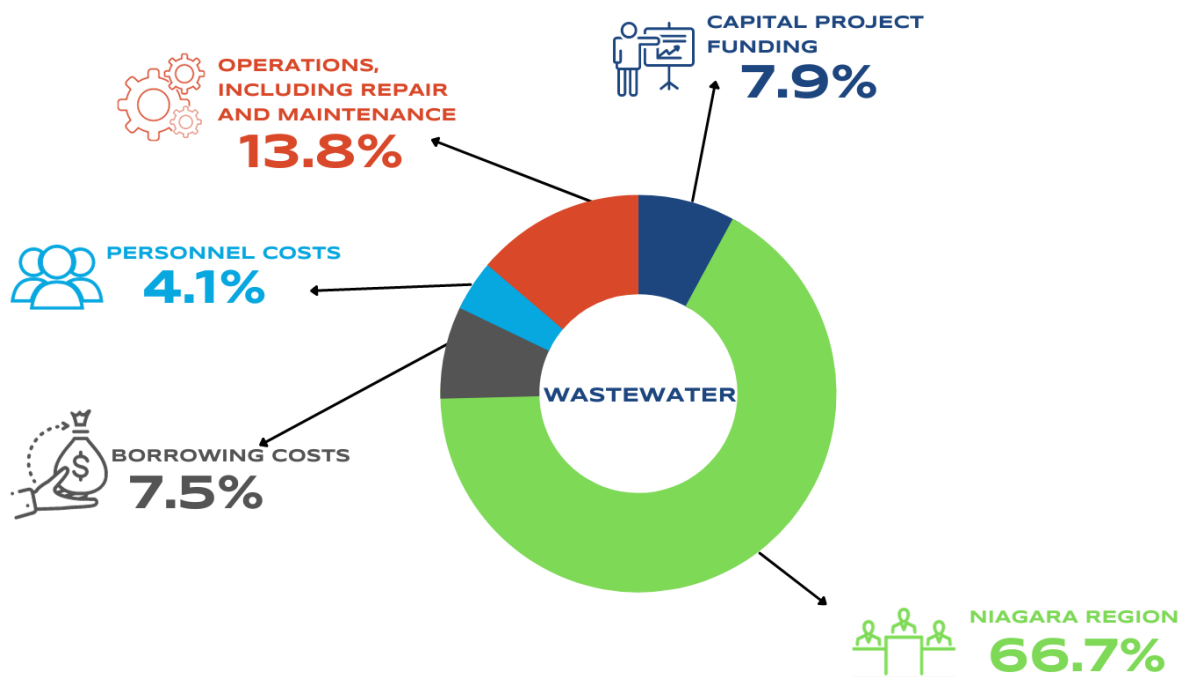


2023

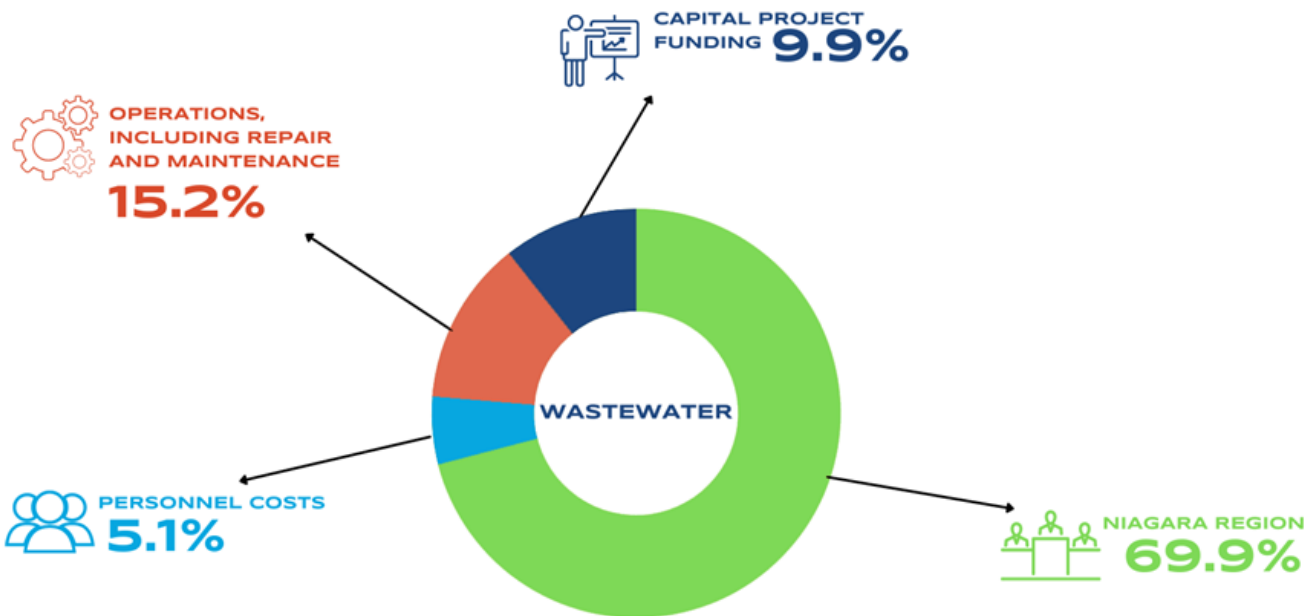


# What wastewater dollars support ...

2024

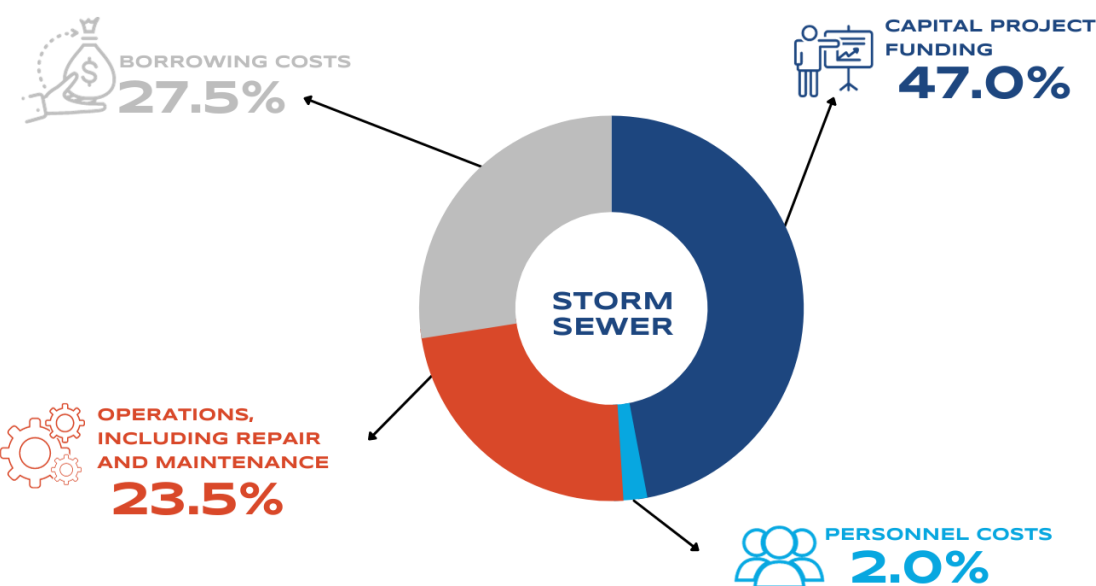


2023

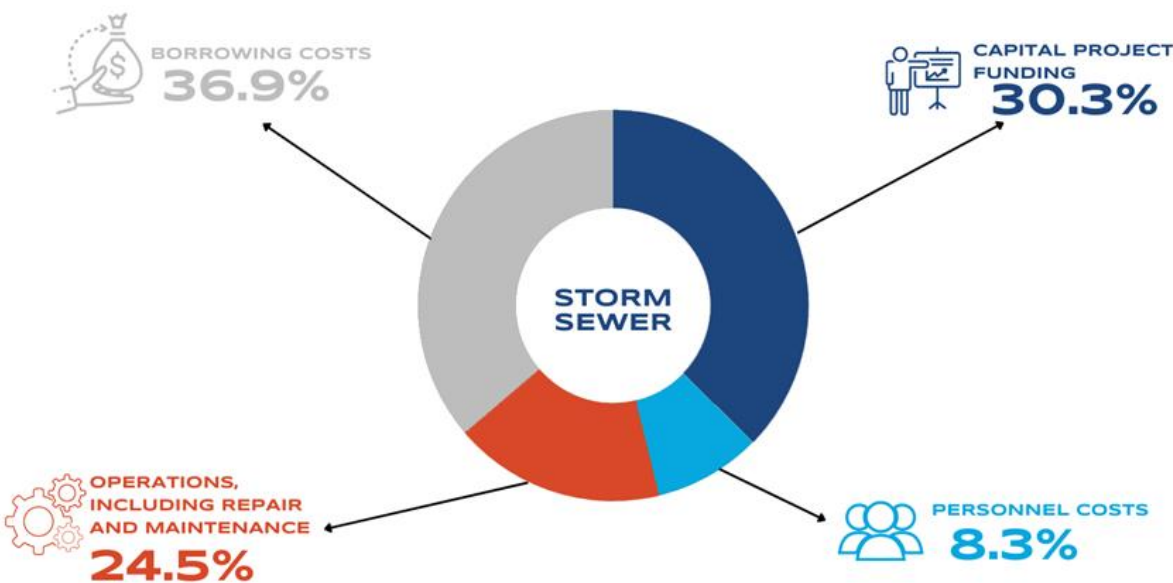


# What storm water dollars support ...

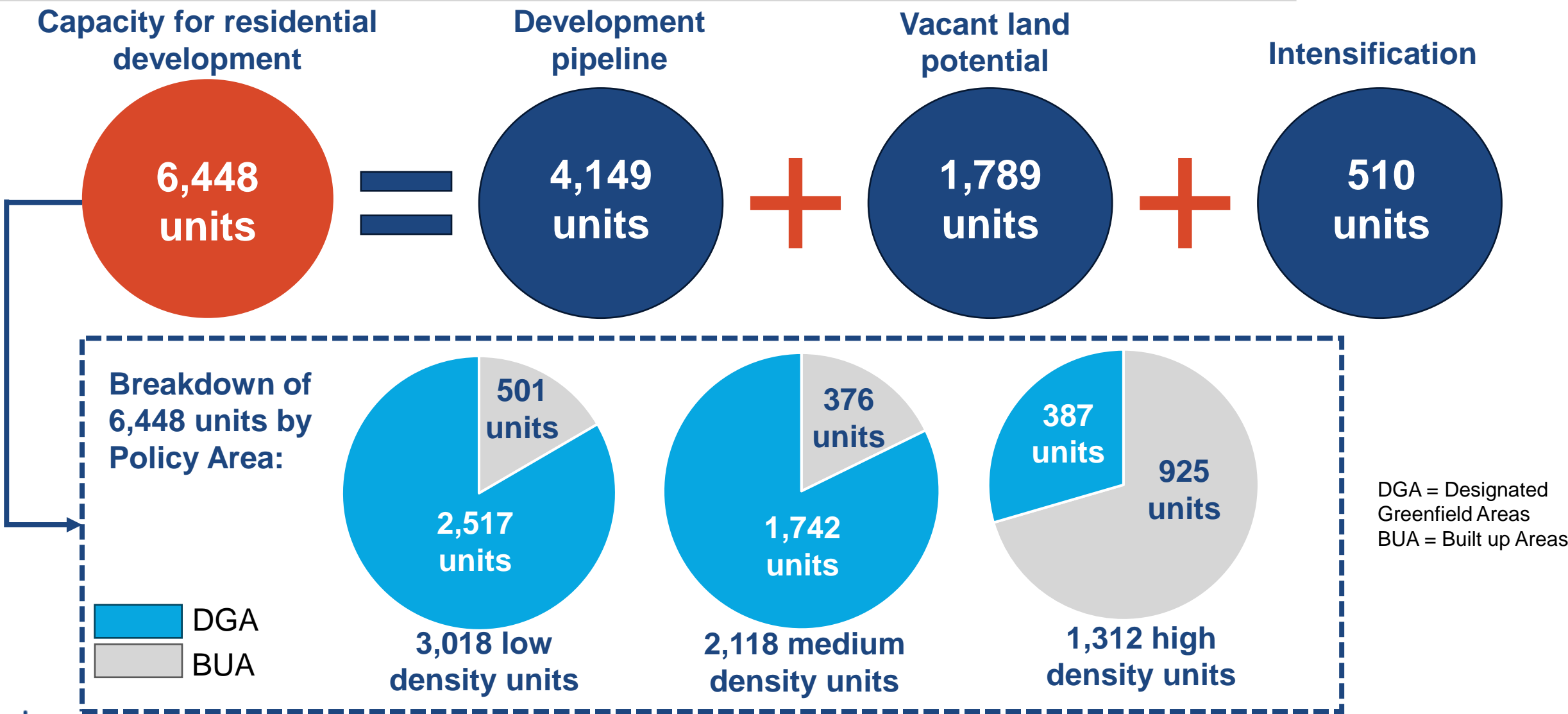
2024



2023



# City Growth Projections





# 2024 Budget and 2023 Forecast

	Budget		Forecast	Change from Budget		Change from Forecast	
	2024	2023	2023	\$	%	\$	%
Revenue	16,559,613	13,661,100	13,495,820	2,898,513	21.2%	3,063,793	22.7%
Personnel Expenses	983,800	1,190,900	1,094,800	(207,100)	(17.4%)	(111,000)	(10.1%)
Operating Expenses	2,801,634	2,423,929	2,238,519	377,705	15.6%	563,115	25.2%
Borrowing Expenses	1,546,000	895,481	895,481	650,519	72.6%	650,519	72.6%
Niagara Region	8,370,179	7,319,079	7,507,600	1,051,100	14.4%	862,579	11.5%
Total Expenses	13,701,613	11,829,389	11,736,400	1,872,224	15.8%	1,965,213	16.7%
Surplus/(Deficit) Before Capital Transfers	2,858,000	1,831,711	1,759,420	1,026,289	56.0%	1,098,580	62.4%
Transfer to/(from) Capital	896,700	2,311,700	2,311,700	(1,415,000)	(61.2%)	(1,415,000)	(61.2%)
Transfer to/(from) Reserves	1,961,300	(479,989)	(479,989)	2,441,289	508.6%	2,441,289	(508.6%)
<b>Surplus/(Deficit)</b>	-	-	<b>(72,291)</b>	-		<b>72,291</b>	

A – Rate increase plus June 27, 2023 Water and wastewater by-law updated

B – Operating down two headcount (9 in 2024 vs. 11 in 2023)

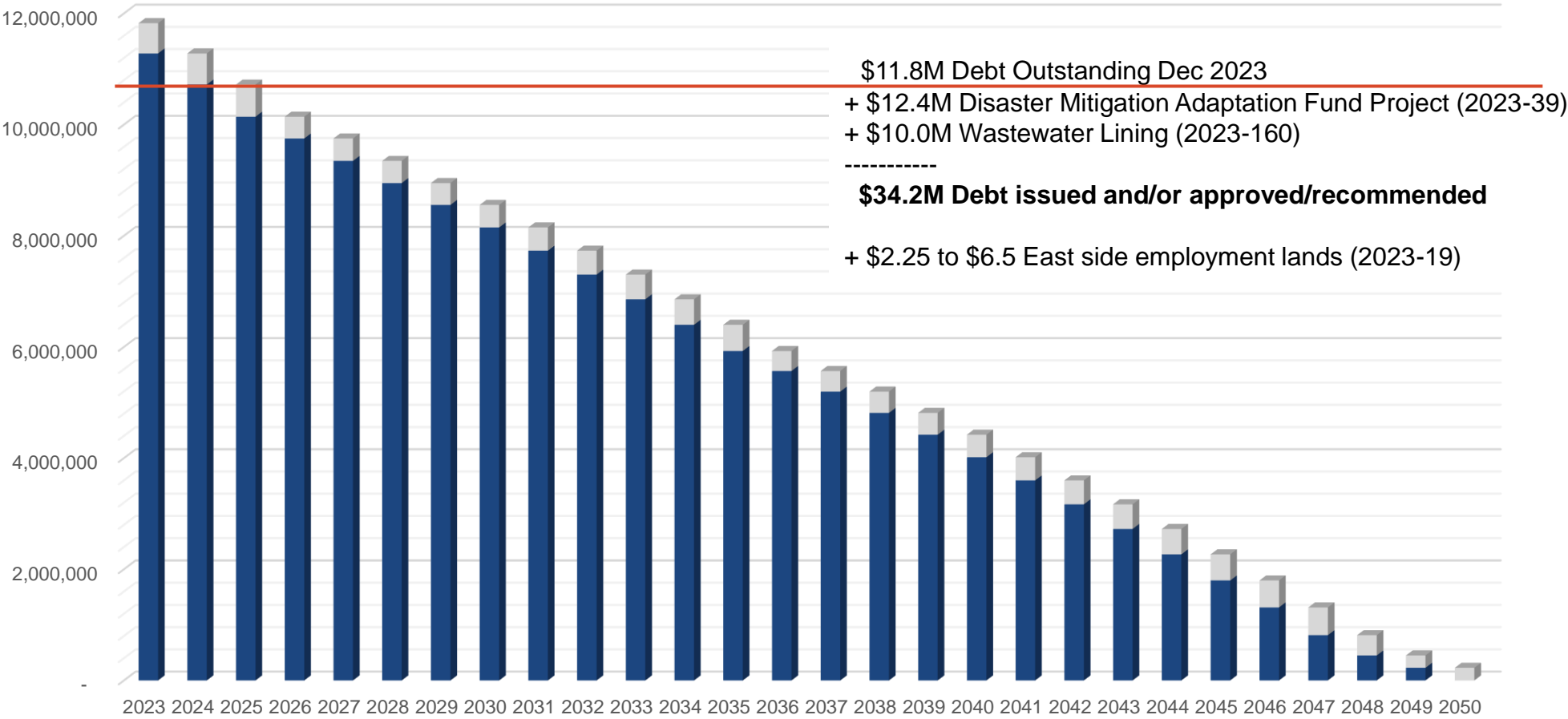
C – Phasing in grant program (see future slide) and shared service cost review complete

D – Borrowing cost for project to reline 1/3 of the City's wastewater linear assets

E – Niagara Region rate increases plus increased inflow and infiltrating (see future slide) and water loss (see future slide)

F – Net increase of capital and reserves is \$1,026,289. Funds temporarily reserved for \$32 million dollar Disaster Mitigation Adaptation Fund (DMAF) application.

# Current Debt Position



# Reserves

	2022 Year-End Reserve Balance	2023 Forecasted Year-End Reserve Balance	2024 Budgeted Reserve Transfer	2024 Forecasted Reserve Balance
Storm Sewer Reserve	557,323	155,348	884,000	1,039,348
Waste Water Reserve	2,479,933	2,420,906	384,000	2,804,906
Water Reserve	807,614	832,456	693,300	1,525,756
	3,844,870	3,408,710	1,961,300	5,370,010

## Capital Funding Levels

**Storm = 26% of required capital funding level**

**Wastewater = 28% of required capital funding level**

**Water = 78% of required capital funding level**

# Funding Level

## Required Funding per Asset Management Plan

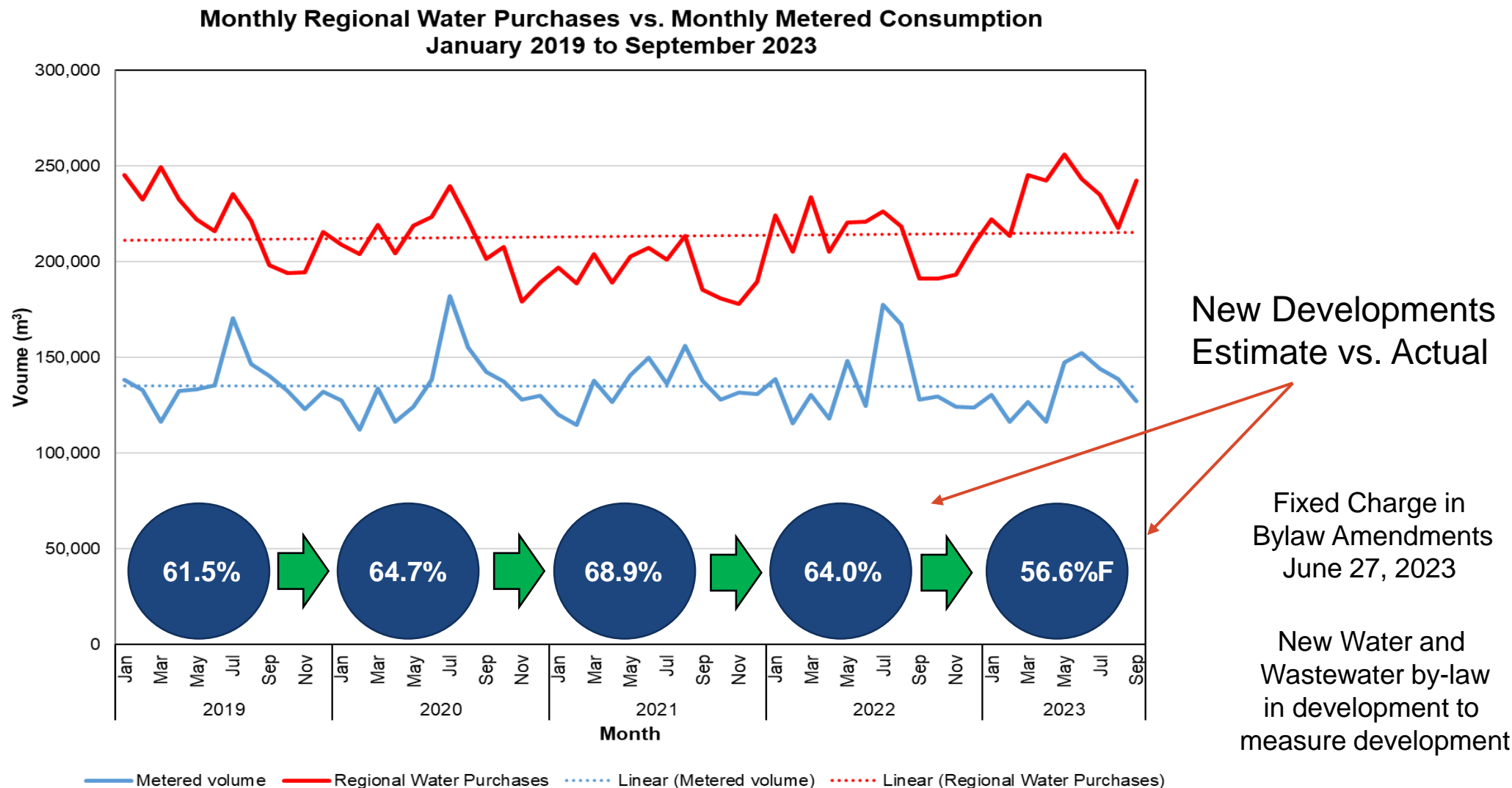
in millions	2024	2025	2026	2027	2028
<b>Storm</b>					
Projected	910	1,546	1,839	2,169	2,541
Required	3,458	3,631	3,812	4,003	4,203
	(2,547)	(2,085)	(1,973)	(1,834)	(1,662)
<b>Funding Gap</b>	<b>74%</b>	<b>57%</b>	<b>52%</b>	<b>46%</b>	<b>40%</b>
<b>Wastewater</b>					
Projected	1,336	1,695	2,055	2,461	2,915
Required	4,759	4,997	5,247	5,509	5,785
	(3,423)	(3,302)	(3,192)	(3,048)	(2,870)
<b>Funding Gap</b>	<b>72%</b>	<b>66%</b>	<b>61%</b>	<b>55%</b>	<b>50%</b>
<b>Water</b>					
Projected	1,262	1,795	2,427	2,913	3,444
Required	5,792	6,081	6,386	6,705	7,040
	(4,530)	(4,286)	(3,959)	(3,792)	(3,596)
<b>Funding Gap</b>	<b>78%</b>	<b>70%</b>	<b>62%</b>	<b>57%</b>	<b>51%</b>

# In-Year Operating Activity

Water	2022	2023*	Trend	Waste/Storm Water	2022	2023*	Trend
Watermain breaks	21	7	↓	Maintenance holes inspected	519	2,055	↑
Complaints	7	14	↑	Sewer lateral backups	25	15	↓
Chlorine samples	1,956	2,281	↑	Wastewater lateral installations	2	1	→
Microbiological samples	350	352	↑	Clean out repairs	33	25	↓
Hydrant inspections	1,631	1,844	↑	Catch basin/manhole repairs	3	38	↑
Valves turned	302	649	↑	Water meter repairs or replacements	75	96	↑
Water services installed	7	6	→	Final Meter Reads	368	311	→
Curb boxes repaired	44	34	↓	Fire Flow Testing	110	229	↑
Dead end flushing	684	570	→	Acoustic Leak Detection Locations & Leaks Found	751 locations 10 leaks	1,298 locations 2 Leaks	↑
New subdivision flushing	60	60	→	CCTV inspections	22.5 km	12.5 km	↓

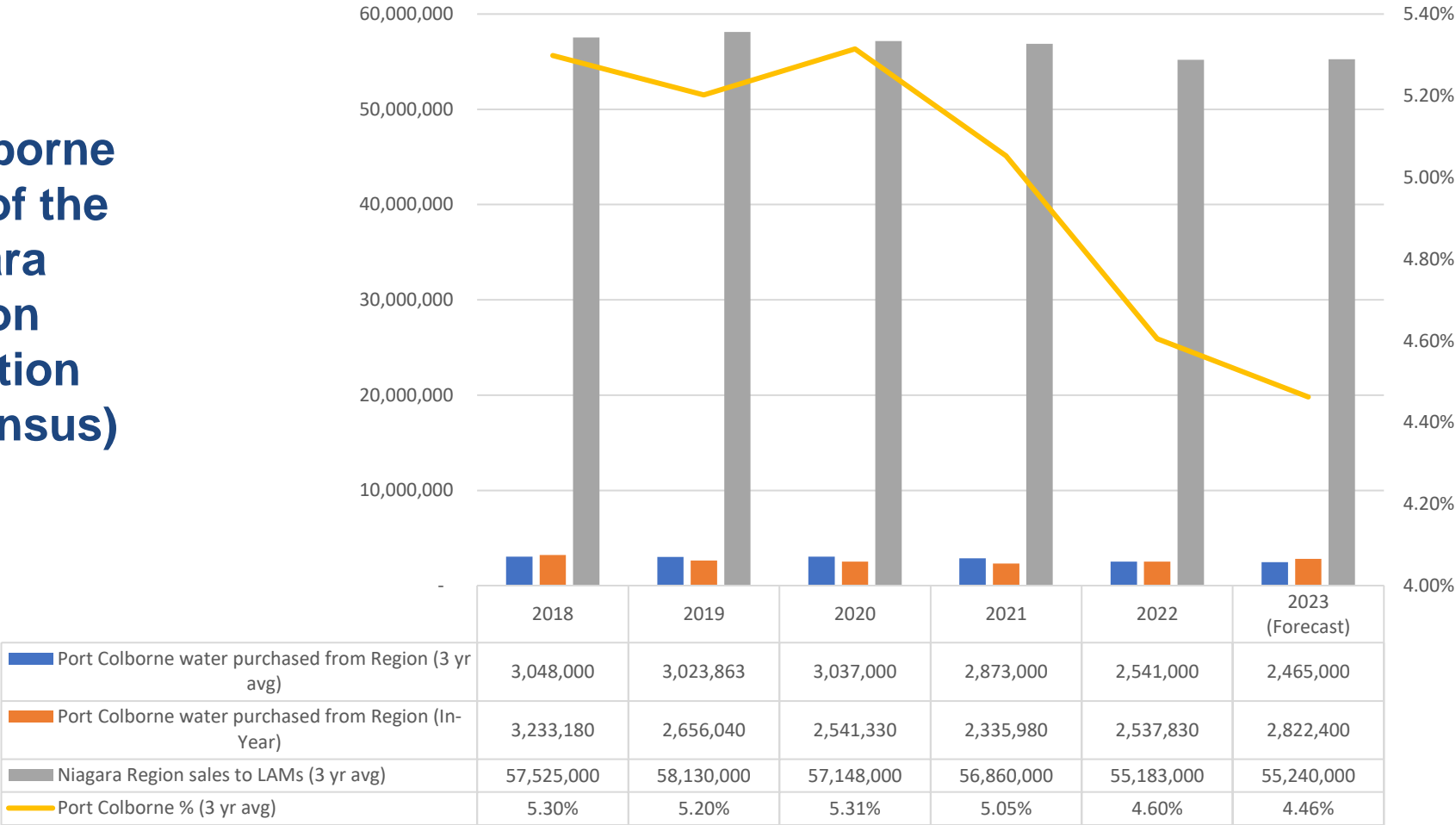


# Water Purchased vs. Water Billed

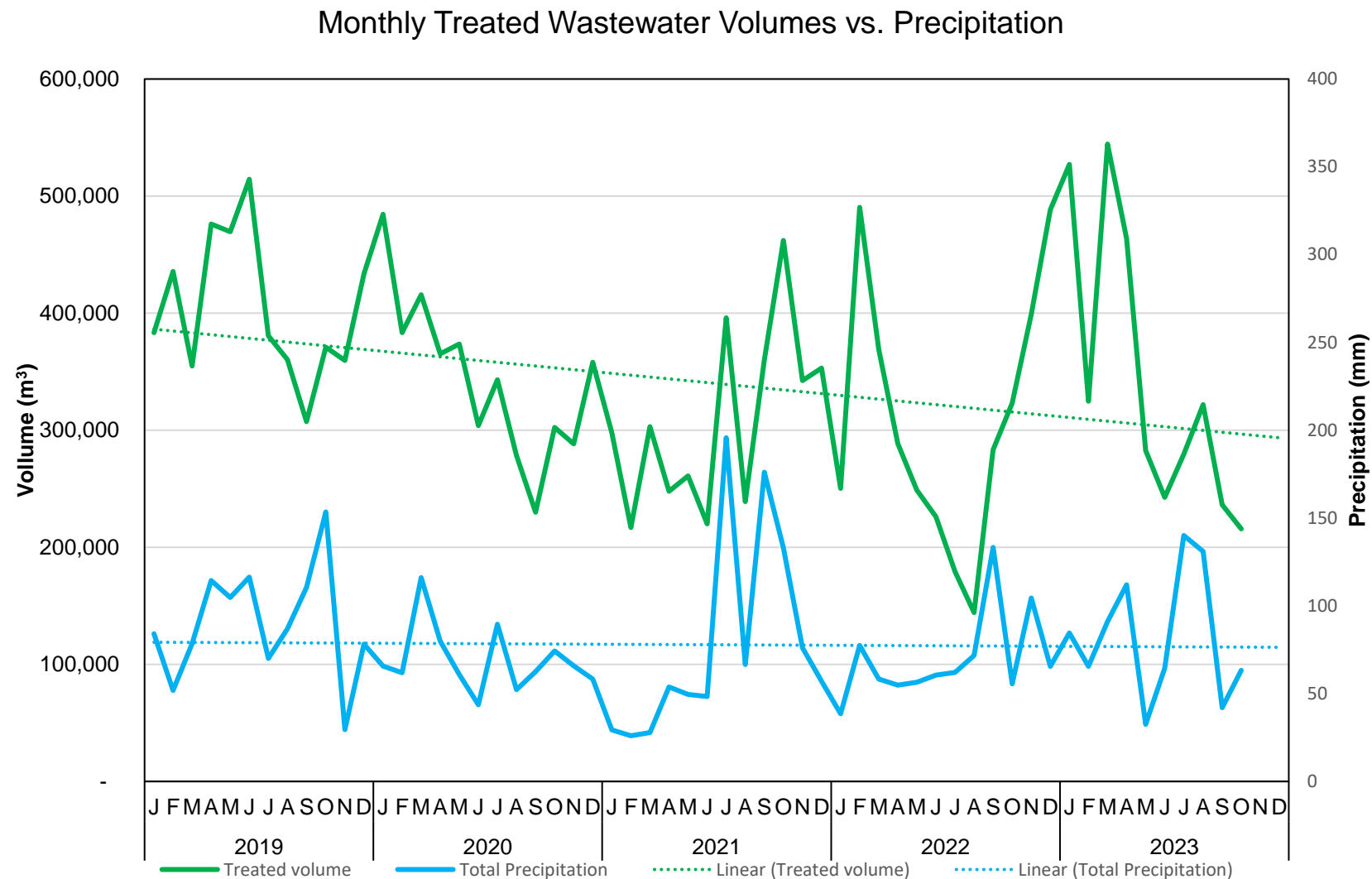


# Water Volumes (m³)

Port Colborne  
is 4.1% of the  
Niagara  
Region  
Population  
(2021 Census)

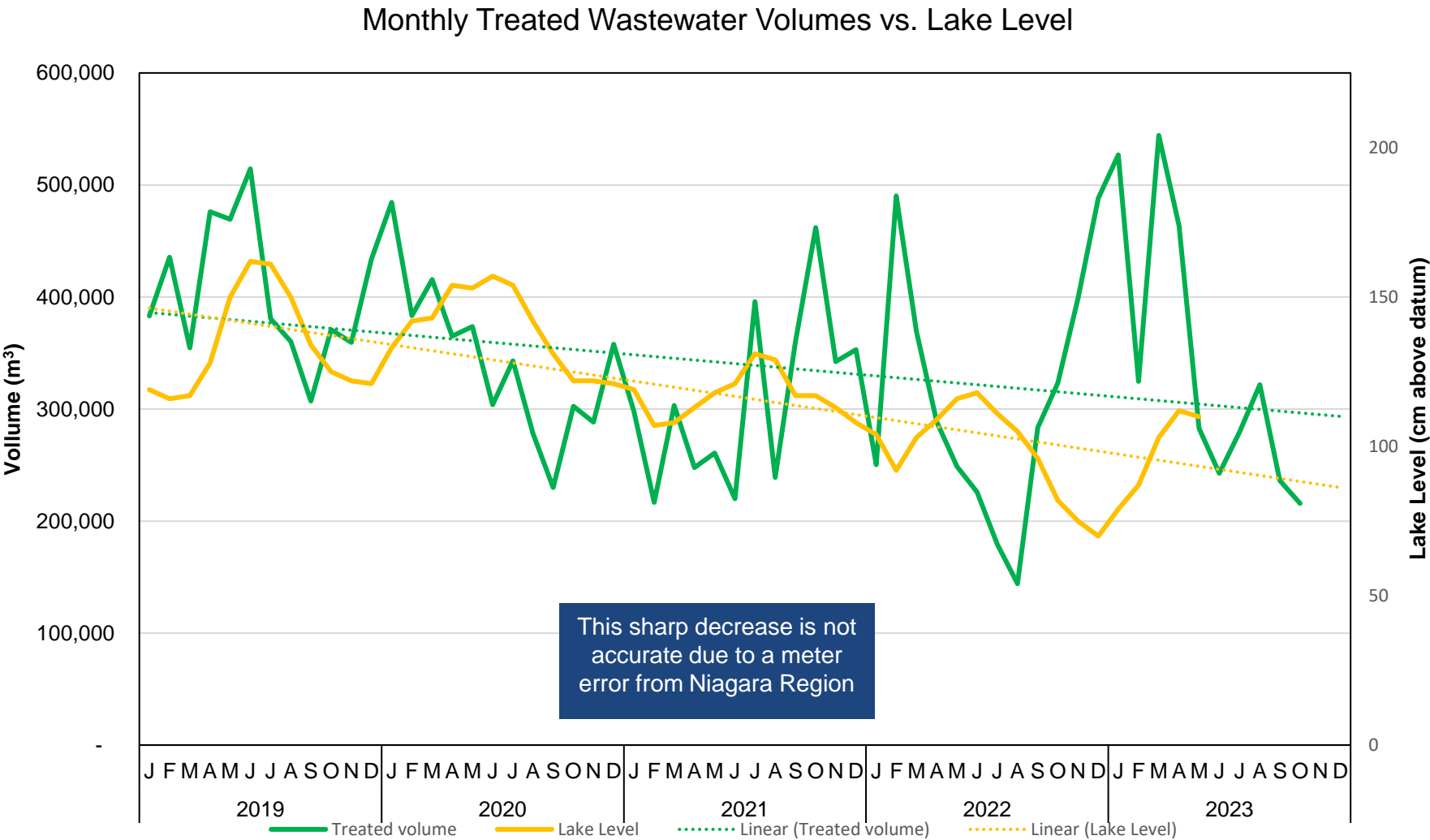


# Wastewater Treated Volumes vs. Precipitation





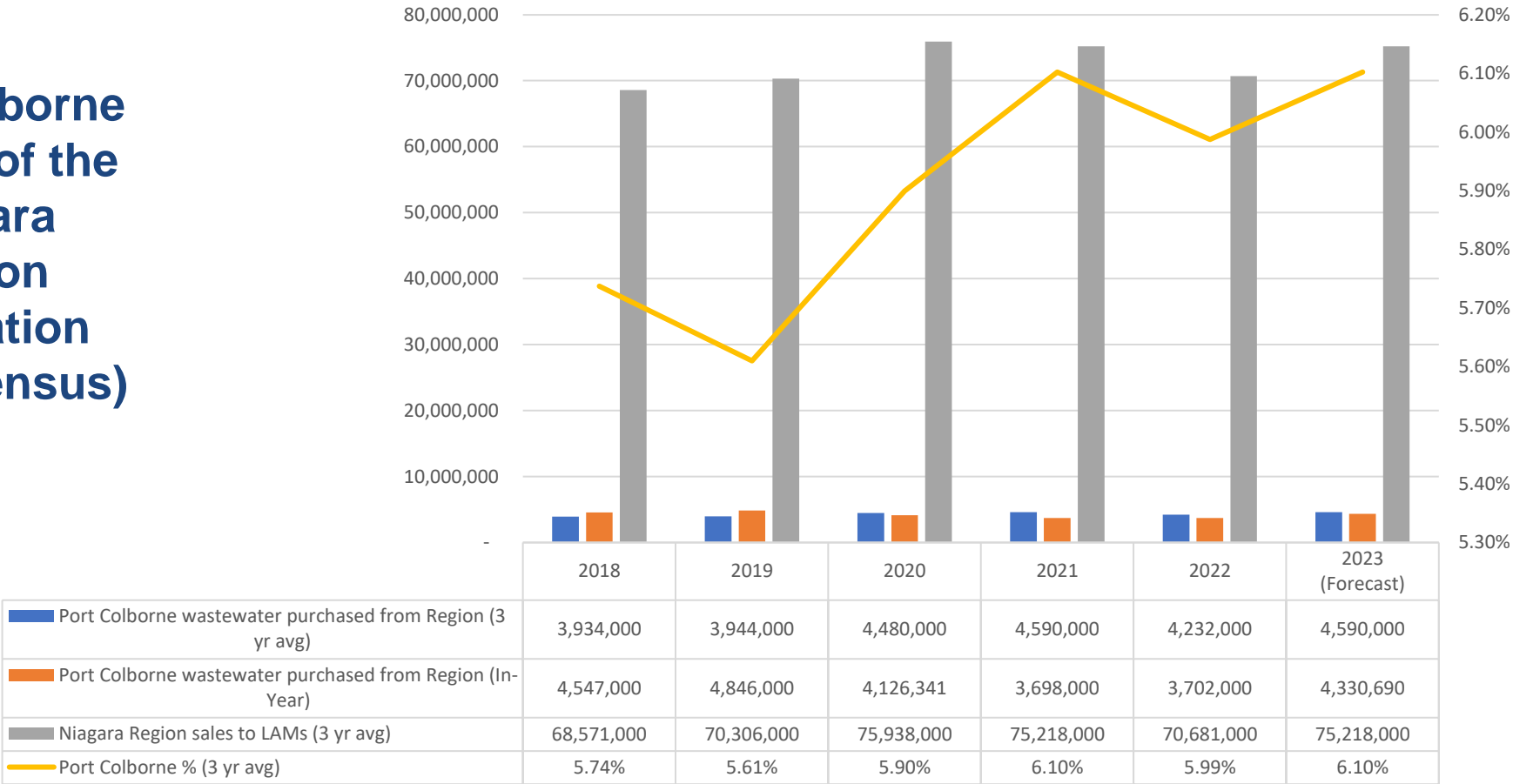
# Wastewater Treated Volumes vs. Lake Level



# Wastewater Volumes (m³)

In 2023 YTD  
1 M³ of water metered = 2.7 M³  
sent to the Niagara Region  
wastewater plant

Port Colborne  
is 4.1% of the  
Niagara  
Region  
Population  
(2021 Census)





# 2023 Initiatives



**PORT COLBORNE**



# 2023 Initiatives





# 2023 Initiatives

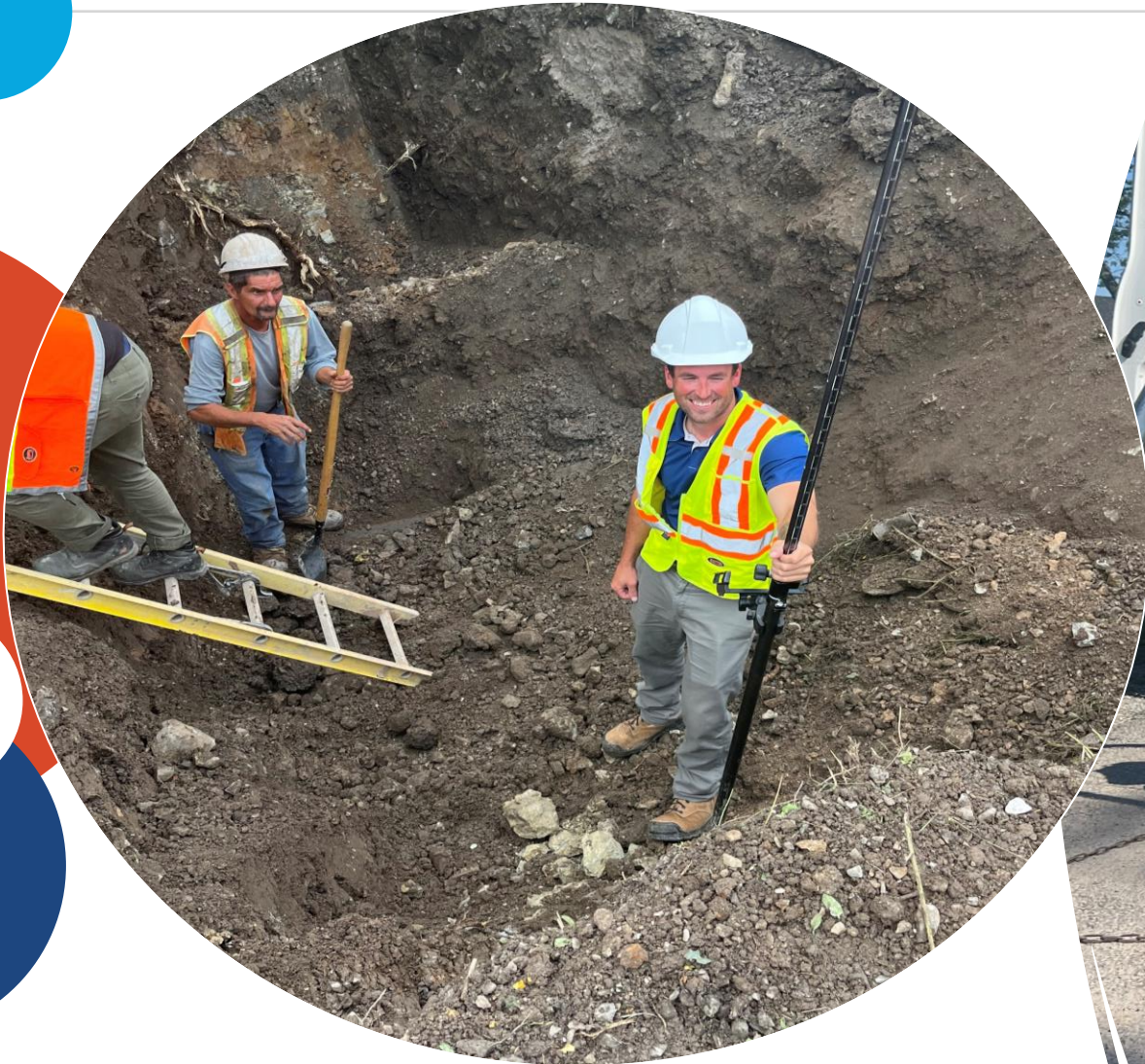


**PORT COLBORNE**





# 2023 Initiatives





Recommended Upgrade

\$44.9M

Recommended Upsize

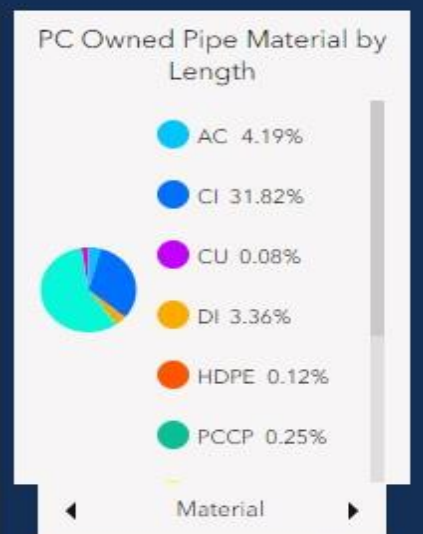
\$11.7M

Total PC Owned Watermain

111.8k

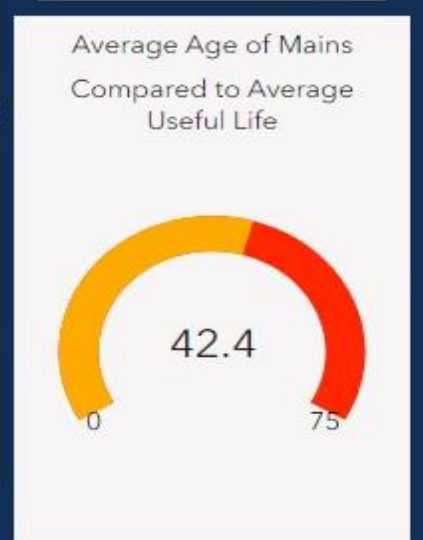
Watermain Breaks This Year

9



WatermainBreaks

**WorkOrders**



# Agenda

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1 2024 Budget Summary

2 City Fundamentals

3 Budget Details

4 Billing Change

5 Thank You

- 
- Rate Program Incentives
  - Water
  - Wastewater
  - Storm Water
  - Looking Forward



# Rate Program Incentives

## Water Service and Wastewater Lateral Replacement Grant Program

Current

Grant portion	Loan program
\$1,000 for water service	\$2,500 for water service
\$1,000 for wastewater lateral	\$2,500 for wastewater lateral

Proposed

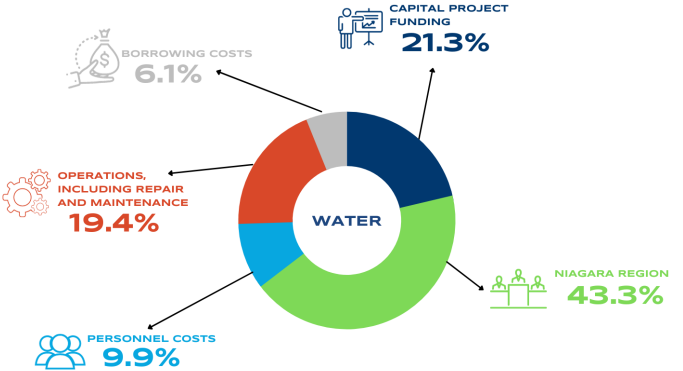
Grant
\$1,000 for only water service
\$1,000 for only wastewater lateral (replacement or lining)
\$3,000 if both water and wastewater are done



Reasons to retire program

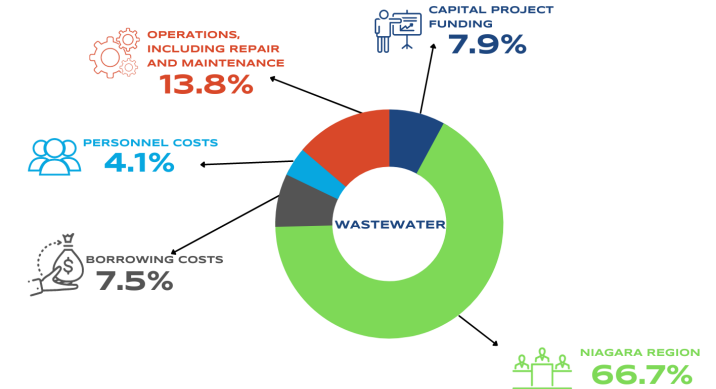
- Complexity
- Collectability
- Interest

# Water



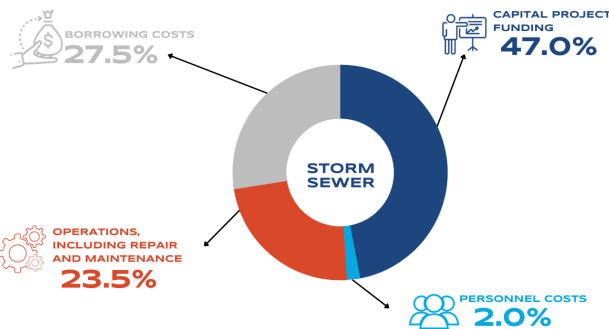
	2020	2020	2021	2021	2022	2022	2023	2023	2024	\$	%
	Actual	Budget	Actual	Budget	Actual	Budget	Forecast	Budget	Budget	Y/Y Budget Change	
Penalties and other fees	43,773	49,600	118,714	39,998	71,587	97,000	28,700	63,100	28,700	(34,400)	(54.5%)
Variable	2,192,600	2,600,201	2,140,479	2,128,931	2,142,479	2,120,000	2,280,300	2,376,000	2,604,993	228,993	9.6%
Fixed	2,649,521	2,530,023	2,568,152	2,572,569	2,547,531	2,540,000	2,750,920	2,743,200	3,305,420	562,220	20.5%
Total Revenue	4,885,893	5,179,824	4,827,345	4,741,498	4,761,596	4,757,000	5,059,920	5,182,300	5,939,113	756,813	14.60%
Fixed vs. Variable	55%	49%	55%	55%	54%	55%	55%	54%	56%		
Niagara Region	2,124,086	2,430,382	2,013,547	2,212,840	2,172,540	2,040,866	2,455,000	2,398,200	2,572,900	174,700	7.3%
Personnel costs	540,705	790,145	610,954	561,350	649,478	749,300	656,900	714,540	589,900	(124,640)	(17.4%)
Operations	875,788	741,748	774,080	739,260	845,712	935,310	1,067,306	1,003,970	1,149,513	145,543	14.5%
Capital	509,219	509,219	200,000	250,000	266,700	266,700	621,700	621,700	568,700	(53,000)	(8.5%)
Borrowing costs	364,242	364,299	364,392	364,300	364,629	364,629	364,326	364,326	364,800	474	0.1%
Reserve transfers	471,853	344,031	864,372	613,748	462,537	400,195	79,564	79,564	693,300	613,736	771.4%
Total Expenses	4,885,893	5,179,824	4,827,345	4,741,498	4,761,596	4,757,000	5,244,796	5,182,300	5,939,113	756,813	14.60%
Surplus / (Deficit)	-	-	-	-	-	-	(184,876)	-	-	-	-

# Wastewater



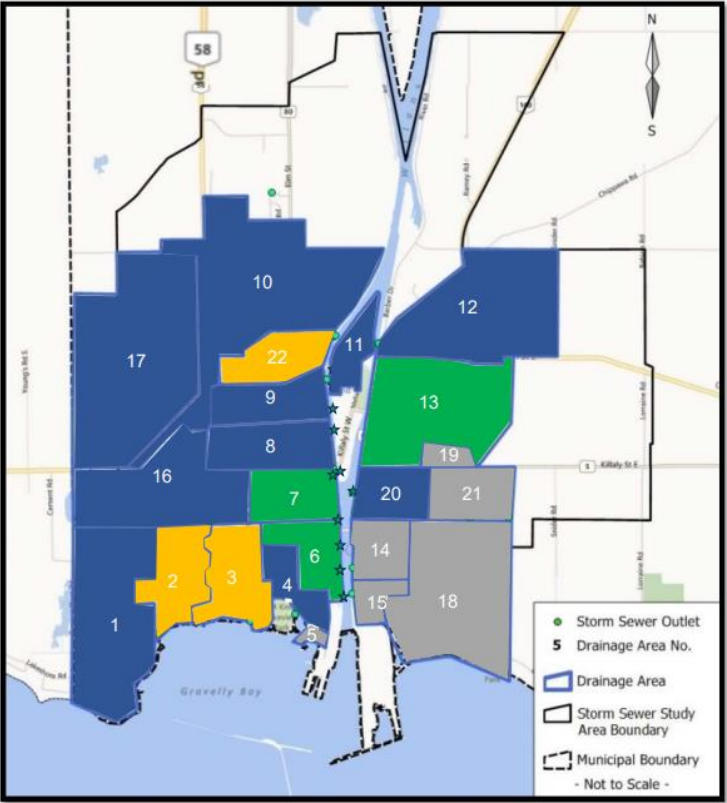
	2020 Actual	2020 Budget	2021 Actual	2021 Budget	2022 Actual	2022 Budget	2023 Forecast	2023 Budget	2024 Budget	\$ Y/Y Budget Change	%
Penalties and other fees	14,306	19,500	63,962	33,000	82,109	14,000	89,800	31,100	31,400	300	1.0%
Variable	1,723,798	2,559,638	1,022,571	2,207,282	632,371	623,067	457,500	640,000	698,400	58,400	9.1%
Fixed	3,521,448	3,409,291	5,624,115	4,519,326	6,345,888	6,300,000	6,505,700	6,370,000	7,955,900	1,585,900	24.9%
<b>Total Revenue</b>	<b>5,259,552</b>	<b>5,988,429</b>	<b>6,710,648</b>	<b>6,759,608</b>	<b>7,060,368</b>	<b>6,937,067</b>	<b>7,053,000</b>	<b>7,041,100</b>	<b>8,685,700</b>	<b>1,644,600</b>	<b>23.36%</b>
<b>Fixed vs. Variable</b>	<b>67%</b>	<b>57%</b>	<b>85%</b>	<b>67%</b>	<b>91%</b>	<b>91%</b>	<b>93%</b>	<b>91%</b>	<b>92%</b>		
Niagara Region	4,531,531	4,544,117	4,265,746	4,805,000	4,209,067	4,920,879	5,052,600	4,920,879	5,797,279	876,400	17.8%
Personnel costs	108,994	354,379	305,477	561,350	324,739	374,600	328,450	357,270	356,025	(1,245)	(0.3%)
Operations	721,460	585,333	768,917	785,050	638,672	903,500	907,312	1,067,997	1,196,396	128,399	12.0%
Capital	545,573	545,573	400,000	350,000	1,124,797	324,897	840,000	840,000	302,000	(538,000)	(64.0%)
Borrowing costs	-	-	-	-	-	-	-	-	650,000	650,000	
Reserve transfers	(648,006)	(40,973)	970,508	258,208	763,093	413,191	(145,046)	(145,046)	384,000	529,046	(364.7%)
<b>Total Expenses</b>	<b>5,259,552</b>	<b>5,988,429</b>	<b>6,710,648</b>	<b>6,759,608</b>	<b>7,060,368</b>	<b>6,937,067</b>	<b>6,983,316</b>	<b>7,041,100</b>	<b>8,685,700</b>	<b>1,644,600</b>	<b>23.36%</b>
<b>Surplus / (Deficit)</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>69,684</b>	<b>-</b>	<b>-</b>	<b>-</b>	

# Storm Water



	2020	2020	2021	2021	2022	2022	2023	2023	2024	\$	%
	Actual	Budget	Actual	Budget	Actual	Budget	Foercast	Budget	Budget	Y/Y Budget Change	
Installation service fee	(276)	5,000	-	-	120	-	700	-		-	
Rate fees	766,976	770,279	693,086	854,720	1,305,980	1,407,000	1,382,200	1,437,700	1,934,800	497,100	34.58%
Total Revenue	766,700	775,279	693,086	854,720	1,306,100	1,407,000	1,382,900	1,437,700	1,934,800	497,100	34.58%
Personnel costs	-	-	101,826	-	108,487	124,800	109,450	119,090	37,875	(81,215)	(68.20%)
Operations	279,204	248,181	156,948	252,870	128,578	250,100	263,901	351,962	455,725	103,763	29.48%
Capital	39,998	-	23,724	23,724	210,876	110,000	850,000	850,000	26,000	(824,000)	(96.94%)
Borrowing costs	309,823	299,819	531,156	535,819	531,156	531,156	531,155	531,155	531,200	45	0.0%
Reserve transfers	137,675	227,279	(120,567)	42,307	327,003	390,944	(414,507)	(414,507)	884,000	1,298,507	(313.27%)
Total Expenses	766,700	775,279	693,086	854,720	1,306,100	1,407,000	1,339,999	1,437,700	1,934,800	497,100	34.58%
Surplus / (Deficit)	-	-	-	-	-	-	42,901	-	-	-	-

# Looking Forward



## Stream 1

### Focus Areas:

- Area 6
- Area 7
- Area 13

### DMAF

## Stream 2

### Focus Areas:

- Area 2
- Area 3
- Area 22

### Dependent on:

- Infrastructure Needs Study
- Pollution Prevention Control Plan

## Stream 3

### Focus Areas:

- TBD

### Dependent on:

- Infrastructure Needs Study
- Pollution Prevention Control Plan

## Stream 4

Not currently required

# Looking Forward

- Continue to work on Key Performance Indicators (KPIs) and related benchmarks, where applicable
- Complete the Infrastructure Needs Assessment to support future capital and related project budgets
- Enhancing geographic information systems (GIS) to visualize asset management program
- Update the development charges by-law so growth pays for growth
- Working on a multi-year capital forecast (to follow completion of INS)



# Agenda

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1 2024 Budget Summary

2 City Fundamentals

3 Budget Details

4 Billing Change

5 Thank You

- 
- Billing Changes

# Storm Water - Billing Changes

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## Properties that do not receive a Property Tax Bill

### Current

- Receive a special purpose bill (property tax bill format) for the storm water portion of the bill only

### Proposed

- Allocate the applicable storm water charge over 12 months on their water and wastewater bill



# Storm Water - Billing Changes

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## Adjusted Storm Sewer Billing Model for Multi-Residential to Parallel Water and Wastewater

### Current

- Fixed charges varies by unit categories
- Categories are 2 to 5 units, 6 to 10 units and >10 units

### Proposed

- Fixed charge on 3 units or more
- Fixed charge x number of units

# Agenda

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1 2024 Budget Summary

2 City Fundamentals

3 Budget Details

4 Billing Change

5 Thank You

- Thank You
- Recommendation



# Thank You



# Recommendation

That the Corporate Service  
Department, Financial Services  
Division, Report No. 2023-164  
Subject: 2024 Rate Budget, **BE  
RECEIVED**; And

That the 2024 Rate Budget as  
outlined in Report 2023-164, **BE  
APPROVED**.



## Appendix B - Divisional Summary & Detail

### Rates (Water, Wastewater, Storm Sewer) Divisional Summary

**CITY OF PORT COLBORNE**  
**2024 Budget - Rates Divisional Summary**

	<b>Storm Sewer</b>	<b>Wastewater</b>	<b>Water</b>	<b>Total 2024 Rate Budget</b>
<b>Revenue</b>				
Other Revenue			\$6,000	\$6,000
Fees		700	3,000	3,700
Penalties and Interest		30,700	19,700	50,400
Rate Revenue - Variable		698,400	2,604,993	3,303,393
Rate Revenue - Fixed	1,934,800	7,955,900	3,305,420	13,196,120
<b>Total Revenue</b>	<b>1,934,800</b>	<b>8,685,700</b>	<b>5,939,113</b>	<b>16,559,613</b>

**Expense**

**Personnel Expense**

Salaries and Wages - Full Time			684,000	684,000
Salaries and Wages - Students			26,000	26,000
Overtime Pay			14,200	14,200
Employee Benefits			259,600	259,600
<b>Subtotal Personnel Expense</b>			<b>983,800</b>	<b>983,800</b>

**Operating Expense**

Association/Membership Fees		3,000	3,000	6,000
Comm and Public Relations		5,000	5,000	10,000
Computer Software		20,000	20,000	40,000
Contract Services	80,000	200,000	176,500	456,500
Cost of Goods Sold			10,000	10,000
PAP / Online Incentives		4,000	4,000	8,000
GIS Credit		35,000		35,000
Equipment - Purchase		20,000	20,000	40,000
Equipment - Rental	2,000			2,000
Grants and Sponsorship Expense		50,000	50,000	100,000
Hospitality Expense			1,000	1,000
Office Supplies		2,600	2,600	5,200
Postage & Courier		26,000	26,000	52,000

	Storm Sewer	Wastewater	Water	Total 2024 Rate Budget
Protective & Uniform Clothing		3,000	3,000	6,000
R&M - Consumables and Parts	15,000	20,000	105,000	140,000
Staff Training & Development			14,500	14,500
SME - Consultants	20,000	25,000	35,000	80,000
Telephone/Internet			7,200	7,200
Travel			7,300	7,300
Utilities - Hydro	5,100	20,400	4,400	29,900
Utilities - Water	1,100			1,100
Region Rate - Fixed		5,797,279	608,000	6,405,279
Region Rate - Variable			1,964,900	1,964,900
<b>Subtotal Operating Expense</b>	<b>123,200</b>	<b>6,231,279</b>	<b>3,067,400</b>	<b>9,421,879</b>
<b>Total Expense</b>	<b>123,200</b>	<b>6,231,279</b>	<b>4,051,200</b>	<b>10,405,679</b>
<b>Surplus/(Deficit) Before Allocation</b>	<b>1,811,600</b>	<b>2,454,421</b>	<b>1,887,913</b>	<b>6,153,934</b>
Allocations: Within Departments	37,875	356,025	(393,900)	
<b>Surplus/(Deficit) After Allocation</b>	<b>1,773,725</b>	<b>2,098,396</b>	<b>2,281,813</b>	<b>6,153,934</b>
Transfer to/ (from) Reserves	884,000	384,000	693,300	1,961,300
Transfer Between Funds	889,725	1,714,396	1,588,513	4,192,634
<b>Total Transfer</b>	<b>1,773,725</b>	<b>2,098,396</b>	<b>2,281,813</b>	<b>6,153,934</b>

**City of Port Colborne**  
**2024 Operating Budget**  
**Water/WasteWater/Storm**

	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
<b>Revenue</b>						
Other Revenue	\$45,306.03	\$85,000.00	\$6,400.00	\$45,000.00	\$6,000.00	(\$39,000.00)
Fees	1,323.76		9,700.00	700.00	3,700.00	3,000.00
Grants - Other	51,152.43		63,700.00			
Sales	7,688.35			100.00		(100.00)
Penalties and Interest	48,345.22	26,000.00	39,400.00	48,400.00	50,400.00	2,000.00
Rate Revenue - Variable	2,774,850.44	2,743,067.00	2,737,800.00	3,016,000.00	3,303,393.00	287,393.00
Rate Revenue - Fixed	10,199,398.48	10,247,000.00	10,638,820.00	10,550,900.00	13,196,120.00	2,645,220.00
<b>Total Revenue</b>	<b>13,128,064.71</b>	<b>13,101,067.00</b>	<b>13,495,820.00</b>	<b>13,661,100.00</b>	<b>16,559,613.00</b>	<b>2,898,513.00</b>
<b>Expense</b>						
<b>Personnel Expense</b>						
Salaries and Wages - Full Time	791,559.48	868,800.00	788,460.00	855,600.00	684,000.00	(171,600.00)
Salaries and Wages - Part Time		30,300.00				
Salaries and Wages - Students	10,563.48	15,300.00	20,000.00	24,000.00	26,000.00	2,000.00
Overtime Pay	19,644.37	41,300.00	14,200.00	18,000.00	14,200.00	(3,800.00)
Employee Benefits	260,937.12	293,000.00	272,140.00	293,300.00	259,600.00	(33,700.00)
<b>Subtotal Personnel Expense</b>	<b>1,082,704.45</b>	<b>1,248,700.00</b>	<b>1,094,800.00</b>	<b>1,190,900.00</b>	<b>983,800.00</b>	<b>(207,100.00)</b>
<b>Operating Expense</b>						
Association/Membership Fees	3,884.71	6,000.00	6,000.00	6,000.00	6,000.00	
Comm and Public Relations	805.60	20,000.00	20,000.00	20,500.00	10,000.00	(10,500.00)
Computer Software	17,524.61	18,400.00	39,700.00	39,700.00	40,000.00	300.00
Contract Services	276,415.08	496,010.00	456,500.00	490,500.00	456,500.00	(34,000.00)
Cost of of Goods Sold	7,156.61		30,000.00	10,000.00	10,000.00	
PAP / Online Incentives	12,875.00	40,000.00	8,000.00	14,000.00	8,000.00	(6,000.00)
GIS Credit	30,093.32	35,000.00	35,000.00	35,000.00	35,000.00	
Equipment - Purchase	19,970.14	30,800.00	47,000.00	32,300.00	40,000.00	7,700.00
Equipment - Rental	18,080.46	18,000.00	2,000.00	33,000.00	2,000.00	(31,000.00)
Grants and Sponsorship Expense	7,000.00	50,000.00	20,000.00	50,000.00	100,000.00	50,000.00
Hospitality Expense	1,265.38		4,400.00	1,000.00	1,000.00	



	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
Office Supplies	7,112.38	27,500.00	27,600.00	3,000.00	5,200.00	2,200.00
Postage & Courier	61,791.06	52,000.00	52,000.00	28,500.00	52,000.00	23,500.00
Protective & Uniform Clothing	9,422.50	10,000.00	6,000.00	10,000.00	6,000.00	(4,000.00)
R&M - Consumables and Parts	94,081.75	158,100.00	140,000.00	134,750.00	140,000.00	5,250.00
Staff Training & Development	29,514.20	25,600.00	16,000.00	28,000.00	14,500.00	(13,500.00)
SME - Consultants	4,463.40	59,000.00	80,000.00	160,000.00	80,000.00	(80,000.00)
Subscriptions and Publications			4,600.00			
Telephone/Internet	5,550.49	8,800.00	3,800.00	7,500.00	7,200.00	(300.00)
Travel	1,064.57	3,200.00	8,300.00	3,200.00	7,300.00	4,100.00
Utilities - Hydro	23,449.15	30,600.00	27,000.00	30,250.00	29,900.00	(350.00)
Utilities - Water	1,120.51	900.00	1,000.00	1,100.00	1,100.00	
City Owned Property Tax Charges	(6,762.35)	11,000.00		1,900.00		(1,900.00)
City Owned Property Drainage Charges	2,104.14					
Reassessment/Uncollectable	3,594.84					
Region Rate - Fixed	4,767,547.10	5,479,356.00	5,623,000.00	5,524,079.00	6,405,279.00	881,200.00
Region Rate - Variable	1,614,059.88	1,482,389.00	1,884,600.00	1,795,000.00	1,964,900.00	169,900.00
<b>Subtotal Operating Expense</b>	<b>7,013,184.53</b>	<b>8,062,655.00</b>	<b>8,542,500.00</b>	<b>8,459,279.00</b>	<b>9,421,879.00</b>	<b>962,600.00</b>
<b>Total Expense</b>	<b>8,095,888.98</b>	<b>9,311,355.00</b>	<b>9,637,300.00</b>	<b>9,650,179.00</b>	<b>10,405,679.00</b>	<b>755,500.00</b>
<b>Surplus/(Deficit) Before Allocation</b>	<b>5,032,175.73</b>	<b>3,789,712.00</b>	<b>3,858,520.00</b>	<b>4,010,921.00</b>	<b>6,153,934.00</b>	<b>2,143,013.00</b>
<b>Surplus/(Deficit) After Allocation</b>	<b>5,032,175.73</b>	<b>3,789,712.00</b>	<b>3,858,520.00</b>	<b>4,010,921.00</b>	<b>6,153,934.00</b>	<b>2,143,013.00</b>
Transfer to/ (from) Reserves	1,552,633.41	1,204,330.00	(479,988.72)	(479,988.72)	1,961,300.00	2,441,288.72
Transfer Between Funds	3,479,542.32	2,585,382.00	4,410,799.68	4,490,909.72	4,192,634.00	(298,275.72)
<b>Total Transfer</b>	<b>5,032,175.73</b>	<b>3,789,712.00</b>	<b>3,930,810.96</b>	<b>4,010,921.00</b>	<b>6,153,934.00</b>	<b>2,143,013.00</b>
<b>Surplus / (Deficit)</b>			<b>(\$72,290.96)</b>			

## Appendix B - Divisional Summary & Detail

Rates (Water, Wastewater, Storm Sewer) Divisional Detail

**City of Port Colborne  
2024 Operating Budget**

	<b>Water</b>					
	<b>2022</b>	<b>2022</b>	<b>2023</b>	<b>2023</b>	<b>2024</b>	<b>Variance</b>
	<b>Actual</b>	<b>Budget</b>	<b>Forecast</b>	<b>Budget</b>	<b>Proposed Budget</b>	<b>(2024 Budget - 2023 Budget)</b>
<b>Revenue</b>						
Other Revenue	\$45,306.03	\$85,000.00	\$6,000.00	\$45,000.00	\$6,000.00	(\$39,000.00)
Fees	457.57		3,000.00		3,000.00	3,000.00
Sales	7,688.35			100.00		(100.00)
Penalties and Interest	18,134.81	12,000.00	19,700.00	18,000.00	19,700.00	1,700.00
Rate Revenue - Variable	2,142,479.16	2,120,000.00	2,280,300.00	2,376,000.00	2,604,993.00	228,993.00
Rate Revenue - Fixed	2,547,530.56	2,540,000.00	2,750,920.00	2,743,200.00	3,305,420.00	562,220.00
<b>Total Revenue</b>	<b>4,761,596.48</b>	<b>4,757,000.00</b>	<b>5,059,920.00</b>	<b>5,182,300.00</b>	<b>5,939,113.00</b>	<b>756,813.00</b>
<b>Expense</b>						
<b>Personnel Expense</b>						
Salaries and Wages - Full Time	474,935.69	521,300.00	473,100.00	513,360.00	684,000.00	170,640.00
Salaries and Wages - Part Time		18,200.00				
Salaries and Wages - Students	6,338.09	9,200.00	12,000.00	14,400.00	26,000.00	11,600.00
Overtime Pay	11,786.62	24,800.00	8,500.00	10,800.00	14,200.00	3,400.00
Employee Benefits	156,417.77	175,800.00	163,300.00	175,980.00	259,600.00	83,620.00
<b>Subtotal Personnel Expense</b>	<b>649,478.17</b>	<b>749,300.00</b>	<b>656,900.00</b>	<b>714,540.00</b>	<b>983,800.00</b>	<b>269,260.00</b>
<b>Operating Expense</b>						
Association/Membership Fees	1,676.19	3,000.00	3,000.00	3,000.00	3,000.00	
Comm and Public Relations	691.97	10,000.00	10,000.00	10,500.00	5,000.00	(5,500.00)
Computer Software	13,555.97	13,400.00	20,700.00	20,700.00	20,000.00	(700.00)
Contract Services	158,375.13	170,760.00	176,500.00	176,500.00	176,500.00	
Cost of Goods Sold	7,156.61		30,000.00	10,000.00	10,000.00	
PAP / Online Incentives	6,437.50	20,000.00	4,000.00	7,000.00	4,000.00	(3,000.00)
Equipment - Purchase	13,737.34	17,300.00	25,000.00	17,300.00	20,000.00	2,700.00
Equipment - Rental	2,730.59					
Grants and Sponsorship Expense	5,000.00	25,000.00	10,000.00		50,000.00	50,000.00
Hospitality Expense	1,265.38		4,400.00	1,000.00	1,000.00	
Office Supplies	3,566.07	13,750.00	25,000.00		2,600.00	2,600.00
Postage & Courier	30,935.00	26,000.00	26,000.00		26,000.00	26,000.00

	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
Protective & Uniform Clothing	4,785.65	6,000.00	3,000.00	6,000.00	3,000.00	(3,000.00)
R&M - Consumables and Parts	88,415.77	104,500.00	105,000.00	105,000.00	105,000.00	
Staff Training & Development	23,230.66	18,400.00	14,500.00	20,000.00	14,500.00	(5,500.00)
SME - Consultants	4,463.40	34,000.00	35,000.00	35,000.00	35,000.00	
Subscriptions and Publications			300.00			
Telephone/Internet	5,550.49	8,800.00	3,800.00	7,500.00	7,200.00	(300.00)
Travel	1,064.57	1,800.00	7,300.00	1,800.00	7,300.00	5,500.00
Utilities - Hydro	3,289.42	2,600.00	3,900.00	3,250.00	4,400.00	1,150.00
Reassessment/Uncollectable	3,594.84					
Region Rate - Fixed	558,480.00	558,477.00	570,400.00	603,200.00	608,000.00	4,800.00
Region Rate - Variable	1,614,059.88	1,482,389.00	1,884,600.00	1,795,000.00	1,964,900.00	169,900.00
<b>Subtotal Operating Expense</b>	<b>2,552,062.43</b>	<b>2,516,176.00</b>	<b>2,962,400.00</b>	<b>2,822,750.00</b>	<b>3,067,400.00</b>	<b>244,650.00</b>
<b>Total Expense</b>	<b>3,201,540.60</b>	<b>3,265,476.00</b>	<b>3,619,300.00</b>	<b>3,537,290.00</b>	<b>4,051,200.00</b>	<b>513,910.00</b>
<b>Surplus/(Deficit) Before Allocation</b>	<b>1,560,055.88</b>	<b>1,491,524.00</b>	<b>1,440,620.00</b>	<b>1,645,010.00</b>	<b>1,887,913.00</b>	<b>242,903.00</b>
Allocations: Within Departments					(393,900.00)	(393,900.00)
<b>Surplus/(Deficit) After Allocation</b>	<b>1,560,055.88</b>	<b>1,491,524.00</b>	<b>1,440,620.00</b>	<b>1,645,010.00</b>	<b>2,281,813.00</b>	<b>636,803.00</b>
Transfer to/ (from) Reserves	462,537.12	400,195.00	79,564.21	79,564.21	693,300.00	613,735.79
Transfer Between Funds	1,097,518.76	1,091,329.00	1,545,931.96	1,565,445.79	1,588,513.00	23,067.21
<b>Total Transfer</b>	<b>1,560,055.88</b>	<b>1,491,524.00</b>	<b>1,625,496.17</b>	<b>1,645,010.00</b>	<b>2,281,813.00</b>	<b>636,803.00</b>
<b>Surplus / (Deficit)</b>			<b>(\$184,876.17)</b>			

**City of Port Colborne**  
**2024 Operating Budget**

**Wastewater**

	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
<b>Revenue</b>						
Other Revenue			\$400.00			
Fees	746.19		6,000.00	700.00	700.00	
Grants - Other	51,152.43		63,700.00			
Penalties and Interest	30,210.41	14,000.00	19,700.00	30,400.00	30,700.00	300.00
Rate Revenue - Variable	632,371.28	623,067.00	457,500.00	640,000.00	698,400.00	58,400.00
Rate Revenue - Fixed	6,345,888.17	6,300,000.00	6,505,700.00	6,370,000.00	7,955,900.00	1,585,900.00
<b>Total Revenue</b>	<b>7,060,368.48</b>	<b>6,937,067.00</b>	<b>7,053,000.00</b>	<b>7,041,100.00</b>	<b>8,685,700.00</b>	<b>1,644,600.00</b>
<b>Expense</b>						
<b>Personnel Expense</b>						
Salaries and Wages - Full Time	237,467.84	260,600.00	236,520.00	256,680.00		(256,680.00)
Salaries and Wages - Part Time		9,100.00				
Salaries and Wages - Students	3,169.04	4,600.00	6,000.00	7,200.00		(7,200.00)
Overtime Pay	5,893.31	12,400.00	4,300.00	5,400.00		(5,400.00)
Employee Benefits	78,208.89	87,900.00	81,630.00	87,990.00		(87,990.00)
<b>Subtotal Personnel Expense</b>	<b>324,739.08</b>	<b>374,600.00</b>	<b>328,450.00</b>	<b>357,270.00</b>		<b>(357,270.00)</b>
<b>Operating Expense</b>						
Association/Membership Fees	2,208.52	3,000.00	3,000.00	3,000.00	3,000.00	
Comm and Public Relations	113.63	10,000.00	10,000.00	10,000.00	5,000.00	(5,000.00)
Computer Software	3,968.64	5,000.00	19,000.00	19,000.00	20,000.00	1,000.00
Contract Services	70,276.03	187,550.00	200,000.00	276,000.00	200,000.00	(76,000.00)
PAP / Online Incentives	6,437.50	20,000.00	4,000.00	7,000.00	4,000.00	(3,000.00)
GIS Credit	30,093.32	35,000.00	35,000.00	35,000.00	35,000.00	
Equipment - Purchase	3,357.06	13,500.00	20,000.00	15,000.00	20,000.00	5,000.00
Equipment - Rental	3,469.51			1,000.00		(1,000.00)
Grants and Sponsorship Expense	2,000.00	25,000.00	10,000.00	50,000.00	50,000.00	
Office Supplies	3,546.31	13,750.00	2,600.00	3,000.00	2,600.00	(400.00)
Postage & Courier	30,856.06	26,000.00	26,000.00	28,500.00	26,000.00	(2,500.00)
Protective & Uniform Clothing	4,636.85	4,000.00	3,000.00	4,000.00	3,000.00	(1,000.00)

	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
R&M - Consumables and Parts	2,773.51	45,100.00	20,000.00	19,750.00	20,000.00	250.00
Staff Training & Development	6,283.54	7,200.00	1,500.00	8,000.00		(8,000.00)
SME - Consultants		25,000.00	25,000.00	25,000.00	25,000.00	
Subscriptions and Publications			4,300.00			
Travel		1,400.00	1,000.00	1,400.00		(1,400.00)
Utilities - Hydro	13,585.16	22,000.00	18,500.00	22,000.00	20,400.00	(1,600.00)
Region Rate - Fixed	4,209,067.10	4,920,879.00	5,052,600.00	4,920,879.00	5,797,279.00	876,400.00
<b>Subtotal Operating Expense</b>	<b>4,392,672.74</b>	<b>5,364,379.00</b>	<b>5,455,500.00</b>	<b>5,448,529.00</b>	<b>6,231,279.00</b>	<b>782,750.00</b>
<b>Total Expense</b>	<b>4,717,411.82</b>	<b>5,738,979.00</b>	<b>5,783,950.00</b>	<b>5,805,799.00</b>	<b>6,231,279.00</b>	<b>425,480.00</b>
<b>Surplus/(Deficit) Before Allocation</b>	<b>2,342,956.66</b>	<b>1,198,088.00</b>	<b>1,269,050.00</b>	<b>1,235,301.00</b>	<b>2,454,421.00</b>	<b>1,219,120.00</b>
Allocations: Within Departments					356,025.00	356,025.00
<b>Surplus/(Deficit) After Allocation</b>	<b>2,342,956.66</b>	<b>1,198,088.00</b>	<b>1,269,050.00</b>	<b>1,235,301.00</b>	<b>2,098,396.00</b>	<b>863,095.00</b>
Transfer to/ (from) Reserves	763,093.33	413,191.00	(145,046.01)	(145,046.01)	384,000.00	529,046.01
Transfer Between Funds	1,579,863.33	784,897.00	1,344,411.96	1,380,347.01	1,714,396.00	334,048.99
<b>Total Transfer</b>	<b>2,342,956.66</b>	<b>1,198,088.00</b>	<b>1,199,365.95</b>	<b>1,235,301.00</b>	<b>2,098,396.00</b>	<b>863,095.00</b>
<b>Surplus / (Deficit)</b>			<b>\$69,684.05</b>			

**City of Port Colborne**  
**2024 Operating Budget**

	<b>Storm Sewer</b>					
	<b>2022</b>	<b>2022</b>	<b>2023</b>	<b>2023</b>	<b>2024</b>	<b>Variance</b>
	<b>Actual</b>	<b>Budget</b>	<b>Forecast</b>	<b>Budget</b>	<b>Proposed Budget</b>	<b>(2024 Budget - 2023 Budget)</b>
<b>Revenue</b>						
Fees	\$120.00		\$700.00			
Rate Revenue - Fixed	1,305,979.75	1,407,000.00	1,382,200.00	1,437,700.00	1,934,800.00	497,100.00
<b>Total Revenue</b>	<b>1,306,099.75</b>	<b>1,407,000.00</b>	<b>1,382,900.00</b>	<b>1,437,700.00</b>	<b>1,934,800.00</b>	<b>497,100.00</b>
<b>Expense</b>						
<b>Personnel Expense</b>						
Salaries and Wages - Full Time	79,155.95	86,900.00	78,840.00	85,560.00		(85,560.00)
Salaries and Wages - Part Time		3,000.00				
Salaries and Wages - Students	1,056.35	1,500.00	2,000.00	2,400.00		(2,400.00)
Overtime Pay	1,964.44	4,100.00	1,400.00	1,800.00		(1,800.00)
Employee Benefits	26,310.46	29,300.00	27,210.00	29,330.00		(29,330.00)
<b>Subtotal Personnel Expense</b>	<b>108,487.20</b>	<b>124,800.00</b>	<b>109,450.00</b>	<b>119,090.00</b>		<b>(119,090.00)</b>
<b>Operating Expense</b>						
Contract Services	47,763.92	137,700.00	80,000.00	38,000.00	80,000.00	42,000.00
Equipment - Purchase	2,875.74		2,000.00			
Equipment - Rental	11,880.36	18,000.00	2,000.00	32,000.00	2,000.00	(30,000.00)
R&M - Consumables and Parts	2,892.47	8,500.00	15,000.00	10,000.00	15,000.00	5,000.00
SME - Consultants			20,000.00	100,000.00	20,000.00	(80,000.00)
Utilities - Hydro	6,574.57	6,000.00	4,600.00	5,000.00	5,100.00	100.00
Utilities - Water	1,120.51	900.00	1,000.00	1,100.00	1,100.00	
City Owned Property Tax Charges	(6,762.35)	11,000.00		1,900.00		(1,900.00)
City Owned Property Drainage Charges	2,104.14					
<b>Subtotal Operating Expense</b>	<b>68,449.36</b>	<b>182,100.00</b>	<b>124,600.00</b>	<b>188,000.00</b>	<b>123,200.00</b>	<b>(64,800.00)</b>
<b>Total Expense</b>	<b>176,936.56</b>	<b>306,900.00</b>	<b>234,050.00</b>	<b>307,090.00</b>	<b>123,200.00</b>	<b>(183,890.00)</b>
<b>Surplus/(Deficit) Before Allocation</b>	<b>1,129,163.19</b>	<b>1,100,100.00</b>	<b>1,148,850.00</b>	<b>1,130,610.00</b>	<b>1,811,600.00</b>	<b>680,990.00</b>

	2022	2022	2023	2023	2024	Variance
	Actual	Budget	Forecast	Budget	Proposed Budget	(2024 Budget - 2023 Budget)
Allocations: Within Departments					37,875.00	37,875.00
<b>Surplus/(Deficit) After Allocation</b>	<b>1,129,163.19</b>	<b>1,100,100.00</b>	<b>1,148,850.00</b>	<b>1,130,610.00</b>	<b>1,773,725.00</b>	<b>643,115.00</b>
Transfer to/ (from) Reserves	327,002.96	390,944.00	(414,506.92)	(414,506.92)	884,000.00	1,298,506.92
Transfer Between Funds	802,160.23	709,156.00	1,520,455.76	1,545,116.92	889,725.00	(655,391.92)
<b>Total Transfer</b>	<b>1,129,163.19</b>	<b>1,100,100.00</b>	<b>1,105,948.84</b>	<b>1,130,610.00</b>	<b>1,773,725.00</b>	<b>643,115.00</b>
<b>Surplus / (Deficit)</b>	<b>\$42,901.16</b>					



## Appendix C - Divisional Multi-Year Budgets

Appendix C - Summary - Five Year Combined Water and Wastewater Budgets

	2020	2020	2021	2021	2022	2022	2023	2023	2024	\$	%
	Actual	Budget	Actual	Budget	Actual	Budget	Forecast	Budget	Budget	Y/Y Budget Change	
Penalties and other fees	58,079	69,100	182,676	72,998	153,696	111,000	118,500	94,200	60,100	(34,100)	(36.2%)
Variable	3,916,398	5,159,839	3,163,050	4,336,213	2,774,850	2,743,067	2,737,800	3,016,000	3,303,393	287,393	9.5%
Fixed	6,170,969	5,939,314	8,192,267	7,091,895	8,893,419	8,840,000	9,256,620	9,113,200	11,261,320	2,148,120	23.6%
Total Revenue	10,145,446	11,168,253	11,537,993	11,501,106	11,821,965	11,694,067	12,112,920	12,223,400	14,624,813	2,401,413	19.65%
Fixed vs. Variable	61%	54%	72%	62%	76%	76%	77%	75%	77%		
Niagara Region	6,655,617	6,974,499	6,279,293	7,017,840	6,381,607	6,961,745	7,507,600	7,319,079	8,370,179	1,051,100	14.4%
Personnel costs	649,699	1,144,524	916,431	1,122,700	974,217	1,123,900	985,350	1,071,810	945,925	(125,885)	(11.7%)
Operations	1,597,248	1,327,081	1,542,997	1,524,310	1,484,384	1,838,810	1,974,618	2,071,967	2,345,909	273,942	13.2%
Capital	1,054,792	1,054,792	600,000	600,000	1,391,497	591,597	1,461,700	1,461,700	870,700	(591,000)	(40.4%)
Borrowing costs	364,242	364,299	364,392	364,300	364,629	364,629	364,326	364,326	1,014,800	650,474	178.5%
Reserve transfers	(176,153)	303,058	1,834,880	871,956	1,225,630	813,386	(65,482)	(65,482)	1,077,300	1,142,782	(1745.2%)
*Total Expenses	10,145,445	11,168,253	11,537,993	11,501,106	11,821,965	11,694,067	12,228,112	12,223,400	14,624,813	2,401,413	19.65%
Surplus / (Deficit)	0	-	-	-	-	-	(115,192)	-	-	-	-
Revenue Budget to Actual / Forecast	(1,022,807)		36,887		127,898		(110,480)				
Niagara Region	65.6%	62.4%	54.4%	61.0%	54.0%	59.5%	61.4%	59.9%	57.2%		
Capital & Reserves	8.7%	12.2%	21.1%	12.8%	22.1%	12.0%	11.4%	11.4%	13.3%		
% of Total Revenue	74.3%	74.6%	75.5%	73.8%	76.1%	71.5%	72.8%	71.3%	70.6%		

\*Some expense categories have been re-classed in this schedule to match prior years' reporting.

Appendix C - Summary - Five Year Water Budgets

	2020	2020	2021	2021	2022	2022	2023	2023	2024	\$	%
	Actual	Budget	Actual	Budget	Actual	Budget	Forecast	Budget	Budget	Y/Y Budget Change	
Penalties and other fees	43,773	49,600	118,714	39,998	71,587	97,000	28,700	63,100	28,700	(34,400)	(54.5%)
Variable	2,192,600	2,600,201	2,140,479	2,128,931	2,142,479	2,120,000	2,280,300	2,376,000	2,604,993	228,993	9.6%
Fixed	2,649,521	2,530,023	2,568,152	2,572,569	2,547,531	2,540,000	2,750,920	2,743,200	3,305,420	562,220	20.5%
Total Revenue	4,885,893	5,179,824	4,827,345	4,741,498	4,761,596	4,757,000	5,059,920	5,182,300	5,939,113	756,813	14.60%
Fixed vs. Variable	55%	49%	55%	55%	54%	55%	55%	54%	56%		
Niagara Region	2,124,086	2,430,382	2,013,547	2,212,840	2,172,540	2,040,866	2,455,000	2,398,200	2,572,900	174,700	7.3%
Personnel costs	540,705	790,145	610,954	561,350	649,478	749,300	656,900	714,540	589,900	(124,640)	(17.4%)
Operations	875,788	741,748	774,080	739,260	845,712	935,310	1,067,306	1,003,970	1,149,513	145,543	14.5%
Capital	509,219	509,219	200,000	250,000	266,700	266,700	621,700	621,700	568,700	(53,000)	(8.5%)
Borrowing costs	364,242	364,299	364,392	364,300	364,629	364,629	364,326	364,326	364,800	474	0.1%
Reserve transfers	471,853	344,031	864,372	613,748	462,537	400,195	79,564	79,564	693,300	613,736	771.4%
*Total Expenses	4,885,893	5,179,824	4,827,345	4,741,498	4,761,596	4,757,000	5,244,796	5,182,300	5,939,113	756,813	14.60%
Surplus / (Deficit)	-	-	-	-	-	-	(184,876)	-	-	-	-
Revenue Budget to Actual / Forecast	(293,931)		85,847		4,596		(122,380)				
Niagara Region	43.5%	46.9%	41.7%	46.7%	45.6%	42.9%	46.8%	46.3%	43.3%		
Capital & Reserves	20.1%	16.5%	22.0%	18.2%	15.3%	14.0%	13.4%	13.5%	21.2%		
% of Total Revenue	63.6%	63.4%	63.8%	64.9%	60.9%	56.9%	60.2%	59.8%	64.6%		

\*Some expense categories have been re-classed in this schedule to match prior years' reporting.

