

June 8<sup>th</sup>, 2022

Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON  
L2V 4T7

**ATTN: - Ann-Marie Norio, Regional Clerk. Niagara Region**

**RE: - Former Cytec Lands, Niagara Falls**  
**- June 15<sup>th</sup> Corporate Services Committee Meeting (CSC-C 10-2022)**  
**- Proposed Changes to RDC Brownfield Reduction Program**

---

LANDx Developments Ltd. has prepared the following letter on behalf of our clients 1939522 Ontario Inc., owners and developers of the former Cytec Lands located at 4200 Stanley Avenue in Niagara Falls.

The subject property, a 71.93-acre brownfield, was formerly occupied by Cyanamid/Cytec Industries, which operated a chemical manufacturing production facility on the property for almost 90 years. Since acquisition in 2015, Ownership has been actively completing remediation and servicing work on the property, while simultaneously coordinating risk assessment approvals with the Ministry of Environment, Conservation and Parks. To date, 13.69 acres have been successfully remediated and have received a record of site condition (Attachment 1).

Through review of both the 2022 Niagara Development Charges Background Study and 2022 Draft Development Charges By-Law, it has been identified that the Brownfield Development Charge Reduction Program ("BDCRP") will be discontinued. In an effort to recognize the constraints associated with the timeline for removing this incentive, staff have provided pre-payment agreements which will allow applicants to secure their eligibility for the BDCRP, subject to a number of criteria. Such criteria includes obtaining a Record of Site Condition and executed building permit prior to the end of December 2022 (Attachment 2). Both the proposed changes to the by-law and the brownfield prepayment agreement criteria have been recommended for approval by the Regional Development Charges Policy Task Force and corresponding motions are being considered by the Corporate Services Committee on June 15<sup>th</sup>, 2022.

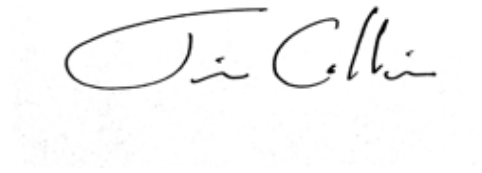
The development of the former Cytec Lands will not be able to meet the terms of the pre-payment agreement and as such its eligibility for the BDRC incentive is currently set to expire in August of this year. The remediation of brownfield properties of this scale is a very long and arduous process that does not align with the short timelines established by the current pre-payment agreements.

**The removal of the BDCRP will have significant implications on the financial viability of the ongoing development of the former Cytec property. We formally request that either:**

- 1. The Draft 2022 Niagara Region Development Charge Bylaw be revised to accommodate a grandfathering provision which will maintain the BDCRP for select projects, such as the former Cytec property; OR**
- 2. The terms and conditions of pre-payment agreements be revised and tailored on a case-by-case basis for eligible brownfield developments.**

Such a revision will ensure that the redevelopment of the former Cytec property remains eligible for this critical brownfield incentive. Please contact our office if you have any questions.

Prepared by,

A handwritten signature in black ink, appearing to read "Tim Collins", is written over a faint, circular, textured background.

Tim Collins  
President  
LANDx Developments Ltd.

CC: Mr. Jim Diodati. Mayor, City of Niagara Falls.  
Mr. Bob Gale. Niagara Regional Councillor, City of Niagara Falls



