

Agenda

Date: November 24, 2008

Project: First Brownfield Policy Development Workshop
City of Rochester Hills (ASTI File No. 6348)

Agenda

Item #	Subject
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1. Introductions
2. Overview of Brownfield Program
3. Policy Considerations (attached Worksheets and Discussion)
 - a. Objectives
 - b. Eligibility Criteria
 - c. Evaluation
 - i. Draft Preliminary Form (attached)
 - d. Eligible Costs
 - e. Funding Considerations
 - i. Revenue Sources
 - ii. Amounts
 - iii. Brownfield Plan Terms
 - f. Reimbursement Agreement
4. Process
 - a. Application Steps
 - b. Management Responsibilities
5. Questions or Comments
6. Summary of Action Items
 - a. Work session to draft policy
 - b. Presentation of draft policy to BRA
7. Next Meeting Date

Eligibility Determination City of Rochester Hills

Project Title:			
Name of Applicant:			
Address:			
City:		Zip Code:	
Contact Name:			
Telephone:		Fax:	
E-mail address:			
Application Date			
SITE DESCRIPTION			
Site name:			
Site Address(es):			
<i>Attach location and site boundaries on a street map and assessor's map</i>			
Parcel Number(s):			
Total Project Size (Acres):			
Existing Zoning:			
Site Owner Name:			
Owner Address:			
Current use and activity:			
If owned by applicant, how was the property acquired and date of acquisition:			
If not owned by applicant, contractual relationship with the owner that allows this work to proceed, and role of owner in the work:			
What is the intended use of the property? (including splitting of parcels, conversion for commercial development, etc.)			
What is the timeline for commencement and completion?			
Site Preparation: _____ Construction Start: _____ Construction Completion: _____			
Is the existing zoning appropriate for the intended use? YES <input type="checkbox"/> NO <input type="checkbox"/> If No, Plans to address that issue.			
Total estimated project cost; \$ _____ . (list estimated construction and renovation costs, infrastructure improvements, and personal property to be included)			

ENVIRONMENTAL INFORMATION

Is the applicant responsible for contamination? - YES NO Note: An applicant may not be the party responsible for the contamination.

Is the property a facility as defined by Part 201? - YES NO

On what is this determination based?:

Has a Baseline Environmental Assessment been completed? - YES NO

If not, when will it be completed?: _____

Environmental concerns/threats to human health and environment:

What media is impacted, specifically surface water or groundwater contamination?

EVALUATION CRITERIA INFORMATION

List the eligible activities that are anticipated for reimbursement. Estimated reimbursement: \$ _____

Describe potential permanent job creation or retention (include average wage for each):

Will the project be a catalyst for other projects in the area? Is yes, please describe:

What are the estimated additional total taxes to be generated from this development? \$ _____

OTHER INFORMATION

Describe other incentives that will be applied for in order to complete this project (such as IFT, OPRD, Renaissance Zone, Smart Zone, MBTetc):

Are there any on-going or anticipated environmental enforcement actions on the property?

Other information that may be useful in considering your application:

For City Use Only

Site #

EVALUATION

Total job creation and/or retention or residential development. **Rank:** H M L

The impact of private investment and future tax revenue. **Rank:** H M L

The developer's credentials and ability to accomplish the project. **Rank:** H M L

The project is a catalyst for other development. **Rank:** H M L

The property is Functionally Obsolete or Blighted (as defined by Act 381). **Rank:** H M L

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Overall Objectives		Consensus		Vote	Rank
		Yes	No		
1	Assist with the remediation of Brownfield properties to return them to productive economic use			0	1
2	Maintain sufficient flexibility to respond to market-driven redevelopment opportunities			0	1
3	Site clean-up to applicable 201 criteria (applicable to intended future use)			0	1
4	Site clean-up to more restrictive standards selected by the City			0	1
5	Preference for source control			0	1
6	Preference for active remediation			0	1
7	For sites where development would not likely occur without tax incentives			0	1
8	For sites where taxable value would be larger than would occur if tax incentives are not available			0	1
9	Use only after all opportunities to obtain funding or cost recovery have been exhausted			0	1
10	Create and fund a Local Site Remediation Revolving Fund			0	1
11	Preservation of green space			0	1
12				0	1
13				0	1
14				0	1
15				0	1
16				0	1
17				0	1
18				0	1
19				0	1
20				0	1
21				0	1
22				0	1
23				0	1
24				0	1

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Eligibility Criteria		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
	<i>For Applicant</i>					
1	Innocent landowner as defined by Parts 201, 211, and 213, and CERCLA (Has completed Phase I and BEA and will provide copies)			0	1	
2	Financially sound			0	1	
3	Completed a viable redevelopment plan or a long-term maintenance plan for green space development			0	1	
4	Control over (ownership or purchase option) or access to an eligible property			0	1	
5	Initial screening form to determine eligibility			0	1	
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
	All of the above			0	1	

Key:

 Selected by committee

 Required Vote

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Votes

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Eligibility Criteria		Consensus		Vote	Rank	Tie Breaker
For Property		Yes	No			
1	Property is a facility as defined in Part 201, including parcels that are adjacent and contiguous to that facility and part of the application and if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property (Sec 2(n)(ii) of Act 381)	x		0	1	
2	Property is adjacent and contiguous to a facility			0	1	
3	Property is located within the City	x		0	1	
4	Proposed development is consistent with master plan, zoning ordinance and community and economic development goals of the City			0	1	
5	Development would not occur without incentives			0	1	
6	Development will correct or ameliorate threats to public health or the environmental caused by site conditions			0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
	All of the above			0	1	

Key:

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 Required Vote

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Ineligibility Criteria <i>For Applicant</i>		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	A generator or transporter of contamination at the site			0	1	
2	Currently or previously in environmental non-compliance			0	1	
3	Previously suspended, debarred or declared ineligible for Federal financial assistance programs			0	1	
4	Currently delinquent in taxes, loan payments, or other indebtedness to the State of Michigan or any political subdivision			0	1	
5	A party liable for site contamination	x		0	1	
6	Contaminated sites where no remediation or control is proposed			0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
Any of the above				0	1	
All of the above				0	1	

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Ineligibility Criteria		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	Listed or proposed to be listed in the EPA National Priorities List			0	1	
2	Federal or state agency is planning or is currently conducting a response or enforcement action			0	1	
3				0	1	
4				0	1	
5				0	1	
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
	All of the above			0	1	

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Evaluation Criteria		Consensus		Vote	Rank
		Yes	No		
1	Strength of business plan			0	1
2	Amount of property tax generated			0	1
3	Amount of investment			0	1
4	Job retention and creation			0	1
5	Extent of remediation, clean-up or control proposed			0	1
6	Location			0	1
7	Proximity to other incentivized projects			0	1
8	Inclusion of sustainable features			0	1
9	Amount of green space			0	1
10	Project provides a minimum of "\$X" per square foot in new investment			0	1
11	How long the property has been vacant			0	1
12	Existence of abandoned, blighted or functionally obsolete buildings			0	1
13	Ratio of public assistance to private investment			0	1
14	Cost differential between site and similar Greenfield location			0	1
15	Will the investment "spur" other development in the area			0	1
16	Type of development			0	1
17				0	1
18				0	1
19				0	1
20				0	1
21				0	1
22				0	1
23				0	1

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	Eligible Activities	Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	Phase I Environmental Site Assessments	x		0	1	
2	Soil and Groundwater Investigations	x		0	1	
3	Baseline Environmental Assessments	x		0	1	
4	Due Care Activities	x		0	1	
5	Response Activities	x		0	1	
6	Additional Response Activities	x		0	1	
7	Brownfield Plan Preparation	x		0	1	
8	Demolition	x		0	1	
9	Lead Abatement	x		0	1	
10	Asbestos Abatement	x		0	1	
11	Administrative Fees	x		0	1	
12	Capture for local RLF	x		0	1	
13	Interest Incurred by Developer for Eligible Activities			0	1	
14	Other actions necessary to protect the health, safety, welfare, environment, or natural resources			0	1	
	Relocation of public buildings or operations for economic development purposes			0	1	
15				0	1	
16	Interest on Bonds			0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	
21				0	1	
22				0	1	
	Any of the above			0	1	
	All of the above			0	1	

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Funding Considerations		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	No fee for initial eligibility meeting			0	1	
2	Application fee			0	1	
3	Processing fee			0	1	
4	Covering legal review fees			0	1	
5	Covering engineering or environmental review fees			0	1	
6	Administrative fees (annual)			0	1	
7	City bonding for private investment			0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
	All of the above			0	1	

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Funding Considerations		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
<i>Amounts</i>						
1	Limit by amount of credit			0	1	
2	Partial funding to specific eligible activities			0	1	
3	Limit interest rate (if eligible activity)			0	1	
4	Interest does not accrue during years with no incremental tax			0	1	
5	Amount of administration fee - by project size?			0	1	
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
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Brownfield Plan Terms		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	Plan duration adds 5 years for RLF capture (therefore maximum 25 year reimbursement period)			0	1	
2	Approved activities must be started within 5 years of resolution	x		0	1	
3	Approved activities must be completed with in "X" years			0	1	
4	Reimbursement period limit to a maximum of 30 years	x		0	1	
5				0	1	
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
Any of the above				0	1	
All of the above				0	1	

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Reimbursement Agreement		Consensus		Vote	Rank	Tie Breaker
		Yes	No			
1	Penalties for change in scope (particularly investment)			0	1	
2	Penalties for appeal of taxable value after reimbursement period			0	1	
3				0	1	
4				0	1	
5				0	1	
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
	Any of the above			0	1	
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	Steps for Application	Required Information	Forms	Other Materials
1	Contact City XXXXXX			
2	Submit Eligibility Form	Site Map, Site Plan, Description of Project	Eligibility Form	
3	Preliminary Meeting with City and MEDC CAT Representative			
4	Preliminary Review and Approval by XXXXX			
5	Submit Brownfield Plan to BRA	Brownfield Plan	Brownfield Plan Template	Phase I ESA, BEA, Site Plan
6	Complete Public Notice Requirements			
7	Presentation at BRA Meeting			
8	BRA Approval			
9	Public Meeting			
10	Community Committee Review			
11	Council Meeting			
12	Council Approval			
13	Reimbursement Agreement		Reimbursement Agreement Template	
14	Submit 381 Work Plan to BRA	381 Work Plan		
15	BRA Submits 381 Work Plan to MEDC/MDEQ			
16	Submit MBT Application to BRA	MBT Application Part I, MBT Application Part II		
17	BRA Submits MBT Application to MEDC			Letter of Support
18	Submit Invoices to XXXX	Invoices for Eligible Activities		
19	Annual Report on Expense vs. Tax Revenues			
20				
21				
22				
23				
24				
25				
26				

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Stakeholder		Responsibility
Program Administrator		
County BRA Contact		
Developer		Provides Information
BRA		Approval of Brownfield Plan, Coordination of all Brownfield tax applications
Citizen Committee		Comment on Brownfield Plan
Council		Approval of Brownfield Plan
Treasurers Office		Appropriation of tax credits
Operations		Responsibility
1	Application Made to	
2	Application and Policy Review Conducted by	
3	Legal Review by	
4	Approval Provided by	
5	Reports and Oversight by	
6	Financial Monitoring will be completed by	
7		
8		
9		
10		
11		