Appendix C - Summary - Five Year Wastewater Budgets

	2020	2020	2021	2021	2022	2022	2023	2023	2024	\$	%
	Actual	Budget	Actual	Budget	Actual	Budget	Forecast	Budget	Budget	Y/Y Budget Change	
Penalties and other fees	14,306	19,500	63,962	33,000	82,109	14,000	89,800	31,100	31,400	300	1.0%
Variable	1,723,798	2,559,638	1,022,571	2,207,282	632,371	623,067	457,500	640,000	698,400	58,400	9.1%
Fixed	3,521,448	3,409,291	5,624,115	4,519,326	6,345,888	6,300,000	6,505,700	6,370,000	7,955,900	1,585,900	24.9%
Total Revenue	5,259,552	5,988,429	6,710,648	6,759,608	7,060,368	6,937,067	7,053,000	7,041,100	8,685,700	1,644,600	23.36%
Fixed vs. Variable	67%	57%	85%	67%	91%	91%	93%	91%	92%		
Niagara Region	4,531,531	4,544,117	4,265,746	4,805,000	4,209,067	4,920,879	5,052,600	4,920,879	5,797,279	876,400	17.8%
Personnel costs	108,994	354,379	305,477	561,350	324,739	374,600	328,450	357,270	356,025	(1,245)	(0.3%)
Operations	721,460	585,333	768,917	785,050	638,672	903,500	907,312	1,067,997	1,196,396	128,399	12.0%
Capital	545,573	545,573	400,000	350,000	1,124,797	324,897	840,000	840,000	302,000	(538,000)	(64.0%)
Borrowing costs	-	-	-	-	-	-	-	-	650,000	650,000	
Reserve transfers	(648,006)	(40,973)	970,508	258,208	763,093	413,191	(145,046)	(145,046)	384,000	529,046	(364.7%)
*Total Expenses	5,259,552	5,988,429	6,710,648	6,759,608	7,060,368	6,937,067	6,983,316	7,041,100	8,685,700	1,644,600	23.36%
Surplus / (Deficit)	0	-	-	-	-	-	69,684	-	-	-	
Revenue Budget to Actual / Forecast	(728,877)		(48,960)		123,301						
Niagara Region	86.2%	75.9%	63.6%	71.1%	59.6%	70.9%	72.4%	69.9%	66.7%		
Capital & Reserves	(1.9%)	8.4%	20.4%	9.0%	26.7%	10.6%	10.0%	9.9%	7.9%		
% of Total Revenue	84.2%	84.3%	84.0%	80.1%	86.4%	81.6%	82.3%	79.8%	74.6%		

\*Some expense categories have been re-classed in this schedule to match prior years' reporting.

Appendix C - Summary - Four Year Storm Sewer Budgets

	2020	2020	2021	2021	2022	2022	2023	2023	2024
	Actual	Budget	Actual	Budget	Actual	Budget	Foercast	Budget	Budget
Installation service fee	(276)	5,000	-	-	120	-	700	-	
Rate fees	766,976	770,279	693,086	854,720	1,305,980	1,407,000	1,382,200	1,437,700	1,934,800
Total Revenue	766,700	775,279	693,086	854,720	1,306,100	1,407,000	1,382,900	1,437,700	1,934,800
Personnel costs	-	-	101,826	-	108,487	124,800	109,450	119,090	37,875
Operations	279,204	248,181	156,948	252,870	128,578	250,100	263,901	351,962	455,725
Capital	39,998	-	23,724	23,724	210,876	110,000	850,000	850,000	26,000
Borrowing costs	309,823	299,819	531,156	535,819	531,156	531,156	531,155	531,155	531,200
Reserve transfers	137,675	227,279	(120,567)	42,307	327,003	390,944	(414,507)	(414,507)	884,000
*Total Expenses	766,700	775,279	693,086	854,720	1,306,100	1,407,000	1,339,999	1,437,700	1,934,800
Surplus / (Deficit)	-	-	-	-	-	-	42,901	-	-

\*Some expense categories have been re-classed in this schedule to match prior years' reporting.

## Appendix D - Divisional Usage & Billing Metrics

## Appendix D - Water and Wastewater Usage and Billing Metrics

	2019	2020	2021	2022	2023
	Actual	Actual	Actual	Actual	Forecast
<b>Water (M³)</b>					
Water purchase from Region (Actual)	2,656,040	2,541,330	2,335,980	2,537,830	2,822,400
Water purchase from Region (3 year average for budget)	3,023,863	3,037,000	2,873,000	2,541,000	2,465,000
Water of Region Total (3 year average for Budget purposes)	58,130,000	57,148,000	56,860,000	55,183,000	55,240,000
Port Colborne %	5.20%	5.31%	5.05%	4.60%	4.46%
<b>Wastewater (M³)</b>					
Wastewater to Region (Actual)	4,846,000	4,126,341	3,698,000	3,702,000	4,330,690
Wastewater to Region (Budget basis - 3 Year Average - Oct 31 Ending)	3,944,000	4,480,000	4,590,000	4,232,000	4,590,000
Wastewater of Region Total (Budget basis - 3 Year Average - Oct 31 Ending)	70,306,000	75,938,000	75,218,000	70,681,000	75,218,000
Port Colborne %	5.61%	5.90%	6.10%	5.99%	6.10%
<b>Billing (M³)</b>					
Water bill	1,632,548	1,629,458	1,607,686	1,623,262	1,598,479
Water billed vs. Water Purchased (Goal 85%)	61.47%	64.12%	68.82%	63.96%	56.64%
<b>Additional Data</b>					
Lake Level (Avg. cm above datum)	134.0	140.0	117.0	98.0	98.0 (to June)
Precipitation (MM)	1,078.3	830.0	939.0	839.0	763.0 (to September)

**Subject: 2024 Rates Setting**

**To: Committee of the Whole - Budget**

**From: Corporate Services Department**

Report Number: 2023-165

Meeting Date: November 22, 2023

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**Recommendation:**

That Corporate Services Report 2023-165, **BE RECEIVED**;

That the 2024 Water and Wastewater Rates as outlined in Corporate Services Department Report 2023-165, **BE APPROVED**; and

That the 2024 Storm Sewer Rates as outlined in Corporate Services Department 2023-165, **BE APPROVED**; and

That the by-law attached as Appendix A of Corporate **BE APPROVED**.

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**Purpose:**

The purpose of this report is to present the proposed 2024 water, wastewater, and storm sewer rates to the Budget Committee of the Whole.

A separate report has been prepared and presented to the Committee of the Whole – Budget entitled, 2024 Rates Budget Report 2023-164, to establish water, wastewater, and storm sewer budgets.

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**Background:**

The City of Port Colborne (the “City”) water and wastewater system is operated under a two-tier municipal governance model. The Niagara Region is responsible for cleaning and providing drinking water and treating all wastewater. The City is responsible for water distribution and wastewater collection. The City is also responsible for billing, retains all collection risk and, except for some shared volume risk with water, is responsible for the risk associated with volume under or over usage from budget.



The Niagara Region bills the municipality for all water that leaves their water plant and for all wastewater that enters the treatment plant. As noted in the report, 2024 Rate Budgets, Report 2023-164, water billed in 2023 is projected at 56.6% suggesting a 43.4% water loss rate. Directionally this figure should be closer to 15%. In the same report it can be identified the amount of wastewater that is sent to the Niagara Region treatment plants is approximately 2.7 times the amount of clean drinking water metered. These figures identify the current linear assets (the pipes) transporting water and wastewater are in need of significant investment. The Niagara Region charge, water loss and inflow and infiltration (I&I), coupled with the capital investment required, are the most significant drivers of the water and wastewater rates within the City.

The City storm sewers alleviate storm water from the City. An effective storm sewer system can help reduce inflow and infiltration (I&I) in the wastewater system.

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## Discussion:

The 2024 Rates Budget, Report 2023-164 translates into the following impacts on rates.

### Rate Budget Impact

#### Water and Wastewater

If the proposed 2024 Rates Budget and 2024 Rates Setting reports are approved as presented, the water and wastewater impact to a single-family property use 188 m3 of water will be:

	\$ Change	% Change
<b>Water</b>	\$81.05 per year	12%
<b>Wastewater</b>	\$120.29 per year	12%
<b>Blended/Combined</b>	\$201.34 per year	12%
	\$16.78 per month	

This increase is required to offset the Niagara Region anticipated water and wastewater increases as presented at the Niagara Region's Budget Review Committee of the Whole – November 16, 2023 and to fund City of Port Colborne capital projects to reduce water loss and inflow and infiltration (I&I). Reduced water loss and I&I would result in lower charges from the Niagara Region, all things being equal.

#### Storm Sewer

If the proposed 2024 Rates Budget is approved as presented, the storm sewer impact to a single-family property is \$55.90 per year or \$4.66 per month which represents a 40% increase over the prior year.

This increase is part of the approved Disaster Mitigation Adaptation Fund (DMAF) grant application (Report 2023-39) to address storm sewer outlet protection, outlet pumping, and sump pump drains in storm sewer districts 6, 7, and 13 which are at highest risk of storm seiche events.

## Water and Wastewater

As identified during the 2024 Rates Budget, a 12% increase to the 2024 Water Rates was forecasted and has been recommended in this report. The chart below shows the proposed rates for 2024:

Variable			
			Rate per m3
Water (all meter types)			1.5814
Wastewater (5/8 to 3/4 residential meters)			0.0000
Wastewater (all non-5/8 to 3/4 residential meter types)			2.1123
			3.6937
Fixed			
Meter	Water	Wastewater	Combined
Residential properties with 2 or less units [19 mm (3/4") or smaller]	\$ 459.31	\$ 1,122.67	\$ 1,581.97
Residential properties with 3 or more units	\$ 229.65 per unit	\$ 561.33 per unit	\$ 790.98 per unit
N 5/8 to 3/4 - Non-Residential	\$459.31	\$826.59	\$ 1,285.90
N 1	\$ 643.02	\$ 1,157.23	\$ 1,800.25
N 1 1/2	\$ 826.75	\$ 1,487.85	\$ 2,314.60
N 2	\$ 1,331.99	\$ 2,397.11	\$ 3,729.10
N 3	\$ 5,052.35	\$ 9,092.48	\$ 14,144.84
N 4	\$ 6,430.27	\$ 11,572.24	\$ 18,002.51
N 6	\$ 9,645.41	\$ 17,358.38	\$ 27,003.79
N 8	\$ 13,319.85	\$ 23,971.08	\$ 37,290.93
N 10	\$ 18,372.20	\$ 33,063.56	\$ 51,435.77

The rates above will result in the average residential user using 188 cubic meters of water per year paying \$156.61 per month.

While the 2024 rates of other local area municipalities are not available at the time of writing this report, the chart below breaks down the 2023 monthly charge between water and wastewater:

	City of Port Colborne (Proposed 2024)	Local Area Municipality Average (2023)
<b>Water</b>	\$63.05	\$45.66
<b>Wastewater</b>	\$93.56	\$59.88
<b>Total</b>	\$156.61	\$105.54

The monthly charge for wastewater in 2024 is approximately 88% (93.56/105.54) of the combined water and wastewater charge for the average local area municipality.

The primary reason for this is the inflow and infiltration in the wastewater system. The City is built on rock, on a water table and along the lake and canal. While the City is planning improvements and expansions of the storm sewer system, a significant portion of the City does not have a designed storm sewer. When there is a weather event the wastewater system captures a significant amount of that water and sends it to the Niagara Region wastewater treatment plant to be cleaned. A salient fact is for every 1 litre of clean water individuals and business use in the City, the wastewater system collects and sends back to the Niagara Region 2.7 litres to be treated. The Niagara Region bills local area municipalities for treating that wastewater by taking the Niagara Region's total cost for the whole wastewater system and allocating those costs to each local area municipality based on the amount of wastewater each local area municipality sends to the Niagara Region treatment plants.

In 2023, the City of Port Colborne three-year average wastewater flow to Niagara Region wastewater facilities was 6.1% of all local area municipality wastewater flows. This is despite the fact the 2021 census shows that the City of Port Colborne has only 4.1% of the Niagara Region population. In making this comparison staff recognize not all individuals within the City and other cities within the Niagara Region are water and wastewater users. This comparison also does not factor in the impacts of different commercial and industrial activities within different cities. The comparison does directionally indicate the City's portion of Niagara Region wastewater charges are high compared to other municipalities. As identified in the 2024 Rates Budget report, the Niagara Region portion of the wastewater bill represents 66.7% of the total wastewater charge.

In response to the inflow and infiltration experienced in the wastewater system this budget, as highlighted in the Rates Budget, includes:

- \$10 million in wastewater lateral lining (1/3 the City)
- \$32 million Disaster Mitigation Adaptation Fund (DMAF) Grant Application to address storm sewer outlet protection, outlet pumping, and sump pump drains in

storm sewer districts 6, 7, and 13 which are at highest risk of storm seiche events.

The City's Infrastructure Needs Study (INS) that is in the completion phase will provide recommendations for reconstruction and upgrade the wastewater system.

In addition to upgrading the infrastructure, growth within the City of Port Colborne, whether it be residential, commercial, or industrial, can also be very impactful as it shares the cost of the system over more users.

## **Storm Sewer**

As identified during the 2024 Rates Budget and 2024 Capital and Related Project budget process a storm sewer charge increase was proposed. The increase is to fund the DMAF Grant Application work. The proposed increase of 40% on a single-family property is \$55.90 per year or \$4.66 per month.

The proposed rates maintain the same multipliers for calculating the storm sewer fee on properties in the storm sewer boundary as the prior year except with respect to multi-residential houses where it is recommended the City moves to a per unit charge where there is 3 or more units. A similar approach was approved by Council on June 27, 2023, with respect to water and wastewater. This approach replaces the grouping of multi-residential properties into grouping of units. The discount applied to multi-residential properties when these multipliers were established is recommended to be maintained. That discount is 10%. This change will result in a savings that will vary by property from what otherwise would have been paid for multi-residential properties with under 20 units.

In the case of multi-residential properties with one property tax bill, the property owner will receive one consolidated fee. This process will be the same as 2023 and prior. The only difference is the fee will be based on the rate times the number of units where in 2023 it was based on the multi-residential grouping the multi-residential property was classified in.

In the case of multi-residential properties where each unit receives a tax bill (ie. condos) there will be no change in their storm sewer fee calculation or billing process from 2023.

Proposed Storm Sewer fees are as follows:

Bylaw Code	Property Type	Multiplier		Flat Fee Per Year (\$)	
		2023	2024	2023	2024
SS01	Single Family Properties	1	1	\$ 139.76	NA
SS01	Residential properties with 2 or less units	NA	1	NA	\$195.66
SS02	Residential properties with 3 or more units (including condo's)	NA	90% SS01 per unit	NA	\$176.09
<del>SS02</del>	<del>Multi-Residential 2 to 5 Units</del>	<del>5</del>	<del>5</del>	<del>\$ 698.78</del>	<del>NA</del>
<del>SS03</del>	<del>Multi-Residential 6 to 10 Units</del>	<del>10</del>	<del>10</del>	<del>\$1,397.55</del>	<del>NA</del>
<del>SS05</del>	<del>Institutional/Multi-Res &gt; 10 units</del>	<del>20</del>	<del>20</del>	<del>\$2,795.10</del>	<del>NA</del>
<del>SS05A</del>	<del>112 Charlotte St Condo 23 units</del>	<del>90% SS01</del>	<del>90% SS01</del>	<del>\$ 125.78</del>	<del>NA</del>
<del>SS05B</del>	<del>112 Sugarloaf St Condo 22 Units</del>	<del>90% SS01</del>	<del>90% SS01</del>	<del>\$ 125.78</del>	<del>NA</del>
<del>SS05C</del>	<del>72 Main St E Condo 31 Units</del>	<del>90% SS01</del>	<del>90% SS01</del>	<del>\$ 125.78</del>	<del>NA</del>
SS06	Small Commercial	5	5	\$ 698.78	\$ 978.29
SS07	Medium Commercial	10	10	\$1,397.55	\$1,956.57
SS08	Large Commercial	20	20	\$2,795.10	\$3,913.14
SS09	Light Industrial	10	10	\$1,397.55	\$1,956.57
SS10	Heavy Industrial	40	40	\$5,590.20	\$7,826.28
SS12	CNPI Owned	20	20	\$2,795.10	\$3,913.14
SS13	Hydro One Owned	20	20	\$2,795.10	\$3,913.14
SS15	Niagara Region	20	20	\$2,795.10	\$3,913.14

To simplify storm sewer billing moving forward, it is recommended that properties that do not receive a property tax bill, but are within the storm sewer fee boundry, receive their storm sewer charge on their water and wastewater bill on an amortized basis over 12 months.

## Looking Forward

As identified on many occasions, “everyday is budget day” in a municipality. Corporate Services continues to identify continuous improvement is a process. Looking forward to 2024, staff identify the following activities, in addition to those identified during the 2024

Levy and Rates Budget processes, that will help determine the financial outcomes of the City going into the 2025 budget process:

- Review the storm sewer boundary in-light of recent and planned growth within the City.
- Continue the review of properties with significant and specified water, wastewater, and storm sewer usage and discharge rights and associated fees regarding those rights.

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### **Internal Consultations:**

As stated, Financial Services would like to thank Public Works for their leadership and support in setting the 2024 water, wastewater, and storm sewer rates.

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### **Financial Implications:**

Financial Services identifies the proposed 2024 water, wastewater, and storm sewer rates are a staff recommendation that Council can adjust, if required.

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### **Public Engagement:**

The 2024 Rates Setting report was published on the City's website on November 17, 2023, through the agenda process. The 2024 Rates Setting report will be considered by the Committee of the Whole – Budget on November 22, 2023. If approved by the Committee of the Whole – Budget, the 2024 Rates Setting report will be considered by Council on November 28, 2023.

Following the budget process, staff will continue to review service levels and operations. Should changes be requested or sought, staff will seek input and, where necessary, approval from Council.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
- Welcoming, Livable, Healthy Community
- Economic Prosperity

- Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

## **Conclusion:**

Staff recommend Council approve the 2024 water, wastewater, and storm sewer rates identified in this report.

The storm sewer rates will be updated by way of the 2024 Property Tax Rates by-law once tax policy decisions are finalized by the Niagara Region in early 2024.

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## **Appendices:**

- a. Draft By-Law – 2024 Water and Wastewater Rates

Respectfully submitted,

Bryan Boles, CPA, CA, MBA  
Director of Corporate Services/Treasurer  
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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Amend By-Law No. 3151/22/95, as Amended, Being a By-Law to Regulate the Supply of Water and to Provide for the Maintenance and Management of the Water Works and for the Imposition and Collection of Water Rates

and to

Amend By-Law No. 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates

Whereas at its meeting of November 28, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Corporate Services Department Report No. 2023-165, Subject: 2024 Rates Setting; and

Whereas Council resolved the following be effective January 1, 2024:

- Residential properties with 2 or less units [19 mm (3/4") or smaller]
  - Water usage rate be set at \$1.5814 per cubic meter
  - Water fixed service charge be set at \$459.31 per year per year
  - Wastewater fixed service charge be set at \$1,122.67 per year
- Residential properties with 3 or more units
  - Water usage rate be set at \$1.5814 per cubic meter
  - Water fixed service charge be set at \$229.65 per year, per unit
  - Wastewater fixed service charge be set at \$561.33 per year, per unit
- Any users that has or had approval to draw or remove water from the lake or canal.
  - Water usage rate be set at \$1.5814 per cubic meter of water usage
  - Wastewater usage rate be set at \$2.1123 per cubic meter of water usage. If metered wastewater usage is larger than metered water usage for the 12 months ending December 31, the difference, multiplied by 2.1123 per cubic meters will be added to the January water and wastewater bill.
  - Water fixed service charge be set at \$459.31 per year multiplied by meter factor
  - Wastewater fixed service charge be set at \$826.59 per year multiplied by meter factor
- All other users
  - Water usage rate be set at \$1.5814 per cubic meter of water usage
  - Wastewater usage rate be set at \$2.1123 per cubic meter of water usage
  - Water fixed service charge be set at \$459.31 per year multiplied by meter factor
  - Wastewater fixed service charge be set at \$826.59 per year multiplied by meter factor



Whereas any rate in this by-law is subject to change through future amendments, including rate changes due to, but not limited to future budget changes.

Whereas Council is desirous of amending By-Law 3151/22/95, as Amended, Being a By-Law for the Imposition and Collection of Water Rates and By-Law 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

- 1. That By-Law 3151/22/95, as Amended, Being a By-Law to Regulate the Supply of Water and to Provide for the Maintenance and Management of the Water Works and for the Imposition and Collection of Water Rates and By-Law 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates, be further amended by replacing Schedule "A" thereto with Schedule "A" hereto.
- 2. The usage and fixed rates established by this By-Law's all be effective January 1, 2024.
- 3. That by-law 7107/49/23 be repealed.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

Water and Wastewater Rates

1. Metered Consumption Rates

All users, including Residential, Institutional/ Commercial/ Industrial ("ICI") are subject to a metered consumption rate for water of \$1.5814 per cubic meter of water usage.

All users, with the exception of Residential properties, are subject to a metered consumption rate for wastewater of \$2.1123 per cubic meter of water usage.

If a user has or had the ability to draw or remove water from the lake or canal and metered wastewater usage is larger than metered water usage for the 12 months ending December 31, the difference, multiplied by 2.1123 per cubic meters will be added to the January water and wastewater bill.

There is no minimum charge per billing period.

2. Bulk Water Sales

The metered rate for bulk water sales is \$1.5814 per cubic meter.

The service charge is based on a 75mm (3") meter regardless of the actual meter used. The fixed service charge is \$5,052.35 per year.

3. Fixed Service Charge

Residential properties are subject to a fixed service charges as follows:

Meter Size	Meter Factor	Water	Wastewater
Residential properties with 2 or less units [19 mm (3/4") or smaller]	NA	\$ 459.31	\$ 1,122.67
Residential properties with 3 or more units	NA	\$ 229.65 per unit	\$ 561.33 per unit

All other users are subject to a fixed service charge based on user type or meter size:

Meter Size	Meter Factor	Water	Wastewater
19 mm (3/4") or smaller 1 - non-Residential	1	\$ 459.31	\$ 826.59
25 mm (1")	1.4	\$ 643.02	\$ 1,157.23
38 mm (1 1/2")	1.8	\$ 826.75	\$ 1,487.85
50 mm (2")	2.9	\$ 1,331.99	\$ 2,397.11
75 mm (3")	11.0	\$ 5,052.35	\$ 9,092.48
100 mm (4")	14.0	\$ 6,430.27	\$ 11,572.24
150 mm (6")	21.0	\$ 9,645.41	\$ 17,358.38
200 mm (8")	29.0	\$ 13,319.85	\$ 23,971.08
250 mm (10")	40.0	\$ 18,372.20	\$ 33,063.56

All developable vacant land directly abutting the water distribution and/or wastewater collection system will be charged the fixed service charge for water and wastewater through the property tax billing system unless the property is assessed undevelopable by the City's Planning department.

The fixed service charge applied to developable vacant land will be charged based on property classification as follows:

Property Type	Water	Wastewater
Residential	\$ 459.31	\$ 1,122.67
Commercial/Institutional	\$ 1,331.99	\$ 2,397.11
Industrial	\$ 5,052.35	\$ 9,092.48

It is not the intent of this bylaw for a property owner to have paid the developable vacant land fixed service charge on a property for the same time period as the regular fixed service charge for the same period. For any period of duplicate payment, which may occur due to time of billings as a property moves from undeveloped to developed, the City will refund the developable vacant land fixed service charge.

4. Flat Rate (Residential)

During any month where an accurate meter reading cannot be recorded, a Residential user account will be charged a monthly flat rate of \$126.00 for water and \$187.00 for wastewater will be charged.

Examples of when a meter reading cannot be recorded are as follows:

- where a service connection has been turned on at the property line but where no meter has been installed (water meter refusal);
- refusing to provide a meter reading and / or providing access to read a water meter or reading device;
- refusing to remove any obstruction to reading a meter or reading device;
- refusing to provide for meter or reading device repairs for accurate meter readings;
- the tampering with or alteration of the water meter or reading device and meter readings cannot be obtained.

Flat Rate (ICI)

During a period where an accurate meter reading cannot be recorded, an ICI user account will be charged a monthly flat rate for water and wastewater. The flat rate will be calculated as two (2) times the current fixed service charge per Section 3 (the fixed service charge will be dependent on meter size) above PLUS two (2) times the monthly average of the previous 12 months' available consumption at the metered consumption rates per Section 1 above.

Examples of when a meter reading cannot be recorded are the same as those outlined under "Residential" above.

5. Water for New Construction Rates

During periods of new construction where there is no water meter the following rates are charged:

- Residential properties are subject to a \$297.00 flat fee.
- ICI properties are subject to a \$594.00 flat fee.

Upon final inspection or once a water meter has been installed and is operational, rates are no longer subject to this section. Rates are to be charged based on Sections 1 to 4 above.

## 6. Administration Charges

- Issuing a water shut off tag shall be charged to the property owner at a fee of \$80.00;
- Water account inquiries will be provided at a fee of \$14.00;
- Reading of analog meters due to refusal to upgrade to RF meters will be provided at a fee of \$80.00 per scheduled reading date.
- Customer request to change out from an RF meter to an analog meter will be at the customer's expense to cover the actual cost of the new analog meter plus removal and installation costs.

## 7. User Charges

There are certain user charges with respect to water and wastewater that are included in the User Fee By-Law. These include such topics as water turn on / off and installation of water services.

User fees may be billed individually, included in a user's water and wastewater bill or charged and collected through a building permit.

## 8. Late Payment Fees

Payment terms to be a minimum of net 21 days.

Interest on water and wastewater accounts to begin accruing at one and one fourth (1 ¼) percent of the amount due and unpaid starting on the first day of default.

At the discretion of the Director, Corporate Services / Treasurer a payment can be backdated to the due date on any accounts receivable balance received within five business days of the due date provided a reasonable explanation for the late payment has been provided by the account holder.

The Director, Corporate Services / Treasurer is approved to move any unpaid water and wastewater balances to the property tax roll of the related property.

## 9. Billing Cycle

Identified and developable vacant land subject to the fixed service charge will be billed semi-annually on the property tax bill or through the supplemental tax billing system on a prorated basis.

The water for new construction charge will be billed and collected at the time of building permit before a building permit is issued.

All water and wastewater meter users will be billed monthly on a water and wastewater bill.

## 10. Exemptions from Billing for Wastewater costs

- Bulk water haulers accessing City bulk water facilities;
- Port Colborne Poultry Limited;
- Any property that does not directly abut any part of the wastewater system;
- Any other property that is covered by a separate By-Law enacted by Council.



**Subject: Final – Comprehensive Community Improvement Plan**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-239

Meeting Date: November 28, 2023

---

**Recommendation:**

That Development and Legislative Services Department Report 2023-239 be received; and

That City's new Comprehensive Community Improvement Plan (CIP) be adopted; and

That the by-law attached as Appendix B to Development and Legislative Services Department Report 2023-239, being a by-law to designate the Port Colborne Comprehensive Community Improvement Project Area and repeal By-laws 1847/112/86, 5239/145/08, 5526/123/10, 5722/153/11, 5822/76/12, and any amendments thereto, **BE APPROVED**; and

That the by-law attached as Appendix C to Development and Legislative Services Department Report 2023-239, being a by-law to Adopt the Port Colborne Comprehensive Community Improvement Plan, Repeal By-laws 5525/122/10, 5240/146/08, 5769/25/12, 5823/77/12 and any amendments thereto, **BE APPROVED**.

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**Purpose:**

The purpose of this report is to have Council formally adopt and approve a new Comprehensive Community Improvement Plan (CIP) for the City of Port Colborne.

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**Background:**

At the March 8, 2021, meeting, Council approved Report 2021-68 and a recommendation to retain a consultant to complete a comprehensive review of the City's Community Improvement Plans (CIPs). The City of Port Colborne has six CIPs, namely:

- Brownfield Community Improvement Plan
- Downtown Central Business District Community Improvement Plan
- East Waterfront Community Improvement Plan
- Industrial Community Improvement Plan
- Olde Humberstone Community Improvement Plan
- Niagara Gateway Economic Zone and Centre Community Improvement Plan

The incentive programs in these CIPs were developed by City staff and consultants several years ago based on Council direction to incentivize growth and development in designated community improvement project areas in the City. Part IV of the *Planning Act* outlines municipal authority for the implementation of CIPs and the City's Official Plan includes enabling policy for the preparation, adoption, and implementation of CIPs.

The comprehensive CIP review focused on the following:

- review current CIP programs, project area boundaries, and service delivery;
- review current best practices from other jurisdictions;
- consolidate the 6 CIPs and ensure program integration with the Region's new incentive programs policy;
- update the community improvement vision and goals to address emerging community improvement needs;
- streamline and revise the incentive programs to achieve the updated community improvement vision and goals, and further improve the effectiveness of the CIP programs;
- specify a monitoring program to better measure and track program effectiveness;
- recommendations for budgeting, resourcing, and marketing the CIP programs.

Since the fall of 2021, RCI Consulting and the City's Project Review Team (PRT) have been working together and have been focused on the following guiding principles when reviewing the CIP programs and discussing potential changes:

- ensuring Port Colborne has a competitive advantage in attracting investment;
- ensuring the updated incentive programs will be financially sustainable;
- clarity in program communications to support customer service excellence;
- simplicity in program guidelines and processes to create positive experiences for applicants;
- incorporation of innovative ideas and practices that help facilitate investment;
- forging strong partnerships to achieve public policy objectives and community economic development goals.

This new Comprehensive CIP will replace all the City's existing CIPs, except for the Gateway Economic Zone and Centre CIP, which will remain in place. The new Comprehensive CIP proposes enhanced and expanded financial incentive programs to promote various types of community improvement including commercial and mixed-use

building revitalization in the Downtown, Main Street, and East Waterfront areas, as well as affordable housing and brownfield redevelopment across the urban area of the City of Port Colborne.

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## **Discussion:**

The draft Comprehensive CIP document was included in Report 2023-191 and was summarized in a Power Point presentation by Luc Piccioni of RCI Consulting at the September 26, 2023, Council meeting. The draft document was also distributed to key commenting agencies as part of the Planning Division's normal circulation.

Staff from the Ministry of Municipal Affairs and Housing (MMAH) and Niagara Region's Planning Division provided comments. MMAH staff comments focused on the definition of affordability used in the draft document. A virtual meeting was held with MMAH and City staff, and the consultant. Following this meeting, "based on CMHC data" was added to Affordable Rental Housing definition in the draft CIP document.

The Region's comments were minor or more question oriented. They were seeking clarity on grant agreement wording, eligible costs for Brownfield Tax Incentive Grants (TIGs), and CIP project area boundaries.

At the September 26, 2023, Council meeting, Council expressed support for the draft CIP document and directed staff to modify the boundaries of the designated CIP project areas that would allow more properties to be eligible for CIP incentive programs. An in-depth review was undertaken by the consultant and the findings, along with potential boundary revisions, were discussed with City staff. These mapping revisions have been made by the City's Geographic Information System (GIS) staff and the updated maps have been included in the final Comprehensive CIP document.

As part of the implementation plan, a marketing strategy is being finalized and there will be a training session for key staff in January that will be conducted by the consultant. This will focus on an overview of the incentive programs and boundaries, eligibility requirements, customer service and application intake, completion of forms, and a streamlined and coordinated review and approvals process.

Assuming no appeals to the new CIP are filed after its adoption by Council, the CIP will be deemed "approved" following the twenty (20) day appeal period required under the *Planning Act*. The by-laws to repeal the existing CIP project area boundaries and the current CIP will also take effect at that time.

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## **Internal Consultations:**

The City PRT comprised of staff from Corporate Services, Economic Development, and Planning, was established in 2021. The PRT has been attending meetings with the consultant, reviewing the policy framework and CIP project area boundaries, and discussing changes and recommendations to the incentives.

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## **Financial Implications:**

There are no direct financial implications associated with this report.

It is expected that the total project cost for preparation of the Comprehensive CIP will be in the range of \$125,000 - \$130,000, which aligns with the project budget of \$125,000 approved by Council and included in the 2021 Capital Budget.

The approved 2024 Operating Budget increased the CIP budget to \$215,000 to support the enhanced programs and anticipated demand. This operating budget covers grants for façade improvement, urban design, environmental site assessment reports, residential rehabilitation projects, and funds for communications and public relations. TIGs are self funding and separate from this budget.

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## **Public Engagement:**

A stakeholder and public consultation session was held on Thursday July 14, 2022, at the L.R. Wilson Archives Research Centre. The consultant presented draft recommendations on the new CIP, including proposed revisions to the incentive programs and community improvement project areas, and requested feedback from participants attending the session. There were fifteen (15) attendees. A survey was also developed and shared with open house attendees and other business owners/investors who expressed interest in the CIP review but were not available to attend the open house. Twenty-one (21) surveys were completed, and the results were shared with the consultant. The consultant reviewed these surveys and incorporated many of the comments into the CIP.

City staff have adhered to the statutory requirements under the Planning Act to provide notice and hold a Statutory Public Meeting prior to the consideration and adoption of the new CIP by Council. In addition to the Statutory Public Meeting held on September 26, 2023, the draft Comprehensive CIP was circulated to commenting agencies and provided to the MMAH. It was also posted on the City's website on August 30, 2023, for comment.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

**Conclusion:**

The City's six (6) current CIPs were reviewed by RCI Consulting and a cross-divisional PRT and a new consolidated Comprehensive CIP is now complete and has received Council and agency comment.

The objective of the CIP review was to update the City's CIP programs to:

- better address community improvement needs and incorporate best practices;
- streamline and reposition the CIP programs to strategically target and leverage private sector investment;
- simplify the processes for incentive program application review and approval; and
- ensure that Port Colborne is investment ready while maintaining the financial sustainability of the CIP programs.

Staff are recommending that Council approve the new CIP document. If approved, the new CIP will be subject to a legislated twenty (20) day appeal period. If no appeals are filed during this time, the new CIP document will become final and binding following the final day of the appeal period.

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**Appendices:**

- a. Final Port Colborne Comprehensive CIP
- b. CIP Area Designation By-law
- c. Comprehensive CIP Adoption By-law

Respectfully submitted,

Gary Long

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### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



**CITY OF PORT COLBORNE**

# COMPREHENSIVE COMMUNITY IMPROVEMENT PLAN

**NOVEMBER 2023**





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# 1.0 Introduction

## 1.1 Background

The City of Port Colborne (City) has been one of the leading municipalities in Niagara in terms of adopting and implementing community improvement plans (CIPs). Between late 2008 and the end of 2012, the City of Port Colborne adopted six (6) (CIPs) as follows:

1. Olde Humberstone CIP, Urban Design and Streetscape Guidelines (2008);
2. Brownfield CIP (2009);
3. Downtown Central Business District CIP (2010);
4. Industrial CIP (2011);
5. East Waterfront CIP and Secondary Plan (2012); and,
6. Niagara Gateway Economic Zone and Centre CIP (2012).

Almost a dozen incentive programs have been offered by the City of Port Colborne under the above-noted CIPs since they were adopted. As shown in Table 1 below, a total of 177 incentive program applications have been approved by the City under the above-noted CIPs to the end of 2022. This includes close to 30 urban design study and environmental site assessment grant applications, over 100 façade improvement grant applications, 22 residential intensification and rehabilitation grant applications, and 10 tax increment grant (TIG) applications.

**Table 1 Incentive Program Uptake by Type and CIP to end of 2022**

Program Type	Downtown/ CBD	Main Street	East Waterfront	Brownfield	Industrial	Gateway	
							<b>TOTAL</b>
1) Urban Design Study Grant	10	1	1				<b>12</b>
2) Environmental Site Assessment Grant	1			21			<b>22</b>
3) Façade Improvement Grant	69	21	12				<b>102</b>
4) Residential Intensification Grant	8	1	1				<b>10</b>
5) Residential Rehabilitation			12				<b>12</b>
6) Affordable Housing Grant							<b>0</b>
7) Tax Increment Grant	5			2	1	2	<b>10</b>
8) Planning/Building Fees Grant							<b>0</b>
9) Sidewalk Café Grant							<b>0</b>
10) Sign Replacement Grant		3					<b>3</b>
11) Parking Lot Grant		6					<b>6</b>
<b>TOTAL</b>	<b>93</b>	<b>32</b>	<b>26</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>177</b>

A number of factors led to the decision by the City to undertake a comprehensive review and update of its CIPs. First, the CIPs are all now dated. Best CIP practices have evolved over the last 10 to 15 years. Also, a number of lessons have been learned from implementation of the existing CIP programs and the real world results. For example, the 11 different incentive programs contained in six CIPs were found to be confusing for applicants, and cumbersome to administer for City staff. Over the years, minor revisions were made to a few



of the CIPs in the form of a few minor community improvement project area expansions revisions, but a comprehensive review and updating of these CIPs has not taken place.

The legislative framework has also changed with the passage of the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23) in November of 2022. Key policies and plans providing direction related to CIPs have also changed at the City, Regional, and Provincial levels over last 10+ years. This includes Port Colborne's Official Plan, Strategic Plan, Economic Development Strategy, and Affordable Housing Strategy. In October of 2021, the Regional Municipality of Niagara also approved a new Niagara Region Incentives Policy to replace its Smarter Niagara Incentive Programs.

Finally, key community improvement needs have shifted in a number of the Community Improvement Project Areas (CIPAs). This includes a greater focus on intensification, affordable housing, brownfield redevelopment, and employment lands development.

Taking all of these factors into consideration, the City determined this an opportune time to conduct a comprehensive review and update of its CIPs. The City retained RCI Consulting to conduct this review and update of its CIPs to make them more responsive to current and future community improvement needs in Port Colborne. RCI Consulting worked closely with the City's Project Review Team (PRT) comprised of City staff assembled to help guide the CIP review and update. The PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met several times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

## **1.2 Purpose**

The primary purpose of this CIP review and update is to revise the City's CIPs to help better achieve the planning and economic development goals and objectives contained in key City plans and policies. During the review of the six (6) existing CIPs adopted by the City, and in consultation with the PRT and Council, it was determined that the:

- Industrial CIP can be readily covered off by the Niagara Gateway Economic Zone and Centre CIP (Gateway CIP) as the Gateway CIP includes the entire Industrial Community Improvement Project Area (CIPA), the goals of the Industrial CIP and Gateway CIP are very similar, and the Gateway CIP incentive programs are available and suitable for promoting industrial development;
- Gateway CIP should remain as a stand-alone CIP document as the Gateway CIP promotes employment development and aligns with, and includes Gateway incentive programs from the Region of Niagara; and,
- Other four (4) existing CIPs should be consolidated into one Comprehensive CIP document.

In addition, this consolidated Comprehensive CIP was designed to be easier to understand than the existing CIPs. This Comprehensive CIP updates and consolidates the existing CIPs to ensure that this CIP better addresses identified community improvement needs in Port Colborne by designating an appropriate CIPA, and including enhanced and more responsive incentive programs.

The purpose of this CIP is to:

- a) Outline the legislative, policy, and planning framework that supports and guides this CIP;
- b) Identify key community improvement goals in Port Colborne based on policy directives and an analysis of existing and planned land uses, building and property conditions, and development and business activity in various parts of the city;
- c) Recommend a Community Improvement Project Area (CIPA) that captures the various areas within the City that are in need of community improvement;
- d) Enhance and better target the incentive programs that can be offered by the City to directly stimulate private sector investment in revitalization and redevelopment within the CIPA; and,
- e) Outline a Monitoring Program and strategies for Municipal Guidance and Leadership and Marketing that will help the City implement and support this Plan, market the incentive programs contained within the Plan, monitor the results of the programs, and adjust them as required.

### **1.3 Methodology**

A Project Review Team (PRT) comprised of senior City staff was assembled to help guide the CIP review and update. This PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met a half dozen times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

A number of tasks were completed to help ensure that this CIP incorporates best CIP practices and lessons learned from implementation of the City's existing CIPs, reflects and promotes current City policy directions, and addresses key community improvement needs and goals in Port Colborne. These tasks included:

- A review of all six (6) existing CIPs, including the boundaries of the existing CIPAs;
- A review of the current legislative framework for the CIP;
- A review of current City, Regional, and Provincial policy, planning, and economic development documents relevant to the CIP;
- A review of the uptake and results of current CIP programs, including program successes, and program gaps and issues identified by City staff involved in administering and promoting these programs;
- A scoped best practices review of CIP programs in several other Ontario municipalities, both within and outside Niagara, to identify best practices and emerging trends in downtown and commercial area revitalization, brownfield redevelopment, employment area development/redevelopment, and the promotion of affordable housing;

- Walking and driving tours of the existing community improvement project areas (CIPAs) and other areas identified as having potential for addition to the CIPAs to determine key areas in need of community improvement and associated potential revisions to the CIPAs;
- Development of key CIP review findings;
- Preparation of Draft revisions to the CIPAs;
- Preparation of Draft CIP incentive programs;
- Presentation of the Draft revisions to the CIPAs and the Draft CIP incentive programs to Council on June 28, 2022, and to the public at a Public Open House held on July 14, 2022, receipt and review of verbal and written comments and feedback during and after these consultation sessions;
- Preparation of a consolidated and comprehensive Draft CIP based on the tasks outlined above;
- Several meetings throughout the CIP update process with the PRT to further refine the above-noted draft deliverables, including the Draft CIP;
- A statutory Public Meeting held under the *Planning Act*, and,
- Finalization of this CIP in consultation with the PRT, based on input from Council and comments received from prescribed commenting agencies, and the public, as applicable.

## 1.4 Key CIP Review Findings

The review of the existing CIPs using the methodology outlined above resulted in a number of key findings, as follows:

- a) While most of the current CIP programs have been fairly well utilized, especially in the Downtown area, there are a number of improvements that should be made to the incentive programs to enhance their applicability, attractiveness, and uptake;
- b) Having 11 incentive programs spread across 6 CIPs has proven somewhat confusing for applicants and City staff administering the programs alike, and therefore, the number of incentive programs should be reduced with the focus being on more substantive programs;
- c) The preparation of one (1) consolidated and Comprehensive new CIP, as opposed to 6 separate CIPs, was determined to be the preferred approach to updating of the existing CIPs;
- d) Some of the existing CIPAs merit expansion based on community improvement need, current property and building conditions in those areas, and updated City policy directions;
- e) Current policies and plans and emerging community improvement needs suggest that the Comprehensive CIP place more emphasis on intensification, brownfields, affordable housing, and employment lands;
- f) In order to enhance the transparency, responsiveness, flexibility, and financial sustainability of the City's current Development Charge (DC) Bylaw exemptions for brownfield redevelopment and development in the Downtown CIPA, these DC exemptions in the current DC Bylaw should be converted into DC Grants within the new CIP; and,
- g) The incentive programs in the City's new CIP should dovetail as much as possible with the Niagara Region Incentives Policy approved by Regional Council in late 2021.

## 1.5 Report Content

This CIP is divided into the following sections:

- Section 2 contains the review of the legislative framework for the CIP.
- Section 3 contains the review of key plans, policies and other studies that are applicable to the CIP.
- Section 4 contains the community improvement vision and goals for the CIP.
- Section 5 describes the Community Improvement Project Area (CIPA) for the CIP, also referred to herein as the “Project Area”.
- Section 6 contains a comprehensive set of financial incentive programs specifically designed to help achieve the community improvement goals in the various CIPAs.
- Section 7 contains a Municipal Guidance and Leadership Strategy that specifies other actions and initiatives the City should take to support the CIP.
- Section 8 contains a Monitoring Program designed to assist the City in monitoring progress on implementation of the CIP, including the economic and other impacts of the programs contained in the CIP.
- Section 9 contains a basic Marketing Strategy to help the City market the incentive programs in this new CIP.
- Section 10 provides a brief conclusion to 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 the 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 planning and 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 for the cancellation of part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Municipalities may also apply to the Province to provide matching school property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

Section 107 of the *Municipal Act, 2001* describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan, subject to Section 106 of the *Municipal Act, 2001*. In addition to the power to make a grant or loan, these powers also include the power to sell or lease land for nominal consideration or to make a grant of land; provide for the use by any person of land owned or occupied by the municipality, upon such terms as may be fixed by council; sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

In order to encourage good stewardship, maintenance and conservation of locally designated heritage properties, municipalities may, under Section 365.2 of the *Municipal Act, 2001*, pass a by-law to establish a local Heritage Property Tax Relief (HPTR) program to provide tax relief (10 to 40 per cent) to owners of eligible heritage properties, subject to an agreement to protect the heritage features of their property. This financial tool is designed to help owners of heritage properties maintain and restore their properties. An eligible heritage property for this program is a property or portion of a property that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act* and that is subject to a heritage easement agreement. The Province shares in the cost of the program by

funding the education portion of the property tax relief. Municipalities that adopt the HPTR program contribute to the program by funding their portion of the property tax relief.

## **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 CIP for the community improvement project area. Once the CIP 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), 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”. Therefore, there are a variety of reasons that an area can be designated as an area in need of community improvement.

Section 28 (1) 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 CIP (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the CIP (Section 28 (6)); and,
- iv) make grants or loans, in conformity with the CIP, 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 CIP (Section 28 (7)).

Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement, Section 28(2) permits the council of that municipality to designate, by by-law, the whole or any part of an area covered by such an official plan as a community improvement project area.

Section 28 (7.1) specifies that the eligible costs of a CIP 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. Again, this includes a wide range of activities that can be considered as eligible costs for grants and loans.

Section 28 (7.2) allows the council of an upper-tier municipality to make grants or loans to the council of a lower-tier municipality, and the council of a lower-tier municipality to make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a CIP that has come into effect, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. This provision allows upper tier municipalities to help lower tier municipalities fund the grant and loan programs in their lower tier CIPs.

Section 28 (7.3) 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 CIP with respect to those lands and buildings.

Section 28 (11) 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. It should be noted that while Section 28 (11) allows a municipality to register an agreement concerning a grant or loan against the land to which it applies, it does not require the municipality to do so.

Section 69 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 planning application fees and then provide a partial or total rebate of these fees in the form of a grant, but this must be done within a CIP.

## **2.3 Ontario Heritage Act**

The purpose of the *Ontario Heritage Act* is to give local municipalities and the provincial government powers to conserve, protect and preserve heritage buildings and archaeological sites in Ontario. While the heritage property tax relief program under Section 365.2 (1) of the *Municipal Act, 2001* is designed to assist property owners in maintaining and conserving heritage properties, Section 39 (1) of the *Ontario Heritage Act* allows the council of a municipality to make grants or loans (up-front or tax-increment basis) to owners of designated heritage properties to pay for all or part of the cost of alteration of such designated property on such terms



and conditions as the council may prescribe. In order to provide these grants and loans, the municipality must pass a by-law providing for the grant or loan.

Grants and loans for heritage restoration and improvement can also be provided by local municipalities under a CIP that has come into effect under Section 28 of the *Planning Act*. One of the key administrative advantages of Section 39 of the *Ontario Heritage Act* is that it requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP. One of the disadvantages of the *Ontario Heritage Act* is that unlike the *Planning Act*, it does not allow municipalities to make grants or loans to assignees, e.g., tenants who may wish to undertake heritage improvements.

Interpretation of Section 39 (1) of the *Ontario Heritage Act* suggests that this section does not restrict grants and loans only to heritage features. Section 39 (1) of the *Ontario Heritage Act* refers to "...paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Consultations with provincial staff and legal experts have confirmed that this section of the *Ontario Heritage Act* does not restrict grants and loans only to heritage features.

Section 39 (1) of the *Ontario Heritage Act* can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". Similarly, a grant or loan for professional design studies can be provided under a CIP. A professional design study is certainly an important precursor to, and key component of, any major heritage feature alteration.

Section 39 (2) of the *Ontario Heritage Act* allows the council of a municipality to add the amount of any loan (including interest) to the tax roll and collect said loan in the same way that taxes are collected, for a period of up to 5 years. This section of the Act also allows the municipality to register the loan as a lien or charge against the land.

In summary, local municipalities can use municipal powers under the *Ontario Heritage Act* or the *Planning Act* to offer grants and/or loans to encourage heritage restoration and improvement. Both statutes offer the flexibility to include non-heritage features as eligible costs. However, the *Ontario Heritage Act* requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP.

## **2.4 Development Charges Act, 1997**

While Section 26 (1) of the *Development Charges Act, 1997*, specifies that a development charge is payable for a development upon a building permit being issued for the development, this Act contains a number of mandatory development charge exemptions, reductions, and deferrals for specific types of development. Several of these development charge exemptions and reductions were introduced by the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23), which received Royal Assent on November 28, 2022.

As per the *Development Charges Act, 1997*, the following types of development are **exempt** from development charges:

- a) A second and third residential unit in an existing or new detached house, semi-detached house or row house if there are no residential units in an ancillary building/structure; and one residential unit in an ancillary building/structure if the existing or new detached house, semi-detached house or row house contains no more than two residential units (Section 2);
- b) Enlargement of an existing industrial building by up to 50% (Section 4);
- c) Affordable<sup>1</sup> and attainable<sup>2</sup> residential units (Section 4.1) (not yet in force); and,
- d) Non-profit housing development (Section 4.2).

Section 4.1 (8) and (9) of the *Development Charges Act, 1997* requires that for an “affordable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality to maintain the residential unit as affordable for a period of 25 years from the date that the unit is first rented or sold. Section 4.1 (10) and (11) of the Act requires that for an “attainable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality that requires the residential unit to be attainable at the time it is sold.

Development charges for rental housing development are **reduced** by 25% for residential units with 3+ bedrooms, 20% for 2 bedrooms, and 15% for 1 bedroom/bachelor units (Section 26.2 (1.1)). Section 26.1 also specifies that the development charge applicable to rental housing development and institutional development shall be **deferred**, i.e., paid in five (5) equal annual instalments starting on the date an occupancy permit is issued, or the date of occupancy, whichever comes first.

Section 26.2 of the *Development Charges Act, 1997* (and O. Reg. 82/98) also specifies that a development charge be frozen at the time a council receives a site plan application, or if a site plan is not submitted, at the time council receives the application for a zoning bylaw amendment, with the development charge frozen until two years from the date the site plan application or zoning by-law (as applicable) is approved.

Section 5 of the *Development Charges Act, 1997* also allows a municipality to voluntarily exempt a type(s) of development from a development charge, phase in a development charge, or to have a development charge that is lower than allowed, but any resulting shortfall cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges for certain types of development in order to promote community improvement, such as downtown redevelopment, brownfield redevelopment or intensification in

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<sup>1</sup> An “affordable residential unit, rental” is defined as one where the rent is no greater than 80 per cent of the average market rent; and an “affordable residential unit, ownership” is defined as one where the price of the residential unit is no greater than 80 per cent of the average purchase price. See Sections 4.1 (5) and 4.1 (6) of the *Development Charges Act, 1997*, for further details.

<sup>2</sup> An “attainable residential unit” is a residential unit that is not an affordable residential unit, not a rental unit, and was developed as part of a prescribed development or class of developments.

core areas. Because this financial incentive is normally offered before construction, i.e., at the time of building permit issuance, it is a very powerful community improvement tool.

Municipalities can also use a CIP (Section 28 of the *Planning Act*) to offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable. It is typically easier for a municipality to offer a reduction of development charges for certain types of development such as high priority/catalyst sites/projects, affordable and attainable housing projects, and/or projects that achieve desirable economic and/or sustainability performance criteria via a grant within a CIP than via an exemption or deferral within a development charge by-law. In this regard, a CIP is inherently more flexible than a development charges by-law. A CIP can provide grants for certain types of development in certain geographic areas, and/or development that meets specific intensification, affordability, economic and sustainability performance criteria. Furthermore, the types of development and/or performance criteria can be changed without a formal amendment to the CIP. Conversely, development charge reductions within a development charge by-law are prescriptive and are usually based on the location of the development, e.g., downtown, or a specific type of development, e.g., brownfield redevelopment. Furthermore, a deferral offered within a development charge by-law cannot be changed without a formal amendment to the development charges by-law.

## 3.0 Policy Framework

This section of the report provides a summary of key Provincial, Regional, and City policies that establish the planning and policy framework and help provide context and direction for the programs contained in this CIP.

### 3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and provides direction on matters of provincial interest 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 in February of 2020 and the policies took effect on May 1, 2020. 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 competitive economy”. To this end, in relation to the variety of community improvement needs covered by this CIP, key policies in the PPS promote:

- Efficient and cost-effective development land use patterns that conserve biodiversity and prepare for the regional and local impacts of a changing climate (Section 1.1.1);
- Accommodating an appropriate range and mix of affordable and market based residential types, and employment uses (including industrial and commercial) (Section 1.1.1);
- Land use patterns that support active transportation, promote opportunities for intensification and redevelopment, energy efficiency, and minimize the negative impacts to air quality and climate change (Section 1.1.3);
- Planning authorities identifying appropriate locations and promoting 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);
- Planning authorities promoting economic development and diversity by maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and seeking to address potential barriers to investment (Section 1.3.1);
- Planning authorities planning for, protecting and preserving employment areas for current and future uses (Section 1.3.2);
- Planning authorities protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Section 1.3.2);
- An appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs and the social, health, economic and well-being requirements of current and future residents (Section 1.4.3);
- Healthy, active communities with parks, public and open spaces, trails and linkages that facilitate active transportation and the provision of public access to shorelines (Section 1.5.1);

- Long-term economic prosperity through the maintenance and enhancement of the vitality and viability of downtown and mainstreets and the redevelopment of brownfield sites (Section 1.7.1);
- 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);
- Opportunities for sustainable tourism development (Section 1.7.1);
- Focusing major employment, commercial and other travel-intensive land uses on sites well served by transit and encouraging transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (Section 1.8.1); and,
- Land use and development patterns that support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of changing climate (Section 1.8.1).

### **3.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The 2019 Growth Plan for the Greater Golden Horseshoe (GGH) (the “Growth Plan”) came into effect on May 16, 2019 and was amended on August 28, 2020 (Amendment 1). The Growth Plan is the Province of Ontario’s growth strategy for the GGH region, which includes the City of Port Colborne and the Regional Municipality of Niagara. The Growth Plan provides an overall growth strategy for the region to 2051 that is implemented through municipal planning documents, primarily the Official Plan, as well as other planning documents and policies such as Community Improvement Plans (CIPs). 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.

In recognition of the importance of cross-border trade with the United States, the Growth Plan recognizes the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre as having unique economic importance to the GGH region and Ontario. The Growth Plan notes that planning and economic development in the Gateway Economic Zone and Centre will support economic diversity and promote increased opportunities for cross-border trade, movement of goods and tourism.

The Growth Plan graphically identifies the Gateway Economic Zone and Gateway Economic Centre on Schedules 2 (Place to Grow Concept), 5 (Moving People - Transit) and 6 (Moving Goods) in the Plan. The Gateway designation in Schedule 2 of the Growth Plan shows a Gateway Economic Zone stretching along the Niagara River and the Queen Elizabeth Way between the City of Niagara Falls and the City of Fort Erie, and a Gateway Economic Centre which is centered in southern Niagara Region near the City of Port Colborne and City of Welland, along the Welland Canal, including the Major Port facilities in Port Colborne.

Section 7 of the Growth Plan defines the Gateway Economic Zone and Gateway Economic Centre as the “Settlement Areas” conceptually depicted on Schedules 2, 5 and 6 that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario. The Growth Plan then further defines “Settlement Areas” as urban areas and rural settlements within municipalities that are:

- a) Built-up areas where development is concentrated and which have a mix of land uses; and,
- b) Lands which have been designated in an official plan for development in accordance with policies of the Growth Plan.

The Growth Plan notes the importance of ensuring an adequate supply of land for employment areas and other employment uses within the GGH. In fact, Section 2.2.5 on Employment Lands stresses the need for municipalities to promote economic development and competitiveness by:

- Making more efficient use of existing employment areas and underutilized employment lands, increasing employment densities, and promoting opportunities for the intensification of employment areas;
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment; and,
- Providing opportunities for a diversified economic base, including a range and choice of suitable sites that support a wide range of economic activities and employment uses, as well as planning for employment areas for current and future uses.

Section 2.2.6 of the Growth Plan contains policies directing municipalities to:

- Achieve the minimum intensification and density targets in the Growth Plan via identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents, and establishing targets for affordable ownership and rental housing; and,
- Identifying mechanisms, including land use planning and financial tools to support implementation of this policy.

The Growth Plan directs that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout their delineated built-up area. Therefore, a CIP for Port Colborne can play an important role in helping the City conform to the Growth Plan, not only by achieving its intensification targets, but by ensuring that development within the urban area achieves the various policy goals of the Growth Plan.

### **3.3 Niagara Region Official Plan**

The Regional Municipality of Niagara Council adopted a new Niagara Official Plan (“NOP”) on June 23, 2022. This Plan was approved, with modifications, by the Minister of Municipal Affairs and Housing on November 4, 2022. The NOP provides the strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The NOP contains the following vision for 2051. Niagara is a region

of distinct, vibrant and connected urban and rural communities. Niagara Region will support and grow a sustainable and diversified economy while providing exceptional quality of life for all, and protecting our beautiful natural landscape.

### **3.3.1 Growing Region**

Chapter 2 of the NOP contains policies for managing growth. This includes general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. The policies in this section support:

- a) principles of complete communities, which incorporate sustainable land use forms;
- b) a more diverse range and mix of housing types and densities and the provision of more affordable and attainable housing options;
- c) opportunities for intensification, including infill, expansion or conversion of existing buildings, and the redevelopment of brownfields and greyfield sites; and,
- d) Local Municipalities preparing intensification strategies.

One of the key objectives in Section 2.3 (Housing) is to achieve affordable housing targets through both land use and financial incentive tools. In fact, Section 2.3.3 states that financial incentive programs such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing, should be considered to support the development of affordable and attainable housing.

### **3.3.2 Competitive Region**

Chapter 4 of the NOP focuses on the importance of a vital, competitive, and diverse economy, and a sound tax base to position Niagara for economic prosperity. Employment policies identify and protect employment areas, establish density targets for employment areas, and provide evaluation processes for converting existing or establishing future employment areas. The objectives of this section include maximizing the economic development potential of the Niagara Economic Centre and Zone, and planning employment lands to enhance economic resilience through a diversified economy.

Section 4.2.2 of the NOP deals with the Niagara Economic Gateway (Gateway Economic Zone and Centre). As it relates to Port Colborne, the Niagara Economic Gateway includes the Settlement Area within Port Colborne, existing port infrastructure in Port Colborne, the Welland Canal within Port Colborne, major rail infrastructure in Port Colborne, and major tourist destinations. The policies in this section of the NOP state that the Region will work with the other levels of government to prioritize improvements to major goods movement facilities and corridors and planned corridors within the Niagara Economic Gateway to focus on development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.



### **3.3.3 Vibrant Region**

Chapter 6 of the NOP focuses on elevating the livability of Niagara's communities and introduces policies related to creating vibrant urban and rural places. Urban design policies assist the Region in achieving a high-quality built environment through the design of the built form and mobility networks. The urban design policies in Section 6.2 promote:

- a) excellence and innovation in architecture, landscape architecture, site planning; and,
- b) revitalization and redevelopment within downtowns and community cores to enhance their existing character.

The healthy community policies in Section 6.3 of the NOP support the development of healthy, vibrant and safe communities that provide a high quality of life. This includes supporting walkable and bikeable neighbourhoods through active transportation.

### **3.3.4 Community Improvement Policies**

Policy 7.5.1 in Chapter 7 of the NOP contains the Region's Community Improvement policies and notes that the Region may support community improvement through Regional programs enabled by plans, policies and by-laws it may establish, and by participation in eligible programs in Local Area Municipalities. Furthermore, the Region will regularly engage with Local municipal staff regarding administration and enhancement of programs designed to promote community improvement. Policy 7.5.4.1 of the NOP also encourages Local Area Municipalities to adopt CIPs to support the objectives and policies of the NOP.

## **3.4 Niagara Region Incentives Policy**

The Region's Smarter Niagara Incentive Programs (SNIPs) were endorsed by Regional Council in 2002. The Region used these programs to provide a matching proportionate share of certain financial incentive programs offered by a local municipality through a Local CIP, subject to a maximum contribution from the Region, depending on the program. The SNIPs first underwent a major review and update in 2011.

Niagara Region formed a Grants and Incentives Review Committee in 2019 with the purpose of this committee to review the efficacy of existing grant programs and determine if new programs needed to be created. As a result, the 2011 SNIPs were reviewed, with Regional Council passing a recommendation on October 21, 2021 to approve a new Niagara Region Incentives Policy to replace the SNIPs. This new incentives policy promotes four priority areas for Niagara Region, namely:

- 1. Affordable housing;
- 2. Employment;
- 3. Brownfield remediation; and,
- 4. Public realm.

Regional Council directed that the SNIPs be maintained with a maximum dollar figure available for grants determined during the annual budget process, and that staff develop sunset clause policies for the SNIPs that include reasonable expiration dates. The expiration date for most of the SNIPs was established as October 1, 2023. However, Regional Council directed that the Regional Tax Increment Grant (TIG) and Smart Growth Development Charge Reduction Programs be maintained in municipal CIP districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation.

**Appendix A** contains a listing and summary description of the incentive programs available under the Niagara Region Incentives Policy.

The Region and local municipalities in Niagara have a Region/Area Municipality Incentive Coordinating Committee to coordinate the provision of joint Local/Regional incentives through local CIPs. The Region has also developed Smart Growth Design Criteria that are used by Regional staff to determine if development projects within community improvement project areas or on brownfield sites are eligible for a Regional Development Charge reduction.

### **3.5 Niagara's 10 Year Economic Development Strategy**

In June of 2022, Niagara Regional Council approved a 10 Year Economic Development Strategy for 2022-2032. The Vision Statement for the Strategy is: "Niagara is where innovative businesses grow and community-minded individuals stay—coming together to build a more prosperous future." The strategic directions include a focus on business retention and expansion and green development and sustainability. Recommendations of the Strategy included:

- Introducing a new suite of incentives to support business growth and new investment in the region;
- Advocating for and adopting new programs and policy to support affordable and attainable housing and new residential development; and,
- Ensuring brownfield incentive programs remain relevant and competitive to attract redevelopment and investment in Niagara.

### **3.6 Niagara Housing Plans and Studies**

The Niagara Housing Statement Final Report was received for information by Niagara Region Council in July of 2019 and circulated to Local Area Municipalities. This was largely a database exercise.

The Region's 10 Year Housing and Homelessness Action Plan was prepared in 2014 in consultation with local community members, service providers, local area municipalities, and other stakeholders as per the requirements of the *Housing Services Act*. The Plan covers the period 2014 to 2023. The Plan was updated in 2019.

One of the key goals of the Action Plan is to increase housing opportunities for low and medium income households. The Plan states that one of the key actions to help accomplish this goal is to use the planning and development process to facilitate the creation of appropriate market housing and affordable housing stock. The Action Plan goes on to recommend that local planning and financial tools such as CIP grants and deferral of development charges be used (Goal 3.7) and that Local Municipalities partner with the Region on financial incentives with emphasis on consistent application of tools to support the development of affordable housing (Goal 3.8c).

Finally, the Region developed a series of Regional activities to address affordable housing (Affordable Housing Strategy placemat). This includes the Region supporting partners to develop incentives and development charge deferrals to promote the construction of affordable housing.

### **3.7 Port Colborne Strategic Plan 2023-2026**

The Strategic Plan was adopted by City Council on June 27, 2023. The Strategic Plan is a guidance document to assist Council and staff in priority setting, resource allocation and decision making. The Plan's Vision for Port Colborne is "a healthy and vibrant waterfront community embracing growth for future generations".

The strategic pillars of the Strategic Plan are as follows:

- Environmental and Climate Change;
- Welcoming, Livable, Healthy Community;
- Economic Prosperity;
- Increased Housing Options;
- Sustainable and Resilient Infrastructure.

Virtually all of the strategic pillars are relevant to the CIP and can help guide the CIP. One of the three strategic pillars of the Plan is "attracting business investment and tourists to Port Colborne". One of the key measures items under the Economic Prosperity pillar is to incentivize private sector investment in commercial facade improvements, residential redevelopment, brownfield remediation, and industrial redevelopment through new or improved CIPs. This new Comprehensive CIP fulfills that measure.

### **3.8 Port Colborne Economic Development Strategy and Action Plan 2018-2028**

The City of Port Colborne Economic Development Strategy was approved by Council in April of 2018. The Economic Development Strategy identifies four priority areas for the City to focus its economic development efforts and includes action plans to help guide the City's economic development efforts over the coming years. The four priority areas are:

1. Small Independent Business;
2. Residential Development;
3. Industrial Development; and,

#### **Port Colborne Comprehensive CIP**

#### 4. Tourism & Destination Development.

The economic development vision statement is: “Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community”.

Guiding principles in the Port Colborne Economic Development Strategy that are relevant to this CIP include:

- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible; and,
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community.

Actions recommended in the Strategy that are relevant to this CIP include the updating of the Downtown Central Business District Community Improvement Plan from 2010.

### 3.9 Port Colborne Official Plan

The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013 and covers the period from 2012 to 2031. The general purpose of the Official Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The vision statement and strategic directions in the Plan establish the general direction of planning and development for the City of Port Colborne. In addition to the vision and strategic directions, there are strategic planning policies, land use and secondary plan policies, and community improvement policies in the Official Plan that provide direction for this CIP. The Official Plan vision, strategic directions and planning policies relevant to this CIP are summarized below.

#### 3.9.1 Vision

Section 2.1 of the Official Plan contains the vision statement. Key aspects of the Vision for the City of Port Colborne in relation to this CIP include:

- Providing the opportunity for a mix of residential accommodations;
- A community development pattern that supports the existing business community and promotes new business opportunities;
- Provide policies that support a high quality living environment that protects and enhances the natural environment and heritage features;
- Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- Develop and implement Community Improvement Plans to improve communities characterized by inadequate physical, social, community or recreational facilities, infrastructure or obsolete/derelict buildings; and,
- Maintain, and where possible, improve public access to the Lake Erie shoreline.

Section 2.2 of the Official Plan contains the City's Growth Management Strategy. This Strategy supports:

- a) Infill and intensification subject to the applicable policies in the Urban Residential and Downtown Commercial designations;
- b) Compact and transit supportive development within the built boundary and on designated greenfield lands; and,
- c) the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.

### 3.9.2 Strategic Directions

Section 2.3 of the Official Plan identifies six "Strategic Directions" that seek to implement the vision for the City of Port Colborne. Of the six, the following strategic directions provide guidance for the CIP:

- **Enhancing Quality of Life:** The City will promote a compact urban form; a good mix of housing types and land uses; efficient and cost effective infrastructure and transportation; and, good urban design for neighbourhoods and business areas.
- **Developing an Economic Gateway:** The City of Port Colborne is identified as an Economic Gateway Centre in the Province's Growth Plan. Therefore, the City will strategically position itself as part of this important Economic Gateway by:
  - working in partnership with all levels of government to ensure that attractive employment lands in the City are provided and protected to create job opportunities and economic diversity, which allows growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media;
  - encouraging port facilities and the marine transportation industry to prosper; and,
  - actively promoting existing industrial lands along the east and west side of the Welland Canal and adjacent to the proposed Niagara to GTA corridor using a "ready for business" approach.
- **Strengthening and Integrating Natural, Cultural and Heritage Resources:** Port Colborne's natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. Therefore, the City will take an aggressive approach to the preservation of these assets, including the conservation of significant built heritage resources and cultural heritage landscapes.
- **Enhancing Public Areas:** The City will pay further attention to the waterfront, the canal, the downtown, Main Street and other important corridors and places in the municipality to support tourism, economic development, and quality of life.
- **Taking Advantage of Underutilized Lands:** Through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement, the City will demonstrate leadership in this field. This includes:
  - aggressively promoting the remediation of contaminated older industrial lands;

- promoting the reuse of some of older industrial lands along the waterfront and Canal for tourism, recreational, residential or other uses that reintegrate these lands into community life;
- providing for new Canal-related, non-noxious industrial uses adjacent to community uses in the harbour area; and,
- promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

### **3.9.3 Strategic Planning Policies**

Section 2.4 of the Official Plan contains Strategic Planning Policies.

#### **Housing**

Policies in Section 2.4.2 of the Official Plan promote affordable ownership and rental housing, including the use of a variety of planning tools to promote affordable housing, and the promotion of affordable housing via infill and intensification.

#### **Intensification and Infill**

Policies in Section 2.4.3 of the Official Plan encourage intensification specifically within local intensification areas, which include the Downtown and Main Street West Development, and throughout the entire Built-up area. The objectives of the intensification policies in the Official Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial.

#### **Employment Areas**

Policies in Section 2.4.5 of the Official Plan provide projected employment growth for the Municipality and specify that Employment areas are lands that provide opportunities for clusters of business and economic activities, including but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

#### **Economic Development**

Policies in Section 2.4.6 of the Official Plan recognize the Downtown and Main Street Areas as the City's primary commercial districts and the City will continue to work with property owners, business associations and other community groups to enhance these areas. The City will continue to support the designation and expansion of the Downtown and Main Street areas as Community Improvement Project Areas and Business Improvement Areas (BIAs). Increasing the supply of housing in the Downtown and Main Street areas and maintaining and upgrading existing housing shall be encouraged as a means of meeting the diverse housing needs and maintaining long term prosperity in the Downtown and Main Street areas.

Policies in Section 2.4.6 also speak to the importance of industrial development and note that the City will work closely with the St. Lawrence Seaway Management Corporation or appropriate federal government agency to ensure that federal lands along the Welland Canal are available for industrial and/or community uses, and the City will work with all industries to retain and foster their growth.

### **Energy Conservation and Climate Change**

Policies in Section 2.4.9 support the reduction of energy consumption via development of compact and mixed-use neighbourhoods, and incorporation of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

### **3.9.4 City-Wide Land Use Policies**

Section 3 of the Official Plan contains the City-Wide Land Use policies, which in conjunction with land use designations as shown on Schedule A to the Official Plan (see **Appendix B**), guide land use in Port Colborne. Section 3 of the Official Plan contains general policies and design guidelines for each of the land use policies. The following land use policies in Section 3 of the Official Plan are of particular relevance to this CIP, including for the designation of Community Improvement Project Sub-Areas.

#### **Downtown Commercial**

Section 3.6 of the Official Plan specifies the land use policies for the Downtown Commercial area. This area includes the Downtown Central Business District and Olde Humberstone Main Street Commercial District. The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes. Intensification and mixed use development is encouraged in the Downtown Commercial area.

Intensification and infill in the Downtown Commercial Area is permitted and encouraged, subject to the design guidelines in the Official Plan, and any other design guidelines established by the City, and the requirements of the Zoning By-law. Mixed use development is encouraged in the Downtown. The preferred built form for mixed use development is commercial and offices uses on the ground floor, with residential units above.

#### **Industrial/Employment**

Section 3.10 of the Official Plan specifies the land use policies for Industrial/Employment lands. These are areas of serviced and un-serviced lands. The predominant uses for lands designated Industrial/ Employment shall include, but not be limited to: manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages. The Design policies for Industrial/Employment lands



also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **Economic Gateway Centre**

Section 3.11 of the Official Plan contains the policies for the Port Colborne Economic Gateway Centre. The areas identified on Schedule A as Economic Gateway Centre represent lands located near the Welland Canal and along Highway #140. The predominant uses of lands designated Economic Gateway Centre shall include, but not be limited to: transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer's showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses. Additionally, educational institutions which are complementary to the aforementioned uses are permitted as well as: retail; restaurant; and personal service uses that are scaled to serve the needs of the area's employees. The Design policies for Economic Gateway Centre also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **3.9.5 East Waterfront Secondary Plan**

Section 5.2 of the Official Plan contains the Secondary Plan for the East Waterfront (see Appendix B). The long term vision for the East Waterfront calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan includes a number of objectives that could be promoted via incentive programs in a CIP, including:

- a) Repair and renovate existing housing stock and other buildings;
- b) Protect, restore and re-use architecturally and historically significant buildings;
- d) Reduce the environmental and visual impact of industrial uses; and,
- e) Attract new investment and development to vacant properties.

The lands identified on Schedule F of the Official Plan as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations.

The Strategic Planning policies for the East Waterfront in Section 5.2.3 of the Official Plan specify that the City will:

- through a Community Improvement Plan and other initiatives, promote and facilitate improvements to private property in the East Waterfront Secondary Plan area; and,
- continue to work with the St. Lawrence Seaway Management Corporation to strengthen the prosperity of the marine industry on the east side of the Welland Canal, immediately west of the East Waterfront Secondary Plan area.

### 3.9.6 Community Improvement Policies

Section 6 of the City's Official Plan contains policies on Community Improvement. These policies were prepared in accordance with the Region's Model Community Improvement Policies. The full text of the Community Improvement policies in the City of Port Colborne Official Plan are contained in **Appendix C**.

The policies of Section 6.1 and 6.2 establish a wide range of actions that the City can take regarding community improvement. These include:

1. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts, deficient municipal hard services, social, community or recreational services; or economic instability;
2. Establishment of incentive programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing and/or social development issues and needs;
3. Designation of a Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan, and as amended from time to time; and
4. Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 of the Planning Act, R.S.O. 1990.

Section 6.2.1a) outlines the conditions (one or more) that must be present for designation of community improvement project areas. Many of these criteria apply to the Community Improvement Project Area and Sub-Areas for this CIP, including:

- Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
- Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- Inadequate mix of housing types;
- Known or perceived environmental contamination;
- Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
- High commercial vacancy rates;
- Existing or potential business improvement areas;
- Vacant *lots* and under-utilized properties which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
- Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/ or loading facilities;
- Other barriers to the repair, rehabilitation or redevelopment of under- utilized land and/or buildings; and,
- Any other environmental, social or community economic development reasons.

Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:

- i) The anticipated improvements achieve the Vision and Strategic Directions in the Official Plan;
- ii) The greatest number of conditions for designation of a CIPA2 are present; and/or
- iii) Where one or more of the conditions are particularly acute; and/or,
- iv) Where one or more of the conditions exist across the entire Urban Area of the City.

Section 6.2.2 a) identifies the objectives of community improvement plans. This CIP has been prepared to meet several of these objectives, including:

- ✓ Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
- ✓ Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally significant buildings and properties;
- ✓ Encourage residential and other types of infill and *intensification*;
- ✓ Encourage the construction of *affordable* housing;
- ✓ Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
- ✓ Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
- ✓ Encourage the remediation and redevelopment of Brownfield sites;
- ✓ Support existing or potential business improvement areas;
- ✓ Improve environmental conditions; Improve social conditions;
- ✓ Facilitate and promote community economic development; and
- ✓ Improve community quality, safety and stability.

Section 6.2.2 b) specifies the minimum content requirements of a CIP. This CIP meets or exceeds all these minimum content requirements.

Section 6.2.3 outlines a full range of actions that the City can undertake to implement a CIP and these actions have been included (as applicable) in this CIP. Section 6.2.3 also specifies that all developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in the Official Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws. Finally, Section 6.2.3 notes that Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

### **3.9.7 Cultural Heritage Policies**

Section 7.1 of the Official Plan contains policies to help ensure the protection, preservation and enhancement of historic buildings, structures and land. This includes heritage designation and the establishment of heritage conservation districts under the Ontario Heritage Act. The City also supports the protection and enhancement

of cultural and heritage assets which include the establishment of a Heritage Character Area and Urban Design Guidelines that can preserve and guide new development or re- development and is supported by rebate and incentive programs that encourage property owners to protect, preserve and enhance these assets.

### **3.10 Port Colborne Affordable Housing Strategy**

The Port Colborne Affordable Housing Strategy was approved by Council on September 13, 2022. This Strategy contains the following vision statement: Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.

The Housing Strategy establishes four high level goals as follows:

1. Increase diversity of built form and tenure to provide more housing options for residents;
2. Promote greater intensification and density to leverage existing physical and social infrastructure;
3. Protect and expand purpose-built rental supply including affordable rental housing; and,
4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The Housing Strategy contains 12 recommendations to help accomplish these goals. The key recommendation as it relates to this CIP is Recommendation 7 which is to: explore the viability of financial and non-financial incentives for affordable housing and purpose-built rental developments. The Housing Strategy notes that the challenge to Port Colborne in designing an incentive program that promotes and attracts affordable housing development is twofold: (1) to be competitive with the CIP affordable housing incentives programs offered by other municipalities in Ontario while, (2) also being fiscally responsible. The Housing Strategy identifies a number of incentive programs that can be included within a CIP to promote affordable housing, including:

- Residential Intensification Grant;
- Affordable Housing Grant;
- Tax Increment Grant; and,
- Development Charges Grant.

## **4.0 Community Improvement Vision and Goals**

The general vision and key goals contained in the various existing CIPs were reviewed and updated based on the updated City policies in consultation with the PRT. As previously noted, the goals of the Industrial CIP and the Gateway CIP are very similar, and therefore, can be readily addressed by the current stand-alone Gateway CIP. The vision and key goals for the Downtown, Main Street, East Waterfront, and Brownfields were streamlined and focused, and are presented below.

### **4.1 Vision**

#### **4.1.1 Main Street**

Main Street will be a diverse mixed use center with a broad range of housing types, business, educational, cultural and recreational uses. Main Street will be vibrant and dynamic, offering a comfortable pedestrian environment and public spaces. Main Street will act as a compelling central place for residents with services and activities that are needed regularly, but will also be a tourist destination with heritage architecture, civic art, unique stores, thoughtfully designed public spaces, and specialized festivals and events. New buildings, building improvements, and public infrastructure will incorporate high quality design and sustainable design principles.

#### **4.1.2 Downtown**

The Downtown will be an active and vibrant commercial area with a broad range of uses and updated building facades and signage that maintain the Downtown's authentic feel and character. The Downtown will have a strong visual and physical relationship with the Welland Canal and celebrate its history as a working port. There will be more people living Downtown in a diverse range of housing opportunities. Downtown will be more pedestrian and cycling friendly with interesting and accessible streetscapes and more public gathering spaces. The Downtown will be better connected to the Canal, Marina, Main Street commercial area, and the East Waterfront community.

#### **4.1.3 East Waterfront**

The East Waterfront will see the incremental restoration and renovation of commercial, residential and other buildings in the community, as well as residential and mixed use infill development on vacant and underutilized properties. Architecturally and historically significant buildings will be restored, and adaptively reused. Streetscapes will be made greener and more pedestrian friendly. There will be new open spaces, better recreational opportunities, trail enhancements, and better pedestrian and cycling connections to the waterfront, including Nickel Beach.

## **4.2 Key Goals**

### **4.2.1 Main Street**

The key goals of this CIP for the City's Main Street CIPA are as follows:

- Improve building facades and signage;
- Diversify the mix of uses and activities for workers, visitors, and residents;
- Fill gaps along the street with mixed use buildings that are consistent with the architectural scale and style of existing buildings;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Improve the attractiveness, vibrancy and walkability of the area;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Provide an enhanced public gathering space for community and cultural events;
- Increase tourism visits to the area and make Main Street a focal point for tourism;
- Improve connections to open spaces and recreational amenities; and,
- Improve connections with the Canal, Waterfront, Marina, Main Street and East Waterfront areas.

### **4.2.2 Downtown**

The key goals of this CIP for the City's Downtown CIPA are as follows:

- Improve and update building facades and signage, while maintaining and enhancing the area's authentic feel and character;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Diversify the range of commercial uses on West Street to better activate the street and the Welland Canal;
- Improve the visual and physical relationship of the area with the Welland Canal and celebrate its history as a working port;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Increase the number of public gathering spaces; and,
- Improve connections from Downtown to the Canal, Waterfront, Marina, Main Street, and East Waterfront areas.

### **4.2.3 East Waterfront**

The key goals of this CIP for the City's East Waterfront CIPA are as follows:

- Protect, restore and re-use architecturally and historically significant buildings;
- Attract new investment and development to vacant properties;

- Improve the quality of streetscapes in the neighbourhood;
- Reduce the environmental and visual impact of industrial uses;
- Create new open spaces and recreational opportunities;
- Improve pedestrian and cycling connections to the lakefront.

#### **4.2.4 Brownfields**

The key goals of this CIP for brownfields in the Brownfield CIPA are as follows:

- Promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety at brownfield sites;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase the supply and range of housing types;
- Increase tax assessment and property tax revenues;
- Retain and increase employment opportunities; and,
- Support intensification and land efficient forms of development.

#### **4.2.5 Industrial/Employment Lands**

The key goals of this CIP for industrial/employment lands in the Gateway CIPA are as follows:

- Promote private sector investment that establishes new businesses or expands existing businesses;
- Create new and/or maintain existing permanent jobs, as well as short-term construction jobs;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base;
- Support investments in high growth economic sectors that contribute to the diversification of the local economy;
- Facilitate development of the City's employment lands; and,
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies.



## 5.0 Community Improvement Project Area

The CIPA for the Brownfield CIP, Gateway CIP, and Industrial CIP were all designated via text reference to a specific area within the City of Port Colborne as follows:

Brownfield CIPA - the entire urban area of the City of Port Colborne, as amended from time to time.

Gateway CIPA – all designated employment lands<sup>3</sup> in the settlement areas<sup>4</sup> within Port Colborne, as amended from time to time.

Industrial CIPA – all lands designated as “Industrial” on the City of Port Colborne’s Official Plan Land Use Schedule A, as amended.

It was determined that the boundary of the existing Brownfield CIPA is appropriate and be retained as is. As previously noted, it was determined that the boundary of the Industrial CIPA is wholly contained within the boundary of the Gateway CIPA. Also, the goals of the Industrial CIP and the Gateway CIP are very similar. Finally, review of the incentive programs contained in the Gateway CIP as compared to the incentive programs in the Industrial CIP determined that the Gateway CIP will serve to promote the development and redevelopment of industrially designated lands in Port Colborne. As such, it is recommended that the Industrial CIPA be de-designated and the Industrial CIP be discontinued. The Gateway CIP will continue to act as a standalone CIP for the promotion of employment lands development and redevelopment on all designated employment lands in the settlement areas within Port Colborne, as amended from time to time.

The CIPA for the Downtown CIP, Main Street CIP and East Waterfront CIP were all designated based on a map showing the boundary of each CIPA. A walking/driving tour of these CIPAs and adjacent areas was conducted with members of the PRT. A follow up tour of specific geographic areas identified for potential inclusion in the CIPAs was also conducted. During and after these tours, land uses, Official Plan designation, zoning, property and building conditions, business activity, and vacancy levels within these respective boundaries and adjacent areas were reviewed with the PRT in light of updated policy directions, community improvement needs, and community improvement goals, to determine the need to adjust the CIPA for each of these areas.

Based on the above-noted analysis, and for the purpose of strategically targeting the incentive programs contained within this CIP, it is recommended that the CIPA for this CIP be designated as **“the entire urban area of the City of Port Colborne, as amended from time to time”**. This CIPA if further divided into the following four (4) sub-areas:

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<sup>3</sup> “designated employment lands” means lands that have been designated in the Local Official Plans for employment uses.

<sup>4</sup> “settlement areas” means the urban area, villages and hamlets.

- 1) The “Main Street CIPA” (see Figures 1 and 2);
- 2) The “Downtown CIPA” (see Figures 1 and 3);
- 3) The “East Waterfront CIPA” ( see Figures 1 and 4); and,
- 4) The “Brownfield CIPA” which is “the entire urban area of the City of Port Colborne, as amended from time to time”.

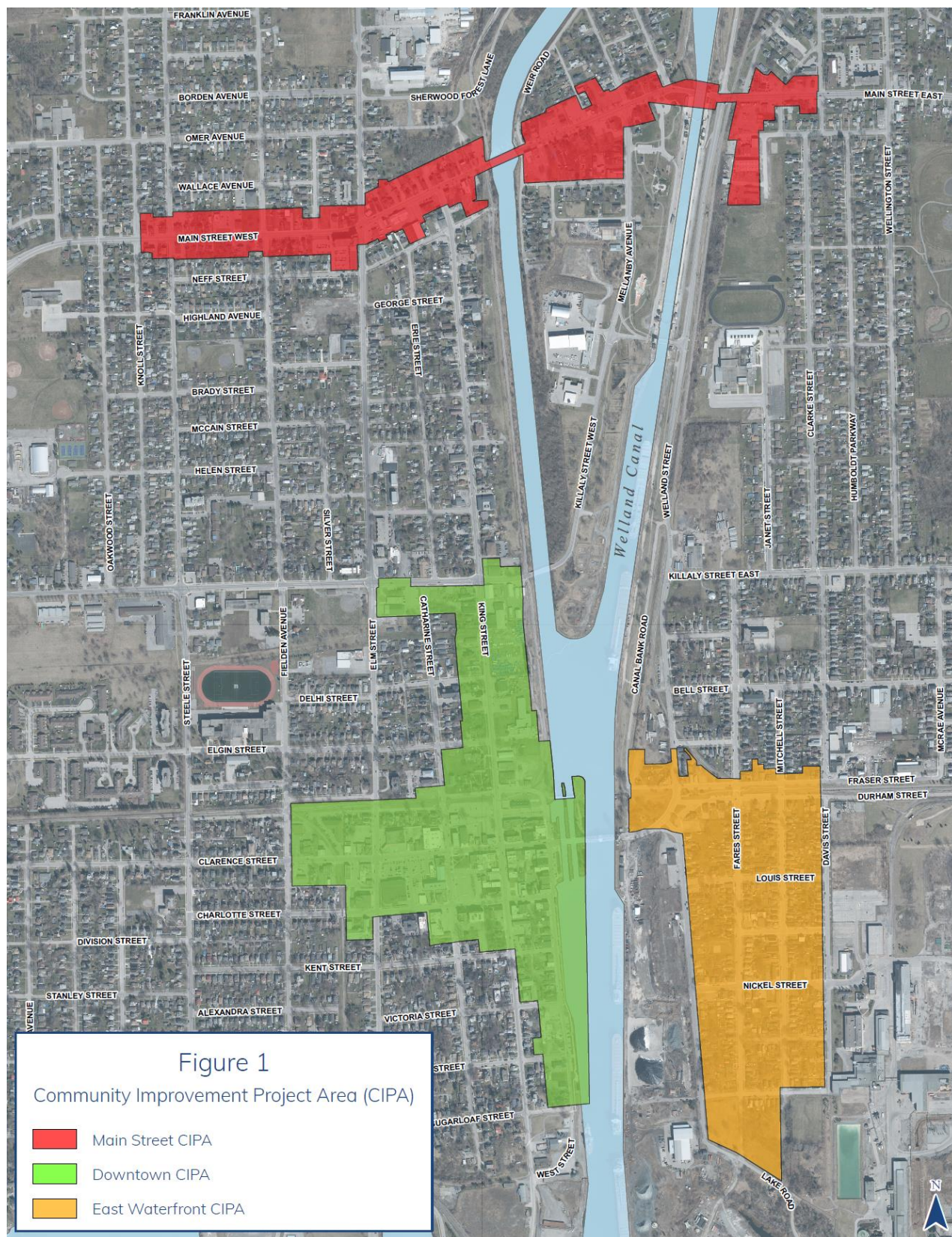
The CIPA is the area where the financial incentive programs contained within this CIP can be offered. The CIPA for this CIP as denoted above is to be designated by a by-law passed by Council.

To provide the City with flexibility (entirely at the discretion of the City) to include properties that are immediately outside the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA within one of these CIPAs,

- a) Properties that are immediately adjacent to the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA may be considered by the City to be within one of these CIPAs, on a case by case basis, subject to these properties meeting the need for community improvement and any proposals for development of these properties meeting the applicable key community improvement goals of this CIP for that CIPA.

However, should the City approve a property that is immediately adjacent to the Main Street CIPA, Downtown CIPA, or East Waterfront CIPA Primary CIPA for inclusion within one of these CIPAs, this will in no way alter the boundaries of said designated CIPAs within the designated CIPAs as shown in Figures 1 through 4 below.