## **Cytec Lands, Niagara Falls**

### **Niagara Corporate Services Committee Meeting (Wednesday June 15<sup>th</sup>, 2022)**

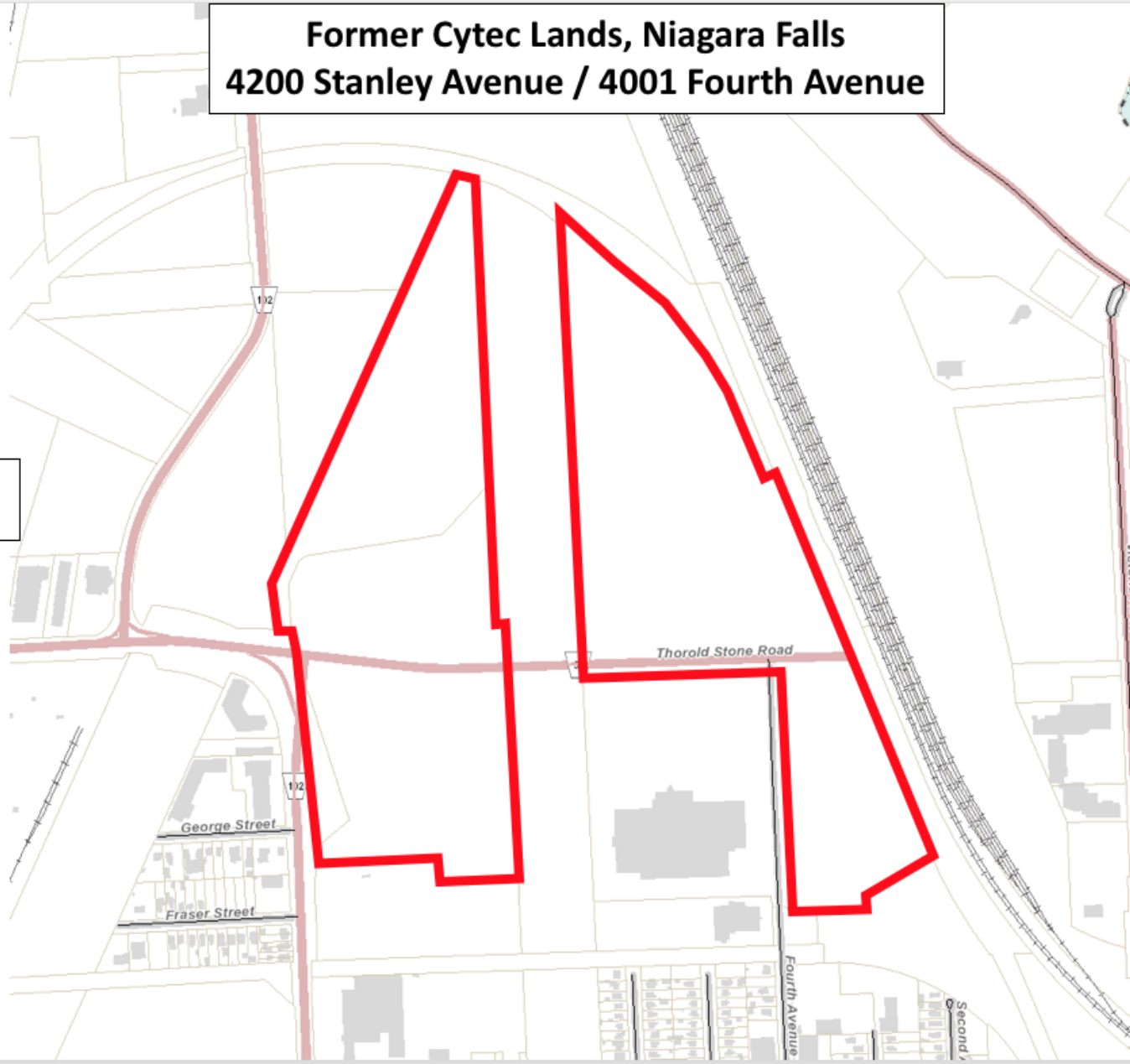
#### **Attachment 1**

**Former Cytec Lands, Niagara Falls**  
**4200 Stanley Avenue / 4001 Fourth Avenue**

CSC-C 14-2022

**LEGEND**

□ - Subject Property





## **Cytec Lands, Niagara Falls**

### **Niagara Corporate Services Committee Meeting (Wednesday June 15<sup>th</sup>, 2022)**

#### **Attachment 2**

In order to allow developments that are currently in progress and not able to draw building permits by August 31, 2022 to secure the existing DC Brownfield Reduction Program developments have the option to enter into a prepayment agreement to secure the current provisions. In order to be eligible to enter into a prepayment agreement with the Niagara Region the development must submit the below criteria # 1-5 by **June 30, 2022** and have their Record of Site Condition submitted to the Province and building permits executed by **December 31, 2022**. Subject to criteria 1-5 being acknowledges as received by the Region an agreement must be executed and prepayment must occur by **August 31, 2022**.

CSC-C 14-2022

Criteria #	Criteria
1	Proof that Owner is the registered and beneficial owner of the Property
2	A completed Phase 2 Environmental Site Assessment ("ESA") for the Property
3	Proof that Owner has commenced the mandatory remediation measures identified in the ESA and proof including a cost estimate that the Owner has retained qualified contractors to perform the mandatory remediation measures to remediate identified contaminants at the Property

Page 1 of 2



#### Corporate Services

Financial Management & Planning

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-682-8521

[www.niagararegion.ca](http://www.niagararegion.ca)

4	A description of the proposed development including types of units proposed and total number of each unit type
5	Estimate of DC Charges payable with respect of the proposed development
6	Subject to the above (ie. Criteria 1-5) being submitted by June 30, 2022 an agreement executed by August 31, 2022 and prepayment of net DC payable based on proof of remediation cost estimate
7	a) By December 1, 2022 reconciliation and proof of actual remediation costs incurred to December 31, 2022 b) By December 31, 2022 proof that the owner has submitted Record of Site Condition to the Province.
8	Agreements will expire if a building permit is not executed by December 31, 2022 and all DCs will be payable based on the DCs in effect on the date of first building permit issued.

In order to receive a reduction in Regional Development Charges under the Brownfield Reduction program as outlined in By-law NO 2017-98 all prepayment criteria must be achieved.