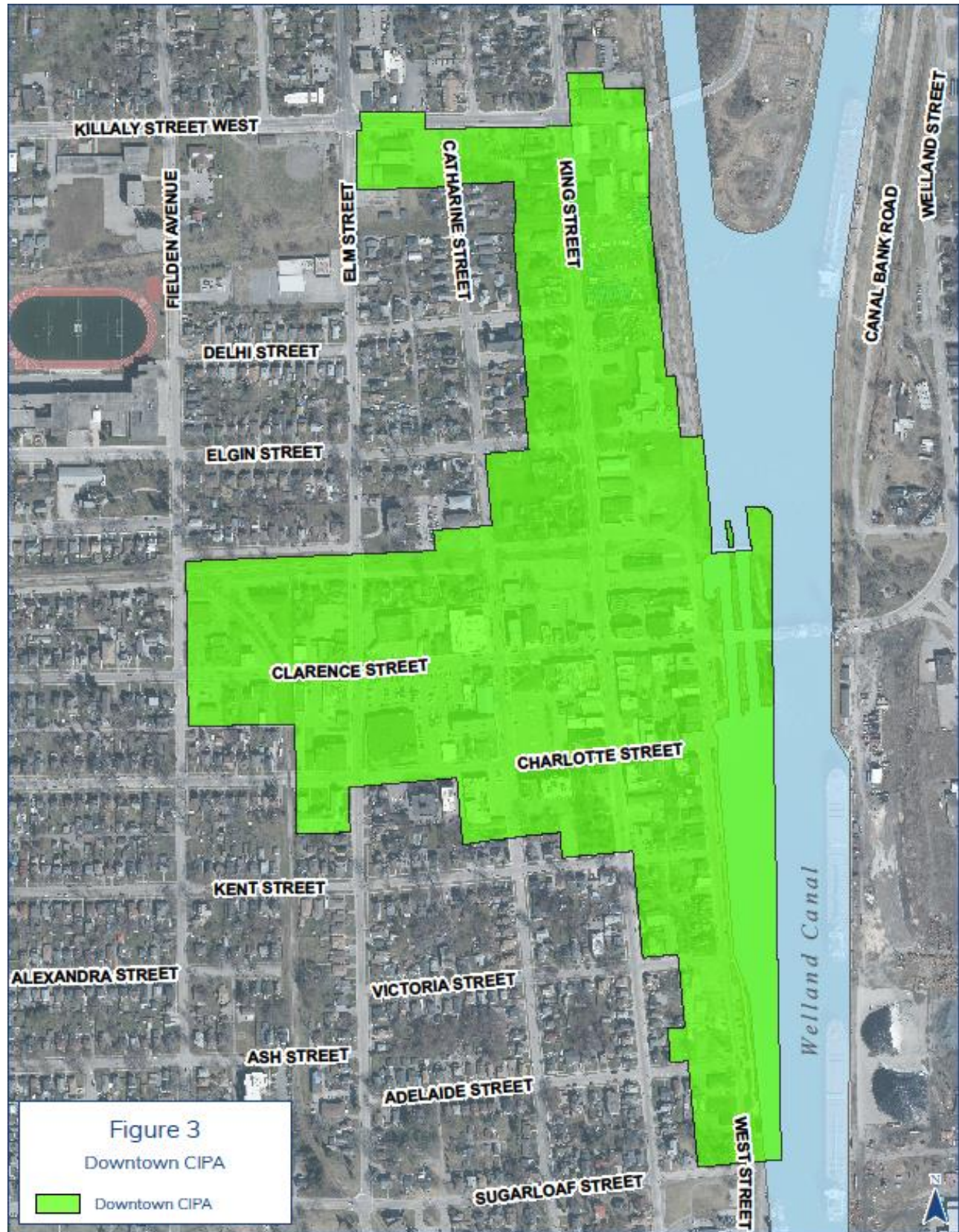




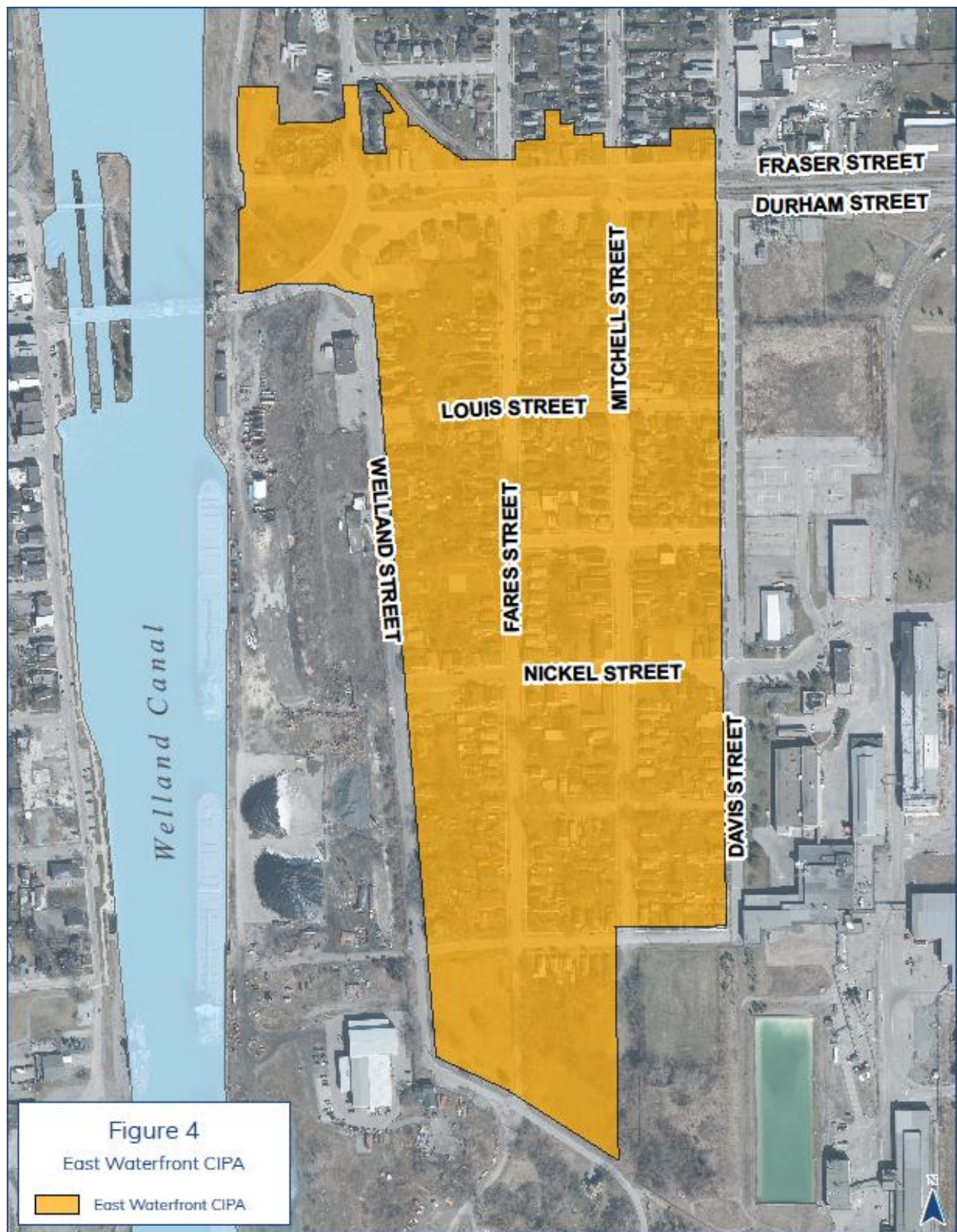












## 6.0 Incentive Programs

### 6.1 Summary of Incentive Programs

The financial incentive programs in this Comprehensive CIP draw on the City's experience with the incentive programs in the existing CIPs, and recent best practices in other municipalities. However, the incentive programs in this CIP were developed in consultation with the PRT to strategically address existing and emerging key community improvement needs across the municipality in order to help achieve the community improvement goals identified in Section 4.0. Consequently, not all of the incentive programs contained in this CIP will be offered across the entire urban area of the City of Port Colborne.

Once this CIP is adopted and approved, the incentive programs in the CIP can be activated by Council, one or more at a time, based on Council approval of the implementation of each program, subject to the availability of funding. In this regard, the CIP enables Council to implement the incentive programs contained herein, but does not obligate Council to implement any or all of these incentive programs. Furthermore, Council controls the implementation of the incentive programs and Council will decide which programs will be offered in the CIPAs, and the amount of funding allocated to the financial incentive programs. Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, subject to the restrictions contained in this CIP, and any additional restrictions imposed by the City.

When implementing the incentive programs, depending on budget considerations at the time, Council can set the maximum grant available for each incentive program at or below the maximum specified for that program herein. Council may also specify a maximum grant amount for any incentive programs where a maximum grant amount is not specified herein. Finally, all of the financial incentives described herein may be provided to applicants at the sole discretion of the City of Port Colborne.

General requirements that apply to all the incentive programs and program specific requirements have been included in this CIP to help ensure that the goals of the CIP can be met while protecting the financial, planning, and other interests of the City. **Table 2** below provides information for each of the incentive programs that can be offered by the City under this CIP, including the specific CIPAs where each program can be made available by the City (eligible CIPA), and the types of properties/projects that are eligible to apply for each incentive program in each eligible CIPA. The balance of this section provides a description of the general program requirements, and the basic details for each of the incentive programs, including the program purpose, description, and program specific requirements. **Appendices D and E** contains supporting information for one or more of the incentive programs. These appendices do not form an operative part of the CIP, and may be changed from time to time by the City, as required, without amendment to this Plan.



**Table 2 Summary of Incentive Programs**

Program	Description	Eligible CIPA	Eligible Properties/Projects
<b>1) Environmental Site Assessment Grant Program</b>	A Grant equal to 50% of the cost of eligible environmental studies to a maximum: a) grant of \$20,000 per study; b) two (2) studies per project; and, c) \$30,000 per project.	Brownfield CIPA (entire urban area).	All properties, but applicants must clearly demonstrate a legitimate intention to undertake eligible community improvement/ redevelopment of the property.
<b>2) Urban Design Study Grant Program</b>	A Grant equal to 50% of cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments to a maximum grant of \$2,000 per property/project.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	All properties with potential for eligible community improvements.
<b>3) Facade and Property Improvement Grant Program</b>	A Grant equal to 50% of cost of eligible front facade and storefront improvement and restoration works up to a maximum grant per project of \$20,000. Maximum grant can be increased by up to \$5,000 (on a matching 50/50 basis) for projects on properties that are designated under the <i>Ontario Heritage Act</i> .  A separate Grant equal to 50% of cost of eligible side and/or rear facade improvement and restoration works up to maximum grant per project of \$5,000 only where said rear and/or side facades are highly visible from a public road, public parking area or public open space.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Existing commercial, institutional and mixed use buildings only.

**Table 2 Summary of Incentive Programs (cont'd)**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>4) Residential Grant Program</b>	A Grant equal to 50% of cost of renovating existing residential units and/or constructing new residential units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	<ul style="list-style-type: none"> <li>i) Renovation to existing residential units in mixed use buildings to Building Code, Fire Code, and Property Standards Bylaw.</li> <li>ii) Conversion of excess/ vacant commercial space on upper stories of commercial and mixed use buildings into one (1) or more net residential units.</li> <li>iii) Intensification of existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units.</li> <li>iv) Vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.</li> </ul>
<b>5) Affordable Rental Housing Grant Program</b>	A Grant equal to 50% of cost of constructing new affordable rental housing units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Entire urban area, but priority will be given to applications in Main Street, Downtown, and East Waterfront CIPAs.	New affordable rental housing units <sup>5</sup> rental housing units only created by eligible project types 4) ii) to iv) above. Can be combined with the Residential Grant Program, in the Main Street, Downtown, and East Waterfront CIPAs, as applicable.
<b>6) Brownfields Tax Assistance Program (TAP)</b>	Cancellation of the City property tax increase for up to 5 years during the tax assistance period. Cancellation of the education property tax increase is subject to approval by the Minister of Finance and is a separate process from the CIP program application process.	Brownfield CIPA (entire urban area).	Property must have a corresponding Brownfield TIG application.

<sup>5</sup> See Appendix D for the definition of “affordable rental housing”.

**Table 2 Summary of Incentive Programs (cont'd)**

Program	Description	Eligible CIPA	Eligible Properties/Projects
<b>7) Tax Increment Grant (TIG) Program</b>	a) Main Street, Downtown and East Waterfront TIG - Annual TIG equal to 80% of City property tax increase generated by project for up to 10 years following project completion. TIG increases to 100% for affordable rental housing units.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Only projects that create a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.
	b) Brownfield TIG - Annual Tax Increment Grant (TIG) equal to 100% of City property tax increase generated by project for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The total amount of the Brownfield TIG is; a) capped at the total eligible program costs; and, b) reduced (offset) by the amount of the Brownfield DCG.
<b>8) Development Charge Grant (DCG) Program</b>	Main Street, Downtown and East Waterfront Development Charge (DCG) – A Grant equal to 50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Applicants must choose between the TIG Program and the DCG Program.
	Affordable Rental Housing DCG <sup>6</sup> – a Grant equal to 100% of the City DC payable on affordable rental housing units.	Entire Urban Area	Applicants must choose between a TIG Program and the DCG Program.
	Brownfield DCG – A Grant equal to up to 100% of the City DC payable.	Brownfield CIPA (entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG.

<sup>6</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a 100% Development Charge Exemption for affordable rental housing units. If that is the case, no TIG will be available.

## 6.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the following general requirements as well as the individual requirements specified under each program. The general and program specific requirements contained in this CIP are not necessarily exhaustive, and the City 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) as defined in Section 5.0 of this Plan;
- b) None of the incentive programs contained in this Plan will be offered on a retroactive basis. This means that the City can accept applications for the financial incentive programs contained in this CIP only after this CIP has been adopted by Council and approved. This also means that an application for any financial incentive program contained in this CIP must be submitted to the City and that application must be approved by the City prior to the commencement of any eligible studies or eligible works that are the subject of the application;
- c) In addition to the restriction of eligibility for incentive programs to certain CIPAs and land uses as specified in this Plan, the City may further restrict eligibility for any of the incentive programs contained in this Plan to certain geographic areas, land uses, types of development, and other additional criteria, without amendment to this Plan, to help ensure that funded projects achieve the goals of this Plan and maximize community improvement benefits;
- d) Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, i.e., the incentive programs can be combined or “stacked”, subject to the general and individual program requirements and maximum grant restrictions contained in this CIP, and any additional program requirements and restrictions that may be imposed by the City;
- e) With the exception of the Brownfield Tax Increment Grant (TIG) and Brownfield Development Charge Grant (DCG) Programs, applicants for all other Tax Increment Grant (TIG) Programs and Development Charge Grant (DCG) Programs contained in this CIP must choose between a TIG Program and a DCG Program. An applicant cannot apply for both programs.
- f) Applicants are eligible to apply for both the Brownfield Tax Increment Grant (TIG) and the Brownfield Development Charge Grant (DCG) Programs contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the approved Brownfield DCG.
- g) Applicants who apply and are approved for a TIG and/or a DCG under this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

h) Except for the following programs, the applicant must be the owner of the property,;

- i) Environmental Site Assessment (ESA) Grant Program;
- ii) Urban Design Study Grant Program;
- iii) Facade and Property Improvement Grant Program;

For the programs noted in h) i) to iii) above, if the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and receive the grant payment, with said written consent in a form acceptable to the City;

- i) An individual, corporation or other party who has litigation pending against the City, including appeals to planning and other tribunals, may be deemed by the City in its sole and absolute discretion to be ineligible to apply for/receive any of the incentive programs contained in this CIP;
- j) Regardless of whether or not an Applicant otherwise satisfies the general and program specific requirements contained in this CIP, City Council or its delegate may reject any incentive program application received from an applicant where there is credible information that the applicant has been involved recently or repeatedly in illegal activity, supporting the conclusion that the applicant will not conduct themselves with honesty and integrity in undertaking the community improvement for which a grant is being sought. In this regard, applicants are individuals, corporations, and principals of the corporation, including corporate officers and directors;
- k) An application for any financial incentive program contained in this CIP must include plans, drawings, studies, cost estimates, contracts, reports, construction values, rental rates, sale prices, and other details as required by the City to satisfy the City with respect to the costs, design and performance of the project, and conformity of the project with the CIP;
- l) The City may require that an applicant submit for approval professional urban design studies, architectural/design drawings, and a heritage impact assessment prepared by a qualified professional with said studies and drawings in conformity with all applicable design guidelines specified by the City;
- m) The City may require that an applicant submit for approval a business plan, impact studies such as traffic studies, studies of microclimatic conditions (sun, shadow, wind), and any other studies as deemed necessary by the City, and such studies shall be to the City's satisfaction;
- n) 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;
- o) The application is subject to approval by 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;

- p) Except for the ESA Grant Program and the Urban Design Study Grant Program, as a condition of application approval, the applicant will be required to enter into a Grant Agreement with the City. 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;
- q) Each program in this CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation for the program (as applicable);
- r) Where other sources of government and/or non-profit organization funding (Federal, Provincial, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs have been applied for, are anticipated, or have been secured, these must be declared as part of the application, and accordingly, the grant/loan from the City may be reduced on a pro-rated basis;
- s) The City reserves the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- t) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant;
- u) If the applicant is in default of any of the general or program specific requirements, any other requirements of the City, or any of the terms and condition specified in the grant agreement, the City may delay, reduce, or cancel the approved grant, and require repayment of the approved grant, including the ability to add the repayment of the approved grant amount to the property tax roll;
- v) The City may discontinue any of the programs contained in this CIP at any time, but applicants with an approved grant will still receive said grant, subject to meeting the general and program specific requirements;
- w) All proposed works approved under the financial incentive programs and associated improvements to buildings and/or land completed must conform to all applicable City guidelines, by-laws, policies, procedures and standards, including applicable Urban Design Guidelines;
- x) All works completed must comply with the description of the works as provided in the application form, supporting materials, and contained in the program agreement, with any amendments as approved at the sole discretion of the City;
- y) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements and approvals;



- z) 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;
- aa) When required by the City, outstanding work orders, and/or orders or requests to comply, and/or other charges from the City must be satisfactorily addressed prior to grant approval/payment;
- bb) Property taxes must be in good standing at the time of program application and throughout the entire length of the grant commitment;
- cc) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- dd) Applicants approved for the programs contained in this CIP will be required to complete the eligible studies and eligible works within specified timeframes as specified in their approval letter or grant agreement; and,
- ee) 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.

## **6.3 Environmental Site Assessment (ESA) Grant Program**

### **6.3.1 Purpose**

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

### **6.3.2 Description**

Eligible environmental studies include a Phase II ESA (complete, partial, or supplemental), Remedial Work Plan, Risk Assessment/Risk Management Plan, testing and tracking for excess soil management, and a Designated Substances and Hazardous Materials Survey. Environmental study grants will only be offered on eligible properties where there is potential for renovation/adaptive reuse/expansion of the buildings on the property, and/or development/redevelopment of the property. Applicants must clearly demonstrate their legitimate intention to undertake one or more of these activities on an eligible property, by whatever means deemed necessary by the City<sup>7</sup>. Studies undertaken solely for the purposes of purchase/sale due diligence shall not be eligible for this program.

This program will provide a grant equal to 50% of the cost of eligible environmental studies to a maximum:

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

Applications for this program will be processed and approved on a first come, first served basis. Review and evaluation of an application and supporting materials against program eligibility requirements will be completed by staff, and a decision on the grant application will be made by staff acting as Council's designate.

Grant payments approved under this program would be provided to applicants following submission to the City 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 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 the ESA Grant. Assignees are eligible to apply for and receive this grant, subject to providing the City with written consent from the owner to conduct the study and provided that the property owner has assigned the grant to the assignee.

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<sup>7</sup> This may include, but is not necessarily limited to the submission of a letter of intent to renovate, adaptively reuse, expand and/or redevelop the property, and submission of a preliminary development plan (if planning applications have not yet been submitted).

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 City 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 City prior to the start of any environmental study to which this grant will apply;
- b) Environmental studies shall be for the purpose of:
  - i) confirming and describing the location and concentration of contamination at the site (complete, partial, or supplemental Phase II ESA);
  - ii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan, Risk Assessment/Risk Management Plan);
  - iii) testing and tracking for the purpose of excess soil management as per O. Reg 406/19;
  - iv) Designated Substances and Hazardous Materials Survey.

For application type c i) above, applicants must complete and submit to the City 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 ii) above, applicants must complete and submit to the City 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.

- c) All ESA Grant applications will include:
  - i) a minimum of two (2) study cost estimates<sup>8</sup>;
  - 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;

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<sup>8</sup> The grant to be paid will be based on the lesser of the two cost estimates, or the actual cost of the study, whichever is less.

- d) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- e) One (1) electronic and one (1) hard copy of the study must be submitted to the City for the City's review and retention; and,
- f) Approval of an ESA Grant application (except Risk Assessments/Risk Management Plans) will be revoked if the study is not submitted within two (2) calendar years of the date that the ESA Grant application is approved.

## **6.4 Urban Design Study Grant Program**

### **6.4.1 Purpose**

To help promote the undertaking of professionally prepared high quality urban design studies, architectural/design drawings, and heritage impact assessments that meet the City's Urban Design Guidelines and any other applicable guidelines and to help offset the costs of preparing said professional urban design studies, architectural/design drawings and heritage impact assessments.

### **6.4.2 Description**

This program will provide a matching grant equal to 50% of the cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments required by the City to a maximum grant per property/project of \$2,000. Only one Urban Design Study Grant application per property/project will be allowed.

### **6.4.3 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) The following types of professional studies/drawings/assessments for the renovation, conversion, and expansion of existing buildings and the construction of new buildings are considered eligible for a grant under this program:
  - i) urban design studies;
  - ii) architectural/design drawings;
  - iii) heritage impact assessments; and,
  - iv) any other study as approved by the City.
- b) All studies/drawings/assessments must be prepared by a qualified professional (i.e., architect/design professional) as determined by the City;

- c) One (1) electronic and one (1) hard copy of the study/drawings/assessment must be submitted to the City for the City's review and retention; and,
- d) All studies/drawings/assessments must be to the satisfaction of the City and must meet the City's Urban Design Guidelines and any other applicable City guidelines, by-laws, policies, procedures, and standards.

## **6.5 Facade and Property Improvement Grant Program**

### **6.5.1 Purpose**

To promote the rehabilitation, restoration, preservation and improvement of the front, side and rear facades of existing commercial, institutional and mixed use buildings, including retail storefront display areas and signage.

To promote improved landscaping, driveway access, and parking areas of existing commercial, institutional, and mixed use buildings with particular emphasis on the public street edge in order to improve visual quality and create a safer and more comfortable pedestrian environment.

### **6.5.2 Description**

This program will provide a grant equal to 50% of the cost of eligible front facade and storefront improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$20,000.

The maximum grant available under this program can be increased by up to \$5,000 (on a matching 50/50 basis) for projects that are also designated under the *Ontario Heritage Act*.

A separate grant equal to 50% of the cost of eligible side and/or rear facade improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$5,000 may be provided where said rear and/or side facades are highly visible from a public road, public parking area or public open space.

### **6.5.3 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) The following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings are considered eligible for a grant under this program:
  - i) repair or replacement of storefront, including repair or replacement of storefront doors and windows;
  - ii) exterior and entrance modifications to provide barrier free accessibility;

- iii) repair or repointing of facade masonry and brickwork;
  - iv) repair or replacement of cornices, parapets, eaves and other architectural details;
  - v) repair or replacement of awnings or canopies;
  - vi) facade painting, cleaning, and refinishing treatments as acceptable to the City;
  - vii) addition of new lighting/upgrading of existing lighting fixtures on exterior facade and in entrance and storefront display areas;
  - viii) repair, improvement, or replacement of existing signage, and installation of new signage (as permitted by the Sign By-law);
  - ix) landscaping, including plant materials, planters and planting strips, (to a maximum of 15% of the approved grant amount);
  - x) addition of new lighting and/or upgrading of existing lighting (e.g., conversion to LED lighting) where said lighting is not attached to the building;
  - xi) construction, expansion or upgrading of an outdoor commercial patio/café area;
  - xii) construction, consolidation, or improvement of parking areas and driveway access/egress;
  - xiii) architectural/design fees required for eligible works (to a maximum of 10% of the grant amount);
  - xiv) other similar repairs/improvements as may be approved; and,
  - xv) items i) to xiv) above as they apply to side facades and rear facades that are highly visible from a public road, public parking area or public open space.
- b) In addition to the eligible costs specified in a) above, the following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act* are also considered eligible for a grant under this program:
- i) works that conserve or enhance elements specified in the Reasons for Designation accompanying the designating by-law under the *Ontario Heritage Act*;
  - ii) original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.);
  - iii) removal of modern materials and replacement with documented original materials;
  - iv) reconstruction or construction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.);
  - v) cleaning of masonry buildings, as acceptable to the City, if it is necessary for the building's preservation;
  - vi) all final finishes, such as paint and masonry, as acceptable to the City; and,
  - vii) structural repairs and works required to maintain or preserve significant heritage features.
- c) For commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act*, the facade restoration and improvement works should be supported by documentation in the form of historic photographs or drawings clearly showing the feature(s) to be restored or reconstructed.



- d) The City may consider applications for phased facade improvements under this program, subject to the maximum grant amounts per project noted above.

## **6.6 Residential Grant Program**

### **6.6.1 Purpose**

To promote improvements to the quality of the existing housing stock and increase the supply of housing via:

- a) renovations to existing residential units in mixed use buildings;
- b) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new residential units;
- c) residential intensification of existing mixed use or residential apartment/multi-unit buildings; and,
- d) the infilling of vacant lots with new residential units.

### **6.6.2 Description**

This program will provide a grant equal to the cost of renovating existing residential units to code and/or constructing new residential units on the basis of \$15 per square foot of habitable floor space renovated or constructed, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).

The Residential Grant Program can be used for rental or ownership units. If used for ownership units, the grant may apply to buildings that fall under the *Condominium Act*. The Grant will be paid once all construction is complete and the City has conducted all final inspections.

### **6.6.3 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) The following types of projects are considered eligible for a grant under this program:
  - i) renovations to existing residential units in mixed use buildings to bring these units into compliance with the Building Code, Property Standards By-law and the Fire Code;
  - ii) conversion of excess commercial and/or vacant space on upper stories of commercial and mixed use building to one (1) or more residential units;
  - iii) intensification of an existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units; and,
  - iv) vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.

## 6.7 Affordable Rental Housing Grant Program

### 6.7.1 Purpose

To increase the supply of new affordable rental housing<sup>9</sup> via:

- a) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new affordable rental residential units;
- b) intensification of existing mixed use or residential apartment/multi-unit buildings to create new affordable rental residential units; and,
- c) the infilling of vacant lots with new affordable rental residential units.

### 6.7.2 Description

This program will provide a grant equal to \$15 per square foot for the creation of new affordable rental housing units, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project). While the City can offer the Affordable Rental Housing Grant Program as a stand-alone program across the entire urban area, priority will be given to applications in the Main Street, Downtown, and East Waterfront CIPAs. The Affordable Rental Housing Grant Program can also be combined with the Residential Grant Program in the Main Street, Downtown and East Waterfront CIPAs. Applicants have the option to apply up to \$10,000 of their approved Affordable Rental Housing Grant against planning and building permit fees at the time these must be paid, with a concomitant reduction in the balance of the Affordable Rental Housing Grant when it is paid upon project completion.

The affordable rental housing units created under this program must remain as affordable rental housing units as per the definition of affordable rental housing and minimum period of time as specified in **Appendix D**. Therefore, all applicants approved for a grant under this program must enter into an Agreement with the local municipality to maintain the residential unit as affordable for the minimum period of time specified in Appendix D. The Applicant will be responsible for annually confirming with the City that all residential units funded by this program remain as affordable rental residential units. The grant provided to the applicant will be immediately due and payable for all units that are no longer affordable rental housing within the period of time specified in Appendix D.

### 6.7.3 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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D;:

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<sup>9</sup> See Appendix D for the definition of “affordable rental housing”.

- i) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - ii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iii) the infilling of vacant lots with new affordable rental residential units.
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

## **6.8 Brownfield Tax Assistance Program (TAP)**

### **6.8.1 Purpose**

To encourage the remediation and substantial rehabilitation, adaptive reuse, development/redevelopment of brownfield sites (where actual contamination has been confirmed) by providing tax assistance in the form of a cancellation of part or all 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 and/or risk assessment/ management. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

### **6.8.2 Description**

As noted in Section 2.1 of this CIP, the legislative authority for the Brownfield TAP is established under Sections 365.1 of the *Municipal Act, 2001*. Municipalities can pass a tax assistance by-law that cancels part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, as defined in Section 365.1 of the *Municipal Act, 2001*.

An “eligible property” for the Brownfield TAP is a property within the CIPA that is also eligible for the Brownfield Tax Increment Grant (TIG) Program 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.

The “assistance period” for the Brownfield TAP is the period of time starting on the date on which the tax assistance by-law is passed by the City, and ending on the:

- a) the date when the total tax assistance provided equals the total eligible costs; or,
- b) the end date specified in the by-law (maximum of 5 years from the date the by-law was passed), whichever comes first.

“Eligible costs” for the Brownfield 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 6.8.3 below. In no case will the total amount of the tax assistance provided under the Brownfield TAP exceed the total of these eligible costs.

An application for the Brownfield TAP must be for a site with confirmed environmental contamination as evidenced via a Phase II ESA that demonstrates the site does 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. An application for the Brownfield TAP must be accompanied by an application for the Brownfield TIG Program. Stand-alone applications for the Brownfield TAP are not permitted, and a Brownfield TAP application can only be approved if the corresponding Brownfield TIG Program Application is approved.

As part of the tax assistance provided to the applicant, the City may also request participation from the Region of Niagara (applicable only if the Region offers a Brownfield Tax Assistance Program) in order to provide for a cancellation of part or all of the Regional property tax increase, on an application by application basis. In order for the tax assistance by-law to apply to Regional property taxes, before it is passed by the City, the City must supply a copy of the proposed by-law to the Region, and 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 5 years. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the City, and may be subject to additional conditions.

The City may also apply to the Ministry of Finance for matching school property tax assistance on behalf of the property owner under the Province’s Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province. In order for the tax assistance by-law to apply to school property taxes, the BTIF Application must be approved in writing by the Minister of Finance. Matching school property tax assistance for eligible properties available through the Provincial BFTIP, or through any other replacement programs administered by the Province, is subject to approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the City, and may be subject to additional conditions. An approval made under the City’s Brownfield TAP shall be conditional on the Applicant receiving approval from the Minister of Finance for a corresponding application under the Province of Ontario’s BFTIP respecting cancellation of the school portion of property taxes.

Each property approved for the Brownfield TAP will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City as well as conditions required by the Region (if applicable) and the Minister of Finance.

### 6.8.3 Program Requirements

Applicants that have applied for a Brownfield TIG are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by City Council, Regional Council (if applicable) and the Minister of Finance:

- a) An application for the Brownfield TAP must be accompanied by:
  - i) an application for the TIG Program, including a description of the development that will take place on the site post remediation/risk assessment;
  - ii) a Phase I ESA;
  - iii) 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;
  - iv) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:
  - i) A Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the ESA Grant Program;
  - ii) environmental remediation, including the cost of preparing a Record of Site Condition (RSC) and Certificate of Property Use (CPU);
  - 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/or CPU;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated; and,
  - vi) environmental insurance premiums;
- c) Should the owner of the property default on any of the conditions in the tax assistance agreement or by-law, cancelled property taxes (plus interest) will become payable to the City, the Region (if applicable) and the Province;

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

## 6.9 Tax Increment Grant (TIG) Program

### 6.9.1 Purpose

To encourage substantial rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from these various types of development. This incentive is also designed to assist in securing project financing.

### 6.9.2 Description

**N.B. An applicant applying for the Main Street, Downtown, or East Waterfront TIG Program cannot apply for any Development Charge Grant (DCG) Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

Subject to the “as built” project achieving the minimum increase in assessment value (AV) (as determined by MPAC) specified in **Appendix E<sup>10</sup>**, this program will provide an annual tax increment grant (TIG) for up to ten (10) years after project completion equal to a percentage of the increase in the municipal (City and Region) <sup>11</sup> portion of property taxes<sup>12</sup> generated by completion of an eligible project as shown in **Table 3** below.

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<sup>10</sup> The Brownfield TIG Program is exempt from this minimum assessment value increase requirement.

<sup>11</sup> Regional Municipality of Niagara participation in this program is subject to approval by the Region. If the Region does not offer a corresponding program, or elects not to participate in this program, the grant will apply only to the City property tax increase.

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



**Table 3 Tax Increment Grant (TIG) Program by Type**

<b>TIG Program Name</b>	<b>TIG is Equal to:</b>	<b>Eligible CIPA</b>	<b>Program Eligibility</b>
Main Street, Downtown, and East Waterfront TIG Program	80% of the municipal property tax increase for up to 10 years following project completion. TIG increases to 100% for up to 10 years for affordable rental housing units <sup>13</sup> .	Downtown CIPA. Main Street CIPA. East Waterfront CIPA.	Only projects that generate a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.  An applicant for this TIG Program cannot apply for a DCG Program under this CIP.
Brownfield TIG Program	100% of the municipal property tax increase for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The maximum amount of the Brownfield TIG is capped at total eligible costs for the Brownfield TIG as verified by the City.  An applicant for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but the total amount of the Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

The approved applicant would first construct and complete the approved project. The City would then pay the fixed grant annually once:

- a) The eligible project has been completed in accordance with the grant application;
- b) Final building inspections have taken place;
- c) An occupancy permit has been issued (as applicable);
- d) All deficiencies have been addressed;
- e) All general and program specific requirements and grant agreement requirements have been met, and continue to be met, to the City's satisfaction;
- f) The property has been reassessed by the Municipal Property Assessment Corporation (MPAC) and the assessment value of the property has increased by the minimum specified in Appendix E; and,
- g) The new property taxes have been paid in full for the year.

The City may establish a maximum total grant that can be paid under this program per application/property/project.

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 municipal property taxes (tax increment) will be calculated as the difference between pre-project municipal property taxes and post-project municipal

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<sup>13</sup> See Appendix D for the definition of "affordable rental housing".

property taxes that are levied as a result of re-valuation of the property by the MPAC following project completion. The tax increment does not include any increase/decrease in municipal taxes due to a general tax increase/decrease, or a change in assessment for any other reason. The annual grant amount to be paid over up to 10 years will be fixed based on post-project property taxes as determined based on post-project assessment value of the project upon completion. This fixed grant amount will then be paid annually once the eligible project is complete, building inspection has taken place, the property has been reassessed by MPAC, and the new property taxes have been paid in full for the year in which the grant is to be provided.

Assignment of an approved grant under the TIG Program is not permitted, unless it is an approved Brownfield TIG Program application, in which case, the City may allow, entirely at its own discretion, the approved applicant to assign the Brownfield TIG grant to a third party, but this is limited to a one-time assignability by the approved applicant.

If an application for both the Brownfield TIG Program and the Brownfield TAP has been approved, the annual grant available under the Brownfield TIG Program will begin when the benefits of the Brownfield TAP end.

#### **6.9.3 Program Requirements for the Main Street, Downtown, and East Waterfront TIG Program**

Applicants are eligible to apply for funding under one of the Main Street, Downtown, and East Waterfront TIG Programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects that generate an “as built” increase in assessment value (as determined by MPAC) specified in Appendix E are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings;
- b) If during the grant period, a building receiving a TIG is demolished, all grant payments shall cease and the City reserves the right to require repayment of the grant payments; and,
- c) If during the grant period, a building/property designated under the *Ontario Heritage Act* receiving a TIG is demolished or any of the heritage features are altered in any way that would compromise the reasons for designation, all grant payments shall cease and the City reserves the right to require repayment of the grant payments.

#### **6.9.4 Program Requirements for the Brownfield TIG Program**

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the program requirements in Section 6.9.3 above, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) An application for the Brownfield TIG must be accompanied by a:
  - i) Phase I ESA;
  - ii) Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry;
  - iii) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan prepared by a qualified person that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the grant provided under the Brownfield TIG Program shall not exceed total eligible costs which include only the costs of:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil, except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP;
  - vii) demolishing buildings (excluding permit fees);
  - viii) building rehabilitation and retrofit works (excluding permit fees); and,
  - ix) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
- c) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP); and,

- d) While the City, entirely at its own discretion, may allow an applicant with an approved Brownfield TIG to assign the Grant to an assignee as the result of the sale or other transfer of the property, the approved TIG will cease immediately upon any subsequent sale or other transfer of the property.

## **6.10 Development Charge Grant (DCG) Program**

### **6.10.1 Purpose**

To encourage rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the City development charge normally payable on such development projects. This incentive is also designed to assist in securing project financing.

### **6.10.2 Description**

**N.B. An applicant applying for the Main Street, Downtown, East Waterfront or Affordable Rental Housing DCG Program cannot apply for a TIG Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

The DCG Program will provide a grant equal to a percentage of the City development charge normally payable (after any reduction of development charges for redevelopment) as shown in **Table 4** below.

City development charges will be paid in full by an applicant for this program at the time development charges are normally paid, e.g., building permit issuance. The City would then pay the DCG to the applicant only once after:

- i) The eligible and approved project is complete;
- ii) Final building inspections have taken place;
- iii) An occupancy permit has been issued (as applicable);
- iv) All deficiencies have been addressed; and,
- v) All program and grant agreement requirements have been met to the City's satisfaction.

**Table 4 Development Charge Grant (DCG) Program by Type**

DCG Program Name	DCG is equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront DCG Program	50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Affordable Rental Housing DCG Program <sup>14</sup>	100% of the City DC payable on affordable rental housing <sup>15</sup> .	Entire urban area	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Brownfield DCG Program	Up to 100% of the City DC payable.	Brownfield CIPA (Entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG. The maximum Brownfield DCG is equal to the eligible costs for the Brownfield DCG as verified by the City.

As applicable, an applicant can apply for one of the Main Street, Downtown, East Waterfront or Brownfield DCG Programs, and the Affordable Housing DCG Program, together. The City may establish a maximum total grant that can be paid under the DCG Program(s) per application/property/project.

In order for an applicant to take advantage of the Brownfield DCG Program, the applicant must have an approved Brownfield TIG application. The amount of the Brownfield DCG will equal the total cost of environmental remediation (Items i) to vi) in Section 6.9.4 b) above that has been approved and verified by the City, up to the amount of the City development charge normally payable after any reduction of development charges for redevelopment. The amount of the Brownfield DCG paid to the applicant will be deducted from any Brownfield TIG amount.

### 6.10.3 Program Requirements for the Main Street, Downtown, and East Waterfront DCG Program

Applicants are eligible to apply for funding under one of these programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;

<sup>14</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a partial or 100% City Development Charge exemption for affordable rental housing units. If that is the case, no TIG will be available.

<sup>15</sup> See Appendix D for the definition of “affordable rental housing”.

#### **6.10.4 Program Requirements for the Affordable Rental Housing DCG Program**

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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D:
  - ii) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - iii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iv) the infilling of vacant lots with new affordable rental residential units;
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

#### **6.10.5 Program Requirements for the Brownfield DCG Program**

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

- a) An applicant must have applied and been approved for a Brownfield TIG;
- b) Only the following Brownfield TIG costs that have been approved and verified by the City are considered eligible costs for the Brownfield DCG:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP.



- c) The maximum Brownfield DCG that can be paid to the applicant equals the amount of the City Development Charge normally payable after any reduction of Development Charges for redevelopment.
- d) The amount of the Brownfield DCG paid to the applicant will be deducted from the maximum Brownfield TIG amount approved under the Brownfield TIG Program.
- e) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP);

## 7.0 Municipal Guidance and Leadership Strategy

This section of the CIP outlines the ways in which the City of Port Colborne will:

- a) provide design guidance for private sector community improvement projects that take advantage of the incentive programs in the CIP to help ensure that these projects help to achieve the goals of this CIP;
- b) support community improvement by undertaking public realm improvements and other community improvement initiatives across the CIPA, including the Main Street, Downtown and East Waterfront CIPAs. These guidance and leadership actions are summarized below.

### 7.1 Urban Design Guidelines

The City has existing Urban Design Guidelines for the Main Street CIPA (referred to as the Olde Humberstone Design Guidelines) and an existing Urban Design Strategy for the Downtown CIPA. These documents are available on the City's website, or by request from the City's Planning and Building Division.

#### 7.1.1 Main Street Urban Design Guidelines

The Main Street Urban Design Guidelines were prepared as part of the Olde Humberstone CIP in 2008. The purpose of these Design Guidelines is to direct the appropriate form, scale, and character of development in the Main Street CIPA so that the vision for the Main Street CIPA is realized through thoughtful and insightful design of the private realm. The Design Guidelines are to be used by staff to help ensure that building owners and developers seeking to take advantage of the incentive programs contained in the CIP can only do so by following the Urban Design Guidelines.

The key objectives of the Main Street Urban Design Guidelines are as follows:

- Preserve and accentuate the unique cultural legacy of the Main Street area;
- Coordinate the appearance, function and character of the private realm along Main Street;
- Encourage compatible new infill development and redevelopment while preserving and enhancing existing high quality built form;
- Ensure that the Main Street core is a safe, comfortable, and well-designed environment for shopping, work, recreation and living; and,
- Improve the image and usability of the City of Port Colborne's gateway community.

The Main Street Urban Design Guidelines are quite comprehensive and provide guidance on:

- i) Land Use and Building Placement;
- ii) Built Form and Massing;
- iii) Architectural Character and Details;
- iv) Building Alterations; and,
- v) Landscaping.

### **7.1.2 Downtown Urban Design Strategy**

The Downtown Urban Design Strategy was completed in July of 2010 as part of the CIP process. The Urban Design Strategy provides a comprehensive and coordinated strategy that directs future City decisions related to physical improvement, both public sector and private sector, in order to help achieve the vision for the Downtown CIPA. The principal objectives of the Urban Design Strategy are to:

- 1) Establish the overall vision for physical improvement in the Downtown CBD;
- 2) Identify a series of public realm enhancements;
- 3) Identify opportunities for intensification and redevelopment;
- 4) Identify appropriate land uses for existing undeveloped or underutilized properties;
- 5) Provide Urban Design Guidelines for façade improvements; and,
- 6) Identify any necessary amendments to the existing policy and regulatory documents.

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan. This Plan illustrates a series of improvements that are recommended for public places and spaces within the Downtown CIPA. This includes recommendations on gateway signage, wayfinding signage, streetscapes, a civic square, the Clarence Street bridge, public art; the Port Promenade; and West Street.

Section 5.0 of the Downtown Urban Design Strategy contains the Private Realm Improvement Plan. This Plan illustrates a series of improvements recommended for private buildings and properties within the Downtown CIPA. This includes recommendations on development and redevelopment, and improvements to building facades, private parking lots/areas, and property edges.

Section 6.0 of the Urban Design Strategy contains Façade Improvement Guidelines that are intended to be used by various participants in the facade design process in the Downtown CIPA. This includes both the City when reviewing planning applications; and developers, landowners, business owners, and their consultants, when designing and undertaking site and building improvements.

Section 7.0 of the Urban Design Strategy contains an Implementation Strategy that specifies the priority of the various public realm improvements (by type) in the Public Realm Improvement Plan.

## **7.2 Public Realm Improvements**

The Olde Humberstone CIP, Downtown CBD CIP, and East Waterfront CIP all contained recommended public realm improvement projects designed to support private sector community improvement and improve the attractiveness, vibrancy, sense of place, and image of these CIPAs. The public realm improvement projects in these three CIPAs were reviewed in consultation with the PRT, and the following were identified as the key public realm improvements on the part of the City that are still relevant for implementation. Additional details on these public realm improvements can be found in the CIP sections as referenced below.

### **7.2.1 Main Street Public Realm Improvement Projects**

Many of the public realm improvements recommended for the Main Street CIPA area in Section 3.3 of the Olde Humberstone CIP are focussed on celebrating the Canal and enhancing the ability to attract both tourists and residents to the waterfront. The main public realm improvements for the Main Street CIPA include:

- Improvements to the Lift Bridge Gateway and surrounding area, including signage and landscaping;
- Enhancements to Lock 8 Park;
- Upgrades to the Mellanby Avenue intersection;
- Enhancements to Weir Bridge;
- Creation of a public open space venue;
- Creation of and enhancement of existing courtyards, pocket parks and pedestrian alleyways;
- Consolidation and improvement of rear lot parking areas;
- Construction of a rail trail to Downtown;
- Construction of cycling facilities;
- Stabilization of the Canal slope;
- Upgrading of the King Street intersection;
- Upgrading of Cenotaph Park;
- Improvements to sidewalk improvements; and,
- Installation of gateway, directional and wayfinding signage.

### **7.2.2 Downtown Public Realm Improvement Projects**

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan for the Downtown which specifies improvements to a broad range of elements and features within the public realm such as streets and streetscapes, public spaces, public buildings, and parking areas. The primary objective of the Public Realm Improvement Plan is to make the Downtown a comfortable and safe walking environment that is visually interesting and engaging, and to spur and mutually reinforce private sector investment in the buildings and properties to generate further activity Downtown.

The Public Realm Improvement Plan for the Downtown includes the following eight (8) types of public realm improvements:

- Establishment of Gateway signage features;
- Establishment of Wayfinding Signage;
- Improvement of Streetscapes;
- Establishment of a Civic Square;
- Accentuating the Clarence Street Bridge;
- Incorporation of Public Art features;
- Enhancement of the Port Promenade;
- Enhancement of the streetscape design for West Street.

### 7.2.3 East Waterfront Public Realm Improvement Projects

The long-term vision for the East Waterfront contained in Section 5.2 of the East Waterfront CIP includes major enhancements to the public realm in this area. The most significant public realm improvements are the enhancement of a linked system of trails, neighbourhood streetscape improvements, and improvement to the Clarence/Welland/Durham Street intersection.

## 7.3 Other Community Improvement Initiatives

As noted in Section 2.2 of this CIP, once the City has designated a CIPA and adopted and approved a CIP for the CIPA, in addition to the power to make grants and loans to pay for the whole or any part of the eligible costs of a CIP, the City may also engage in the following activities within the CIPA:

- a) Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- b) Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP; and,
- c) Sell, lease, or otherwise dispose of any land and buildings acquired or held by it to any person or governmental authority for use in conformity with the CIP.

A proactive strategy of municipal leadership in the form of land acquisition, preparation, and partnership with the private sector in redevelopment projects has been shown to be a key component of successful revitalization of older downtown, commercial, and brownfield areas in numerous Canadian and U.S. municipalities. Therefore, the City of Port Colborne may exercise its full authority and powers under the *Planning Act*, the *Municipal Act, 2001*, and other applicable legislation to undertake any and all of the above-noted activities to promote community improvement that helps achieve the goals of this CIP. In particular, this includes, but is not limited to:

- Increase the supply and diversity of housing opportunities, including affordable housing;
- Ensuring an adequate supply of employment land;
- Attract and spur investment in high economic growth sectors and sector clusters that will help diversify the local economy;
- Promote brownfield redevelopment for new housing, employment and commercial uses;
- Create and enhance public gathering spaces; and,
- Create new open spaces and recreational opportunities.

In addition to the above-noted initiatives, the City should also continue to:

- i) monitor and update as required the City's Official Plan, Zoning By-law, other by-laws, regulations, and policies that direct land use planning to ensure that they do not act as an impediment to community improvement;
- ii) undertake studies, such as parking, traffic, retail market, environmental, and other studies as required, to support private and public community improvement initiatives;

- iii) undertake and support ongoing promotion, marketing and special events in the Main Street, Downtown, and East Waterfront CIPAs; and,
- iv) further detail and implement a Marketing Strategy (see Section 9.0) to promote the City's incentive programs and development opportunities to property owners, developers, potential end users, and support professionals in the City, Region and outside the Region of Niagara.



## 8.0 Monitoring Program

### 8.1 Purpose

The Monitoring Program has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs to determine which programs are being most utilized, and use this information to adjust the programs, as required;
- b) Feedback from applicants to the incentive programs so that adjustments can be made to the incentive programs, as required; and,
- c) The economic impact associated with projects taking advantage of the CIP incentive programs.

This CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, information obtained through the Monitoring Program should be used by the City to periodically adjust the incentive programs to make them even more relevant and user friendly. Information collected through the Monitoring Program should also be utilized to provide regular CIP update reports to Council (at least annually) on the amount of private sector investment being leveraged by the public sector incentive programs, and the economic benefits associated with these private sector projects. Ultimately, the purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs in order to help ensure that the key community improvement needs in Port Colborne are properly addressed by the CIP.

### 8.2 Description

Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. As well, feedback from users of the incentive programs should be considered and utilized to periodically adjust the incentive programs in order to improve their effectiveness and ensure that the incentive programs are effective for a range of project types and sizes in the CIPA. In addition, progress on implementation of the public realm improvement and other community improvement initiatives should be reported to Council on a regular basis.

**Table 5** below presents a list of the variables that should be monitored on an individual project and aggregate basis for the incentive programs contained in this CIP. In addition to these quantitative economic measures, the City should attempt to monitor the qualitative results of the CIP in terms of its social and community benefits. This could include the impact of private sector community improvement projects and public realm improvement projects on existing and new businesses in the CIPAs.

Regular qualitative observations should be conducted by staff of the individual and cumulative impact of both public and private CIP projects in the CIPAs. This could include comments received by staff from business owners, property owners, potential investors, and residents. These qualitative measures should be regularly monitored and reported to Council along with the quantitative measures specified in Table 5.

**Table 5 Monitoring Variables**

Program	Monitoring Variable
<b>1) Environmental Site Assessment Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of ESA (Phase II ESA, Remedial Work Plan, Risk Assessment/ Risk Management Plan, testing/tracking for excess soil management, Designated Substances and Hazardous Materials Survey).</li> <li>• Cost of the ESA.</li> <li>• \$ Amount of grant by type of ESA.</li> <li>• Number of grant applications leading to actual redevelopment projects (brownfield and non-brownfield).</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>2) Urban Design Study Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of study.</li> <li>• Cost of the design study/drawings/heritage impact assessment;</li> <li>• \$ Amount of grant.</li> <li>• Number of grants leading to facade improvement, property improvement, or other construction projects;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>3) Facade and Property Improvement Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (facade improvement (front/ side/rear) and/or property improvement).</li> <li>• \$ Amount of grant.</li> <li>• Type and total cost (\$) of facade improvements.</li> <li>• Type and total cost (\$) of property improvements.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Number of new businesses successfully occupying the space (1 year post project completion).</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region and education property taxes of participating property</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>4) Residential Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (renovation, conversion, intensification, infill);</li> <li>• \$ Amount of grant.</li> <li>• Number of residential units renovated and/or new residential units built by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Total cost (\$) of residential units renovated and built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Rental rates/sale price by unit.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>

Program	Monitoring Variable
<b>5) Affordable Rental Housing Grant Program</b>	<ul style="list-style-type: none"> <li>• Number, location, and square footage of affordable residential units built by type (bachelor, 1 bedroom, 2 bedroom, 2+ bedroom).</li> <li>• \$ Amount of grant.</li> <li>• Total cost (\$) of affordable residential units built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Affordable rental rates.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>6) Brownfields Tax Assistance Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications;</li> <li>• Estimated and actual amount of City, Region, and education tax assistance (\$) provided;</li> <li>• Eligible cost (\$) by type.</li> <li>• Hectares/acres of land remediated and redeveloped;</li> <li>• Net industrial/commercial space (sq.ft.) rehabilitated or constructed;</li> <li>• Net residential units/sq.ft. renovated or constructed;</li> <li>• Total value (\$) of construction;</li> <li>• \$ Value of private sector investment leveraged;</li> <li>• Jobs created/maintained;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>7) Tax Increment Based Grant (TIBG)</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, or East Waterfront CIPA).</li> <li>• Estimated and actual amount of City and Region grant (\$).</li> <li>• Total value (\$) of construction.</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space built/converted/ rehabilitated.</li> <li>• Square footage of commercial, industrial and institutional space constructed.</li> <li>• Number of new businesses successfully occupying space (1 year post completion).</li> <li>• Jobs created/maintained.</li> <li>• Increase in assessed value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>8) Development Charge Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, East Waterfront or Entire Urban Area).</li> <li>• % and \$ Amount of grant;</li> <li>• Total value (\$) of construction;</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Square footage of commercial, industrial and institutional space constructed;</li> <li>• Number of new businesses successfully occupying space (1 year post completion);</li> <li>• Jobs created/maintained;</li> <li>• Increase in assessed value of participating property;</li> <li>• Increase in City, Region and education property taxes of participating property;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>

### **8.3 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 any of the CIPAs will require a formal amendment to this Plan in accordance with Section 28 of the *Planning Act*. The City 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 Niagara and the Minister of Municipal Affairs and Housing for information purposes only.

## 9.0 Marketing Strategy

### 9.1 Key Objectives and Messages

Experience with implementation of the various Port Colborne CIPs over the last 15 years, and experience in other municipalities with successful CIPs, suggests that it is very important to the successful implementation of the new Port Colborne Comprehensive CIP that the enhanced and more widely available incentive programs contained in the new CIP be effectively marketed to property owners, business owners, developers, investors, and current and potential employers within the CIPA as soon as possible after the CIP new is approved and the new incentive programs are launched. It is also important that the availability of the new incentive programs be effectively communicated to target audiences and markets outside of Port Colborne, both within and outside Niagara.

The purpose of the basic Marketing Strategy contained in this section is to provide a general guide to proactively and strategically inform, advertise and market the CIP incentive programs, redevelopment opportunities, and planned public realm improvements that have been and will be undertaken by the City in the CIPAs. This Marketing Strategy should be implemented as soon as possible after Council adopts and implements the Comprehensive CIP. Also, to help ensure ongoing successful implementation of the CIP, the Marketing Strategy can and should be adjusted as necessary over time based on the messaging, targeting, and marketing tools that prove most effective. The City should also engage with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, Downtown BIA, and other business and industry associations in Port Colborne in supporting the marketing of the CIP incentive programs to property owners, business owners and developers.

It is recommended that the City budget for and implement a Marketing Strategy that:

- a) Provides direction on how to obtain information on available incentive programs, including program guides and application forms, and how to obtain assistance and advice from City staff on making application for the incentive programs;
- b) Informs property owners, business owners, and developers with regard to recent and planned public realm and capital improvement projects and other actions planned by the City to improve the investment environment and conditions within the CIPA; and,
- c) Publicizes recent developments and business activity within the CIPA, especially those success stories that took advantage of the City's CIP incentives programs

All of these activities will help to further bolster the image of the CIPAs as a good place to invest, open or expand a business, and reside.

## 9.2 Target Audience

The long-term success of the CIP will depend on investment from both within (existing property and business owners) and outside Port Colborne. Therefore, it is important to market to both these target audiences. However, the best ambassadors (marketers) for the CIP programs are the business and property owners and residents already located in the CIPAs, and in particular those who have taken advantage of the CIP incentive programs. The impact of what existing business and property owners and residents tell potential investors and business owners cannot be underestimated. Therefore, it is very important for the City to regularly reach out to potential investors, developers and business using the marketing tools described below to inform them about available incentive programs, planned public realm improvements, ongoing and planned revitalization and development projects, and even other attractors such as festivals and events.

The Marketing Strategy should be targeted to:

- a) Existing property owners and business owners in the CIPA, especially those in the Main Street, Downtown, and East Waterfront CIPAs;
- b) Business owners/employers in the rest of Port Colborne;
- c) Business and industry associations both within and outside Port Colborne, including but not limited to the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA;
- d) Developers active in the Port Colborne and Niagara real estate market and other real estate markets in Ontario;
- e) Support professionals within and outside Port Colborne, including real estate professionals, lending institutions such as banks and trust companies, planning consultants, architects, lawyers, and others; and,
- f) Residents within the CIPAs, as well as the general public.

## 9.3 Marketing Tools

As much as possible, the marketing of the CIP incentive 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:

- a) A media release advising that the Comprehensive CIP has been adopted by Council, highlighting the new incentive programs, how to apply, and when the new incentive programs will launch;
- b) An easy to read online and hardcopy Incentive Programs Brochure that outlines the financial incentive programs available from the City, including basic information on the programs and how to apply;
- c) Inclusion of this brochure in the City's annual property tax billing for all commercial properties within Main Street, Downtown and East Waterfront CIPAs;
- d) A revised single application form for all the incentive programs that clearly specifies all required information and is more user friendly than the current various application forms;
- e) A direct "Incentive Programs" link from the City's "Business and Development" webpage to the CIP Incentive Programs webpage, which will contain the Comprehensive CIP, a flow chart showing the CIP



application process, Incentive Program Guides, the single Application Form, and supporting documents such as the Urban Design Guidelines;

- f) Coordination with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA to add links on their websites to the City's CIP Incentive Programs webpage;
- g) Inclusion of CIP information in planning and economic development publications and other media produced by the City outlining available incentive programs; public realm improvements (planned, underway, and recently completed); and revitalization and redevelopment success stories that have taken advantage of the City's CIP incentive programs, including before and after photos of these projects;
- h) Create and issue media releases that profile successful CIP projects across the various CIPAs;
- i) Develop and host an "Open House" for property and business owners, developers, and support professionals such as local real estate and other professional associations outlining the new CIP programs just prior to their launch;
- j) Periodic presentations/information sessions to property and business owners, developers, and support professionals such as local real estate and other professional associations, outlining available incentive programs, how to apply, and success stories in the CIPAs that have taken advantage of the City's incentive programs;
- k) Promotion of stories in local media (newspaper, radio, web) on the CIP, public realm improvements and community improvement success stories in the CIPAs;
- l) Promotion of the CIP Incentive Programs with CIP focused posts on the City's social media accounts such as Twitter and LinkedIn accounts that explain the programs that will be available under the new CIP, and encourage the target audience to make application for the new programs.
- m) Consider utilizing tools such as Google AdWords to target CIP messaging to developers, real estate associations, environmental/ planning consultants, and finance, insurance and legal professionals in and around Port Colborne and Niagara;
- n) Requiring recipients of CIP grants to post a sign (designed and supplied by the City) that indicates the project is taking advantage of the City's CIP incentive programs and contact information for the CIP programs;
- o) Posting (only with the property owner's permission) information on the City's CIP incentive programs in vacant storefronts; and
- p) Creation of a thank you letter signed by the Mayor to be sent to CIP applicants after a project is successfully completed.

## 10.0 Conclusion

This Comprehensive CIP represents the culmination of 15 years of experience with community improvement planning in the City of Port Colborne. The lessons learned from implementation of the half dozen existing CIPs have been combined with best practices, and updated planning, policy, and economic development goals to produce a consolidated Comprehensive CIP that will serve to strategically promote community improvement across Port Colborne for years to come.

The incentive programs contained in this CIP have been developed specifically to help achieve the key community improvement goals in the various CIPAs. The incentive programs have been targeted to particular areas and types of development within the CIPAs based on the direction provided by the policy framework, the PRT, Council, and the input received from stakeholders and members of the public during preparation of this Plan.

The adoption and approval of this CIP will provide the legislative basis and comprehensive incentive programs policy framework needed to help the City of Port Colborne enhance community improvement results in the Main Street, Downtown, and East Waterfront areas along with the rest of the Urban Area. Successful implementation of this CIP will require a commitment by Council to funding for implementation of the incentive programs, as well as a financial and staffing resources commitment to administer, market, and monitor the incentive programs.

Monitoring of the incentive programs is very important to the success of the CIP. Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. The purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs. It is also recommended that this Comprehensive CIP be reviewed and updated with five (5) years.

Experience in other municipalities has shown that early, effective, and ongoing implementation of the Marketing Strategy will help to make investors, developers, and property and business owners aware of the City's updated and expanded incentive programs. This will result in a more successful CIP. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will also help to ensure the long-term effectiveness and success of this CIP.

## **APPENDIX A**

### **Niagara Region Incentives Policy**

## Appendix 1: Regional Transitional Incentive Dates

### A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023 Complete funding application must be received	October 1, 2024 Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023  Complete funding application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023  Complete funding application must be received	October 1, 2024  Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	Replaced by Small Building Rental grant program

#### B. Council-Mandated Incentive Dates

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024  Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024  Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024  For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report



Program	Program Description	Grant Type
<b>AFFORDABLE HOUSING</b>		
<b>Partnership Housing Program</b>	Partnerships with for- and non-profits to generate more purpose-built rental and move clients off the housing waitlist by using a suite of Regional incentives customized by project	Suite of incentives (e.g., TIFs, DC grants and deferrals) for Affordable Housing Capital Development
<b>Affordable and Supportive Housing RDC Deferral</b>	A deferral of Regional DCs for affordable or supportive housing units in projects having an agreement with a Regional department or agency for as long as the units remain affordable	Regional Development Charge Deferral
<b>Non-profit Affordable Rental Housing RDC Deferral</b>	A deferral of 50-100% of Regional DCs depending on level of affordability for affordable rental housing units with CMHC funding for as long as the units remain affordable as defined	Regional Development Charge Deferral
<b>Non-Profit RDC-based Grant</b>	A grant for up to 100% of DCs payable for eligible non-profit developments	Regional Development Charge Grant
<b>Intensification RDC Grant</b>	A grant providing DC relief to secondary suites created within or on the property of residential dwellings as required in the DC Act and until no longer mandatory in the Act	Regional Development Charge Grant
<b>Residential Rental Grant</b>	A grant for the creation of secondary suites within or on the property of a residence which remain at affordable rental levels for at least 10 years	Regional Project Grant
<b>Small Building Rental Grant</b>	A grant for the construction of up to five units, up to \$15k/unit, provided units remain at affordable rental levels for at least 10 years	Regional Project Grant

<b>Welcome Home Niagara Home Ownership Program</b>	A forgivable loan for downpayment assistance of 5% to a maximum of \$20,296 (purchase price not to exceed \$405,930), as amended from time to time, for renters at specific income levels purchasing a home	Forgivable Loan
<b>Niagara Renovates Homeownership</b>	Forgivable loan over 10 years for repairs and accessibility modifications for low and moderate income households	Forgivable Loan
<b>Niagara Renovates Multi-residential</b>	Forgivable loan over 15 years to fund repairs or provide accessibility for affordable units in multi-unit buildings	Forgivable Loan
<b>Non-Profit and Co-op Capital Repair Costs</b>	Funding for capital repairs to non-profit and co-op housing providers having agreements with NRH	Forgivable Loan
<b>Housing Provider Capital Loan Program</b>	Emergency loan program, with 25% forgivable over time, to support repairs to non-profit and co-op affordable housing providers having agreements with NRH	Loan and Grant
<b>EMPLOYMENT</b>		
<b>Gateway CIP Tax Increment Grant</b>	A matching tax increment grant for projects in the Gateway CIP area with eligible scores on economic and environmental criteria which result in increased assessment value	Tax Increment Grant (Local and Regional Gateway CIP)
<b>Gateway CIP RDC-based Grant</b>	A matching grant of Regional DCs payable for projects with exceptional scores (14+) on Gateway CIP criteria	Regional DC Grant (Local and Regional Gateway CIP)
<b>Niagara Business Attraction Tax Increment Grant</b>	A matching tax increment grant for projects approved under local CIPs with eligible scores on economic and environmental criteria resulting in increased assessment value	Tax Increment Grant (Local CIP)
<b>Industrial Use RDC-based Grant</b>	A grant equal to 100% of Regional DCs for new or expanded industrial developments meeting the definition of Industrial Use	Regional Development Charge Grant








<b>Employment RDC-based Grant</b> <b>NOTE: This program inaccessible for duration of Industrial RDC Grant</b>	A grant equal to a percentage of Regional DCs payable based on creation of full time jobs in manufacturing and professional, scientific and technical services sectors	Regional Development Charge Grant
<b>50% Industrial Expansion RDC Grant</b>	A grant equal to Regional DCs for enlargements to existing industrial buildings for up to 50% of original gross floor area as required in the DC Act and until no longer mandatory in the Act.	Regional Development Charge Grant
<b>BROWNFIELD REMEDIATION</b>		
<b>Brownfield TIG Tier 1: Select Sites</b>	A matching tax increment grant for remediation costs on major brownfield sites whose remediation will result in significant economic, environmental, social, and health benefits; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield TIG Tier 2</b>	A matching tax increment grant (for remediation costs of brownfield sites eligible through local CIPs; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield RDC Deferral</b>	A deferral of Regional DCs for eligible brownfield sites until an occupancy permit is issued or up to five years from signing of agreement	Regional Development Charge Deferral
<b>Large-scale Brownfield RDC Grant</b>	A grant equal to Regional DCs for projects meeting the definition of brownfield, over 10 hectares in size, and in a Secondary Plan area or area subject to a Secondary Plan process as of August 25, 2022	Regional Development Charge Grant
<b>PUBLIC REALM</b>		
<b>Public Realm Investment Program</b>	Matching grant for capital projects that provide public realm enhancements on Regional roads in core areas	Regional Matching Grant to Local Area Municipality

## **APPENDIX B**

### **Port Colborne Official Plan Schedule A: City-Wide Land Use**

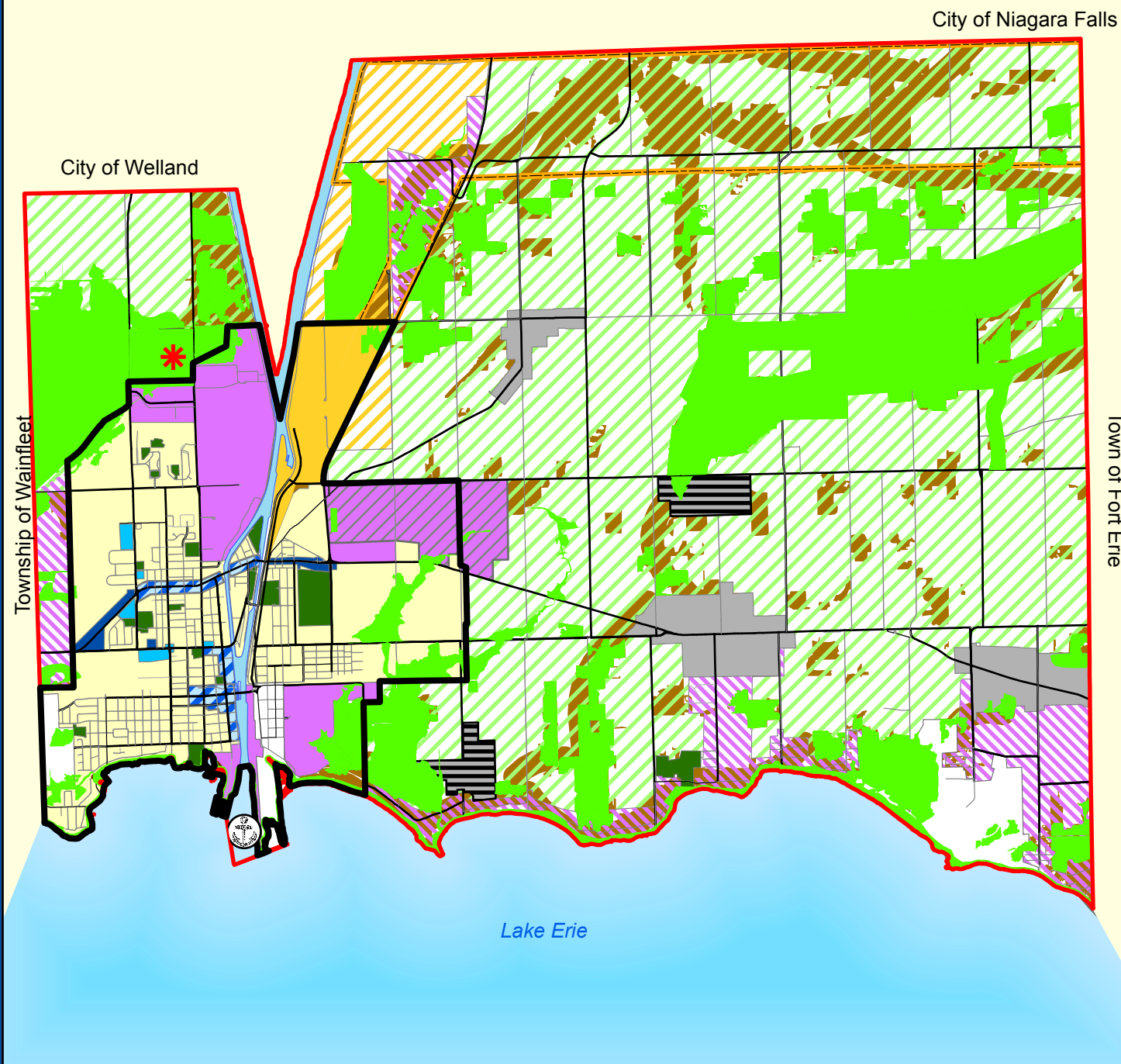
# Port Colborne Official Plan

## Schedule A: City-Wide Land Use

-  Municipal Boundary
-  Urban Area Boundary
-  EPA
-  ECA
-  Agricultural
-  Hamlet
-  Urban Residential
-  Rural
-  Downtown Commercial
-  Commercial Plaza
-  Highway Commercial
-  Marine Commercial
-  Industrial / Employment Area
-  Mineral Aggregate Operation
-  Gateway Economic Centre
-  Rural Employment
-  Parks and Open Space
-  Private Open Space
-  Special Study Area
-  Secondary Plan Area
-  Major Port
-  Former Waste Management Facility



© City of Port Colborne, Engineering and Operations Department.  
This map was compiled from various data sources and is current as of August 2012.



## **APPENDIX C**

### **Port Colborne Official Plan Community Improvement Policies**



# Section 6

## Community Improvement

## Section 6: Community Improvement

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### 6.1 Community Improvement

The City will accomplish community improvement through:

- a) Ongoing maintenance, rehabilitation, *redevelopment* and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts; deficient municipal hard services, social, community or recreational services; or economic instability;
- b) Establishment of programs to encourage private sector *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues and needs;
- c) Designation of Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan and as amended from time to time; and
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 the Planning Act R.S.O. 1990.

## 6.2 Community Improvement Plans

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Plan project areas which require 'community improvement' as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a Community Improvement Plan is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for the purposes of implementing the Community Improvement Plan.

### 6.2.1 Community Improvement Project Areas

- a) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
  - i) Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
  - ii) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - iii) Deficiencies in physical *infrastructure*, including but not limited to sanitary sewer systems, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
  - iv) Poor road access and/or traffic circulation;
  - v) Deficiencies in community and social services including but not limited to; public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities;
  - vi) Inadequate mix of housing types;
  - vii) Known or perceived environmental contamination;
  - viii) Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
  - ix) High commercial vacancy rates;
  - x) Existing or potential business improvement areas;
  - xi) Vacant *lots* and under-utilized properties which have potential for infill, *intensification*, *redevelopment* or expansion to better utilize the land base;
  - xii) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

- xiii) Other barriers to the repair, rehabilitation or *redevelopment* of under-utilized land and/or buildings; and
  - xiv) Any other environmental, social or community economic development reasons.
- b) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
  - i) The anticipated improvements achieve the Vision and Strategic Directions in this Plan;
  - ii) The greatest number of conditions as defined in 6.2.2 (a), are present; and/or
  - iii) Where one or more of the conditions in 6.2.2 (a), are particularly acute; and/or
  - iv) Where one or more of the conditions as established in 6.2.2 (a), exist across the entire Urban Area of the City.

### **6.2.2 Community Improvement Plans**

- a) Community Improvement Plans (CIP's) shall be prepared and adopted to meet one or more of the following objectives:
  - i) Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
  - ii) Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally *significant* buildings and properties;
  - iii) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreation amenities;
  - iv) Encourage residential and other types of infill and *intensification*;
  - v) Encourage the construction of *affordable* housing;
  - vi) Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
  - vii) Where necessary include an Environmental Impact Study which determines specific measures to prevent impacts on natural heritage features;

- viii) Maintain, upgrade and improve municipal services and public *utilities* such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
  - ix) Improve vehicular and pedestrian traffic flow, including for cycling;
  - x) Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
  - xi) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
  - xii) Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
  - xiii) Encourage the remediation and *redevelopment of Brownfield sites*;
  - xiv) Support existing or potential business improvement areas;
  - xv) Improve environmental conditions;
  - xvi) Improve social conditions;
  - xvii) Promote cultural development;
  - xviii) Facilitate and promote community economic development; and
  - xix) Improve community quality, safety and stability.
- b) Community Improvement Plans shall contain at a minimum:
- i) Statement of purpose;
  - ii) Goals and objectives;
  - iii) Clear description of the Community Improvement Project area;
  - iv) Critical analysis of the need (justification) for community improvement;
  - v) Description of all incentive programs; and
  - vi) As a technical appendix, the justification for the delineation of the project area and the design of the incentive programs.
- c) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

### 6.2.3 Implementation

- a) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions including:
  - i) The municipal acquisition of land and/or buildings within Community Improvement Project areas; and the subsequent:
    - Clearance, grading or environmental remediation of these properties;
    - Repair, rehabilitation, construction or improvement of these properties;
    - Sale, lease or other disposition of these properties to any person or governmental authority; and
    - Other preparation of land or buildings for community improvement.
  - ii) Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees and other financial instruments;
  - iii) Provisions of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;
  - iv) Application for financial assistance from senior level government programs;
  - v) Participation in senior level government programs that provide assistance to private landowners for the purpose of community improvement;
  - vi) Provision of information on municipal initiatives, financial assistance to private landowners for the purposes of community improvement; and
  - vii) Support of heritage conservation through the *Ontario Heritage Act*.
- b) All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws.
- c) Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.



## **APPENDIX D**

### **Definition of Affordable Rental Housing**

“Affordable Rental Housing” means a residential unit intended for use as a rented residential premises where:

- a) the rent is no greater than 80% of the average market rent based on CMHC data;
- b) the tenant is dealing at arm’s length with the landlord; and,
- c) the rent for the unit is maintained as per a) above for a period of 25 years from the date that the unit is first rented.

## **APPENDIX E**

### **Minimum Assessment Value Increase Requirement for TIG Program Eligibility**

With the exception of the Brownfield TIG Program, in order for a project to be eligible for a TIG Program contained in this CIP, the project must generate a minimum “as built” increase in assessment value (as determined by the Municipal Property Assessment Corporation (MPAC)) of at least \$500,000.

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to designate the Port Colborne Comprehensive Community Improvement Project Area and repeal By-laws 1847/112/86, 5239/145/08, 5526/123/10, 5722/153/11, 5822/76/12, and any amendments thereto

Whereas, Section 28(2) of Part IV of the Planning Act, R.S.O. 1990, c.P. 13, as amended, empowers the Council of a municipality in which an Official Plan is in effect and contains provisions relating to community improvement to designate the whole or any part of the municipality covered by the Official Plan as a Community Improvement Project Area; and

Whereas, the Council of the Corporation of the City of Port Colborne has adopted an existing Official Plan “The City of Port Colborne Official Plan” approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2013; and

Whereas, the City of Port Colborne Official Plan contains provisions relating to community improvement in the City.

Now therefore, the Corporation of the City of Port Colborne enacts as follows:

1. That all land within the urban boundary of the City of Port Colborne, as amended from time to time, be designated and hereafter known as the "Port Colborne Comprehensive Community Improvement Project Area", and that this area be divided into the following four (4) sub-areas:
  - a) That all land within the urban boundary of the City of Port Colborne, as amended from time to time, be designated and hereafter known as the Brownfield Community Improvement Project Area.
  - b) That the lands referenced on Schedule “A” to this by-law, be designated and hereafter known as the Main Street Community Improvement Project Area.
  - c) That the lands referenced on Schedule “B” to this by-law, be designated and hereafter known as the Downtown Community Improvement Project Area.
  - d) That the lands referenced on Schedule “C” to this by-law, be designated and hereafter known as the East Waterfront Community Improvement Project Area.
2. That By-law 1847/112/86 and any amendments thereto, being a by-law to designate an area as the Central Business District Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
3. That By-law 5239/145/08 and any amendments thereto, being a by-law to designate an area as the Olde Humberstone Main Street Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
4. That By-law 5526/123/10 and any amendments thereto, being a by-law to designate an area as the Brownfield Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
5. That By-law 5722/153/11 and any amendments thereto, being a by-law to designate an area as the East Waterfront Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.

6. That By-law 5822/76/12 and any amendments thereto, being a by-law to designate an area as the Industrial Community Improvement Project Area, be repealed by this by-law upon its approval date in accordance with the Planning Act.
7. 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 in principle when all such appeals have been withdrawn or finally disposed of.
8. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this      day of      , 2023.

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William C Steele  
Mayor

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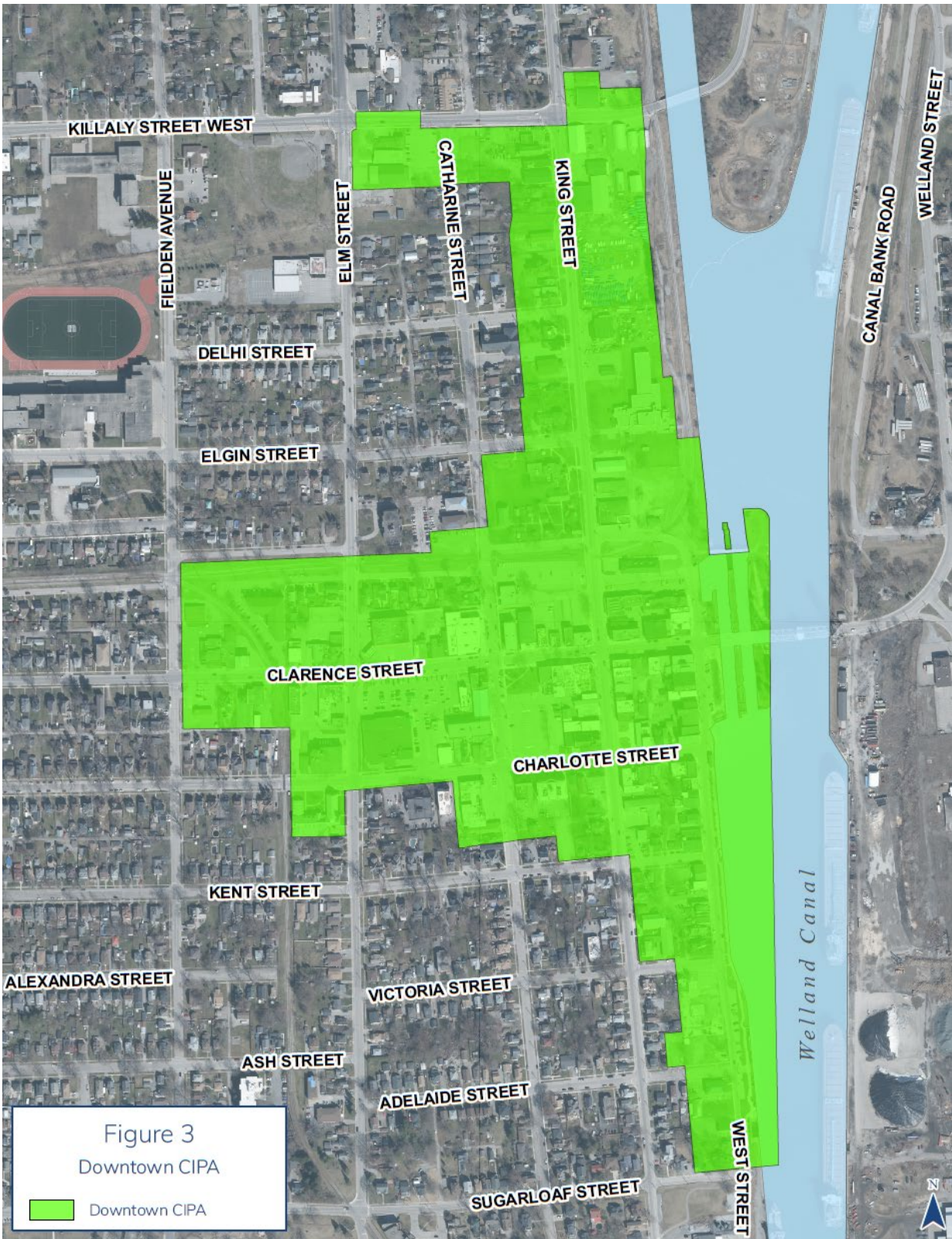
Saima Tufail  
Acting City Clerk

Schedule “A”

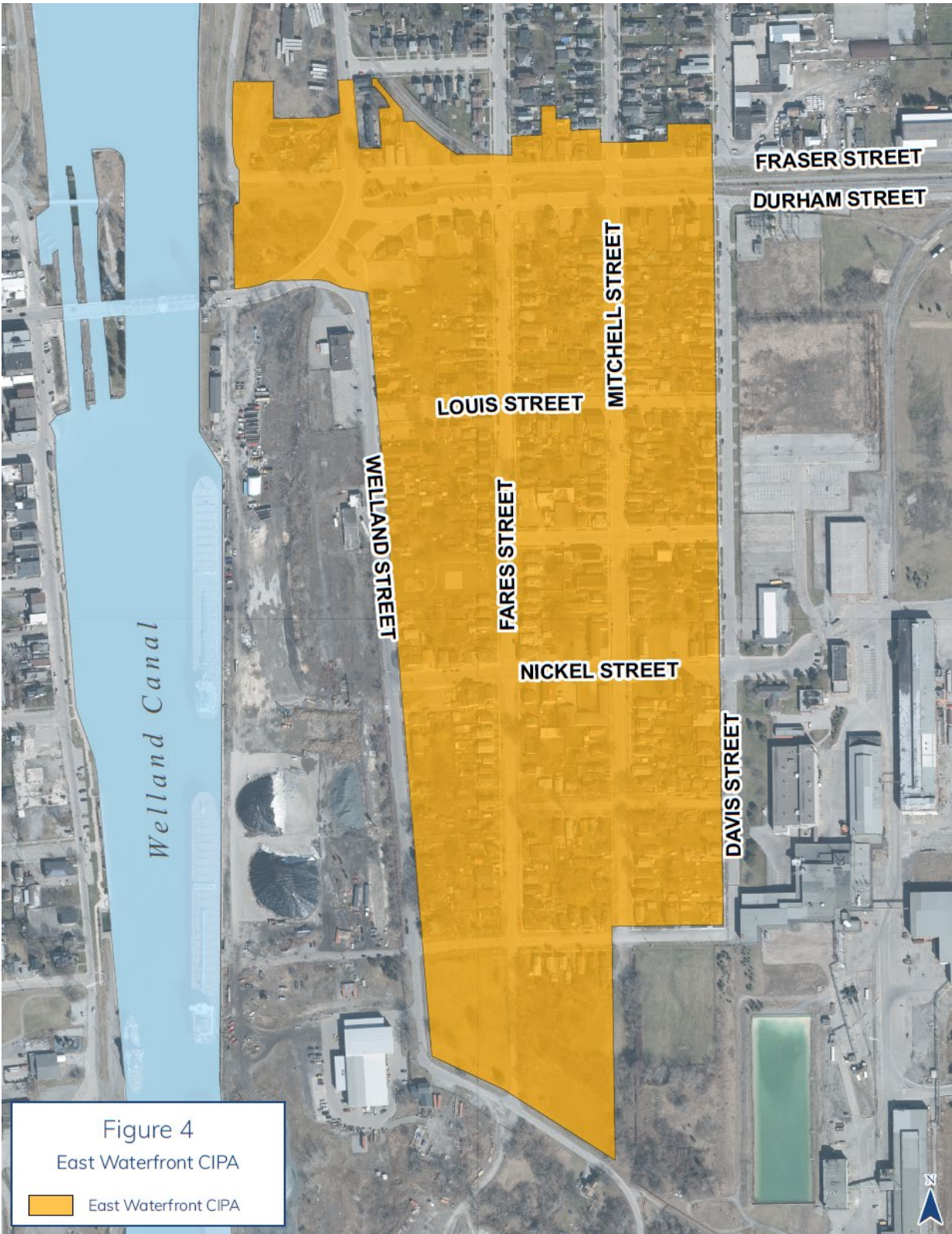




Schedule “B”







The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to Adopt the Port Colborne Comprehensive Community Improvement Plan, Repeal By-laws 5525/122/10, 5240/146/08, 5769/25/12, 5823/77/12 and any amendments thereto

Whereas, By-law \_\_\_\_\_ passed on the \_\_\_\_ day of \_\_\_\_\_, 2023, designated the Port Colborne Comprehensive Community Improvement Project Area; and

Whereas, Section 28(4) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area; and

Whereas, under Section 28(1) of the Planning Act “community improvement” means “the planning or re-planning, design or redesign, re-subdivision, 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 therefor, as may be appropriate or necessary”; and

Whereas, the Council of the Corporation of the City of Port Colborne has adopted an existing Official Plan “The City of Port Colborne Official Plan” approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2013; and

Whereas, Section 6 of the City of Port Colborne Official Plan contains provisions relating to community improvement in the City; and

Whereas, City Council held a public meeting on September 26, 2023 to discuss and receive public input regarding the adoption of the Port Colborne Comprehensive Community Improvement Plan, and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area, as required by the Planning Act and Section 6 of the City of Port Colborne Official Plan; and

Whereas, the City of Port Colborne has prepared a plan entitled the “Comprehensive Community Improvement Plan” attached hereto as Schedule “A” and forming part of this By-law.

Now therefore, the Corporation of the City of Port Colborne enacts as follows:

1. That By-law 5525/122/10 and any amendments thereto, being a by-law to adopt the Central Business District Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
2. That By-law 5240/146/08 and any amendments thereto, being a by-law to adopt the Olde Humberstone Main Street Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
3. That By-law 5769/25/12 and any amendments thereto, being a by-law to adopt the East Waterfront Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.

- 4. That By-law 5823/77/12 and any amendments thereto, being a by-law to adopt the Industrial Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
- 5. That the City of Port Colborne “Comprehensive Community Improvement Plan”, attached hereto as Schedule “A” and forming part of this By-law, is hereby adopted as the community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area.
- 6. Pursuant to subsections 28 (5) and 17(27) of the Planning Act, R.S.O. 1990, cP.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 in principle when all such appeals have been withdrawn or finally disposed of.
- 7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
William C Steele  
Mayor

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk



**CITY OF PORT COLBORNE**

# **COMPREHENSIVE COMMUNITY IMPROVEMENT PLAN**

**NOVEMBER 2023**



**PORT COLBORNE**

[WWW.PORTCOLBORNE.CA](http://WWW.PORTCOLBORNE.CA)





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# 1.0 Introduction

## 1.1 Background

The City of Port Colborne (City) has been one of the leading municipalities in Niagara in terms of adopting and implementing community improvement plans (CIPs). Between late 2008 and the end of 2012, the City of Port Colborne adopted six (6) (CIPs) as follows:

1. Olde Humberstone CIP, Urban Design and Streetscape Guidelines (2008);
2. Brownfield CIP (2009);
3. Downtown Central Business District CIP (2010);
4. Industrial CIP (2011);
5. East Waterfront CIP and Secondary Plan (2012); and,
6. Niagara Gateway Economic Zone and Centre CIP (2012).

Almost a dozen incentive programs have been offered by the City of Port Colborne under the above-noted CIPs since they were adopted. As shown in Table 1 below, a total of 177 incentive program applications have been approved by the City under the above-noted CIPs to the end of 2022. This includes close to 30 urban design study and environmental site assessment grant applications, over 100 façade improvement grant applications, 22 residential intensification and rehabilitation grant applications, and 10 tax increment grant (TIG) applications.

**Table 1 Incentive Program Uptake by Type and CIP to end of 2022**

Program Type	Downtown/ CBD	Main Street	East Waterfront	Brownfield	Industrial	Gateway	
							<b>TOTAL</b>
1) Urban Design Study Grant	10	1	1				<b>12</b>
2) Environmental Site Assessment Grant	1			21			<b>22</b>
3) Façade Improvement Grant	69	21	12				<b>102</b>
4) Residential Intensification Grant	8	1	1				<b>10</b>
5) Residential Rehabilitation			12				<b>12</b>
6) Affordable Housing Grant							<b>0</b>
7) Tax Increment Grant	5			2	1	2	<b>10</b>
8) Planning/Building Fees Grant							<b>0</b>
9) Sidewalk Café Grant							<b>0</b>
10) Sign Replacement Grant		3					<b>3</b>
11) Parking Lot Grant		6					<b>6</b>
<b>TOTAL</b>	<b>93</b>	<b>32</b>	<b>26</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>177</b>

A number of factors led to the decision by the City to undertake a comprehensive review and update of its CIPs. First, the CIPs are all now dated. Best CIP practices have evolved over the last 10 to 15 years. Also, a number of lessons have been learned from implementation of the existing CIP programs and the real world results. For example, the 11 different incentive programs contained in six CIPs were found to be confusing for applicants, and cumbersome to administer for City staff. Over the years, minor revisions were made to a few

of the CIPs in the form of a few minor community improvement project area expansions revisions, but a comprehensive review and updating of these CIPs has not taken place.

The legislative framework has also changed with the passage of the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23) in November of 2022. Key policies and plans providing direction related to CIPs have also changed at the City, Regional, and Provincial levels over last 10+ years. This includes Port Colborne's Official Plan, Strategic Plan, Economic Development Strategy, and Affordable Housing Strategy. In October of 2021, the Regional Municipality of Niagara also approved a new Niagara Region Incentives Policy to replace its Smarter Niagara Incentive Programs.

Finally, key community improvement needs have shifted in a number of the Community Improvement Project Areas (CIPAs). This includes a greater focus on intensification, affordable housing, brownfield redevelopment, and employment lands development.

Taking all of these factors into consideration, the City determined this an opportune time to conduct a comprehensive review and update of its CIPs. The City retained RCI Consulting to conduct this review and update of its CIPs to make them more responsive to current and future community improvement needs in Port Colborne. RCI Consulting worked closely with the City's Project Review Team (PRT) comprised of City staff assembled to help guide the CIP review and update. The PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met several times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

## **1.2 Purpose**

The primary purpose of this CIP review and update is to revise the City's CIPs to help better achieve the planning and economic development goals and objectives contained in key City plans and policies. During the review of the six (6) existing CIPs adopted by the City, and in consultation with the PRT and Council, it was determined that the:

- Industrial CIP can be readily covered off by the Niagara Gateway Economic Zone and Centre CIP (Gateway CIP) as the Gateway CIP includes the entire Industrial Community Improvement Project Area (CIPA), the goals of the Industrial CIP and Gateway CIP are very similar, and the Gateway CIP incentive programs are available and suitable for promoting industrial development;
- Gateway CIP should remain as a stand-alone CIP document as the Gateway CIP promotes employment development and aligns with, and includes Gateway incentive programs from the Region of Niagara; and,
- Other four (4) existing CIPs should be consolidated into one Comprehensive CIP document.

In addition, this consolidated Comprehensive CIP was designed to be easier to understand than the existing CIPs. This Comprehensive CIP updates and consolidates the existing CIPs to ensure that this CIP better addresses identified community improvement needs in Port Colborne by designating an appropriate CIPA, and including enhanced and more responsive incentive programs.

The purpose of this CIP is to:

- a) Outline the legislative, policy, and planning framework that supports and guides this CIP;
- b) Identify key community improvement goals in Port Colborne based on policy directives and an analysis of existing and planned land uses, building and property conditions, and development and business activity in various parts of the city;
- c) Recommend a Community Improvement Project Area (CIPA) that captures the various areas within the City that are in need of community improvement;
- d) Enhance and better target the incentive programs that can be offered by the City to directly stimulate private sector investment in revitalization and redevelopment within the CIPA; and,
- e) Outline a Monitoring Program and strategies for Municipal Guidance and Leadership and Marketing that will help the City implement and support this Plan, market the incentive programs contained within the Plan, monitor the results of the programs, and adjust them as required.

### **1.3 Methodology**

A Project Review Team (PRT) comprised of senior City staff was assembled to help guide the CIP review and update. This PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met a half dozen times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

A number of tasks were completed to help ensure that this CIP incorporates best CIP practices and lessons learned from implementation of the City's existing CIPs, reflects and promotes current City policy directions, and addresses key community improvement needs and goals in Port Colborne. These tasks included:

- A review of all six (6) existing CIPs, including the boundaries of the existing CIPAs;
- A review of the current legislative framework for the CIP;
- A review of current City, Regional, and Provincial policy, planning, and economic development documents relevant to the CIP;
- A review of the uptake and results of current CIP programs, including program successes, and program gaps and issues identified by City staff involved in administering and promoting these programs;
- A scoped best practices review of CIP programs in several other Ontario municipalities, both within and outside Niagara, to identify best practices and emerging trends in downtown and commercial area revitalization, brownfield redevelopment, employment area development/redevelopment, and the promotion of affordable housing;

- Walking and driving tours of the existing community improvement project areas (CIPAs) and other areas identified as having potential for addition to the CIPAs to determine key areas in need of community improvement and associated potential revisions to the CIPAs;
- Development of key CIP review findings;
- Preparation of Draft revisions to the CIPAs;
- Preparation of Draft CIP incentive programs;
- Presentation of the Draft revisions to the CIPAs and the Draft CIP incentive programs to Council on June 28, 2022, and to the public at a Public Open House held on July 14, 2022, receipt and review of verbal and written comments and feedback during and after these consultation sessions;
- Preparation of a consolidated and comprehensive Draft CIP based on the tasks outlined above;
- Several meetings throughout the CIP update process with the PRT to further refine the above-noted draft deliverables, including the Draft CIP;
- A statutory Public Meeting held under the *Planning Act*, and,
- Finalization of this CIP in consultation with the PRT, based on input from Council and comments received from prescribed commenting agencies, and the public, as applicable.

## 1.4 Key CIP Review Findings

The review of the existing CIPs using the methodology outlined above resulted in a number of key findings, as follows:

- a) While most of the current CIP programs have been fairly well utilized, especially in the Downtown area, there are a number of improvements that should be made to the incentive programs to enhance their applicability, attractiveness, and uptake;
- b) Having 11 incentive programs spread across 6 CIPs has proven somewhat confusing for applicants and City staff administering the programs alike, and therefore, the number of incentive programs should be reduced with the focus being on more substantive programs;
- c) The preparation of one (1) consolidated and Comprehensive new CIP, as opposed to 6 separate CIPs, was determined to be the preferred approach to updating of the existing CIPs;
- d) Some of the existing CIPAs merit expansion based on community improvement need, current property and building conditions in those areas, and updated City policy directions;
- e) Current policies and plans and emerging community improvement needs suggest that the Comprehensive CIP place more emphasis on intensification, brownfields, affordable housing, and employment lands;
- f) In order to enhance the transparency, responsiveness, flexibility, and financial sustainability of the City's current Development Charge (DC) Bylaw exemptions for brownfield redevelopment and development in the Downtown CIPA, these DC exemptions in the current DC Bylaw should be converted into DC Grants within the new CIP; and,
- g) The incentive programs in the City's new CIP should dovetail as much as possible with the Niagara Region Incentives Policy approved by Regional Council in late 2021.

## 1.5 Report Content

This CIP is divided into the following sections:

- Section 2 contains the review of the legislative framework for the CIP.
- Section 3 contains the review of key plans, policies and other studies that are applicable to the CIP.
- Section 4 contains the community improvement vision and goals for the CIP.
- Section 5 describes the Community Improvement Project Area (CIPA) for the CIP, also referred to herein as the “Project Area”.
- Section 6 contains a comprehensive set of financial incentive programs specifically designed to help achieve the community improvement goals in the various CIPAs.
- Section 7 contains a Municipal Guidance and Leadership Strategy that specifies other actions and initiatives the City should take to support the CIP.
- Section 8 contains a Monitoring Program designed to assist the City in monitoring progress on implementation of the CIP, including the economic and other impacts of the programs contained in the CIP.
- Section 9 contains a basic Marketing Strategy to help the City market the incentive programs in this new CIP.
- Section 10 provides a brief conclusion to 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 the 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 planning and 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 for the cancellation of part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Municipalities may also apply to the Province to provide matching school property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

Section 107 of the *Municipal Act, 2001* describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan, subject to Section 106 of the *Municipal Act, 2001*. In addition to the power to make a grant or loan, these powers also include the power to sell or lease land for nominal consideration or to make a grant of land; provide for the use by any person of land owned or occupied by the municipality, upon such terms as may be fixed by council; sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

In order to encourage good stewardship, maintenance and conservation of locally designated heritage properties, municipalities may, under Section 365.2 of the *Municipal Act, 2001*, pass a by-law to establish a local Heritage Property Tax Relief (HPTR) program to provide tax relief (10 to 40 per cent) to owners of eligible heritage properties, subject to an agreement to protect the heritage features of their property. This financial tool is designed to help owners of heritage properties maintain and restore their properties. An eligible heritage property for this program is a property or portion of a property that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act* and that is subject to a heritage easement agreement. The Province shares in the cost of the program by



funding the education portion of the property tax relief. Municipalities that adopt the HPTR program contribute to the program by funding their portion of the property tax relief.

## **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 CIP for the community improvement project area. Once the CIP 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), 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”. Therefore, there are a variety of reasons that an area can be designated as an area in need of community improvement.

Section 28 (1) 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 CIP (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the CIP (Section 28 (6)); and,
- iv) make grants or loans, in conformity with the CIP, 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 CIP (Section 28 (7)).

Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement, Section 28(2) permits the council of that municipality to designate, by by-law, the whole or any part of an area covered by such an official plan as a community improvement project area.

Section 28 (7.1) specifies that the eligible costs of a CIP 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. Again, this includes a wide range of activities that can be considered as eligible costs for grants and loans.

Section 28 (7.2) allows the council of an upper-tier municipality to make grants or loans to the council of a lower-tier municipality, and the council of a lower-tier municipality to make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a CIP that has come into effect, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. This provision allows upper tier municipalities to help lower tier municipalities fund the grant and loan programs in their lower tier CIPs.

Section 28 (7.3) 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 CIP with respect to those lands and buildings.

Section 28 (11) 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. It should be noted that while Section 28 (11) allows a municipality to register an agreement concerning a grant or loan against the land to which it applies, it does not require the municipality to do so.

Section 69 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 planning application fees and then provide a partial or total rebate of these fees in the form of a grant, but this must be done within a CIP.

## **2.3 Ontario Heritage Act**

The purpose of the *Ontario Heritage Act* is to give local municipalities and the provincial government powers to conserve, protect and preserve heritage buildings and archaeological sites in Ontario. While the heritage property tax relief program under Section 365.2 (1) of the *Municipal Act, 2001* is designed to assist property owners in maintaining and conserving heritage properties, Section 39 (1) of the *Ontario Heritage Act* allows the council of a municipality to make grants or loans (up-front or tax-increment basis) to owners of designated heritage properties to pay for all or part of the cost of alteration of such designated property on such terms

and conditions as the council may prescribe. In order to provide these grants and loans, the municipality must pass a by-law providing for the grant or loan.

Grants and loans for heritage restoration and improvement can also be provided by local municipalities under a CIP that has come into effect under Section 28 of the *Planning Act*. One of the key administrative advantages of Section 39 of the *Ontario Heritage Act* is that it requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP. One of the disadvantages of the *Ontario Heritage Act* is that unlike the *Planning Act*, it does not allow municipalities to make grants or loans to assignees, e.g., tenants who may wish to undertake heritage improvements.

Interpretation of Section 39 (1) of the *Ontario Heritage Act* suggests that this section does not restrict grants and loans only to heritage features. Section 39 (1) of the *Ontario Heritage Act* refers to "...paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Consultations with provincial staff and legal experts have confirmed that this section of the *Ontario Heritage Act* does not restrict grants and loans only to heritage features.

Section 39 (1) of the *Ontario Heritage Act* can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". Similarly, a grant or loan for professional design studies can be provided under a CIP. A professional design study is certainly an important precursor to, and key component of, any major heritage feature alteration.

Section 39 (2) of the *Ontario Heritage Act* allows the council of a municipality to add the amount of any loan (including interest) to the tax roll and collect said loan in the same way that taxes are collected, for a period of up to 5 years. This section of the Act also allows the municipality to register the loan as a lien or charge against the land.

In summary, local municipalities can use municipal powers under the *Ontario Heritage Act* or the *Planning Act* to offer grants and/or loans to encourage heritage restoration and improvement. Both statutes offer the flexibility to include non-heritage features as eligible costs. However, the *Ontario Heritage Act* requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP.

## **2.4 Development Charges Act, 1997**

While Section 26 (1) of the *Development Charges Act, 1997*, specifies that a development charge is payable for a development upon a building permit being issued for the development, this Act contains a number of mandatory development charge exemptions, reductions, and deferrals for specific types of development. Several of these development charge exemptions and reductions were introduced by the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23), which received Royal Assent on November 28, 2022.

As per the *Development Charges Act, 1997*, the following types of development are **exempt** from development charges:

- a) A second and third residential unit in an existing or new detached house, semi-detached house or row house if there are no residential units in an ancillary building/structure; and one residential unit in an ancillary building/structure if the existing or new detached house, semi-detached house or row house contains no more than two residential units (Section 2);
- b) Enlargement of an existing industrial building by up to 50% (Section 4);
- c) Affordable<sup>1</sup> and attainable<sup>2</sup> residential units (Section 4.1) (not yet in force); and,
- d) Non-profit housing development (Section 4.2).

Section 4.1 (8) and (9) of the *Development Charges Act, 1997* requires that for an “affordable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality to maintain the residential unit as affordable for a period of 25 years from the date that the unit is first rented or sold. Section 4.1 (10) and (11) of the Act requires that for an “attainable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality that requires the residential unit to be attainable at the time it is sold.

Development charges for rental housing development are **reduced** by 25% for residential units with 3+ bedrooms, 20% for 2 bedrooms, and 15% for 1 bedroom/bachelor units (Section 26.2 (1.1)). Section 26.1 also specifies that the development charge applicable to rental housing development and institutional development shall be **deferred**, i.e., paid in five (5) equal annual instalments starting on the date an occupancy permit is issued, or the date of occupancy, whichever comes first.

Section 26.2 of the *Development Charges Act, 1997* (and O. Reg. 82/98) also specifies that a development charge be frozen at the time a council receives a site plan application, or if a site plan is not submitted, at the time council receives the application for a zoning bylaw amendment, with the development charge frozen until two years from the date the site plan application or zoning by-law (as applicable) is approved.

Section 5 of the *Development Charges Act, 1997* also allows a municipality to voluntarily exempt a type(s) of development from a development charge, phase in a development charge, or to have a development charge that is lower than allowed, but any resulting shortfall cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges for certain types of development in order to promote community improvement, such as downtown redevelopment, brownfield redevelopment or intensification in

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<sup>1</sup> An “affordable residential unit, rental” is defined as one where the rent is no greater than 80 per cent of the average market rent; and an “affordable residential unit, ownership” is defined as one where the price of the residential unit is no greater than 80 per cent of the average purchase price. See Sections 4.1 (5) and 4.1 (6) of the *Development Charges Act, 1997*, for further details.

<sup>2</sup> An “attainable residential unit” is a residential unit that is not an affordable residential unit, not a rental unit, and was developed as part of a prescribed development or class of developments.

core areas. Because this financial incentive is normally offered before construction, i.e., at the time of building permit issuance, it is a very powerful community improvement tool.

Municipalities can also use a CIP (Section 28 of the *Planning Act*) to offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable. It is typically easier for a municipality to offer a reduction of development charges for certain types of development such as high priority/catalyst sites/projects, affordable and attainable housing projects, and/or projects that achieve desirable economic and/or sustainability performance criteria via a grant within a CIP than via an exemption or deferral within a development charge by-law. In this regard, a CIP is inherently more flexible than a development charges by-law. A CIP can provide grants for certain types of development in certain geographic areas, and/or development that meets specific intensification, affordability, economic and sustainability performance criteria. Furthermore, the types of development and/or performance criteria can be changed without a formal amendment to the CIP. Conversely, development charge reductions within a development charge by-law are prescriptive and are usually based on the location of the development, e.g., downtown, or a specific type of development, e.g., brownfield redevelopment. Furthermore, a deferral offered within a development charge by-law cannot be changed without a formal amendment to the development charges by-law.

## 3.0 Policy Framework

This section of the report provides a summary of key Provincial, Regional, and City policies that establish the planning and policy framework and help provide context and direction for the programs contained in this CIP.

### 3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and provides direction on matters of provincial interest 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 in February of 2020 and the policies took effect on May 1, 2020. 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 competitive economy”. To this end, in relation to the variety of community improvement needs covered by this CIP, key policies in the PPS promote:

- Efficient and cost-effective development land use patterns that conserve biodiversity and prepare for the regional and local impacts of a changing climate (Section 1.1.1);
- Accommodating an appropriate range and mix of affordable and market based residential types, and employment uses (including industrial and commercial) (Section 1.1.1);
- Land use patterns that support active transportation, promote opportunities for intensification and redevelopment, energy efficiency, and minimize the negative impacts to air quality and climate change (Section 1.1.3);
- Planning authorities identifying appropriate locations and promoting 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);
- Planning authorities promoting economic development and diversity by maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and seeking to address potential barriers to investment (Section 1.3.1);
- Planning authorities planning for, protecting and preserving employment areas for current and future uses (Section 1.3.2);
- Planning authorities protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Section 1.3.2);
- An appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs and the social, health, economic and well-being requirements of current and future residents (Section 1.4.3);
- Healthy, active communities with parks, public and open spaces, trails and linkages that facilitate active transportation and the provision of public access to shorelines (Section 1.5.1);



- Long-term economic prosperity through the maintenance and enhancement of the vitality and viability of downtown and mainstreets and the redevelopment of brownfield sites (Section 1.7.1);
- 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);
- Opportunities for sustainable tourism development (Section 1.7.1);
- Focusing major employment, commercial and other travel-intensive land uses on sites well served by transit and encouraging transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (Section 1.8.1); and,
- Land use and development patterns that support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of changing climate (Section 1.8.1).

### **3.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The 2019 Growth Plan for the Greater Golden Horseshoe (GGH) (the “Growth Plan”) came into effect on May 16, 2019 and was amended on August 28, 2020 (Amendment 1). The Growth Plan is the Province of Ontario’s growth strategy for the GGH region, which includes the City of Port Colborne and the Regional Municipality of Niagara. The Growth Plan provides an overall growth strategy for the region to 2051 that is implemented through municipal planning documents, primarily the Official Plan, as well as other planning documents and policies such as Community Improvement Plans (CIPs). 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.

In recognition of the importance of cross-border trade with the United States, the Growth Plan recognizes the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre as having unique economic importance to the GGH region and Ontario. The Growth Plan notes that planning and economic development in the Gateway Economic Zone and Centre will support economic diversity and promote increased opportunities for cross-border trade, movement of goods and tourism.

The Growth Plan graphically identifies the Gateway Economic Zone and Gateway Economic Centre on Schedules 2 (Place to Grow Concept), 5 (Moving People - Transit) and 6 (Moving Goods) in the Plan. The Gateway designation in Schedule 2 of the Growth Plan shows a Gateway Economic Zone stretching along the Niagara River and the Queen Elizabeth Way between the City of Niagara Falls and the City of Fort Erie, and a Gateway Economic Centre which is centered in southern Niagara Region near the City of Port Colborne and City of Welland, along the Welland Canal, including the Major Port facilities in Port Colborne.

Section 7 of the Growth Plan defines the Gateway Economic Zone and Gateway Economic Centre as the “Settlement Areas” conceptually depicted on Schedules 2, 5 and 6 that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario. The Growth Plan then further defines “Settlement Areas” as urban areas and rural settlements within municipalities that are:

- a) Built-up areas where development is concentrated and which have a mix of land uses; and,
- b) Lands which have been designated in an official plan for development in accordance with policies of the Growth Plan.

The Growth Plan notes the importance of ensuring an adequate supply of land for employment areas and other employment uses within the GGH. In fact, Section 2.2.5 on Employment Lands stresses the need for municipalities to promote economic development and competitiveness by:

- Making more efficient use of existing employment areas and underutilized employment lands, increasing employment densities, and promoting opportunities for the intensification of employment areas;
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment; and,
- Providing opportunities for a diversified economic base, including a range and choice of suitable sites that support a wide range of economic activities and employment uses, as well as planning for employment areas for current and future uses.

Section 2.2.6 of the Growth Plan contains policies directing municipalities to:

- Achieve the minimum intensification and density targets in the Growth Plan via identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents, and establishing targets for affordable ownership and rental housing; and,
- Identifying mechanisms, including land use planning and financial tools to support implementation of this policy.

The Growth Plan directs that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout their delineated built-up area. Therefore, a CIP for Port Colborne can play an important role in helping the City conform to the Growth Plan, not only by achieving its intensification targets, but by ensuring that development within the urban area achieves the various policy goals of the Growth Plan.

### **3.3 Niagara Region Official Plan**

The Regional Municipality of Niagara Council adopted a new Niagara Official Plan (“NOP”) on June 23, 2022. This Plan was approved, with modifications, by the Minister of Municipal Affairs and Housing on November 4, 2022. The NOP provides the strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The NOP contains the following vision for 2051. Niagara is a region

of distinct, vibrant and connected urban and rural communities. Niagara Region will support and grow a sustainable and diversified economy while providing exceptional quality of life for all, and protecting our beautiful natural landscape.

### **3.3.1 Growing Region**

Chapter 2 of the NOP contains policies for managing growth. This includes general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. The policies in this section support:

- a) principles of complete communities, which incorporate sustainable land use forms;
- b) a more diverse range and mix of housing types and densities and the provision of more affordable and attainable housing options;
- c) opportunities for intensification, including infill, expansion or conversion of existing buildings, and the redevelopment of brownfields and greyfield sites; and,
- d) Local Municipalities preparing intensification strategies.

One of the key objectives in Section 2.3 (Housing) is to achieve affordable housing targets through both land use and financial incentive tools. In fact, Section 2.3.3 states that financial incentive programs such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing, should be considered to support the development of affordable and attainable housing.

### **3.3.2 Competitive Region**

Chapter 4 of the NOP focuses on the importance of a vital, competitive, and diverse economy, and a sound tax base to position Niagara for economic prosperity. Employment policies identify and protect employment areas, establish density targets for employment areas, and provide evaluation processes for converting existing or establishing future employment areas. The objectives of this section include maximizing the economic development potential of the Niagara Economic Centre and Zone, and planning employment lands to enhance economic resilience through a diversified economy.

Section 4.2.2 of the NOP deals with the Niagara Economic Gateway (Gateway Economic Zone and Centre). As it relates to Port Colborne, the Niagara Economic Gateway includes the Settlement Area within Port Colborne, existing port infrastructure in Port Colborne, the Welland Canal within Port Colborne, major rail infrastructure in Port Colborne, and major tourist destinations. The policies in this section of the NOP state that the Region will work with the other levels of government to prioritize improvements to major goods movement facilities and corridors and planned corridors within the Niagara Economic Gateway to focus on development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.

### **3.3.3 Vibrant Region**

Chapter 6 of the NOP focuses on elevating the livability of Niagara's communities and introduces policies related to creating vibrant urban and rural places. Urban design policies assist the Region in achieving a high-quality built environment through the design of the built form and mobility networks. The urban design policies in Section 6.2 promote:

- a) excellence and innovation in architecture, landscape architecture, site planning; and,
- b) revitalization and redevelopment within downtowns and community cores to enhance their existing character.

The healthy community policies in Section 6.3 of the NOP support the development of healthy, vibrant and safe communities that provide a high quality of life. This includes supporting walkable and bikeable neighbourhoods through active transportation.

### **3.3.4 Community Improvement Policies**

Policy 7.5.1 in Chapter 7 of the NOP contains the Region's Community Improvement policies and notes that the Region may support community improvement through Regional programs enabled by plans, policies and by-laws it may establish, and by participation in eligible programs in Local Area Municipalities. Furthermore, the Region will regularly engage with Local municipal staff regarding administration and enhancement of programs designed to promote community improvement. Policy 7.5.4.1 of the NOP also encourages Local Area Municipalities to adopt CIPs to support the objectives and policies of the NOP.

## **3.4 Niagara Region Incentives Policy**

The Region's Smarter Niagara Incentive Programs (SNIPs) were endorsed by Regional Council in 2002. The Region used these programs to provide a matching proportionate share of certain financial incentive programs offered by a local municipality through a Local CIP, subject to a maximum contribution from the Region, depending on the program. The SNIPs first underwent a major review and update in 2011.

Niagara Region formed a Grants and Incentives Review Committee in 2019 with the purpose of this committee to review the efficacy of existing grant programs and determine if new programs needed to be created. As a result, the 2011 SNIPs were reviewed, with Regional Council passing a recommendation on October 21, 2021 to approve a new Niagara Region Incentives Policy to replace the SNIPs. This new incentives policy promotes four priority areas for Niagara Region, namely:

- 1. Affordable housing;
- 2. Employment;
- 3. Brownfield remediation; and,
- 4. Public realm.

Regional Council directed that the SNIPs be maintained with a maximum dollar figure available for grants determined during the annual budget process, and that staff develop sunset clause policies for the SNIPs that include reasonable expiration dates. The expiration date for most of the SNIPs was established as October 1, 2023. However, Regional Council directed that the Regional Tax Increment Grant (TIG) and Smart Growth Development Charge Reduction Programs be maintained in municipal CIP districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation.

**Appendix A** contains a listing and summary description of the incentive programs available under the Niagara Region Incentives Policy.

The Region and local municipalities in Niagara have a Region/Area Municipality Incentive Coordinating Committee to coordinate the provision of joint Local/Regional incentives through local CIPs. The Region has also developed Smart Growth Design Criteria that are used by Regional staff to determine if development projects within community improvement project areas or on brownfield sites are eligible for a Regional Development Charge reduction.

### **3.5 Niagara's 10 Year Economic Development Strategy**

In June of 2022, Niagara Regional Council approved a 10 Year Economic Development Strategy for 2022-2032. The Vision Statement for the Strategy is: "Niagara is where innovative businesses grow and community-minded individuals stay—coming together to build a more prosperous future." The strategic directions include a focus on business retention and expansion and green development and sustainability. Recommendations of the Strategy included:

- Introducing a new suite of incentives to support business growth and new investment in the region;
- Advocating for and adopting new programs and policy to support affordable and attainable housing and new residential development; and,
- Ensuring brownfield incentive programs remain relevant and competitive to attract redevelopment and investment in Niagara.

### **3.6 Niagara Housing Plans and Studies**

The Niagara Housing Statement Final Report was received for information by Niagara Region Council in July of 2019 and circulated to Local Area Municipalities. This was largely a database exercise.

The Region's 10 Year Housing and Homelessness Action Plan was prepared in 2014 in consultation with local community members, service providers, local area municipalities, and other stakeholders as per the requirements of the *Housing Services Act*. The Plan covers the period 2014 to 2023. The Plan was updated in 2019.

One of the key goals of the Action Plan is to increase housing opportunities for low and medium income households. The Plan states that one of the key actions to help accomplish this goal is to use the planning and development process to facilitate the creation of appropriate market housing and affordable housing stock. The Action Plan goes on to recommend that local planning and financial tools such as CIP grants and deferral of development charges be used (Goal 3.7) and that Local Municipalities partner with the Region on financial incentives with emphasis on consistent application of tools to support the development of affordable housing (Goal 3.8c).

Finally, the Region developed a series of Regional activities to address affordable housing (Affordable Housing Strategy placemat). This includes the Region supporting partners to develop incentives and development charge deferrals to promote the construction of affordable housing.

### **3.7 Port Colborne Strategic Plan 2023-2026**

The Strategic Plan was adopted by City Council on June 27, 2023. The Strategic Plan is a guidance document to assist Council and staff in priority setting, resource allocation and decision making. The Plan's Vision for Port Colborne is "a healthy and vibrant waterfront community embracing growth for future generations".

The strategic pillars of the Strategic Plan are as follows:

- Environmental and Climate Change;
- Welcoming, Livable, Healthy Community;
- Economic Prosperity;
- Increased Housing Options;
- Sustainable and Resilient Infrastructure.

Virtually all of the strategic pillars are relevant to the CIP and can help guide the CIP. One of the three strategic pillars of the Plan is "attracting business investment and tourists to Port Colborne". One of the key measures items under the Economic Prosperity pillar is to incentivize private sector investment in commercial facade improvements, residential redevelopment, brownfield remediation, and industrial redevelopment through new or improved CIPs. This new Comprehensive CIP fulfills that measure.

### **3.8 Port Colborne Economic Development Strategy and Action Plan 2018-2028**

The City of Port Colborne Economic Development Strategy was approved by Council in April of 2018. The Economic Development Strategy identifies four priority areas for the City to focus its economic development efforts and includes action plans to help guide the City's economic development efforts over the coming years. The four priority areas are:

1. Small Independent Business;
2. Residential Development;
3. Industrial Development; and,

#### **Port Colborne Comprehensive CIP**



#### 4. Tourism & Destination Development.

The economic development vision statement is: “Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community”.

Guiding principles in the Port Colborne Economic Development Strategy that are relevant to this CIP include:

- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible; and,
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community.

Actions recommended in the Strategy that are relevant to this CIP include the updating of the Downtown Central Business District Community Improvement Plan from 2010.

### 3.9 Port Colborne Official Plan

The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013 and covers the period from 2012 to 2031. The general purpose of the Official Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The vision statement and strategic directions in the Plan establish the general direction of planning and development for the City of Port Colborne. In addition to the vision and strategic directions, there are strategic planning policies, land use and secondary plan policies, and community improvement policies in the Official Plan that provide direction for this CIP. The Official Plan vision, strategic directions and planning policies relevant to this CIP are summarized below.

#### 3.9.1 Vision

Section 2.1 of the Official Plan contains the vision statement. Key aspects of the Vision for the City of Port Colborne in relation to this CIP include:

- Providing the opportunity for a mix of residential accommodations;
- A community development pattern that supports the existing business community and promotes new business opportunities;
- Provide policies that support a high quality living environment that protects and enhances the natural environment and heritage features;
- Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- Develop and implement Community Improvement Plans to improve communities characterized by inadequate physical, social, community or recreational facilities, infrastructure or obsolete/derelict buildings; and,
- Maintain, and where possible, improve public access to the Lake Erie shoreline.

Section 2.2 of the Official Plan contains the City's Growth Management Strategy. This Strategy supports:

- a) Infill and intensification subject to the applicable policies in the Urban Residential and Downtown Commercial designations;
- b) Compact and transit supportive development within the built boundary and on designated greenfield lands; and,
- c) the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.

### 3.9.2 Strategic Directions

Section 2.3 of the Official Plan identifies six "Strategic Directions" that seek to implement the vision for the City of Port Colborne. Of the six, the following strategic directions provide guidance for the CIP:

- **Enhancing Quality of Life:** The City will promote a compact urban form; a good mix of housing types and land uses; efficient and cost effective infrastructure and transportation; and, good urban design for neighbourhoods and business areas.
- **Developing an Economic Gateway:** The City of Port Colborne is identified as an Economic Gateway Centre in the Province's Growth Plan. Therefore, the City will strategically position itself as part of this important Economic Gateway by:
  - working in partnership with all levels of government to ensure that attractive employment lands in the City are provided and protected to create job opportunities and economic diversity, which allows growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media;
  - encouraging port facilities and the marine transportation industry to prosper; and,
  - actively promoting existing industrial lands along the east and west side of the Welland Canal and adjacent to the proposed Niagara to GTA corridor using a "ready for business" approach.
- **Strengthening and Integrating Natural, Cultural and Heritage Resources:** Port Colborne's natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. Therefore, the City will take an aggressive approach to the preservation of these assets, including the conservation of significant built heritage resources and cultural heritage landscapes.
- **Enhancing Public Areas:** The City will pay further attention to the waterfront, the canal, the downtown, Main Street and other important corridors and places in the municipality to support tourism, economic development, and quality of life.
- **Taking Advantage of Underutilized Lands:** Through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement, the City will demonstrate leadership in this field. This includes:
  - aggressively promoting the remediation of contaminated older industrial lands;

- promoting the reuse of some of older industrial lands along the waterfront and Canal for tourism, recreational, residential or other uses that reintegrate these lands into community life;
- providing for new Canal-related, non-noxious industrial uses adjacent to community uses in the harbour area; and,
- promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

### **3.9.3 Strategic Planning Policies**

Section 2.4 of the Official Plan contains Strategic Planning Policies.

#### **Housing**

Policies in Section 2.4.2 of the Official Plan promote affordable ownership and rental housing, including the use of a variety of planning tools to promote affordable housing, and the promotion of affordable housing via infill and intensification.

#### **Intensification and Infill**

Policies in Section 2.4.3 of the Official Plan encourage intensification specifically within local intensification areas, which include the Downtown and Main Street West Development, and throughout the entire Built-up area. The objectives of the intensification policies in the Official Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial.

#### **Employment Areas**

Policies in Section 2.4.5 of the Official Plan provide projected employment growth for the Municipality and specify that Employment areas are lands that provide opportunities for clusters of business and economic activities, including but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

#### **Economic Development**

Policies in Section 2.4.6 of the Official Plan recognize the Downtown and Main Street Areas as the City's primary commercial districts and the City will continue to work with property owners, business associations and other community groups to enhance these areas. The City will continue to support the designation and expansion of the Downtown and Main Street areas as Community Improvement Project Areas and Business Improvement Areas (BIAs). Increasing the supply of housing in the Downtown and Main Street areas and maintaining and upgrading existing housing shall be encouraged as a means of meeting the diverse housing needs and maintaining long term prosperity in the Downtown and Main Street areas.

Policies in Section 2.4.6 also speak to the importance of industrial development and note that the City will work closely with the St. Lawrence Seaway Management Corporation or appropriate federal government agency to ensure that federal lands along the Welland Canal are available for industrial and/or community uses, and the City will work with all industries to retain and foster their growth.

### **Energy Conservation and Climate Change**

Policies in Section 2.4.9 support the reduction of energy consumption via development of compact and mixed-use neighbourhoods, and incorporation of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

### **3.9.4 City-Wide Land Use Policies**

Section 3 of the Official Plan contains the City-Wide Land Use policies, which in conjunction with land use designations as shown on Schedule A to the Official Plan (see **Appendix B**), guide land use in Port Colborne. Section 3 of the Official Plan contains general policies and design guidelines for each of the land use policies. The following land use policies in Section 3 of the Official Plan are of particular relevance to this CIP, including for the designation of Community Improvement Project Sub-Areas.

#### **Downtown Commercial**

Section 3.6 of the Official Plan specifies the land use policies for the Downtown Commercial area. This area includes the Downtown Central Business District and Olde Humberstone Main Street Commercial District. The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes. Intensification and mixed use development is encouraged in the Downtown Commercial area.

Intensification and infill in the Downtown Commercial Area is permitted and encouraged, subject to the design guidelines in the Official Plan, and any other design guidelines established by the City, and the requirements of the Zoning By-law. Mixed use development is encouraged in the Downtown. The preferred built form for mixed use development is commercial and offices uses on the ground floor, with residential units above.

#### **Industrial/Employment**

Section 3.10 of the Official Plan specifies the land use policies for Industrial/Employment lands. These are areas of serviced and un-serviced lands. The predominant uses for lands designated Industrial/ Employment shall include, but not be limited to: manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages. The Design policies for Industrial/Employment lands

also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **Economic Gateway Centre**

Section 3.11 of the Official Plan contains the policies for the Port Colborne Economic Gateway Centre. The areas identified on Schedule A as Economic Gateway Centre represent lands located near the Welland Canal and along Highway #140. The predominant uses of lands designated Economic Gateway Centre shall include, but not be limited to: transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer's showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses. Additionally, educational institutions which are complementary to the aforementioned uses are permitted as well as: retail; restaurant; and personal service uses that are scaled to serve the needs of the area's employees. The Design policies for Economic Gateway Centre also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **3.9.5 East Waterfront Secondary Plan**

Section 5.2 of the Official Plan contains the Secondary Plan for the East Waterfront (see Appendix B). The long term vision for the East Waterfront calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan includes a number of objectives that could be promoted via incentive programs in a CIP, including:

- a) Repair and renovate existing housing stock and other buildings;
- b) Protect, restore and re-use architecturally and historically significant buildings;
- d) Reduce the environmental and visual impact of industrial uses; and,
- e) Attract new investment and development to vacant properties.

The lands identified on Schedule F of the Official Plan as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations.

The Strategic Planning policies for the East Waterfront in Section 5.2.3 of the Official Plan specify that the City will:

- through a Community Improvement Plan and other initiatives, promote and facilitate improvements to private property in the East Waterfront Secondary Plan area; and,
- continue to work with the St. Lawrence Seaway Management Corporation to strengthen the prosperity of the marine industry on the east side of the Welland Canal, immediately west of the East Waterfront Secondary Plan area.

### 3.9.6 Community Improvement Policies

Section 6 of the City's Official Plan contains policies on Community Improvement. These policies were prepared in accordance with the Region's Model Community Improvement Policies. The full text of the Community Improvement policies in the City of Port Colborne Official Plan are contained in **Appendix C**.

The policies of Section 6.1 and 6.2 establish a wide range of actions that the City can take regarding community improvement. These include:

1. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts, deficient municipal hard services, social, community or recreational services; or economic instability;
2. Establishment of incentive programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing and/or social development issues and needs;
3. Designation of a Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan, and as amended from time to time; and
4. Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 of the Planning Act, R.S.O. 1990.

Section 6.2.1a) outlines the conditions (one or more) that must be present for designation of community improvement project areas. Many of these criteria apply to the Community Improvement Project Area and Sub-Areas for this CIP, including:

- Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
- Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- Inadequate mix of housing types;
- Known or perceived environmental contamination;
- Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
- High commercial vacancy rates;
- Existing or potential business improvement areas;
- Vacant *lots* and under-utilized properties which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
- Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/ or loading facilities;
- Other barriers to the repair, rehabilitation or redevelopment of under- utilized land and/or buildings; and,
- Any other environmental, social or community economic development reasons.



Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:

- i) The anticipated improvements achieve the Vision and Strategic Directions in the Official Plan;
- ii) The greatest number of conditions for designation of a CIPA2 are present; and/or
- iii) Where one or more of the conditions are particularly acute; and/or,
- iv) Where one or more of the conditions exist across the entire Urban Area of the City.

Section 6.2.2 a) identifies the objectives of community improvement plans. This CIP has been prepared to meet several of these objectives, including:

- ✓ Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
- ✓ Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally significant buildings and properties;
- ✓ Encourage residential and other types of infill and *intensification*;
- ✓ Encourage the construction of *affordable* housing;
- ✓ Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
- ✓ Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
- ✓ Encourage the remediation and redevelopment of Brownfield sites;
- ✓ Support existing or potential business improvement areas;
- ✓ Improve environmental conditions; Improve social conditions;
- ✓ Facilitate and promote community economic development; and
- ✓ Improve community quality, safety and stability.

Section 6.2.2 b) specifies the minimum content requirements of a CIP. This CIP meets or exceeds all these minimum content requirements.

Section 6.2.3 outlines a full range of actions that the City can undertake to implement a CIP and these actions have been included (as applicable) in this CIP. Section 6.2.3 also specifies that all developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in the Official Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws. Finally, Section 6.2.3 notes that Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

### **3.9.7 Cultural Heritage Policies**

Section 7.1 of the Official Plan contains policies to help ensure the protection, preservation and enhancement of historic buildings, structures and land. This includes heritage designation and the establishment of heritage conservation districts under the Ontario Heritage Act. The City also supports the protection and enhancement

of cultural and heritage assets which include the establishment of a Heritage Character Area and Urban Design Guidelines that can preserve and guide new development or re- development and is supported by rebate and incentive programs that encourage property owners to protect, preserve and enhance these assets.

### **3.10 Port Colborne Affordable Housing Strategy**

The Port Colborne Affordable Housing Strategy was approved by Council on September 13, 2022. This Strategy contains the following vision statement: Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.

The Housing Strategy establishes four high level goals as follows:

1. Increase diversity of built form and tenure to provide more housing options for residents;
2. Promote greater intensification and density to leverage existing physical and social infrastructure;
3. Protect and expand purpose-built rental supply including affordable rental housing; and,
4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The Housing Strategy contains 12 recommendations to help accomplish these goals. The key recommendation as it relates to this CIP is Recommendation 7 which is to: explore the viability of financial and non-financial incentives for affordable housing and purpose-built rental developments. The Housing Strategy notes that the challenge to Port Colborne in designing an incentive program that promotes and attracts affordable housing development is twofold: (1) to be competitive with the CIP affordable housing incentives programs offered by other municipalities in Ontario while, (2) also being fiscally responsible. The Housing Strategy identifies a number of incentive programs that can be included within a CIP to promote affordable housing, including:

- Residential Intensification Grant;
- Affordable Housing Grant;
- Tax Increment Grant; and,
- Development Charges Grant.

## **4.0 Community Improvement Vision and Goals**

The general vision and key goals contained in the various existing CIPs were reviewed and updated based on the updated City policies in consultation with the PRT. As previously noted, the goals of the Industrial CIP and the Gateway CIP are very similar, and therefore, can be readily addressed by the current stand-alone Gateway CIP. The vision and key goals for the Downtown, Main Street, East Waterfront, and Brownfields were streamlined and focused, and are presented below.

### **4.1 Vision**

#### **4.1.1 Main Street**

Main Street will be a diverse mixed use center with a broad range of housing types, business, educational, cultural and recreational uses. Main Street will be vibrant and dynamic, offering a comfortable pedestrian environment and public spaces. Main Street will act as a compelling central place for residents with services and activities that are needed regularly, but will also be a tourist destination with heritage architecture, civic art, unique stores, thoughtfully designed public spaces, and specialized festivals and events. New buildings, building improvements, and public infrastructure will incorporate high quality design and sustainable design principles.

#### **4.1.2 Downtown**

The Downtown will be an active and vibrant commercial area with a broad range of uses and updated building facades and signage that maintain the Downtown's authentic feel and character. The Downtown will have a strong visual and physical relationship with the Welland Canal and celebrate its history as a working port. There will be more people living Downtown in a diverse range of housing opportunities. Downtown will be more pedestrian and cycling friendly with interesting and accessible streetscapes and more public gathering spaces. The Downtown will be better connected to the Canal, Marina, Main Street commercial area, and the East Waterfront community.

#### **4.1.3 East Waterfront**

The East Waterfront will see the incremental restoration and renovation of commercial, residential and other buildings in the community, as well as residential and mixed use infill development on vacant and underutilized properties. Architecturally and historically significant buildings will be restored, and adaptively reused. Streetscapes will be made greener and more pedestrian friendly. There will be new open spaces, better recreational opportunities, trail enhancements, and better pedestrian and cycling connections to the waterfront, including Nickel Beach.

## **4.2 Key Goals**

### **4.2.1 Main Street**

The key goals of this CIP for the City's Main Street CIPA are as follows:

- Improve building facades and signage;
- Diversify the mix of uses and activities for workers, visitors, and residents;
- Fill gaps along the street with mixed use buildings that are consistent with the architectural scale and style of existing buildings;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Improve the attractiveness, vibrancy and walkability of the area;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Provide an enhanced public gathering space for community and cultural events;
- Increase tourism visits to the area and make Main Street a focal point for tourism;
- Improve connections to open spaces and recreational amenities; and,
- Improve connections with the Canal, Waterfront, Marina, Main Street and East Waterfront areas.

### **4.2.2 Downtown**

The key goals of this CIP for the City's Downtown CIPA are as follows:

- Improve and update building facades and signage, while maintaining and enhancing the area's authentic feel and character;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Diversify the range of commercial uses on West Street to better activate the street and the Welland Canal;
- Improve the visual and physical relationship of the area with the Welland Canal and celebrate its history as a working port;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Increase the number of public gathering spaces; and,
- Improve connections from Downtown to the Canal, Waterfront, Marina, Main Street, and East Waterfront areas.

### **4.2.3 East Waterfront**

The key goals of this CIP for the City's East Waterfront CIPA are as follows:

- Protect, restore and re-use architecturally and historically significant buildings;
- Attract new investment and development to vacant properties;

- Improve the quality of streetscapes in the neighbourhood;
- Reduce the environmental and visual impact of industrial uses;
- Create new open spaces and recreational opportunities;
- Improve pedestrian and cycling connections to the lakefront.

#### **4.2.4 Brownfields**

The key goals of this CIP for brownfields in the Brownfield CIPA are as follows:

- Promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety at brownfield sites;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase the supply and range of housing types;
- Increase tax assessment and property tax revenues;
- Retain and increase employment opportunities; and,
- Support intensification and land efficient forms of development.

#### **4.2.5 Industrial/Employment Lands**

The key goals of this CIP for industrial/employment lands in the Gateway CIPA are as follows:

- Promote private sector investment that establishes new businesses or expands existing businesses;
- Create new and/or maintain existing permanent jobs, as well as short-term construction jobs;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base;
- Support investments in high growth economic sectors that contribute to the diversification of the local economy;
- Facilitate development of the City's employment lands; and,
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies.

## 5.0 Community Improvement Project Area

The CIPA for the Brownfield CIP, Gateway CIP, and Industrial CIP were all designated via text reference to a specific area within the City of Port Colborne as follows:

Brownfield CIPA - the entire urban area of the City of Port Colborne, as amended from time to time.

Gateway CIPA – all designated employment lands<sup>3</sup> in the settlement areas<sup>4</sup> within Port Colborne, as amended from time to time.

Industrial CIPA – all lands designated as “Industrial” on the City of Port Colborne’s Official Plan Land Use Schedule A, as amended.

It was determined that the boundary of the existing Brownfield CIPA is appropriate and be retained as is. As previously noted, it was determined that the boundary of the Industrial CIPA is wholly contained within the boundary of the Gateway CIPA. Also, the goals of the Industrial CIP and the Gateway CIP are very similar. Finally, review of the incentive programs contained in the Gateway CIP as compared to the incentive programs in the Industrial CIP determined that the Gateway CIP will serve to promote the development and redevelopment of industrially designated lands in Port Colborne. As such, it is recommended that the Industrial CIPA be de-designated and the Industrial CIP be discontinued. The Gateway CIP will continue to act as a standalone CIP for the promotion of employment lands development and redevelopment on all designated employment lands in the settlement areas within Port Colborne, as amended from time to time.

The CIPA for the Downtown CIP, Main Street CIP and East Waterfront CIP were all designated based on a map showing the boundary of each CIPA. A walking/driving tour of these CIPAs and adjacent areas was conducted with members of the PRT. A follow up tour of specific geographic areas identified for potential inclusion in the CIPAs was also conducted. During and after these tours, land uses, Official Plan designation, zoning, property and building conditions, business activity, and vacancy levels within these respective boundaries and adjacent areas were reviewed with the PRT in light of updated policy directions, community improvement needs, and community improvement goals, to determine the need to adjust the CIPA for each of these areas.

Based on the above-noted analysis, and for the purpose of strategically targeting the incentive programs contained within this CIP, it is recommended that the CIPA for this CIP be designated as **“the entire urban area of the City of Port Colborne, as amended from time to time”**. This CIPA if further divided into the following four (4) sub-areas:

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<sup>3</sup> “designated employment lands” means lands that have been designated in the Local Official Plans for employment uses.

<sup>4</sup> “settlement areas” means the urban area, villages and hamlets.



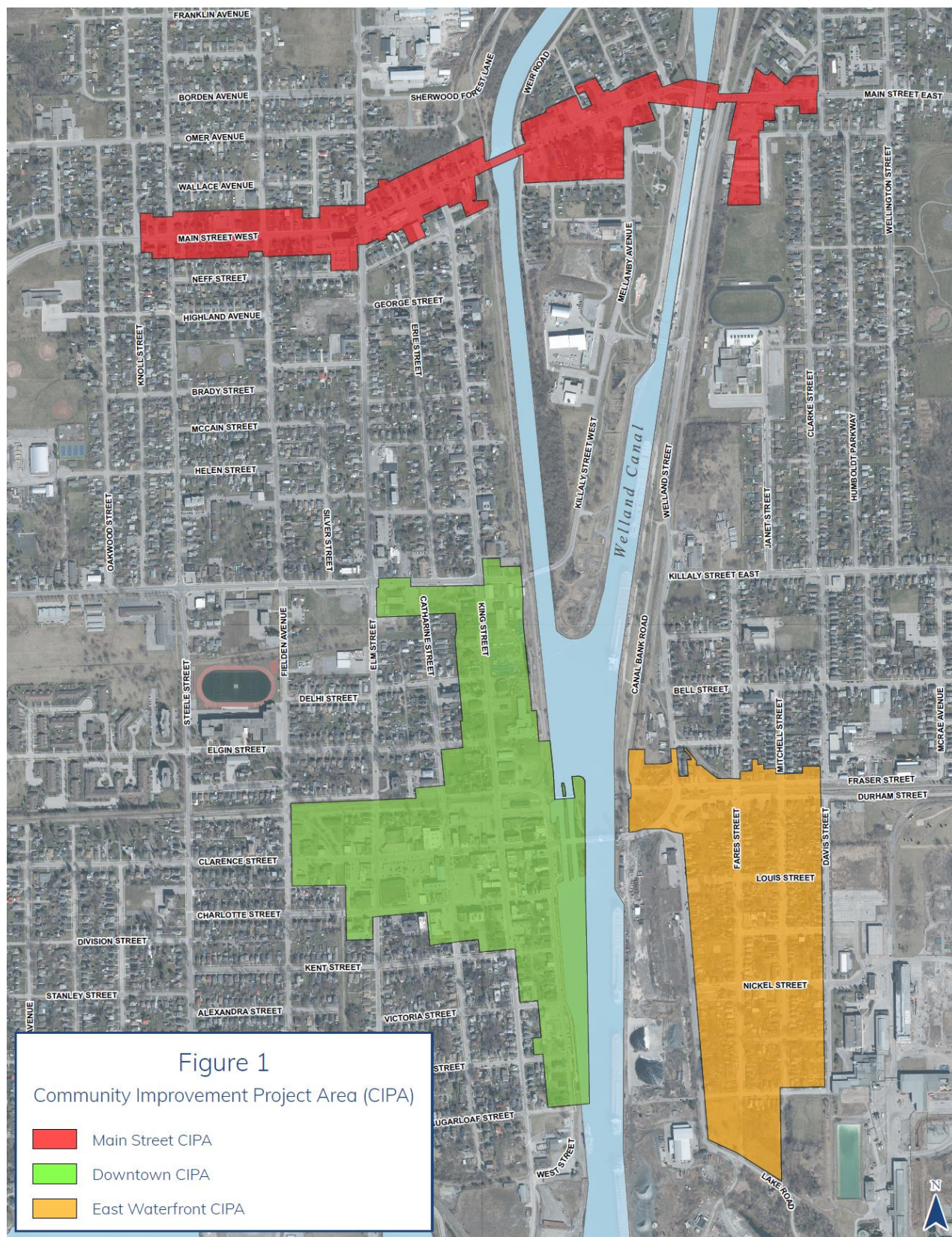
- 1) The “Main Street CIPA” (see Figures 1 and 2);
- 2) The “Downtown CIPA” (see Figures 1 and 3);
- 3) The “East Waterfront CIPA” ( see Figures 1 and 4); and,
- 4) The “Brownfield CIPA” which is “the entire urban area of the City of Port Colborne, as amended from time to time”.

The CIPA is the area where the financial incentive programs contained within this CIP can be offered. The CIPA for this CIP as denoted above is to be designated by a by-law passed by Council.

To provide the City with flexibility (entirely at the discretion of the City) to include properties that are immediately outside the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA within one of these CIPAs,

- a) Properties that are immediately adjacent to the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA may be considered by the City to be within one of these CIPAs, on a case by case basis, subject to these properties meeting the need for community improvement and any proposals for development of these properties meeting the applicable key community improvement goals of this CIP for that CIPA.

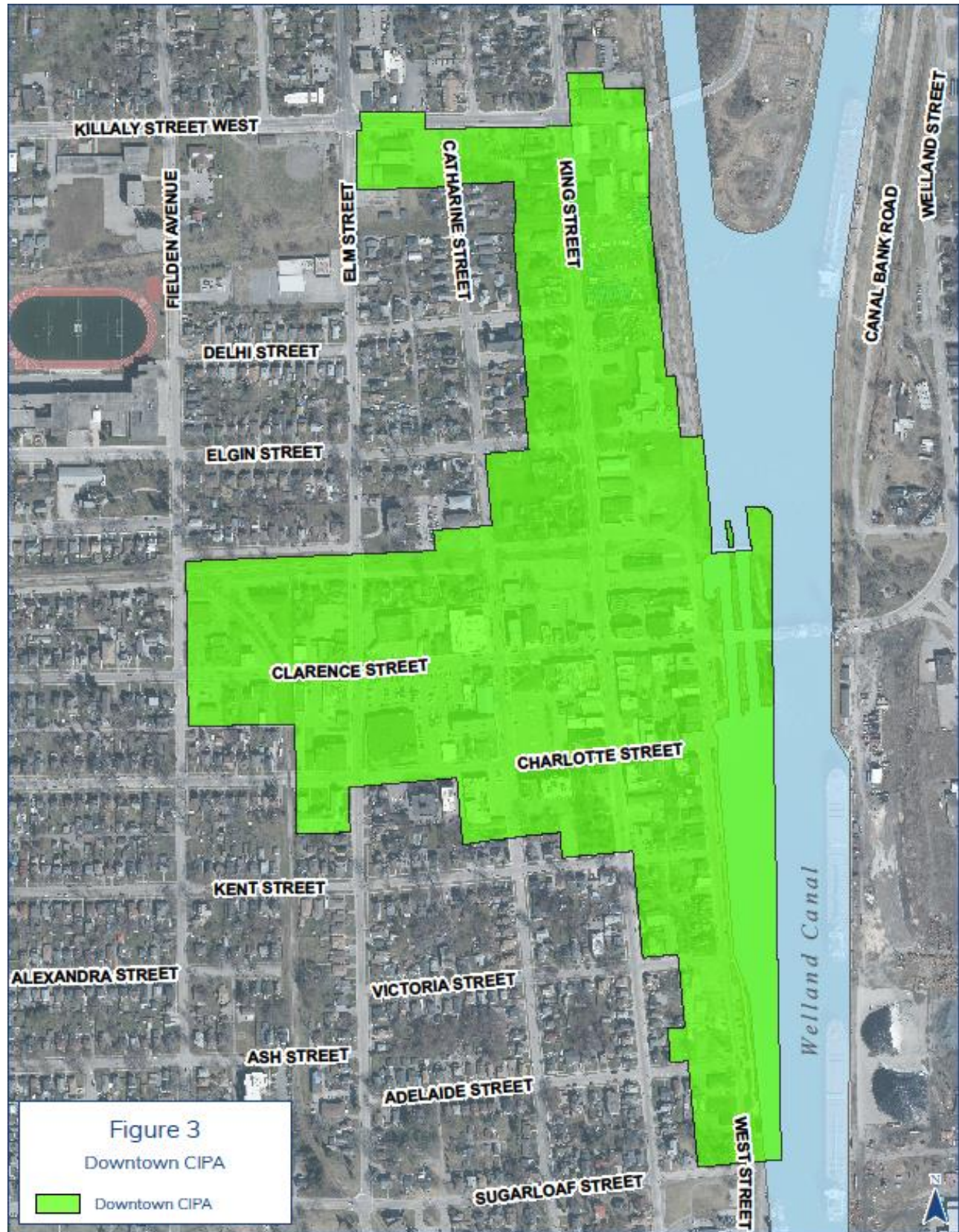
However, should the City approve a property that is immediately adjacent to the Main Street CIPA, Downtown CIPA, or East Waterfront CIPA Primary CIPA for inclusion within one of these CIPAs, this will in no way alter the boundaries of said designated CIPAs within the designated CIPAs as shown in Figures 1 through 4 below.



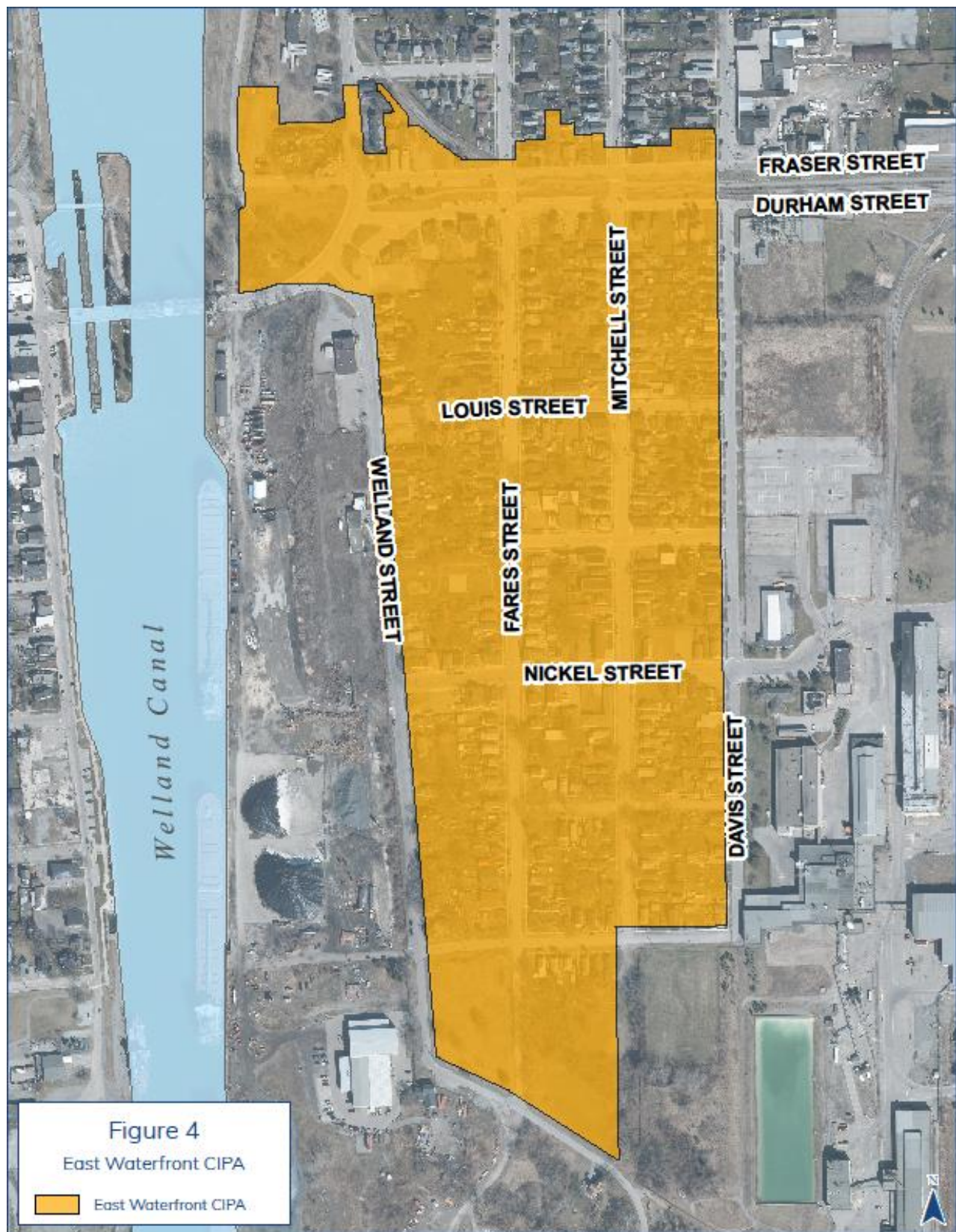












## 6.0 Incentive Programs

### 6.1 Summary of Incentive Programs

The financial incentive programs in this Comprehensive CIP draw on the City's experience with the incentive programs in the existing CIPs, and recent best practices in other municipalities. However, the incentive programs in this CIP were developed in consultation with the PRT to strategically address existing and emerging key community improvement needs across the municipality in order to help achieve the community improvement goals identified in Section 4.0. Consequently, not all of the incentive programs contained in this CIP will be offered across the entire urban area of the City of Port Colborne.

Once this CIP is adopted and approved, the incentive programs in the CIP can be activated by Council, one or more at a time, based on Council approval of the implementation of each program, subject to the availability of funding. In this regard, the CIP enables Council to implement the incentive programs contained herein, but does not obligate Council to implement any or all of these incentive programs. Furthermore, Council controls the implementation of the incentive programs and Council will decide which programs will be offered in the CIPAs, and the amount of funding allocated to the financial incentive programs. Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, subject to the restrictions contained in this CIP, and any additional restrictions imposed by the City.

When implementing the incentive programs, depending on budget considerations at the time, Council can set the maximum grant available for each incentive program at or below the maximum specified for that program herein. Council may also specify a maximum grant amount for any incentive programs where a maximum grant amount is not specified herein. Finally, all of the financial incentives described herein may be provided to applicants at the sole discretion of the City of Port Colborne.

General requirements that apply to all the incentive programs and program specific requirements have been included in this CIP to help ensure that the goals of the CIP can be met while protecting the financial, planning, and other interests of the City. **Table 2** below provides information for each of the incentive programs that can be offered by the City under this CIP, including the specific CIPAs where each program can be made available by the City (eligible CIPA), and the types of properties/projects that are eligible to apply for each incentive program in each eligible CIPA. The balance of this section provides a description of the general program requirements, and the basic details for each of the incentive programs, including the program purpose, description, and program specific requirements. **Appendices D and E** contains supporting information for one or more of the incentive programs. These appendices do not form an operative part of the CIP, and may be changed from time to time by the City, as required, without amendment to this Plan.



**Table 2 Summary of Incentive Programs**

Program	Description	Eligible CIPA	Eligible Properties/Projects
<b>1) Environmental Site Assessment Grant Program</b>	A Grant equal to 50% of the cost of eligible environmental studies to a maximum: a) grant of \$20,000 per study; b) two (2) studies per project; and, c) \$30,000 per project.	Brownfield CIPA (entire urban area).	All properties, but applicants must clearly demonstrate a legitimate intention to undertake eligible community improvement/ redevelopment of the property.
<b>2) Urban Design Study Grant Program</b>	A Grant equal to 50% of cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments to a maximum grant of \$2,000 per property/project.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	All properties with potential for eligible community improvements.
<b>3) Facade and Property Improvement Grant Program</b>	A Grant equal to 50% of cost of eligible front facade and storefront improvement and restoration works up to a maximum grant per project of \$20,000. Maximum grant can be increased by up to \$5,000 (on a matching 50/50 basis) for projects on properties that are designated under the <i>Ontario Heritage Act</i> .  A separate Grant equal to 50% of cost of eligible side and/or rear facade improvement and restoration works up to maximum grant per project of \$5,000 only where said rear and/or side facades are highly visible from a public road, public parking area or public open space.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Existing commercial, institutional and mixed use buildings only.

**Table 2 Summary of Incentive Programs (cont'd)**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>4) Residential Grant Program</b>	A Grant equal to 50% of cost of renovating existing residential units and/or constructing new residential units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	<ul style="list-style-type: none"> <li>i) Renovation to existing residential units in mixed use buildings to Building Code, Fire Code, and Property Standards Bylaw.</li> <li>ii) Conversion of excess/ vacant commercial space on upper stories of commercial and mixed use buildings into one (1) or more net residential units.</li> <li>iii) Intensification of existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units.</li> <li>iv) Vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.</li> </ul>
<b>5) Affordable Rental Housing Grant Program</b>	A Grant equal to 50% of cost of constructing new affordable rental housing units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Entire urban area, but priority will be given to applications in Main Street, Downtown, and East Waterfront CIPAs.	New affordable rental housing units <sup>5</sup> rental housing units only created by eligible project types 4) ii) to iv) above. Can be combined with the Residential Grant Program, in the Main Street, Downtown, and East Waterfront CIPAs, as applicable.
<b>6) Brownfields Tax Assistance Program (TAP)</b>	Cancellation of the City property tax increase for up to 5 years during the tax assistance period. Cancellation of the education property tax increase is subject to approval by the Minister of Finance and is a separate process from the CIP program application process.	Brownfield CIPA (entire urban area).	Property must have a corresponding Brownfield TIG application.

<sup>5</sup> See Appendix D for the definition of “affordable rental housing”.

**Table 2 Summary of Incentive Programs (cont'd)**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>7) Tax Increment Grant (TIG) Program</b>	a) Main Street, Downtown and East Waterfront TIG - Annual TIG equal to 80% of City property tax increase generated by project for up to 10 years following project completion. TIG increases to 100% for affordable rental housing units.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Only projects that create a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.
	b) Brownfield TIG - Annual Tax Increment Grant (TIG) equal to 100% of City property tax increase generated by project for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The total amount of the Brownfield TIG is; a) capped at the total eligible program costs; and, b) reduced (offset) by the amount of the Brownfield DCG.
<b>8) Development Charge Grant (DCG) Program</b>	Main Street, Downtown and East Waterfront Development Charge (DCG) – A Grant equal to 50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Applicants must choose between the TIG Program and the DCG Program.
	Affordable Rental Housing DCG <sup>6</sup> – a Grant equal to 100% of the City DC payable on affordable rental housing units.	Entire Urban Area	Applicants must choose between a TIG Program and the DCG Program.
	Brownfield DCG – A Grant equal to up to 100% of the City DC payable.	Brownfield CIPA (entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG.

<sup>6</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a 100% Development Charge Exemption for affordable rental housing units. If that is the case, no TIG will be available.

## 6.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the following general requirements as well as the individual requirements specified under each program. The general and program specific requirements contained in this CIP are not necessarily exhaustive, and the City 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) as defined in Section 5.0 of this Plan;
- b) None of the incentive programs contained in this Plan will be offered on a retroactive basis. This means that the City can accept applications for the financial incentive programs contained in this CIP only after this CIP has been adopted by Council and approved. This also means that an application for any financial incentive program contained in this CIP must be submitted to the City and that application must be approved by the City prior to the commencement of any eligible studies or eligible works that are the subject of the application;
- c) In addition to the restriction of eligibility for incentive programs to certain CIPAs and land uses as specified in this Plan, the City may further restrict eligibility for any of the incentive programs contained in this Plan to certain geographic areas, land uses, types of development, and other additional criteria, without amendment to this Plan, to help ensure that funded projects achieve the goals of this Plan and maximize community improvement benefits;
- d) Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, i.e., the incentive programs can be combined or “stacked”, subject to the general and individual program requirements and maximum grant restrictions contained in this CIP, and any additional program requirements and restrictions that may be imposed by the City;
- e) With the exception of the Brownfield Tax Increment Grant (TIG) and Brownfield Development Charge Grant (DCG) Programs, applicants for all other Tax Increment Grant (TIG) Programs and Development Charge Grant (DCG) Programs contained in this CIP must choose between a TIG Program and a DCG Program. An applicant cannot apply for both programs.
- f) Applicants are eligible to apply for both the Brownfield Tax Increment Grant (TIG) and the Brownfield Development Charge Grant (DCG) Programs contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the approved Brownfield DCG.
- g) Applicants who apply and are approved for a TIG and/or a DCG under this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

h) Except for the following programs, the applicant must be the owner of the property,;

- i) Environmental Site Assessment (ESA) Grant Program;
- ii) Urban Design Study Grant Program;
- iii) Facade and Property Improvement Grant Program;

For the programs noted in h) i) to iii) above, if the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and receive the grant payment, with said written consent in a form acceptable to the City;

- i) An individual, corporation or other party who has litigation pending against the City, including appeals to planning and other tribunals, may be deemed by the City in its sole and absolute discretion to be ineligible to apply for/receive any of the incentive programs contained in this CIP;
- j) Regardless of whether or not an Applicant otherwise satisfies the general and program specific requirements contained in this CIP, City Council or its delegate may reject any incentive program application received from an applicant where there is credible information that the applicant has been involved recently or repeatedly in illegal activity, supporting the conclusion that the applicant will not conduct themselves with honesty and integrity in undertaking the community improvement for which a grant is being sought. In this regard, applicants are individuals, corporations, and principals of the corporation, including corporate officers and directors;
- k) An application for any financial incentive program contained in this CIP must include plans, drawings, studies, cost estimates, contracts, reports, construction values, rental rates, sale prices, and other details as required by the City to satisfy the City with respect to the costs, design and performance of the project, and conformity of the project with the CIP;
- l) The City may require that an applicant submit for approval professional urban design studies, architectural/design drawings, and a heritage impact assessment prepared by a qualified professional with said studies and drawings in conformity with all applicable design guidelines specified by the City;
- m) The City may require that an applicant submit for approval a business plan, impact studies such as traffic studies, studies of microclimatic conditions (sun, shadow, wind), and any other studies as deemed necessary by the City, and such studies shall be to the City's satisfaction;
- n) 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;
- o) The application is subject to approval by 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;

- p) Except for the ESA Grant Program and the Urban Design Study Grant Program, as a condition of application approval, the applicant will be required to enter into a Grant Agreement with the City. 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;
- q) Each program in this CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation for the program (as applicable);
- r) Where other sources of government and/or non-profit organization funding (Federal, Provincial, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs have been applied for, are anticipated, or have been secured, these must be declared as part of the application, and accordingly, the grant/loan from the City may be reduced on a pro-rated basis;
- s) The City reserves the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- t) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant;
- u) If the applicant is in default of any of the general or program specific requirements, any other requirements of the City, or any of the terms and condition specified in the grant agreement, the City may delay, reduce, or cancel the approved grant, and require repayment of the approved grant, including the ability to add the repayment of the approved grant amount to the property tax roll;
- v) The City may discontinue any of the programs contained in this CIP at any time, but applicants with an approved grant will still receive said grant, subject to meeting the general and program specific requirements;
- w) All proposed works approved under the financial incentive programs and associated improvements to buildings and/or land completed must conform to all applicable City guidelines, by-laws, policies, procedures and standards, including applicable Urban Design Guidelines;
- x) All works completed must comply with the description of the works as provided in the application form, supporting materials, and contained in the program agreement, with any amendments as approved at the sole discretion of the City;
- y) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements and approvals;



- z) 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;
- aa) When required by the City, outstanding work orders, and/or orders or requests to comply, and/or other charges from the City must be satisfactorily addressed prior to grant approval/payment;
- bb) Property taxes must be in good standing at the time of program application and throughout the entire length of the grant commitment;
- cc) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- dd) Applicants approved for the programs contained in this CIP will be required to complete the eligible studies and eligible works within specified timeframes as specified in their approval letter or grant agreement; and,
- ee) 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.

## **6.3 Environmental Site Assessment (ESA) Grant Program**

### **6.3.1 Purpose**

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

### **6.3.2 Description**

Eligible environmental studies include a Phase II ESA (complete, partial, or supplemental), Remedial Work Plan, Risk Assessment/Risk Management Plan, testing and tracking for excess soil management, and a Designated Substances and Hazardous Materials Survey. Environmental study grants will only be offered on eligible properties where there is potential for renovation/adaptive reuse/expansion of the buildings on the property, and/or development/redevelopment of the property. Applicants must clearly demonstrate their legitimate intention to undertake one or more of these activities on an eligible property, by whatever means deemed necessary by the City<sup>7</sup>. Studies undertaken solely for the purposes of purchase/sale due diligence shall not be eligible for this program.

This program will provide a grant equal to 50% of the cost of eligible environmental studies to a maximum:

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

Applications for this program will be processed and approved on a first come, first served basis. Review and evaluation of an application and supporting materials against program eligibility requirements will be completed by staff, and a decision on the grant application will be made by staff acting as Council's designate.

Grant payments approved under this program would be provided to applicants following submission to the City 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 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 the ESA Grant. Assignees are eligible to apply for and receive this grant, subject to providing the City with written consent from the owner to conduct the study and provided that the property owner has assigned the grant to the assignee.

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<sup>7</sup> This may include, but is not necessarily limited to the submission of a letter of intent to renovate, adaptively reuse, expand and/or redevelop the property, and submission of a preliminary development plan (if planning applications have not yet been submitted).

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 City 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 City prior to the start of any environmental study to which this grant will apply;
- b) Environmental studies shall be for the purpose of:
  - i) confirming and describing the location and concentration of contamination at the site (complete, partial, or supplemental Phase II ESA);
  - ii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan, Risk Assessment/Risk Management Plan);
  - iii) testing and tracking for the purpose of excess soil management as per O. Reg 406/19;
  - iv) Designated Substances and Hazardous Materials Survey.

For application type c i) above, applicants must complete and submit to the City 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 ii) above, applicants must complete and submit to the City 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.

- c) All ESA Grant applications will include:
  - i) a minimum of two (2) study cost estimates<sup>8</sup>;
  - 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;

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<sup>8</sup> The grant to be paid will be based on the lesser of the two cost estimates, or the actual cost of the study, whichever is less.

- d) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- e) One (1) electronic and one (1) hard copy of the study must be submitted to the City for the City's review and retention; and,
- f) Approval of an ESA Grant application (except Risk Assessments/Risk Management Plans) will be revoked if the study is not submitted within two (2) calendar years of the date that the ESA Grant application is approved.

## **6.4 Urban Design Study Grant Program**

### **6.4.1 Purpose**

To help promote the undertaking of professionally prepared high quality urban design studies, architectural/design drawings, and heritage impact assessments that meet the City's Urban Design Guidelines and any other applicable guidelines and to help offset the costs of preparing said professional urban design studies, architectural/design drawings and heritage impact assessments.

### **6.4.2 Description**

This program will provide a matching grant equal to 50% of the cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments required by the City to a maximum grant per property/project of \$2,000. Only one Urban Design Study Grant application per property/project will be allowed.

### **6.4.3 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) The following types of professional studies/drawings/assessments for the renovation, conversion, and expansion of existing buildings and the construction of new buildings are considered eligible for a grant under this program:
  - i) urban design studies;
  - ii) architectural/design drawings;
  - iii) heritage impact assessments; and,
  - iv) any other study as approved by the City.
- b) All studies/drawings/assessments must be prepared by a qualified professional (i.e., architect/design professional) as determined by the City;

- c) One (1) electronic and one (1) hard copy of the study/drawings/assessment must be submitted to the City for the City's review and retention; and,
- d) All studies/drawings/assessments must be to the satisfaction of the City and must meet the City's Urban Design Guidelines and any other applicable City guidelines, by-laws, policies, procedures, and standards.

## **6.5 Facade and Property Improvement Grant Program**

### **6.5.1 Purpose**

To promote the rehabilitation, restoration, preservation and improvement of the front, side and rear facades of existing commercial, institutional and mixed use buildings, including retail storefront display areas and signage.

To promote improved landscaping, driveway access, and parking areas of existing commercial, institutional, and mixed use buildings with particular emphasis on the public street edge in order to improve visual quality and create a safer and more comfortable pedestrian environment.

### **6.5.2 Description**

This program will provide a grant equal to 50% of the cost of eligible front facade and storefront improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$20,000.

The maximum grant available under this program can be increased by up to \$5,000 (on a matching 50/50 basis) for projects that are also designated under the *Ontario Heritage Act*.

A separate grant equal to 50% of the cost of eligible side and/or rear facade improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$5,000 may be provided where said rear and/or side facades are highly visible from a public road, public parking area or public open space.

### **6.5.3 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) The following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings are considered eligible for a grant under this program:
  - i) repair or replacement of storefront, including repair or replacement of storefront doors and windows;
  - ii) exterior and entrance modifications to provide barrier free accessibility;

- iii) repair or repointing of facade masonry and brickwork;
  - iv) repair or replacement of cornices, parapets, eaves and other architectural details;
  - v) repair or replacement of awnings or canopies;
  - vi) facade painting, cleaning, and refinishing treatments as acceptable to the City;
  - vii) addition of new lighting/upgrading of existing lighting fixtures on exterior facade and in entrance and storefront display areas;
  - viii) repair, improvement, or replacement of existing signage, and installation of new signage (as permitted by the Sign By-law);
  - ix) landscaping, including plant materials, planters and planting strips, (to a maximum of 15% of the approved grant amount);
  - x) addition of new lighting and/or upgrading of existing lighting (e.g., conversion to LED lighting) where said lighting is not attached to the building;
  - xi) construction, expansion or upgrading of an outdoor commercial patio/café area;
  - xii) construction, consolidation, or improvement of parking areas and driveway access/egress;
  - xiii) architectural/design fees required for eligible works (to a maximum of 10% of the grant amount);
  - xiv) other similar repairs/improvements as may be approved; and,
  - xv) items i) to xiv) above as they apply to side facades and rear facades that are highly visible from a public road, public parking area or public open space.
- b) In addition to the eligible costs specified in a) above, the following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act* are also considered eligible for a grant under this program:
- i) works that conserve or enhance elements specified in the Reasons for Designation accompanying the designating by-law under the *Ontario Heritage Act*;
  - ii) original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.);
  - iii) removal of modern materials and replacement with documented original materials;
  - iv) reconstruction or construction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.);
  - v) cleaning of masonry buildings, as acceptable to the City, if it is necessary for the building's preservation;
  - vi) all final finishes, such as paint and masonry, as acceptable to the City; and,
  - vii) structural repairs and works required to maintain or preserve significant heritage features.
- c) For commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act*, the facade restoration and improvement works should be supported by documentation in the form of historic photographs or drawings clearly showing the feature(s) to be restored or reconstructed.



- d) The City may consider applications for phased facade improvements under this program, subject to the maximum grant amounts per project noted above.

## **6.6 Residential Grant Program**

### **6.6.1 Purpose**

To promote improvements to the quality of the existing housing stock and increase the supply of housing via:

- a) renovations to existing residential units in mixed use buildings;
- b) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new residential units;
- c) residential intensification of existing mixed use or residential apartment/multi-unit buildings; and,
- d) the infilling of vacant lots with new residential units.

### **6.6.2 Description**

This program will provide a grant equal to the cost of renovating existing residential units to code and/or constructing new residential units on the basis of \$15 per square foot of habitable floor space renovated or constructed, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).

The Residential Grant Program can be used for rental or ownership units. If used for ownership units, the grant may apply to buildings that fall under the *Condominium Act*. The Grant will be paid once all construction is complete and the City has conducted all final inspections.

### **6.6.3 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) The following types of projects are considered eligible for a grant under this program:
  - i) renovations to existing residential units in mixed use buildings to bring these units into compliance with the Building Code, Property Standards By-law and the Fire Code;
  - ii) conversion of excess commercial and/or vacant space on upper stories of commercial and mixed use building to one (1) or more residential units;
  - iii) intensification of an existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units; and,
  - iv) vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.

## 6.7 Affordable Rental Housing Grant Program

### 6.7.1 Purpose

To increase the supply of new affordable rental housing<sup>9</sup> via:

- a) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new affordable rental residential units;
- b) intensification of existing mixed use or residential apartment/multi-unit buildings to create new affordable rental residential units; and,
- c) the infilling of vacant lots with new affordable rental residential units.

### 6.7.2 Description

This program will provide a grant equal to \$15 per square foot for the creation of new affordable rental housing units, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project). While the City can offer the Affordable Rental Housing Grant Program as a stand-alone program across the entire urban area, priority will be given to applications in the Main Street, Downtown, and East Waterfront CIPAs. The Affordable Rental Housing Grant Program can also be combined with the Residential Grant Program in the Main Street, Downtown and East Waterfront CIPAs. Applicants have the option to apply up to \$10,000 of their approved Affordable Rental Housing Grant against planning and building permit fees at the time these must be paid, with a concomitant reduction in the balance of the Affordable Rental Housing Grant when it is paid upon project completion.

The affordable rental housing units created under this program must remain as affordable rental housing units as per the definition of affordable rental housing and minimum period of time as specified in **Appendix D**. Therefore, all applicants approved for a grant under this program must enter into an Agreement with the local municipality to maintain the residential unit as affordable for the minimum period of time specified in Appendix D. The Applicant will be responsible for annually confirming with the City that all residential units funded by this program remain as affordable rental residential units. The grant provided to the applicant will be immediately due and payable for all units that are no longer affordable rental housing within the period of time specified in Appendix D.

### 6.7.3 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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D;

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<sup>9</sup> See Appendix D for the definition of “affordable rental housing”.

- i) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - ii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iii) the infilling of vacant lots with new affordable rental residential units.
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

## **6.8 Brownfield Tax Assistance Program (TAP)**

### **6.8.1 Purpose**

To encourage the remediation and substantial rehabilitation, adaptive reuse, development/redevelopment of brownfield sites (where actual contamination has been confirmed) by providing tax assistance in the form of a cancellation of part or all 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 and/or risk assessment/ management. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

### **6.8.2 Description**

As noted in Section 2.1 of this CIP, the legislative authority for the Brownfield TAP is established under Sections 365.1 of the *Municipal Act, 2001*. Municipalities can pass a tax assistance by-law that cancels part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, as defined in Section 365.1 of the *Municipal Act, 2001*.

An “eligible property” for the Brownfield TAP is a property within the CIPA that is also eligible for the Brownfield Tax Increment Grant (TIG) Program 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.

The “assistance period” for the Brownfield TAP is the period of time starting on the date on which the tax assistance by-law is passed by the City, and ending on the:

- a) the date when the total tax assistance provided equals the total eligible costs; or,
- b) the end date specified in the by-law (maximum of 5 years from the date the by-law was passed), whichever comes first.

“Eligible costs” for the Brownfield 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 6.8.3 below. In no case will the total amount of the tax assistance provided under the Brownfield TAP exceed the total of these eligible costs.

An application for the Brownfield TAP must be for a site with confirmed environmental contamination as evidenced via a Phase II ESA that demonstrates the site does 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. An application for the Brownfield TAP must be accompanied by an application for the Brownfield TIG Program. Stand-alone applications for the Brownfield TAP are not permitted, and a Brownfield TAP application can only be approved if the corresponding Brownfield TIG Program Application is approved.

As part of the tax assistance provided to the applicant, the City may also request participation from the Region of Niagara (applicable only if the Region offers a Brownfield Tax Assistance Program) in order to provide for a cancellation of part or all of the Regional property tax increase, on an application by application basis. In order for the tax assistance by-law to apply to Regional property taxes, before it is passed by the City, the City must supply a copy of the proposed by-law to the Region, and 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 5 years. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the City, and may be subject to additional conditions.

The City may also apply to the Ministry of Finance for matching school property tax assistance on behalf of the property owner under the Province’s Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province. In order for the tax assistance by-law to apply to school property taxes, the BTIF Application must be approved in writing by the Minister of Finance. Matching school property tax assistance for eligible properties available through the Provincial BFTIP, or through any other replacement programs administered by the Province, is subject to approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the City, and may be subject to additional conditions. An approval made under the City’s Brownfield TAP shall be conditional on the Applicant receiving approval from the Minister of Finance for a corresponding application under the Province of Ontario’s BFTIP respecting cancellation of the school portion of property taxes.

Each property approved for the Brownfield TAP will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City as well as conditions required by the Region (if applicable) and the Minister of Finance.

### 6.8.3 Program Requirements

Applicants that have applied for a Brownfield TIG are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by City Council, Regional Council (if applicable) and the Minister of Finance:

- a) An application for the Brownfield TAP must be accompanied by:
  - i) an application for the TIG Program, including a description of the development that will take place on the site post remediation/risk assessment;
  - ii) a Phase I ESA;
  - iii) 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;
  - iv) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:
  - i) A Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the ESA Grant Program;
  - ii) environmental remediation, including the cost of preparing a Record of Site Condition (RSC) and Certificate of Property Use (CPU);
  - 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/or CPU;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated; and,
  - vi) environmental insurance premiums;
- c) Should the owner of the property default on any of the conditions in the tax assistance agreement or by-law, cancelled property taxes (plus interest) will become payable to the City, the Region (if applicable) and the Province;

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

## 6.9 Tax Increment Grant (TIG) Program

### 6.9.1 Purpose

To encourage substantial rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from these various types of development. This incentive is also designed to assist in securing project financing.

### 6.9.2 Description

**N.B. An applicant applying for the Main Street, Downtown, or East Waterfront TIG Program cannot apply for any Development Charge Grant (DCG) Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

Subject to the “as built” project achieving the minimum increase in assessment value (AV) (as determined by MPAC) specified in **Appendix E<sup>10</sup>**, this program will provide an annual tax increment grant (TIG) for up to ten (10) years after project completion equal to a percentage of the increase in the municipal (City and Region) <sup>11</sup> portion of property taxes<sup>12</sup> generated by completion of an eligible project as shown in **Table 3** below.

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<sup>10</sup> The Brownfield TIG Program is exempt from this minimum assessment value increase requirement.

<sup>11</sup> Regional Municipality of Niagara participation in this program is subject to approval by the Region. If the Region does not offer a corresponding program, or elects not to participate in this program, the grant will apply only to the City property tax increase.

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



**Table 3 Tax Increment Grant (TIG) Program by Type**

<b>TIG Program Name</b>	<b>TIG is Equal to:</b>	<b>Eligible CIPA</b>	<b>Program Eligibility</b>
Main Street, Downtown, and East Waterfront TIG Program	80% of the municipal property tax increase for up to 10 years following project completion. TIG increases to 100% for up to 10 years for affordable rental housing units <sup>13</sup> .	Downtown CIPA. Main Street CIPA. East Waterfront CIPA.	Only projects that generate a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.  An applicant for this TIG Program cannot apply for a DCG Program under this CIP.
Brownfield TIG Program	100% of the municipal property tax increase for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The maximum amount of the Brownfield TIG is capped at total eligible costs for the Brownfield TIG as verified by the City.  An applicant for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but the total amount of the Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

The approved applicant would first construct and complete the approved project. The City would then pay the fixed grant annually once:

- a) The eligible project has been completed in accordance with the grant application;
- b) Final building inspections have taken place;
- c) An occupancy permit has been issued (as applicable);
- d) All deficiencies have been addressed;
- e) All general and program specific requirements and grant agreement requirements have been met, and continue to be met, to the City's satisfaction;
- f) The property has been reassessed by the Municipal Property Assessment Corporation (MPAC) and the assessment value of the property has increased by the minimum specified in Appendix E; and,
- g) The new property taxes have been paid in full for the year.

The City may establish a maximum total grant that can be paid under this program per application/property/project.

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 municipal property taxes (tax increment) will be calculated as the difference between pre-project municipal property taxes and post-project municipal

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<sup>13</sup> See Appendix D for the definition of "affordable rental housing".

property taxes that are levied as a result of re-valuation of the property by the MPAC following project completion. The tax increment does not include any increase/decrease in municipal taxes due to a general tax increase/decrease, or a change in assessment for any other reason. The annual grant amount to be paid over up to 10 years will be fixed based on post-project property taxes as determined based on post-project assessment value of the project upon completion. This fixed grant amount will then be paid annually once the eligible project is complete, building inspection has taken place, the property has been reassessed by MPAC, and the new property taxes have been paid in full for the year in which the grant is to be provided.

Assignment of an approved grant under the TIG Program is not permitted, unless it is an approved Brownfield TIG Program application, in which case, the City may allow, entirely at its own discretion, the approved applicant to assign the Brownfield TIG grant to a third party, but this is limited to a one-time assignability by the approved applicant.

If an application for both the Brownfield TIG Program and the Brownfield TAP has been approved, the annual grant available under the Brownfield TIG Program will begin when the benefits of the Brownfield TAP end.

#### **6.9.3 Program Requirements for the Main Street, Downtown, and East Waterfront TIG Program**

Applicants are eligible to apply for funding under one of the Main Street, Downtown, and East Waterfront TIG Programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects that generate an “as built” increase in assessment value (as determined by MPAC) specified in Appendix E are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings;
- b) If during the grant period, a building receiving a TIG is demolished, all grant payments shall cease and the City reserves the right to require repayment of the grant payments; and,
- c) If during the grant period, a building/property designated under the *Ontario Heritage Act* receiving a TIG is demolished or any of the heritage features are altered in any way that would compromise the reasons for designation, all grant payments shall cease and the City reserves the right to require repayment of the grant payments.

#### **6.9.4 Program Requirements for the Brownfield TIG Program**

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the program requirements in Section 6.9.3 above, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) An application for the Brownfield TIG must be accompanied by a:
  - i) Phase I ESA;
  - ii) Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry;
  - iii) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan prepared by a qualified person that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the grant provided under the Brownfield TIG Program shall not exceed total eligible costs which include only the costs of:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil, except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP;
  - vii) demolishing buildings (excluding permit fees);
  - viii) building rehabilitation and retrofit works (excluding permit fees); and,
  - ix) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
- c) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP); and,

- d) While the City, entirely at its own discretion, may allow an applicant with an approved Brownfield TIG to assign the Grant to an assignee as the result of the sale or other transfer of the property, the approved TIG will cease immediately upon any subsequent sale or other transfer of the property.

## **6.10 Development Charge Grant (DCG) Program**

### **6.10.1 Purpose**

To encourage rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the City development charge normally payable on such development projects. This incentive is also designed to assist in securing project financing.

### **6.10.2 Description**

**N.B. An applicant applying for the Main Street, Downtown, East Waterfront or Affordable Rental Housing DCG Program cannot apply for a TIG Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

The DCG Program will provide a grant equal to a percentage of the City development charge normally payable (after any reduction of development charges for redevelopment) as shown in **Table 4** below.

City development charges will be paid in full by an applicant for this program at the time development charges are normally paid, e.g., building permit issuance. The City would then pay the DCG to the applicant only once after:

- i) The eligible and approved project is complete;
- ii) Final building inspections have taken place;
- iii) An occupancy permit has been issued (as applicable);
- iv) All deficiencies have been addressed; and,
- v) All program and grant agreement requirements have been met to the City's satisfaction.

**Table 4 Development Charge Grant (DCG) Program by Type**

DCG Program Name	DCG is equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront DCG Program	50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Affordable Rental Housing DCG Program <sup>14</sup>	100% of the City DC payable on affordable rental housing <sup>15</sup> .	Entire urban area	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Brownfield DCG Program	Up to 100% of the City DC payable.	Brownfield CIPA (Entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG. The maximum Brownfield DCG is equal to the eligible costs for the Brownfield DCG as verified by the City.

As applicable, an applicant can apply for one of the Main Street, Downtown, East Waterfront or Brownfield DCG Programs, and the Affordable Housing DCG Program, together. The City may establish a maximum total grant that can be paid under the DCG Program(s) per application/property/project.

In order for an applicant to take advantage of the Brownfield DCG Program, the applicant must have an approved Brownfield TIG application. The amount of the Brownfield DCG will equal the total cost of environmental remediation (Items i) to vi) in Section 6.9.4 b) above that has been approved and verified by the City, up to the amount of the City development charge normally payable after any reduction of development charges for redevelopment. The amount of the Brownfield DCG paid to the applicant will be deducted from any Brownfield TIG amount.

#### **6.10.3 Program Requirements for the Main Street, Downtown, and East Waterfront DCG Program**

Applicants are eligible to apply for funding under one of these programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;

<sup>14</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a partial or 100% City Development Charge exemption for affordable rental housing units. If that is the case, no TIG will be available.

<sup>15</sup> See Appendix D for the definition of “affordable rental housing”.

#### **6.10.4 Program Requirements for the Affordable Rental Housing DCG Program**

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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D:
  - ii) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - iii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iv) the infilling of vacant lots with new affordable rental residential units;
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

#### **6.10.5 Program Requirements for the Brownfield DCG Program**

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

- a) An applicant must have applied and been approved for a Brownfield TIG;
- b) Only the following Brownfield TIG costs that have been approved and verified by the City are considered eligible costs for the Brownfield DCG:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP.



- c) The maximum Brownfield DCG that can be paid to the applicant equals the amount of the City Development Charge normally payable after any reduction of Development Charges for redevelopment.
- d) The amount of the Brownfield DCG paid to the applicant will be deducted from the maximum Brownfield TIG amount approved under the Brownfield TIG Program.
- e) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP);

## 7.0 Municipal Guidance and Leadership Strategy

This section of the CIP outlines the ways in which the City of Port Colborne will:

- a) provide design guidance for private sector community improvement projects that take advantage of the incentive programs in the CIP to help ensure that these projects help to achieve the goals of this CIP;
- b) support community improvement by undertaking public realm improvements and other community improvement initiatives across the CIPA, including the Main Street, Downtown and East Waterfront CIPAs. These guidance and leadership actions are summarized below.

### 7.1 Urban Design Guidelines

The City has existing Urban Design Guidelines for the Main Street CIPA (referred to as the Olde Humberstone Design Guidelines) and an existing Urban Design Strategy for the Downtown CIPA. These documents are available on the City's website, or by request from the City's Planning and Building Division.

#### 7.1.1 Main Street Urban Design Guidelines

The Main Street Urban Design Guidelines were prepared as part of the Olde Humberstone CIP in 2008. The purpose of these Design Guidelines is to direct the appropriate form, scale, and character of development in the Main Street CIPA so that the vision for the Main Street CIPA is realized through thoughtful and insightful design of the private realm. The Design Guidelines are to be used by staff to help ensure that building owners and developers seeking to take advantage of the incentive programs contained in the CIP can only do so by following the Urban Design Guidelines.

The key objectives of the Main Street Urban Design Guidelines are as follows:

- Preserve and accentuate the unique cultural legacy of the Main Street area;
- Coordinate the appearance, function and character of the private realm along Main Street;
- Encourage compatible new infill development and redevelopment while preserving and enhancing existing high quality built form;
- Ensure that the Main Street core is a safe, comfortable, and well-designed environment for shopping, work, recreation and living; and,
- Improve the image and usability of the City of Port Colborne's gateway community.

The Main Street Urban Design Guidelines are quite comprehensive and provide guidance on:

- i) Land Use and Building Placement;
- ii) Built Form and Massing;
- iii) Architectural Character and Details;
- iv) Building Alterations; and,
- v) Landscaping.

### **7.1.2 Downtown Urban Design Strategy**

The Downtown Urban Design Strategy was completed in July of 2010 as part of the CIP process. The Urban Design Strategy provides a comprehensive and coordinated strategy that directs future City decisions related to physical improvement, both public sector and private sector, in order to help achieve the vision for the Downtown CIPA. The principal objectives of the Urban Design Strategy are to:

- 1) Establish the overall vision for physical improvement in the Downtown CBD;
- 2) Identify a series of public realm enhancements;
- 3) Identify opportunities for intensification and redevelopment;
- 4) Identify appropriate land uses for existing undeveloped or underutilized properties;
- 5) Provide Urban Design Guidelines for façade improvements; and,
- 6) Identify any necessary amendments to the existing policy and regulatory documents.

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan. This Plan illustrates a series of improvements that are recommended for public places and spaces within the Downtown CIPA. This includes recommendations on gateway signage, wayfinding signage, streetscapes, a civic square, the Clarence Street bridge, public art; the Port Promenade; and West Street.

Section 5.0 of the Downtown Urban Design Strategy contains the Private Realm Improvement Plan. This Plan illustrates a series of improvements recommended for private buildings and properties within the Downtown CIPA. This includes recommendations on development and redevelopment, and improvements to building facades, private parking lots/areas, and property edges.

Section 6.0 of the Urban Design Strategy contains Façade Improvement Guidelines that are intended to be used by various participants in the facade design process in the Downtown CIPA. This includes both the City when reviewing planning applications; and developers, landowners, business owners, and their consultants, when designing and undertaking site and building improvements.

Section 7.0 of the Urban Design Strategy contains an Implementation Strategy that specifies the priority of the various public realm improvements (by type) in the Public Realm Improvement Plan.

## **7.2 Public Realm Improvements**

The Olde Humberstone CIP, Downtown CBD CIP, and East Waterfront CIP all contained recommended public realm improvement projects designed to support private sector community improvement and improve the attractiveness, vibrancy, sense of place, and image of these CIPAs. The public realm improvement projects in these three CIPAs were reviewed in consultation with the PRT, and the following were identified as the key public realm improvements on the part of the City that are still relevant for implementation. Additional details on these public realm improvements can be found in the CIP sections as referenced below.

### **7.2.1 Main Street Public Realm Improvement Projects**

Many of the public realm improvements recommended for the Main Street CIPA area in Section 3.3 of the Olde Humberstone CIP are focussed on celebrating the Canal and enhancing the ability to attract both tourists and residents to the waterfront. The main public realm improvements for the Main Street CIPA include:

- Improvements to the Lift Bridge Gateway and surrounding area, including signage and landscaping;
- Enhancements to Lock 8 Park;
- Upgrades to the Mellanby Avenue intersection;
- Enhancements to Weir Bridge;
- Creation of a public open space venue;
- Creation of and enhancement of existing courtyards, pocket parks and pedestrian alleyways;
- Consolidation and improvement of rear lot parking areas;
- Construction of a rail trail to Downtown;
- Construction of cycling facilities;
- Stabilization of the Canal slope;
- Upgrading of the King Street intersection;
- Upgrading of Cenotaph Park;
- Improvements to sidewalk improvements; and,
- Installation of gateway, directional and wayfinding signage.

### **7.2.2 Downtown Public Realm Improvement Projects**

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan for the Downtown which specifies improvements to a broad range of elements and features within the public realm such as streets and streetscapes, public spaces, public buildings, and parking areas. The primary objective of the Public Realm Improvement Plan is to make the Downtown a comfortable and safe walking environment that is visually interesting and engaging, and to spur and mutually reinforce private sector investment in the buildings and properties to generate further activity Downtown.

The Public Realm Improvement Plan for the Downtown includes the following eight (8) types of public realm improvements:

- Establishment of Gateway signage features;
- Establishment of Wayfinding Signage;
- Improvement of Streetscapes;
- Establishment of a Civic Square;
- Accentuating the Clarence Street Bridge;
- Incorporation of Public Art features;
- Enhancement of the Port Promenade;
- Enhancement of the streetscape design for West Street.

### 7.2.3 East Waterfront Public Realm Improvement Projects

The long-term vision for the East Waterfront contained in Section 5.2 of the East Waterfront CIP includes major enhancements to the public realm in this area. The most significant public realm improvements are the enhancement of a linked system of trails, neighbourhood streetscape improvements, and improvement to the Clarence/Welland/Durham Street intersection.

## 7.3 Other Community Improvement Initiatives

As noted in Section 2.2 of this CIP, once the City has designated a CIPA and adopted and approved a CIP for the CIPA, in addition to the power to make grants and loans to pay for the whole or any part of the eligible costs of a CIP, the City may also engage in the following activities within the CIPA:

- a) Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- b) Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP; and,
- c) Sell, lease, or otherwise dispose of any land and buildings acquired or held by it to any person or governmental authority for use in conformity with the CIP.

A proactive strategy of municipal leadership in the form of land acquisition, preparation, and partnership with the private sector in redevelopment projects has been shown to be a key component of successful revitalization of older downtown, commercial, and brownfield areas in numerous Canadian and U.S. municipalities. Therefore, the City of Port Colborne may exercise its full authority and powers under the *Planning Act*, the *Municipal Act, 2001*, and other applicable legislation to undertake any and all of the above-noted activities to promote community improvement that helps achieve the goals of this CIP. In particular, this includes, but is not limited to:

- Increase the supply and diversity of housing opportunities, including affordable housing;
- Ensuring an adequate supply of employment land;
- Attract and spur investment in high economic growth sectors and sector clusters that will help diversify the local economy;
- Promote brownfield redevelopment for new housing, employment and commercial uses;
- Create and enhance public gathering spaces; and,
- Create new open spaces and recreational opportunities.

In addition to the above-noted initiatives, the City should also continue to:

- i) monitor and update as required the City's Official Plan, Zoning By-law, other by-laws, regulations, and policies that direct land use planning to ensure that they do not act as an impediment to community improvement;
- ii) undertake studies, such as parking, traffic, retail market, environmental, and other studies as required, to support private and public community improvement initiatives;

- iii) undertake and support ongoing promotion, marketing and special events in the Main Street, Downtown, and East Waterfront CIPAs; and,
- iv) further detail and implement a Marketing Strategy (see Section 9.0) to promote the City's incentive programs and development opportunities to property owners, developers, potential end users, and support professionals in the City, Region and outside the Region of Niagara.



## 8.0 Monitoring Program

### 8.1 Purpose

The Monitoring Program has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs to determine which programs are being most utilized, and use this information to adjust the programs, as required;
- b) Feedback from applicants to the incentive programs so that adjustments can be made to the incentive programs, as required; and,
- c) The economic impact associated with projects taking advantage of the CIP incentive programs.

This CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, information obtained through the Monitoring Program should be used by the City to periodically adjust the incentive programs to make them even more relevant and user friendly. Information collected through the Monitoring Program should also be utilized to provide regular CIP update reports to Council (at least annually) on the amount of private sector investment being leveraged by the public sector incentive programs, and the economic benefits associated with these private sector projects. Ultimately, the purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs in order to help ensure that the key community improvement needs in Port Colborne are properly addressed by the CIP.

### 8.2 Description

Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. As well, feedback from users of the incentive programs should be considered and utilized to periodically adjust the incentive programs in order to improve their effectiveness and ensure that the incentive programs are effective for a range of project types and sizes in the CIPA. In addition, progress on implementation of the public realm improvement and other community improvement initiatives should be reported to Council on a regular basis.

**Table 5** below presents a list of the variables that should be monitored on an individual project and aggregate basis for the incentive programs contained in this CIP. In addition to these quantitative economic measures, the City should attempt to monitor the qualitative results of the CIP in terms of its social and community benefits. This could include the impact of private sector community improvement projects and public realm improvement projects on existing and new businesses in the CIPAs.

Regular qualitative observations should be conducted by staff of the individual and cumulative impact of both public and private CIP projects in the CIPAs. This could include comments received by staff from business owners, property owners, potential investors, and residents. These qualitative measures should be regularly monitored and reported to Council along with the quantitative measures specified in Table 5.

**Table 5 Monitoring Variables**

Program	Monitoring Variable
<b>1) Environmental Site Assessment Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of ESA (Phase II ESA, Remedial Work Plan, Risk Assessment/ Risk Management Plan, testing/tracking for excess soil management, Designated Substances and Hazardous Materials Survey).</li> <li>• Cost of the ESA.</li> <li>• \$ Amount of grant by type of ESA.</li> <li>• Number of grant applications leading to actual redevelopment projects (brownfield and non-brownfield).</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>2) Urban Design Study Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of study.</li> <li>• Cost of the design study/drawings/heritage impact assessment;</li> <li>• \$ Amount of grant.</li> <li>• Number of grants leading to facade improvement, property improvement, or other construction projects;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>3) Facade and Property Improvement Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (facade improvement (front/ side/rear) and/or property improvement).</li> <li>• \$ Amount of grant.</li> <li>• Type and total cost (\$) of facade improvements.</li> <li>• Type and total cost (\$) of property improvements.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Number of new businesses successfully occupying the space (1 year post project completion).</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region and education property taxes of participating property</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>4) Residential Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (renovation, conversion, intensification, infill);</li> <li>• \$ Amount of grant.</li> <li>• Number of residential units renovated and/or new residential units built by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Total cost (\$) of residential units renovated and built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Rental rates/sale price by unit.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>

Program	Monitoring Variable
<b>5) Affordable Rental Housing Grant Program</b>	<ul style="list-style-type: none"> <li>• Number, location, and square footage of affordable residential units built by type (bachelor, 1 bedroom, 2 bedroom, 2+ bedroom).</li> <li>• \$ Amount of grant.</li> <li>• Total cost (\$) of affordable residential units built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Affordable rental rates.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>6) Brownfields Tax Assistance Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications;</li> <li>• Estimated and actual amount of City, Region, and education tax assistance (\$) provided;</li> <li>• Eligible cost (\$) by type.</li> <li>• Hectares/acres of land remediated and redeveloped;</li> <li>• Net industrial/commercial space (sq.ft.) rehabilitated or constructed;</li> <li>• Net residential units/sq.ft. renovated or constructed;</li> <li>• Total value (\$) of construction;</li> <li>• \$ Value of private sector investment leveraged;</li> <li>• Jobs created/maintained;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>7) Tax Increment Based Grant (TIBG)</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, or East Waterfront CIPA).</li> <li>• Estimated and actual amount of City and Region grant (\$).</li> <li>• Total value (\$) of construction.</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space built/converted/ rehabilitated.</li> <li>• Square footage of commercial, industrial and institutional space constructed.</li> <li>• Number of new businesses successfully occupying space (1 year post completion).</li> <li>• Jobs created/maintained.</li> <li>• Increase in assessed value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>8) Development Charge Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, East Waterfront or Entire Urban Area).</li> <li>• % and \$ Amount of grant;</li> <li>• Total value (\$) of construction;</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Square footage of commercial, industrial and institutional space constructed;</li> <li>• Number of new businesses successfully occupying space (1 year post completion);</li> <li>• Jobs created/maintained;</li> <li>• Increase in assessed value of participating property;</li> <li>• Increase in City, Region and education property taxes of participating property;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>

### **8.3 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 any of the CIPAs will require a formal amendment to this Plan in accordance with Section 28 of the *Planning Act*. The City 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 Niagara and the Minister of Municipal Affairs and Housing for information purposes only.

## 9.0 Marketing Strategy

### 9.1 Key Objectives and Messages

Experience with implementation of the various Port Colborne CIPs over the last 15 years, and experience in other municipalities with successful CIPs, suggests that it is very important to the successful implementation of the new Port Colborne Comprehensive CIP that the enhanced and more widely available incentive programs contained in the new CIP be effectively marketed to property owners, business owners, developers, investors, and current and potential employers within the CIPA as soon as possible after the CIP new is approved and the new incentive programs are launched. It is also important that the availability of the new incentive programs be effectively communicated to target audiences and markets outside of Port Colborne, both within and outside Niagara.

The purpose of the basic Marketing Strategy contained in this section is to provide a general guide to proactively and strategically inform, advertise and market the CIP incentive programs, redevelopment opportunities, and planned public realm improvements that have been and will be undertaken by the City in the CIPAs. This Marketing Strategy should be implemented as soon as possible after Council adopts and implements the Comprehensive CIP. Also, to help ensure ongoing successful implementation of the CIP, the Marketing Strategy can and should be adjusted as necessary over time based on the messaging, targeting, and marketing tools that prove most effective. The City should also engage with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, Downtown BIA, and other business and industry associations in Port Colborne in supporting the marketing of the CIP incentive programs to property owners, business owners and developers.

It is recommended that the City budget for and implement a Marketing Strategy that:

- a) Provides direction on how to obtain information on available incentive programs, including program guides and application forms, and how to obtain assistance and advice from City staff on making application for the incentive programs;
- b) Informs property owners, business owners, and developers with regard to recent and planned public realm and capital improvement projects and other actions planned by the City to improve the investment environment and conditions within the CIPA; and,
- c) Publicizes recent developments and business activity within the CIPA, especially those success stories that took advantage of the City's CIP incentives programs

All of these activities will help to further bolster the image of the CIPAs as a good place to invest, open or expand a business, and reside.

## 9.2 Target Audience

The long-term success of the CIP will depend on investment from both within (existing property and business owners) and outside Port Colborne. Therefore, it is important to market to both these target audiences. However, the best ambassadors (marketers) for the CIP programs are the business and property owners and residents already located in the CIPAs, and in particular those who have taken advantage of the CIP incentive programs. The impact of what existing business and property owners and residents tell potential investors and business owners cannot be underestimated. Therefore, it is very important for the City to regularly reach out to potential investors, developers and business using the marketing tools described below to inform them about available incentive programs, planned public realm improvements, ongoing and planned revitalization and development projects, and even other attractors such as festivals and events.

The Marketing Strategy should be targeted to:

- a) Existing property owners and business owners in the CIPA, especially those in the Main Street, Downtown, and East Waterfront CIPAs;
- b) Business owners/employers in the rest of Port Colborne;
- c) Business and industry associations both within and outside Port Colborne, including but not limited to the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA;
- d) Developers active in the Port Colborne and Niagara real estate market and other real estate markets in Ontario;
- e) Support professionals within and outside Port Colborne, including real estate professionals, lending institutions such as banks and trust companies, planning consultants, architects, lawyers, and others; and,
- f) Residents within the CIPAs, as well as the general public.

## 9.3 Marketing Tools

As much as possible, the marketing of the CIP incentive 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:

- a) A media release advising that the Comprehensive CIP has been adopted by Council, highlighting the new incentive programs, how to apply, and when the new incentive programs will launch;
- b) An easy to read online and hardcopy Incentive Programs Brochure that outlines the financial incentive programs available from the City, including basic information on the programs and how to apply;
- c) Inclusion of this brochure in the City's annual property tax billing for all commercial properties within Main Street, Downtown and East Waterfront CIPAs;
- d) A revised single application form for all the incentive programs that clearly specifies all required information and is more user friendly than the current various application forms;
- e) A direct "Incentive Programs" link from the City's "Business and Development" webpage to the CIP Incentive Programs webpage, which will contain the Comprehensive CIP, a flow chart showing the CIP



application process, Incentive Program Guides, the single Application Form, and supporting documents such as the Urban Design Guidelines;

- f) Coordination with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA to add links on their websites to the City's CIP Incentive Programs webpage;
- g) Inclusion of CIP information in planning and economic development publications and other media produced by the City outlining available incentive programs; public realm improvements (planned, underway, and recently completed); and revitalization and redevelopment success stories that have taken advantage of the City's CIP incentive programs, including before and after photos of these projects;
- h) Create and issue media releases that profile successful CIP projects across the various CIPAs;
- i) Develop and host an "Open House" for property and business owners, developers, and support professionals such as local real estate and other professional associations outlining the new CIP programs just prior to their launch;
- j) Periodic presentations/information sessions to property and business owners, developers, and support professionals such as local real estate and other professional associations, outlining available incentive programs, how to apply, and success stories in the CIPAs that have taken advantage of the City's incentive programs;
- k) Promotion of stories in local media (newspaper, radio, web) on the CIP, public realm improvements and community improvement success stories in the CIPAs;
- l) Promotion of the CIP Incentive Programs with CIP focused posts on the City's social media accounts such as Twitter and LinkedIn accounts that explain the programs that will be available under the new CIP, and encourage the target audience to make application for the new programs.
- m) Consider utilizing tools such as Google AdWords to target CIP messaging to developers, real estate associations, environmental/ planning consultants, and finance, insurance and legal professionals in and around Port Colborne and Niagara;
- n) Requiring recipients of CIP grants to post a sign (designed and supplied by the City) that indicates the project is taking advantage of the City's CIP incentive programs and contact information for the CIP programs;
- o) Posting (only with the property owner's permission) information on the City's CIP incentive programs in vacant storefronts; and
- p) Creation of a thank you letter signed by the Mayor to be sent to CIP applicants after a project is successfully completed.

## 10.0 Conclusion

This Comprehensive CIP represents the culmination of 15 years of experience with community improvement planning in the City of Port Colborne. The lessons learned from implementation of the half dozen existing CIPs have been combined with best practices, and updated planning, policy, and economic development goals to produce a consolidated Comprehensive CIP that will serve to strategically promote community improvement across Port Colborne for years to come.

The incentive programs contained in this CIP have been developed specifically to help achieve the key community improvement goals in the various CIPAs. The incentive programs have been targeted to particular areas and types of development within the CIPAs based on the direction provided by the policy framework, the PRT, Council, and the input received from stakeholders and members of the public during preparation of this Plan.

The adoption and approval of this CIP will provide the legislative basis and comprehensive incentive programs policy framework needed to help the City of Port Colborne enhance community improvement results in the Main Street, Downtown, and East Waterfront areas along with the rest of the Urban Area. Successful implementation of this CIP will require a commitment by Council to funding for implementation of the incentive programs, as well as a financial and staffing resources commitment to administer, market, and monitor the incentive programs.

Monitoring of the incentive programs is very important to the success of the CIP. Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. The purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs. It is also recommended that this Comprehensive CIP be reviewed and updated with five (5) years.

Experience in other municipalities has shown that early, effective, and ongoing implementation of the Marketing Strategy will help to make investors, developers, and property and business owners aware of the City's updated and expanded incentive programs. This will result in a more successful CIP. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will also help to ensure the long-term effectiveness and success of this CIP.

## **APPENDIX A**

### **Niagara Region Incentives Policy**

## Appendix 1: Regional Transitional Incentive Dates

### A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023 Complete funding application must be received	October 1, 2024 Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023 Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023  Complete funding application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023  Complete funding application must be received	October 1, 2024  Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	Replaced by Small Building Rental grant program

#### B. Council-Mandated Incentive Dates

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024  Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024  Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024  For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report



Program	Program Description	Grant Type
<b>AFFORDABLE HOUSING</b>		
<b>Partnership Housing Program</b>	Partnerships with for- and non-profits to generate more purpose-built rental and move clients off the housing waitlist by using a suite of Regional incentives customized by project	Suite of incentives (e.g., TIFs, DC grants and deferrals) for Affordable Housing Capital Development
<b>Affordable and Supportive Housing RDC Deferral</b>	A deferral of Regional DCs for affordable or supportive housing units in projects having an agreement with a Regional department or agency for as long as the units remain affordable	Regional Development Charge Deferral
<b>Non-profit Affordable Rental Housing RDC Deferral</b>	A deferral of 50-100% of Regional DCs depending on level of affordability for affordable rental housing units with CMHC funding for as long as the units remain affordable as defined	Regional Development Charge Deferral
<b>Non-Profit RDC-based Grant</b>	A grant for up to 100% of DCs payable for eligible non-profit developments	Regional Development Charge Grant
<b>Intensification RDC Grant</b>	A grant providing DC relief to secondary suites created within or on the property of residential dwellings as required in the DC Act and until no longer mandatory in the Act	Regional Development Charge Grant
<b>Residential Rental Grant</b>	A grant for the creation of secondary suites within or on the property of a residence which remain at affordable rental levels for at least 10 years	Regional Project Grant
<b>Small Building Rental Grant</b>	A grant for the construction of up to five units, up to \$15k/unit, provided units remain at affordable rental levels for at least 10 years	Regional Project Grant

<b>Welcome Home Niagara Home Ownership Program</b>	A forgivable loan for downpayment assistance of 5% to a maximum of \$20,296 (purchase price not to exceed \$405,930), as amended from time to time, for renters at specific income levels purchasing a home	Forgivable Loan
<b>Niagara Renovates Homeownership</b>	Forgivable loan over 10 years for repairs and accessibility modifications for low and moderate income households	Forgivable Loan
<b>Niagara Renovates Multi-residential</b>	Forgivable loan over 15 years to fund repairs or provide accessibility for affordable units in multi-unit buildings	Forgivable Loan
<b>Non-Profit and Co-op Capital Repair Costs</b>	Funding for capital repairs to non-profit and co-op housing providers having agreements with NRH	Forgivable Loan
<b>Housing Provider Capital Loan Program</b>	Emergency loan program, with 25% forgivable over time, to support repairs to non-profit and co-op affordable housing providers having agreements with NRH	Loan and Grant
<b>EMPLOYMENT</b>		
<b>Gateway CIP Tax Increment Grant</b>	A matching tax increment grant for projects in the Gateway CIP area with eligible scores on economic and environmental criteria which result in increased assessment value	Tax Increment Grant (Local and Regional Gateway CIP)
<b>Gateway CIP RDC-based Grant</b>	A matching grant of Regional DCs payable for projects with exceptional scores (14+) on Gateway CIP criteria	Regional DC Grant (Local and Regional Gateway CIP)
<b>Niagara Business Attraction Tax Increment Grant</b>	A matching tax increment grant for projects approved under local CIPs with eligible scores on economic and environmental criteria resulting in increased assessment value	Tax Increment Grant (Local CIP)
<b>Industrial Use RDC-based Grant</b>	A grant equal to 100% of Regional DCs for new or expanded industrial developments meeting the definition of Industrial Use	Regional Development Charge Grant





















<b>Employment RDC-based Grant</b> <b>NOTE: This program inaccessible for duration of Industrial RDC Grant</b>	A grant equal to a percentage of Regional DCs payable based on creation of full time jobs in manufacturing and professional, scientific and technical services sectors	Regional Development Charge Grant
<b>50% Industrial Expansion RDC Grant</b>	A grant equal to Regional DCs for enlargements to existing industrial buildings for up to 50% of original gross floor area as required in the DC Act and until no longer mandatory in the Act.	Regional Development Charge Grant
<b>BROWNFIELD REMEDIATION</b>		
<b>Brownfield TIG Tier 1: Select Sites</b>	A matching tax increment grant for remediation costs on major brownfield sites whose remediation will result in significant economic, environmental, social, and health benefits; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield TIG Tier 2</b>	A matching tax increment grant (for remediation costs of brownfield sites eligible through local CIPs; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield RDC Deferral</b>	A deferral of Regional DCs for eligible brownfield sites until an occupancy permit is issued or up to five years from signing of agreement	Regional Development Charge Deferral
<b>Large-scale Brownfield RDC Grant</b>	A grant equal to Regional DCs for projects meeting the definition of brownfield, over 10 hectares in size, and in a Secondary Plan area or area subject to a Secondary Plan process as of August 25, 2022	Regional Development Charge Grant
<b>PUBLIC REALM</b>		
<b>Public Realm Investment Program</b>	Matching grant for capital projects that provide public realm enhancements on Regional roads in core areas	Regional Matching Grant to Local Area Municipality

## **APPENDIX B**

### **Port Colborne Official Plan Schedule A: City-Wide Land Use**

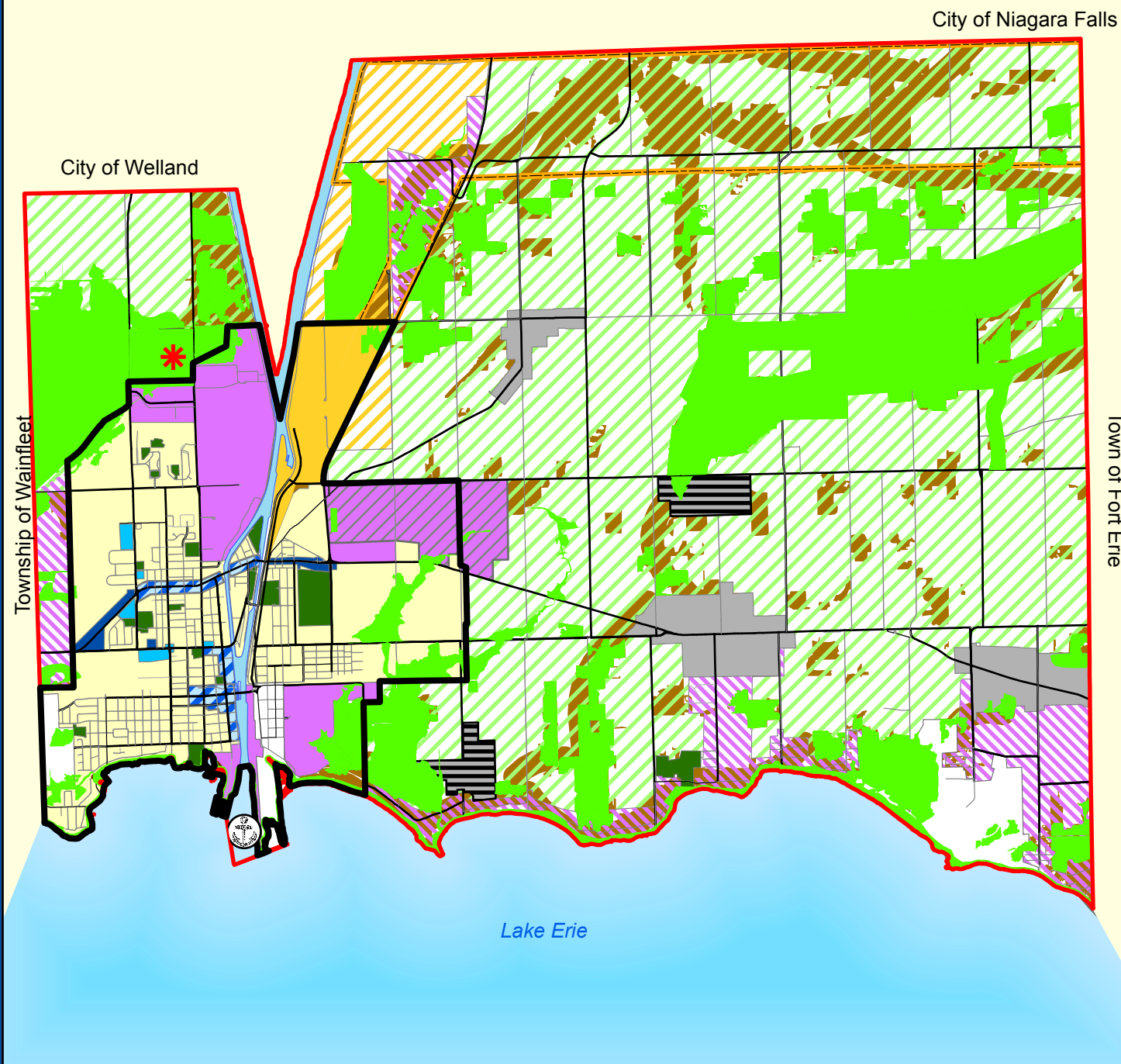
# Port Colborne Official Plan

## Schedule A: City-Wide Land Use

-  Municipal Boundary
-  Urban Area Boundary
-  EPA
-  ECA
-  Agricultural
-  Hamlet
-  Urban Residential
-  Rural
-  Downtown Commercial
-  Commercial Plaza
-  Highway Commercial
-  Marine Commercial
-  Industrial / Employment Area
-  Mineral Aggregate Operation
-  Gateway Economic Centre
-  Rural Employment
-  Parks and Open Space
-  Private Open Space
-  Special Study Area
-  Secondary Plan Area
-  Major Port
-  Former Waste Management Facility



© City of Port Colborne, Engineering and Operations Department.  
This map was compiled from various data sources and is current as of August 2012.



## **APPENDIX C**

### **Port Colborne Official Plan Community Improvement Policies**



# Section 6

## Community Improvement

## Section 6: Community Improvement

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### 6.1 Community Improvement

The City will accomplish community improvement through:

- a) Ongoing maintenance, rehabilitation, *redevelopment* and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts; deficient municipal hard services, social, community or recreational services; or economic instability;
- b) Establishment of programs to encourage private sector *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues and needs;
- c) Designation of Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan and as amended from time to time; and
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 the Planning Act R.S.O. 1990.

## 6.2 Community Improvement Plans

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Plan project areas which require 'community improvement' as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a Community Improvement Plan is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for the purposes of implementing the Community Improvement Plan.

### 6.2.1 Community Improvement Project Areas

- a) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
  - i) Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
  - ii) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - iii) Deficiencies in physical *infrastructure*, including but not limited to sanitary sewer systems, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
  - iv) Poor road access and/or traffic circulation;
  - v) Deficiencies in community and social services including but not limited to; public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities;
  - vi) Inadequate mix of housing types;
  - vii) Known or perceived environmental contamination;
  - viii) Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
  - ix) High commercial vacancy rates;
  - x) Existing or potential business improvement areas;
  - xi) Vacant *lots* and under-utilized properties which have potential for infill, *intensification*, *redevelopment* or expansion to better utilize the land base;
  - xii) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;

- xiii) Other barriers to the repair, rehabilitation or *redevelopment* of under-utilized land and/or buildings; and
  - xiv) Any other environmental, social or community economic development reasons.
- b) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
  - i) The anticipated improvements achieve the Vision and Strategic Directions in this Plan;
  - ii) The greatest number of conditions as defined in 6.2.2 (a), are present; and/or
  - iii) Where one or more of the conditions in 6.2.2 (a), are particularly acute; and/or
  - iv) Where one or more of the conditions as established in 6.2.2 (a), exist across the entire Urban Area of the City.

#### **6.2.2 Community Improvement Plans**

- a) Community Improvement Plans (CIP's) shall be prepared and adopted to meet one or more of the following objectives:
  - i) Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
  - ii) Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally *significant* buildings and properties;
  - iii) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreation amenities;
  - iv) Encourage residential and other types of infill and *intensification*;
  - v) Encourage the construction of *affordable* housing;
  - vi) Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
  - vii) Where necessary include an Environmental Impact Study which determines specific measures to prevent impacts on natural heritage features;

- viii) Maintain, upgrade and improve municipal services and public *utilities* such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
  - ix) Improve vehicular and pedestrian traffic flow, including for cycling;
  - x) Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
  - xi) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
  - xii) Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
  - xiii) Encourage the remediation and *redevelopment of Brownfield sites*;
  - xiv) Support existing or potential business improvement areas;
  - xv) Improve environmental conditions;
  - xvi) Improve social conditions;
  - xvii) Promote cultural development;
  - xviii) Facilitate and promote community economic development; and
  - xix) Improve community quality, safety and stability.
- b) Community Improvement Plans shall contain at a minimum:
- i) Statement of purpose;
  - ii) Goals and objectives;
  - iii) Clear description of the Community Improvement Project area;
  - iv) Critical analysis of the need (justification) for community improvement;
  - v) Description of all incentive programs; and
  - vi) As a technical appendix, the justification for the delineation of the project area and the design of the incentive programs.
- c) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

### 6.2.3 Implementation

- a) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions including:
  - i) The municipal acquisition of land and/or buildings within Community Improvement Project areas; and the subsequent:
    - Clearance, grading or environmental remediation of these properties;
    - Repair, rehabilitation, construction or improvement of these properties;
    - Sale, lease or other disposition of these properties to any person or governmental authority; and
    - Other preparation of land or buildings for community improvement.
  - ii) Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees and other financial instruments;
  - iii) Provisions of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;
  - iv) Application for financial assistance from senior level government programs;
  - v) Participation in senior level government programs that provide assistance to private landowners for the purpose of community improvement;
  - vi) Provision of information on municipal initiatives, financial assistance to private landowners for the purposes of community improvement; and
  - vii) Support of heritage conservation through the *Ontario Heritage Act*.
- b) All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws.
- c) Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.



## **APPENDIX D**

### **Definition of Affordable Rental Housing**

“Affordable Rental Housing” means a residential unit intended for use as a rented residential premises where:

- a) the rent is no greater than 80% of the average market rent based on CMHC data;
- b) the tenant is dealing at arm’s length with the landlord; and,
- c) the rent for the unit is maintained as per a) above for a period of 25 years from the date that the unit is first rented.

## **APPENDIX E**

### **Minimum Assessment Value Increase Requirement for TIG Program Eligibility**

With the exception of the Brownfield TIG Program, in order for a project to be eligible for a TIG Program contained in this CIP, the project must generate a minimum “as built” increase in assessment value (as determined by the Municipal Property Assessment Corporation (MPAC)) of at least \$500,000.



**Subject: Niagara Gateway Economic Zone and Centre CIP Expansion**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-219

Meeting Date: November 28, 2023

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### **Recommendation:**

That Chief Administrative Office Report 2023-219 be received; and

That Council approve expanding the Niagara Gateway Economic Zone and Centre Community Improvement Plan (NGCIP) area as outlined in Appendix A; and

That the Manager of Strategic Initiatives be directed to contact the Niagara Region Growth Strategy and Economic Development Department to request a matching of the new boundaries; and

That the Mayor and Acting City Clerk be authorized to execute any and all required documents on behalf of the City.

---

### **Purpose:**

The purpose of this report is to seek Council approval for the expansion of the boundaries of the Niagara Gateway Economic Zone and Centre Community Improvement Plan (NGCIP) to further incentivize investment and facilitate economic development in the City of Port Colborne. Appendix A depicts the proposed expansion area.

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### **Background:**

The NGCIP is a Tax Increment Based Grant (TIG) Program. This program provides an incremental tax grant for completed projects within the Gateway Project Area based on the project's economic and environmental design performance. Successful applicants will receive a tax rebate of a percentage of the post-project assessed value, for a period

of 5 or 10 years depending on the location of the project. The current boundaries for a 10-year TIG are shown in yellow on Appendix A. This joint program is funded and administered by the Niagara Region and the City of Port Colborne, and it is designed to encourage the development, redevelopment, or expansion of businesses, as well as create jobs in a specific geographic location for qualifying businesses.

The TIG is a points-based system with various criteria such as environmental design performance and value of construction. The number of points determine whether development on the property qualifies for the program and a percentage of between 40% and 100% of the increased tax assessment. This amount of rebate is fixed so if the Municipal Property Assessment Corporation (MPAC) assessment continues to increase further over the 10 years, the TIG amount returned continues to stay constant. The City and Region is also protected if the property was to be reassessed at a lower tax rate in the future.

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## **Discussion:**

The subject lands, as depicted in Appendix A, are designated Rural Employment, Environmental Protection Area, and Environmental Conservation Area in the City's Official Plan, and are zoned site-specific Heavy Industry (HI), site specific Industrial Development (ID), Environmental Conservation (EC) and Environmental Protection (EP). The Official Plan and Zoning support industrial development on the subject lands, subject to the environmental policies and regulations on a portion of the lands.

Staff recommend support for expanding the boundaries and that the Niagara Region be requested to match the new boundaries. The Niagara Region Growth Strategy and Economic Development Department has been consulted, are supportive of the change, and support recommending this proposed CIP expansion to Niagara Region Council.

Economic Development and Tourism Services (EDTS) is bringing this request forward to Council to support and facilitate future economic growth and promote the diversification of the economy and tax base in the City of Port Colborne. Over the past three years, the City has seen unprecedented interest in industrial land. Adding these strategically located properties, which are zoned HI or ID, into the Niagara Gateway CIP boundary will promote the development of the lands through new investment and bring new jobs and increased tax assessment for the City.

## **Planning Act**

Section 28 of the *Planning Act* allows for the consideration of an amendment to the existing Community Improvement Plan. Section 28 refers municipalities to follow the process of an Official Plan Amendment under Section 17 with respect to matters such as Notices, Public Meetings, and approvals.

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## **Internal Consultations:**

The EDTS team has consulted with Planning and Corporate Services (Finance) and both Divisions are in support of the NGCIP boundary expansion. The following are comments received from internal departments:

### **Corporate Services**

The addition of these lands to the Gateway CIP area is supported by Corporate Services, as the CIP expansion would encourage industrial development, resulting in a positive impact on future tax assessments throughout the TIG period and significantly at the end of the TIG periods.

### **Planning Division**

The Planning Division is in support of the expansion of the NGCIP identified in Appendix A. The subject lands are contiguous with the Gateway Employment Area located to the south and the expansion supports economic growth of the City by providing financial incentives to facilitate employment uses on the subject lands. The expansion supports Section 2 of the City's Official Plan that describes the vision and strategic directions for the City with a focus on supporting existing businesses and promoting new business opportunities.

### **Drainage Superintendent**

The Drainage Superintendent has no concerns or comments for the expansion of the Gateway Community but does have concerns with the municipal drains on these parcels and how they are to be addressed, should there be proposed changes to them.

### *Staff Response*

Any future proposed development of the subject lands would be subject to site plan approval and would need to address any concerns with the municipal drain on the subject lands as a condition of their site plan approval.

The request was also circulated to external agencies in accordance with the *Planning Act* and the following comments have been received to date:

### **Ministry of Transportation (MTO)**

In principle, the MTO has no objection with the proposed expansion.

Subject lands are located within the Ministry's permit control limit; hence, review/approval and MTO permits are required prior to any proposed redevelopment. All new access must adhere to the Ministry's access management policies (no access to Highway 140, only permitted via existing public road connections).

### **Mississaugas of the Credit First Nation (MCFN)**

MCFN has requested to meet with City staff to discuss the proposed NGCIP expansion.

### *Staff Response*

Staff have arranged to meet with the MCFN prior to Council consideration of this report.

Any future proposed development of the subject lands would be subject to site plan approval and the MTO and MCFN are circulated on all applications with the opportunity to provide comments.

### **Niagara Peninsula Conservation Authority (NPCA)**

While the NPCA does not have any objections to the expansion of the CIP Area, they note that the proposed expansion area contains large areas regulated by the NPCA under Ontario Regulation 155/06. The regulated areas are comprised of wetlands (provincially significant), 100-year flood plain, and watercourses. Any work proposed within an NPCA regulated area requires approval from the NPCA.

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### **Financial Implications:**

There are no direct costs associated with this report.

The Tax Increment Grant (TIG) over a 10-year period continues to have a net tax assessment increase, as the TIG is a fixed amount after the completion of the MPAC reassessment. Any grant received is self funded by way of the new property taxes generated.

Following the 10-year period, the City will receive the full property tax value associated with the redeveloped property. The owner is responsible for the upfront costs of redevelopment and must pay for the increased taxes arising from the higher assessed value. The incremental portion of the tax increase is returned in the form of a grant.

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### **Public Engagement:**

The City of Port Colborne held a public meeting on November 28, 2023, with 20 days notice as required by the *Planning Act*. Notice was provided through an advertisement in the Welland Tribune on or before November 8, 2023, and notice was posted on the City's website and social media pages. No comments from the public were received as of the writing of this report.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar of the strategic plan:

- Economic Prosperity

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**Conclusion:**

The expansion of the boundaries of the Niagara Gateway Investment Zone and Centre CIP to provide the 10-year TIG will attract investment, encourage economic development, and create jobs in Port Colborne. The addition of new industry will have an overall tax assessment increase for the City of Port Colborne over the 10 years with a significant increase at the conclusion of the TIG. Staff are recommending that Council support this boundary change and that the Council motion be forwarded to Niagara Region's Commissioner of Growth Strategy and Economic Development.

---

**Appendices:**

- a. NGCIP Expansion Area

Respectfully submitted,

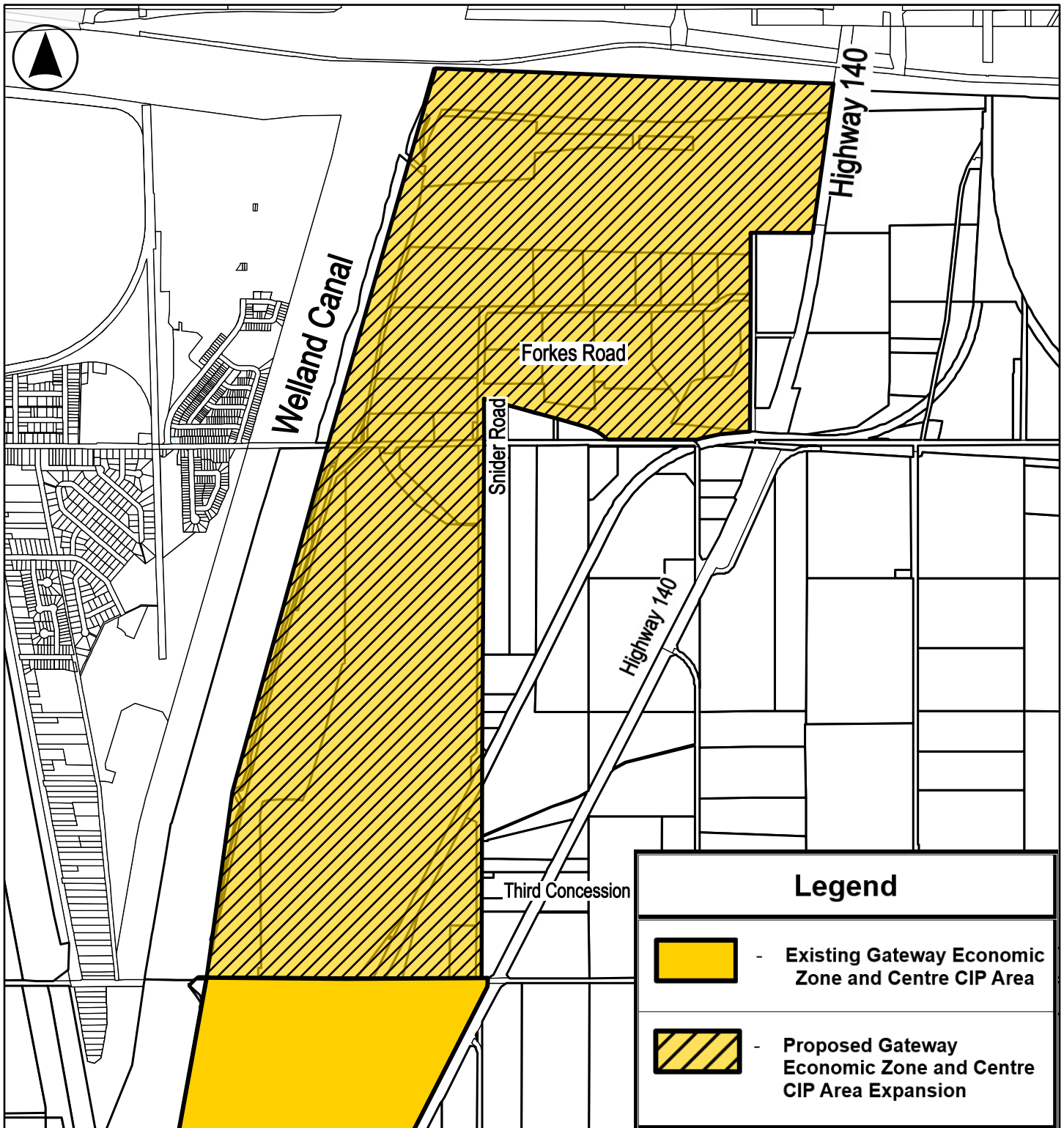
Bram Cotton  
Economic Development Officer  
(905) 835-2900 Ex. 504  
[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@portcolborne.ca)

Gary Long  
Manager of Strategic Initiatives  
(905) 835-2900 Ex. 502  
[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

## Proposed Gateway CIP Area Expansion



**Subject: Overholt Cemetery Trust**

**To: Council**

**From: Corporate Services Department**

Report Number: 2023-211

Meeting Date: November 28, 2023

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**Recommendation:**

That Corporate Services Department Report 2023-211 be received; and

That Council authorize the City Treasurer to complete, execute, and submit a transfer application form to the Bereavement Authority of Ontario (BAO) for the City of Port Colborne to become the trustee of the Overholt Cemetery Care and Maintenance Trust.

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**Purpose:**

The purpose of this report is to seek Council's approval to complete, execute, and submit a transfer application form to the Bereavement Authority of Ontario (BAO) to become the trustee of the Overholt Cemetery Care and Maintenance Trust.

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**Background:**

Part V of the *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33* outlines that cemetery operators must establish and maintain trust accounts related to the care and maintenance of the cemetery. These trust accounts must be administered by a trustee. In cases where a municipality is the operator, the municipality may act as the trustee for care and maintenance money.

The City of Port Colborne owns and operates Overholt Cemetery in Port Colborne and has done so since August 2012, but staff have recently been made aware that the City is not presently the trustee of the Overholt Cemetery Care and Maintenance Trust account which currently resides with TD Wealth. This report is being brought forward in light of this discovery to begin the process of transferring ownership of the trust to the City.

---

## Discussion:

To consolidate investment accounts and have better control over the trust's assets, staff requested that Overholt Cemetery trust account be transferred to the CIBC Wood Gundy, which is the financial institution where the City holds other long-term investments. Through this request to transfer process, the BAO communicated to staff that the City was not, in fact, the trustee of the Overholt Cemetery care and maintenance trust fund and since the City was not the trustee, the request to transfer the funds was denied.

The BAO shared the following information with staff regarding their decision and the history of the trust agreement:

*"The trust agreement for C&M (Care and Maintenance) funds is between the trustees of the Overholt Cemetery in Port Colborne and the Guaranty Trust Company of Canada. In 1993 TD Bank (TD) bought the assets and liabilities of the Central Guaranty Trust Company and Central Guaranty Mortgage Company (the Guaranty Trust Company of Canada had since acquired other institutions and was then known as the Central Guaranty Trust Company).*

*So, the rights to this trust agreement would have been purchased by TD in 1993. Therefore, since TD is the trustee of the funds, the City of Port Colborne would have to submit a transfer application form to the BAO for the registrar's consent before the transfer of the funds."*

With this new information and a continued desire to have better control over the trust's assets, staff are recommending that Council direct the Treasurer to complete, execute, and submit a transfer application form to the BAO to become the trustee of the Overholt Cemetery Care and Maintenance Trust.

---

## Financial Implications:

Currently, the City is not the trustee of the Overholt Cemetery Care and Maintenance Trust. As a result, the City has no control over how these funds are managed. Staff believe that the City should become the trustee of these funds so the City can have control over how the funds are managed.

---

## Public Engagement:

Throughout this process, staff have been communicating with the office of the BAO to ensure that appropriate steps are taken to rightfully assume control over the assets of the Overholt Cemetery Care and Maintenance Trust.



### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Economic Prosperity
  - Sustainable and Resilient Infrastructure
- 

### **Conclusion:**

In conclusion, staff recommend that Council authorize the Treasurer to complete, execute, and submit a transfer application form to the BAO for the City of Port Colborne to become the trustee of the Overholt Cemetery Care and Maintenance Trust.

---

Respectfully submitted,

Adam Pigeau, CPA, CA  
Manager, Financial Services/Deputy Treasurer  
(905) 835-2900 ext. 101  
adam.pigeau@portcolborne.ca

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



**Subject: Cancellation, Reduction or Refund of Realty Tax**

**To: Council**

**From: Corporate Services Department**

Report Number: 2023-206

Meeting Date: November 28, 2023

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**Recommendation:**

That Corporate Services Department Report 2023-206 be received; and

That the applications pursuant to Section 357/358 of the *Municipal Act*, 2001, as amended, numbered 2022-900, 2023-100, 2023-200, 2023-300 A B, 2023-500, 2023-600, 2023-700, 2023-800, and 2023-900, be approved to cancel or reduce taxes in the amount of \$18,293.60.

---

**Purpose:**

The purpose of this report is to seek approval of Council to cancel, reduce, or refund realty tax of the applicant in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

---

**Background:**

Under section 357 and 358 of the *Municipal Act*, 2001, as amended, an application to Council may be made by the taxpayer for the cancellation, reduction, or refund of tax levied in the current and previous year for specific purposes. In some cases, a review may increase the property assessment and increase a property's tax levied.

Once an application is received from a taxpayer under section 357 or 358 and processed by staff, the application is forwarded to MPAC for a revised assessment recommendation. These applications are then returned to the municipality for staff to calculate the amount of cancellation or adjustment of taxes.

The applications received under section 357, application numbers 2022-900, 2023-100, 2023-200, 2023-300 A B, 2023-500, 2023-600, 2023-700, 2023-800, and section 358, application number 2023-900, are in the Treasurer's possession.

---

### **Discussion:**

The summary report attached as Appendix "A" encompasses the applications received to date for submission to Council for approval.

Staff recommend Council approve the recommendation of the MPAC assessor for the applications received under sections 357 and 358. It is a rarity that the taxpayer challenges any recommendation; however, if such did occur, staff would request that MPAC attend the meeting to defend or amend the recommendation. Staff have received no objections from the taxpayers.

---

### **Financial Implications:**

Application numbers 2022-900, 2023-100, 2023-200, 2023-300 A B, 2023-500, 2023-600, 2023-700, 2023-800, and 2023-900 under section 357 and 358 require Council's approval. The total amount of reduction or cancellation of taxes is \$18,293.60, of which \$8,619.05 is the municipal portion.

---

### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Economic Prosperity
  - Sustainable and Resilient Infrastructure
- 

### **Conclusion:**

Staff recommend Council approve the applications outlined in this report to cancel, reduce, or refund realty tax in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

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### **Appendices:**

- a. Calculation of Adjustments Based on the Assessor's Reports and Comments

Respectfully submitted,

Adam Pigeau, CPA, CA  
Manager, Financial Services/Deputy Treasurer  
905-835-2900 Ext. 101  
adam.pigeau@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

CITY OF PORT COLBORNE

SCHEDULE 1

Council Meeting: November 28, 2023

	Section Reason	Application No.	Effective Date	Roll # Address	Tax Class	Assessment Change	Total Adj	Municipality	Region	Waste Mgmt	Transit	School Board
Demolition/Razed by Fire	357	2022-900	21-Nov-22	2711-010-021-21100-0000	RT	(95,000.00)	(190.82)	(102.07)	(62.83)	(9.98)	N/A	(15.93)
168 ELM ST												
Demolition/Razed by Fire		2023-100	01-Jan-23	2711-010-021-21100-0000	RT	(95,000.00)	(1,847.47)	(976.39)	(592.51)	(93.73)	(39.50)	(145.35)
168 ELM ST												
Demolition/Razed by Fire		2023-200	14-Sep-22	2711-040-001-23800-0000	RT	(102,000.00)	(558.31)	(298.65)	(183.84)	(29.21)	N/A	(46.60)
4949 BEACH RD												
Demolition/Razed by Fire			01-Jan-23	2711-040-001-23800-0000	RT	(102,000.00)	(1,983.60)	(1,048.33)	(636.16)	(100.63)	(42.41)	(156.06)
4949 BEACH RD												
Became Exempt		2023-300 A B	01-Jan-23	2711-020-015-03710-0000	RT	(11,600.00)	(225.59)	(119.22)	(72.35)	(11.44)	(4.82)	(17.75)
CHESTNUT ST (with 5 JOHN)												
Became Exempt		2023-500	08-Dec-21	2711-010-017-13200-0000	CF	(80,000.00)	(198.41)	(84.82)	(53.62)	(8.42)	N/A	(51.55)
35 KING ST												
			01-Jan-22	2711-010-017-13200-0000	CF	(80,000.00)	(3,115.60)	(1,360.82)	(837.68)	(133.10)	N/A	(784.00)
				35 KING ST								
			01-Jan-23	2711-010-017-13200-0000	CF	(80,000.00)	(3,270.80)	(1,426.47)	(865.68)	(136.93)	(57.71)	(784.00)
				35 KING ST								
Demolition/Razed by Fire		2023-600	01-Jan-23	2711-040-001-12700-0000	RT	(82,000.00)	(1,594.66)	(842.78)	(511.43)	(80.90)	(34.10)	(125.46)
260 PLEASANT BEACH RD												
Demolition/Razed by Fire		2023-700	01-Jan-23	2711-040-005-11900-0000	RT	(6,000.00)	(116.68)	(61.67)	(37.42)	(5.92)	(2.49)	(9.18)
456 CHIPPAWA RD												
Classification Change		2023-800	01-Jan-23	2711-040-004-07300-0000	CT	(67,300.00)	(2,684.22)	(1,200.02)	(728.22)	(115.19)	(48.55)	(592.24)
				791 KILLALY ST E	FT	67,300.00	327.20	172.92	104.94	16.60	7.00	25.74
Gross or Manifest Error	358	2023-900	25-Jun-22	2711-020-015-02900-0000	CF	(183,000.00)	(2,834.64)	(1,270.73)	(782.23)	(124.29)	N/A	(657.40)
			End Nov 21, 2022	27 MAIN ST E								
Total						(18,293.60)	(8,619.05)	(5,259.03)	(833.14)	(222.58)	(3,359.78)	

**Subject: Sale of Surplus City Property - Elm and Barrick**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-133

Meeting Date: November 28, 2023

---

**Recommendation:**

That Chief Administrative Office Report 2023-133 be received; and

That Council approve entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc, regarding a vacant portion of City-owned property PIN: 64141-0386 legally described as Concession 2 Part of Lot 29 RP 59R10207; PT Part 1 RP at Barrick Street and Elm Street shown in Appendix B as “#2 Parcel”;

That the by-law attached as Appendix D, being a by-law to authorize entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc, owned by ePrime Construction Management and Estate Hill Developments Inc. regarding the sale of the City-owned property at the corner of Barrick and Elm Street, be approved; and

That the Mayor and Acting City Clerk be authorized to execute any and all documents respecting the sale of these lands.

---

**Purpose:**

City staff received a request to purchase the City property depicted in Appendix B from the owners of the adjacent property. This report pertains to the surplus properties shown in Appendix B as “#2 Parcel” and requesting that Council approve the Agreement of Purchase and Sale respecting the subject lands.

---

**Background:**

Since 2020, staff have been actively working to identify City-owned parcels that could be declared surplus and marketed for sale as part of a multi-phased City Real Estate



project. Staff have also been managing requests to purchase City property that are submitted through the Request to Purchase Municipal Property portal.

One such property submitted through the portal was for a portion of PIN: 64141-0386. David Frimpong, on behalf of Estate Hill Developments, in partnership with Stephen and Stephanie Fischer, on behalf of ePrime Construction Management, submitted the application along with the \$300 fee.

This property was declared surplus by City Council at the August 23, 2022, Council meeting with the approval of Report 2022-184. The property is in the Fourth Density Residential (R4) zone.

The subject parcel is not generating any tax revenue for the City and is surplus to City needs, as it is not required for operational or maintenance reasons. However, Public Works has requested that some property along the current road be retained by the City for future road widening or recreational purposes, such as a walking trail, and to protect underground City infrastructure.

---

### **Discussion:**

Estate Hill Developments, the owners of the adjacent property described legally as Con 2 PT Lot 29 RP 59R4355; Part 1, do not have legal access to their property from Elm Street. Their wish to purchase City property in partnership with ePrime Construction Management will both facilitate this access and allow for a more robust development. Estate Hill Developments made a formal request, provided the fee to purchase City property through the City's website, and have been working with staff on the process.

Staff recommend that the City sell the parcel of property, which is 79,547.33 square feet in area and shown as "#2 Parcel" on Appendix B, to 1000427593 Ontario Inc.

---

### **Internal Consultations:**

Economic Development and Tourism Services (EDTS) reviewed the request and circulated it to other departments for comments. EDTS and Public Works staff collaborated to create the mutually beneficial boundaries of the surplus City property. City departments do not foresee any future use for the surplus City owned parcels.

---

### **Financial Implications:**

The surplus portion of City property currently does not generate any tax revenue for the City and costs the City \$1,000 per year in grass cutting maintenance. If Council approves the sale, the parcel would contribute to the development of new residential

units in the City, which would generate new property tax assessment and add users to the water wastewater/system.

In addition, the sale of 79,547.33 square feet will generate \$224,323.47 in proceeds, with the legal and survey costs added to the final sale cost. The sale proceeds will be transferred to the Economic Development Land Reserve.

---

### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
- Increased Housing Options
- Economic Prosperity

---

### **Conclusion:**

EDTS received a request from Estate Hill Developments to purchase surplus City Real Estate at the intersection of Barrick Street and Elm Street that will provide them legal access to their property from Elm Street and facilitate a significant residential development. It is recommended by staff that the City sell “#2 Parcel” on Appendix B to Estate Hill Developments and ePrime Construction Management (1000427593 Ontario Inc.) so that they can maximize the entire developable area for housing, access, green space, and parking while retaining some property for future City needs and protecting City and Regional Infrastructure.

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### **Appendices:**

- a. Map of Estate Hill Developments current property
- b. Proposed Division of City Property – Parcel #1 and #2
- c. By-law to Authorize Entering Into an Agreement of Purchase and Sale

Respectfully submitted,

Bram Cotton  
Economic Development Officer  
(905) 835-2900 Ex. 504  
[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@portcolborne.ca)

Gary Long  
Manager of Strategic Initiatives  
(905) 835-2900 Ex. 502  
[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



## Legend

 Parcel Fabric

127.0 0 63.50 127.0 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



## Notes

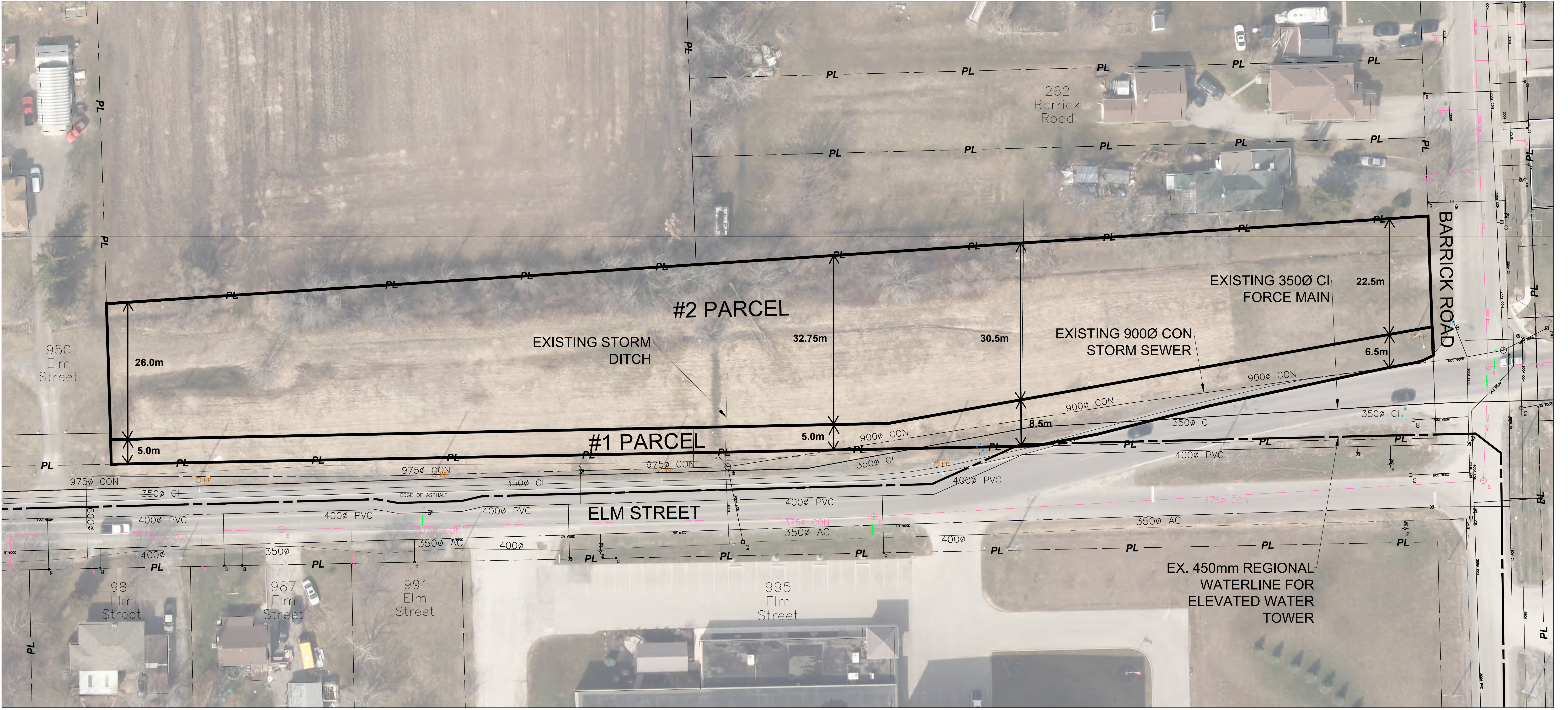
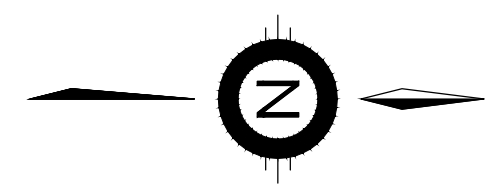


LEGEND

EXISTING PROPERTY LINE	PL
PROPOSED PROPERTY LINE	PL
WATER SERVICE	PL
SANITARY SERVICE	PL
STORM DITCH	PL
FORCE MAIN	PL

PARCEL #1/2-CORNER OF BARRICK RD. & ELM ST.

Appendix B  
Report 2023-133



NO.	REVISION	DATE	INIT.

NOTES/LEGEND

1 THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWER AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

2 PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.

DRAFTING	TJF
DESIGN	n/a
CHECKED BY	n/a
APPROVED BY	n/a



ELM STREET / BARRICK ROAD  
CITY OF PORT COLBORNE

CONSULTANT FILE No.	
DATE	2023-10-30
SCALE	1:350
REF. No.	
DWG No.	1
REV.	0



The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. Respecting a portion of Con 2 PT Lot 29 RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street.

Whereas at its meeting of November 28<sup>th</sup>, 2023, Council approved the recommendations of Chief Administrative Office Report, Report No. 2023-133, Subject: Sale of Surplus City Property – Elm and Barrick; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. for the sale of a portion of Con 2 PT Lot 29RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street for \$224,323.47 (plus HST) legal and survey expenses;

Now therefore the Council of The Corporation of the City of Port Colborne Enacts as follows:

- 1. That The Corporation of the City of Port Colborne enter into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. Respecting Con 2 PT Lot 29RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street for \$224,323.47 (plus HST) legal and survey expenses, which agreement is attached hereto as Schedule “A”.
- 2. That the Mayor and the Acting Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
- 3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

Enacted and passed this 28th day of November 2023.

\_\_\_\_\_  
William C. Steele  
MAYOR

\_\_\_\_\_  
Saima Tufail  
ACTING CITY CLERK



**SCHEDULE A TO BY-LAW \_\_\_\_\_**

**AGREEMENT OF PURCHASE AND SALE**

**THIS AGREEMENT** is dated for reference as of December \_\_\_\_, 2023.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PORT  
COLBORNE**  
(the “**Vendor**”)

- and -

**1000427593 ONTARIO INC. and TWELVE WIDE REALTY  
CORP.**  
(collectively, the “**Purchaser**”)

In consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

**1. Real Property**

Upon and subject to the terms and conditions of this Agreement, the Purchaser hereby agrees to and with the Vendor to purchase, and the Vendor agrees to and with the Purchaser to sell, those lands and premises described as PT LT 29 HUMBERSTONE, as shown as #2 Parcel on Schedule “B”, which is part of PIN 64141-0386 (LT) (the “**Property**”).

**2. Payment of Purchase Price**

The purchase price for the Property is TWO HUNDRED AND TWENTY-FOUR THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$224,323.47) (the “**Purchase Price**”) plus Harmonized Sales Tax (“**H.S.T.**”), payable as follows:

(a) Within two (2) business Days after the acceptance date of this Agreement by the Vendor, the Purchaser shall pay Twenty-Five Thousand Dollars (\$25,000.00) Dollars by wire transfer or certified cheque drawn against the trust account of a law firm in Ontario to Sullivan Mahoney LLP, In Trust, as the Vendor’s solicitors (the “**Deposit**”). The Deposit will be held in trust pending completion or other termination of this transaction, and will be credited on account of the Purchase Price on the Closing Date. The Deposit will not be invested in an interest bearing account; and

(b) On closing, the sum of ONE HUNDRED AND NINETY-NINE THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$199,323.47), subject to the usual adjustments, if any, payable by wire transfer or a certified cheque drawn against the trust account of a law firm in Ontario, to the Vendor, or as it may direct, on the Closing Date.

**3. Title Clause**

This Agreement is subject to title to the Property being good and free from all encumbrances, save only (a) any easements for servicing or utilities that do not materially affect the use of the Property, (b) municipal agreements, providing such are complied with or security has been posted to ensure compliance and completion, as evidenced by a letter from the Vendor and (c) registered restrictions, restrictive covenants, municipal by-laws or governmental enactments, providing such are complied with. The Purchaser will not call for the production of any title deeds, abstracts, survey or other evidence of title except such as are in the possession of the Vendor. The Purchaser will be allowed until ten (10) days prior to Closing to examine the title at their own expense. If within that time, any valid objection to title is made in writing to the Vendor which the Vendor shall be unable or

unwilling to remove, and which the Purchaser will not waive, then this Agreement shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the Deposit shall be returned by the Vendor to the Purchaser forthwith without interest or deduction and the parties shall have no other liabilities to each other. Save as to any valid objections so made within such time, the Purchaser shall be conclusively deemed to have accepted title of the Vendor to the Property.

#### 4. Assignment

This Agreement may not be assigned by the Purchaser without the express written consent of the Vendor, which consent may be arbitrarily withheld.

#### 5. Conditions

INTENTIONALLY DELETED.

#### 6. Purchaser's Acceptance of Real Property "As Is, Where Is"

- (a) The Purchaser acknowledges that the Vendor makes no representation nor gives any warranties with respect to the Property or the fitness of the Property for the Purchaser's intended uses, and, the Property is being sold by the Vendor and accepted by the Purchaser on an "As Is, Where Is" basis, including without limitation, state of title, outstanding work orders, zoning and development approval status, locations of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise on the Property or adjoining properties or streets, soil condition, environmental status and as to quantity, quality or condition.
- (b) The Purchaser agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part thereof, into compliance with any applicable standards of any relevant authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property, or any part thereof, into such compliance.

#### 7. Environmental

- (a) The Purchaser acknowledges and agree that the Vendor makes no representations or warranties whatsoever, either expressed or implied, as to the existence or non-existence of any asbestos, PCBs, radioactive substances or any other substances, liquids or materials or contaminants which may be hazardous or toxic or require removal and disposal pursuant to the provisions of any applicable legislation (all of the foregoing being hereinafter called "**Environmental Matters**") and that the Purchaser takes the Property "as is" and relies upon their own investigations, if any, in this regard. From and after the Closing Date, the Property shall be the sole risk of the Purchaser, and the Vendor, its successors and assigns and its employees and agents (collectively, the "**Vendor Parties**"), will have no further liability in respect of any Environmental Matters and the Purchaser covenants and agrees, such covenant to survive closing and not to merge on closing of this transaction, to indemnify and save harmless the Vendor Parties in respect of any Claims in any way related directly or indirectly to any Environmental Matters and in respect of orders or claims, charges or requirements whatsoever of any municipal, provincial, federal or other governmental body, board, commission, authority, department or ministry, or employees, officials or representatives thereof.
- (b) As of and from the Closing Date, the Purchaser shall release the Vendor Parties, and their successors and assigns, from and against all Claims, in any way arising, directly or indirectly by reason of the presence on the Property of any containment, pollutant, dangerous substance wastes (liquid or solid) or toxic substance or the escape thereof in the air or onto adjacent properties or lands including rivers,

streams, and ground waters, (collectively the “**Substances**”), whether produced, created or generated before or after the Closing Date and such indemnity shall include any order, decree, judgment or demand under law, regulation or order applicable thereto.

- (c) The Purchaser, its successors and assigns, hereby agree to indemnify and hold harmless the Vendor Parties, and their successors and assigns, from any and all Claims arising out or in any way connected with any state, quality or condition in, or of, the Property, including, but not limited to, the existence of any Substances existing as of, or prior to the Closing Date and thereafter, whether environmental or otherwise, whether imposed by law, equity or any federal, provincial or municipal law, rules or regulations or by any regulatory authority. These provisions shall survive and not merge on the completion of this transaction and any subsequent sale or transfer of the Purchaser’s interest in the Property.

## **8. Future Use**

- (a) The Vendor and Purchaser agrees that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
- (b) The Purchaser acknowledges and agrees that the Vendor is under no obligation by virtue of the sale of the Property to the Purchaser, to grant any approvals, including approvals for changes to the City of Port Colborne Official Plan or Comprehensive Zoning By-law, or with respect to site plan control, minor variances, or building permits, or to support approvals required by any other approval authority which may be necessary for any contemplated use of the Property by the Purchaser.

## **9. Closing Date**

The transaction of purchase and sale shall be completed by no later than 5:00 p.m. on February \_\_, 2024 (the “**Closing Date**”).

## **10. Adjustments, Harmonized Sales Tax and Land Transfer Tax**

Realty taxes, local improvements, and assessment rates shall be apportioned and allowed to the Closing Date (with the Closing Date to be for the account of the Purchaser). **The Purchaser will pay for the Vendor’s legal and surveying costs on Closing and these costs will be shown as credits in favour of the Vendor on the Statement of Adjustments.** H.S.T. shall be in addition to the Purchase Price. The Vendor will not collect H.S.T. only if the Purchaser provide to the Vendor an H.S.T. number as proof that they are both H.S.T. registrants under the *Excise Tax Act* (“**ETA**”), together a warranty and indemnity, satisfactory to the Vendor acting reasonably, certifying, among other things, that the Purchaser will self-assess and remit the H.S.T. payable and file the prescribed form required under the ETA. The foregoing warranties shall not merge but shall survive the completion of the transaction. The Purchaser shall be responsible for Land Transfer Tax exigible respecting the transaction.

## **11. Closing Documents**

- (a) The Vendor and Purchaser shall cause their respective solicitors to enter into a Document Registration Agreement in prescribed form and content to facilitate the electronic registration required for closing.

- (b) The Vendor represents and warrants that it is not now and shall not at the time of closing be a non-resident of Canada within the meaning of the *Income Tax Act* (Section 116), and, it shall deliver on closing an affidavit verifying same.
- (c) The Purchaser agrees to sign and deliver the Re-Conveyance Agreement attached as Schedule “A” hereto. This Re-Conveyance Agreement will be registered on title to the Property on Closing in priority to any charges, liens or other encumbrances.
- (d) In addition to the other deliveries contemplated herein, the Vendor shall prepare and deliver the Transfer, save for the Land Transfer Tax Statements, and, the parties shall exchange, Undertakings to Readjust and Statement of Adjustments, as necessary.
- (e) The Vendor and Purchaser acknowledges and agrees that the exchange of closing funds, non-registrable documents and other items (the “**Requisite Deliveries**”) and the release thereof to the Vendor and Purchaser, will (a) not occur at the same time as the registration of the Transfer (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said solicitors.

## **12. Non-Merger**

It is agreed that all covenants, representations and warranties of the parties herein contained shall not merge on the closing of the transaction or the delivery of the transfer but shall survive thereafter.

## **13. Binding Agreement/Time of the Essence**

This Agreement, when executed by both parties shall constitute a binding contract of purchase and sale, and time shall in all respects be of the essence hereof, provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser, or, by their respective lawyers who may be specifically authorized in that regard.

## **14. Entire Agreement**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property or supported thereby other than as expressed herein in writing.

## **15. Tender**

Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired on the Closing Date, and, it shall be sufficient that a negotiable bank draft or certified cheque may be tendered in lieu of cash.

## **16. Non-Fettering**

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Vendor’s determinations or actions in the capacity of the Vendor as a municipal corporation, or the rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.

(b) All rights, benefits and obligations of the Vendor under this Agreement shall be rights, benefits and obligations of the Vendor in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Vendor in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a waiver or exception of or from the Purchaser from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Vendor in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

## **17. Non-Registration**

The Purchaser agrees not to register this Agreement nor notice thereof against the title to the Property. The Purchaser acknowledges that in the event that any registration respecting this Agreement or notice thereof occurs, the Vendor, in addition to any other rights or remedies it may have, shall be entitled to injunctive relief, and the Vendor may rely upon this provision in support thereof.

## **18. Business Day**

For purposes of this Agreement, a business day means a day other than Saturday, Sunday or a statutory holiday for the Province of Ontario.

## **19. Severability**

If any provision contained herein shall be found by a court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

## **20. Notices**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or registered mail to the address set out below or to such other address or facsimile number as may from time to time be the subject of a Notice:

To the Vendor:

The Corporation of the City of Port Colborne  
66 Charlotte Street, Port Colborne L3K 3C8

Attention: Chief Administrative Officer

To the Purchaser:

10 Wilfrid Laurier Crescent  
St. Catharines, ON L2P 0A1

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery, and if sent by registered mail, shall be deemed to have been validly and effectively given and received five (5) business days after the date it was sent, and if sent by facsimile transmission with confirmation of transmission prior to 5 p.m., shall be deemed to have been validly and effectively given and received on the day it was sent, unless the confirmation of transmission was after 5 p.m. or on a non-

business day, in which case it shall be deemed to have been given and received on the next following business day.

**21. Successors and Assigns**

All of the covenants and agreements in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

**22. Counterparts and Electronic Delivery**

The parties agree that this Agreement may be executed in counterparts and transmitted by telecopier or email and that the reproduction of signatures in counterpart by way of telecopier or email will be treated as though such reproduction were executed originals.

**23. Offer Open for Acceptance**

Once executed by the Purchaser and delivered to the Vendor or its representative, this document shall constitute an irrevocable offer to purchase the Property on the terms and conditions herein contained, open for acceptance by the Vendor until 5 p.m. on \_\_\_\_\_, 2023, after which time, if not accepted, such offer shall become null and void.

[next page is signature page]



**IN WITNESS WHEREOF** the Purchaser have executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**1000427593 ONTARIO INC.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**TWELVE WIDE REALTY CORP.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**IN WITNESS WHEREOF** the Vendor has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

## SCHEDULE "A"

**[Re-conveyance Agreement]****RIGHT TO RE-CONVEYANCE AGREEMENT**

**THIS AGREEMENT** is made as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PORT  
COLBORNE**  
(the "City")

- and -

**1000427593 ONTARIO INC. and TWELVE WIDE REALTY  
CORP.**  
(the "Purchaser")

**RECITAL:**

- A. By-law No. \_\_\_\_\_ passed by the Council for The Corporation of the City of Port Colborne on \_\_\_\_\_, 2023, authorized the acceptance of an Agreement of Purchase and Sale from the Purchaser for the lands legally described as XXXXXXXX, being all/part of PIN XXXXX (LT); (the "**Property**"), and, subject to the City reserving the right to a re-conveyance of the Property.
- B. The Purchaser has agreed to enter into an Agreement with the City to secure the City's right to a re-conveyance of the Property.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

**1. RIGHT TO RE-CONVEYANCE**

- (a) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the Property in the event the Purchaser fails to:
  - I. enter into a Site Plan Agreement with the City for the construction of a multi-unit residential complex, within two (2) years of registration of the Transfer of the Property from the City to the Purchaser, and, which Site Plan Agreement shall be registered on the title to the Property at the Purchaser's expense;
  - OR**
  - II. obtain building permits and begin construction of a multi-unit residential complex, within three (3) years and six (6) months of registration of the Transfer of the Property;
  - OR**
  - III. fails to legally merge the Property with the adjoining lands owned by 1000427593 Ontario Inc. which are described as PT LT 29 CON 2 HUMBERSTONE PT 1 59R4355 & AS IN RO425838; PORT COLBORNE, being all of PIN 64141-0024 (LT) (the "**Adjoining Parcel**") on or before the date which is two (2) years from the date of registration of the Transfer for the Property. For greater certainty, this means that the right to re-conveyance in favour of the City will be triggered on or before two (2) years from the date of registration of the Transfer of the Property unless the Property and the Adjoining Parcel are both only owned by 1000427593

Ontario Inc. and neither the Property nor the Adjoining Parcel can be conveyed or mortgaged separately from another due to the application of Subsections 50(3) or (5) of the *Planning Act*.

In the event that the Purchaser has not satisfied the conditions within the timelines in (I) , (II) and/or (III) above for reasons which are beyond the control of the Purchaser, then the Purchaser and the City agree to enter into good faith discussions with respect to possible amendments to any of the timelines.

- (b) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the Property in the event the Purchaser becomes insolvent or makes an assignment for the benefit of creditors, prior to the completion of the actions described in Sections 1(a)(I), (II) or (III).
- (c) The right to re-conveyance is exercisable by notice in writing from the City to the Purchaser.
- (d) In the event the City exercises its right to a re-conveyance of the Property as provided for in Sections 1(a) or (b), it shall do so for the sum of TWO HUNDRED AND TWENTY-FOUR THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$224,323.47), subject to adjustments for the amount of any taxes then due and owing against the Property and the amount of Land Transfer Tax payable by the City for registration of the Transfer of the Property. Despite any improvements or investments made by the Purchaser, the Purchaser shall be deemed to have forfeited any investment so made and shall not be entitled to any compensation for same whatsoever, including monies expended for installing services. Further, there shall be no adjustment in respect of monies drawn upon by the City in respect of securities provided by the Purchaser.
- (e) On the date which is thirty (30) days after the City exercises its right to receive a re-conveyance of the Property (the “**Closing Date**”), the Purchaser will convey the Property to the Purchaser subject to the terms provided for in this Agreement. The Purchaser shall give vacant possession of the Property to the Purchaser on the Closing Date.
- (f) In addition to Section 1(e) above, the Purchaser undertakes to obtain and register good and valid discharges and/or releases of all liens, charges and any other encumbrances, which the Purchaser has caused to be registered against the title to the Property, forthwith following the City's notice of exercising its option to purchase the Property. Notwithstanding the foregoing, the Purchaser shall at all times indemnify and save harmless the City against all actions, suits, claims and demands whatsoever, which may be brought against or made upon the City and from and against all losses, costs, damages, charges and expenses whatsoever which may be incurred, sustained or paid by the City for or by reason of or on account of such liens, charges or other encumbrances.

## 2. **NON-ASSIGNMENT**

The Purchaser shall not have the right to assign this Agreement to any person or other entity without the prior written consent of the City, which consent may be unreasonably denied.

## 3. **SEVERABILITY**

If any provision contained herein shall be found by a Court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

#### 4. **NOTICES**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or email to the address set out below or to such other address or electronic number as may from time to time be the subject of a Notice:

(a) **City:**

The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8  
Attention:  
Facsimile: (905) 835-2939  
Telephone: (905) 835-2900

(b) **Purchaser:**

10 Wilfrid Laurier Crescent  
St. Catharines, ON L2P 0A1

Attention:  
Facsimile:  
Telephone:

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery and if sent by facsimile transmission or email with confirmation of transmission prior to 5:00 p.m., shall be deemed to have been validly and effectively given and received on the business day it was sent unless the confirmation of transmission was after 5:00 p.m. in which case it shall be deemed to have been received on the next following business day.

#### 5. **SUCCESSORS AND ASSIGNS**

All of the covenants and terms in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

#### 6. **COUNTERPARTS AND ELECTRONIC DELIVERY**

This Agreement may be executed and delivered by facsimile or electronic transmission and the parties may rely upon all such facsimile or electronic signatures as though such facsimile or electronic signatures were original signatures. This Right to Re-Conveyance Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on the parties.

*[Signature page follows.]*

**IN WITNESS WHEREOF** the Purchaser has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**1000427593 ONTARIO INC.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**TWELVE WIDE REALTY CORP.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**IN WITNESS WHEREOF** the City has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**Subject: Delegation of Powers and Duties**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-243

Meeting Date: November 14, 2023

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**Recommendation:**

That Chief Administrative Office Report 2023-243 be received; and

That the Delegation of Authority By-law attached as Appendix A of Office of the Chief Administrative Officer Report 2023-243 be approved.

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**Purpose:**

The purpose of this report is to present the updated version of the Delegation of Authority By-law to Council for approval, following the presentation of the draft By-law at the Council meeting on November 14, 2023, as part of Chief Administrative Office Report 2023-201. If passed, the Delegation of Authority By-law would allow certain municipal Council powers and duties to be delegated to City staff or committees to promote efficiency, improved customer service, and streamline administrative processes.

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**Background:**

The *Municipal Act*, 2001 S.O. 2001, c. 25, as amended (the Act) requires that a municipality adopt and maintain policies with respect to the delegation of its powers and duties (S. 270(1)6).

On November 14, 2023, Chief Administrative Office Report 2023-201 presented the first draft of the Delegation of Authority By-law for consideration by Council for the following reasons:

The efficient management of the Corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff or

committees, while concurrently maintaining accountability. This can be effectively achieved through the delegation of legislative and administrative functions.

In the exercise of any delegated power or duty, it is the responsibility of the delegate to ensure expenditures are provided in the current year's budget or otherwise authorized by Council and the delegate shall not exceed the authority delegated. Legal counsel will play a key role in reviewing such matters as the undertaking of contracts or agreements with third parties and ensuring the legislative powers are respected and are exercised in accordance with any conditions or limitations for delegation through the adoption of the delegation by-law.

The proposed by-law sets out which municipal officers, employees, or agents are responsible for undertaking the delegated actions, all of whom are professionals with accountability for the duties that are delegated.

At the Council meeting on November 14, 2023, members of Council provided staff their feedback on Chief Administrative Office Report 2023-201 and the accompanying by-law. Their feedback and the subsequent updates to the draft by-law are discussed below.

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## **Discussion:**

The delegation of power and duties is a tool broadly utilized throughout Ontario. During the preparation and analysis of the Delegation of Authority By-law for Council consideration, no fewer than twenty various municipal by-laws and policies were reviewed to analyze what options might be best suited to the City. Each member of the Senior Management Team reviewed samples and best practice criteria and together reviewed the by-law presented for Council's consideration through this report. Consideration was given to each item listed in the by-law with the lens to identify if the function is:

- routine or minor in nature;
- generally would not prompt Council debate;
- provision of more efficient customer service through delegation.

When the first draft of the Delegation of Authority By-law was presented to Council on November 14, 2023, Council requested the following amendments:

1. Section 18 of the draft Delegation of Authority By-law named the Mayor, the Chief Administrative Officer, and the City Clerk, respectively, as signing officers with the authority to execute documents on behalf of the City.

Council requested that the "Deputy Mayor" be added as an additional signing officer, to sign on behalf of the Mayor in the absence of the Mayor. As a result, section 18 of the Delegation of Authority By-law now lists the Deputy Mayor as an additional



signing officer.

2. In Schedule A of the draft Delegation of Authority By-law, under the heading “Office of the Chief Administrative Officer” and the subheading “City Clerk,” the following delegation was included:

“Approve the execution, amendment or termination of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.”

Council requested that the authority to terminate agreements or grant applications be removed. As a result, this delegation now reads:

“Approve the execution and/or amendment of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.”

3. In Schedule A of the draft Delegation of Authority By-law, under the heading “Community Safety and Enforcement” and the subheading “By-law Enforcement Services,” the following delegation was included:

“Approve minor variances to the Fence By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Fence By-law.”

Council requested that the authority to approve minor variances to the Fence By-law be delegated to the Committee of Adjustment rather than to staff; however, pursuant to the *Planning Act*, the Committee of Adjustment is only authorized to approve minor variances to the Zoning By-law currently in effect. At this time, the Zoning By-law does not contain provisions regulating fence construction; the Fence By-law is a by-law separate from the Zoning By-law, and as such, the Committee of Adjustment would not be able to approve such variances.

As a result, the abovementioned delegation has been removed from the Delegation of Authority By-law. Council will remain the approval authority for applications for minor variances to the Fence By-law for the time being. The Clerk’s Division intends on bringing a report before Council at a later date to recommend the establishment of a committee to review appeals related to the City’s Licensing By-laws, and appeals of Orders such as Property Standards Orders and Notice to Muzzle Orders.

**Internal Consultations:**

Staff from the City's Senior Management Team have worked together to develop the proposed list of delegated powers and duties. The draft Delegation of Authority By-law was brought before Council on November 14, 2023, to gather input before presenting the final version in this report.

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**Financial Implications:**

There are no direct financial costs to the municipality.

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**Public Engagement:**

No members of the public have provided any comments on the Delegation of Authority By-law as of the time of writing.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

**Conclusion:**

Staff recommend the adoption of the Delegation of Authority By-law, as presented, to promote efficiency, improve customer service, and streamline administrative processes by delegating certain administrative tasks to City staff and committees.

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**Appendices:**

- a. Delegation of Authority By-law

Respectfully submitted,

Diana Vasu  
Acting Deputy Clerk  
905-835-2900 x 105  
diana.vasu@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Delegate Certain powers and Duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts to Municipal Officers and Employees

Whereas Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the Act) authorizes a municipality to delegate its powers and duties under the Act or any other Act to a person or body, subject to the rules and restrictions set out in Part II of the Act;

And whereas Section 224 (d) of the Act states that it is the role of Council to ensure that administrative policies, practices, and procedures are in place to implement the decisions of Council;

And whereas Section 227 of the Act states that it is the role of officers and employees of the municipality to: (a) implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

And whereas the Council of the Corporation of the City of Port Colborne deems it expedient to delegate certain routine administrative functions to staff to improve business efficiencies while adhering to the principles of accountability and transparency,

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

**Definitions**

For the purposes of this by-law the following words shall mean:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“CAO” shall mean the Chief Administrative Officer of The Corporation of the City of Port Colborne;

“City” means The Corporation of the City of Port Colborne,

and “Corporation” has a corresponding meaning;

“City Clerk” shall mean the City Clerk of The Corporation of the City of Port Colborne, whose duties are assigned under subsection 228 (1) of the Act, and includes the Deputy Clerk or any Deputy acting under the direction of the City Clerk or any successor position thereof;

“Council” means the elected Council of The Corporation of the City of Port Colborne;

“Delegation” means duties conferred by Council on City staff, and is inclusive of both powers delegated from Council to City staff and powers granted by Council to City staff;

and “delegated power” has a corresponding meaning;

“Department Head” means a member of the Corporate Leadership Team;

“Designate” means a person appointed by an individual named in Schedule “A” to exercise their authority under this by-law;

and “delegate” has a corresponding meaning;

“Document” means any written instrument whether on paper or in electronic form including, without limiting the foregoing, any contract, agreement, deed, memorandum, letter of intent, application, permit, release, waiver or acknowledgement which, when executed, will have or is intended to have the effect of causing the City to be bound in a legally enforceable relationship with any other person, but shall not include:

- a) any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures, and any similar instruments; and
- b) correspondence, whether by letter or in electronic form, intended to convey information or confirm a position on a matter, but not intended to create a contract or agreement between the City and any other person, whether or not a legally enforceable right or remedy is created thereby;

And “documents” has a corresponding meaning;

“Execute” means to complete the formalities intended to give effect to a document and may include any one or more of the following formalities as may be required in the circumstances:

- a) signing the document;
- b) causing the seal of the City to be affixed to the document; and
- c) causing delivery of the document to be made to the other parties thereto;

“Procurement Policy” means Administrative Policy No. FIN – 05, amended; and

“Signing officer(s)” has the meaning ascribed to it in section 18 of this By-law.

## **Administration**

1. The short title of this By-law is the “Delegation of Authority By-law”.
2. Any reference to legislation, regulations, and to by-laws in this By-law shall be interpreted to include all amendments to and any successor legislation thereof.
3. It is the opinion of Council that any of the legislative powers delegated pursuant to this By-law are of a minor nature within the meaning of subsection 23.2(4) of the Act.
4. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law, authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
5. All documents to be executed shall be prepared in a sufficient number of identical originals to permit at least one executed original, which may be executed in counterparts, to be retained by the City, except that, if the document provides that electronic signatures or execution in counterparts with exchange by PDF and e-mail are sufficient, an executed original is not required.
6. The initiator of any document shall arrange for the execution of such document by the appropriate signing officers.
7. A copy of each fully executed document shall be forwarded to the Office of the City Clerk after execution, and the remaining originals, if any, shall be kept by the Department Head with primary oversight for the contract or agreement to which the document pertains.
8. The Department Head with primary oversight for a contract or agreement shall be responsible for the distribution of the executed document.

9. A document executed under authority delegated by this By-law shall first be approved as to content by the CAO and the Department Head responsible for the relevant department, or a delegate of the Department Head and, when required, approved as to form by the City Solicitor.
10. Schedule "A" – "Delegation of Powers and Duties" attached hereto forms part of this By-law.
11. Where specified, delegated authority set out in Schedule "A" to this By-law and exercised shall be reported on an annual basis to Council, or a Committee of the Council, by the Deputy CAO described as responsible for the delegated authority.

### **Nature and Scope of the Delegation of Powers and Duties**

12. Section 23.3 (1) of the Act sets out the specific circumstances in which a municipality cannot delegate its powers or duties as follows:
  - a) appointing or removing officers of the municipality whose appointment is required by the Act (i.e. Clerk or Treasurer);
  - b) imposing taxes;
  - c) incorporating corporations;
  - d) adopting or amending the official plan;
  - e) passing zoning by-laws;
  - f) passing bonusing by-laws related to small businesses operating or proposing to operate in the municipality or bonusing by-laws related to the provision of municipal capital facilities;
  - g) adopting community improvement plans which include bonusing arrangements;
  - h) adopting or amending the municipal budget; and
  - i) other powers or duties as prescribed;
13. Council delegates the powers and duties set out in the attached Schedule "A" to those officers, employees, committees or tribunals listed therein and subject to any limitations specified therein.
14. Council retains the authority to revoke any power delegated by this By-law at any time.
15. All delegations shall be deemed to include the CAO, with the exception of delegations to the City Clerk and the City Treasurer.
16. Unless otherwise noted, where there a delegation has been assigned in Schedule "A", the Delegate may further designate an individual, in writing, to act in their place. In the event of the sudden departure of a delegate, the CAO may designate an individual, in writing, to act in the delegate's place. Sub-delegations may be time-limited to service temporary absences, or long-term to facilitate corporate workflow. The maintenance of the written sub-delegation is the responsibility of delegator.
17. Where the exercise of a delegated power or duty requires the expenditure of money or subjects the Corporation to a potential financial loss or obligation, funding for the expenditure or provision for the potential loss or obligation must be included in an approved budget or managed in alignment with reserve fund policies under the advisement of the City Treasurer. All relevant requirements of the City's policies, including the Procurement Policy shall be followed as a condition to the exercise of the delegated authority.

### **Appointment of Signing Officers**

18. Subject to the requirements of this By-law and any statute regarding the execution of any particular kind of document, an employee or officer of the City, who at the time



of execution of any document holds any of the following offices or positions, is a signing officer of the City and has the authority to execute the document on its behalf:

- a) the Mayor;
- b) the Deputy Mayor;
- c) the CAO; and
- d) the City Clerk.

19. In addition to the signing officers designated in section 18 of this By-law, a document listed in the delegation column of Schedule A of this By-law is considered a routine document, which may be executed by an employee or officer of the City of Port Colborne who, at the time of execution of the particular document, holds any one of the offices or positions set out in the delegate column of Schedule A, and they shall be considered to be signing officers but only for the limited purposes of the documents set out in Schedule A, that they are authorized to sign, provided that all other provisions of this By-law are complied with.

20. Should any position listed as a delegate in Schedule “A” become vacant, or should any such delegate be absent or otherwise unable to carry out the delegation pursuant to this By-law:

- a) if there is a By-law which designates a deputy or other acting person as having the authority of the person holding the position or office of the Delegate, such deputy or acting person is authorized to exercise the authority of the Delegate under this Bylaw; and
- b) unless otherwise prohibited, any employee or officer of the City appointed in writing by the Delegate as acting in the position or office of the Delegate in their absence is authorized to exercise the authority of the Delegate under this By-law.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

William C. Steele

MAYOR

Saima Tufail

ACTING CITY CLERK



## SCHEDULE “A” – Delegation of Powers and Duties

### Office of the Chief Administrative Officer

<b><u>Chief Administrative Officer</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Entering into agreements necessary to complete capital projects including but not limited to acquiring or disposing of easements provided value of consideration does not exceed \$100,000, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	Terms and conditions of such agreements and related documents must be acceptable to City solicitor.
Develop, approve, and implement administrative policies, procedures, and practices, including but not limited to Human Resources, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	In consultation with Manager of Human Resources and/or delegation to appropriate department director, pursuant to City policies.
<b><u>Economic Development &amp; Tourism Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Provide commentary, feedback, and information to provincial and federal governments regarding legislative/regulatory changes.	Manager of Strategic Initiatives	Commentary, feedback, and information provided to provincial and federal governments is to be from a staff opinion and not on behalf of the Mayor and Council.
Execute agreements for pop-up patios, pursuant to the Encroachment By-law.	Economic Development Officer	Consult with Planning and By-law Enforcement Services regarding the variance process. Report to Council.

Amend the Filming Policy for procedural purposes, pursuant to the Filming Policy/By-law.	City Clerk or designate	
Issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the Filming Policy, pursuant to the Filming Policy/By-law and the Noise By-law.	City Clerk or designate	
Negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law, pursuant to the Filming Policy/By-law and the Rates and Fees By-law.	Director, Corporate Services/Treasurer or designate	
Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal or control as requested by film permit applicants, pursuant to the Filming Policy/By-law.	Director of Public Works or designate	
Approve permits for fireworks displays and discharging of fireworks, as well as variances to the Open Air Burning and Recreational Fires By-law and Discharge of Firearms By-law, as requested by film permit applicants, pursuant to the Filming Policy/By-law and other applicable by-laws.	Fire Chief/Director of Community Safety and Enforcement or designate	
<b><u>Planning Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Draft Condominium Approval, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	
Draft Condominium Exemption, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	

Part Lot Control, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council
Approve Site Plan Control Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Amendments to Site Plan Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Approve Development Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Removal of a Holding Provision when all conditions have been fulfilled, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council for the removal
<b><u>Building Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Authority to enter into limiting distance agreements, pursuant to the <i>Building Code Act, 1992, S.O 1992, c. 23.</i>	Chief Building Official	Agreements acceptable to City Solicitor.
Authority to enter into conditional building permit agreements, pursuant to the Building Code Act, 1992, S.O 1992, c. 23.	Chief Building Official	Agreements acceptable to City Solicitor.
<b><u>City Clerk</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Signing authority for agreements under by-law and/or pursuant to tender awards, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25, as amended.</i>	City Clerk	All agreements authorized by municipal by-law; affix corporate seal; two signatures required.

		Note: Deputy Mayor in absence of Mayor; Deputy Clerk or Chief Administrative Officer in absence of Clerk.
Approve the execution and/or amendment of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.	City Clerk	Subject to any City funding requirements. Applications may be made so long as the grant will not require additional expenses not already approved by Council. The grant must be at no cost to the City or funded through a current year's operating or capital budget, which has been approved by Council. Reporting to Council will be done to provide notification of a received grant.
Returning Officer responsible for administration of all municipal general elections and all by-elections, pursuant to the <i>Municipal Elections Act, 1996, S.O. 1996, c. 32.</i>	City Clerk	Prepare and update forms and written procedures for all components of conducting an election.
Designate an event as an event of municipal significance for the purpose of prescribing it as a special event occasion where an application has been made, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Compliance with all applicable Alcohol and Gaming Commission (AGCO) regulations. Consultation with applicable City and/or Regional approvals for licensing.
Issuance of "Letters of No Objection" for temporary liquor licence extensions, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Consultation with applicable City departments.
Liquor Licence Municipal Clearance (Wet/Dry Status), pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Issue subject to municipal clearance by agencies/departments as per AGCO regulations.
Issuance of "Tag Day" approvals for non-profit organizations, pursuant to the <i>Income Tax Act (Canada).</i>	City Clerk	
Issuance of Lottery Licenses, pursuant to the <i>Criminal Code (Canada) Order in Council 1413/08 Gaming Control Act, 1992</i>	City Clerk	Compliance with all applicable AGCO regulations and Lottery Licensing Policy Manual (LLPM)



Records management oversight, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C. 25</i> , as amended.	City Clerk	
All powers and duties under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , pursuant to <i>Municipal Freedom of Information and Protection of Privacy Act</i> .	City Clerk	Associated policy.
By virtue of office: Division Registrar, Commissioner of Oaths, and Licensing of Marriage, pursuant to the <i>Commissioner for Taking Affidavits Act, R.S.O. 1990, c. C. 17</i> , the <i>Marriage Act, R.S.O. 1990, c. V.4</i> , and the <i>Vital Statistics Act, R.S.O. 1990, c. V.4</i> .	City Clerk	
Marriage Officiant, pursuant to the <i>Marriage Act, R.S.O. 1990, c. V.4</i> .	City Clerk and CAO	
Municipal Licensing, pursuant to all applicable by-laws and policies.	City Clerk	Subject to all applicable by-laws and policies; consultation with applicable departmental authorities.
Approval of proclamations	City Clerk	Initial proclamation subject to council approval.

## Corporate Services

<b><u>Human Resources</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Negotiate and execute employment grants, including related documentation.	Chief Human Resources Officer (CHRO)	Consultation with appropriate department director.
Negotiate and execute contracts of employment (full-time and/or temporary), including related documentation, pursuant to the <i>Ontario Human Rights Code, AODA, MFIPPA, Pay Equity Act, and Employment Standards Act</i> .	CHRO or designate	Subject to an identified funding source.
Negotiate collective agreements and prepare and send Memoranda of Agreements pertaining to collective bargaining negotiations, provided that such memoranda are conditional upon Council approval, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source.  In collaboration with the CAO, Director of Corporate Services/ Treasurer, and legal representation.
Administer and execute all documentation and remit payments related to pay and payroll deductions (including but not limited to Canada Pension Plan (CPP), Employment Insurance (EI), Employer Health Tax (EHT), Long-term Disability (LTD), Ontario Municipal Employees Retirement System (OMERS) and other documentation and remittances to government agencies, unions and/or employees such as T4 tax preparation and pay equity adjustments, and others by way of court ordered deductions, pursuant to the <i>Pay Equity Act, Employment Standards Act, Canada Income Tax Act, Pension Benefits Act, Canada Pension Plan, Employment Insurance Act, Employer Health Tax Act, Workers' Compensation Act, and Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.

Negotiation and execute minutes of settlement of any labour relations matter (union or non-union), including related documentation, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source.  In collaboration with the CAO, Director of the impacted department and legal.
Administer and execute all documentation and remit payments related to benefits that include but are not limited to health, dental, short-term disability (STD), LTD, workplace safety and insurance boards (WSIB), OMERS and execute all associated documentation, pursuant to the <i>Workplace Safety and Insurance Act, Pension Benefits Act, Workers Compensation Act, and Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.
<b><u>Financial Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Execute agreements required for the delivery of bank and investment services to the City and related trust accounts, including agreements for purchasing cards and related electronic services but excluding credit and financing facilities such as debentures, mortgages, loans and lines of credit, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Transfer funds between City and related trust bank accounts and/or investments accounts to fulfill financial obligations, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Execute contracts on behalf of the City for future utility commodity purchases up to two years in advance to a maximum of 2/3 of historical volumes, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	Decision to purchase must be documented and based on a third-party recommendation.

Approve the write-off of an amount owing to the city and refunds disbursed from the City ≤0.1% of the Tax Levy, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Implement a general insurance program, including the negotiation and execution of insurance agreements with person(s) or agencies that provide services under the general insurance program, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate.	
Negotiate and settle claims against the municipality, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25</i> , as amended, and all applicable policies and by-laws.	Director, Corporate Services/Treasurer	Consultation with insurance adjuster and appropriate department director and City's claims administration policy.
<b>Recreation Division</b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Issue and process permits at City recreation facilities, including but not limited to ice rentals, sports fields, parks, pavilions, and community/meeting rooms.	Manager, Recreation or Designate(s)	Follow Council approval allocation for priority users (youth, minor sports, schools, and locals first)
Execute recreation licensing agreements with user groups and stakeholders.	Supervisor, Recreation and Marina or Designate	
Approve temporary road closures for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade	Director, Public Works or Manager of Operations	Road closure plan reviewed and approved by By-law. Third party events requesting road closures will be brought in a report to Council for approval unless otherwise delegated.
Approve variances or exemptions to the Noise By-law for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade.	Manager of By-Law Services	Event plan reviewed and approved by By-law. Third party events requesting a variance will be brought in a report to Council for approval unless otherwise delegated.

Facilitate the disposition of abandoned boats from marina slips or storage facility.	Manager, Recreation or Designate	Consult with City Solicitor.
<b><u>Information Technology Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Execute agreements related to data sharing and/or licensing with third parties	Manager of Information Technology	

## Community Safety and Enforcement

<b><u>Fire and Emergency Services Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Enter into Fire Service Agreements for provision of fire protection services to lands located outside Port Colborne or receive services from a fire department located out of Port Colborne.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Activate an emergency plan and implement municipal emergency control group notification.	CEMC	Decision to be made in accordance with City Emergency Plan. Mayor and CAO advised as soon as possible.
Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to chemical, biological, radiological, nuclear, high yield explosive, Hazmat, confined space, high angle rescue.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Process and issue permits pertaining to fireworks displays and discharging of fireworks, pursuant to the Fireworks By-law.	Fire Chief/Director of Community Safety and Enforcement	
Designate Fire Routes once satisfied requirements have been complied with and submit to By-law for approval.	Fire Chief/Director of Community Safety and Enforcement	Council to approve designation by-law. Council pre-approval not required.




Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation, pursuant to the <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.</i>	Fire Chief/Director of Community Safety and Enforcement	
Approval and signing authority to execute agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	Fire Chief/Director of Community Safety and Enforcement	
Ability to review and rescind bills issued by the Fire Service.	Fire Chief/Director of Community Safety and Enforcement	
<b><u>By-law Enforcement Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Approve temporary noise variances, pursuant to the Noise By-law.	City Clerk/Manager of By-law Services/Fire Chief/Director of Community Safety and Enforcement	Temporary nature.
Approve minor variances to the Sign By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Sign By-law.	Chief Building Official	Consult with By-law Enforcement Services and variance process. Report to Council.
Enter into Encroachment Agreements on road allowances and over easements with private property owners.	Chief Planner	Consult with By-law Enforcement Services and Director of Public Works. Agreements acceptable to City Clerk. Conditional but not limited to obtaining survey, covenants to protect the City. Once satisfied, submit by-law for Council approval.

Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways, and speed limits on highways under the jurisdiction of the City of Port Colborne.	Director of Public Works	Consult with By-law Enforcement Services.
Appeal of parking ticket.	Screening Officer	
Appeal of screening review.	Hearing Officer	
Appoint a Hearing Officer, pursuant to the Inter-municipal agreement.	CAO/Director of Community Safety and Enforcement	
Appoint a Municipal Law Enforcement Officer.	Director of Community Safety and Enforcement	Report to Council.
Appoint a Property Standards Officer.	Director of Community Safety and Enforcement	Report to Council.
Negotiate and settle claims against the city within insurance deductible limit	City Clerk	Consult with Director of Community Safety and Enforcement/Manager of By-law Services.
Authority to appoint temporary staff parking enforcement	Director of Community Safety and Enforcement	

## Public Works

<b><u>Road and Transportation Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones, pursuant to the <i>Highway Traffic Act, R.S.O. 1990, c. H.8.</i>	Director of Public Works	Consultation with Planning Division
Agreements, including cost sharing agreements between the City of Port Colborne and local area municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works	
Temporary reduction or lifting of load limits on highway, including designation of alternate routes where applicable.	Director of Public Works	Consultation with Fire Chief/Director of Community Safety and Enforcement and Manager of By-law Enforcement Services
Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards, pursuant to <i>Ontario Regulation 239/02 – Minimum Maintenance Standards for Municipal Highways.</i>	Director of Public Works	
Authority to sign agreements with Railway Authorities for cost sharing or warning systems and maintenance at level railway crossings.	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Mutual Aid Agreement between local area municipalities and the Niagara Region.	Director of Public Works	

Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal, or control.	Director of Public Works	
Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community.	Director of Public Works	
Authorization to control and manage each cemetery under the jurisdiction of the City of Port Colborne, pursuant to the City Cemetery By-law and the <i>Cemeteries Act</i> .	Director of Public Works/ Manager of Operations	
<b><u>Water and Wastewater</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Authority to sign applications with the Ministry of Environment, Conservation, & Parks, pursuant to the <i>Ontario Water Resources Act</i> .	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Memorandum of Understanding between local area municipalities and Niagara Region.	Director of Public Works	
Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the City's water distribution system, pursuant to the City of Port Colborne DWQMS Operational Plan and the <i>Safe Drinking Water Act</i> , O. Reg. 170-03.	Director of Public Works	

Shelby Cleveland  
868 Steele St.  
Port Colborne, ON L3K 4Z6  


**Subject: Urgent Request for Bylaw Regulation of Unsolicited Graphic Anti-Abortion Flyers**

I hope this letter finds you well. My name is Shelby Cleveland, and I am writing to you as a concerned resident of Port Colborne regarding a matter that deeply troubled my family and others in our community.

On a Saturday morning in October, my four-year-old daughter innocently brought the mail to me, only to be exposed to extremely graphic anti-abortion imagery contained in unsolicited flyers. The images were distressing and confusing for her, and as a parent, I was left grappling with the difficulty of explaining such explicit content to a child of her age. This incident has sparked serious concerns within our household and has prompted me to reach out to you as our representative.

Moreover, as someone who is aware of the prevalence of miscarriages, occurring in about 15-20% of pregnancies in Canada, I am deeply troubled by the potential distress these graphic images may cause to mothers who have experienced such a loss. Unwanted reminders of a traumatic event can exacerbate emotional pain and make it even more challenging for individuals to cope and heal.

I have learned that St. Catharines took a commendable step in addressing this issue by unanimously passing a bylaw in September to regulate the delivery of graphic anti-abortion materials. The bylaw in St. Catharines mandates that such images must be enclosed in an envelope bearing a warning of the contents and the name of the distributor. This measure ensures that residents are given the choice to avoid exposure to distressing content and provides a layer of protection for young children who may inadvertently come into contact with these materials.

Given the recent implementation of this bylaw in St. Catharines, it is disheartening to note that neighbouring cities in Niagara, including Port Colborne, are now being increasingly targeted with similar graphic material. This not only poses a threat to the well-being of our community members but also highlights the urgency for our city to take proactive measures to address this issue.

I kindly request your support in bringing forth a bylaw to regulate the unsolicited delivery of graphic anti-abortion materials in Port Colborne. By adopting a similar approach to St. Catharines, we can safeguard the emotional well-being of our residents and protect young children from exposure to explicit content. Additionally, such regulation would demonstrate

sensitivity to the diverse experiences of our community members, including those who have faced the challenges of miscarriage.

I believe that this regulation will contribute to creating a more considerate and respectful community environment. I appreciate your time and attention to this matter, and I look forward to hearing about any actions taken to address this concern. Thank you for your dedication to our community's well-being.

Sincerely,

Shelby Cleveland



**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

November 20, 2023

**CL 15-2023, November 16, 2023**  
**PEDC 11-2023, November 8, 2023**  
**PDS 37-2023, November 8, 2023**

**LOCAL AREA MUNICIPALITIES**

**NIAGARA HOME BUILDERS ASSOCIATION**

**SENT ELECTRONICALLY**

Niagara Region Unbuilt Housing Supply Update  
**PDS 37-2023**

Regional Council, at its meeting held on November 16, 2023, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 37-2023, dated November 8, 2023, Niagara Region Unbuilt Housing Supply Update, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities and the Niagara Home Builders Association.

A copy of PDS 37-2023 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

js

CLK-C 2023-129

cc: J. Federici, Senior Planner  
M. Sergi, Commissioner, Growth, Strategy and Economic Development  
N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic Development

**Subject:** Niagara Region Unbuilt Housing Supply Update

**Confidential Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, November 8, 2023

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## **Recommendations**

1. That Report PDS 37-2023 **BE RECEIVED** for information; and
2. That a copy of Report PDS 37-2023 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Home Builders Association.

## **Key Facts**

- In March 2023, the Regional Planning Commissioners of Ontario (RPCO) issued an inventory of Ontario's unbuilt housing supply in response to the Province of Ontario's target of creating 1.5 million homes by the year 2031.
- The unbuilt housing supply is defined as the number of housing units in the development application approvals process, specifically within plans of subdivision, plans of condominium and site plan applications that have not yet obtained a building permit.
- Niagara Region submitted data to RPCO in support of the unbuilt housing supply inventory issued in March 2023, which included all unbuilt units in plans of subdivision and condominium as of year end 2022.
- Since that time, staff have undertaken a more detailed review of the housing supply, to include site plan applications. This report provides an update to Niagara Region's housing supply as of June 30, 2023.
- Overall, there are 39,283 unbuilt units in the housing supply across the region in site plans, plans of condominium and plans of subdivision in various stages of the development approval process. This equates to an 10 to 11 year of supply of housing units across the region.

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## **Financial Considerations**

There are no financial considerations associated with this report.

## **Background**

In 2022, the Province of Ontario announced a target of creating 1.5 million new homes across the Province by the year 2031.

In response to this target, Regional staff collaborated with members of RPCO which includes regional and single tier municipalities to form a methodology and assemble an unbuilt housing unit inventory. The purpose of this inventory was to identify the number, type and status of housing units in the development pipeline which would support the Province's goal of building 1.5 million new homes. In March 2023, RPCO issued an unbuilt housing supply inventory, which constituted 85% of the 2031 Provincial goal.

The unbuilt housing supply inventory that the Region had undertaken in support of the RPCO work only included unbuilt units in plans of condominium and subdivision as of year end 2022. Since that time, staff have completed a more detailed review and have updated the unbuilt housing supply to June 30, 2023. Through this detailed review, staff added all active site plan applications into the analysis.

This report provides an overview of the unbuilt housing supply in Niagara Region within the development approval process, specifically within plans of condominium, plans of subdivision, and site plans.

## **Analysis**

To establish the unbuilt housing supply inventory, staff exported all plans of condominium, plans of subdivision and site plans within the Region's development application system into a Geographic Information System to allow for spatial analysis.

Building permits issued were then overlayed with development applications to identify units to be removed from the supply. Air photos were also examined on a site-by-site basis to remove built units from the supply.

The unbuilt housing supply inventory is divided into four categories, as defined below:

- Registered and Draft Approved Unbuilt Units (Development Ready):
  - Registered plans of subdivision and approved plans of condominium.
  - Draft approved plans of condominium or subdivision.

- Site Plan Applications:
  - Proposed and approved site plan applications.
- Applications Under Review:
  - Proposed plans of subdivision or condominium.
- Ministerial Zoning Orders:
  - Ministerial zoning orders approved by the Minister of Municipal Affairs and Housing.

Table 1 provides a summary of the unbuilt housing supply by unit type and stage within the development approvals process for plans of condominium, plans of subdivision, and site plans.

**Table 1:** Unbuilt Housing Units within the Development Review Process in Niagara Region (as of June 30, 2023)

Application Status/Type	Unit Type Single-detached	Unit Type Semi-detached	Unit Type Townhouse	Unit Type Apartment	Unit Type Total
Registered Unbuilt	1,406	40	655	96	2,197
Draft Approved	2,121	103	4,599	3,735	10,558
Under Application / Proposed	2,267	411	3,815	6,391	12,884
Site Plan Application	2	8	1,399	10,535	11,944
Ministerial Zoning Order*	0	0	0	1,700	1,700
<b>Total</b>	<b>5,796</b>	<b>562</b>	<b>10,468</b>	<b>22,457</b>	<b>39,283</b>

\*Ontario Regulation 592/22 Zoning Order does not specify housing unit types and is located in a Protected Major Transit Station Area in Niagara Falls. Housing units associated with this MZO have been inputted into the apartment category for the purpose of this analysis.

Overall, 39,283 units were identified in the unbuilt housing unit supply, with the highest proportion of units in the apartment category. This equates to a 10 to 11 year supply of unbuilt housing units in the Region. It is important to note that this unbuilt housing unit supply does not include zoning amendments or units that may be built as of right based changes made by Bill 23.

## **Future Reporting**

It is anticipated that staff will report on the unbuilt housing supply on a semi-annual basis going forward. Tracking the unbuilt housing supply will allow the Region to establish whether it has a healthy supply of housing units in the development pipeline and to demonstrate whether the targets set out by the Province are being met.

## **Development Tracking System Update**

The Province of Ontario introduced the Streamline Development Approval Fund (SDAF) in January 2022. Through the SDAF, Niagara Region received \$500,000 to update the Region's development tracking system.

The new development tracking system will improve application approval times by automating and streamlining the application intake and review process. The system is currently in the testing phase and will improve monitoring and reporting on the unbuilt housing supply allowing for more frequent updates on development trends to be provided to Regional Council and the Province.

## **Alternatives Reviewed**

This report is for information purposes only. No alternatives were reviewed.

## **Relationship to Council Strategic Priorities**

This report supports the following Council Strategic Priorities 2023-2026:

- Equitable Region.
- Prosperous Region.

Tracking the unbuilt housing supply across the region supports growth management and infrastructure planning efforts and allows the Region to determine whether there is a sufficient housing supply in the development pipeline.

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## Other Pertinent Reports

[PDS 8-2023](#) Regional Planning Commissioners of Ontario (RPCO) Inventory of  
Unbuilt Housing Supply

(<https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=30805>)

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**Prepared by:**

John Federici, RPP  
Senior Planner  
Growth, Strategy and Economic  
Development

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**Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner  
Growth, Strategy and Economic  
Development

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**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with and reviewed by John Docker, Planning Lead, Development Application Portal, and was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning, and Angela Stea, MCIP, RPP, Director of Community and Long-Range Planning.





**BONFIELD TOWNSHIP  
OFFICE OF THE DEPUTY CLERK**

365 HIGHWAY 531

BONFIELD ON P0H 1E0

Telephone: 705-776-2641 Fax: 705-776-1154

Website: <http://www.bonfieldtownship.com>

Email: [deputyclerk@bonfieldtownship.com](mailto:deputyclerk@bonfieldtownship.com)

RESOLUTION OF COUNCIL

November 14<sup>th</sup>, 2023

No. 15

Moved by Councillor Clark

Seconded by Councillor Featherstone

WHEREAS Canada has 90,000 volunteer firefighters who provide fire and all hazard emergency services to their communities; in addition, approximately 8,000 essential search and rescue volunteers respond to thousands of incidents every year; and WHEREAS many of these individuals receive some form of pay on call, an honorarium, or are given some funding to cover expenses, but they do not draw a living wage from firefighting; and; WHEREAS without volunteer firefighters and search and rescue volunteers, thousands of communities in Canada would have no fire and emergency response coverage; and; WHEREAS in 2013, the federal government initiated a tax credit recognizing these individuals, and calling on the federal government to increase this tax credit from \$3,000 to \$10,000; and; WHEREAS volunteer firefighters account for 71 % of Canada's total firefighting essential first responders;

- The tax code of Canada currently allows volunteer firefighters and search and rescue volunteers to claim a \$3,000 tax credit if 200 hours of volunteer services were completed in a calendar year;
- This works out to a mere \$450 per year, which we allow these essential volunteers to keep of their own income from their regular jobs, \$2.25 an hour;
- If they volunteer more than 200 hours, which many do, this tax credit becomes even less;
- These essential volunteers not only put their lives on the line and give their time, training and efforts to Canadians, but they also allow cities and municipalities to keep property taxes lower than if paid services were required;
- It would also help retain these volunteers in a time when volunteerism is decreasing.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Bonfield call upon the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06 (2) and 118.07 (2) of the Income Tax Act in order to increase the amount of the tax credits for volunteer firefighting and search and rescue volunteer services from \$3,000 to \$10,000; and FURTHERMORE THAT a copy of the resolution be shared with the Association of Fire Chiefs of Ontario, Nipissing Mutual Aid Association, Association of Municipalities of Ontario and all Ontario municipalities.

Carried Jason Corbett

CERTIFIED to be a true copy of Resolution No. 15 of the Township of Bonfield's Regular Council Meeting of November 14<sup>th</sup>, 2023, and which Resolution is in full force and effect.

Andrée Gagné  
Deputy Clerk-Treasurer



15650

***Moved by Dan Osborne***

***Seconded by Ken Blodgett***

***BE IT RESOLVED THAT Gore Bay Council supports the Municipality of Wawa regarding requesting the Government of Canada to amend subsections 118.06 (2) and 118.07 of the Income Tax Act to increase the amount of tax credits for volunteer firefighting and search and rescue volunteer services from \$3,000 to \$10,000;***

***FURTHER, this resolution be forwarded to the Association of Fire Chiefs of Ontario, Manitoulin Fire Mutual Aid Association, Association of Municipalities of Ontario, and all Ontario municipalities.***

***Carried***



**BONFIELD TOWNSHIP  
OFFICE OF THE DEPUTY CLERK**

365 HIGHWAY 531

BONFIELD ON P0H 1E0

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Website: <http://www.bonfieldtownship.com>

Email: [deputyclerk@bonfieldtownship.com](mailto:deputyclerk@bonfieldtownship.com)

RESOLUTION OF COUNCIL

November 14<sup>th</sup>, 2023

No. 17

Moved by Councillor Clark

Seconded by Councillor Featherstone

BE IT RESOLVED THAT Council for the Township of Bonfield supports the Municipality of Bluewater in urging Minister Thompson to address the issues of childcare availability in our province and to improve childcare availability; AND THAT a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario, Honourable Michael Parsa, Minister of Children, Community and Social Services, the local Member of Provincial Parliament, MPP Vic Fedeli and all Ontario Municipalities.

Carried Jason Corbett

DIVISION VOTE

FOR

Donna Clark

Jason Corbett

Steve Featherstone

Dan MacInnis

Narry Paquette

AGAINST

Declaration of Pecuniary Interest/Conflict of Interest

Declared interest, abstained from discussion, and did not vote on the question.

CERTIFIED to be a true copy of Resolution No. 17 of the Township of Bonfield's Regular Council Meeting of November 14<sup>th</sup>, 2023, and which Resolution is in full force and effect.

Andrée Gagné

Deputy Clerk-Treasurer

**Resolution  
Regular Council Meeting**



**Agenda Number:** 9.4.  
**Resolution Number** 23-371  
**Title:** 23-R-49 Letter of Support - Conservation Officer Reclassification  
**Date:** Monday, November 20, 2023

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**Seconded by:** M. Lubbock

**Moved by:** S. Cote

WHEREAS Ontario has 196 field Conservation Officers including 6 canine handlers who provide protection to Municipalities Natural Resources and uphold public safety by enforcing hunting and firearm laws and investigate gruesome injuries and even deaths that result from hunting-related accidents; in addition, Conservation Officers are often First Responders and ensure public safety by facilitating evacuations and enforcing Emergency Area orders during forest fires during record breaking wildfires such as we witnessed this past summer; and

WHEREAS Conservation Officers perform comparable work to Police Officers and other Enforcement Officers within the province and are professional, armed Peace Officers trained to police standards and undergo the same training; and

WHEREAS Ontario Municipalities are required that their constituents are informed, and their interests are safeguarded and ensure they have access to outreach and natural resources compliance services; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Coleman does here by support the Ontario Conservation Officer's Association (OCA) in their efforts to have Conservation Officers in the Province of Ontario reclassified as Enforcement Officers and be compensated fairly; and

FURTHER request the support of all Ontario Municipalities; and

FURTHERMORE, THAT this resolution with a letter of support be forwarded to Ontario Premiere Doug Ford, the Minister of Natural Resources Graydon Smith, the Local Provincial Member of Parliament (MPP) John Vanthof, Temiskaming Municipal Association and the Federation of Northern Ontario Municipalities.

**CARRIED**

**YES: 4**

**NO: 0**

**ABSENT: 0**

S. Cote

M. Lubbock

P. Rieux

L. Perry

Certified True Copy

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Christopher W. Oslund  
CAO/Clerk - Treasurer

[The Municipality Address]

[Date]

**Ministry office**

Premier's Office

Room 281

Legislation Building, Queen's Park

Toronto, ON M7A 1A1.

Email: [doug.fordco@pc.ola.org](mailto:doug.fordco@pc.ola.org)

**RE: Ontario Conservation Officer's Association (OCA) – Conservation Officer  
Reclassification**

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Dear Hon. Doug Ford

The [Municipality] is proud of our natural resources and spaces. We have the mission to protect our natural resources, we are required to safeguard the public interest by ensuring our constituents have access to outreach and natural resources compliance services.

Conservation Officers are a valuable part of our community. They are passionate about keeping Ontarians safe. They put their lives on the line to protect Ontario's natural resources and spaces. They uphold public safety by enforcing hunting and firearm laws and they investigate gruesome injuries and even deaths from tragic hunting-related accidents. It's a highly skilled and dangerous law enforcement job.

Conservation Officers are also our front-line defense in the prevention of the introduction and spread of invasive species in Ontario. There are approximately 1.076 million square km in Ontario. So, with less than 200 field Conservation Officers to cover it, that is an average of approximately 5,380 square km per each field Conservation Officer.

Conservation Officers perform comparable work to Police Officers and other Enforcement Officers within the province and are professional, armed Peace Officers trained to police standards and undergo the same training as the Ontario Provincial Police (OPP).

The Council of [Municipality] does hereby support the Ontario Conservation Officers Association (OCCA) in their efforts to have Conservation Officers in the Province of Ontario reclassified as Enforcement Officers and be compensated fairly. It is important for us that our Natural Resources be enjoyable for generations to come.

Please find attached resolution [Number] affirming the support from the Council for the [Municipality].

Your truly,

Mayor/Reeve

[Municipality Name]

[Name of the Members]

c.c. Hon. Graydon Smith, Minister of Natural Resources and Forestry  
John Vanthof, Local Provincial Member of Parliament  
Temiskaming Municipal Association  
Federation of Northern Ontario Municipalities

Encl.



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**To:** Mayor and Council **Report No:** \_\_\_\_\_

**From:** \_\_\_\_\_ **Department:** \_\_\_\_\_

**Subject:** Letter of Support – Conservation Officer Reclassification

**Attachment(s):** Letter of Support

**Recommendation:**

**WHEREAS** Ontario has 196 field Conservation Officers including 6 canine handlers who provide protection to Municipalities Natural Resources and uphold public safety by enforcing hunting and firearm laws and investigate gruesome injuries and even deaths that result from hunting-related accidents; in addition, Conservation Officers are often First Responders and ensure public safety by facilitating evacuations and enforcing Emergency Area orders during forest fires during record breaking wildfires such as we witnessed this past summer; and

**WHEREAS** Conservation Officers perform comparable work to Police Officers and other Enforcement Officers within the province and are professional, armed Peace Officers trained to police standards and undergo the same training; and

**WHEREAS** Ontario Municipalities are required that their constituents are informed, and their interests are safeguarded and ensure they have access to outreach and natural resources compliance services; and

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the [Municipality] does here by support the Ontario Conservation Officer's Association (OCCA) in their efforts to have Conservation Officers in the Province of Ontario reclassified as Enforcement Officers and be compensated fairly; and

**FURTHER** request the support of all Ontario Municipalities; and

**FURTHERMORE, THAT** this resolution with a letter of support be forwarded to Ontario Premiere Doug Ford, the Minister of Natural Resources Graydon Smith, the Local Provincial Member of Parliament (MPP) John Vanthof, Temiskaming Municipal Association and the Federation of Northern Ontario Municipalities.

**Background:**

Ontario's Conservation Officers protect our beloved natural resources and wildlife. They uphold public safety by enforcing hunting and firearm laws and they investigate gruesome injuries and even deaths that result from hunting-related accidents. It's a highly skilled

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and dangerous law enforcement job. This work can be emotional and traumatizing. This work is often solitary, with Officers working alone in remote areas during inclement weather.

But Conservation Officers aren't recognized, or compensated properly, for the work they do and risks they face. Morale is low, turnover is high and short staffing is putting public safety at risk.

As Municipalities we can support Ontario's Conservation Officers by sending our MPP, the Premier Doug Ford and the Minister of Natural Resources and Forestry, Graydon Smith a letter, to demand that Conservation Officer's are reclassified as Enforcement Officers and be compensated fairly.

### **Information:**

Conservation Officers are a valuable part of our community. They protect our natural resources. They perform outreach and educate the public and they ensure public safety by conducting hunting safety, snowmobile, ATV, and vessel enforcement. They prevent the introduction and spread of invasive species in Ontario.

Public safety legislation includes rules relates to helmets, lifejackets, and other safety and navigational equipment, liquor consumption while operating a vehicle, and dam construction or alteration. This includes enforcing hunting rules related to hunting safety, forest fires, and oil, gas, and aggregates extraction.

Conservation Officers mission is to safeguard the public interest by leading and delivering outreach and natural resources compliance services. They enforce over 25 acts and regulations and work from 48 locations across the province to lead year-round field compliance checks to protect and regulate natural resources and keep the public safe.

Conservation Officers have been engaged in our community in various activities aimed at helping our citizens such as running food drives to help local food banks. They also attend outdoor shows and fishing derbies, local fish and game clubs, trapping councils and naturalists, school classrooms, youth clubs and family focused outdoor events.

In conclusion, they provide investigative and enforcement services related to the safe and sustainable use of natural resources for people to enjoy for generations to come!

Prepared By: \_\_\_\_\_

Date: \_\_\_\_\_

November 16, 2023

The Honourable Doug Ford, M.P.P.  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Re: Motion regarding Provincial Consideration for Amendments to the Residential Tenancies Act

At their Regular Meeting of Council on November 15, 2023, the Council of the Town of Aylmer endorsed the following motion regarding Provincial Consideration for Amendments to the Residential Tenancies Act:

**Whereas** the Ontario government has acknowledged an affordable housing and housing supply crisis, communicating a targeted approach to build 1.5 million homes by 2031; and

**Whereas** nearly one-third of Ontario households rent, rather than own, according to the most recent 2021 Census of Population; and

**Whereas** the Ontario government has reported that Ontario broke ground on nearly 15,000 purpose-built rentals in 2022, a 7.5 percent increase from 2021 and the highest number on record, with continued growth into 2023; and

**Whereas** the Residential Tenancies Act, 2006, provides for the maximum a landlord can increase most tenants rent during a year without the approval of the Landlord and Tenant Board; and

**Whereas** the Ontario government recently strengthened protections for tenants with the intention of preserving affordability, by holding the rent increase guideline for 2024 to 2.5 percent, well below the average inflation rate of 5.9 percent; and

**Whereas** the rental increase guideline protection does not apply to rental units occupied for the first time after November 15, 2018, leaving an increasing number of tenants susceptible to disproportionate and unsustainable rental increases compared to those benefiting from legislated increase protection;

**Now Therefore Be It Resolved that** the Council of the Town of Aylmer requests provincial consideration for amendments to the Residential Tenancies Act, 2006, to ensure that all tenants benefit from protections intended to preserve affordability;

**That** a copy of this Resolution be sent to:

- Honourable Doug Ford, Premier of Ontario
- Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- Honourable Rob Flack, Associate Minister of Housing
- The Association of Municipalities of Ontario (AMO)
- And all Ontario Municipalities.

Thank you,

**Owen Jaggard**

**Deputy Clerk / Manager of Information Services | Town of Aylmer**

46 Talbot Street West, Aylmer, ON N5H 1J7

519-773-3164 Ext. 4913 | Fax 519-765-1446

[ojaggard@town.aylmer.on.ca](mailto:ojaggard@town.aylmer.on.ca) | [www.aylmer.ca](http://www.aylmer.ca)

CC:

Minister of Municipal Affairs and Housing [paul.calandra@pc.ola.org](mailto:paul.calandra@pc.ola.org)

Associate Minister of Housing [rob.flack@pc.ola.org](mailto:rob.flack@pc.ola.org)

Association of Municipalities of Ontario [resolutions@amo.on.ca](mailto:resolutions@amo.on.ca)

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**Corporate Services**

November 20, 2023

**Re: Ontario Works Financial Assistance Rates**

Please be advised that the Council of the Corporation of the Town of Orangeville, at its Regular Council Meeting held on November 13, 2023, approved the following resolution:

**WHEREAS poverty is taking a devastating toll on communities, undermining a healthy and prosperous Ontario, with people in receipt of Ontario Works being disproportionately impacted; and**

**WHEREAS the cost of food, housing, and other essential items have outpaced the highest inflation rates seen in a generation; and**

**WHEREAS people in need of social assistance have been legislated into poverty, housing insecurity, hunger, poorer health, their motives questioned, and their dignity undermined; and**

**WHEREAS Ontario Works Financial Assistance rates have been frozen since 2018; and**

**WHEREAS the newly introduced Common Assessment Tool (CAT) questionnaire developed by the Provincial Government for use with Ontario Works and Ontario Disability Program recipients contains complex and invasive personal health related questions; and**

**WHEREAS the use of the Common Assessment Tool (CAT) provides no benefit to clients, it does not score, provide results, assess client need, and does not match those in need to the services they require; and**

**WHEREAS the Common Assessment Tool (CAT) contains questions mirrored in the Ontario Health Common Assessment of Needs, used by health providers; and**

**WHEREAS privacy obligations under The Personal Health Information Protection ACT (PHIPA) do not extend to municipal delivery agents for Ontario Works; and**

**WHEREAS designated Service Managers are doing their part, but do not have the resources, capacity, or tools to provide the necessary income and health related supports to people experiencing poverty; and**

**WHEREAS leadership and urgent action is needed from the Provincial Government to immediately develop, resource, and implement a comprehensive plan to address the rising levels of poverty in Ontario, in particular for those on Ontario Works:**

**THEREFORE BE IT RESOLVED THAT The Town of Orangeville calls on the Provincial Government to urgently:**

- a. At least double Ontario Works rates and index rates to inflation, answering calls already made by “Raise the Rates” campaign and the “Income Security Advocacy Centre”;**
- b. Commit to ongoing cost of living increases above and beyond the rate of inflation to make up for the years they were frozen;**
- c. Commit to jointly working between the Ministry of Children, Community, and Social Services and the Ministry of Health on the best methods of assessing client needs and then matching those in need to the services they require;**
- d. AND FURTHER THAT a copy of this motion be sent to the Minister of Children, Community, and Social Services, the Minister of Health, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, the Ontario Municipal Social Services Association, the Western Ontario Wardens Caucus, the Eastern Ontario Wardens Caucus, and all Ontario Municipalities**

**Carried.**

Yours truly,

Tracy Macdonald  
Deputy Clerk





## COUNCIL RESOLUTION

Resolution No.: 399-23

Date: Nov 14, 2023

Moved By: 

Seconded By: 

WHEREAS excessive noise resulting from the operation of moving vehicles falls under the jurisdiction of the Highway Traffic Act, R.S.O. 1990, c. H.8. ("Highway Traffic Act") which is enforced by provincially appointed officers;

AND WHEREAS municipalities, including the Municipality of Shuniah, have received complaints from residents regarding noises associated with the use of engine retarder brakes on heavy vehicles;

AND WHEREAS the Ministry of Transportation recommends the use of engine braking in certain circumstances, such as the downgrade located on Spruce River Road to avoid overheating brakes, and as a form of backup brake if brakes fail;

AND WHEREAS a higher engine noise is typically emitted for a short period of time (e.g., ten (10) to thirty (30) seconds), depending on the vehicle's speed and vehicles may make a loud "chattering" or "jackhammer" exhaust noise when this braking system is engaged;

AND WHEREAS this noise can be amplified if the vehicle has no muffler or an improper muffling system;

AND WHEREAS noise emissions from commercial vehicles form part of the Ministry of Transportation's inspection process;

AND WHEREAS installation of "courtesy" signs that request the drivers to limit the use of loud compression style brakes are difficult to enforce and there is evidence of these types of signs not being beneficial;

BE IT RESOLVED THAT the Province of Ontario be requested to enhance enforcement for deficient muffler systems to address concerns around excessive and unnecessary noise from engine brakes.

FURTHER BE IT RESOLVED THAT a copy of this motion be forwarded to Premier Doug Ford, Minister of Transportation Prabmeet Sarkaria, MPP Kevin Holland, MP Marcus Powlowski, MPP Lise Vaugeois, and MP Patty Hajdu.

☒ **Carried**

☐ **Defeated**

☐ **Amended**

☐ **Deferred**



Signature

Municipality of Shuniah, 420 Leslie Avenue, Thunder Bay, Ontario, P7A 1X8



# Municipality of South Bruce

## MUNICIPAL OFFICE

P.O. Box 540, 21 GORDON ST E. TEESWATER, ONTARIO NOG 2S0  
Phone (519) 392-6623x229 | Fax (519) 392-6266 | Email [vkennedy@southbruce.ca](mailto:vkennedy@southbruce.ca)

September 25, 2023

### *Via Email*

Prime Minister of Canada  
House of Commons  
Ottawa, ON K1A 0A6  
[pm@pm.gc.ca](mailto:pm@pm.gc.ca)

Minister of Municipal Affairs and Housing  
College Park 17th Flr, 777 Bay St,  
Toronto, ON M7A 2J3  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

Ministry of Agriculture, Food and Rural  
Affairs (OMAFRA)  
1 Stone Road West  
Guelph, ON N1G 4Y2  
[minister.omafra@ontario.ca](mailto:minister.omafra@ontario.ca)

Lisa Thompson, Huron-Bruce MPP  
408 Queen Street, Box 426  
Blyth, ON N0M 1H0  
[lisa.thompsonco@pc.ola.org](mailto:lisa.thompsonco@pc.ola.org)

Minister of the Environment, Conservation  
and Parks  
P.O. Box 8097, Station T CSC  
Ottawa, ON K1G 3H6  
[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Benn Lobb, Huron-Bruce MP  
30 Victoria Stret North  
Goderich, ON N7A 2R6  
[ben.lobb@parl.gc.ca](mailto:ben.lobb@parl.gc.ca)

AMO  
[resolutions@amo.on.ca](mailto:resolutions@amo.on.ca)

Dear Sir and Madams,

Re: Ontario Association of Sewage Industry Services (OASIS)

Please be advised that the Municipality of South Bruce Council met at their regular session of Council on September 12, 2023, at which time it heard from the Ontario Association of Sewage Industry Services (OASIS) as a delegate.

In response to the delegation, the following motion was passed:

**Motion M23-570**

**Moved by: Ron Schnurr**

**Seconded by: Mike McDonagh**

THAT Council instructs staff to forward a copy of this presentation along with the formal letter submitted by OASIS to be sent to all levels of Municipal Governments across the Province including but not limited to the various Provincial Ministries, including the Ministry of Municipal Affairs and Housing, Ministry of Environment Conservation and Parks and The Ministry of Agriculture, Food and Rural Affairs and all other relevant parties;

AND FURTHER THAT OASIS be involved in discussions and communications pertaining to the discussed issue to help provide recommendations and solutions to help mitigate the issues surrounding approved disposal sites;

AND FURTHER THAT Council encourage other Municipalities to communicate directly with OASIS to allow for an open, transparent and collaborative dialogue with other stakeholders.

**Carried**

Should you have any questions in regards to the above resolution please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Kennedy', with a stylized flourish at the end.

Vivian Kennedy  
Deputy Clerk  
Municipality of South Bruce

## **Summary of Content**

### **Summary of Concerns: Lack of Proper Hauled Sewage Disposal locations, privately owned or Municipal Wastewater Plants**

- 2.1 Definition of Municipal Waste as per Ontario Regulation 347 of the Environmental Protection Act
- 2.2 Zoning Issues and Concerns
- 2.3 Challenges Faced by Homeowners in Municipalities during Plant Upgrades and Maintenance
- 2.4 OASIS's Efforts to Promote Awareness and Proper Waste Disposal
- 2.5 Establishing an Open and Transparent Dialogue on the Issue
- 2.6 Providing Solutions and Recommendations to Municipalities
- 2.7 About Us

### **Summary of Concerns: Lack of Proper Hauled Sewage Disposal locations, privately owned or Municipal Wastewater Plants**

The primary focus of our letter should not solely revolve around the lack of disposal capacity at wastewater treatment facilities. It is important to exercise caution in order to avoid potentially upsetting individuals. It should be noted that wastewater treatment facilities are not the exclusive or definitive method of approved disposal at present. We have members who have made substantial investments in their own lagoons, field sites, and alternative technologies. Additionally, many of our members have fostered positive relationships with their respective municipalities and have access to disposal options at wastewater plants. In order to provide a comprehensive perspective, we may consider including examples of other approved options for proper disposal, such as MECP licensed lagoon and field spreading sites. However, due to varying perceptions, a lack of understanding, and differences in requirements among municipalities, obtaining the necessary approvals can be challenging at times. It is important to emphasize that we are not suggesting wastewater treatment as the sole solution. We must explore and support all available options at this juncture.

We should acknowledge that certain municipalities have historically accepted hauled sewage from outside their boundaries for disposal at wastewater facilities or at lagoons and field spreading sites operated by licensed haulers. Haulers were able to enter into agreements with municipal wastewater facilities and paid a fee for the privilege of disposing at those sites. The operation and management of lagoon and field sites are the responsibility of the haulers, with an annual reporting requirement to the MECP. With the anticipated significant increase in residential construction, wastewater facilities will undoubtedly face capacity constraints, potentially limiting their ability to accept waste generated from outside their municipalities. Once again, it is crucial to avoid causing any discontent among municipalities or haulers.

The call to escalate residential construction has raised significant concerns, particularly regarding waste management. It is impossible to intensify home construction without considering how the resulting waste will be effectively handled. This includes not only domestic garbage waste, which may be directed to landfills, but also septic waste, whether through sewers or hauled sewage. The

interplay between residential growth and waste management must be addressed comprehensively to ensure sustainable and efficient practices.

In Ontario, the lack of proper disposal of sewage and septic waste to approved municipal wastewater plants poses significant challenges and concerns. This issue encompasses a range of environmental, public health, and regulatory factors that need to be addressed for the well-being of communities across the province.

Proper disposal of sewage and septic waste is essential to ensure public health and protect the environment. When sewage is not disposed of correctly, it can contaminate water sources, posing risks to human health and ecosystems. Approved municipal wastewater plants play a crucial role in treating and managing sewage to mitigate these risks. However, the failure to adhere to proper disposal guidelines leads to a variety of challenges.

One of the primary challenges arising from the lack of proper disposal is the contamination of water sources. Improperly disposed sewage and septic waste can seep into groundwater, lakes, rivers, and other water bodies, polluting them with harmful bacteria, viruses, and other pathogens. This contamination not only endangers the health of those who rely on these water sources for drinking, swimming, or recreational purposes but also harms aquatic life and ecosystems.

Furthermore, the inadequate disposal of sewage and septic waste can lead to ecological damage. The excess nutrients present in wastewater, such as nitrogen and phosphorus, can cause eutrophication in bodies of water. This excessive nutrient enrichment leads to the growth of harmful algal blooms, which deplete oxygen levels in water, harming fish and other aquatic organisms. The resulting imbalance in ecosystems can have far-reaching consequences for biodiversity and the overall health of ecosystems.

From a regulatory perspective, the improper disposal of sewage and septic waste violates Ontario's environmental protection laws and regulations. Ontario Regulation 347 of the Environmental Protection Act defines municipal waste, including sewage and septic waste, and outlines the proper procedures for its disposal. Non-compliance with these regulations not only undermines environmental protection efforts but can also lead to legal consequences for individuals or organizations responsible for the improper disposal.

Moreover, the lack of proper disposal infrastructure and facilities poses challenges for municipalities and homeowners. When municipalities decide to upgrade or perform maintenance on their wastewater treatment plants, the limited availability of approved disposal sites can hinder proper waste management. This limitation creates logistical difficulties for homeowners who need to find alternative disposal options. Homeowners may face delays and disruptions in their sewage management systems, which can be both inconvenient and costly.

Addressing the issues surrounding the lack of proper disposal of sewage and septic waste requires a multi-faceted approach. Collaboration among stakeholders, including municipalities, regulatory bodies, industry professionals, and homeowners, is crucial. It is essential to raise awareness among homeowners about the importance of proper waste disposal and educate them about available options. Additionally, expanding the capacity of approved disposal sites, promoting advanced treatment technologies, and establishing transparent dialogue between stakeholders can help overcome these challenges.

In conclusion, the lack of proper disposal of sewage and septic waste to approved municipal wastewater plants in Ontario poses significant challenges for public health, the environment, and regulatory compliance. Addressing these issues requires a comprehensive approach that involves



raising awareness, expanding disposal infrastructure, and fostering collaboration among stakeholders. By prioritizing responsible sewage management, Ontario can protect its water resources, preserve ecosystems, and ensure the well-being of its communities.

## **2.1 Definition of Municipal Waste as per Ontario Regulation 347 of the Environmental Protection Act:**

According to Ontario Regulation 347 of the Environmental Protection Act, municipal waste refers to waste generated by households, commercial establishments, and institutions within a municipality. It includes both solid and liquid waste, such as sewage, septic waste, and other forms of non-hazardous waste.

To put into perspective – OASIS Members service a wide range of areas and manage a total estimated volume of over 210 million gallons on a yearly basis servicing only Ontario residents.

Based on location septic haulers manage the following estimated amounts:

Northern Ontario: 25-45 million gallons  
Central Ontario: 45-75 million gallons  
Eastern Ontario: 35-55 million gallons  
Western Ontario: 30-35 million gallons

## **2.2 Zoning Issues and Concerns:**

It is imperative for municipalities to understand that operators within their townships who have acquired or already possess property do not always require rezoning. A key example of this lies in agriculturally zoned properties that can be effectively utilized for spreading purposes. Rezoning such properties to a "Commercial/Industrial" zoning category not only diminishes the value of the land but also proves to be unnecessary. This message carries significant importance as we aim to convey it to municipalities across various regions.

First and foremost, the practice that agriculturally zoned properties can be utilized for spreading purposes is crucial. These properties, which have been designated for agricultural use, often possess characteristics that make them suitable for activities such as manure spreading, composting, or other forms of land treatment. Such practices can contribute to soil fertility, promote sustainability, and ensure the efficient utilization of resources. By recognizing the inherent compatibility between agricultural zoning and spreading activities, municipalities can support operators in making the most of their land without resorting to rezoning.

Moreover, it is important to highlight refraining from unnecessary rezoning, municipalities can contribute to the preservation of the property's value and economic viability.

Furthermore, existing agricultural zoning designation already takes into account the specific characteristics and requirements of farming activities. These designations are typically established based on extensive research, land suitability assessments, and community development plans. Agricultural land also requires and uses many of the much needed nutrients provided by the septage being spread. MECP monitors these sites very closely with quarterly and annual reports from the operators of these sites. By recognizing the multifunctionality of agriculturally zoned land and its ability to accommodate spreading activities, municipalities can ensure that land-use regulations align with the intended purposes while minimizing the need for rezoning.

In conclusion, municipalities must comprehend the fact that operators within their townships who possess or acquire property do not always require rezoning. Agriculturally zoned properties can serve as effective spaces for spreading activities, enhancing soil fertility and resource utilization. By conveying this crucial message, we can encourage municipalities to support operators in making the most of their agriculturally zoned land while preserving its economic viability and minimizing unnecessary rezoning.

### **2.3 Challenges Faced by Homeowners in Municipalities during Plant Upgrades and Maintenance:**

When municipalities decide to upgrade or perform maintenance on their wastewater treatment plants, the limited availability of disposal sites poses significant challenges for homeowners. Proper disposal becomes even more critical during these periods, as the capacity of approved facilities may be temporarily reduced. Homeowners and Haulers may face difficulties finding suitable disposal options, resulting in added costs, potential delays and disruptions in their sewage management systems.

### **2.4 OASIS's Efforts to Promote Awareness and Proper Waste Disposal:**

As a proactive organization, OASIS is committed to creating awareness and encouraging proper waste disposal practices. The association aims to foster an open and transparent dialogue among stakeholders, including homeowners, municipalities, regulatory bodies, and industry professionals, to address the challenges associated with sewage and septic waste disposal.

### **2.5 Establishing an Open and Transparent Dialogue on the Issue:**

OASIS actively engages with municipalities, conducting workshops, seminars, and public awareness campaigns to educate policy makers about the importance of proper waste disposal. By fostering open communication channels, OASIS encourages dialogue between all stakeholders, facilitating the sharing of knowledge, best practices, and innovative solutions.

### **2.6 Providing Solutions and Recommendations to Municipalities:**

To address the limitations in disposal sites and support municipalities in managing sewage and septic waste effectively, OASIS offers solutions and recommendations. These may include advocating for the development of additional approved disposal sites, promoting advanced treatment technologies, and collaborating with relevant authorities to streamline waste management processes. OASIS strives to provide municipalities with the necessary tools and guidance to ensure responsible sewage management within their jurisdictions.



## **2.7 About Us:**

The Ontario Association of Sewage Industry Services (OASIS) plays a vital role in the promotion and advancement of sewage management practices in Ontario. With the objective of fostering responsible and sustainable approaches to sewage disposal, OASIS brings together industry professionals who are passionate about protecting public health, preserving the environment, and complying with regulatory requirements.

As a non-profit organization, OASIS operates as a collective voice for its members, representing their interests and advocating for environmentally friendly practices within the sewage industry. By collaborating with stakeholders from various sectors, including homeowners, municipalities, regulatory bodies, and experts in the field, OASIS strives to address challenges, share knowledge, and develop effective solutions that benefit the entire community.

OASIS recognizes the significance of proper waste disposal in safeguarding public health and minimizing the environmental impact of sewage management. The association actively engages in initiatives that raise awareness among homeowners and communities about the importance of responsible sewage practices. Through workshops, seminars, public awareness campaigns, and educational programs, OASIS aims to empower individuals and organizations with the necessary knowledge to make informed decisions regarding sewage disposal.

Moreover, OASIS fosters an open and transparent dialogue among stakeholders to address the issues and concerns associated with sewage management. By facilitating discussions, sharing best practices, and collaborating with regulatory bodies, OASIS works towards finding practical and innovative solutions for the industry. The association strives to create a supportive network where stakeholders can exchange ideas, seek guidance, and collaborate on initiatives that enhance sewage management practices across Ontario.

Recognizing the challenges faced by municipalities during plant upgrades and maintenance, OASIS actively supports the development of sustainable solutions. By providing recommendations, advocating for the expansion of approved disposal sites, and promoting the adoption of advanced treatment technologies, OASIS seeks to assist municipalities in managing sewage and septic waste effectively.

In summary, the Ontario Association of Sewage Industry Services (OASIS) serves as a leading advocate for responsible sewage management in Ontario. Through its collective efforts, OASIS aims to promote awareness, foster dialogue, and provide recommendations to stakeholders, ensuring that sewage disposal practices prioritize public health, environmental preservation, and regulatory compliance.

# Understanding the Limitations on Hauled Septage Disposal Sites in Ontario



# Summary of Discussion



Definition of Municipal Waste as per Ontario Regulation 347 of the Environmental Protection Act (EPA)



Zoning Issues and Concerns



Challenges Faced by Homeowners in Municipalities during Plant Upgrades and Maintenance



OASIS's Efforts to Promote Awareness and Proper Waste Disposal



Providing Solutions and Recommendations to Municipalities



Final Thoughts



# About OASIS

OASIS was established in 1991 to support and represent businesses in the septic, portable toilet and biosolid land application industry. We are dedicated to working with various levels of government, associations and those in related fields to improve and conform to regulations and guidelines pertaining to the sustainability of the environment in the Province of Ontario.



# OASIS Strives



To maintain and promote the highest standards of safety, environmental responsibility, regulatory compliance and environmental due diligence.



To institute open forum discussions regarding operational challenges, implementation of maintenance protocols, employee development, administrative practices, and operator safety programs.



To act as a liaison between several tiers of government and Ministries while representing the interests of the industry with legislative recommendations.



To promote uniformity and consistency throughout the industry.

# Overall Concern

In Ontario, the lack of proper disposal of septage and septic waste to approved municipal wastewater plants including Ministry of Environment approved wastewater lagoons and field spreading sites poses significant challenges and concerns. This issue encompasses a range of environmental, public health, and regulatory factors that need to be addressed for the well-being of communities across the province.





# Lack of Hauled Septage Disposal Sites in Ontario

Proper disposal of septage and septic waste is essential to ensure public health and protect the environment. When septage is not disposed of correctly, it can contaminate water sources, posing risks to human health and ecosystems. Approved municipal wastewater plants play a crucial role in treating and managing septage to mitigate these risks.

- One of the primary challenges arising from the lack of proper disposal is the contamination of water sources. Improperly disposed septage and septic waste can seep into groundwater, lakes, rivers, and other water bodies, polluting them with harmful bacteria, viruses, and other pathogens. This contamination not only endangers the health of those who rely on these water sources for drinking, swimming, or recreational purposes but also harms aquatic life and ecosystems.

**Municipal Concern:** The call to escalate residential construction has raised significant concerns, particularly regarding waste management. It is impossible to intensify home construction without considering how the resulting waste will be effectively handled. This includes not only domestic garbage waste, which may be directed to landfills, but also septic waste, whether through sewers or hauled septage.

# Misconception and Concerns

Ministry of Environment driven studies in partnership with OASIS have shown that application of hauled septage on agricultural properties is a safe and beneficial when completed in accordance with Ministry guidelines. This practice provides effective use of important nutrients. This practise also has been utilized for centuries with the application of manure as a common agricultural practise.

Lack of disposal sites for septic systems poses concerns for the Environment causing homeowners to “take matters into their own hands” if proper disposal facilities are not available.

# Definition of “Municipal Waste”

Under Ontario Regulation 347 of the Environmental Protection Act:

Municipal Waste: Refers to waste generated by households, commercial establishments, and institutions within a municipality. It includes both solid and liquid waste, such as septage, septic waste, and other forms of non-hazardous waste.

- Point of Consideration: Household garbage generated in the municipality is the responsibility of the municipality to dispose and manage.



# Volume of Hauled Septage Managed

OASIS Members service a wide range of areas and manage a total estimated volume of over 210 million gallons on a yearly basis servicing only Ontario residents.

Northern Ontario: 25-45 million gallons

Central Ontario: 45-75 million gallons

Eastern Ontario: 35-55 million gallons

Western Ontario: 30-35 million gallons

# Municipal Zoning

- Existing agricultural zoning designation already takes into account the specific characteristics and requirements of farming activities. These designations are typically established based on extensive research, land suitability assessments, and community development plans. Agricultural land also requires and uses many of the required nutrients provided by the septage being spread.
- MECP monitors these sites very closely with quarterly and annual reports from the operators of these sites to ensure compliance and no regulatory limits are breached. By recognizing the multifunctionality of agriculturally zoned land and its ability to accommodate spreading activities, municipalities can ensure that land-use regulations align with the intended purposes while minimizing the need for rezoning.
- Municipalities must comprehend the fact that operators within their townships who possess or acquire property do not always require rezoning. Agriculturally zoned properties can serve as effective spaces for spreading activities, enhancing soil fertility and resource utilization. Rezoning such properties to a "Commercial/Industrial" zoning category needlessly decreases the land's value and is often unwarranted.



# Municipal Challenges

- Many rural housing, community centers, municipal buildings are on septic systems and do not have a common municipal wastewater treatment plant to manage the septage produced in the respective municipality
- When municipalities decide to upgrade or perform maintenance on their wastewater treatment plants, the limited availability of disposal sites poses significant challenges for homeowners.
- Proper disposal becomes even more critical during these periods, as the capacity of approved facilities may be temporarily reduced or eliminated
- Septic Haulers are providing a service to homeowners to help effectively and safely manage the septage produced in their residence or facility
- **Misconception**: When a homeowner requires a septic to be emptied the responsibility does NOT fall entirely on the septic operator to dispose the waste. Municipalities need to provide the infrastructure/resources to dispose of the waste produced in their municipality properly and safely.



# Raising Awareness

As a proactive organization, OASIS is committed to creating awareness and encouraging proper waste disposal practices. The association aims to foster an open and transparent dialogue among various stakeholders, including homeowners, municipalities, regulatory bodies, and industry professionals, to address the challenges associated with septage and septic waste disposal.

Municipal Approval: Providing companies the ability to apply and provide Ministry approved and monitored disposal sites is a viable and effective option in the event municipal wastewater infrastructures are not available or provide the capacity required to manage the waste produced in their respective municipalities.

These include but not limited to:

- Ministry of Environment approved wastewater lagoons with the option of introducing alternative wastewater management technologies
- Field Spreading sites

# Offering Solutions and Resources

OASIS actively engages with municipalities, conducting workshops, seminars, and public awareness campaigns to educate policy makers about the importance of proper waste disposal. By fostering open communication channels, OASIS encourages dialogue between all stakeholders, facilitating the sharing of knowledge, best practices, and innovative solutions.

To address the limitations in disposal sites and support municipalities in managing septage and septic waste effectively, OASIS offers solutions and recommendations. These may include advocating for the development of additional approved disposal sites, promoting advanced treatment technologies, and collaborating with relevant authorities to streamline waste management processes. OASIS strives to provide municipalities with the necessary tools and guidance to ensure responsible septage management within their jurisdictions.

# Action Items

## OASIS would like to propose the following action items:

1. A copy of this presentation along with the formal letter submitted by OASIS to be sent to all levels of Municipal Governments across the Province including but not limited to the various Provincial Ministries including the Ministry of Municipal Affairs and Housing, Ministry of Environment Conservation and Parks and The Ministry of Agriculture, Food and Rural Affairs and all other relevant parties.
2. OASIS be involved in discussions and communications pertaining to the discussed issue to help provide recommendations and solutions to help mitigate the issues surrounding approved disposal sites
3. Allow OASIS to communicate directly with other Municipalities in the Province of Ontario to allow for a open, transparent and collaborative dialogue with other stakeholders



# Final Thoughts



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November 17, 2023

Please be advised that during the regular Council meeting of November 14, 2023 the following motion regarding support for the Province to stop the Ministry of the Environment, Conservation and Parks (MECP) proposal to expand the use of the permit-by-rule to waste management systems, storm water management systems, and certain water taking activities was carried:

**RESOLUTION NO. 2023-569**

**DATE: November 14, 2023**

**MOVED BY: Councillor Maynard**

**SECONDED BY: Councillor Roberts**

**WHEREAS** the Municipality, in support of the Quinte Conservation Authority, actively supports the Source Water Protection Program, as part of local efforts to implement the Clean Water Act, 2006 and its regulations to protect local municipal drinking water sources;

**AND WHEREAS** the Ministry of the Environment, Conservation and Parks (MECP) is proposing to expand the use of the permit-by-rule to waste management systems, stormwater management systems, and certain water taking activities;

**AND WHEREAS** In 2018, Bill 68, the Open for Business Act was passed, whereby it legislated that less complex activities that pose low-risk to the environment should not be required to go through the approval process and instead, should self-register on the Environmental Activity and Sector Registry (EASR);

**AND WHEREAS** Quinte Conservation Authority has outlined in their October 24, 2023 report to their Board, that the activities proposed to move to the EASR may pose too much risk to drinking water, and can pose threats to human health and the environment;

**AND WHEREAS** Quinte Conservation Authority noted the source water protection concern generally lies in the fact the Ministry will no longer undertake an up-front detailed review of applications related to the specified activities, thereby potentially weakening regulatory oversight;

**AND WHEREAS** the specified activities, which have the potential to cause significant adverse impacts to the natural environment and human health will no



longer be subject to public and site-specific scrutiny prior to commencing operation in Ontario;

**THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of Prince Edward County supports the concerns outlined by Quinte Conservation Authority and urges the Provincial government to stop the Ministry of the Environment, Conservation and Parks (MECP) proposal to expand the use of the permit-by-rule to waste management systems, stormwater management systems, and certain water taking activities; and

**THAT** this resolution be sent to Premier Doug Ford, Todd Smith, Bay of Quinte M.P.P. and Andrea Khanjin, Minister of the Environment, Conservation and Parks; and

**THAT** this resolution be shared with all 444 municipalities in Ontario, The Federation of Canadian Municipalities (FCM), The Association of Municipalities Ontario (AMO), The Eastern Ontario Wardens' Caucus (EOWC) and all Ontario Conservation Authorities.

**CARRIED**

Yours truly,



Catalina Blumenberg, **CLERK**

cc: Mayor Steve Ferguson, Councillor Roberts, Councillor Maynard and Marcia Wallace, CAO

## **Port Colborne Public Library Board Meeting Minutes**

**Date:** Wednesday, October 4, 2023  
**Time:** 6:00 pm  
**Location:** Library Auditorium, Port Colborne Public Library  
310 King St, Port Colborne

**Members Present:** M. Cooper, Board Chair  
A. Desmarais  
M. Bagu, Councillor  
H. Cooper  
B. Ingram, Vice-Chair  
C. MacMillan  
M. Booth  
E. Tanini

**Member(s) Absent:** B. Beck

**Staff Present:** S. Therrien, Chief Executive Officer / Board Secretary

### **1. Call to Order**

The Chair called the meeting to order at approximately 6:05 p.m.

### **2. Land Acknowledgement**

Board Chair M. Cooper recited the Land Acknowledgement Statement.

### **3. Disclosures of Interest**

Nil.

### **4. Adoption of Agenda**

That the agenda dated October 4, 2023 be confirmed, as circulated.

### **5. Approval of Minutes**

Moved by A. Desmarais

Seconded by M. Booth

That items 5.1 to 5.3 be approved, as circulated.

Carried

- 5.1 Minutes of the September 6, 2023 Library Board meeting**
- 5.2 Minutes of the September 8, 2023 CEO Hiring and Transition Committee**
- 5.3 Minutes of the September 15, 2023 CEO Hiring and Transition Committee**

**6. Confidential Items**

The Board moved into closed session at approximately 6:09 p.m.

The Board reconvened into open session at approximately 6:50 p.m.

Moved by B. Ingram

Seconded by H. Cooper

That the Board proceed into closed session in order to discuss Item 6.1.

Carried

**6.1 Staffing Update, Labour Relations or Employee Negotiations**

**7. Business Arising from the Minutes**

Nil.

**8. Consent Items**

Moved by A. Desmarais

Seconded by E. Tanini

That Consent Items 8.1 to 8.3 be received for information purposes.

Carried

**8.1 Financial Report**

- a. Financial Report, September 28, 2023**

**8.2 Public Relations Reports**

- a. Librarian's Report, October 2023**

**8.3 Media Items**

- a. **Off the Shelf Newsletter, October 2023**

**9. Discussion Items**

**9.1 2024 Operating and Capital Budgets**

Moved by B. Ingram

Seconded by E. Tanini

That the Board receive the Chief Executive Officer's reports on the 2024 Operating Budget, as presented.

Carried

- a. **2024 Capital Budget**

- a. **2024 Capital Budget Update**

- b. **Library Reserves and Reserves Fund Policy**

- b. **Verbal Report - 2024 Operating Budget from the CEO**

**9.2 Committee Reports**

Moved by B. Ingram

Seconded by E. Tanini

That the Board receive committee report items 9.2(a) to 9.2(c) for information, as presented; and

That the Board update the terms of reference for the Policy Review and Development Committee and the Advocacy and Fundraising Committee to require a minimum of three members to ensure quorum.

Carried

- a. **CEO Hiring and Transition Committee**

- b. **Policy Review and Development Committee**

- c. **Advocacy and Fundraising Committee**

**9.3 Verbal Report - Memorandum of Understanding from the CEO**

The CEO provided a report on the draft version of the Memorandum of Understanding. The draft has been completed for submission.

Moved by A. Desmarais  
Seconded by B. Ingram

That the Board receive the CEO's report on the Memorandum of Understanding, as presented.

Carried

**10. Motions**

**11. Notice of Motions**

Nil.

**12. Roundtable**

**12.1 Newsletter Items**

H. Cooper requested that information in the newsletter for the children's programs be sent to the schools.

The CEO invited Board members to submit their book recommendations for addition to the November newsletter.

**12.2 Staff Appreciation**

The Board set a date for a Staff Appreciation event.

**12.3 Grant Opportunity**

The CEO reported that the library applied for a grant to enhance the Library of Things collection.

**13. Other Business**

Nil.

**14. Next Meeting Date and Adjournment**

The next meeting of the Board will be held November 1, 2023, in the auditorium of the Port Colborne Public Library.

The Chair adjourned the meeting at approximately 7:38 p.m.

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Michael Cooper, Chair

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Susan Therrien, Chief Executive  
Officer / Board Secretary



The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Amend By-Law No. 3151/22/95, as Amended, Being a By-Law to Regulate the Supply of Water and to Provide for the Maintenance and Management of the Water Works and for the Imposition and Collection of Water Rates

and to

Amend By-Law No. 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates

Whereas at its meeting of November 28, 2023, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Corporate Services Department Report No. 2023-165, Subject: 2024 Rates Setting; and

Whereas Council resolved the following be effective January 1, 2024:

- Residential properties with 2 or less units [19 mm (3/4") or smaller]
  - Water usage rate be set at \$1.5814 per cubic meter
  - Water fixed service charge be set at \$459.31 per year per year
  - Wastewater fixed service charge be set at \$1,122.67 per year
- Residential properties with 3 or more units
  - Water usage rate be set at \$1.5814 per cubic meter
  - Water fixed service charge be set at \$229.65 per year, per unit
  - Wastewater fixed service charge be set at \$561.33 per year, per unit
- Any users that has or had approval to draw or remove water from the lake or canal.
  - Water usage rate be set at \$1.5814 per cubic meter of water usage
  - Wastewater usage rate be set at \$2.1123 per cubic meter of water usage. If metered wastewater usage is larger than metered water usage for the 12 months ending December 31, the difference, multiplied by 2.1123 per cubic meters will be added to the January water and wastewater bill.
  - Water fixed service charge be set at \$459.31 per year multiplied by meter factor
  - Wastewater fixed service charge be set at \$826.59 per year multiplied by meter factor
- All other users
  - Water usage rate be set at \$1.5814 per cubic meter of water usage
  - Wastewater usage rate be set at \$2.1123 per cubic meter of water usage
  - Water fixed service charge be set at \$459.31 per year multiplied by meter factor
  - Wastewater fixed service charge be set at \$826.59 per year multiplied by meter factor

Whereas any rate in this by-law is subject to change through future amendments, including rate changes due to, but not limited to future budget changes.

Whereas Council is desirous of amending By-Law 3151/22/95, as Amended, Being a By-Law for the Imposition and Collection of Water Rates and By-Law 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

- 1. That By-Law 3151/22/95, as Amended, Being a By-Law to Regulate the Supply of Water and to Provide for the Maintenance and Management of the Water Works and for the Imposition and Collection of Water Rates and By-Law 3424/6/97, as Amended, Being a By-Law for the Imposition and Collection of Sewage Service Rates and Sewer Rates, be further amended by replacing Schedule "A" thereto with Schedule "A" hereto.
- 2. The usage and fixed rates established by this By-Law's all be effective January 1, 2024.
- 3. That by-law 7107/49/23 be repealed.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

Water and Wastewater Rates

1. Metered Consumption Rates

All users, including Residential, Institutional/ Commercial/ Industrial ("ICI") are subject to a metered consumption rate for water of \$1.5814 per cubic meter of water usage.

All users, with the exception of Residential properties, are subject to a metered consumption rate for wastewater of \$2.1123 per cubic meter of water usage.

If a user has or had the ability to draw or remove water from the lake or canal and metered wastewater usage is larger than metered water usage for the 12 months ending December 31, the difference, multiplied by 2.1123 per cubic meters will be added to the January water and wastewater bill.

There is no minimum charge per billing period.

2. Bulk Water Sales

The metered rate for bulk water sales is \$1.5814 per cubic meter.

The service charge is based on a 75mm (3") meter regardless of the actual meter used. The fixed service charge is \$5,052.35 per year.

3. Fixed Service Charge

Residential properties are subject to a fixed service charges as follows:

Meter Size	Meter Factor	Water	Wastewater
Residential properties with 2 or less units [19 mm (3/4") or smaller]	NA	\$ 459.31	\$ 1,122.67
Residential properties with 3 or more units	NA	\$ 229.65 per unit	\$ 561.33 per unit

All other users are subject to a fixed service charge based on user type or meter size:

Meter Size	Meter Factor	Water	Wastewater
19 mm (3/4") or smaller 1 - non-Residential	1	\$ 459.31	\$ 826.59
25 mm (1")	1.4	\$ 643.02	\$ 1,157.23
38 mm (1 1/2")	1.8	\$ 826.75	\$ 1,487.85
50 mm (2")	2.9	\$ 1,331.99	\$ 2,397.11
75 mm (3")	11.0	\$ 5,052.35	\$ 9,092.48
100 mm (4")	14.0	\$ 6,430.27	\$ 11,572.24
150 mm (6")	21.0	\$ 9,645.41	\$ 17,358.38
200 mm (8")	29.0	\$ 13,319.85	\$ 23,971.08
250 mm (10")	40.0	\$ 18,372.20	\$ 33,063.56

All developable vacant land directly abutting the water distribution and/or wastewater collection system will be charged the fixed service charge for water and wastewater through the property tax billing system unless the property is assessed undevelopable by the City's Planning department.

The fixed service charge applied to developable vacant land will be charged based on property classification as follows:

Property Type	Water	Wastewater
Residential	\$ 459.31	\$ 1,122.67
Commercial/Institutional	\$ 1,331.99	\$ 2,397.11
Industrial	\$ 5,052.35	\$ 9,092.48

It is not the intent of this bylaw for a property owner to have paid the developable vacant land fixed service charge on a property for the same time period as the regular fixed service charge for the same period. For any period of duplicate payment, which may occur due to time of billings as a property moves from undeveloped to developed, the City will refund the developable vacant land fixed service charge.

4. Flat Rate (Residential)

During any month where an accurate meter reading cannot be recorded, a Residential user account will be charged a monthly flat rate of \$126.00 for water and \$187.00 for wastewater will be charged.

Examples of when a meter reading cannot be recorded are as follows:

- where a service connection has been turned on at the property line but where no meter has been installed (water meter refusal);
- refusing to provide a meter reading and / or providing access to read a water meter or reading device;
- refusing to remove any obstruction to reading a meter or reading device;
- refusing to provide for meter or reading device repairs for accurate meter readings;
- the tampering with or alteration of the water meter or reading device and meter readings cannot be obtained.

Flat Rate (ICI)

During a period where an accurate meter reading cannot be recorded, an ICI user account will be charged a monthly flat rate for water and wastewater. The flat rate will be calculated as two (2) times the current fixed service charge per Section 3 (the fixed service charge will be dependent on meter size) above PLUS two (2) times the monthly average of the previous 12 months' available consumption at the metered consumption rates per Section 1 above.

Examples of when a meter reading cannot be recorded are the same as those outlined under "Residential" above.

5. Water for New Construction Rates

During periods of new construction where there is no water meter the following rates are charged:

- Residential properties are subject to a \$297.00 flat fee.
- ICI properties are subject to a \$594.00 flat fee.

Upon final inspection or once a water meter has been installed and is operational, rates are no longer subject to this section. Rates are to be charged based on Sections 1 to 4 above.

## 6. Administration Charges

- Issuing a water shut off tag shall be charged to the property owner at a fee of \$80.00;
- Water account inquiries will be provided at a fee of \$14.00;
- Reading of analog meters due to refusal to upgrade to RF meters will be provided at a fee of \$80.00 per scheduled reading date.
- Customer request to change out from an RF meter to an analog meter will be at the customer's expense to cover the actual cost of the new analog meter plus removal and installation costs.

## 7. User Charges

There are certain user charges with respect to water and wastewater that are included in the User Fee By-Law. These include such topics as water turn on / off and installation of water services.

User fees may be billed individually, included in a user's water and wastewater bill or charged and collected through a building permit.

## 8. Late Payment Fees

Payment terms to be a minimum of net 21 days.

Interest on water and wastewater accounts to begin accruing at one and one fourth (1 ¼) percent of the amount due and unpaid starting on the first day of default.

At the discretion of the Director, Corporate Services / Treasurer a payment can be backdated to the due date on any accounts receivable balance received within five business days of the due date provided a reasonable explanation for the late payment has been provided by the account holder.

The Director, Corporate Services / Treasurer is approved to move any unpaid water and wastewater balances to the property tax roll of the related property.

## 9. Billing Cycle

Identified and developable vacant land subject to the fixed service charge will be billed semi-annually on the property tax bill or through the supplemental tax billing system on a prorated basis.

The water for new construction charge will be billed and collected at the time of building permit before a building permit is issued.

All water and wastewater meter users will be billed monthly on a water and wastewater bill.

## 10. Exemptions from Billing for Wastewater costs

- Bulk water haulers accessing City bulk water facilities;
- Port Colborne Poultry Limited;
- Any property that does not directly abut any part of the wastewater system;
- Any other property that is covered by a separate By-Law enacted by Council.

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to designate the Port Colborne Comprehensive Community Improvement Project Area and repeal By-laws 1847/112/86, 5239/145/08, 5526/123/10, 5722/153/11, 5822/76/12, and any amendments thereto

Whereas, Section 28(2) of Part IV of the Planning Act, R.S.O. 1990, c.P. 13, as amended, empowers the Council of a municipality in which an Official Plan is in effect and contains provisions relating to community improvement to designate the whole or any part of the municipality covered by the Official Plan as a Community Improvement Project Area; and

Whereas, the Council of the Corporation of the City of Port Colborne has adopted an existing Official Plan "The City of Port Colborne Official Plan" approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2013; and

Whereas, the City of Port Colborne Official Plan contains provisions relating to community improvement in the City.

Now therefore, the Corporation of the City of Port Colborne enacts as follows:

1. That all land within the urban boundary of the City of Port Colborne, as amended from time to time, be designated and hereafter known as the "Port Colborne Comprehensive Community Improvement Project Area", and that this area be divided into the following four (4) sub-areas:
  - a) That all land within the urban boundary of the City of Port Colborne, as amended from time to time, be designated and hereafter known as the Brownfield Community Improvement Project Area.
  - b) That the lands referenced on Schedule "A" to this by-law, be designated and hereafter known as the Main Street Community Improvement Project Area.
  - c) That the lands referenced on Schedule "B" to this by-law, be designated and hereafter known as the Downtown Community Improvement Project Area.
  - d) That the lands referenced on Schedule "C" to this by-law, be designated and hereafter known as the East Waterfront Community Improvement Project Area.
2. That By-law 1847/112/86 and any amendments thereto, being a by-law to designate an area as the Central Business District Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
3. That By-law 5239/145/08 and any amendments thereto, being a by-law to designate an area as the Olde Humberstone Main Street Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
4. That By-law 5526/123/10 and any amendments thereto, being a by-law to designate an area as the Brownfield Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
5. That By-law 5722/153/11 and any amendments thereto, being a by-law to designate an area as the East Waterfront Community Improvement Project Area, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.



6. That By-law 5822/76/12 and any amendments thereto, being a by-law to designate an area as the Industrial Community Improvement Project Area, be repealed by this by-law upon its approval date in accordance with the Planning Act.
7. 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 in principle when all such appeals have been withdrawn or finally disposed of.
8. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this      day of                      , 2023.

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William C Steele  
Mayor

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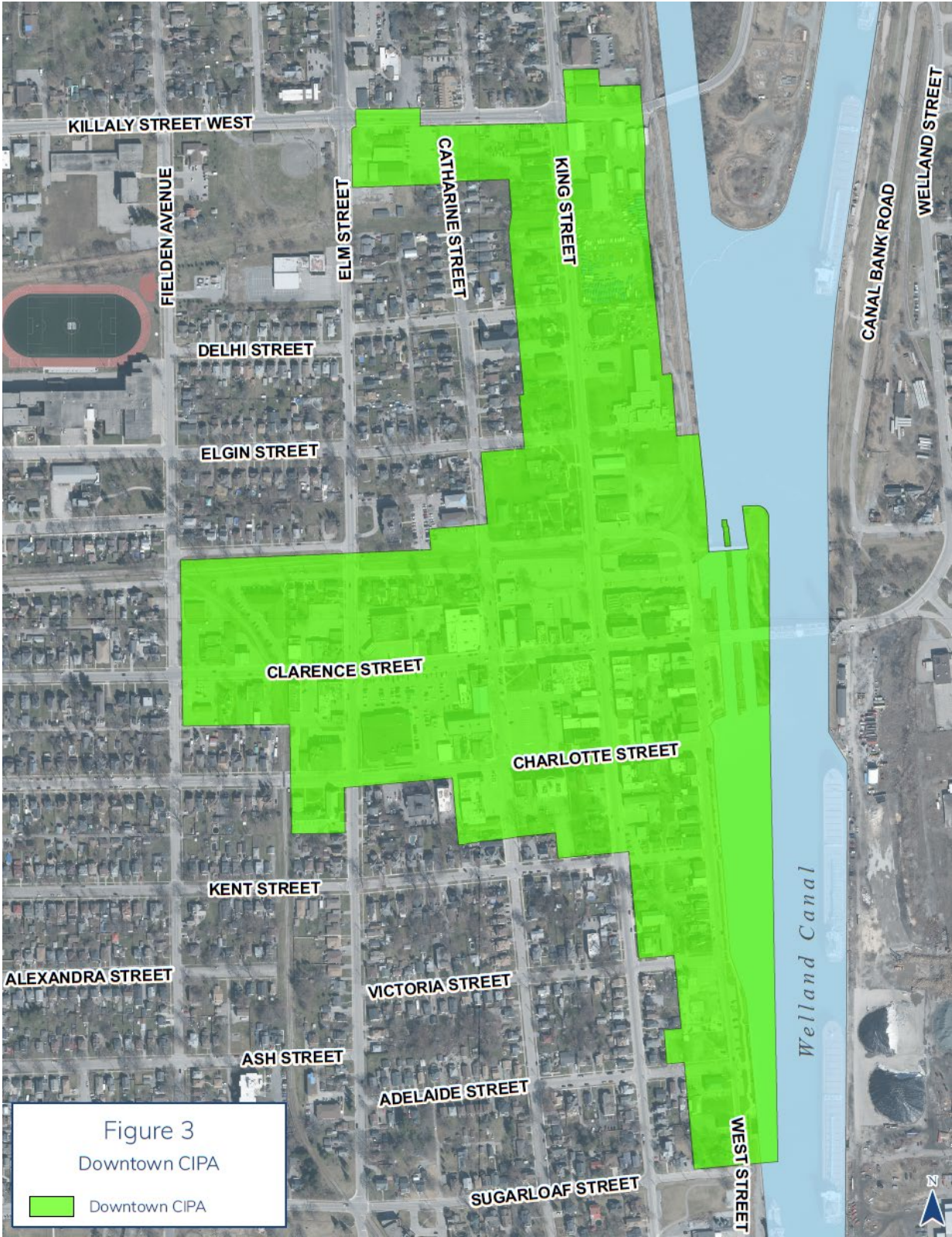
Saima Tufail  
Acting City Clerk

Schedule “A”

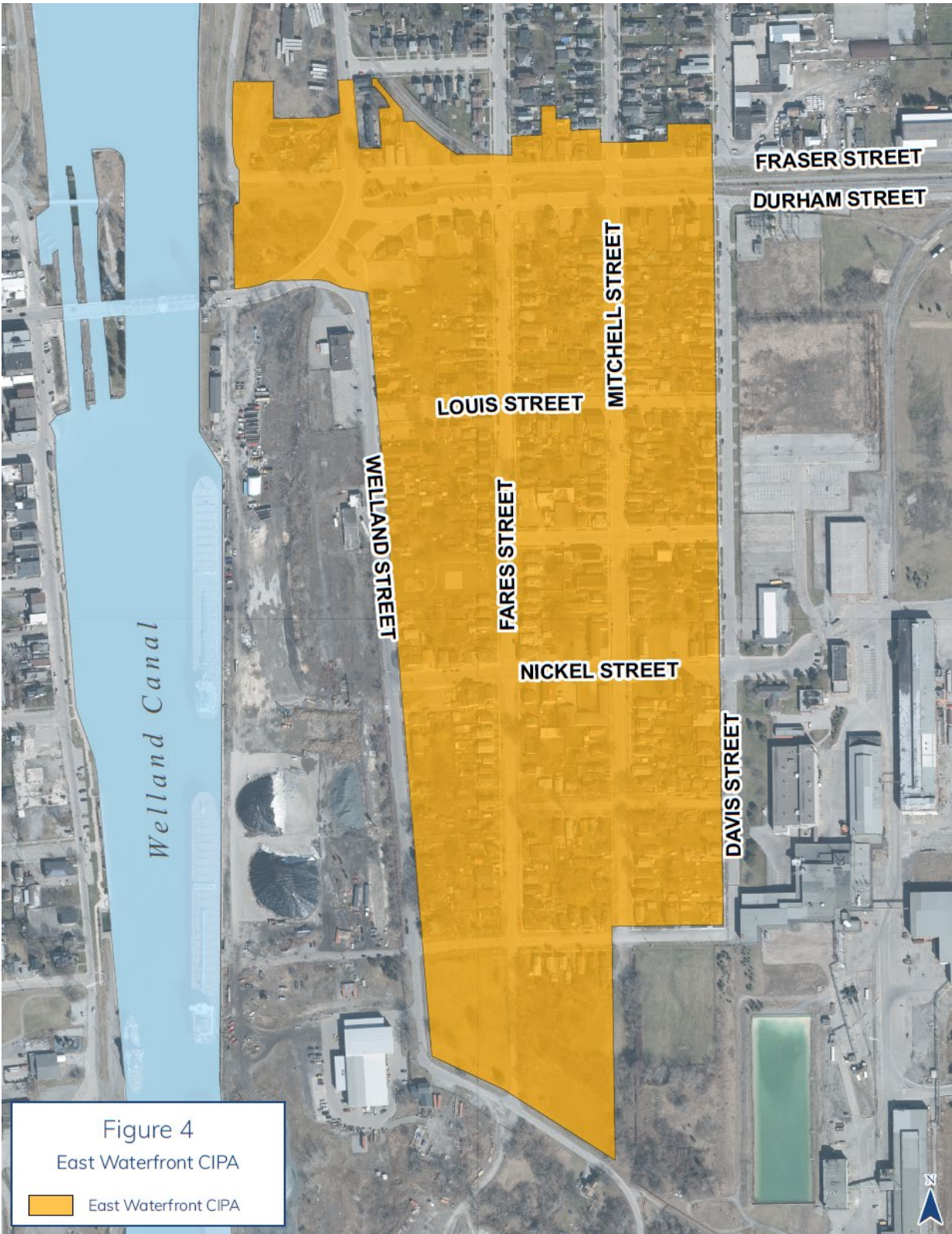




Schedule “B”







The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to Adopt the Port Colborne Comprehensive Community Improvement Plan, Repeal By-laws 5525/122/10, 5240/146/08, 5769/25/12, 5823/77/12 and any amendments thereto

Whereas, By-law \_\_\_\_\_ passed on the \_\_\_\_ day of \_\_\_\_\_, 2023, designated the Port Colborne Comprehensive Community Improvement Project Area; and

Whereas, Section 28(4) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area; and

Whereas, under Section 28(1) of the Planning Act “community improvement” means “the planning or re-planning, design or redesign, re-subdivision, 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 therefor, as may be appropriate or necessary”; and

Whereas, the Council of the Corporation of the City of Port Colborne has adopted an existing Official Plan “The City of Port Colborne Official Plan” approved by the Ontario Municipal Board (now Ontario Land Tribunal) in 2013; and

Whereas, Section 6 of the City of Port Colborne Official Plan contains provisions relating to community improvement in the City; and

Whereas, City Council held a public meeting on September 26, 2023 to discuss and receive public input regarding the adoption of the Port Colborne Comprehensive Community Improvement Plan, and has taken other required steps, prior to the enactment of this By-law, to adopt a community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area, as required by the Planning Act and Section 6 of the City of Port Colborne Official Plan; and

Whereas, the City of Port Colborne has prepared a plan entitled the “Comprehensive Community Improvement Plan” attached hereto as Schedule “A” and forming part of this By-law.

Now therefore, the Corporation of the City of Port Colborne enacts as follows:

1. That By-law 5525/122/10 and any amendments thereto, being a by-law to adopt the Central Business District Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
2. That By-law 5240/146/08 and any amendments thereto, being a by-law to adopt the Olde Humberstone Main Street Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
3. That By-law 5769/25/12 and any amendments thereto, being a by-law to adopt the East Waterfront Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.

- 4. That By-law 5823/77/12 and any amendments thereto, being a by-law to adopt the Industrial Community Improvement Plan, be repealed and replaced with this by-law upon its approval date in accordance with the Planning Act.
- 5. That the City of Port Colborne “Comprehensive Community Improvement Plan”, attached hereto as Schedule “A” and forming part of this By-law, is hereby adopted as the community improvement plan for the Port Colborne Comprehensive Community Improvement Project Area.
- 6. Pursuant to subsections 28 (5) and 17(27) of the Planning Act, R.S.O. 1990, cP.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 in principle when all such appeals have been withdrawn or finally disposed of.
- 7. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
William C Steele  
Mayor

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk



**CITY OF PORT COLBORNE**

# **COMPREHENSIVE COMMUNITY IMPROVEMENT PLAN**

**NOVEMBER 2023**



**PORT COLBORNE**

[WWW.PORTCOLBORNE.CA](http://WWW.PORTCOLBORNE.CA)





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# 1.0 Introduction

## 1.1 Background

The City of Port Colborne (City) has been one of the leading municipalities in Niagara in terms of adopting and implementing community improvement plans (CIPs). Between late 2008 and the end of 2012, the City of Port Colborne adopted six (6) (CIPs) as follows:

1. Olde Humberstone CIP, Urban Design and Streetscape Guidelines (2008);
2. Brownfield CIP (2009);
3. Downtown Central Business District CIP (2010);
4. Industrial CIP (2011);
5. East Waterfront CIP and Secondary Plan (2012); and,
6. Niagara Gateway Economic Zone and Centre CIP (2012).

Almost a dozen incentive programs have been offered by the City of Port Colborne under the above-noted CIPs since they were adopted. As shown in Table 1 below, a total of 177 incentive program applications have been approved by the City under the above-noted CIPs to the end of 2022. This includes close to 30 urban design study and environmental site assessment grant applications, over 100 façade improvement grant applications, 22 residential intensification and rehabilitation grant applications, and 10 tax increment grant (TIG) applications.

**Table 1 Incentive Program Uptake by Type and CIP to end of 2022**

Program Type	Downtown/ CBD	Main Street	East Waterfront	Brownfield	Industrial	Gateway	
							<b>TOTAL</b>
1) Urban Design Study Grant	10	1	1				<b>12</b>
2) Environmental Site Assessment Grant	1			21			<b>22</b>
3) Façade Improvement Grant	69	21	12				<b>102</b>
4) Residential Intensification Grant	8	1	1				<b>10</b>
5) Residential Rehabilitation			12				<b>12</b>
6) Affordable Housing Grant							<b>0</b>
7) Tax Increment Grant	5			2	1	2	<b>10</b>
8) Planning/Building Fees Grant							<b>0</b>
9) Sidewalk Café Grant							<b>0</b>
10) Sign Replacement Grant		3					<b>3</b>
11) Parking Lot Grant		6					<b>6</b>
<b>TOTAL</b>	<b>93</b>	<b>32</b>	<b>26</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>177</b>

A number of factors led to the decision by the City to undertake a comprehensive review and update of its CIPs. First, the CIPs are all now dated. Best CIP practices have evolved over the last 10 to 15 years. Also, a number of lessons have been learned from implementation of the existing CIP programs and the real world results. For example, the 11 different incentive programs contained in six CIPs were found to be confusing for applicants, and cumbersome to administer for City staff. Over the years, minor revisions were made to a few

of the CIPs in the form of a few minor community improvement project area expansions revisions, but a comprehensive review and updating of these CIPs has not taken place.

The legislative framework has also changed with the passage of the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23) in November of 2022. Key policies and plans providing direction related to CIPs have also changed at the City, Regional, and Provincial levels over last 10+ years. This includes Port Colborne's Official Plan, Strategic Plan, Economic Development Strategy, and Affordable Housing Strategy. In October of 2021, the Regional Municipality of Niagara also approved a new Niagara Region Incentives Policy to replace its Smarter Niagara Incentive Programs.

Finally, key community improvement needs have shifted in a number of the Community Improvement Project Areas (CIPAs). This includes a greater focus on intensification, affordable housing, brownfield redevelopment, and employment lands development.

Taking all of these factors into consideration, the City determined this an opportune time to conduct a comprehensive review and update of its CIPs. The City retained RCI Consulting to conduct this review and update of its CIPs to make them more responsive to current and future community improvement needs in Port Colborne. RCI Consulting worked closely with the City's Project Review Team (PRT) comprised of City staff assembled to help guide the CIP review and update. The PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met several times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

## **1.2 Purpose**

The primary purpose of this CIP review and update is to revise the City's CIPs to help better achieve the planning and economic development goals and objectives contained in key City plans and policies. During the review of the six (6) existing CIPs adopted by the City, and in consultation with the PRT and Council, it was determined that the:

- Industrial CIP can be readily covered off by the Niagara Gateway Economic Zone and Centre CIP (Gateway CIP) as the Gateway CIP includes the entire Industrial Community Improvement Project Area (CIPA), the goals of the Industrial CIP and Gateway CIP are very similar, and the Gateway CIP incentive programs are available and suitable for promoting industrial development;
- Gateway CIP should remain as a stand-alone CIP document as the Gateway CIP promotes employment development and aligns with, and includes Gateway incentive programs from the Region of Niagara; and,
- Other four (4) existing CIPs should be consolidated into one Comprehensive CIP document.

In addition, this consolidated Comprehensive CIP was designed to be easier to understand than the existing CIPs. This Comprehensive CIP updates and consolidates the existing CIPs to ensure that this CIP better addresses identified community improvement needs in Port Colborne by designating an appropriate CIPA, and including enhanced and more responsive incentive programs.

The purpose of this CIP is to:

- a) Outline the legislative, policy, and planning framework that supports and guides this CIP;
- b) Identify key community improvement goals in Port Colborne based on policy directives and an analysis of existing and planned land uses, building and property conditions, and development and business activity in various parts of the city;
- c) Recommend a Community Improvement Project Area (CIPA) that captures the various areas within the City that are in need of community improvement;
- d) Enhance and better target the incentive programs that can be offered by the City to directly stimulate private sector investment in revitalization and redevelopment within the CIPA; and,
- e) Outline a Monitoring Program and strategies for Municipal Guidance and Leadership and Marketing that will help the City implement and support this Plan, market the incentive programs contained within the Plan, monitor the results of the programs, and adjust them as required.

### **1.3 Methodology**

A Project Review Team (PRT) comprised of senior City staff was assembled to help guide the CIP review and update. This PRT was led by the City's Manager of Strategic Initiatives and included senior City staff in the Planning and Development, Economic Development, and Corporate Services (Finance) Departments. The PRT met a half dozen times during the preparation of this CIP to provide input to the consultant, review and comment on draft deliverables, and assist in preparation for public consultation meetings.

A number of tasks were completed to help ensure that this CIP incorporates best CIP practices and lessons learned from implementation of the City's existing CIPs, reflects and promotes current City policy directions, and addresses key community improvement needs and goals in Port Colborne. These tasks included:

- A review of all six (6) existing CIPs, including the boundaries of the existing CIPAs;
- A review of the current legislative framework for the CIP;
- A review of current City, Regional, and Provincial policy, planning, and economic development documents relevant to the CIP;
- A review of the uptake and results of current CIP programs, including program successes, and program gaps and issues identified by City staff involved in administering and promoting these programs;
- A scoped best practices review of CIP programs in several other Ontario municipalities, both within and outside Niagara, to identify best practices and emerging trends in downtown and commercial area revitalization, brownfield redevelopment, employment area development/redevelopment, and the promotion of affordable housing;



- Walking and driving tours of the existing community improvement project areas (CIPAs) and other areas identified as having potential for addition to the CIPAs to determine key areas in need of community improvement and associated potential revisions to the CIPAs;
- Development of key CIP review findings;
- Preparation of Draft revisions to the CIPAs;
- Preparation of Draft CIP incentive programs;
- Presentation of the Draft revisions to the CIPAs and the Draft CIP incentive programs to Council on June 28, 2022, and to the public at a Public Open House held on July 14, 2022, receipt and review of verbal and written comments and feedback during and after these consultation sessions;
- Preparation of a consolidated and comprehensive Draft CIP based on the tasks outlined above;
- Several meetings throughout the CIP update process with the PRT to further refine the above-noted draft deliverables, including the Draft CIP;
- A statutory Public Meeting held under the *Planning Act*, and,
- Finalization of this CIP in consultation with the PRT, based on input from Council and comments received from prescribed commenting agencies, and the public, as applicable.

## 1.4 Key CIP Review Findings

The review of the existing CIPs using the methodology outlined above resulted in a number of key findings, as follows:

- a) While most of the current CIP programs have been fairly well utilized, especially in the Downtown area, there are a number of improvements that should be made to the incentive programs to enhance their applicability, attractiveness, and uptake;
- b) Having 11 incentive programs spread across 6 CIPs has proven somewhat confusing for applicants and City staff administering the programs alike, and therefore, the number of incentive programs should be reduced with the focus being on more substantive programs;
- c) The preparation of one (1) consolidated and Comprehensive new CIP, as opposed to 6 separate CIPs, was determined to be the preferred approach to updating of the existing CIPs;
- d) Some of the existing CIPAs merit expansion based on community improvement need, current property and building conditions in those areas, and updated City policy directions;
- e) Current policies and plans and emerging community improvement needs suggest that the Comprehensive CIP place more emphasis on intensification, brownfields, affordable housing, and employment lands;
- f) In order to enhance the transparency, responsiveness, flexibility, and financial sustainability of the City's current Development Charge (DC) Bylaw exemptions for brownfield redevelopment and development in the Downtown CIPA, these DC exemptions in the current DC Bylaw should be converted into DC Grants within the new CIP; and,
- g) The incentive programs in the City's new CIP should dovetail as much as possible with the Niagara Region Incentives Policy approved by Regional Council in late 2021.

## 1.5 Report Content

This CIP is divided into the following sections:

- Section 2 contains the review of the legislative framework for the CIP.
- Section 3 contains the review of key plans, policies and other studies that are applicable to the CIP.
- Section 4 contains the community improvement vision and goals for the CIP.
- Section 5 describes the Community Improvement Project Area (CIPA) for the CIP, also referred to herein as the “Project Area”.
- Section 6 contains a comprehensive set of financial incentive programs specifically designed to help achieve the community improvement goals in the various CIPAs.
- Section 7 contains a Municipal Guidance and Leadership Strategy that specifies other actions and initiatives the City should take to support the CIP.
- Section 8 contains a Monitoring Program designed to assist the City in monitoring progress on implementation of the CIP, including the economic and other impacts of the programs contained in the CIP.
- Section 9 contains a basic Marketing Strategy to help the City market the incentive programs in this new CIP.
- Section 10 provides a brief conclusion to 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 the 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 planning and 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 for the cancellation of part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, both as defined in Section 365.1 (1) of the *Municipal Act, 2001*. Municipalities may also apply to the Province to provide matching school property tax assistance through the Province’s Brownfields Financial Tax Incentive Program (BFTIP).

Section 107 of the *Municipal Act, 2001* describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan, subject to Section 106 of the *Municipal Act, 2001*. In addition to the power to make a grant or loan, these powers also include the power to sell or lease land for nominal consideration or to make a grant of land; provide for the use by any person of land owned or occupied by the municipality, upon such terms as may be fixed by council; sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

In order to encourage good stewardship, maintenance and conservation of locally designated heritage properties, municipalities may, under Section 365.2 of the *Municipal Act, 2001*, pass a by-law to establish a local Heritage Property Tax Relief (HPTR) program to provide tax relief (10 to 40 per cent) to owners of eligible heritage properties, subject to an agreement to protect the heritage features of their property. This financial tool is designed to help owners of heritage properties maintain and restore their properties. An eligible heritage property for this program is a property or portion of a property that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act* and that is subject to a heritage easement agreement. The Province shares in the cost of the program by

funding the education portion of the property tax relief. Municipalities that adopt the HPTR program contribute to the program by funding their portion of the property tax relief.

## 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 CIP for the community improvement project area. Once the CIP 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), 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”. Therefore, there are a variety of reasons that an area can be designated as an area in need of community improvement.

Section 28 (1) 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 CIP (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the CIP (Section 28 (6)); and,
- iv) make grants or loans, in conformity with the CIP, 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 CIP (Section 28 (7)).

Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement, Section 28(2) permits the council of that municipality to designate, by by-law, the whole or any part of an area covered by such an official plan as a community improvement project area.

Section 28 (7.1) specifies that the eligible costs of a CIP 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. Again, this includes a wide range of activities that can be considered as eligible costs for grants and loans.

Section 28 (7.2) allows the council of an upper-tier municipality to make grants or loans to the council of a lower-tier municipality, and the council of a lower-tier municipality to make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a CIP that has come into effect, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans. This provision allows upper tier municipalities to help lower tier municipalities fund the grant and loan programs in their lower tier CIPs.

Section 28 (7.3) 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 CIP with respect to those lands and buildings.

Section 28 (11) 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. It should be noted that while Section 28 (11) allows a municipality to register an agreement concerning a grant or loan against the land to which it applies, it does not require the municipality to do so.

Section 69 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 planning application fees and then provide a partial or total rebate of these fees in the form of a grant, but this must be done within a CIP.

## **2.3 Ontario Heritage Act**

The purpose of the *Ontario Heritage Act* is to give local municipalities and the provincial government powers to conserve, protect and preserve heritage buildings and archaeological sites in Ontario. While the heritage property tax relief program under Section 365.2 (1) of the *Municipal Act, 2001* is designed to assist property owners in maintaining and conserving heritage properties, Section 39 (1) of the *Ontario Heritage Act* allows the council of a municipality to make grants or loans (up-front or tax-increment basis) to owners of designated heritage properties to pay for all or part of the cost of alteration of such designated property on such terms

and conditions as the council may prescribe. In order to provide these grants and loans, the municipality must pass a by-law providing for the grant or loan.

Grants and loans for heritage restoration and improvement can also be provided by local municipalities under a CIP that has come into effect under Section 28 of the *Planning Act*. One of the key administrative advantages of Section 39 of the *Ontario Heritage Act* is that it requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP. One of the disadvantages of the *Ontario Heritage Act* is that unlike the *Planning Act*, it does not allow municipalities to make grants or loans to assignees, e.g., tenants who may wish to undertake heritage improvements.

Interpretation of Section 39 (1) of the *Ontario Heritage Act* suggests that this section does not restrict grants and loans only to heritage features. Section 39 (1) of the *Ontario Heritage Act* refers to "...paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Consultations with provincial staff and legal experts have confirmed that this section of the *Ontario Heritage Act* does not restrict grants and loans only to heritage features.

Section 39 (1) of the *Ontario Heritage Act* can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". Similarly, a grant or loan for professional design studies can be provided under a CIP. A professional design study is certainly an important precursor to, and key component of, any major heritage feature alteration.

Section 39 (2) of the *Ontario Heritage Act* allows the council of a municipality to add the amount of any loan (including interest) to the tax roll and collect said loan in the same way that taxes are collected, for a period of up to 5 years. This section of the Act also allows the municipality to register the loan as a lien or charge against the land.

In summary, local municipalities can use municipal powers under the *Ontario Heritage Act* or the *Planning Act* to offer grants and/or loans to encourage heritage restoration and improvement. Both statutes offer the flexibility to include non-heritage features as eligible costs. However, the *Ontario Heritage Act* requires only passing of a by-law by the local council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP.

## **2.4 Development Charges Act, 1997**

While Section 26 (1) of the *Development Charges Act, 1997*, specifies that a development charge is payable for a development upon a building permit being issued for the development, this Act contains a number of mandatory development charge exemptions, reductions, and deferrals for specific types of development. Several of these development charge exemptions and reductions were introduced by the *More Homes Built Faster Act, 2022*, S.O. 2022 (Bill 23), which received Royal Assent on November 28, 2022.



As per the *Development Charges Act, 1997*, the following types of development are **exempt** from development charges:

- a) A second and third residential unit in an existing or new detached house, semi-detached house or row house if there are no residential units in an ancillary building/structure; and one residential unit in an ancillary building/structure if the existing or new detached house, semi-detached house or row house contains no more than two residential units (Section 2);
- b) Enlargement of an existing industrial building by up to 50% (Section 4);
- c) Affordable<sup>1</sup> and attainable<sup>2</sup> residential units (Section 4.1) (not yet in force); and,
- d) Non-profit housing development (Section 4.2).

Section 4.1 (8) and (9) of the *Development Charges Act, 1997* requires that for an “affordable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality to maintain the residential unit as affordable for a period of 25 years from the date that the unit is first rented or sold. Section 4.1 (10) and (11) of the Act requires that for an “attainable residential unit”, the person seeking the development charge exemption must enter into an agreement with the local municipality that requires the residential unit to be attainable at the time it is sold.

Development charges for rental housing development are **reduced** by 25% for residential units with 3+ bedrooms, 20% for 2 bedrooms, and 15% for 1 bedroom/bachelor units (Section 26.2 (1.1)). Section 26.1 also specifies that the development charge applicable to rental housing development and institutional development shall be **deferred**, i.e., paid in five (5) equal annual instalments starting on the date an occupancy permit is issued, or the date of occupancy, whichever comes first.

Section 26.2 of the *Development Charges Act, 1997* (and O. Reg. 82/98) also specifies that a development charge be frozen at the time a council receives a site plan application, or if a site plan is not submitted, at the time council receives the application for a zoning bylaw amendment, with the development charge frozen until two years from the date the site plan application or zoning by-law (as applicable) is approved.

Section 5 of the *Development Charges Act, 1997* also allows a municipality to voluntarily exempt a type(s) of development from a development charge, phase in a development charge, or to have a development charge that is lower than allowed, but any resulting shortfall cannot be made up through higher development charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges for certain types of development in order to promote community improvement, such as downtown redevelopment, brownfield redevelopment or intensification in

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<sup>1</sup> An “affordable residential unit, rental” is defined as one where the rent is no greater than 80 per cent of the average market rent; and an “affordable residential unit, ownership” is defined as one where the price of the residential unit is no greater than 80 per cent of the average purchase price. See Sections 4.1 (5) and 4.1 (6) of the *Development Charges Act, 1997*, for further details.

<sup>2</sup> An “attainable residential unit” is a residential unit that is not an affordable residential unit, not a rental unit, and was developed as part of a prescribed development or class of developments.

core areas. Because this financial incentive is normally offered before construction, i.e., at the time of building permit issuance, it is a very powerful community improvement tool.

Municipalities can also use a CIP (Section 28 of the *Planning Act*) to offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable. It is typically easier for a municipality to offer a reduction of development charges for certain types of development such as high priority/catalyst sites/projects, affordable and attainable housing projects, and/or projects that achieve desirable economic and/or sustainability performance criteria via a grant within a CIP than via an exemption or deferral within a development charge by-law. In this regard, a CIP is inherently more flexible than a development charges by-law. A CIP can provide grants for certain types of development in certain geographic areas, and/or development that meets specific intensification, affordability, economic and sustainability performance criteria. Furthermore, the types of development and/or performance criteria can be changed without a formal amendment to the CIP. Conversely, development charge reductions within a development charge by-law are prescriptive and are usually based on the location of the development, e.g., downtown, or a specific type of development, e.g., brownfield redevelopment. Furthermore, a deferral offered within a development charge by-law cannot be changed without a formal amendment to the development charges by-law.

## 3.0 Policy Framework

This section of the report provides a summary of key Provincial, Regional, and City policies that establish the planning and policy framework and help provide context and direction for the programs contained in this CIP.

### 3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and provides direction on matters of provincial interest 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 in February of 2020 and the policies took effect on May 1, 2020. 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 competitive economy”. To this end, in relation to the variety of community improvement needs covered by this CIP, key policies in the PPS promote:

- Efficient and cost-effective development land use patterns that conserve biodiversity and prepare for the regional and local impacts of a changing climate (Section 1.1.1);
- Accommodating an appropriate range and mix of affordable and market based residential types, and employment uses (including industrial and commercial) (Section 1.1.1);
- Land use patterns that support active transportation, promote opportunities for intensification and redevelopment, energy efficiency, and minimize the negative impacts to air quality and climate change (Section 1.1.3);
- Planning authorities identifying appropriate locations and promoting 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);
- Planning authorities promoting economic development and diversity by maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and seeking to address potential barriers to investment (Section 1.3.1);
- Planning authorities planning for, protecting and preserving employment areas for current and future uses (Section 1.3.2);
- Planning authorities protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Section 1.3.2);
- An appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs and the social, health, economic and well-being requirements of current and future residents (Section 1.4.3);
- Healthy, active communities with parks, public and open spaces, trails and linkages that facilitate active transportation and the provision of public access to shorelines (Section 1.5.1);

- Long-term economic prosperity through the maintenance and enhancement of the vitality and viability of downtown and mainstreets and the redevelopment of brownfield sites (Section 1.7.1);
- 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);
- Opportunities for sustainable tourism development (Section 1.7.1);
- Focusing major employment, commercial and other travel-intensive land uses on sites well served by transit and encouraging transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (Section 1.8.1); and,
- Land use and development patterns that support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of changing climate (Section 1.8.1).

### **3.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The 2019 Growth Plan for the Greater Golden Horseshoe (GGH) (the “Growth Plan”) came into effect on May 16, 2019 and was amended on August 28, 2020 (Amendment 1). The Growth Plan is the Province of Ontario’s growth strategy for the GGH region, which includes the City of Port Colborne and the Regional Municipality of Niagara. The Growth Plan provides an overall growth strategy for the region to 2051 that is implemented through municipal planning documents, primarily the Official Plan, as well as other planning documents and policies such as Community Improvement Plans (CIPs). 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.

In recognition of the importance of cross-border trade with the United States, the Growth Plan recognizes the Niagara Gateway Economic Zone and Niagara Gateway Economic Centre as having unique economic importance to the GGH region and Ontario. The Growth Plan notes that planning and economic development in the Gateway Economic Zone and Centre will support economic diversity and promote increased opportunities for cross-border trade, movement of goods and tourism.

The Growth Plan graphically identifies the Gateway Economic Zone and Gateway Economic Centre on Schedules 2 (Place to Grow Concept), 5 (Moving People - Transit) and 6 (Moving Goods) in the Plan. The Gateway designation in Schedule 2 of the Growth Plan shows a Gateway Economic Zone stretching along the Niagara River and the Queen Elizabeth Way between the City of Niagara Falls and the City of Fort Erie, and a Gateway Economic Centre which is centered in southern Niagara Region near the City of Port Colborne and City of Welland, along the Welland Canal, including the Major Port facilities in Port Colborne.

Section 7 of the Growth Plan defines the Gateway Economic Zone and Gateway Economic Centre as the “Settlement Areas” conceptually depicted on Schedules 2, 5 and 6 that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario. The Growth Plan then further defines “Settlement Areas” as urban areas and rural settlements within municipalities that are:

- a) Built-up areas where development is concentrated and which have a mix of land uses; and,
- b) Lands which have been designated in an official plan for development in accordance with policies of the Growth Plan.

The Growth Plan notes the importance of ensuring an adequate supply of land for employment areas and other employment uses within the GGH. In fact, Section 2.2.5 on Employment Lands stresses the need for municipalities to promote economic development and competitiveness by:

- Making more efficient use of existing employment areas and underutilized employment lands, increasing employment densities, and promoting opportunities for the intensification of employment areas;
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment; and,
- Providing opportunities for a diversified economic base, including a range and choice of suitable sites that support a wide range of economic activities and employment uses, as well as planning for employment areas for current and future uses.

Section 2.2.6 of the Growth Plan contains policies directing municipalities to:

- Achieve the minimum intensification and density targets in the Growth Plan via identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents, and establishing targets for affordable ownership and rental housing; and,
- Identifying mechanisms, including land use planning and financial tools to support implementation of this policy.

The Growth Plan directs that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout their delineated built-up area. Therefore, a CIP for Port Colborne can play an important role in helping the City conform to the Growth Plan, not only by achieving its intensification targets, but by ensuring that development within the urban area achieves the various policy goals of the Growth Plan.

### **3.3 Niagara Region Official Plan**

The Regional Municipality of Niagara Council adopted a new Niagara Official Plan (“NOP”) on June 23, 2022. This Plan was approved, with modifications, by the Minister of Municipal Affairs and Housing on November 4, 2022. The NOP provides the strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The NOP contains the following vision for 2051. Niagara is a region

of distinct, vibrant and connected urban and rural communities. Niagara Region will support and grow a sustainable and diversified economy while providing exceptional quality of life for all, and protecting our beautiful natural landscape.

### **3.3.1 Growing Region**

Chapter 2 of the NOP contains policies for managing growth. This includes general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. The policies in this section support:

- a) principles of complete communities, which incorporate sustainable land use forms;
- b) a more diverse range and mix of housing types and densities and the provision of more affordable and attainable housing options;
- c) opportunities for intensification, including infill, expansion or conversion of existing buildings, and the redevelopment of brownfields and greyfield sites; and,
- d) Local Municipalities preparing intensification strategies.

One of the key objectives in Section 2.3 (Housing) is to achieve affordable housing targets through both land use and financial incentive tools. In fact, Section 2.3.3 states that financial incentive programs such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing, should be considered to support the development of affordable and attainable housing.

### **3.3.2 Competitive Region**

Chapter 4 of the NOP focuses on the importance of a vital, competitive, and diverse economy, and a sound tax base to position Niagara for economic prosperity. Employment policies identify and protect employment areas, establish density targets for employment areas, and provide evaluation processes for converting existing or establishing future employment areas. The objectives of this section include maximizing the economic development potential of the Niagara Economic Centre and Zone, and planning employment lands to enhance economic resilience through a diversified economy.

Section 4.2.2 of the NOP deals with the Niagara Economic Gateway (Gateway Economic Zone and Centre). As it relates to Port Colborne, the Niagara Economic Gateway includes the Settlement Area within Port Colborne, existing port infrastructure in Port Colborne, the Welland Canal within Port Colborne, major rail infrastructure in Port Colborne, and major tourist destinations. The policies in this section of the NOP state that the Region will work with the other levels of government to prioritize improvements to major goods movement facilities and corridors and planned corridors within the Niagara Economic Gateway to focus on development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.



### **3.3.3 Vibrant Region**

Chapter 6 of the NOP focuses on elevating the livability of Niagara's communities and introduces policies related to creating vibrant urban and rural places. Urban design policies assist the Region in achieving a high-quality built environment through the design of the built form and mobility networks. The urban design policies in Section 6.2 promote:

- a) excellence and innovation in architecture, landscape architecture, site planning; and,
- b) revitalization and redevelopment within downtowns and community cores to enhance their existing character.

The healthy community policies in Section 6.3 of the NOP support the development of healthy, vibrant and safe communities that provide a high quality of life. This includes supporting walkable and bikeable neighbourhoods through active transportation.

### **3.3.4 Community Improvement Policies**

Policy 7.5.1 in Chapter 7 of the NOP contains the Region's Community Improvement policies and notes that the Region may support community improvement through Regional programs enabled by plans, policies and by-laws it may establish, and by participation in eligible programs in Local Area Municipalities. Furthermore, the Region will regularly engage with Local municipal staff regarding administration and enhancement of programs designed to promote community improvement. Policy 7.5.4.1 of the NOP also encourages Local Area Municipalities to adopt CIPs to support the objectives and policies of the NOP.

## **3.4 Niagara Region Incentives Policy**

The Region's Smarter Niagara Incentive Programs (SNIPs) were endorsed by Regional Council in 2002. The Region used these programs to provide a matching proportionate share of certain financial incentive programs offered by a local municipality through a Local CIP, subject to a maximum contribution from the Region, depending on the program. The SNIPs first underwent a major review and update in 2011.

Niagara Region formed a Grants and Incentives Review Committee in 2019 with the purpose of this committee to review the efficacy of existing grant programs and determine if new programs needed to be created. As a result, the 2011 SNIPs were reviewed, with Regional Council passing a recommendation on October 21, 2021 to approve a new Niagara Region Incentives Policy to replace the SNIPs. This new incentives policy promotes four priority areas for Niagara Region, namely:

- 1. Affordable housing;
- 2. Employment;
- 3. Brownfield remediation; and,
- 4. Public realm.

Regional Council directed that the SNIPs be maintained with a maximum dollar figure available for grants determined during the annual budget process, and that staff develop sunset clause policies for the SNIPs that include reasonable expiration dates. The expiration date for most of the SNIPs was established as October 1, 2023. However, Regional Council directed that the Regional Tax Increment Grant (TIG) and Smart Growth Development Charge Reduction Programs be maintained in municipal CIP districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation.

**Appendix A** contains a listing and summary description of the incentive programs available under the Niagara Region Incentives Policy.

The Region and local municipalities in Niagara have a Region/Area Municipality Incentive Coordinating Committee to coordinate the provision of joint Local/Regional incentives through local CIPs. The Region has also developed Smart Growth Design Criteria that are used by Regional staff to determine if development projects within community improvement project areas or on brownfield sites are eligible for a Regional Development Charge reduction.

### **3.5 Niagara's 10 Year Economic Development Strategy**

In June of 2022, Niagara Regional Council approved a 10 Year Economic Development Strategy for 2022-2032. The Vision Statement for the Strategy is: "Niagara is where innovative businesses grow and community-minded individuals stay—coming together to build a more prosperous future." The strategic directions include a focus on business retention and expansion and green development and sustainability. Recommendations of the Strategy included:

- Introducing a new suite of incentives to support business growth and new investment in the region;
- Advocating for and adopting new programs and policy to support affordable and attainable housing and new residential development; and,
- Ensuring brownfield incentive programs remain relevant and competitive to attract redevelopment and investment in Niagara.

### **3.6 Niagara Housing Plans and Studies**

The Niagara Housing Statement Final Report was received for information by Niagara Region Council in July of 2019 and circulated to Local Area Municipalities. This was largely a database exercise.

The Region's 10 Year Housing and Homelessness Action Plan was prepared in 2014 in consultation with local community members, service providers, local area municipalities, and other stakeholders as per the requirements of the *Housing Services Act*. The Plan covers the period 2014 to 2023. The Plan was updated in 2019.

One of the key goals of the Action Plan is to increase housing opportunities for low and medium income households. The Plan states that one of the key actions to help accomplish this goal is to use the planning and development process to facilitate the creation of appropriate market housing and affordable housing stock. The Action Plan goes on to recommend that local planning and financial tools such as CIP grants and deferral of development charges be used (Goal 3.7) and that Local Municipalities partner with the Region on financial incentives with emphasis on consistent application of tools to support the development of affordable housing (Goal 3.8c).

Finally, the Region developed a series of Regional activities to address affordable housing (Affordable Housing Strategy placemat). This includes the Region supporting partners to develop incentives and development charge deferrals to promote the construction of affordable housing.

### **3.7 Port Colborne Strategic Plan 2023-2026**

The Strategic Plan was adopted by City Council on June 27, 2023. The Strategic Plan is a guidance document to assist Council and staff in priority setting, resource allocation and decision making. The Plan's Vision for Port Colborne is "a healthy and vibrant waterfront community embracing growth for future generations".

The strategic pillars of the Strategic Plan are as follows:

- Environmental and Climate Change;
- Welcoming, Livable, Healthy Community;
- Economic Prosperity;
- Increased Housing Options;
- Sustainable and Resilient Infrastructure.

Virtually all of the strategic pillars are relevant to the CIP and can help guide the CIP. One of the three strategic pillars of the Plan is "attracting business investment and tourists to Port Colborne". One of the key measures items under the Economic Prosperity pillar is to incentivize private sector investment in commercial facade improvements, residential redevelopment, brownfield remediation, and industrial redevelopment through new or improved CIPs. This new Comprehensive CIP fulfills that measure.

### **3.8 Port Colborne Economic Development Strategy and Action Plan 2018-2028**

The City of Port Colborne Economic Development Strategy was approved by Council in April of 2018. The Economic Development Strategy identifies four priority areas for the City to focus its economic development efforts and includes action plans to help guide the City's economic development efforts over the coming years. The four priority areas are:

1. Small Independent Business;
2. Residential Development;
3. Industrial Development; and,

#### **Port Colborne Comprehensive CIP**

#### 4. Tourism & Destination Development.

The economic development vision statement is: “Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community”.

Guiding principles in the Port Colborne Economic Development Strategy that are relevant to this CIP include:

- Encouraging a diversity of businesses through retention and attraction from a variety of industries to create the strongest economic foundation possible; and,
- Having a vibrant and unique downtown core is an important aspect of attracting residents, visitors, and a young and talented labour force to the community.

Actions recommended in the Strategy that are relevant to this CIP include the updating of the Downtown Central Business District Community Improvement Plan from 2010.

### 3.9 Port Colborne Official Plan

The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013 and covers the period from 2012 to 2031. The general purpose of the Official Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The vision statement and strategic directions in the Plan establish the general direction of planning and development for the City of Port Colborne. In addition to the vision and strategic directions, there are strategic planning policies, land use and secondary plan policies, and community improvement policies in the Official Plan that provide direction for this CIP. The Official Plan vision, strategic directions and planning policies relevant to this CIP are summarized below.

#### 3.9.1 Vision

Section 2.1 of the Official Plan contains the vision statement. Key aspects of the Vision for the City of Port Colborne in relation to this CIP include:

- Providing the opportunity for a mix of residential accommodations;
- A community development pattern that supports the existing business community and promotes new business opportunities;
- Provide policies that support a high quality living environment that protects and enhances the natural environment and heritage features;
- Incorporate urban design elements to achieve attractive and distinct neighbourhoods within the Community;
- Develop and implement Community Improvement Plans to improve communities characterized by inadequate physical, social, community or recreational facilities, infrastructure or obsolete/derelict buildings; and,
- Maintain, and where possible, improve public access to the Lake Erie shoreline.

Section 2.2 of the Official Plan contains the City's Growth Management Strategy. This Strategy supports:

- a) Infill and intensification subject to the applicable policies in the Urban Residential and Downtown Commercial designations;
- b) Compact and transit supportive development within the built boundary and on designated greenfield lands; and,
- c) the maintenance of a sufficient supply of designated employment and residential land to meet the City's projected long term growth.

### 3.9.2 Strategic Directions

Section 2.3 of the Official Plan identifies six "Strategic Directions" that seek to implement the vision for the City of Port Colborne. Of the six, the following strategic directions provide guidance for the CIP:

- **Enhancing Quality of Life:** The City will promote a compact urban form; a good mix of housing types and land uses; efficient and cost effective infrastructure and transportation; and, good urban design for neighbourhoods and business areas.
- **Developing an Economic Gateway:** The City of Port Colborne is identified as an Economic Gateway Centre in the Province's Growth Plan. Therefore, the City will strategically position itself as part of this important Economic Gateway by:
  - working in partnership with all levels of government to ensure that attractive employment lands in the City are provided and protected to create job opportunities and economic diversity, which allows growth in key sectors such as advanced manufacturing, tourism, aerospace, logistics, food processing, health, biosciences, green technologies and interactive media;
  - encouraging port facilities and the marine transportation industry to prosper; and,
  - actively promoting existing industrial lands along the east and west side of the Welland Canal and adjacent to the proposed Niagara to GTA corridor using a "ready for business" approach.
- **Strengthening and Integrating Natural, Cultural and Heritage Resources:** Port Colborne's natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. Therefore, the City will take an aggressive approach to the preservation of these assets, including the conservation of significant built heritage resources and cultural heritage landscapes.
- **Enhancing Public Areas:** The City will pay further attention to the waterfront, the canal, the downtown, Main Street and other important corridors and places in the municipality to support tourism, economic development, and quality of life.
- **Taking Advantage of Underutilized Lands:** Through innovative approaches to brownfield and waterfront development, downtown revitalization and community improvement, the City will demonstrate leadership in this field. This includes:
  - aggressively promoting the remediation of contaminated older industrial lands;

- promoting the reuse of some of older industrial lands along the waterfront and Canal for tourism, recreational, residential or other uses that reintegrate these lands into community life;
- providing for new Canal-related, non-noxious industrial uses adjacent to community uses in the harbour area; and,
- promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

### **3.9.3 Strategic Planning Policies**

Section 2.4 of the Official Plan contains Strategic Planning Policies.

#### **Housing**

Policies in Section 2.4.2 of the Official Plan promote affordable ownership and rental housing, including the use of a variety of planning tools to promote affordable housing, and the promotion of affordable housing via infill and intensification.

#### **Intensification and Infill**

Policies in Section 2.4.3 of the Official Plan encourage intensification specifically within local intensification areas, which include the Downtown and Main Street West Development, and throughout the entire Built-up area. The objectives of the intensification policies in the Official Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial.

#### **Employment Areas**

Policies in Section 2.4.5 of the Official Plan provide projected employment growth for the Municipality and specify that Employment areas are lands that provide opportunities for clusters of business and economic activities, including but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

#### **Economic Development**

Policies in Section 2.4.6 of the Official Plan recognize the Downtown and Main Street Areas as the City's primary commercial districts and the City will continue to work with property owners, business associations and other community groups to enhance these areas. The City will continue to support the designation and expansion of the Downtown and Main Street areas as Community Improvement Project Areas and Business Improvement Areas (BIAs). Increasing the supply of housing in the Downtown and Main Street areas and maintaining and upgrading existing housing shall be encouraged as a means of meeting the diverse housing needs and maintaining long term prosperity in the Downtown and Main Street areas.



Policies in Section 2.4.6 also speak to the importance of industrial development and note that the City will work closely with the St. Lawrence Seaway Management Corporation or appropriate federal government agency to ensure that federal lands along the Welland Canal are available for industrial and/or community uses, and the City will work with all industries to retain and foster their growth.

### **Energy Conservation and Climate Change**

Policies in Section 2.4.9 support the reduction of energy consumption via development of compact and mixed-use neighbourhoods, and incorporation of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.

### **3.9.4 City-Wide Land Use Policies**

Section 3 of the Official Plan contains the City-Wide Land Use policies, which in conjunction with land use designations as shown on Schedule A to the Official Plan (see **Appendix B**), guide land use in Port Colborne. Section 3 of the Official Plan contains general policies and design guidelines for each of the land use policies. The following land use policies in Section 3 of the Official Plan are of particular relevance to this CIP, including for the designation of Community Improvement Project Sub-Areas.

#### **Downtown Commercial**

Section 3.6 of the Official Plan specifies the land use policies for the Downtown Commercial area. This area includes the Downtown Central Business District and Olde Humberstone Main Street Commercial District. The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes. Intensification and mixed use development is encouraged in the Downtown Commercial area.

Intensification and infill in the Downtown Commercial Area is permitted and encouraged, subject to the design guidelines in the Official Plan, and any other design guidelines established by the City, and the requirements of the Zoning By-law. Mixed use development is encouraged in the Downtown. The preferred built form for mixed use development is commercial and offices uses on the ground floor, with residential units above.

#### **Industrial/Employment**

Section 3.10 of the Official Plan specifies the land use policies for Industrial/Employment lands. These are areas of serviced and un-serviced lands. The predominant uses for lands designated Industrial/ Employment shall include, but not be limited to: manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages. The Design policies for Industrial/Employment lands

also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **Economic Gateway Centre**

Section 3.11 of the Official Plan contains the policies for the Port Colborne Economic Gateway Centre. The areas identified on Schedule A as Economic Gateway Centre represent lands located near the Welland Canal and along Highway #140. The predominant uses of lands designated Economic Gateway Centre shall include, but not be limited to: transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer's showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses. Additionally, educational institutions which are complementary to the aforementioned uses are permitted as well as: retail; restaurant; and personal service uses that are scaled to serve the needs of the area's employees. The Design policies for Economic Gateway Centre also encourage green building technologies, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.

### **3.9.5 East Waterfront Secondary Plan**

Section 5.2 of the Official Plan contains the Secondary Plan for the East Waterfront (see Appendix B). The long term vision for the East Waterfront calls for green streets and open spaces that will create the setting for neighbourhood renewal, infill development and a variety of lakefront experiences. The intent of the Secondary Plan includes a number of objectives that could be promoted via incentive programs in a CIP, including:

- a) Repair and renovate existing housing stock and other buildings;
- b) Protect, restore and re-use architecturally and historically significant buildings;
- d) Reduce the environmental and visual impact of industrial uses; and,
- e) Attract new investment and development to vacant properties.

The lands identified on Schedule F of the Official Plan as the East Waterfront Secondary Plan are those lands intended to be used for a mixed use area including, Low and Medium Residential, Mixed-Use, Industrial, and Parks and Open Space and the uses associated with those designations.

The Strategic Planning policies for the East Waterfront in Section 5.2.3 of the Official Plan specify that the City will:

- through a Community Improvement Plan and other initiatives, promote and facilitate improvements to private property in the East Waterfront Secondary Plan area; and,
- continue to work with the St. Lawrence Seaway Management Corporation to strengthen the prosperity of the marine industry on the east side of the Welland Canal, immediately west of the East Waterfront Secondary Plan area.

### 3.9.6 Community Improvement Policies

Section 6 of the City's Official Plan contains policies on Community Improvement. These policies were prepared in accordance with the Region's Model Community Improvement Policies. The full text of the Community Improvement policies in the City of Port Colborne Official Plan are contained in **Appendix C**.

The policies of Section 6.1 and 6.2 establish a wide range of actions that the City can take regarding community improvement. These include:

1. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts, deficient municipal hard services, social, community or recreational services; or economic instability;
2. Establishment of incentive programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing and/or social development issues and needs;
3. Designation of a Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan, and as amended from time to time; and
4. Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 of the Planning Act, R.S.O. 1990.

Section 6.2.1a) outlines the conditions (one or more) that must be present for designation of community improvement project areas. Many of these criteria apply to the Community Improvement Project Area and Sub-Areas for this CIP, including:

- Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
- Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- Inadequate mix of housing types;
- Known or perceived environmental contamination;
- Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
- High commercial vacancy rates;
- Existing or potential business improvement areas;
- Vacant *lots* and under-utilized properties which have potential for infill, intensification, redevelopment or expansion to better utilize the land base;
- Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/ or loading facilities;
- Other barriers to the repair, rehabilitation or redevelopment of under- utilized land and/or buildings; and,
- Any other environmental, social or community economic development reasons.

Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:

- i) The anticipated improvements achieve the Vision and Strategic Directions in the Official Plan;
- ii) The greatest number of conditions for designation of a CIPA2 are present; and/or
- iii) Where one or more of the conditions are particularly acute; and/or,
- iv) Where one or more of the conditions exist across the entire Urban Area of the City.

Section 6.2.2 a) identifies the objectives of community improvement plans. This CIP has been prepared to meet several of these objectives, including:

- ✓ Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
- ✓ Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally significant buildings and properties;
- ✓ Encourage residential and other types of infill and *intensification*;
- ✓ Encourage the construction of *affordable* housing;
- ✓ Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
- ✓ Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
- ✓ Encourage the remediation and redevelopment of Brownfield sites;
- ✓ Support existing or potential business improvement areas;
- ✓ Improve environmental conditions; Improve social conditions;
- ✓ Facilitate and promote community economic development; and
- ✓ Improve community quality, safety and stability.

Section 6.2.2 b) specifies the minimum content requirements of a CIP. This CIP meets or exceeds all these minimum content requirements.

Section 6.2.3 outlines a full range of actions that the City can undertake to implement a CIP and these actions have been included (as applicable) in this CIP. Section 6.2.3 also specifies that all developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in the Official Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws. Finally, Section 6.2.3 notes that Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

### **3.9.7 Cultural Heritage Policies**

Section 7.1 of the Official Plan contains policies to help ensure the protection, preservation and enhancement of historic buildings, structures and land. This includes heritage designation and the establishment of heritage conservation districts under the Ontario Heritage Act. The City also supports the protection and enhancement

of cultural and heritage assets which include the establishment of a Heritage Character Area and Urban Design Guidelines that can preserve and guide new development or re- development and is supported by rebate and incentive programs that encourage property owners to protect, preserve and enhance these assets.

### **3.10 Port Colborne Affordable Housing Strategy**

The Port Colborne Affordable Housing Strategy was approved by Council on September 13, 2022. This Strategy contains the following vision statement: Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.

The Housing Strategy establishes four high level goals as follows:

1. Increase diversity of built form and tenure to provide more housing options for residents;
2. Promote greater intensification and density to leverage existing physical and social infrastructure;
3. Protect and expand purpose-built rental supply including affordable rental housing; and,
4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The Housing Strategy contains 12 recommendations to help accomplish these goals. The key recommendation as it relates to this CIP is Recommendation 7 which is to: explore the viability of financial and non-financial incentives for affordable housing and purpose-built rental developments. The Housing Strategy notes that the challenge to Port Colborne in designing an incentive program that promotes and attracts affordable housing development is twofold: (1) to be competitive with the CIP affordable housing incentives programs offered by other municipalities in Ontario while, (2) also being fiscally responsible. The Housing Strategy identifies a number of incentive programs that can be included within a CIP to promote affordable housing, including:

- Residential Intensification Grant;
- Affordable Housing Grant;
- Tax Increment Grant; and,
- Development Charges Grant.

## **4.0 Community Improvement Vision and Goals**

The general vision and key goals contained in the various existing CIPs were reviewed and updated based on the updated City policies in consultation with the PRT. As previously noted, the goals of the Industrial CIP and the Gateway CIP are very similar, and therefore, can be readily addressed by the current stand-alone Gateway CIP. The vision and key goals for the Downtown, Main Street, East Waterfront, and Brownfields were streamlined and focused, and are presented below.

### **4.1 Vision**

#### **4.1.1 Main Street**

Main Street will be a diverse mixed use center with a broad range of housing types, business, educational, cultural and recreational uses. Main Street will be vibrant and dynamic, offering a comfortable pedestrian environment and public spaces. Main Street will act as a compelling central place for residents with services and activities that are needed regularly, but will also be a tourist destination with heritage architecture, civic art, unique stores, thoughtfully designed public spaces, and specialized festivals and events. New buildings, building improvements, and public infrastructure will incorporate high quality design and sustainable design principles.

#### **4.1.2 Downtown**

The Downtown will be an active and vibrant commercial area with a broad range of uses and updated building facades and signage that maintain the Downtown's authentic feel and character. The Downtown will have a strong visual and physical relationship with the Welland Canal and celebrate its history as a working port. There will be more people living Downtown in a diverse range of housing opportunities. Downtown will be more pedestrian and cycling friendly with interesting and accessible streetscapes and more public gathering spaces. The Downtown will be better connected to the Canal, Marina, Main Street commercial area, and the East Waterfront community.

#### **4.1.3 East Waterfront**

The East Waterfront will see the incremental restoration and renovation of commercial, residential and other buildings in the community, as well as residential and mixed use infill development on vacant and underutilized properties. Architecturally and historically significant buildings will be restored, and adaptively reused. Streetscapes will be made greener and more pedestrian friendly. There will be new open spaces, better recreational opportunities, trail enhancements, and better pedestrian and cycling connections to the waterfront, including Nickel Beach.



## **4.2 Key Goals**

### **4.2.1 Main Street**

The key goals of this CIP for the City's Main Street CIPA are as follows:

- Improve building facades and signage;
- Diversify the mix of uses and activities for workers, visitors, and residents;
- Fill gaps along the street with mixed use buildings that are consistent with the architectural scale and style of existing buildings;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Improve the attractiveness, vibrancy and walkability of the area;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Provide an enhanced public gathering space for community and cultural events;
- Increase tourism visits to the area and make Main Street a focal point for tourism;
- Improve connections to open spaces and recreational amenities; and,
- Improve connections with the Canal, Waterfront, Marina, Main Street and East Waterfront areas.

### **4.2.2 Downtown**

The key goals of this CIP for the City's Downtown CIPA are as follows:

- Improve and update building facades and signage, while maintaining and enhancing the area's authentic feel and character;
- Increase the number of people living in the area via a more diverse range of housing opportunities;
- Diversify the range of commercial uses on West Street to better activate the street and the Welland Canal;
- Improve the visual and physical relationship of the area with the Welland Canal and celebrate its history as a working port;
- Provide a more pedestrian and cycling friendly environment; including sidewalks that have benches, street trees and street furniture;
- Increase options for active transportation;
- Increase the number of public gathering spaces; and,
- Improve connections from Downtown to the Canal, Waterfront, Marina, Main Street, and East Waterfront areas.

### **4.2.3 East Waterfront**

The key goals of this CIP for the City's East Waterfront CIPA are as follows:

- Protect, restore and re-use architecturally and historically significant buildings;
- Attract new investment and development to vacant properties;

- Improve the quality of streetscapes in the neighbourhood;
- Reduce the environmental and visual impact of industrial uses;
- Create new open spaces and recreational opportunities;
- Improve pedestrian and cycling connections to the lakefront.

#### **4.2.4 Brownfields**

The key goals of this CIP for brownfields in the Brownfield CIPA are as follows:

- Promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety at brownfield sites;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase the supply and range of housing types;
- Increase tax assessment and property tax revenues;
- Retain and increase employment opportunities; and,
- Support intensification and land efficient forms of development.

#### **4.2.5 Industrial/Employment Lands**

The key goals of this CIP for industrial/employment lands in the Gateway CIPA are as follows:

- Promote private sector investment that establishes new businesses or expands existing businesses;
- Create new and/or maintain existing permanent jobs, as well as short-term construction jobs;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base;
- Support investments in high growth economic sectors that contribute to the diversification of the local economy;
- Facilitate development of the City's employment lands; and,
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies.

## 5.0 Community Improvement Project Area

The CIPA for the Brownfield CIP, Gateway CIP, and Industrial CIP were all designated via text reference to a specific area within the City of Port Colborne as follows:

Brownfield CIPA - the entire urban area of the City of Port Colborne, as amended from time to time.

Gateway CIPA – all designated employment lands<sup>3</sup> in the settlement areas<sup>4</sup> within Port Colborne, as amended from time to time.

Industrial CIPA – all lands designated as “Industrial” on the City of Port Colborne’s Official Plan Land Use Schedule A, as amended.

It was determined that the boundary of the existing Brownfield CIPA is appropriate and be retained as is. As previously noted, it was determined that the boundary of the Industrial CIPA is wholly contained within the boundary of the Gateway CIPA. Also, the goals of the Industrial CIP and the Gateway CIP are very similar. Finally, review of the incentive programs contained in the Gateway CIP as compared to the incentive programs in the Industrial CIP determined that the Gateway CIP will serve to promote the development and redevelopment of industrially designated lands in Port Colborne. As such, it is recommended that the Industrial CIPA be de-designated and the Industrial CIP be discontinued. The Gateway CIP will continue to act as a standalone CIP for the promotion of employment lands development and redevelopment on all designated employment lands in the settlement areas within Port Colborne, as amended from time to time.

The CIPA for the Downtown CIP, Main Street CIP and East Waterfront CIP were all designated based on a map showing the boundary of each CIPA. A walking/driving tour of these CIPAs and adjacent areas was conducted with members of the PRT. A follow up tour of specific geographic areas identified for potential inclusion in the CIPAs was also conducted. During and after these tours, land uses, Official Plan designation, zoning, property and building conditions, business activity, and vacancy levels within these respective boundaries and adjacent areas were reviewed with the PRT in light of updated policy directions, community improvement needs, and community improvement goals, to determine the need to adjust the CIPA for each of these areas.

Based on the above-noted analysis, and for the purpose of strategically targeting the incentive programs contained within this CIP, it is recommended that the CIPA for this CIP be designated as **“the entire urban area of the City of Port Colborne, as amended from time to time”**. This CIPA if further divided into the following four (4) sub-areas:

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<sup>3</sup> “designated employment lands” means lands that have been designated in the Local Official Plans for employment uses.

<sup>4</sup> “settlement areas” means the urban area, villages and hamlets.

- 1) The “Main Street CIPA” (see Figures 1 and 2);
- 2) The “Downtown CIPA” (see Figures 1 and 3);
- 3) The “East Waterfront CIPA” ( see Figures 1 and 4); and,
- 4) The “Brownfield CIPA” which is “the entire urban area of the City of Port Colborne, as amended from time to time”.

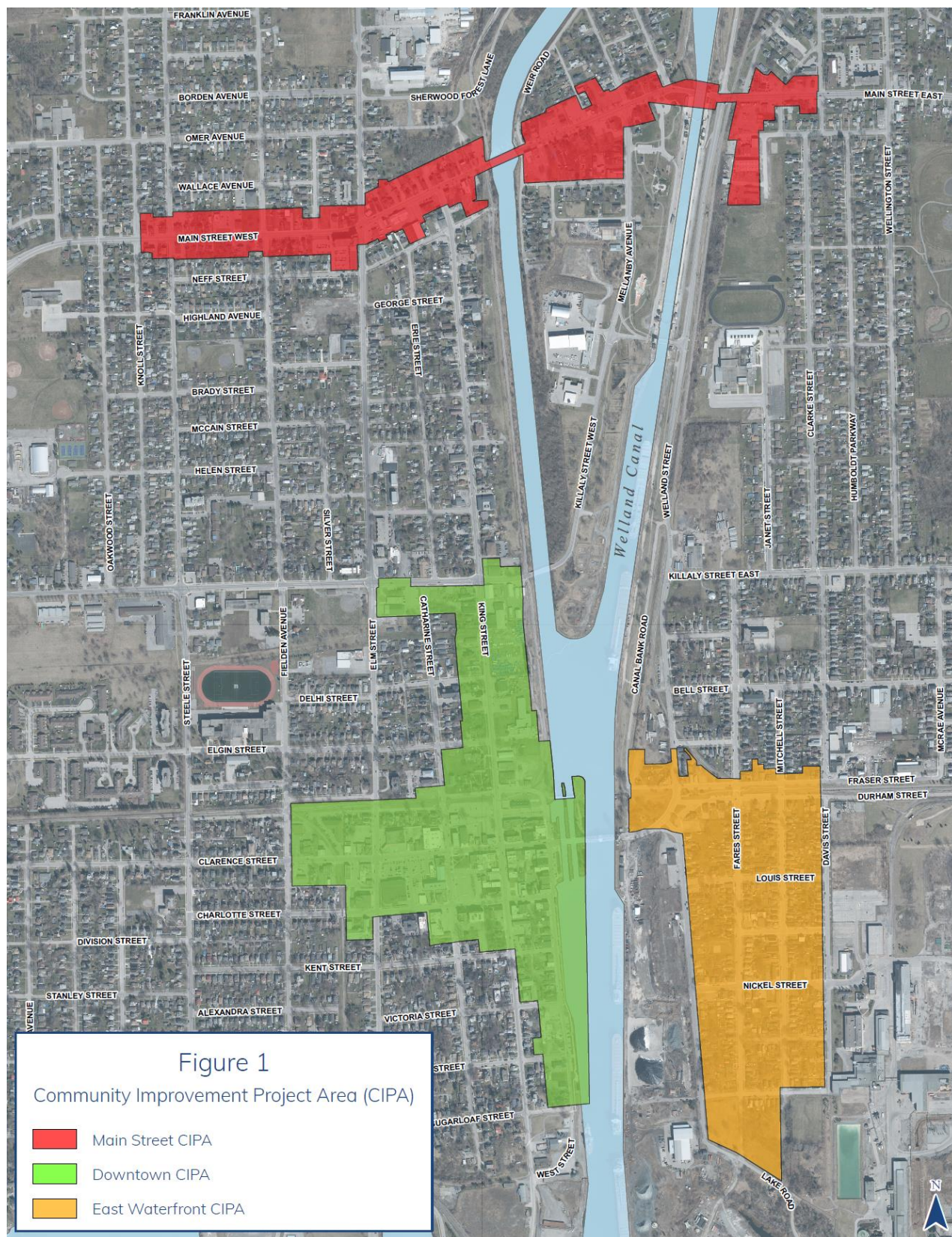
The CIPA is the area where the financial incentive programs contained within this CIP can be offered. The CIPA for this CIP as denoted above is to be designated by a by-law passed by Council.

To provide the City with flexibility (entirely at the discretion of the City) to include properties that are immediately outside the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA within one of these CIPAs,

- a) Properties that are immediately adjacent to the Main Street CIPA, Downtown CIPA, and East Waterfront CIPA may be considered by the City to be within one of these CIPAs, on a case by case basis, subject to these properties meeting the need for community improvement and any proposals for development of these properties meeting the applicable key community improvement goals of this CIP for that CIPA.

However, should the City approve a property that is immediately adjacent to the Main Street CIPA, Downtown CIPA, or East Waterfront CIPA Primary CIPA for inclusion within one of these CIPAs, this will in no way alter the boundaries of said designated CIPAs within the designated CIPAs as shown in Figures 1 through 4 below.

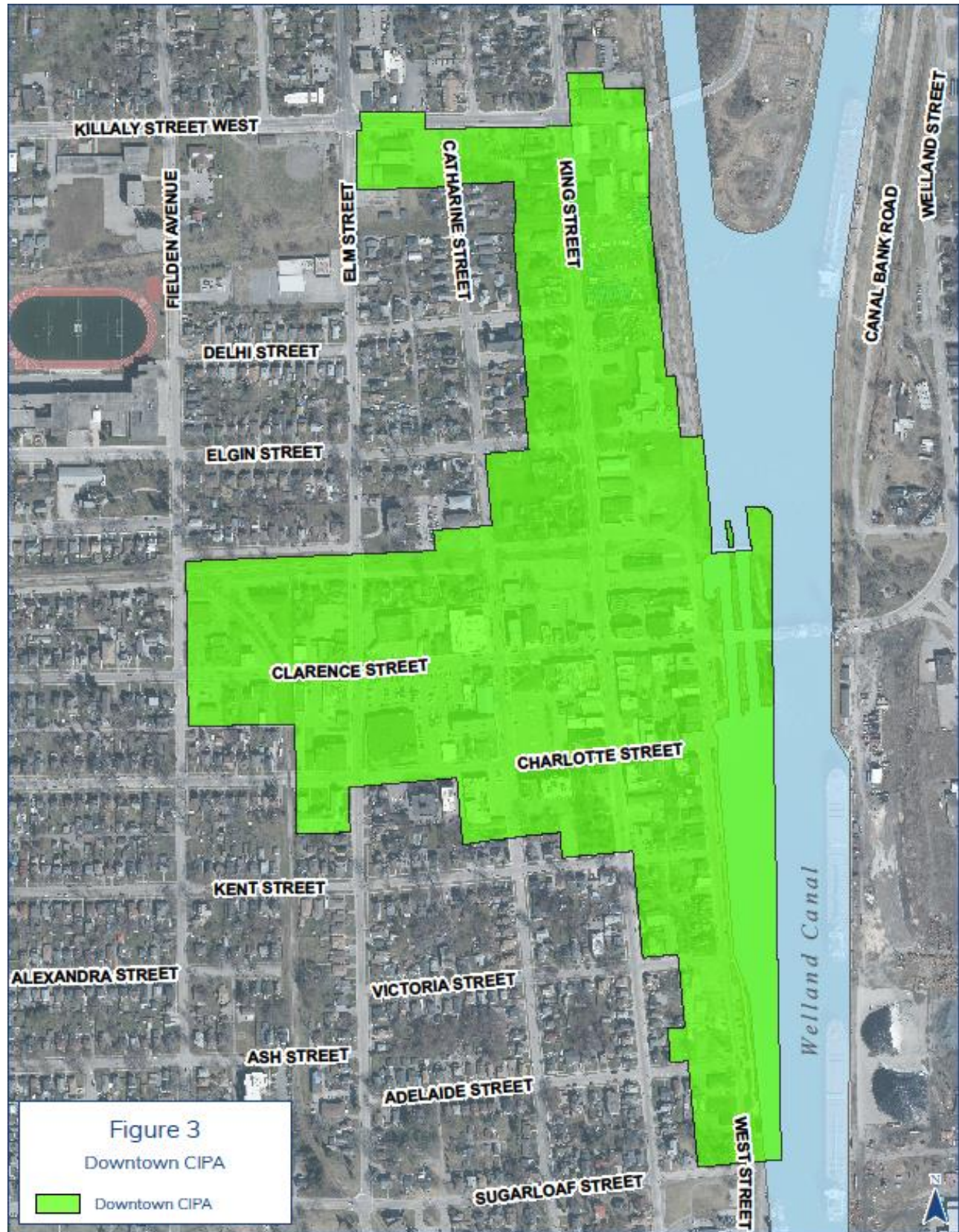




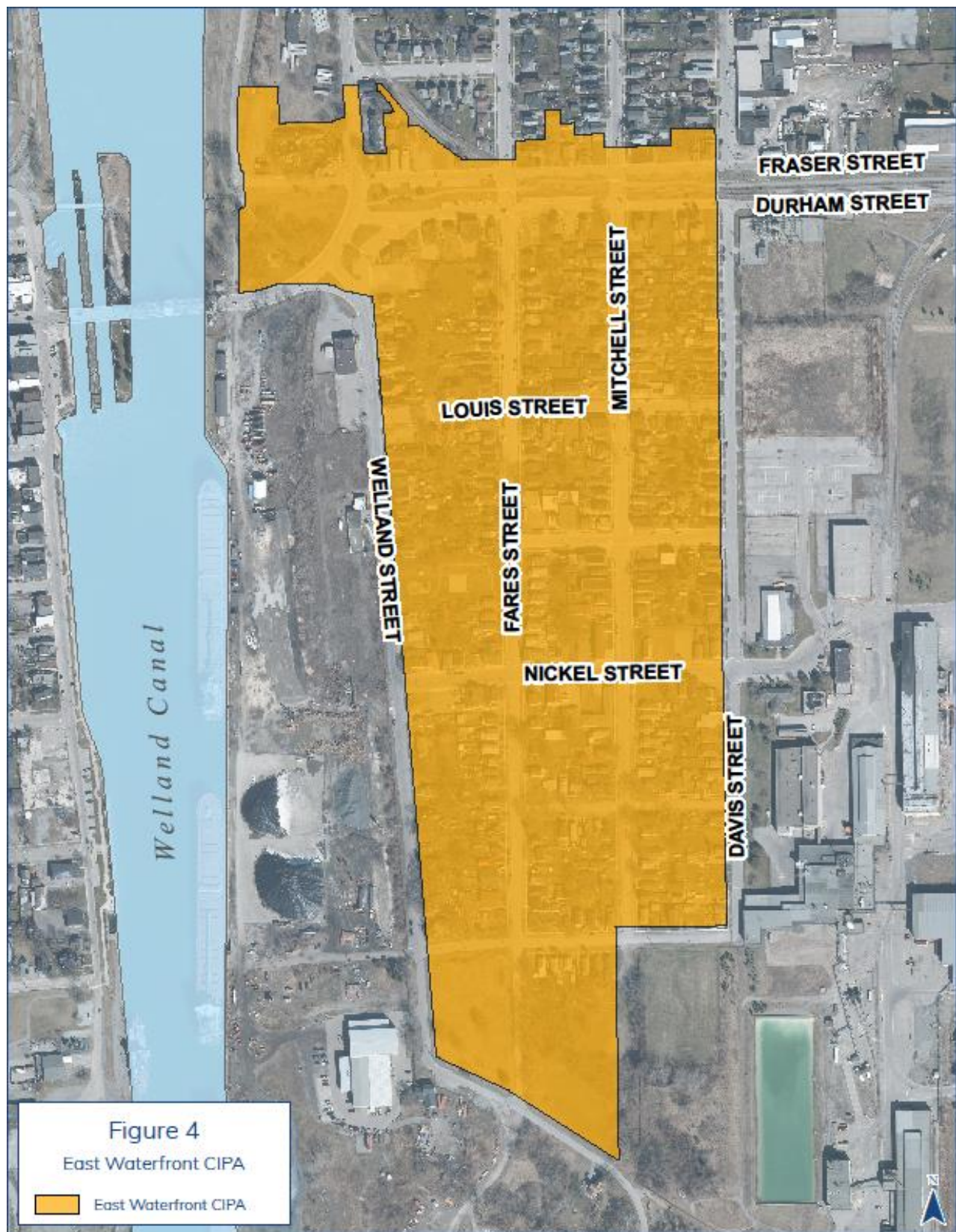












## 6.0 Incentive Programs

### 6.1 Summary of Incentive Programs

The financial incentive programs in this Comprehensive CIP draw on the City's experience with the incentive programs in the existing CIPs, and recent best practices in other municipalities. However, the incentive programs in this CIP were developed in consultation with the PRT to strategically address existing and emerging key community improvement needs across the municipality in order to help achieve the community improvement goals identified in Section 4.0. Consequently, not all of the incentive programs contained in this CIP will be offered across the entire urban area of the City of Port Colborne.

Once this CIP is adopted and approved, the incentive programs in the CIP can be activated by Council, one or more at a time, based on Council approval of the implementation of each program, subject to the availability of funding. In this regard, the CIP enables Council to implement the incentive programs contained herein, but does not obligate Council to implement any or all of these incentive programs. Furthermore, Council controls the implementation of the incentive programs and Council will decide which programs will be offered in the CIPAs, and the amount of funding allocated to the financial incentive programs. Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, subject to the restrictions contained in this CIP, and any additional restrictions imposed by the City.

When implementing the incentive programs, depending on budget considerations at the time, Council can set the maximum grant available for each incentive program at or below the maximum specified for that program herein. Council may also specify a maximum grant amount for any incentive programs where a maximum grant amount is not specified herein. Finally, all of the financial incentives described herein may be provided to applicants at the sole discretion of the City of Port Colborne.

General requirements that apply to all the incentive programs and program specific requirements have been included in this CIP to help ensure that the goals of the CIP can be met while protecting the financial, planning, and other interests of the City. **Table 2** below provides information for each of the incentive programs that can be offered by the City under this CIP, including the specific CIPAs where each program can be made available by the City (eligible CIPA), and the types of properties/projects that are eligible to apply for each incentive program in each eligible CIPA. The balance of this section provides a description of the general program requirements, and the basic details for each of the incentive programs, including the program purpose, description, and program specific requirements. **Appendices D and E** contains supporting information for one or more of the incentive programs. These appendices do not form an operative part of the CIP, and may be changed from time to time by the City, as required, without amendment to this Plan.

**Table 2 Summary of Incentive Programs**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>1) Environmental Site Assessment Grant Program</b>	A Grant equal to 50% of the cost of eligible environmental studies to a maximum: a) grant of \$20,000 per study; b) two (2) studies per project; and, c) \$30,000 per project.	Brownfield CIPA (entire urban area).	All properties, but applicants must clearly demonstrate a legitimate intention to undertake eligible community improvement/ redevelopment of the property.
<b>2) Urban Design Study Grant Program</b>	A Grant equal to 50% of cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments to a maximum grant of \$2,000 per property/project.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	All properties with potential for eligible community improvements.
<b>3) Facade and Property Improvement Grant Program</b>	A Grant equal to 50% of cost of eligible front facade and storefront improvement and restoration works up to a maximum grant per project of \$20,000. Maximum grant can be increased by up to \$5,000 (on a matching 50/50 basis) for projects on properties that are designated under the <i>Ontario Heritage Act</i> .  A separate Grant equal to 50% of cost of eligible side and/or rear facade improvement and restoration works up to maximum grant per project of \$5,000 only where said rear and/or side facades are highly visible from a public road, public parking area or public open space.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Existing commercial, institutional and mixed use buildings only.

**Table 2 Summary of Incentive Programs (cont'd)**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>4) Residential Grant Program</b>	A Grant equal to 50% of cost of renovating existing residential units and/or constructing new residential units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	<ul style="list-style-type: none"> <li>i) Renovation to existing residential units in mixed use buildings to Building Code, Fire Code, and Property Standards Bylaw.</li> <li>ii) Conversion of excess/ vacant commercial space on upper stories of commercial and mixed use buildings into one (1) or more net residential units.</li> <li>iii) Intensification of existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units.</li> <li>iv) Vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.</li> </ul>
<b>5) Affordable Rental Housing Grant Program</b>	A Grant equal to 50% of cost of constructing new affordable rental housing units on the basis of \$15 per sq.ft., to a maximum grant of \$15,000 per unit and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).	Entire urban area, but priority will be given to applications in Main Street, Downtown, and East Waterfront CIPAs.	New affordable rental housing units <sup>5</sup> rental housing units only created by eligible project types 4) ii) to iv) above. Can be combined with the Residential Grant Program, in the Main Street, Downtown, and East Waterfront CIPAs, as applicable.
<b>6) Brownfields Tax Assistance Program (TAP)</b>	Cancellation of the City property tax increase for up to 5 years during the tax assistance period. Cancellation of the education property tax increase is subject to approval by the Minister of Finance and is a separate process from the CIP program application process.	Brownfield CIPA (entire urban area).	Property must have a corresponding Brownfield TIG application.

<sup>5</sup> See Appendix D for the definition of “affordable rental housing”.



**Table 2 Summary of Incentive Programs (cont'd)**

<b>Program</b>	<b>Description</b>	<b>Eligible CIPA</b>	<b>Eligible Properties/Projects</b>
<b>7) Tax Increment Grant (TIG) Program</b>	a) Main Street, Downtown and East Waterfront TIG - Annual TIG equal to 80% of City property tax increase generated by project for up to 10 years following project completion. TIG increases to 100% for affordable rental housing units.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Only projects that create a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.
	b) Brownfield TIG - Annual Tax Increment Grant (TIG) equal to 100% of City property tax increase generated by project for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The total amount of the Brownfield TIG is; a) capped at the total eligible program costs; and, b) reduced (offset) by the amount of the Brownfield DCG.
<b>8) Development Charge Grant (DCG) Program</b>	Main Street, Downtown and East Waterfront Development Charge (DCG) – A Grant equal to 50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	Applicants must choose between the TIG Program and the DCG Program.
	Affordable Rental Housing DCG <sup>6</sup> – a Grant equal to 100% of the City DC payable on affordable rental housing units.	Entire Urban Area	Applicants must choose between a TIG Program and the DCG Program.
	Brownfield DCG – A Grant equal to up to 100% of the City DC payable.	Brownfield CIPA (entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG.

<sup>6</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a 100% Development Charge Exemption for affordable rental housing units. If that is the case, no TIG will be available.



## 6.2 General Program Requirements

All of the financial incentive programs contained in this CIP are subject to the following general requirements as well as the individual requirements specified under each program. The general and program specific requirements contained in this CIP are not necessarily exhaustive, and the City 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) as defined in Section 5.0 of this Plan;
- b) None of the incentive programs contained in this Plan will be offered on a retroactive basis. This means that the City can accept applications for the financial incentive programs contained in this CIP only after this CIP has been adopted by Council and approved. This also means that an application for any financial incentive program contained in this CIP must be submitted to the City and that application must be approved by the City prior to the commencement of any eligible studies or eligible works that are the subject of the application;
- c) In addition to the restriction of eligibility for incentive programs to certain CIPAs and land uses as specified in this Plan, the City may further restrict eligibility for any of the incentive programs contained in this Plan to certain geographic areas, land uses, types of development, and other additional criteria, without amendment to this Plan, to help ensure that funded projects achieve the goals of this Plan and maximize community improvement benefits;
- d) Once activated by Council, the incentive programs contained in this CIP can be used individually or together by an applicant, i.e., the incentive programs can be combined or “stacked”, subject to the general and individual program requirements and maximum grant restrictions contained in this CIP, and any additional program requirements and restrictions that may be imposed by the City;
- e) With the exception of the Brownfield Tax Increment Grant (TIG) and Brownfield Development Charge Grant (DCG) Programs, applicants for all other Tax Increment Grant (TIG) Programs and Development Charge Grant (DCG) Programs contained in this CIP must choose between a TIG Program and a DCG Program. An applicant cannot apply for both programs.
- f) Applicants are eligible to apply for both the Brownfield Tax Increment Grant (TIG) and the Brownfield Development Charge Grant (DCG) Programs contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the approved Brownfield DCG.
- g) Applicants who apply and are approved for a TIG and/or a DCG under this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.

h) Except for the following programs, the applicant must be the owner of the property,;

- i) Environmental Site Assessment (ESA) Grant Program;
- ii) Urban Design Study Grant Program;
- iii) Facade and Property Improvement Grant Program;

For the programs noted in h) i) to iii) above, if the applicant is not the owner of the property, the applicant must provide written consent from the owner of the property to make the application and receive the grant payment, with said written consent in a form acceptable to the City;

- i) An individual, corporation or other party who has litigation pending against the City, including appeals to planning and other tribunals, may be deemed by the City in its sole and absolute discretion to be ineligible to apply for/receive any of the incentive programs contained in this CIP;
- j) Regardless of whether or not an Applicant otherwise satisfies the general and program specific requirements contained in this CIP, City Council or its delegate may reject any incentive program application received from an applicant where there is credible information that the applicant has been involved recently or repeatedly in illegal activity, supporting the conclusion that the applicant will not conduct themselves with honesty and integrity in undertaking the community improvement for which a grant is being sought. In this regard, applicants are individuals, corporations, and principals of the corporation, including corporate officers and directors;
- k) An application for any financial incentive program contained in this CIP must include plans, drawings, studies, cost estimates, contracts, reports, construction values, rental rates, sale prices, and other details as required by the City to satisfy the City with respect to the costs, design and performance of the project, and conformity of the project with the CIP;
- l) The City may require that an applicant submit for approval professional urban design studies, architectural/design drawings, and a heritage impact assessment prepared by a qualified professional with said studies and drawings in conformity with all applicable design guidelines specified by the City;
- m) The City may require that an applicant submit for approval a business plan, impact studies such as traffic studies, studies of microclimatic conditions (sun, shadow, wind), and any other studies as deemed necessary by the City, and such studies shall be to the City's satisfaction;
- n) 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;
- o) The application is subject to approval by 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;

- p) Except for the ESA Grant Program and the Urban Design Study Grant Program, as a condition of application approval, the applicant will be required to enter into a Grant Agreement with the City. 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;
- q) Each program in this CIP is considered active if Council has approved implementation of the program and Council has approved a budget allocation for the program (as applicable);
- r) Where other sources of government and/or non-profit organization funding (Federal, Provincial, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs have been applied for, are anticipated, or have been secured, these must be declared as part of the application, and accordingly, the grant/loan from the City may be reduced on a pro-rated basis;
- s) The City reserves the right to audit the cost of any and all works that have been approved under any of the financial incentive programs, at the expense of the applicant;
- t) The City is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant;
- u) If the applicant is in default of any of the general or program specific requirements, any other requirements of the City, or any of the terms and condition specified in the grant agreement, the City may delay, reduce, or cancel the approved grant, and require repayment of the approved grant, including the ability to add the repayment of the approved grant amount to the property tax roll;
- v) The City may discontinue any of the programs contained in this CIP at any time, but applicants with an approved grant will still receive said grant, subject to meeting the general and program specific requirements;
- w) All proposed works approved under the financial incentive programs and associated improvements to buildings and/or land completed must conform to all applicable City guidelines, by-laws, policies, procedures and standards, including applicable Urban Design Guidelines;
- x) All works completed must comply with the description of the works as provided in the application form, supporting materials, and contained in the program agreement, with any amendments as approved at the sole discretion of the City;
- y) Existing and proposed land uses must be in conformity with applicable Official Plan(s), Zoning By-law and other planning requirements and approvals;

- z) 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;
- aa) When required by the City, outstanding work orders, and/or orders or requests to comply, and/or other charges from the City must be satisfactorily addressed prior to grant approval/payment;
- bb) Property taxes must be in good standing at the time of program application and throughout the entire length of the grant commitment;
- cc) City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City;
- dd) Applicants approved for the programs contained in this CIP will be required to complete the eligible studies and eligible works within specified timeframes as specified in their approval letter or grant agreement; and,
- ee) 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.

## **6.3 Environmental Site Assessment (ESA) Grant Program**

### **6.3.1 Purpose**

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

### **6.3.2 Description**

Eligible environmental studies include a Phase II ESA (complete, partial, or supplemental), Remedial Work Plan, Risk Assessment/Risk Management Plan, testing and tracking for excess soil management, and a Designated Substances and Hazardous Materials Survey. Environmental study grants will only be offered on eligible properties where there is potential for renovation/adaptive reuse/expansion of the buildings on the property, and/or development/redevelopment of the property. Applicants must clearly demonstrate their legitimate intention to undertake one or more of these activities on an eligible property, by whatever means deemed necessary by the City<sup>7</sup>. Studies undertaken solely for the purposes of purchase/sale due diligence shall not be eligible for this program.

This program will provide a grant equal to 50% of the cost of eligible environmental studies to a maximum:

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

Applications for this program will be processed and approved on a first come, first served basis. Review and evaluation of an application and supporting materials against program eligibility requirements will be completed by staff, and a decision on the grant application will be made by staff acting as Council's designate.

Grant payments approved under this program would be provided to applicants following submission to the City 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 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 the ESA Grant. Assignees are eligible to apply for and receive this grant, subject to providing the City with written consent from the owner to conduct the study and provided that the property owner has assigned the grant to the assignee.

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<sup>7</sup> This may include, but is not necessarily limited to the submission of a letter of intent to renovate, adaptively reuse, expand and/or redevelop the property, and submission of a preliminary development plan (if planning applications have not yet been submitted).

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 City 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 City prior to the start of any environmental study to which this grant will apply;
- b) Environmental studies shall be for the purpose of:
  - i) confirming and describing the location and concentration of contamination at the site (complete, partial, or supplemental Phase II ESA);
  - ii) developing a plan to remove, treat, or otherwise manage contamination found on the site (Remedial Work Plan, Risk Assessment/Risk Management Plan);
  - iii) testing and tracking for the purpose of excess soil management as per O. Reg 406/19;
  - iv) Designated Substances and Hazardous Materials Survey.

For application type c i) above, applicants must complete and submit to the City 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 ii) above, applicants must complete and submit to the City 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.

- c) All ESA Grant applications will include:
  - i) a minimum of two (2) study cost estimates<sup>8</sup>;
  - 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;

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<sup>8</sup> The grant to be paid will be based on the lesser of the two cost estimates, or the actual cost of the study, whichever is less.



- d) All completed environmental studies must comply with the description of the studies as provided in the grant application form;
- e) One (1) electronic and one (1) hard copy of the study must be submitted to the City for the City's review and retention; and,
- f) Approval of an ESA Grant application (except Risk Assessments/Risk Management Plans) will be revoked if the study is not submitted within two (2) calendar years of the date that the ESA Grant application is approved.

## **6.4 Urban Design Study Grant Program**

### **6.4.1 Purpose**

To help promote the undertaking of professionally prepared high quality urban design studies, architectural/design drawings, and heritage impact assessments that meet the City's Urban Design Guidelines and any other applicable guidelines and to help offset the costs of preparing said professional urban design studies, architectural/design drawings and heritage impact assessments.

### **6.4.2 Description**

This program will provide a matching grant equal to 50% of the cost of preparing professional urban design studies, architectural/design drawings, and heritage impact assessments required by the City to a maximum grant per property/project of \$2,000. Only one Urban Design Study Grant application per property/project will be allowed.

### **6.4.3 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) The following types of professional studies/drawings/assessments for the renovation, conversion, and expansion of existing buildings and the construction of new buildings are considered eligible for a grant under this program:
  - i) urban design studies;
  - ii) architectural/design drawings;
  - iii) heritage impact assessments; and,
  - iv) any other study as approved by the City.
- b) All studies/drawings/assessments must be prepared by a qualified professional (i.e., architect/design professional) as determined by the City;

- c) One (1) electronic and one (1) hard copy of the study/drawings/assessment must be submitted to the City for the City's review and retention; and,
- d) All studies/drawings/assessments must be to the satisfaction of the City and must meet the City's Urban Design Guidelines and any other applicable City guidelines, by-laws, policies, procedures, and standards.

## **6.5 Facade and Property Improvement Grant Program**

### **6.5.1 Purpose**

To promote the rehabilitation, restoration, preservation and improvement of the front, side and rear facades of existing commercial, institutional and mixed use buildings, including retail storefront display areas and signage.

To promote improved landscaping, driveway access, and parking areas of existing commercial, institutional, and mixed use buildings with particular emphasis on the public street edge in order to improve visual quality and create a safer and more comfortable pedestrian environment.

### **6.5.2 Description**

This program will provide a grant equal to 50% of the cost of eligible front facade and storefront improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$20,000.

The maximum grant available under this program can be increased by up to \$5,000 (on a matching 50/50 basis) for projects that are also designated under the *Ontario Heritage Act*.

A separate grant equal to 50% of the cost of eligible side and/or rear facade improvement and restoration works to existing commercial, institutional and mixed use buildings up to a maximum grant per project of \$5,000 may be provided where said rear and/or side facades are highly visible from a public road, public parking area or public open space.

### **6.5.3 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) The following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings are considered eligible for a grant under this program:
  - i) repair or replacement of storefront, including repair or replacement of storefront doors and windows;
  - ii) exterior and entrance modifications to provide barrier free accessibility;

- iii) repair or repointing of facade masonry and brickwork;
  - iv) repair or replacement of cornices, parapets, eaves and other architectural details;
  - v) repair or replacement of awnings or canopies;
  - vi) facade painting, cleaning, and refinishing treatments as acceptable to the City;
  - vii) addition of new lighting/upgrading of existing lighting fixtures on exterior facade and in entrance and storefront display areas;
  - viii) repair, improvement, or replacement of existing signage, and installation of new signage (as permitted by the Sign By-law);
  - ix) landscaping, including plant materials, planters and planting strips, (to a maximum of 15% of the approved grant amount);
  - x) addition of new lighting and/or upgrading of existing lighting (e.g., conversion to LED lighting) where said lighting is not attached to the building;
  - xi) construction, expansion or upgrading of an outdoor commercial patio/café area;
  - xii) construction, consolidation, or improvement of parking areas and driveway access/egress;
  - xiii) architectural/design fees required for eligible works (to a maximum of 10% of the grant amount);
  - xiv) other similar repairs/improvements as may be approved; and,
  - xv) items i) to xiv) above as they apply to side facades and rear facades that are highly visible from a public road, public parking area or public open space.
- b) In addition to the eligible costs specified in a) above, the following types of building façade restoration and improvement works on commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act* are also considered eligible for a grant under this program:
- i) works that conserve or enhance elements specified in the Reasons for Designation accompanying the designating by-law under the *Ontario Heritage Act*;
  - ii) original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.);
  - iii) removal of modern materials and replacement with documented original materials;
  - iv) reconstruction or construction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.);
  - v) cleaning of masonry buildings, as acceptable to the City, if it is necessary for the building's preservation;
  - vi) all final finishes, such as paint and masonry, as acceptable to the City; and,
  - vii) structural repairs and works required to maintain or preserve significant heritage features.
- c) For commercial, institutional and mixed use buildings designated under the *Ontario Heritage Act*, the facade restoration and improvement works should be supported by documentation in the form of historic photographs or drawings clearly showing the feature(s) to be restored or reconstructed.

- d) The City may consider applications for phased facade improvements under this program, subject to the maximum grant amounts per project noted above.

## **6.6 Residential Grant Program**

### **6.6.1 Purpose**

To promote improvements to the quality of the existing housing stock and increase the supply of housing via:

- a) renovations to existing residential units in mixed use buildings;
- b) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new residential units;
- c) residential intensification of existing mixed use or residential apartment/multi-unit buildings; and,
- d) the infilling of vacant lots with new residential units.

### **6.6.2 Description**

This program will provide a grant equal to the cost of renovating existing residential units to code and/or constructing new residential units on the basis of \$15 per square foot of habitable floor space renovated or constructed, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project).

The Residential Grant Program can be used for rental or ownership units. If used for ownership units, the grant may apply to buildings that fall under the *Condominium Act*. The Grant will be paid once all construction is complete and the City has conducted all final inspections.

### **6.6.3 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) The following types of projects are considered eligible for a grant under this program:
  - i) renovations to existing residential units in mixed use buildings to bring these units into compliance with the Building Code, Property Standards By-law and the Fire Code;
  - ii) conversion of excess commercial and/or vacant space on upper stories of commercial and mixed use building to one (1) or more residential units;
  - iii) intensification of an existing mixed use or residential apartment/multi-unit building that adds one (1) or more net residential units; and,
  - iv) vacant lots (including parking lots) converting to mixed use or residential use where two (2) or more net residential units are being created.

## 6.7 Affordable Rental Housing Grant Program

### 6.7.1 Purpose

To increase the supply of new affordable rental housing<sup>9</sup> via:

- a) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to new affordable rental residential units;
- b) intensification of existing mixed use or residential apartment/multi-unit buildings to create new affordable rental residential units; and,
- c) the infilling of vacant lots with new affordable rental residential units.

### 6.7.2 Description

This program will provide a grant equal to \$15 per square foot for the creation of new affordable rental housing units, to a maximum grant of \$15,000 per unit, and a maximum of 5 units per property/project (total maximum grant of \$75,000 per property/project). While the City can offer the Affordable Rental Housing Grant Program as a stand- alone program across the entire urban area, priority will be given to applications in the Main Street, Downtown, and East Waterfront CIPAs. The Affordable Rental Housing Grant Program can also be combined with the Residential Grant Program in the Main Street, Downtown and East Waterfront CIPAs. Applicants have the option to apply up to \$10,000 of their approved Affordable Rental Housing Grant against planning and building permit fees at the time these must be paid, with a concomitant reduction in the balance of the Affordable Rental Housing Grant when it is paid upon project completion.

The affordable rental housing units created under this program must remain as affordable rental housing units as per the definition of affordable rental housing and minimum period of time as specified in **Appendix D**. Therefore, all applicants approved for a grant under this program must enter into an Agreement with the local municipality to maintain the residential unit as affordable for the minimum period of time specified in Appendix D. The Applicant will be responsible for annually confirming with the City that all residential units funded by this program remain as affordable rental residential units. The grant provided to the applicant will be immediately due and payable for all units that are no longer affordable rental housing within the period of time specified in Appendix D.

### 6.7.3 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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D;:

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<sup>9</sup> See Appendix D for the definition of “affordable rental housing”.

- i) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - ii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iii) the infilling of vacant lots with new affordable rental residential units.
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

## **6.8 Brownfield Tax Assistance Program (TAP)**

### **6.8.1 Purpose**

To encourage the remediation and substantial rehabilitation, adaptive reuse, development/redevelopment of brownfield sites (where actual contamination has been confirmed) by providing tax assistance in the form of a cancellation of part or all 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 and/or risk assessment/ management. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

### **6.8.2 Description**

As noted in Section 2.1 of this CIP, the legislative authority for the Brownfield TAP is established under Sections 365.1 of the *Municipal Act, 2001*. Municipalities can pass a tax assistance by-law that cancels part or all of the taxes levied on an “eligible property” for municipal and school purposes during the “assistance period”, as defined in Section 365.1 of the *Municipal Act, 2001*.

An “eligible property” for the Brownfield TAP is a property within the CIPA that is also eligible for the Brownfield Tax Increment Grant (TIG) Program 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.

The “assistance period” for the Brownfield TAP is the period of time starting on the date on which the tax assistance by-law is passed by the City, and ending on the:

- a) the date when the total tax assistance provided equals the total eligible costs; or,
- b) the end date specified in the by-law (maximum of 5 years from the date the by-law was passed), whichever comes first.



“Eligible costs” for the Brownfield 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 6.8.3 below. In no case will the total amount of the tax assistance provided under the Brownfield TAP exceed the total of these eligible costs.

An application for the Brownfield TAP must be for a site with confirmed environmental contamination as evidenced via a Phase II ESA that demonstrates the site does 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. An application for the Brownfield TAP must be accompanied by an application for the Brownfield TIG Program. Stand-alone applications for the Brownfield TAP are not permitted, and a Brownfield TAP application can only be approved if the corresponding Brownfield TIG Program Application is approved.

As part of the tax assistance provided to the applicant, the City may also request participation from the Region of Niagara (applicable only if the Region offers a Brownfield Tax Assistance Program) in order to provide for a cancellation of part or all of the Regional property tax increase, on an application by application basis. In order for the tax assistance by-law to apply to Regional property taxes, before it is passed by the City, the City must supply a copy of the proposed by-law to the Region, and 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 5 years. The tax assistance provided by the Region may be delivered on a different schedule than the tax assistance provided by the City, and may be subject to additional conditions.

The City may also apply to the Ministry of Finance for matching school property tax assistance on behalf of the property owner under the Province’s Brownfields Financial Tax Incentive Program (BFTIP), or through any other replacement programs administered by the Province. In order for the tax assistance by-law to apply to school property taxes, the BTIF Application must be approved in writing by the Minister of Finance. Matching school property tax assistance for eligible properties available through the Provincial BFTIP, or through any other replacement programs administered by the Province, is subject to approval by the Minister of Finance on a case by case basis, may be provided on a different schedule from the tax assistance provided by the City, and may be subject to additional conditions. An approval made under the City’s Brownfield TAP shall be conditional on the Applicant receiving approval from the Minister of Finance for a corresponding application under the Province of Ontario’s BFTIP respecting cancellation of the school portion of property taxes.

Each property approved for the Brownfield TAP will be subject to passing of a by-law by the City that authorizes the provision of the tax assistance. This by-law will contain conditions required by the City as well as conditions required by the Region (if applicable) and the Minister of Finance.

### 6.8.3 Program Requirements

Applicants that have applied for a Brownfield TIG are eligible to apply for funding under this program, subject to meeting the general program requirements, the following program requirements, and subject to availability of funding as approved by City Council, Regional Council (if applicable) and the Minister of Finance:

- a) An application for the Brownfield TAP must be accompanied by:
  - i) an application for the TIG Program, including a description of the development that will take place on the site post remediation/risk assessment;
  - ii) a Phase I ESA;
  - iii) 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;
  - iv) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the tax assistance provided under this program shall not exceed total eligible costs. This includes the eligible costs of:
  - i) A Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the ESA Grant Program;
  - ii) environmental remediation, including the cost of preparing a Record of Site Condition (RSC) and Certificate of Property Use (CPU);
  - 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/or CPU;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated; and,
  - vi) environmental insurance premiums;
- c) Should the owner of the property default on any of the conditions in the tax assistance agreement or by-law, cancelled property taxes (plus interest) will become payable to the City, the Region (if applicable) and the Province;

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

## 6.9 Tax Increment Grant (TIG) Program

### 6.9.1 Purpose

To encourage substantial rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from these various types of development. This incentive is also designed to assist in securing project financing.

### 6.9.2 Description

**N.B. An applicant applying for the Main Street, Downtown, or East Waterfront TIG Program cannot apply for any Development Charge Grant (DCG) Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

Subject to the “as built” project achieving the minimum increase in assessment value (AV) (as determined by MPAC) specified in **Appendix E<sup>10</sup>**, this program will provide an annual tax increment grant (TIG) for up to ten (10) years after project completion equal to a percentage of the increase in the municipal (City and Region) <sup>11</sup> portion of property taxes<sup>12</sup> generated by completion of an eligible project as shown in **Table 3** below.

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<sup>10</sup> The Brownfield TIG Program is exempt from this minimum assessment value increase requirement.

<sup>11</sup> Regional Municipality of Niagara participation in this program is subject to approval by the Region. If the Region does not offer a corresponding program, or elects not to participate in this program, the grant will apply only to the City property tax increase.

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

**Table 3 Tax Increment Grant (TIG) Program by Type**

TIG Program Name	TIG is Equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront TIG Program	80% of the municipal property tax increase for up to 10 years following project completion. TIG increases to 100% for up to 10 years for affordable rental housing units <sup>13</sup> .	Downtown CIPA. Main Street CIPA. East Waterfront CIPA.	Only projects that generate a minimum increase in assessment value of the property (as determined by MPAC) as specified in Appendix E.  An applicant for this TIG Program cannot apply for a DCG Program under this CIP.
Brownfield TIG Program	100% of the municipal property tax increase for up to 10 years following project completion.	Brownfield CIPA (entire Urban Area).	The maximum amount of the Brownfield TIG is capped at total eligible costs for the Brownfield TIG as verified by the City.  An applicant for the Brownfield TIG Program can also apply for the Brownfield DCG Program, but the total amount of the Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.

The approved applicant would first construct and complete the approved project. The City would then pay the fixed grant annually once:

- a) The eligible project has been completed in accordance with the grant application;
- b) Final building inspections have taken place;
- c) An occupancy permit has been issued (as applicable);
- d) All deficiencies have been addressed;
- e) All general and program specific requirements and grant agreement requirements have been met, and continue to be met, to the City's satisfaction;
- f) The property has been reassessed by the Municipal Property Assessment Corporation (MPAC) and the assessment value of the property has increased by the minimum specified in Appendix E; and,
- g) The new property taxes have been paid in full for the year.

The City may establish a maximum total grant that can be paid under this program per application/property/project.

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 municipal property taxes (tax increment) will be calculated as the difference between pre-project municipal property taxes and post-project municipal

<sup>13</sup> See Appendix D for the definition of "affordable rental housing".

property taxes that are levied as a result of re-valuation of the property by the MPAC following project completion. The tax increment does not include any increase/decrease in municipal taxes due to a general tax increase/decrease, or a change in assessment for any other reason. The annual grant amount to be paid over up to 10 years will be fixed based on post-project property taxes as determined based on post-project assessment value of the project upon completion. This fixed grant amount will then be paid annually once the eligible project is complete, building inspection has taken place, the property has been reassessed by MPAC, and the new property taxes have been paid in full for the year in which the grant is to be provided.

Assignment of an approved grant under the TIG Program is not permitted, unless it is an approved Brownfield TIG Program application, in which case, the City may allow, entirely at its own discretion, the approved applicant to assign the Brownfield TIG grant to a third party, but this is limited to a one-time assignability by the approved applicant.

If an application for both the Brownfield TIG Program and the Brownfield TAP has been approved, the annual grant available under the Brownfield TIG Program will begin when the benefits of the Brownfield TAP end.

#### **6.9.3 Program Requirements for the Main Street, Downtown, and East Waterfront TIG Program**

Applicants are eligible to apply for funding under one of the Main Street, Downtown, and East Waterfront TIG Programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects that generate an “as built” increase in assessment value (as determined by MPAC) specified in Appendix E are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings;
- b) If during the grant period, a building receiving a TIG is demolished, all grant payments shall cease and the City reserves the right to require repayment of the grant payments; and,
- c) If during the grant period, a building/property designated under the *Ontario Heritage Act* receiving a TIG is demolished or any of the heritage features are altered in any way that would compromise the reasons for designation, all grant payments shall cease and the City reserves the right to require repayment of the grant payments.

#### **6.9.4 Program Requirements for the Brownfield TIG Program**

Applicants are eligible to apply for funding under this program, subject to meeting the general program requirements, the program requirements in Section 6.9.3 above, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) An application for the Brownfield TIG must be accompanied by a:
  - i) Phase I ESA;
  - ii) Phase II ESA prepared by a qualified person that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the *Environmental Protection Act* to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry;
  - iii) a Remedial Work Plan and/or Risk Assessment/Risk Management Plan prepared by a qualified person that contains or is accompanied by:
    - aa) a cost estimate 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,
    - bb) 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 approach, methods and technologies to be used;
- b) The total value of the grant provided under the Brownfield TIG Program shall not exceed total eligible costs which include only the costs of:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil, except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP;
  - vii) demolishing buildings (excluding permit fees);
  - viii) building rehabilitation and retrofit works (excluding permit fees); and,
  - ix) upgrading on-site infrastructure including water services, sanitary sewers and stormwater management facilities.
- c) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP); and,



- d) While the City, entirely at its own discretion, may allow an applicant with an approved Brownfield TIG to assign the Grant to an assignee as the result of the sale or other transfer of the property, the approved TIG will cease immediately upon any subsequent sale or other transfer of the property.

## **6.10 Development Charge Grant (DCG) Program**

### **6.10.1 Purpose**

To encourage rehabilitation, redevelopment, development, infill and intensification projects by providing a financial incentive that reduces the City development charge normally payable on such development projects. This incentive is also designed to assist in securing project financing.

### **6.10.2 Description**

**N.B. An applicant applying for the Main Street, Downtown, East Waterfront or Affordable Rental Housing DCG Program cannot apply for a TIG Program contained in this CIP.**

**An applicant applying for the Brownfield TIG Program can also apply for the Brownfield DCG Program contained in this CIP, but applicants wishing to apply for the Brownfield DCG must apply and be approved for the Brownfield TIG, and the maximum amount of the approved Brownfield TIG will be reduced (offset) by the amount of the Brownfield DCG.**

**Applicants who apply and are approved for a TIG and/or a DCG contained in this CIP are not eligible to receive a Development Charge Exemption contained in the City of Port Colborne Development Charges Bylaw where that Development Charge Exemption is not mandated by the *Development Charges Act, 1997*.**

The DCG Program will provide a grant equal to a percentage of the City development charge normally payable (after any reduction of development charges for redevelopment) as shown in **Table 4** below.

City development charges will be paid in full by an applicant for this program at the time development charges are normally paid, e.g., building permit issuance. The City would then pay the DCG to the applicant only once after:

- i) The eligible and approved project is complete;
- ii) Final building inspections have taken place;
- iii) An occupancy permit has been issued (as applicable);
- iv) All deficiencies have been addressed; and,
- v) All program and grant agreement requirements have been met to the City's satisfaction.

**Table 4 Development Charge Grant (DCG) Program by Type**

DCG Program Name	DCG is equal to:	Eligible CIPA	Program Eligibility
Main Street, Downtown, and East Waterfront DCG Program	50% of the City DC payable.	Main Street CIPA. Downtown CIPA. East Waterfront CIPA.	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Affordable Rental Housing DCG Program <sup>14</sup>	100% of the City DC payable on affordable rental housing <sup>15</sup> .	Entire urban area	An applicant for this DCG Program cannot apply for a TIG Program under this CIP.
Brownfield DCG Program	Up to 100% of the City DC payable.	Brownfield CIPA (Entire Urban Area).	Applicant must apply and be approved for a Brownfield TIG. The maximum Brownfield DCG is equal to the eligible costs for the Brownfield DCG as verified by the City.

As applicable, an applicant can apply for one of the Main Street, Downtown, East Waterfront or Brownfield DCG Programs, and the Affordable Housing DCG Program, together. The City may establish a maximum total grant that can be paid under the DCG Program(s) per application/property/project.

In order for an applicant to take advantage of the Brownfield DCG Program, the applicant must have an approved Brownfield TIG application. The amount of the Brownfield DCG will equal the total cost of environmental remediation (Items i) to vi) in Section 6.9.4 b) above that has been approved and verified by the City, up to the amount of the City development charge normally payable after any reduction of development charges for redevelopment. The amount of the Brownfield DCG paid to the applicant will be deducted from any Brownfield TIG amount.

### 6.10.3 Program Requirements for the Main Street, Downtown, and East Waterfront DCG Program

Applicants are eligible to apply for funding under one of these programs, subject to meeting the general program requirements, the following program requirements, and subject to the availability of funding as approved by City Council and Regional Council (if applicable):

- a) The following types of projects are considered eligible for this program:
  - i) the renovation, conversion, expansion or intensification of existing commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;
  - ii) the development/redevelopment of vacant/underutilized properties and parking lots for new commercial, residential, institutional and mixed use buildings that is not exempt from payment of development charges;

<sup>14</sup> This program is overridden by any in effect Provincial legislation that requires the City to provide a partial or 100% City Development Charge exemption for affordable rental housing units. If that is the case, no TIG will be available.

<sup>15</sup> See Appendix D for the definition of “affordable rental housing”.

#### **6.10.4 Program Requirements for the Affordable Rental Housing DCG Program**

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) The following types of projects are considered eligible for a grant under this program so long as the rental units created are “affordable” and maintained as affordable for a minimum period of time as specified in Appendix D:
  - ii) conversion of excess commercial and vacant space on upper stories of commercial and mixed use building to affordable rental residential units;
  - iii) intensification of existing mixed use or residential apartment/multi-unit buildings to create affordable rental residential units; and,
  - iv) the infilling of vacant lots with new affordable rental residential units;
- b) An Agreement between the applicant and the City will be registered on title and will contain a clause(s) that ensures the eligible affordable rental housing units remain as affordable in accordance with the definition of affordable rental housing contained in Appendix D.

#### **6.10.5 Program Requirements for the Brownfield DCG Program**

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

- a) An applicant must have applied and been approved for a Brownfield TIG;
- b) Only the following Brownfield TIG costs that have been approved and verified by the City are considered eligible costs for the Brownfield DCG:
  - i) a Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, Risk Assessment /Risk Management Plan, not disbursed by the ESA Grant Program or the Brownfield TAP;
  - ii) environmental remediation, including the costs of preparing a RSC, not disbursed by the Brownfield TAP;
  - iii) placing, compacting and grading of clean fill required to replace contaminated soils/fill disposed of off-site not disbursed by the Brownfield TAP;
  - iv) installing, monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU, not disbursed by the Brownfield TAP;
  - v) testing of on-site excess soils for potential reuse, but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated;
  - vi) environmental insurance premiums not disbursed by the Brownfield TAP.

- c) The maximum Brownfield DCG that can be paid to the applicant equals the amount of the City Development Charge normally payable after any reduction of Development Charges for redevelopment.
- d) The amount of the Brownfield DCG paid to the applicant will be deducted from the maximum Brownfield TIG amount approved under the Brownfield TIG Program.
- e) The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP);

## 7.0 Municipal Guidance and Leadership Strategy

This section of the CIP outlines the ways in which the City of Port Colborne will:

- a) provide design guidance for private sector community improvement projects that take advantage of the incentive programs in the CIP to help ensure that these projects help to achieve the goals of this CIP;
- b) support community improvement by undertaking public realm improvements and other community improvement initiatives across the CIPA, including the Main Street, Downtown and East Waterfront CIPAs. These guidance and leadership actions are summarized below.

### 7.1 Urban Design Guidelines

The City has existing Urban Design Guidelines for the Main Street CIPA (referred to as the Olde Humberstone Design Guidelines) and an existing Urban Design Strategy for the Downtown CIPA. These documents are available on the City's website, or by request from the City's Planning and Building Division.

#### 7.1.1 Main Street Urban Design Guidelines

The Main Street Urban Design Guidelines were prepared as part of the Olde Humberstone CIP in 2008. The purpose of these Design Guidelines is to direct the appropriate form, scale, and character of development in the Main Street CIPA so that the vision for the Main Street CIPA is realized through thoughtful and insightful design of the private realm. The Design Guidelines are to be used by staff to help ensure that building owners and developers seeking to take advantage of the incentive programs contained in the CIP can only do so by following the Urban Design Guidelines.

The key objectives of the Main Street Urban Design Guidelines are as follows:

- Preserve and accentuate the unique cultural legacy of the Main Street area;
- Coordinate the appearance, function and character of the private realm along Main Street;
- Encourage compatible new infill development and redevelopment while preserving and enhancing existing high quality built form;
- Ensure that the Main Street core is a safe, comfortable, and well-designed environment for shopping, work, recreation and living; and,
- Improve the image and usability of the City of Port Colborne's gateway community.

The Main Street Urban Design Guidelines are quite comprehensive and provide guidance on:

- i) Land Use and Building Placement;
- ii) Built Form and Massing;
- iii) Architectural Character and Details;
- iv) Building Alterations; and,
- v) Landscaping.

### **7.1.2 Downtown Urban Design Strategy**

The Downtown Urban Design Strategy was completed in July of 2010 as part of the CIP process. The Urban Design Strategy provides a comprehensive and coordinated strategy that directs future City decisions related to physical improvement, both public sector and private sector, in order to help achieve the vision for the Downtown CIPA. The principal objectives of the Urban Design Strategy are to:

- 1) Establish the overall vision for physical improvement in the Downtown CBD;
- 2) Identify a series of public realm enhancements;
- 3) Identify opportunities for intensification and redevelopment;
- 4) Identify appropriate land uses for existing undeveloped or underutilized properties;
- 5) Provide Urban Design Guidelines for façade improvements; and,
- 6) Identify any necessary amendments to the existing policy and regulatory documents.

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan. This Plan illustrates a series of improvements that are recommended for public places and spaces within the Downtown CIPA. This includes recommendations on gateway signage, wayfinding signage, streetscapes, a civic square, the Clarence Street bridge, public art; the Port Promenade; and West Street.

Section 5.0 of the Downtown Urban Design Strategy contains the Private Realm Improvement Plan. This Plan illustrates a series of improvements recommended for private buildings and properties within the Downtown CIPA. This includes recommendations on development and redevelopment, and improvements to building facades, private parking lots/areas, and property edges.

Section 6.0 of the Urban Design Strategy contains Façade Improvement Guidelines that are intended to be used by various participants in the facade design process in the Downtown CIPA. This includes both the City when reviewing planning applications; and developers, landowners, business owners, and their consultants, when designing and undertaking site and building improvements.

Section 7.0 of the Urban Design Strategy contains an Implementation Strategy that specifies the priority of the various public realm improvements (by type) in the Public Realm Improvement Plan.

## **7.2 Public Realm Improvements**

The Olde Humberstone CIP, Downtown CBD CIP, and East Waterfront CIP all contained recommended public realm improvement projects designed to support private sector community improvement and improve the attractiveness, vibrancy, sense of place, and image of these CIPAs. The public realm improvement projects in these three CIPAs were reviewed in consultation with the PRT, and the following were identified as the key public realm improvements on the part of the City that are still relevant for implementation. Additional details on these public realm improvements can be found in the CIP sections as referenced below.



### **7.2.1 Main Street Public Realm Improvement Projects**

Many of the public realm improvements recommended for the Main Street CIPA area in Section 3.3 of the Olde Humberstone CIP are focussed on celebrating the Canal and enhancing the ability to attract both tourists and residents to the waterfront. The main public realm improvements for the Main Street CIPA include:

- Improvements to the Lift Bridge Gateway and surrounding area, including signage and landscaping;
- Enhancements to Lock 8 Park;
- Upgrades to the Mellanby Avenue intersection;
- Enhancements to Weir Bridge;
- Creation of a public open space venue;
- Creation of and enhancement of existing courtyards, pocket parks and pedestrian alleyways;
- Consolidation and improvement of rear lot parking areas;
- Construction of a rail trail to Downtown;
- Construction of cycling facilities;
- Stabilization of the Canal slope;
- Upgrading of the King Street intersection;
- Upgrading of Cenotaph Park;
- Improvements to sidewalk improvements; and,
- Installation of gateway, directional and wayfinding signage.

### **7.2.2 Downtown Public Realm Improvement Projects**

Section 4.0 of the Downtown Urban Design Strategy contains a Public Realm Improvement Plan for the Downtown which specifies improvements to a broad range of elements and features within the public realm such as streets and streetscapes, public spaces, public buildings, and parking areas. The primary objective of the Public Realm Improvement Plan is to make the Downtown a comfortable and safe walking environment that is visually interesting and engaging, and to spur and mutually reinforce private sector investment in the buildings and properties to generate further activity Downtown.

The Public Realm Improvement Plan for the Downtown includes the following eight (8) types of public realm improvements:

- Establishment of Gateway signage features;
- Establishment of Wayfinding Signage;
- Improvement of Streetscapes;
- Establishment of a Civic Square;
- Accentuating the Clarence Street Bridge;
- Incorporation of Public Art features;
- Enhancement of the Port Promenade;
- Enhancement of the streetscape design for West Street.

### 7.2.3 East Waterfront Public Realm Improvement Projects

The long-term vision for the East Waterfront contained in Section 5.2 of the East Waterfront CIP includes major enhancements to the public realm in this area. The most significant public realm improvements are the enhancement of a linked system of trails, neighbourhood streetscape improvements, and improvement to the Clarence/Welland/Durham Street intersection.

## 7.3 Other Community Improvement Initiatives

As noted in Section 2.2 of this CIP, once the City has designated a CIPA and adopted and approved a CIP for the CIPA, in addition to the power to make grants and loans to pay for the whole or any part of the eligible costs of a CIP, the City may also engage in the following activities within the CIPA:

- a) Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- b) Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the CIP; and,
- c) Sell, lease, or otherwise dispose of any land and buildings acquired or held by it to any person or governmental authority for use in conformity with the CIP.

A proactive strategy of municipal leadership in the form of land acquisition, preparation, and partnership with the private sector in redevelopment projects has been shown to be a key component of successful revitalization of older downtown, commercial, and brownfield areas in numerous Canadian and U.S. municipalities. Therefore, the City of Port Colborne may exercise its full authority and powers under the *Planning Act*, the *Municipal Act, 2001*, and other applicable legislation to undertake any and all of the above-noted activities to promote community improvement that helps achieve the goals of this CIP. In particular, this includes, but is not limited to:

- Increase the supply and diversity of housing opportunities, including affordable housing;
- Ensuring an adequate supply of employment land;
- Attract and spur investment in high economic growth sectors and sector clusters that will help diversify the local economy;
- Promote brownfield redevelopment for new housing, employment and commercial uses;
- Create and enhance public gathering spaces; and,
- Create new open spaces and recreational opportunities.

In addition to the above-noted initiatives, the City should also continue to:

- i) monitor and update as required the City's Official Plan, Zoning By-law, other by-laws, regulations, and policies that direct land use planning to ensure that they do not act as an impediment to community improvement;
- ii) undertake studies, such as parking, traffic, retail market, environmental, and other studies as required, to support private and public community improvement initiatives;

- iii) undertake and support ongoing promotion, marketing and special events in the Main Street, Downtown, and East Waterfront CIPAs; and,
- iv) further detail and implement a Marketing Strategy (see Section 9.0) to promote the City's incentive programs and development opportunities to property owners, developers, potential end users, and support professionals in the City, Region and outside the Region of Niagara.

## 8.0 Monitoring Program

### 8.1 Purpose

The Monitoring Program has several purposes. It is designed to monitor:

- a) Funds dispersed through the CIP incentive programs to determine which programs are being most utilized, and use this information to adjust the programs, as required;
- b) Feedback from applicants to the incentive programs so that adjustments can be made to the incentive programs, as required; and,
- c) The economic impact associated with projects taking advantage of the CIP incentive programs.

This CIP is not intended to be a static planning document. It is intended to be a proactive plan for economic and community renewal and revitalization. Therefore, information obtained through the Monitoring Program should be used by the City to periodically adjust the incentive programs to make them even more relevant and user friendly. Information collected through the Monitoring Program should also be utilized to provide regular CIP update reports to Council (at least annually) on the amount of private sector investment being leveraged by the public sector incentive programs, and the economic benefits associated with these private sector projects. Ultimately, the purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs in order to help ensure that the key community improvement needs in Port Colborne are properly addressed by the CIP.

### 8.2 Description

Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. As well, feedback from users of the incentive programs should be considered and utilized to periodically adjust the incentive programs in order to improve their effectiveness and ensure that the incentive programs are effective for a range of project types and sizes in the CIPA. In addition, progress on implementation of the public realm improvement and other community improvement initiatives should be reported to Council on a regular basis.

**Table 5** below presents a list of the variables that should be monitored on an individual project and aggregate basis for the incentive programs contained in this CIP. In addition to these quantitative economic measures, the City should attempt to monitor the qualitative results of the CIP in terms of its social and community benefits. This could include the impact of private sector community improvement projects and public realm improvement projects on existing and new businesses in the CIPAs.

Regular qualitative observations should be conducted by staff of the individual and cumulative impact of both public and private CIP projects in the CIPAs. This could include comments received by staff from business owners, property owners, potential investors, and residents. These qualitative measures should be regularly monitored and reported to Council along with the quantitative measures specified in Table 5.

**Table 5 Monitoring Variables**

Program	Monitoring Variable
<b>1) Environmental Site Assessment Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of ESA (Phase II ESA, Remedial Work Plan, Risk Assessment/ Risk Management Plan, testing/tracking for excess soil management, Designated Substances and Hazardous Materials Survey).</li> <li>• Cost of the ESA.</li> <li>• \$ Amount of grant by type of ESA.</li> <li>• Number of grant applications leading to actual redevelopment projects (brownfield and non-brownfield).</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>2) Urban Design Study Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications.</li> <li>• Type of study.</li> <li>• Cost of the design study/drawings/heritage impact assessment;</li> <li>• \$ Amount of grant.</li> <li>• Number of grants leading to facade improvement, property improvement, or other construction projects;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>3) Facade and Property Improvement Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (facade improvement (front/ side/rear) and/or property improvement).</li> <li>• \$ Amount of grant.</li> <li>• Type and total cost (\$) of facade improvements.</li> <li>• Type and total cost (\$) of property improvements.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Number of new businesses successfully occupying the space (1 year post project completion).</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region and education property taxes of participating property</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>4) Residential Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (renovation, conversion, intensification, infill);</li> <li>• \$ Amount of grant.</li> <li>• Number of residential units renovated and/or new residential units built by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Total cost (\$) of residential units renovated and built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Rental rates/sale price by unit.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>

Program	Monitoring Variable
<b>5) Affordable Rental Housing Grant Program</b>	<ul style="list-style-type: none"> <li>• Number, location, and square footage of affordable residential units built by type (bachelor, 1 bedroom, 2 bedroom, 2+ bedroom).</li> <li>• \$ Amount of grant.</li> <li>• Total cost (\$) of affordable residential units built.</li> <li>• Total value (\$) of other building improvements/construction.</li> <li>• \$ Value of private sector investment leveraged.</li> <li>• Affordable rental rates.</li> <li>• Increase in assessment value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>6) Brownfields Tax Assistance Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications;</li> <li>• Estimated and actual amount of City, Region, and education tax assistance (\$) provided;</li> <li>• Eligible cost (\$) by type.</li> <li>• Hectares/acres of land remediated and redeveloped;</li> <li>• Net industrial/commercial space (sq.ft.) rehabilitated or constructed;</li> <li>• Net residential units/sq.ft. renovated or constructed;</li> <li>• Total value (\$) of construction;</li> <li>• \$ Value of private sector investment leveraged;</li> <li>• Jobs created/maintained;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>7) Tax Increment Based Grant (TIBG)</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, or East Waterfront CIPA).</li> <li>• Estimated and actual amount of City and Region grant (\$).</li> <li>• Total value (\$) of construction.</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space built/converted/ rehabilitated.</li> <li>• Square footage of commercial, industrial and institutional space constructed.</li> <li>• Number of new businesses successfully occupying space (1 year post completion).</li> <li>• Jobs created/maintained.</li> <li>• Increase in assessed value of participating property.</li> <li>• Increase in City, Region, and education property taxes of participating property.</li> <li>• Number and \$ Amount of program defaults.</li> </ul>
<b>8) Development Charge Grant Program</b>	<ul style="list-style-type: none"> <li>• Number and location of applications by type (Brownfield, Main Street, Downtown, East Waterfront or Entire Urban Area).</li> <li>• % and \$ Amount of grant;</li> <li>• Total value (\$) of construction;</li> <li>• Number of residential units, including affordable residential units, built/renovated by type (rental/ownership, bachelor, 1 bedroom, 2 bedroom, 2+ bedroom) and square footage of residential space renovated/converted/built.</li> <li>• Square footage of commercial, industrial and institutional space constructed;</li> <li>• Number of new businesses successfully occupying space (1 year post completion);</li> <li>• Jobs created/maintained;</li> <li>• Increase in assessed value of participating property;</li> <li>• Increase in City, Region and education property taxes of participating property;</li> <li>• Number and \$ Amount of program defaults.</li> </ul>



### **8.3 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 any of the CIPAs will require a formal amendment to this Plan in accordance with Section 28 of the *Planning Act*. The City 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 Niagara and the Minister of Municipal Affairs and Housing for information purposes only.

## 9.0 Marketing Strategy

### 9.1 Key Objectives and Messages

Experience with implementation of the various Port Colborne CIPs over the last 15 years, and experience in other municipalities with successful CIPs, suggests that it is very important to the successful implementation of the new Port Colborne Comprehensive CIP that the enhanced and more widely available incentive programs contained in the new CIP be effectively marketed to property owners, business owners, developers, investors, and current and potential employers within the CIPA as soon as possible after the CIP new is approved and the new incentive programs are launched. It is also important that the availability of the new incentive programs be effectively communicated to target audiences and markets outside of Port Colborne, both within and outside Niagara.

The purpose of the basic Marketing Strategy contained in this section is to provide a general guide to proactively and strategically inform, advertise and market the CIP incentive programs, redevelopment opportunities, and planned public realm improvements that have been and will be undertaken by the City in the CIPAs. This Marketing Strategy should be implemented as soon as possible after Council adopts and implements the Comprehensive CIP. Also, to help ensure ongoing successful implementation of the CIP, the Marketing Strategy can and should be adjusted as necessary over time based on the messaging, targeting, and marketing tools that prove most effective. The City should also engage with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, Downtown BIA, and other business and industry associations in Port Colborne in supporting the marketing of the CIP incentive programs to property owners, business owners and developers.

It is recommended that the City budget for and implement a Marketing Strategy that:

- a) Provides direction on how to obtain information on available incentive programs, including program guides and application forms, and how to obtain assistance and advice from City staff on making application for the incentive programs;
- b) Informs property owners, business owners, and developers with regard to recent and planned public realm and capital improvement projects and other actions planned by the City to improve the investment environment and conditions within the CIPA; and,
- c) Publicizes recent developments and business activity within the CIPA, especially those success stories that took advantage of the City's CIP incentives programs

All of these activities will help to further bolster the image of the CIPAs as a good place to invest, open or expand a business, and reside.

## 9.2 Target Audience

The long-term success of the CIP will depend on investment from both within (existing property and business owners) and outside Port Colborne. Therefore, it is important to market to both these target audiences. However, the best ambassadors (marketers) for the CIP programs are the business and property owners and residents already located in the CIPAs, and in particular those who have taken advantage of the CIP incentive programs. The impact of what existing business and property owners and residents tell potential investors and business owners cannot be underestimated. Therefore, it is very important for the City to regularly reach out to potential investors, developers and business using the marketing tools described below to inform them about available incentive programs, planned public realm improvements, ongoing and planned revitalization and development projects, and even other attractors such as festivals and events.

The Marketing Strategy should be targeted to:

- a) Existing property owners and business owners in the CIPA, especially those in the Main Street, Downtown, and East Waterfront CIPAs;
- b) Business owners/employers in the rest of Port Colborne;
- c) Business and industry associations both within and outside Port Colborne, including but not limited to the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA;
- d) Developers active in the Port Colborne and Niagara real estate market and other real estate markets in Ontario;
- e) Support professionals within and outside Port Colborne, including real estate professionals, lending institutions such as banks and trust companies, planning consultants, architects, lawyers, and others; and,
- f) Residents within the CIPAs, as well as the general public.

## 9.3 Marketing Tools

As much as possible, the marketing of the CIP incentive 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:

- a) A media release advising that the Comprehensive CIP has been adopted by Council, highlighting the new incentive programs, how to apply, and when the new incentive programs will launch;
- b) An easy to read online and hardcopy Incentive Programs Brochure that outlines the financial incentive programs available from the City, including basic information on the programs and how to apply;
- c) Inclusion of this brochure in the City's annual property tax billing for all commercial properties within Main Street, Downtown and East Waterfront CIPAs;
- d) A revised single application form for all the incentive programs that clearly specifies all required information and is more user friendly than the current various application forms;
- e) A direct "Incentive Programs" link from the City's "Business and Development" webpage to the CIP Incentive Programs webpage, which will contain the Comprehensive CIP, a flow chart showing the CIP

application process, Incentive Program Guides, the single Application Form, and supporting documents such as the Urban Design Guidelines;

- f) Coordination with the Port Colborne-Wainfleet Chamber of Commerce, Main Street BIA, and Downtown BIA to add links on their websites to the City's CIP Incentive Programs webpage;
- g) Inclusion of CIP information in planning and economic development publications and other media produced by the City outlining available incentive programs; public realm improvements (planned, underway, and recently completed); and revitalization and redevelopment success stories that have taken advantage of the City's CIP incentive programs, including before and after photos of these projects;
- h) Create and issue media releases that profile successful CIP projects across the various CIPAs;
- i) Develop and host an "Open House" for property and business owners, developers, and support professionals such as local real estate and other professional associations outlining the new CIP programs just prior to their launch;
- j) Periodic presentations/information sessions to property and business owners, developers, and support professionals such as local real estate and other professional associations, outlining available incentive programs, how to apply, and success stories in the CIPAs that have taken advantage of the City's incentive programs;
- k) Promotion of stories in local media (newspaper, radio, web) on the CIP, public realm improvements and community improvement success stories in the CIPAs;
- l) Promotion of the CIP Incentive Programs with CIP focused posts on the City's social media accounts such as Twitter and LinkedIn accounts that explain the programs that will be available under the new CIP, and encourage the target audience to make application for the new programs.
- m) Consider utilizing tools such as Google AdWords to target CIP messaging to developers, real estate associations, environmental/ planning consultants, and finance, insurance and legal professionals in and around Port Colborne and Niagara;
- n) Requiring recipients of CIP grants to post a sign (designed and supplied by the City) that indicates the project is taking advantage of the City's CIP incentive programs and contact information for the CIP programs;
- o) Posting (only with the property owner's permission) information on the City's CIP incentive programs in vacant storefronts; and
- p) Creation of a thank you letter signed by the Mayor to be sent to CIP applicants after a project is successfully completed.

## 10.0 Conclusion

This Comprehensive CIP represents the culmination of 15 years of experience with community improvement planning in the City of Port Colborne. The lessons learned from implementation of the half dozen existing CIPs have been combined with best practices, and updated planning, policy, and economic development goals to produce a consolidated Comprehensive CIP that will serve to strategically promote community improvement across Port Colborne for years to come.

The incentive programs contained in this CIP have been developed specifically to help achieve the key community improvement goals in the various CIPAs. The incentive programs have been targeted to particular areas and types of development within the CIPAs based on the direction provided by the policy framework, the PRT, Council, and the input received from stakeholders and members of the public during preparation of this Plan.

The adoption and approval of this CIP will provide the legislative basis and comprehensive incentive programs policy framework needed to help the City of Port Colborne enhance community improvement results in the Main Street, Downtown, and East Waterfront areas along with the rest of the Urban Area. Successful implementation of this CIP will require a commitment by Council to funding for implementation of the incentive programs, as well as a financial and staffing resources commitment to administer, market, and monitor the incentive programs.

Monitoring of the incentive programs is very important to the success of the CIP. Monitoring of the uptake and performance of the incentive programs should be done on a regular basis and these monitoring results reported to Council annually. The purpose of the Monitoring Program is to provide City staff and Council with the information required to make knowledgeable and well informed decisions about how to adjust the incentive programs. It is also recommended that this Comprehensive CIP be reviewed and updated with five (5) years.

Experience in other municipalities has shown that early, effective, and ongoing implementation of the Marketing Strategy will help to make investors, developers, and property and business owners aware of the City's updated and expanded incentive programs. This will result in a more successful CIP. Ongoing monitoring of the performance of the incentive programs and adjustment of the programs as required will also help to ensure the long-term effectiveness and success of this CIP.

## **APPENDIX A**

### **Niagara Region Incentives Policy**



## Appendix 1: Regional Transitional Incentive Dates

### A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023  Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023  Complete funding application must be received	October 1, 2024  Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023  Complete funding application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023  Complete funding application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023  Complete funding application must be received	October 1, 2024  Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023  Complete application must be received	October 1, 2024  Project completion and invoicing	None	Replaced by Small Building Rental grant program

#### B. Council-Mandated Incentive Dates

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024  Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024  Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024  For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report

Program	Program Description	Grant Type
<b>AFFORDABLE HOUSING</b>		
<b>Partnership Housing Program</b>	Partnerships with for- and non-profits to generate more purpose-built rental and move clients off the housing waitlist by using a suite of Regional incentives customized by project	Suite of incentives (e.g., TIFs, DC grants and deferrals) for Affordable Housing Capital Development
<b>Affordable and Supportive Housing RDC Deferral</b>	A deferral of Regional DCs for affordable or supportive housing units in projects having an agreement with a Regional department or agency for as long as the units remain affordable	Regional Development Charge Deferral
<b>Non-profit Affordable Rental Housing RDC Deferral</b>	A deferral of 50-100% of Regional DCs depending on level of affordability for affordable rental housing units with CMHC funding for as long as the units remain affordable as defined	Regional Development Charge Deferral
<b>Non-Profit RDC-based Grant</b>	A grant for up to 100% of DCs payable for eligible non-profit developments	Regional Development Charge Grant
<b>Intensification RDC Grant</b>	A grant providing DC relief to secondary suites created within or on the property of residential dwellings as required in the DC Act and until no longer mandatory in the Act	Regional Development Charge Grant
<b>Residential Rental Grant</b>	A grant for the creation of secondary suites within or on the property of a residence which remain at affordable rental levels for at least 10 years	Regional Project Grant
<b>Small Building Rental Grant</b>	A grant for the construction of up to five units, up to \$15k/unit, provided units remain at affordable rental levels for at least 10 years	Regional Project Grant

<b>Welcome Home Niagara Home Ownership Program</b>	A forgivable loan for downpayment assistance of 5% to a maximum of \$20,296 (purchase price not to exceed \$405,930), as amended from time to time, for renters at specific income levels purchasing a home	Forgivable Loan
<b>Niagara Renovates Homeownership</b>	Forgivable loan over 10 years for repairs and accessibility modifications for low and moderate income households	Forgivable Loan
<b>Niagara Renovates Multi-residential</b>	Forgivable loan over 15 years to fund repairs or provide accessibility for affordable units in multi-unit buildings	Forgivable Loan
<b>Non-Profit and Co-op Capital Repair Costs</b>	Funding for capital repairs to non-profit and co-op housing providers having agreements with NRH	Forgivable Loan
<b>Housing Provider Capital Loan Program</b>	Emergency loan program, with 25% forgivable over time, to support repairs to non-profit and co-op affordable housing providers having agreements with NRH	Loan and Grant
<b>EMPLOYMENT</b>		
<b>Gateway CIP Tax Increment Grant</b>	A matching tax increment grant for projects in the Gateway CIP area with eligible scores on economic and environmental criteria which result in increased assessment value	Tax Increment Grant (Local and Regional Gateway CIP)
<b>Gateway CIP RDC-based Grant</b>	A matching grant of Regional DCs payable for projects with exceptional scores (14+) on Gateway CIP criteria	Regional DC Grant (Local and Regional Gateway CIP)
<b>Niagara Business Attraction Tax Increment Grant</b>	A matching tax increment grant for projects approved under local CIPs with eligible scores on economic and environmental criteria resulting in increased assessment value	Tax Increment Grant (Local CIP)
<b>Industrial Use RDC-based Grant</b>	A grant equal to 100% of Regional DCs for new or expanded industrial developments meeting the definition of Industrial Use	Regional Development Charge Grant

<b>Employment RDC-based Grant</b> <b>NOTE: This program inaccessible for duration of Industrial RDC Grant</b>	A grant equal to a percentage of Regional DCs payable based on creation of full time jobs in manufacturing and professional, scientific and technical services sectors	Regional Development Charge Grant
<b>50% Industrial Expansion RDC Grant</b>	A grant equal to Regional DCs for enlargements to existing industrial buildings for up to 50% of original gross floor area as required in the DC Act and until no longer mandatory in the Act.	Regional Development Charge Grant
<b>BROWNFIELD REMEDIATION</b>		
<b>Brownfield TIG Tier 1: Select Sites</b>	A matching tax increment grant for remediation costs on major brownfield sites whose remediation will result in significant economic, environmental, social, and health benefits; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield TIG Tier 2</b>	A matching tax increment grant (for remediation costs of brownfield sites eligible through local CIPs; increased benefit for projects with affordable housing	Tax Increment Grant (Local CIP)
<b>Brownfield RDC Deferral</b>	A deferral of Regional DCs for eligible brownfield sites until an occupancy permit is issued or up to five years from signing of agreement	Regional Development Charge Deferral
<b>Large-scale Brownfield RDC Grant</b>	A grant equal to Regional DCs for projects meeting the definition of brownfield, over 10 hectares in size, and in a Secondary Plan area or area subject to a Secondary Plan process as of August 25, 2022	Regional Development Charge Grant
<b>PUBLIC REALM</b>		
<b>Public Realm Investment Program</b>	Matching grant for capital projects that provide public realm enhancements on Regional roads in core areas	Regional Matching Grant to Local Area Municipality
























## **APPENDIX B**

### **Port Colborne Official Plan Schedule A: City-Wide Land Use**

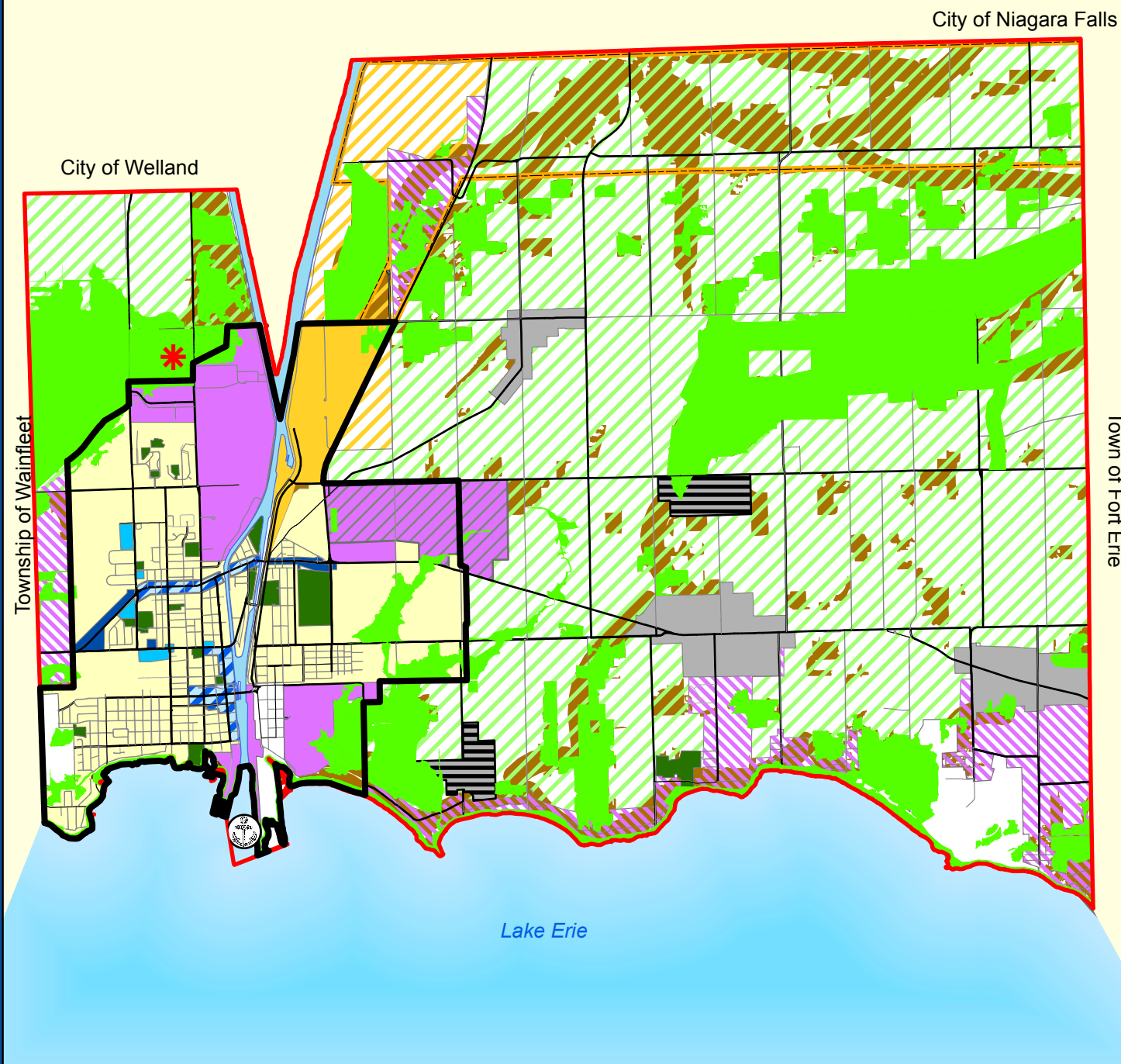
# Port Colborne Official Plan

## Schedule A: City-Wide Land Use

-  Municipal Boundary
-  Urban Area Boundary
-  EPA
-  ECA
-  Agricultural
-  Hamlet
-  Urban Residential
-  Rural
-  Downtown Commercial
-  Commercial Plaza
-  Highway Commercial
-  Marine Commercial
-  Industrial / Employment Area
-  Mineral Aggregate Operation
-  Gateway Economic Centre
-  Rural Employment
-  Parks and Open Space
-  Private Open Space
-  Special Study Area
-  Secondary Plan Area
-  Major Port
-  Former Waste Management Facility



© City of Port Colborne, Engineering and Operations Department.  
This map was compiled from various data sources and is current as of August 2012.



## **APPENDIX C**

### **Port Colborne Official Plan Community Improvement Policies**

# Section 6

## Community Improvement

## Section 6: Community Improvement

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### 6.1 Community Improvement

The City will accomplish community improvement through:

- a) Ongoing maintenance, rehabilitation, *redevelopment* and upgrading of areas characterized by: deficient, obsolete or deteriorated buildings; land use conflicts; deficient municipal hard services, social, community or recreational services; or economic instability;
- b) Establishment of programs to encourage private sector *redevelopment* and rehabilitation that addresses identified economic development, land *development*, environmental, housing, and/or social development issues and needs;
- c) Designation of Community Improvement Plan project areas, the boundary of which may be the entire Municipal Boundary of the City of Port Colborne, or any part of the City of Port Colborne, as defined in this Plan and as amended from time to time; and
- d) Preparation, adoption and implementation of Community Improvement Plans, pursuant to Section 28 the Planning Act R.S.O. 1990.

## 6.2 Community Improvement Plans

Section 28 of the Planning Act (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Plan project areas which require 'community improvement' as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a Community Improvement Plan is adopted by the City and approved by the Province, the City may offer incentives to encourage private sector rehabilitation of land and buildings. The City may also undertake a wide range of actions for the purposes of implementing the Community Improvement Plan.

### 6.2.1 Community Improvement Project Areas

- a) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
  - i) Buildings, building facades and/or property, including buildings, structures and lands of heritage and/or architectural significance in need of preservation, restoration, repair, rehabilitation or redevelopment;
  - ii) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - iii) Deficiencies in physical *infrastructure*, including but not limited to sanitary sewer systems, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
  - iv) Poor road access and/or traffic circulation;
  - v) Deficiencies in community and social services including but not limited to; public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities and public social facilities;
  - vi) Inadequate mix of housing types;
  - vii) Known or perceived environmental contamination;
  - viii) Poor overall visual quality and/or urban design including but not limited to; streetscapes, built form, parks and open space;
  - ix) High commercial vacancy rates;
  - x) Existing or potential business improvement areas;
  - xi) Vacant *lots* and under-utilized properties which have potential for infill, *intensification*, *redevelopment* or expansion to better utilize the land base;
  - xii) Shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;



- xiii) Other barriers to the repair, rehabilitation or *redevelopment* of under-utilized land and/or buildings; and
  - xiv) Any other environmental, social or community economic development reasons.
- b) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas where:
  - i) The anticipated improvements achieve the Vision and Strategic Directions in this Plan;
  - ii) The greatest number of conditions as defined in 6.2.2 (a), are present; and/or
  - iii) Where one or more of the conditions in 6.2.2 (a), are particularly acute; and/or
  - iv) Where one or more of the conditions as established in 6.2.2 (a), exist across the entire Urban Area of the City.

### **6.2.2 Community Improvement Plans**

- a) Community Improvement Plans (CIP's) shall be prepared and adopted to meet one or more of the following objectives:
  - i) Encourage the renovation, repair, remediation, rehabilitation or other improvement of lands and/or buildings;
  - ii) Encourage the preservation, restoration, adaptive reuse and improvement of historically or architecturally *significant* buildings and properties;
  - iii) Encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreation amenities;
  - iv) Encourage residential and other types of infill and *intensification*;
  - v) Encourage the construction of *affordable* housing;
  - vi) Reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts;
  - vii) Where necessary include an Environmental Impact Study which determines specific measures to prevent impacts on natural heritage features;

- viii) Maintain, upgrade and improve municipal services and public *utilities* such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
  - ix) Improve vehicular and pedestrian traffic flow, including for cycling;
  - x) Encourage public transit supportive land uses and improve the quality of and accessibility to transit and parking facilities;
  - xi) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
  - xii) Promote the ongoing viability and revitalization of the Downtown, Main Street Waterfront/Harbourfront and other general areas requiring community improvement;
  - xiii) Encourage the remediation and *redevelopment of Brownfield sites*;
  - xiv) Support existing or potential business improvement areas;
  - xv) Improve environmental conditions;
  - xvi) Improve social conditions;
  - xvii) Promote cultural development;
  - xviii) Facilitate and promote community economic development; and
  - xix) Improve community quality, safety and stability.
- b) Community Improvement Plans shall contain at a minimum:
- i) Statement of purpose;
  - ii) Goals and objectives;
  - iii) Clear description of the Community Improvement Project area;
  - iv) Critical analysis of the need (justification) for community improvement;
  - v) Description of all incentive programs; and
  - vi) As a technical appendix, the justification for the delineation of the project area and the design of the incentive programs.
- c) During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies contained in this Plan for public participation.

### 6.2.3 Implementation

- a) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, the City of Port Colborne may undertake a range of actions including:
  - i) The municipal acquisition of land and/or buildings within Community Improvement Project areas; and the subsequent:
    - Clearance, grading or environmental remediation of these properties;
    - Repair, rehabilitation, construction or improvement of these properties;
    - Sale, lease or other disposition of these properties to any person or governmental authority; and
    - Other preparation of land or buildings for community improvement.
  - ii) Provision of monetary incentive programs such as grants, loans, waiving or exemption of application fees and other financial instruments;
  - iii) Provisions of non-monetary incentive programs such as exemption from parking requirements and/or exemption from parkland dedication requirements;
  - iv) Application for financial assistance from senior level government programs;
  - v) Participation in senior level government programs that provide assistance to private landowners for the purpose of community improvement;
  - vi) Provision of information on municipal initiatives, financial assistance to private landowners for the purposes of community improvement; and
  - vii) Support of heritage conservation through the *Ontario Heritage Act*.
- b) All *developments* participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws and all other related municipal policies and by-laws.
- c) Council shall be satisfied that its participation in community improvement activities shall be within the financial capabilities of the City.

## **APPENDIX D**

### **Definition of Affordable Rental Housing**

“Affordable Rental Housing” means a residential unit intended for use as a rented residential premises where:

- a) the rent is no greater than 80% of the average market rent based on CMHC data;
- b) the tenant is dealing at arm’s length with the landlord; and,
- c) the rent for the unit is maintained as per a) above for a period of 25 years from the date that the unit is first rented.

## **APPENDIX E**

### **Minimum Assessment Value Increase Requirement for TIG Program Eligibility**



With the exception of the Brownfield TIG Program, in order for a project to be eligible for a TIG Program contained in this CIP, the project must generate a minimum “as built” increase in assessment value (as determined by the Municipal Property Assessment Corporation (MPAC)) of at least \$500,000.

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Authorize Entering Into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. Respecting a portion of Con 2 PT Lot 29 RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street.

Whereas at its meeting of November 28<sup>th</sup>, 2023, Council approved the recommendations of Chief Administrative Office Report, Report No. 2023-133, Subject: Sale of Surplus City Property – Elm and Barrick; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. for the sale of a portion of Con 2 PT Lot 29RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street for \$224,323.47 (plus HST) legal and survey expenses;

Now therefore the Council of The Corporation of the City of Port Colborne Enacts as follows:

1. That The Corporation of the City of Port Colborne enter into an Agreement of Purchase and Sale with 1000427593 Ontario Inc. Respecting Con 2 PT Lot 29RP, 59R10207; PT Part 1 RP at Barrick Road and Elm Street for \$224,323.47 (plus HST) legal and survey expenses, which agreement is attached hereto as Schedule "A".
2. That the Mayor and the Acting Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

Enacted and passed this 28th day of November 2023.

\_\_\_\_\_  
William C. Steele  
MAYOR

\_\_\_\_\_  
Saima Tufail  
ACTING CITY CLERK

**SCHEDULE A TO BY-LAW \_\_\_\_\_**

**AGREEMENT OF PURCHASE AND SALE**

**THIS AGREEMENT** is dated for reference as of December \_\_\_\_, 2023.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PORT  
COLBORNE**  
(the “**Vendor**”)

- and -

**1000427593 ONTARIO INC. and TWELVE WIDE REALTY  
CORP.**  
(collectively, the “**Purchaser**”)

In consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

**1. Real Property**

Upon and subject to the terms and conditions of this Agreement, the Purchaser hereby agrees to and with the Vendor to purchase, and the Vendor agrees to and with the Purchaser to sell, those lands and premises described as PT LT 29 HUMBERSTONE, as shown as #2 Parcel on Schedule “B”, which is part of PIN 64141-0386 (LT) (the “**Property**”).

**2. Payment of Purchase Price**

The purchase price for the Property is TWO HUNDRED AND TWENTY-FOUR THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$224,323.47) (the “**Purchase Price**”) plus Harmonized Sales Tax (“**H.S.T.**”), payable as follows:

(a) Within two (2) business Days after the acceptance date of this Agreement by the Vendor, the Purchaser shall pay Twenty-Five Thousand Dollars (\$25,000.00) Dollars by wire transfer or certified cheque drawn against the trust account of a law firm in Ontario to Sullivan Mahoney LLP, In Trust, as the Vendor’s solicitors (the “**Deposit**”). The Deposit will be held in trust pending completion or other termination of this transaction, and will be credited on account of the Purchase Price on the Closing Date. The Deposit will not be invested in an interest bearing account; and

(b) On closing, the sum of ONE HUNDRED AND NINETY-NINE THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$199,323.47), subject to the usual adjustments, if any, payable by wire transfer or a certified cheque drawn against the trust account of a law firm in Ontario, to the Vendor, or as it may direct, on the Closing Date.

**3. Title Clause**

This Agreement is subject to title to the Property being good and free from all encumbrances, save only (a) any easements for servicing or utilities that do not materially affect the use of the Property, (b) municipal agreements, providing such are complied with or security has been posted to ensure compliance and completion, as evidenced by a letter from the Vendor and (c) registered restrictions, restrictive covenants, municipal by-laws or governmental enactments, providing such are complied with. The Purchaser will not call for the production of any title deeds, abstracts, survey or other evidence of title except such as are in the possession of the Vendor. The Purchaser will be allowed until ten (10) days prior to Closing to examine the title at their own expense. If within that time, any valid objection to title is made in writing to the Vendor which the Vendor shall be unable or

unwilling to remove, and which the Purchaser will not waive, then this Agreement shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the Deposit shall be returned by the Vendor to the Purchaser forthwith without interest or deduction and the parties shall have no other liabilities to each other. Save as to any valid objections so made within such time, the Purchaser shall be conclusively deemed to have accepted title of the Vendor to the Property.

#### 4. Assignment

This Agreement may not be assigned by the Purchaser without the express written consent of the Vendor, which consent may be arbitrarily withheld.

#### 5. Conditions

INTENTIONALLY DELETED.

#### 6. Purchaser's Acceptance of Real Property "As Is, Where Is"

- (a) The Purchaser acknowledges that the Vendor makes no representation nor gives any warranties with respect to the Property or the fitness of the Property for the Purchaser's intended uses, and, the Property is being sold by the Vendor and accepted by the Purchaser on an "As Is, Where Is" basis, including without limitation, state of title, outstanding work orders, zoning and development approval status, locations of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise on the Property or adjoining properties or streets, soil condition, environmental status and as to quantity, quality or condition.
- (b) The Purchaser agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part thereof, into compliance with any applicable standards of any relevant authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property, or any part thereof, into such compliance.

#### 7. Environmental

- (a) The Purchaser acknowledges and agree that the Vendor makes no representations or warranties whatsoever, either expressed or implied, as to the existence or non-existence of any asbestos, PCBs, radioactive substances or any other substances, liquids or materials or contaminants which may be hazardous or toxic or require removal and disposal pursuant to the provisions of any applicable legislation (all of the foregoing being hereinafter called "**Environmental Matters**") and that the Purchaser takes the Property "as is" and relies upon their own investigations, if any, in this regard. From and after the Closing Date, the Property shall be the sole risk of the Purchaser, and the Vendor, its successors and assigns and its employees and agents (collectively, the "**Vendor Parties**"), will have no further liability in respect of any Environmental Matters and the Purchaser covenants and agrees, such covenant to survive closing and not to merge on closing of this transaction, to indemnify and save harmless the Vendor Parties in respect of any Claims in any way related directly or indirectly to any Environmental Matters and in respect of orders or claims, charges or requirements whatsoever of any municipal, provincial, federal or other governmental body, board, commission, authority, department or ministry, or employees, officials or representatives thereof.
- (b) As of and from the Closing Date, the Purchaser shall release the Vendor Parties, and their successors and assigns, from and against all Claims, in any way arising, directly or indirectly by reason of the presence on the Property of any containment, pollutant, dangerous substance wastes (liquid or solid) or toxic substance or the escape thereof in the air or onto adjacent properties or lands including rivers,

streams, and ground waters, (collectively the “**Substances**”), whether produced, created or generated before or after the Closing Date and such indemnity shall include any order, decree, judgment or demand under law, regulation or order applicable thereto.

- (c) The Purchaser, its successors and assigns, hereby agree to indemnify and hold harmless the Vendor Parties, and their successors and assigns, from any and all Claims arising out or in any way connected with any state, quality or condition in, or of, the Property, including, but not limited to, the existence of any Substances existing as of, or prior to the Closing Date and thereafter, whether environmental or otherwise, whether imposed by law, equity or any federal, provincial or municipal law, rules or regulations or by any regulatory authority. These provisions shall survive and not merge on the completion of this transaction and any subsequent sale or transfer of the Purchaser’s interest in the Property.

## **8. Future Use**

- (a) The Vendor and Purchaser agrees that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
- (b) The Purchaser acknowledges and agrees that the Vendor is under no obligation by virtue of the sale of the Property to the Purchaser, to grant any approvals, including approvals for changes to the City of Port Colborne Official Plan or Comprehensive Zoning By-law, or with respect to site plan control, minor variances, or building permits, or to support approvals required by any other approval authority which may be necessary for any contemplated use of the Property by the Purchaser.

## **9. Closing Date**

The transaction of purchase and sale shall be completed by no later than 5:00 p.m. on February \_\_, 2024 (the “**Closing Date**”).

## **10. Adjustments, Harmonized Sales Tax and Land Transfer Tax**

Realty taxes, local improvements, and assessment rates shall be apportioned and allowed to the Closing Date (with the Closing Date to be for the account of the Purchaser). **The Purchaser will pay for the Vendor’s legal and surveying costs on Closing and these costs will be shown as credits in favour of the Vendor on the Statement of Adjustments.** H.S.T. shall be in addition to the Purchase Price. The Vendor will not collect H.S.T. only if the Purchaser provide to the Vendor an H.S.T. number as proof that they are both H.S.T. registrants under the *Excise Tax Act* (“**ETA**”), together a warranty and indemnity, satisfactory to the Vendor acting reasonably, certifying, among other things, that the Purchaser will self-assess and remit the H.S.T. payable and file the prescribed form required under the ETA. The foregoing warranties shall not merge but shall survive the completion of the transaction. The Purchaser shall be responsible for Land Transfer Tax exigible respecting the transaction.

## **11. Closing Documents**

- (a) The Vendor and Purchaser shall cause their respective solicitors to enter into a Document Registration Agreement in prescribed form and content to facilitate the electronic registration required for closing.

- (b) The Vendor represents and warrants that it is not now and shall not at the time of closing be a non-resident of Canada within the meaning of the *Income Tax Act* (Section 116), and, it shall deliver on closing an affidavit verifying same.
- (c) The Purchaser agrees to sign and deliver the Re-Conveyance Agreement attached as Schedule “A” hereto. This Re-Conveyance Agreement will be registered on title to the Property on Closing in priority to any charges, liens or other encumbrances.
- (d) In addition to the other deliveries contemplated herein, the Vendor shall prepare and deliver the Transfer, save for the Land Transfer Tax Statements, and, the parties shall exchange, Undertakings to Readjust and Statement of Adjustments, as necessary.
- (e) The Vendor and Purchaser acknowledges and agrees that the exchange of closing funds, non-registrable documents and other items (the “**Requisite Deliveries**”) and the release thereof to the Vendor and Purchaser, will (a) not occur at the same time as the registration of the Transfer (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said solicitors.

## **12. Non-Merger**

It is agreed that all covenants, representations and warranties of the parties herein contained shall not merge on the closing of the transaction or the delivery of the transfer but shall survive thereafter.

## **13. Binding Agreement/Time of the Essence**

This Agreement, when executed by both parties shall constitute a binding contract of purchase and sale, and time shall in all respects be of the essence hereof, provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser, or, by their respective lawyers who may be specifically authorized in that regard.

## **14. Entire Agreement**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property or supported thereby other than as expressed herein in writing.

## **15. Tender**

Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired on the Closing Date, and, it shall be sufficient that a negotiable bank draft or certified cheque may be tendered in lieu of cash.

## **16. Non-Fettering**

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Vendor’s determinations or actions in the capacity of the Vendor as a municipal corporation, or the rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.



(b) All rights, benefits and obligations of the Vendor under this Agreement shall be rights, benefits and obligations of the Vendor in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Vendor in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a waiver or exception of or from the Purchaser from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Vendor in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

## **17. Non-Registration**

The Purchaser agrees not to register this Agreement nor notice thereof against the title to the Property. The Purchaser acknowledges that in the event that any registration respecting this Agreement or notice thereof occurs, the Vendor, in addition to any other rights or remedies it may have, shall be entitled to injunctive relief, and the Vendor may rely upon this provision in support thereof.

## **18. Business Day**

For purposes of this Agreement, a business day means a day other than Saturday, Sunday or a statutory holiday for the Province of Ontario.

## **19. Severability**

If any provision contained herein shall be found by a court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

## **20. Notices**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or registered mail to the address set out below or to such other address or facsimile number as may from time to time be the subject of a Notice:

To the Vendor:

The Corporation of the City of Port Colborne  
66 Charlotte Street, Port Colborne L3K 3C8

Attention: Chief Administrative Officer

To the Purchaser:

10 Wilfrid Laurier Crescent  
St. Catharines, ON L2P 0A1

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery, and if sent by registered mail, shall be deemed to have been validly and effectively given and received five (5) business days after the date it was sent, and if sent by facsimile transmission with confirmation of transmission prior to 5 p.m., shall be deemed to have been validly and effectively given and received on the day it was sent, unless the confirmation of transmission was after 5 p.m. or on a non-

business day, in which case it shall be deemed to have been given and received on the next following business day.

**21. Successors and Assigns**

All of the covenants and agreements in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

**22. Counterparts and Electronic Delivery**

The parties agree that this Agreement may be executed in counterparts and transmitted by telecopier or email and that the reproduction of signatures in counterpart by way of telecopier or email will be treated as though such reproduction were executed originals.

**23. Offer Open for Acceptance**

Once executed by the Purchaser and delivered to the Vendor or its representative, this document shall constitute an irrevocable offer to purchase the Property on the terms and conditions herein contained, open for acceptance by the Vendor until 5 p.m. on \_\_\_\_\_, 2023, after which time, if not accepted, such offer shall become null and void.

[next page is signature page]

**IN WITNESS WHEREOF** the Purchaser have executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**1000427593 ONTARIO INC.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**TWELVE WIDE REALTY CORP.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**IN WITNESS WHEREOF** the Vendor has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

## SCHEDULE "A"

**[Re-conveyance Agreement]****RIGHT TO RE-CONVEYANCE AGREEMENT**

**THIS AGREEMENT** is made as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PORT  
COLBORNE**  
(the "City")

- and -

**1000427593 ONTARIO INC. and TWELVE WIDE REALTY  
CORP.**  
(the "Purchaser")

**RECITAL:**

- A. By-law No. \_\_\_\_\_ passed by the Council for The Corporation of the City of Port Colborne on \_\_\_\_\_, 2023, authorized the acceptance of an Agreement of Purchase and Sale from the Purchaser for the lands legally described as XXXXXXXX, being all/part of PIN XXXXX (LT); (the "**Property**"), and, subject to the City reserving the right to a re-conveyance of the Property.
- B. The Purchaser has agreed to enter into an Agreement with the City to secure the City's right to a re-conveyance of the Property.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

**1. RIGHT TO RE-CONVEYANCE**

- (a) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the Property in the event the Purchaser fails to:
  - I. enter into a Site Plan Agreement with the City for the construction of a multi-unit residential complex, within two (2) years of registration of the Transfer of the Property from the City to the Purchaser, and, which Site Plan Agreement shall be registered on the title to the Property at the Purchaser's expense;
  - OR**
  - II. obtain building permits and begin construction of a multi-unit residential complex, within three (3) years and six (6) months of registration of the Transfer of the Property;
  - OR**
  - III. fails to legally merge the Property with the adjoining lands owned by 1000427593 Ontario Inc. which are described as PT LT 29 CON 2 HUMBERSTONE PT 1 59R4355 & AS IN RO425838; PORT COLBORNE, being all of PIN 64141-0024 (LT) (the "**Adjoining Parcel**") on or before the date which is two (2) years from the date of registration of the Transfer for the Property. For greater certainty, this means that the right to re-conveyance in favour of the City will be triggered on or before two (2) years from the date of registration of the Transfer of the Property unless the Property and the Adjoining Parcel are both only owned by 1000427593

Ontario Inc. and neither the Property nor the Adjoining Parcel can be conveyed or mortgaged separately from another due to the application of Subsections 50(3) or (5) of the *Planning Act*.

In the event that the Purchaser has not satisfied the conditions within the timelines in (I) , (II) and/or (III) above for reasons which are beyond the control of the Purchaser, then the Purchaser and the City agree to enter into good faith discussions with respect to possible amendments to any of the timelines.

- (b) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the Property in the event the Purchaser becomes insolvent or makes an assignment for the benefit of creditors, prior to the completion of the actions described in Sections 1(a)(I), (II) or (III).
- (c) The right to re-conveyance is exercisable by notice in writing from the City to the Purchaser.
- (d) In the event the City exercises its right to a re-conveyance of the Property as provided for in Sections 1(a) or (b), it shall do so for the sum of TWO HUNDRED AND TWENTY-FOUR THOUSAND THREE HUNDRED AND TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS (\$224,323.47), subject to adjustments for the amount of any taxes then due and owing against the Property and the amount of Land Transfer Tax payable by the City for registration of the Transfer of the Property. Despite any improvements or investments made by the Purchaser, the Purchaser shall be deemed to have forfeited any investment so made and shall not be entitled to any compensation for same whatsoever, including monies expended for installing services. Further, there shall be no adjustment in respect of monies drawn upon by the City in respect of securities provided by the Purchaser.
- (e) On the date which is thirty (30) days after the City exercises its right to receive a re-conveyance of the Property (the “**Closing Date**”), the Purchaser will convey the Property to the Purchaser subject to the terms provided for in this Agreement. The Purchaser shall give vacant possession of the Property to the Purchaser on the Closing Date.
- (f) In addition to Section 1(e) above, the Purchaser undertakes to obtain and register good and valid discharges and/or releases of all liens, charges and any other encumbrances, which the Purchaser has caused to be registered against the title to the Property, forthwith following the City's notice of exercising its option to purchase the Property. Notwithstanding the foregoing, the Purchaser shall at all times indemnify and save harmless the City against all actions, suits, claims and demands whatsoever, which may be brought against or made upon the City and from and against all losses, costs, damages, charges and expenses whatsoever which may be incurred, sustained or paid by the City for or by reason of or on account of such liens, charges or other encumbrances.

## 2. **NON-ASSIGNMENT**

The Purchaser shall not have the right to assign this Agreement to any person or other entity without the prior written consent of the City, which consent may be unreasonably denied.

## 3. **SEVERABILITY**

If any provision contained herein shall be found by a Court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

#### 4. **NOTICES**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or email to the address set out below or to such other address or electronic number as may from time to time be the subject of a Notice:

(a) **City:**

The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8  
Attention:  
Facsimile: (905) 835-2939  
Telephone: (905) 835-2900

(b) **Purchaser:**

10 Wilfrid Laurier Crescent  
St. Catharines, ON L2P 0A1

Attention:  
Facsimile:  
Telephone:

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery and if sent by facsimile transmission or email with confirmation of transmission prior to 5:00 p.m., shall be deemed to have been validly and effectively given and received on the business day it was sent unless the confirmation of transmission was after 5:00 p.m. in which case it shall be deemed to have been received on the next following business day.

#### 5. **SUCCESSORS AND ASSIGNS**

All of the covenants and terms in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

#### 6. **COUNTERPARTS AND ELECTRONIC DELIVERY**

This Agreement may be executed and delivered by facsimile or electronic transmission and the parties may rely upon all such facsimile or electronic signatures as though such facsimile or electronic signatures were original signatures. This Right to Re-Conveyance Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on the parties.

*[Signature page follows.]*



**IN WITNESS WHEREOF** the Purchaser has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**1000427593 ONTARIO INC.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**TWELVE WIDE REALTY CORP.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**IN WITNESS WHEREOF** the City has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as Lot 29 on Plan 24, Parts 4 & 6 on Plan 59R-9034, and Concession 1, Part of Lot 29, being Part of Lot 2 on Plan 59R-2366, on the east side of Elm Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 395 Elm Street and the vacant hydro corridor to the south

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2) to DC-76, being a special provision of the Downtown Commercial (DC) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

DC-76

Notwithstanding the provisions of sections 3 and 23 of Zoning By-law 6575/30/18, the following regulations shall apply:

- |   |                     |
|---|---------------------|
| a) Minimum parking spaces               | 1.1 spaces per unit |
| b) Minimum standard parking space width | 2.5 metres          |
| c) Minimum driveway aisle width         | 6 metres            |
| d) Minimum landscape buffer             | 1 metre             |
| e) Minimum landscaped area              | 20% of the lot area |

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this      day of      , 2023.

\_\_\_\_\_  
William C Steele  
Mayor

---

Saima Tufail  
Acting City Clerk




This is Schedule "A" to By-law No \_\_\_\_\_

Passed \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

 - Lands to be rezoned to DC-76

August 2023

File No. D14-05-23

Drawn by: DS - City of Port Colborne  
Planning Division

Not to scale

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Delegate Certain powers and Duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts to Municipal Officers and Employees

Whereas Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the Act) authorizes a municipality to delegate its powers and duties under the Act or any other Act to a person or body, subject to the rules and restrictions set out in Part II of the Act;

And whereas Section 224 (d) of the Act states that it is the role of Council to ensure that administrative policies, practices, and procedures are in place to implement the decisions of Council;

And whereas Section 227 of the Act states that it is the role of officers and employees of the municipality to: (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

And whereas the Council of the Corporation of the City of Port Colborne deems it expedient to delegate certain routine administrative functions to staff to improve business efficiencies while adhering to the principles of accountability and transparency,

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

**Definitions**

For the purposes of this by-law the following words shall mean:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

"CAO" shall mean the Chief Administrative Officer of The Corporation of the City of Port Colborne;

"City" means The Corporation of the City of Port Colborne,

and "Corporation" has a corresponding meaning;

"City Clerk" shall mean the City Clerk of The Corporation of the City of Port Colborne, whose duties are assigned under subsection 228 (1) of the Act, and includes the Deputy Clerk or any Deputy acting under the direction of the City Clerk or any successor position thereof;

"Council" means the elected Council of The Corporation of the City of Port Colborne;

"Delegation" means duties conferred by Council on City staff, and is inclusive of both powers delegated from Council to City staff and powers granted by Council to City staff;

and "delegated power" has a corresponding meaning;

"Department Head" means a member of the Corporate Leadership Team;

"Designate" means a person appointed by an individual named in Schedule "A" to exercise their authority under this by-law;

and "delegate" has a corresponding meaning;

“Document” means any written instrument whether on paper or in electronic form including, without limiting the foregoing, any contract, agreement, deed, memorandum, letter of intent, application, permit, release, waiver or acknowledgement which, when executed, will have or is intended to have the effect of causing the City to be bound in a legally enforceable relationship with any other person, but shall not include:

- a) any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures, and any similar instruments; and
- b) correspondence, whether by letter or in electronic form, intended to convey information or confirm a position on a matter, but not intended to create a contract or agreement between the City and any other person, whether or not a legally enforceable right or remedy is created thereby;

And “documents” has a corresponding meaning;

“Execute” means to complete the formalities intended to give effect to a document and may include any one or more of the following formalities as may be required in the circumstances:

- a) signing the document;
- b) causing the seal of the City to be affixed to the document; and
- c) causing delivery of the document to be made to the other parties thereto;

“Procurement Policy” means Administrative Policy No. FIN – 05, amended; and

“Signing officer(s)” has the meaning ascribed to it in section 18 of this By-law.

## **Administration**

1. The short title of this By-law is the “Delegation of Authority By-law”.
2. Any reference to legislation, regulations, and to by-laws in this By-law shall be interpreted to include all amendments to and any successor legislation thereof.
3. It is the opinion of Council that any of the legislative powers delegated pursuant to this By-law are of a minor nature within the meaning of subsection 23.2(4) of the Act.
4. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law, authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
5. All documents to be executed shall be prepared in a sufficient number of identical originals to permit at least one executed original, which may be executed in counterparts, to be retained by the City, except that, if the document provides that electronic signatures or execution in counterparts with exchange by PDF and e-mail are sufficient, an executed original is not required.
6. The initiator of any document shall arrange for the execution of such document by the appropriate signing officers.
7. A copy of each fully executed document shall be forwarded to the Office of the City Clerk after execution, and the remaining originals, if any, shall be kept by the Department Head with primary oversight for the contract or agreement to which the document pertains.
8. The Department Head with primary oversight for a contract or agreement shall be responsible for the distribution of the executed document.



9. A document executed under authority delegated by this By-law shall first be approved as to content by the CAO and the Department Head responsible for the relevant department, or a delegate of the Department Head and, when required, approved as to form by the City Solicitor.
10. Schedule "A" – "Delegation of Powers and Duties" attached hereto forms part of this By-law.
11. Where specified, delegated authority set out in Schedule "A" to this By-law and exercised shall be reported on an annual basis to Council, or a Committee of the Council, by the Deputy CAO described as responsible for the delegated authority.

### **Nature and Scope of the Delegation of Powers and Duties**

12. Section 23.3 (1) of the Act sets out the specific circumstances in which a municipality cannot delegate its powers or duties as follows:
  - a) appointing or removing officers of the municipality whose appointment is required by the Act (i.e. Clerk or Treasurer);
  - b) imposing taxes;
  - c) incorporating corporations;
  - d) adopting or amending the official plan;
  - e) passing zoning by-laws;
  - f) passing bonusing by-laws related to small businesses operating or proposing to operate in the municipality or bonusing by-laws related to the provision of municipal capital facilities;
  - g) adopting community improvement plans which include bonusing arrangements;
  - h) adopting or amending the municipal budget; and
  - i) other powers or duties as prescribed;
13. Council delegates the powers and duties set out in the attached Schedule "A" to those officers, employees, committees or tribunals listed therein and subject to any limitations specified therein.
14. Council retains the authority to revoke any power delegated by this By-law at any time.
15. All delegations shall be deemed to include the CAO, with the exception of delegations to the City Clerk and the City Treasurer.
16. Unless otherwise noted, where there a delegation has been assigned in Schedule "A", the Delegate may further designate an individual, in writing, to act in their place. In the event of the sudden departure of a delegate, the CAO may designate an individual, in writing, to act in the delegate's place. Sub-delegations may be time-limited to service temporary absences, or long-term to facilitate corporate workflow. The maintenance of the written sub-delegation is the responsibility of delegator.
17. Where the exercise of a delegated power or duty requires the expenditure of money or subjects the Corporation to a potential financial loss or obligation, funding for the expenditure or provision for the potential loss or obligation must be included in an approved budget or managed in alignment with reserve fund policies under the advisement of the City Treasurer. All relevant requirements of the City's policies, including the Procurement Policy shall be followed as a condition to the exercise of the delegated authority.

### **Appointment of Signing Officers**

18. Subject to the requirements of this By-law and any statute regarding the execution of any particular kind of document, an employee or officer of the City, who at the time

of execution of any document holds any of the following offices or positions, is a signing officer of the City and has the authority to execute the document on its behalf:

- a) the Mayor;
- b) the Deputy Mayor;
- c) the CAO; and
- d) the City Clerk.

19. In addition to the signing officers designated in section 18 of this By-law, a document listed in the delegation column of Schedule A of this By-law is considered a routine document, which may be executed by an employee or officer of the City of Port Colborne who, at the time of execution of the particular document, holds any one of the offices or positions set out in the delegate column of Schedule A, and they shall be considered to be signing officers but only for the limited purposes of the documents set out in Schedule A, that they are authorized to sign, provided that all other provisions of this By-law are complied with.

20. Should any position listed as a delegate in Schedule “A” become vacant, or should any such delegate be absent or otherwise unable to carry out the delegation pursuant to this By-law:

- a) if there is a By-law which designates a deputy or other acting person as having the authority of the person holding the position or office of the Delegate, such deputy or acting person is authorized to exercise the authority of the Delegate under this Bylaw; and
- b) unless otherwise prohibited, any employee or officer of the City appointed in writing by the Delegate as acting in the position or office of the Delegate in their absence is authorized to exercise the authority of the Delegate under this By-law.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

William C. Steele

MAYOR

Saima Tufail

ACTING CITY CLERK



SCHEDULE “A” – Delegation of Powers and Duties

Office of the Chief Administrative Officer

Chief Administrative Officer		
Delegation	Delegate	Conditions/Restrictions
Entering into agreements necessary to complete capital projects including but not limited to acquiring or disposing of easements provided value of consideration does not exceed \$100,000, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	Terms and conditions of such agreements and related documents must be acceptable to City solicitor.
Develop, approve, and implement administrative policies, procedures, and practices, including but not limited to Human Resources, pursuant to the <i>Municipal Act, 2001, SO. 2001, C.25</i> , as amended.	Chief Administrative Officer	In consultation with Manager of Human Resources and/or delegation to appropriate department director, pursuant to City policies.
Economic Development & Tourism Services		
Delegation	Delegate	Conditions/Restrictions
Provide commentary, feedback, and information to provincial and federal governments regarding legislative/regulatory changes.	Manager of Strategic Initiatives	Commentary, feedback, and information provided to provincial and federal governments is to be from a staff opinion and not on behalf of the Mayor and Council.
Execute agreements for pop-up patios, pursuant to the Encroachment By-law.	Economic Development Officer	Consult with Planning and By-law Enforcement Services regarding the variance process. Report to Council.

Amend the Filming Policy for procedural purposes, pursuant to the Filming Policy/By-law.	City Clerk or designate	
Issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the Filming Policy, pursuant to the Filming Policy/By-law and the Noise By-law.	City Clerk or designate	
Negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law, pursuant to the Filming Policy/By-law and the Rates and Fees By-law.	Director, Corporate Services/Treasurer or designate	
Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal or control as requested by film permit applicants, pursuant to the Filming Policy/By-law.	Director of Public Works or designate	
Approve permits for fireworks displays and discharging of fireworks, as well as variances to the Open Air Burning and Recreational Fires By-law and Discharge of Firearms By-law, as requested by film permit applicants, pursuant to the Filming Policy/By-law and other applicable by-laws.	Fire Chief/Director of Community Safety and Enforcement or designate	
<b><u>Planning Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Draft Condominium Approval, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	
Draft Condominium Exemption, pursuant to the <i>Planning Act</i> , R.S.O. 1990, c. P. 13.	Chief Planner or designate	

Part Lot Control, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council
Approve Site Plan Control Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Amendments to Site Plan Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Approve Development Agreements, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	
Removal of a Holding Provision when all conditions have been fulfilled, pursuant to the <i>Planning Act, R.S.O. 1990, c. P. 13.</i>	Chief Planner or designate	Subsequent By-law to Council for the removal
<b><u>Building Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Authority to enter into limiting distance agreements, pursuant to the <i>Building Code Act, 1992, S.O 1992, c. 23.</i>	Chief Building Official	Agreements acceptable to City Solicitor.
Authority to enter into conditional building permit agreements, pursuant to the Building Code Act, 1992, S.O 1992, c. 23.	Chief Building Official	Agreements acceptable to City Solicitor.
<b><u>City Clerk</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Signing authority for agreements under by-law and/or pursuant to tender awards, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25, as amended.</i>	City Clerk	All agreements authorized by municipal by-law; affix corporate seal; two signatures required.



		Note: Deputy Mayor in absence of Mayor; Deputy Clerk or Chief Administrative Officer in absence of Clerk.
Approve the execution and/or amendment of agreements or grant applications with the Government of Canada; the Government of Ontario; an agency of the Government of Ontario or the Government of Canada; or other grantor organizations providing funding to municipalities with respect to funding commitments for City initiatives, programs or operations.	City Clerk	Subject to any City funding requirements. Applications may be made so long as the grant will not require additional expenses not already approved by Council. The grant must be at no cost to the City or funded through a current year's operating or capital budget, which has been approved by Council. Reporting to Council will be done to provide notification of a received grant.
Returning Officer responsible for administration of all municipal general elections and all by-elections, pursuant to the <i>Municipal Elections Act, 1996, S.O. 1996, c. 32.</i>	City Clerk	Prepare and update forms and written procedures for all components of conducting an election.
Designate an event as an event of municipal significance for the purpose of prescribing it as a special event occasion where an application has been made, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Compliance with all applicable Alcohol and Gaming Commission (AGCO) regulations. Consultation with applicable City and/or Regional approvals for licensing.
Issuance of "Letters of No Objection" for temporary liquor licence extensions, pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Consultation with applicable City departments.
Liquor Licence Municipal Clearance (Wet/Dry Status), pursuant to the <i>Liquor License Act R.S.O. 1990, c. L. 19.</i>	City Clerk	Issue subject to municipal clearance by agencies/departments as per AGCO regulations.
Issuance of "Tag Day" approvals for non-profit organizations, pursuant to the <i>Income Tax Act (Canada).</i>	City Clerk	
Issuance of Lottery Licenses, pursuant to the <i>Criminal Code (Canada) Order in Council 1413/08 Gaming Control Act, 1992</i>	City Clerk	Compliance with all applicable AGCO regulations and Lottery Licensing Policy Manual (LLPM)

Records management oversight, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C. 25</i> , as amended.	City Clerk	
All powers and duties under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , pursuant to <i>Municipal Freedom of Information and Protection of Privacy Act</i> .	City Clerk	Associated policy.
By virtue of office: Division Registrar, Commissioner of Oaths, and Licensing of Marriage, pursuant to the <i>Commissioner for Taking Affidavits Act, R.S.O. 1990, c. C. 17</i> , the <i>Marriage Act, R.S.O. 1990, c. V.4</i> , and the <i>Vital Statistics Act, R.S.O. 1990, c. V.4</i> .	City Clerk	
Marriage Officiant, pursuant to the <i>Marriage Act, R.S.O. 1990, c. V.4</i> .	City Clerk and CAO	
Municipal Licensing, pursuant to all applicable by-laws and policies.	City Clerk	Subject to all applicable by-laws and policies; consultation with applicable departmental authorities.
Approval of proclamations	City Clerk	Initial proclamation subject to council approval.

## Corporate Services

<b><u>Human Resources</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Negotiate and execute employment grants, including related documentation.	Chief Human Resources Officer (CHRO)	Consultation with appropriate department director.
Negotiate and execute contracts of employment (full-time and/or temporary), including related documentation, pursuant to the <i>Ontario Human Rights Code, AODA, MFIPPA, Pay Equity Act, and Employment Standards Act</i> .	CHRO or designate	Subject to an identified funding source.
Negotiate collective agreements and prepare and send Memoranda of Agreements pertaining to collective bargaining negotiations, provided that such memoranda are conditional upon Council approval, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source.  In collaboration with the CAO, Director of Corporate Services/ Treasurer, and legal representation.
Administer and execute all documentation and remit payments related to pay and payroll deductions (including but not limited to Canada Pension Plan (CPP), Employment Insurance (EI), Employer Health Tax (EHT), Long-term Disability (LTD), Ontario Municipal Employees Retirement System (OMERS) and other documentation and remittances to government agencies, unions and/or employees such as T4 tax preparation and pay equity adjustments, and others by way of court ordered deductions, pursuant to the <i>Pay Equity Act, Employment Standards Act, Canada Income Tax Act, Pension Benefits Act, Canada Pension Plan, Employment Insurance Act, Employer Health Tax Act, Workers' Compensation Act, and Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.

Negotiation and execute minutes of settlement of any labour relations matter (union or non-union), including related documentation, pursuant to the <i>Labour Relations Act</i> .	CHRO or designate	Subject to an identified funding source.  In collaboration with the CAO, Director of the impacted department and legal.
Administer and execute all documentation and remit payments related to benefits that include but are not limited to health, dental, short-term disability (STD), LTD, workplace safety and insurance boards (WSIB), OMERS and execute all associated documentation, pursuant to the <i>Workplace Safety and Insurance Act, Pension Benefits Act, Workers Compensation Act, and Ontario Municipal Employees Retirement System Act</i> .	CHRO or designate	Subject to an identified funding source.
<b><u>Financial Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Execute agreements required for the delivery of bank and investment services to the City and related trust accounts, including agreements for purchasing cards and related electronic services but excluding credit and financing facilities such as debentures, mortgages, loans and lines of credit, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Transfer funds between City and related trust bank accounts and/or investments accounts to fulfill financial obligations, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Execute contracts on behalf of the City for future utility commodity purchases up to two years in advance to a maximum of 2/3 of historical volumes, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	Decision to purchase must be documented and based on a third-party recommendation.

Approve the write-off of an amount owing to the city and refunds disbursed from the City ≤0.1% of the Tax Levy, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate	
Implement a general insurance program, including the negotiation and execution of insurance agreements with person(s) or agencies that provide services under the general insurance program, pursuant to the Investment Policy, the Reserve Policy, the Procurement Policy, and all applicable by-laws.	Director, Corporate Services/Treasurer or Designate.	
Negotiate and settle claims against the municipality, pursuant to the <i>Municipal Act, 2001, S.O. 2001, C.25</i> , as amended, and all applicable policies and by-laws.	Director, Corporate Services/Treasurer	Consultation with insurance adjuster and appropriate department director and City's claims administration policy.
<b>Recreation Division</b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Issue and process permits at City recreation facilities, including but not limited to ice rentals, sports fields, parks, pavilions, and community/meeting rooms.	Manager, Recreation or Designate(s)	Follow Council approval allocation for priority users (youth, minor sports, schools, and locals first)
Execute recreation licensing agreements with user groups and stakeholders.	Supervisor, Recreation and Marina or Designate	
Approve temporary road closures for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade	Director, Public Works or Manager of Operations	Road closure plan reviewed and approved by By-law. Third party events requesting road closures will be brought in a report to Council for approval unless otherwise delegated.
Approve variances or exemptions to the Noise By-law for municipally-run events or events of municipal significance including, but not limited to, Canada Day, Canal Days, and the Santa Claus Parade.	Manager of By-Law Services	Event plan reviewed and approved by By-law. Third party events requesting a variance will be brought in a report to Council for approval unless otherwise delegated.

Facilitate the disposition of abandoned boats from marina slips or storage facility.	Manager, Recreation or Designate	Consult with City Solicitor.
<b><u>Information Technology Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Execute agreements related to data sharing and/or licensing with third parties	Manager of Information Technology	

## Community Safety and Enforcement

<b><u>Fire and Emergency Services Division</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Enter into Fire Service Agreements for provision of fire protection services to lands located outside Port Colborne or receive services from a fire department located out of Port Colborne.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Activate an emergency plan and implement municipal emergency control group notification.	CEMC	Decision to be made in accordance with City Emergency Plan. Mayor and CAO advised as soon as possible.
Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to chemical, biological, radiological, nuclear, high yield explosive, Hazmat, confined space, high angle rescue.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc.	Fire Chief/Director of Community Safety and Enforcement	Agreement acceptable to City Solicitor. Report to Council.
Process and issue permits pertaining to fireworks displays and discharging of fireworks, pursuant to the Fireworks By-law.	Fire Chief/Director of Community Safety and Enforcement	
Designate Fire Routes once satisfied requirements have been complied with and submit to By-law for approval.	Fire Chief/Director of Community Safety and Enforcement	Council to approve designation by-law. Council pre-approval not required.



Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation, pursuant to the <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.</i>	Fire Chief/Director of Community Safety and Enforcement	
Approval and signing authority to execute agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	Fire Chief/Director of Community Safety and Enforcement	
Ability to review and rescind bills issued by the Fire Service.	Fire Chief/Director of Community Safety and Enforcement	
<b><u>By-law Enforcement Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Approve temporary noise variances, pursuant to the Noise By-law.	City Clerk/Manager of By-law Services/Fire Chief/Director of Community Safety and Enforcement	Temporary nature.
Approve minor variances to the Sign By-law including but not limited to extensions and minor technical non-compliance, pursuant to the Sign By-law.	Chief Building Official	Consult with By-law Enforcement Services and variance process. Report to Council.
Enter into Encroachment Agreements on road allowances and over easements with private property owners.	Chief Planner	Consult with By-law Enforcement Services and Director of Public Works. Agreements acceptable to City Clerk. Conditional but not limited to obtaining survey, covenants to protect the City. Once satisfied, submit by-law for Council approval.

Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways, and speed limits on highways under the jurisdiction of the City of Port Colborne.	Director of Public Works	Consult with By-law Enforcement Services.
Appeal of parking ticket.	Screening Officer	
Appeal of screening review.	Hearing Officer	
Appoint a Hearing Officer, pursuant to the Inter-municipal agreement.	CAO/Director of Community Safety and Enforcement	
Appoint a Municipal Law Enforcement Officer.	Director of Community Safety and Enforcement	Report to Council.
Appoint a Property Standards Officer.	Director of Community Safety and Enforcement	Report to Council.
Negotiate and settle claims against the city within insurance deductible limit	City Clerk	Consult with Director of Community Safety and Enforcement/Manager of By-law Services.
Authority to appoint temporary staff parking enforcement	Director of Community Safety and Enforcement	

## Public Works

<b><u>Road and Transportation Services</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones, pursuant to the <i>Highway Traffic Act, R.S.O. 1990, c. H.8.</i>	Director of Public Works	Consultation with Planning Division
Agreements, including cost sharing agreements between the City of Port Colborne and local area municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works	
Temporary reduction or lifting of load limits on highway, including designation of alternate routes where applicable.	Director of Public Works	Consultation with Fire Chief/Director of Community Safety and Enforcement and Manager of By-law Enforcement Services
Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards, pursuant to <i>Ontario Regulation 239/02 – Minimum Maintenance Standards for Municipal Highways.</i>	Director of Public Works	
Authority to sign agreements with Railway Authorities for cost sharing or warning systems and maintenance at level railway crossings.	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Mutual Aid Agreement between local area municipalities and the Niagara Region.	Director of Public Works	

Approve temporary road closures, intermittent traffic control, and traffic sign alteration, removal, or control.	Director of Public Works	
Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community.	Director of Public Works	
Authorization to control and manage each cemetery under the jurisdiction of the City of Port Colborne, pursuant to the City Cemetery By-law and the <i>Cemeteries Act</i> .	Director of Public Works/ Manager of Operations	
<b><u>Water and Wastewater</u></b>		
<b>Delegation</b>	<b>Delegate</b>	<b>Conditions/Restrictions</b>
Authority to sign applications with the Ministry of Environment, Conservation, & Parks, pursuant to the <i>Ontario Water Resources Act</i> .	Director of Public Works	
Authority to provide reciprocal assistance to Public Works Departments in other local area municipalities, pursuant to the Memorandum of Understanding between local area municipalities and Niagara Region.	Director of Public Works	
Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the City's water distribution system, pursuant to the City of Port Colborne DWQMS Operational Plan and the <i>Safe Drinking Water Act</i> , O. Reg. 170-03.	Director of Public Works	

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Regular Meeting of November 28, 2023

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of November 28, 2023, upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 28<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk