Washtenaw County Brownfield Redevelopment Authority

VIRTUAL MEETING AGENDA

Thursday, November 18th 2021 9:00 a.m.

(Due to COVID-19 this meeting will be held virtually, using Zoom, and available to the public using either method below)

Link to join the meeting:
https://washtenawcounty.zoom.us/j/99121565816?pwd=bk9IdXpEUmJQU1hNbVhPWHE2d3pwUT09

Call In Number: US: +1 312 626 6799 Webinar ID: 9912156 5816 Passcode: 228181

Link to Board Member Contact Information: **https://docs.google.com/document/d/1US6F29kg7dHZyT421-8_Sz0ZxcGewlcJfGiAjNW1aAs/edit?usp=sharing**

1. **Call to Order**
    a. Board member Roll Call and Declaration of City/Township/Village, County and State from which they are attending. (i.e. *PRESENT and attending remotely, from City of Ypsilanti, Washtenaw County, Michigan*)
2. **Public Comment***
3. **Approval of Agenda**
4. **Approval of Minutes**
    a. October 14, 2021 Meeting
5. **Board Member Conflict of Interest Disclosure**
6. **Business**
    1. 943 N. River, 355 W. Clark Rd. County Parks Additional Phase II Env. Assessment Grant – Action
    2. LBRF Capture Policy for Brownfield Plans – Discussion
    3. October 2021 Financial Report – Action
7. **Other Business**
8. **Public Comment***
9. **Adjournment**

*All public comment will be limited to three (3) minutes per person

For more information on this agenda please contact Nathan Voght, Washtenaw County Office of Community and Economic Development at (734) 660-1061 or voghtn@washtenaw.org.

Washtenaw County
Brownfield Redevelopment Authority (WCBRA)
Meeting held virtually using Zoom

DRAFT MEETING MINUTES
Thursday, October 14, 2021, 9:00 a.m.
(There was no September Board meeting)

Board Present: Trevor Woollatt – Chair, Allison Krueger – Vice Chair, James Harless, Sue Shink, Morgan Foreman, Joe Meyers, Sybil Kolon, Karen Lancaster, Christy Maier

Board Absent: None

Staff: Nathan Voght – OCED, Anthony Bui, OCED Planning & Policy Intern

Joining the Video conference: Patti McCall – TetraTech, Derek Delacourt – City of Ann Arbor, Bill Godfrey – Three Oaks, Anne Jamieson – Jamieson Consulting, Wendy Carty-Saxon and Michael Appel – Avalon Housing, Bret Stuntz – SME Consulting, Cam McCausland – 3874 Research Prk Drive, Aaron Rose – Ypsilanti Community Schools

Handouts: None

1. Call to Order

Chair Woollatt called the virtual video-conference meeting to order at 9:05 a.m.

a. Board member Roll Call and Declaration of City/Township/Village, County and State from which they are attending: Allison Krueger, calling from City of Ann Arbor, James Harless, calling from Webster Township, Washtenaw County, Trevor Woollatt, calling from Cascade Township, Kent County, Christy Maier, calling from Dexter Township, Washtenaw County, Joseph Meyers, calling from City of Ypsilanti, Washtenaw County, Sybil Kolon, calling from Manchester Township, Washtenaw County, Karen Lancaster, calling from City of Hillsdale, Hillsdale County, Morgan Foreman, calling from Delhi Township Ingham County, Sue Shink, calling from Northfield Twp., Washtenaw County.

2. Public Comment

There was no public comment.

3. Approval of Agenda

J. Harless moved to approve the agenda (2nd J. Meyers), and the motion passed unanimously.

4. Approval of August 12th, 2021 Meeting Minutes

Board members made several minor revisions to page 1 and 2 of the Minutes. J. Meyers moved to approve the minutes with the noted revisions (2nd A. Krueger), and the motion passed unanimously.

5. Board Member Conflict of Interest Disclosure

None declared.

6. Business

1. 206-210 N. Washington Avalon LBRF Agreement – Action

   Staff referred to the draft LBRF Agreement in the packet, and explained the changes to the Grantee's procurement of the work to be completed from the previous version, which can be seen in the draft. He explained for only investigative work, there's no need for oversight an involvement of the Brownfield Authority. Whereas, with response activities, the Board asked for more involvement in contractor selection.

   J. Meyers moved to approve the LBRF Agreement (2nd J. Harless), and the motion passed unanimously.

2. Maple Oaks Eligible Activity Approval – Action

   N. Voght referred to the costs submitted for approval. Anne Jamieson, the environmental consultant for the project, explained there won't be additional costs for Maple Oaks South, except her time for review of the Reimbursement Agreement.

   N. Voght asked the developer, Bill Godfrey, about the City's engineering concerns with Maple Oaks South, and when they will be addressed so that 50% of the Site Demolition costs can be reimbursed, pursuant to the conditions the City put on the Brownfield Plan approval. Mr. Godfrey indicated they are being addressed now.

   J. Harless moved to approve the Eligible Activities for the Maple Oaks South development of $68,267.50 (2nd C. Maier), and the motion passed unanimously.

3. 2440 E. Clark Road Ypsi Community Schools Phase I Environmental Assessment Grant – Action

   N. Voght reminded the Board of their support for three other school-owned sites, mostly vacant, except Cheney School, which was not demolished. There is an additional site the district is considering for redevelopment, and Teresa Gillotti, OCED Director, is assisting with the process.

   Aaron Rose is in attendance with questions. J. Meyers asked if this could be sent to the DCC for funding. Several Board members expressed concern for a delay, or potential that it wouldn't be funded. Mr. Rose indicated the time delay would not affect the process.

   Several Board members suggested that the approval be contingent on DCC approval, and any costs not covered by the DCC would be covered by the Brownfield Authority.

   J. Meyers moved to conditionally approve the Phase I Environmental and Title Work for 2440 E. Clark Road, subject to an application being made to the DCC for funding, and should the DCC not fund any part of the request, the Brownfield Authority would fund it (2nd M. Foreman), and the motion passed unanimously.

   N. Voght discussed briefly the history of the DCC, with limited funding in 2019, when the original school district grant application was approved, and today with much more EPA assessment funding available.

4. 415 W. Washington Environmental Assessment Grant Application, City of Ann Arbor – Action

   N. Voght referred to the City's grant application for $20,700 to conduct additional Phase II investigation for the site. The Board discussed at length when State School tax capture can't be used to benefit a Liable Party, and that Local Taxes could be used. The Brownfield Authority's Assessment Grant Program is funded with Administrative capture, which is 100% Local Capture.

   The LBRF fund, however, has both Local and State capture. Derek Delacourt, with the City of Ann Arbor, discussed how ultimately a developer will acquire the site and seek brownfield incentives to assist with redevelopment. The City's Brownfield Policy was discussed, where 15% of the units will have to be Affordable, if Non-Environmental Activities are requested.

T. Woollatt questioned the need for the additional investigation, when the site has had extensive investigation. Mr. Delacourt responded that the City is doing the minimum necessary to ensure sufficient environmental information is available to hand the site off to a developer.

J. Harless asked why no vapor investigation was included, to which Patti McCall, with TetraTech explained their intent is to do the minimum investigation necessary at this time.

J. Meyers moved to approve the Assessment Grant for $20,700 to the City of Ann Arbor for 415 W. Washington (2nd J. Harless), and the motion passed with 8 yes votes and 1 no vote (T. Woollatt).

5. <u>3874 Research Park Drive – Form Brownfield Plan Review Sub-Committee</u>

N. Voght introduced the developer, Cam McCausland, and the environmental consultant, Bret Stuntz. The project was discussed, located in the City of Ann Arbor, and whether MEDC supported it. Mr. Stuntz indicated the MEDC will support it, as there is out of state competition.

Morgan Foreman, James Harless, and Joe Meyers volunteered to assist with reviewing the draft Brownfield Plan.

6. <u>August-September Financial Report – Action</u>

N. Voght referred to the transactions requested, and indicated there was an additional $31,632.71 of capture coming for 1140 Broadway, so the developer reimbursement total should be $1,227,428.68, instead of what appears on the Financial Report.

J. Meyers moved to approve all noted transactions on the Financial Report, with the additional funds noted for 1140 Broadway (2nd M. Foreman), and the motion passed unanimously.

7. Other Business

None.

8. Public Comment:

The Board asked if anyone attending had additional public comment, and no one responded.

9. Adjournment:

The meeting adjourned at 10:00 a.m.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the ___________, 2021 meeting, held virtually with Zoom.

Washtenaw County Brownfield Redevelopment Authority

Agenda Summary Memo
REGULAR VIRTUAL MEETING

9:00 a.m. Thursday, November 18th, 2021

TO: Washtenaw County Brownfield Authority
FROM: Nathan Voght, Washtenaw County Brownfield Coordinator
DATE: November 12, 2021

This regular board meeting will be held virtually, using Zoom. Here is a link to the meeting:

https://washtenawcounty.zoom.us/j/99121565816?pwd=bk9IdXpEUmJQU1hNbVhPWHE2d3pwUT09

The public will be able to attend by following the above link, or with the following call-in info:
Phone #: US: +1 312 626 6799 Webinar ID: 9912156 5816 Passcode: 228181

A roll call of each member present will be taken, with each announcing the city/county/state where they are physically located. In addition, board member contact information is required to be included in the meeting notice. I have added a link to a roster of the Board, with email contact information, to the top of the agenda.

Business Items:

1. **943 N. River, 355 W. Clark Rd. County Parks Additional Phase II Env. Assessment Grant – Action**

   On May 13, 2021, the Board approved $9,200 to County Parks for a Phase II, BEA, and Due Care Plan for property near Highland Cemetery they intend to acquire as part of their Natural Areas Preservation for passive recreation. The analytical results of the Phase II and email explanation from TriTerra to the applicant is in included in the packet. I asked Board member Harless and Woollatt to review Triterra's recommendations, and Mr. Harless had the following guidance:

   > *The data presented with Triterra's memo is sufficient for the prospective purchaser to secure environmental liability protection under Part 201 through the Baseline Environmental Assessment (BEA) disclosure process. However, additional evaluation of site conditions indicated by the presence of a high level of lead in the shallow soil sample collected at HA-2 is probably warranted if open public access to the property is permitted. However, before committing to the need for, or design of, additional assessment, it would be helpful to understand in detail the property history and how it's going to be used after acquisition. If additional assessment is warranted, it should be designed (soil sampling/analyses, EM and/or GPR surveys, etc.) to support an evaluation of the extent and type of exposure mitigation that may be needed.*

   Based on the above guidance, the applicant has asked Triterra for a cost proposal and scope to delineate the lead. This will be additional cost beyond the $4,500 approved for the Phase II, so an increase the grant requested. Staff is supportive of the request, and will forward the cost proposal to the Board once received.

2. **LBRF Capture Policy – Discussion**

   Please refer to the enclosed memo from staff around LBRF capture in Brownfield Plans. We look forward to a discussion at the meeting.

3. October Financial Report – Action

Please see the attached financial report, including one additional capture and reimbursement for 309 N. Ashley in the City of Ann Arbor

Staff Updates

- The 3874 Research Park Drive Brownfield Plan Review Sub-Committee has met twice with the City of Ann Arbor and Developer. They are working on an updated draft of the Brownfield Plan, and will be submitting the development ProForma to the City Finance Dept soon.
- Representatives of various Brownfield Authorities around the State have met several times with high level MEDC and EGLE staff to provide feedback on the $200M in Act 381 Funding from Federal Covid Funding that will be made available in 2022. A final policy is being developed by MEDC, but the initial plan is to funnel the funds through Act 381 to Brownfield Authorities as grants, to directly finance Eligible Activities for projects that will be completed by the end of 2026. The funds should support industries hit hardest by covid, including housing, warehouse, and industrial. The BRAs would receive the funds, and then would have Grant Agreements with developers to reimburse/finance Eligible Activities. BRAs can charge Admin to the grants, as well, to cover personnel and administration costs. This is a significant opportunity to assist with upcoming projects. As more information is released, staff will share.
- We have hired a new intern, Anthony Bui, a first year Graduate Planning student at U of M Ann Arbor. He will be attending the Brownfield meeting.
- There will be one opening on the Board in 2022. The City of Saline is applying to fill the open seat.
- The DCC approved the Phase I for 2440 E. Clark Road, for the Ypsi Community Schools.
- Staff met with City of Ann Arbor and representatives of the project by Robertson Brothers, regarding proposed Eligible Activities for their proposed 561 unit housing development on Dhu Varren Road. The housing will be a mix of for-sale and rental units. There is approximately $10M in Environmental and another $10 in Non-Environmental Eligible Activities possible. With the Non-Environmental request, 15% of the units are required to be Affordable at 60% AMI for 99 years. The developer is navigating the City's Brownfield Policy around this issue, and trying to get clarity on the requirement. The Mlive article from June is in the packet.
- The Act 381 Work Plan for the Chelsea Rockwell Building was submitted by the developer to the State of Michigan on Nov. 11th, which begins the 45 day review period.

Washtenaw County Brownfield Redevelopment Authority

LBRF Policy Memo

TO: Washtenaw County Brownfield Authority
FROM: Nathan Voght, Washtenaw County Brownfield Coordinator
DATE: November 12, 2021

Act 381 allows Brownfield Authorities to capture additional funds for each Brownfield TIF project for its Local Brownfield Revolving Fund (LBRF). The Brownfield Authority established an LBRF (then called LSRRF) fund over 10 years ago. After the deposits approved at the October 14th Board meeting, the fund has a balance of $2,750,000. About $250,000 of that balance is currently obligated to previously awarded LBRF Grants for the Leslie Science Center in the City of Ann Arbor, Waterstreet and 206-210 N. Washington, in the City of Ypsilanti, and most recently, the City of Saline recreational parking lot.

LBRF may be captured by extending the TIF capture period for up to five additional years, according to Act 381. The Brownfield Authority has not adopted a Brownfield Plan that has included an allowance to capture a full five years, no matter the amount of eventual LBRF capture. The Packard Square Brownfield Plan from 2011 showed five full years in the TIF tables, but stated an explicit amount of $1,180,000 (which effectively was a cap, otherwise, a full five years of LBRF would be about $7.5M!). Capturing a full five years for most of our projects would represent a significant amount of funds, when compared to the overall Eligible Activities in the typical Brownfield Plan, and may be viewed as to extend the Brownfield TIF payoff period to an unreasonable degree. Using the Packard Square example, had we captured a full five years, LBRF would have amounted to $7.5M or more, yet developer-reimbursable activities were only $3.4M.

The Plans adopted since Packard Square have taken varied approaches to calculating LBRF capture, which demonstrates the lack of a strict policy (or a nimbleness to accommodate the particulars of each plan?):

a. As a straight % of Developer reimbursable Eligible Activities.

b. As an explicit % of <u>all</u> Eligible Activities (including Admin, 3 mills SET)

c. An amount equal to one or two additional years of TIF capture, after full developer reimbursement (with priority for capturing those years, regardless of final amount, and ALSO with an explicit stated amount, based on the TIF table projections)

d. As a stated amount, with no relation to other Brownfield Plan figures (often taken from projections from the TIF Table).

The Brownfield Authority's current LBRF capture policy, within the Program "Policies and Procedures" document, last revised and adopted in 2017:

1. *It is the intent of the WCBRA to capitalize its Local Brownfield Revolving Fund (LBRF). The WCBRA intends to include provisions to capture revenues for deposit into the LBRF in the approved Brownfield Plan for each property/project located in the Brownfield Redevelopment Zone (as defined in **Section 1: Background**). The WCBRA intends to capture LBRF funds, as allowable by Act 381, with a priority for capture **during** the reimbursement period for eligible activities; however, each plan will be considered on a case-by-case basis to determine the most appropriate method for capturing LBRF funds.*

2. *LBRF incremental tax capture and use will be used in accordance with the current LBRF policy, adopted by the WCBRA, and subject to the restrictions of PA 381, as amended. The amount and term of tax revenue capture for*

the LBRF will be determined on a project-by-project basis.

As you can see, the Board's current adopted policy was updated as it was determined acknowledges that a "one size fit all" approach to LBRF capture may not be appropriate. This was also updated in 2017, during a time when the projected Administrative Fees' capture from active Brownfield Plans would exceed maximum allowable, thus the Board began to incorporate an annual capture amount of 3, 5, 7 or 10% of gross annual TIF capture, with the flexibility/discretion to capture that % as Admin or LBRF capture. This would ensure that if there is too much Admin capture (per Act 381) in the future, LBRF capture can be captured instead.

While we've approached LBRF capture on a case-by-case basis, which has offered flexibility for each Plan, it also makes proposed capture more difficult to defend. For example, with the Rockwell Building Brownfield Plan, the City of Chelsea asked for clarification and justification for the LBRF capture proposed in a draft of the Brownfield Plan. After some analysis of recent approved plans, and various calculations, the City requested a lower LBRF capture. LBRF capture was reduced from the $320,000 recommended by the Sub-Committee to $195,000. (Please see attached email chain for an account of this).

Staff believes a more defined/explicit policy around LBRF capture may be warranted. This would provide a clear expectation of the level of LBRF capture, and be more defendable. Here are some possible approaches *(and some comments on each):*

1. LBRF Capture will be one or two full additional years of TIF capture after developer reimbursement, including whatever remains in final year of developer reimbursement. (*No explicit amount defined. Inconsistent with our current approach to capture LBRF/Admin annually. Actual LBRF capture would not be known until the end of the Plan, and may skew high compared to developer reimbursement amount if developer reimbursable activities are significantly lower than projected)*
2. LBRF Capture will be the remainder of last year of developer reimbursement AND one OR two full additional year of capture, and the amount is explicitly projected and fixed, as determined by the TIF Table in the BF Plan. *(The LBRF capture amount would be a fixed/known amount, providing more predictability for the future. However, this means that actual LBRF capture might skew high if developer reimbursable activities are much lower than projected).*
3. LBRF Capture will be 10, 15, 20% of maximum Eligible Activities in the approved Brownfield Plan *(if final actual approved eligible activities are much lower, LBRF capture could be skewed high).*
4. LBRF Capture will be 10, 15, 20% of actual Eligible Activities approved for reimbursement *(Hard to project the final LBRF capture at the Brownfield Plan stage, but perhaps a more fair way that keep LBRF in proportion to amount of TIF reimbursed to the developer).*
5. LBRF Capture will be 3% to 10% of annual gross TIF capture, to be taken as Admin or LBRF, PLUS the remainder of the last year of developer reimbursement, PLUS one full additional year. *(Do we have an explicit cap on LBRF here? Or, if LBRF is captured every year AND ALSO at the end, is it acceptable that it would result in a higher amount? This is closest to our current practice, but if LBRF is taken every year, instead of Admin, should it reduce LBRF allowed to be taken at the end?)*

Staff recommends the Board discuss LBRF capture in general. However, considering the size of projects impacts capture amounts the most a policy this tiered approach would most directly keep LBRF in proportion to overall size of developer reimbursement:

Example of Tiered Approach to LBRF Capture, Based on Size of Project

Brownfield Plan Developer Activities	LBRF Capture Rate	Resulting LBRF Capture Range
Less than $500K in Dev Activities	15% of developer activities	Up to $75,000
Between $500K and $1M	12% of developer activities	Between $60,000 and $120,000
Between $1M and $5M	10% of developer activities	Between $100,000 and $500,000
Between $5M and $10M	7% of developer activities	Between $350,000 and $700,000
$10M and above	5% of developer activities	$500,000 and up

The purpose of this memo is to generate discussion with the Board. Staff looks forward to exploring an LBRF capture policy further.   Once a draft policy is developed, it is recommended we distribute the draft policy to our member communities for any input or feedback prior to final adoption.

OFFICE OF COMMUNITY &
ECONOMIC DEVELOPMENT

Washtenaw County Brownfield Redevelopment Authority
Program Policies and Procedures
Revised and Re-Adopted May 4, 2017

Section 1: Background

Michigan's Brownfield Redevelopment Financing Act Public Act 381 (Act 381), as amended, enables Brownfield Redevelopment in the State of Michigan and the establishment of county-wide brownfield redevelopment authorities and zones. Act 381 provides brownfield redevelopment authorities with multiple tools to facilitate redevelopment, including tax increment financing to support eligible brownfield expenses incurred through reuse of a contaminated, blighted, historic, and/or functionally obsolete property.

On May 19, 1999, the Washtenaw County Board of Commissioners (BOC) voted unanimously to establish a County-wide Brownfield Redevelopment Authority (WCBRA) and Brownfield Redevelopment Zone (Zone) in accordance with, Act 381. Washtenaw County's Brownfield Redevelopment Zone was defined as the jurisdictional boundary of each municipality within Washtenaw County that passed a resolution to join. Under the Bylaws established by the BOC as amended in 2015, the WCBRA shall consist of representatives from a broad cross-section of the community.

Section 2. Purpose

The WCBRA is authorized to administer a county-wide Brownfield Redevelopment Program (Program) the purpose of which is to facilitate the redevelopment of previously developed sites classified as eligible property in Public Acts 381 of 1996 and 451 of 1994 (Natural Resources and Environmental Protection Act-NREPA), as amended. In its mission to serve as a regional Authority, representing a wide variety of governmental units, and to encourage sustainable, Smart Growth Principles, as defined by the U.S. EPA, and the policies of the local unit of government in which the brownfield redevelopment project occurs.

Washtenaw County Brownfield Redevelopment Program Staff are available to assist with implementation of the policies and procedures described herein. Staff are available to serve as a liaison between the WCBRA and the various entities involved with the redevelopment of a brownfield site and/or to guide a developer through the brownfield process. It is strongly encouraged to contact planners with the local unit of government and WCBRA brownfield program staff early in the project planning process to minimize delays in the approval process. Staff contact information is provided in **Section 7** below.

Section 3: Policies

3a. Eligible Activities

The WCBRA is authorized to allow the use of Tax Increment Financing (TIF) revenues to pay for or reimburse public or private costs of "eligible activities." Eligible activities apply to all participating communities while others are specific to certain Local Units of Government (LUG) as follows:

Eligible Activities for All Communities:

- Department Specific Activities
  - Baseline Environmental Assessments (BEAs)
  - Due care activities
  - Response activities
  - Removal and closure of underground storage tanks
  - Disposal of solid waste
  - Dust control related to construction activities

    - Industrial Cleaning
    - Sheeting and shoring necessary for removal of materials exceeding part 201 criteria
    - Lead, mold, or asbestos abatement when lead, mold, or asbestos pose an imminent and significant threat to human health.
- Reasonable costs of preparing a brownfield plan and Act 381 work plan(s)
- Demolition
- Lead and Asbestos Assessment and Abatement that does not pose an imminent and significant threat to human health
- Brownfield Authority administrative fees
- Interest on unreimbursed eligible activities
- Capture for the local brownfield revolving fund

<u>Eligible Activities for the City of Ann Arbor and the City of Ypsilanti (Qualified Local Units of Government (LUG), aka “core communities”):</u>

- Activities eligible in "All Communities"
- Public infrastructure improvements
- Private and public underground and/or multi-level parking structures
- Site preparation activities
- Private and public urban stormwater management systems

3.b. To qualify for brownfield incentives:

1. The proposed project site meets the definition of an eligible property as defined in Public Act 381 of 1996, as amended, MCL 125.2652 Definitions.

2. The project is located in the Brownfield Redevelopment Zone, which is defined as the jurisdictional boundary of each municipality within Washtenaw County that passed a resolution requesting to join the WCBRA.

3. The LUG supports inclusion of the eligible property in the Brownfield Plan, which may or may not include the use of TIF, to support the proposed brownfield project.

4. The proposed redevelopment for the eligible property is consistent with the master plans, zoning ordinances and community/economic development goals of the local municipality and County where the proposed project is located, as determined by the LUG and County.

5. The existing character of the eligible property is such that redevelopment activities would be limited or not feasible without brownfield redevelopment assistance provided by PA 381 and/or other brownfield redevelopment programs. In addition, the project developer commits to explore all other available private and public funding sources, as determined in consultation with the WCBRA.

6. An analysis demonstrates that the required eligible activities can be satisfactorily completed within the available resources under this program, or if not, that supplemental funding sources, such as private equity or financing, tax credits, grants or loans, will be utilized to complement the financial resources available under PA 381 for proposed projects.

7. The developer has provided evidence of a firm commitment to the project and a demonstration of sufficient experience, financial resources, and development capabilities to successfully implement the proposed redevelopment project.

8. The proposed project site will have adequate access to the necessary public infrastructure and utilities needed to serve the proposed redevelopment project, as determined in consultation with the affected community.

9. The WCBRA reserves the right to consider other factors applicable to a specific project or participating

municipality.

3.c. To qualify for payment of interest on carrying costs of unreimbursed eligible activities:

The reimbursement of interest on unreimbursed environmental and non-environmental activities will be determined on a case-by-case basis, but only where a clear financial gap is demonstrated, and where actual interest expenses and carrying costs will be incurred by the applicant. The following criteria must be met:

1. All costs for which interest is being requested must be eligible environmental or non-environmental activities.
2. The total amount of interest, and the interest rate, shall be determined in accordance with MEDC guidelines, and shall be approved by the LUG.

Provided reimbursement of interest is generally approved, pursuant to the above, the reimbursement of interest on costs of eligible activities *using local-only taxes* may be allowed only if either of the following criteria are met:

1. The specific activity or activities are not supported for interest reimbursement by MEDC and MDEQ, yet supported by the LUG as a cost resulting from an activity that, by its nature, will have specific or general environmental benefits.
2. A significant financial gap has been identified by the applicant, and supported by the LUG, such that the requested interest would close the gap.

3.d. To qualify for local-only reimbursement:

The WCBRA encourages costs of all eligible activities be reimbursed with both incremental local and state school operating taxes to the extent practicable; however, there are circumstances when reimbursement only with local tax increments will be approved, on a case-by-case basis, under the following circumstances:

1. The activities are eligible under Act 381, and the state declined to participate in the cost, and the LUG supports the activity, which, by its nature, will have specific or general environmental benefits; or

2. When the activity or activities were approved in a Brownfield Plan, and subsequently denied for state school operating tax participation, local-only tax increment may considered, provided the approved Brownfield Plan does not prohibit or cap the use of local-only tax increment finances to reimburse the particular activity proposed for local-only reimbursement.

3. For any eligible activity completed prior to plan approval, but now included in a Brownfield Plan or Combined Brownfield Plan and Act 381 Work Plan submitted for approval, the LUG must support the inclusion of the costs for local only reimbursement, and the following conditions must be met:
    a. The approved Plan states that certain or all eligible activities initiated or completed prior to plan approval, and subsequently denied for state school operating taxes participation, will be funded with local-only taxes.
    b. The entity that incurred the costs is the same as applying for Brownfield Plan approval; and
    c. Eligible activities were conducted and expenses incurred prior to Brownfield Plan approval due to unanticipated circumstances or compressed project timeline.

3.e. Unanticipated Eligible Environmental Response Activities

1. Pursuant to Act 381, Local only and state school operating tax increment revenues may be used to reimburse unanticipated eligible environmental response activities conducted after Brownfield Plan and/or Work Plan approvals. The following conditions must be met for this to be considered:

    a. The owner must have contacted the MDEQ and Brownfield Authority prior to taking action, and subsequently included the eligible environmental costs in an amended Work Plan, and Brownfield

Plan if necessary, and secure all requisite approvals.

3.f. Administrative Costs Capture

1. Annual capture of administrative fees from brownfield projects from local taxes is permitted under PA 381 of 1996, as amended. Each Brownfield Plan may include capture of administrative fees. Administrative fees may be used to cover 1) actual expenses related to operating the Brownfield Redevelopment program, 2) Department Specific Activities conducted by or on behalf of the authority related directly to work conducted on prospective eligible properties prior to approval of the brownfield plan, pursuant to the Brownfield Authority's Environmental Assessment Grant Program, and 3) reasonable costs of developing and preparing brownfield plans, combined plans, or work plans for which tax increment revenues may be used, including legal and consulting fees that are not in the ordinary course of acquiring and developing real estate.

2. For reimbursement of reasonable and actual administrative expenses, the WCBRA will transfer to its Administrative Fund up to ten percent (10%) of annual TIF capture per project, during the entire capture period for the project. Actual administrative expenses will be reimbursed with only local incremental taxes.

3. In accordance with WCBRA policy, capture of administrative fees may exceed actual brownfield program expenses in any one year, provided any reserves are maintained in the Administrative Fund and utilized to reimburse for future years' expenses, fund the WCBRA Environmental Assessment Grant Program, or used as otherwise allowed by Act 381. At no time will surplus funds exceed one year's allowable maximum capture under Act 381 based on the previous year's allowable capture. Any fund reserves that exceed one year's allowable capture will be returned to the appropriate taxing jurisdictions.

3.g. Local Brownfield Revolving Fund Capture

1. It is the intent of the WCBRA to capitalize its Local Brownfield Revolving Fund (LBRF). The WCBRA intends to include provisions to capture revenues for deposit into the LBRF in the approved Brownfield Plan for each property/project located in the Brownfield Redevelopment Zone (as defined in **Section 1: Background**). The WCBRA intends to capture LBRF funds, as allowable by Act 381, with a priority for capture ***during*** the reimbursement period for eligible activities; however, each plan will be considered on a case-by-case basis to determine the most appropriate method for capturing LBRF funds.

2. LBRF incremental tax capture and use will be used in accordance with the current LBRF policy, adopted by the WCBRA, and subject to the restrictions of PA 381, as amended. The amount and term of tax revenue capture for the LBRF will be determined on a project-by-project basis.

<u>Section 4: Procedures:</u>

The WCBRA recognizes the importance of development project schedules and will expedite brownfield plan review and approval process to the extent possible.

1. The following are typical steps to access brownfield redevelopment incentives in Washtenaw County. The steps may change if a combined Brownfield Plan/Work Plan is proposed.

   A. Project Concept Application – Approved by Local Unit of Government
   B. Brownfield Plan Application Fee – Paid by applicant (see below)
   C. Brownfield Plan Project Sub-Committee – Formed by County Brownfield Authority
   D. Brownfield Plan Developed – Development Team, Staff, and Sub-Committee
   E. Brownfield Plan – Approved by Local Unit of Government
   F. Brownfield Plan – Approved by County Brownfield Redevelopment Authority
   G. Brownfield Plan – Public Hearing Scheduled by County Board of Commissioners
   H. Brownfield Plan – Approved by County Board of Commissioners after Public Hearing
   I. Act 381 Work Plan(s) – Approved by County Brownfield Redevelopment Authority.

2. The application fee is due after Project Concept Application approval by the LUG and is based on total project investment:

   $0- $5Million = $3,000
   $5M - $10M = $4,000, and
   $10 M and over = $5,000
   Note: The City of Ann Arbor requires a separate Brownfield Plan application fee

3. Once the brownfield plan is approved, it will be forwarded to the MDEQ and MEDC for informational purposes. The applicant then needs to sign a Reimbursement Agreement with the WCBRA (See **Section 5: Reimbursement Agreement**). If capture of state school operating taxes for reimbursement of eligible non-environmental costs is contemplated, the reimbursement agreement must be completed and signed before submission of an Act 381 Work Plan or Combined Brownfield Plan and Work Plan for those activities.

4. If the TIF includes the capture of state school operating taxes for eligible activities, an Act 381 Work Plan (or Combined Brownfield Plan and Work Plan) must be completed in accordance with the requirements of Act 381 and guidance published by the MDEQ/MEDC and submitted to Staff. Staff will review the Work Plan and work with the developer and/or developer's representative (consultant) to finalize it. Staff then will forward to the WCBRA for approval, and then coordinate with the appropriate agency(s) for the submission and review of the brownfield plan, Act 381 Work Plan.

5. Generally, conducting eligible activities can begin once the relevant elements of the approval process are complete. However, pursuant to Act 381, and in accordance with **Section 3: Policies,** conducting certain eligible activities prior to Brownfield Plan approval may still be reimbursed, with either or both Local Only or state school operating Tax Increment Revenues.

Section 5: Reimbursement Agreement

Staff will provide the most current Reimbursement Agreement template. The applicant should fill in required information using the template, then work with brownfield staff to finalize. The Reimbursement Agreement must be approved by the WCBRA, then fully executed in accordance with County contract procedures. This includes the applicant filing as a Vendor with the County and providing the required insurance.

Section 6: Reimbursement Process

1. All eligible activities must be completed within the time specified in the Reimbursement Agreement.
2. Request for reimbursement for eligible activities shall be submitted in the form required by the WCBRA. Staff will forward the submitted completed request, with a recommendation, to the WCBRA for certification and approval.
3. Once TIF capture begins, and any or all eligible expenses have been approved, reimbursement may begin in accordance with the terms of the Reimbursement Agreement.

Section 7: Contact Information

Contact Nathan Voght, Brownfield Redevelopment Coordinator, at 734-544-3055, or voghtn@ewashtenaw.org for more information.

Ver. Date: 9/25/13; 12/11/14 updated contact phone#; revised and re-adopted 11/5/15
Revised/Re-Adopted 5/4/17, updated "LSRRF" references, Admin and LBRF capture policy revisions

Nathan Voght

From: Nathan Voght
Sent: Wednesday, March 31, 2021 1:00 PM
To: harless.assoc@charter.net; Sue Shink; Karen Lancaster
Cc: Teresa M. Gillotti
Subject: FW: Additional Information on LBRF Capture for WCBRA

Importance: High

Sub Committee,

The City felt the $320K LBRF for Rockwell was too high. You can see the email chain, below, where I've tried to illustrate the benefits to the City, to contribute LBRF to the regional "pot." There is no magic formula, as I explained. Each project is very different, with different time periods, costs, etc.

That being said, we need to work with the City on this issue, so they feel they can approve the Plan.

I propose we respond to Julia proposing a 254% LBRF capture (of developer expenses) of $195,000. I feel we need to be higher than $175K, which is the LBRF proposed for Maple Oaks in Saline, which only has $550K of developer expenses. How do you all feel about that?

Please let me know ASAP, as I'd like the Plan to be revised for our packet, which goes out tomorrow or Friday.

Thanks,

Nathan

From: Julia Upfal <jupfal@city-chelsea.org>
Sent: Wednesday, March 31, 2021 11:41 AM
To: Nathan Voght <voghtn@washtenaw.org>
Subject: RE: Additional Information on LBRF Capture for WCBRA

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Hi Nathan,

None of these examples appear to be at a 10% admin. I also understand that local taxes are not being collected during years 1-9, but the LBRF is still getting a significant amount from state revenue during those years.

If the Dev. Reimbursement is $792,927 for this project, that means the proposed total LBRF (or admin and LBRF total) is about 40% of the total developer reimbursement. Comparatively, the other projects you shared were
Saline- 31.8%
Grandview Commons- 12.1%
Thompson- 17.9%
Broadway- 20.7%
Broadway Park- 7.8%

For that reason, I think it is reasonable for our LBRF contribution to be somewhere in the ball park of 15-25% of the total developer reimbursement.

Julia

Julia Upfal, AICP
Community Development Director
City of Chelsea, Michigan

Office: (734) 475-1771, Ext 210
Cell: (734) 780-5189
Jupfal@City-Chelsea.org

From: Nathan Voght <voghtn@washtenaw.org>
Sent: Wednesday, March 31, 2021 10:39 AM
To: Julia Upfal <jupfal@city-chelsea.org>; John Hanifan <jhanifan@city-chelsea.org>; Peter Flintoft <flintoft@keuschlaw.com>
Cc: Teresa M. Gillotti <gillottitm@washtenaw.org>; Trevor I. Woollatt <twoollatt@fveng.com>
Subject: RE: Additional Information on LBRF Capture for WCBRA

I meant to include the information for a Brownfield Plan that is being considered by the City of Saline simultaneously to the Rockwell project:

Maple Oaks, City of Saline, $550,000 in Developer Reimbursement, $175,000 LBRF, (5% annual capture for Admin or LBRF, totaling $44,493, but LBRF capped at $175,000, regardless, 7 Year Plan) (This plan does not have a Commercial Rehab Abatement, so local millages are available for Admin capture)

Thanks,

Nathan

From: Nathan Voght
Sent: Wednesday, March 31, 2021 10:01 AM
To: Julia Upfal <jupfal@city-chelsea.org>; jhanifan@city-chelsea.org; Peter Flintoft <flintoft@keuschlaw.com>
Cc: Teresa M. Gillotti <gillottitm@washtenaw.org>; Trevor I. Woollatt <twoollatt@fveng.com>
Subject: Additional Information on LBRF Capture for WCBRA

Julia, John and Peter,

Julia and I talked this morning and I understand there's concern about the level of LBRF capture proposed in the Rockwell Brownfield Plan. I do understand that it's considerably higher than the 2019 Plan. Part of this is a reflection of shifting policy of the WCBRA. Part of this is also the suggestion that the City look at a significant contribution to the fund, since only the Jiffy Plan in the City is contributing any LBRF deposits, while Plans from other communities have contributed fairly large sums, such as the Toyota project in York Township (~$1.7M), and The George in Ann Arbor ($1.2M), and others will in the future. After the remaining deposit this summer from The George, there will be close to $2M in the LBRF fund, which is available to the City of Chelsea for brownfield redevelopment now.

Julia asked what the WCBRA's policy is for LBRF. Act 381 allows up to five years of additional capture for LBRF, but this is not our stated policy. This ability should not be overlooked, as this capture is bringing to bear revenue not available to the region (i.e. State School Taxes). However, only The George Brownfield Plan, in Ann Arbor, adopted in 2011, shows a full five years capture. This is usually not preferred by most communities, for obvious reasons.

All communities and Brownfield Plans are highly unique and specific to the conditions and circumstances of the site. Therefore, the WCBRA does not have a "one-size-fits-all" LBRF policy, as it would have to be broken often. Rather, our priority is working with the local community on appropriate LBRF capture. This has most recently meant capturing LBRF DURING developer reimbursement on an annual basis, which allows gradual and continuous funding of the LBRF program, and then an extension by one or two years of the TIF for LBRF after the developer is reimbursed. The length of the TIF weighs in on how much LBRF may be appropriate. We also need flexibility to capture Admin instead of LBRF during the Plan, to ensure our program is funded in the future, so this is something more recent that we've built into the Plans.

Here is WCBRA's LBRF adopted 2017 Policy:

3.g. Local Brownfield Revolving Fund Capture

1. *It is the intent of the WCBRA to capitalize its Local Brownfield Revolving Fund (LBRF). The WCBRA intends to include provisions to capture revenues for deposit into the LBRF in the approved Brownfield Plan for each property/project located in the Brownfield Redevelopment Zone (as defined in **Section 1: Background**). The WCBRA intends to capture LBRF funds, as allowable by Act 381, with a priority for capture **during** the reimbursement period for eligible activities; however, each plan will be considered on a case-by-case basis to determine the most appropriate method for capturing LBRF funds.*

2. *LBRF incremental tax capture and use will be used in accordance with the current LBRF policy, adopted by the WCBRA, and subject to the restrictions of PA 381, as amended. The amount and term of tax revenue capture for the LBRF will be determined on a project-by-project basis.*

Julia asked for other more recent projects in the County, and the LBRF capture for each. As noted above, I caution trying to compare any project to another. In addition, older plans do not reflect current thoughts and precedent around LBRF capture reflected in more recent plans. Nonetheless, here are some other Plans and LBRF Capture:

1. **2016, Grandview Commons, City of Dexter: Developer reimbursement $2,329,234, LBRF Capture $100,000 (5% annual Admin Fee included, totaling $182,947, 11 Year Plan)**
2. **2017, Thompson Block, City of Ypsilanti: Developer reimbursement $1,332,613, LBRF Capture $165,467 (NO Admin for first 10 years during OPRA, $73,000 5% Admin captured in remaining 18 years of Plan, LBRF captured in final two years of Plan, 28 year Plan)**
3. **2017, 1140 Broadway, City of Ann Arbor: Developer reimbursement $10,898,443, LBRF Capture $2,260,626 (3% Annual Capture for LBRF, and Lump Sum in final year of TIF, NO BRA Admin capture proposed, 9 year plan)**
4. **2019, Broadway Park, City of Ann Arbor: Developer reimbursement $17,336,999, LBRF Capture $1,352,047 (7% Annual Capture for either LBRF OR Admin, 13 year plan)**

PROPOSED ROCKWELL 2021 Capture: Developer reimbursement $792,000, LBRF Capture $320,000 (NO Admin for first 9 years, but 10% capture for LBRF, then option for Admin in remaining years of Plan, one full additional year at end for LBRF, up to flat $320K, 16 Year Plan overall)

Hopefully this is helpful. Our role is to facilitate and represent the interests of the City of Chelsea. To that end, if you would like to propose a lower LBRF capture for Rockwell, please let me know ASAP, as I am preparing the Brownfield Authority packet now, and will be sent out Thursday or Friday. Ideally, if you will request a revision to the Draft Brownfield Plan, we can have Dave do it quickly. In the end, the Brownfield Authority will defer to the local preference for LBRF, but I hope I've been able to present the benefits to the City to ensuring all Plans contribute LBRF funding.

Thank you,

Nathan Voght, AICP

He/him/his
Washtenaw County Brownfield Redevelopment Coordinator
ReImagine Washtenaw Project Manager
Washtenaw County Office of Community and Economic Development
voghtn@washtenaw.org
734-660-1061 (Cell)

Margaret (Rosie) Pahl Donaldson

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Thursday, August 26, 2021 9:17 AM
To: Margaret (Rosie) Pahl Donaldson
Subject: RE: Phase II ESA Site Visit

Rosie,

Good morning – to know the extent of the contamination around the area where soil sample HA-2 1-2' was collected we could return to the site and collect soil samples to delineate (vertically and horizontally) the extent of the lead contamination that is in the soil above direct contact criteria. Once we determine the extent of lead contamination in the soil above direct contact criteria that soil could be removed from the Property or capped with clean fill over top of it.

As far as GSI, we can collect a couple groundwater samples near the superior number one drain (the drain located on the north side of the Property) and the north side of the wetland located on the south side of the Property to see if the groundwater is contaminated near those surface waters and potentially venting contaminated groundwater to the drain or wetland. Constituents to be analyzed for would be those only exceeding GSI Criteria (arsenic, cadmium, lead, mercury, and zinc). If water is not encountered near the drain or wetland than we can say that the GSI pathway is not complete.

For the other surface water body on the Property (the wetland) we collected a soil (HA-5 0-1') and groundwater sample (HA-5W 1-3') in a higher spot out in the wetland area of the Property. The soil sample showed that levels of mercury and zinc were above the GSI criteria however the groundwater sample did not show levels of mercury and zinc above GSI criteria. Therefore we can say that the contaminated soil is not contaminating the groundwater and the GSI pathway is incomplete. However, the groundwater sample HA-5W 1-3' showed levels of arsenic above GSI criteria at 11 parts per billion (ppb), one ppb over the GSI criteria (10ppb). According to the Michigan Department of Environment Great Lakes and Energy's (EGLE) Groundwater Surface Water Interface Pathway Compliance Options, The GSI Statutory provisions allow for the demonstration of a "de minimis effect" on surface waters of the state in determining if a response activity is necessary to address the GSI pathway. This provision is based upon the concept that some discharges to surface waters may be so small or of such short duration as to have no effect or little effect on the surface water. Best professional judgment, lines-of-evidence, and applicable or relevant appropriate requirements regarding protection of surface waters may be used to support this determination. In Triterra's best professional judgment the level of arsenic in the groundwater near the wetland represents a "de minimis effect" on the surface water of the state. All surface waters of the state are designated and protected for the following uses: agriculture, navigation, industrial water supply, warmwater fisher, other indigenous aquatic life and wildlife, partial body contact recreations, and fish consumption. The protection of the surface water of the wetlands main use would be for other indigenous aquatic life and wildlife. The other uses that the surface waters of the state are protected for would be irrelevant. That being said, the surface water quality standard (WQS) for Aquatic Life Values is 150 ppb. The level of arsenic in the groundwater at 11ppb is well below the Aquatic Life Value WQS. There is no Wildlife WQS value for arsenic.

Let me know if you would like me to put together an estimated fee to collect more samples at the Property. Also let your attorney know that he/she can reach out at any time if they have follow up questions.

Thanks!

Adam Bishop
Environmental Scientist

TRITERRA

Triterra
Direct: 517.853.2155
Cell: 210.749.2704
www.triterra.us

From: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Sent: Wednesday, August 25, 2021 3:39 PM
To: Adam Bishop <adam.bishop@triterra.us>
Subject: RE: Phase II ESA Site Visit

Hi Adam,

I do have more questions that I hope you can help with:

1) For planning soil removal/mitigation, how do we know/find out the spatial extent of the contamination around the soil samples (#2 and #5)?
2) Knowing our intended use of the property (dirt walking trails, public access, no other development of any kind), would we be required to address only Direct Contact Criteria, or do we have to meet the GSI standard? This is also a question for our attorney, but any insight you have is appreciated.

Thanks,
Rosie

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Tuesday, August 24, 2021 9:27 AM
To: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: Re: Phase II ESA Site Visit

No worries. Let me know if you have any other questions!

Get Outlook for iOS

From: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Sent: Tuesday, August 24, 2021 9:26:33 AM
To: Adam Bishop <adam.bishop@triterra.us>
Subject: RE: Phase II ESA Site Visit

Cool, thanks. I'm new to reading these.

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Tuesday, August 24, 2021 9:24 AM
To: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: Re: Phase II ESA Site Visit

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Those are not highlighted because they are lower than the state background levels for those metals naturally occurring in the soil. If the soil is native to the Property than you may substitute the background levels if they are higher than the calculated criteria. The B footnote on at the bottom of the table should explain more. If the soil is considered “fill” than background may not be substituted.

Get [Outlook for iOS]

From: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Sent: Tuesday, August 24, 2021 9:20:50 AM
To: Adam Bishop <adam.bishop@triterra.us>
Subject: RE: Phase II ESA Site Visit

Thanks Adam,

I need to share this with fellow staff and decide if we want to proceed with the purchase at all.

Can you tell me why HA-6 isn’t highlighted for Arsenic and Mercury? Its numbers exceed the listed Drinking Water Protection Criteria and GSI Protection Criteria limits.

Rosie

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Monday, August 23, 2021 5:05 PM
To: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: RE: Phase II ESA Site Visit

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Rosie,

Please see attached the analytical tables and boring locations for 355 W. Clark Road. Both Parcels are considered a “facility” as defined by Section 20101(1)(o) of Part 201 of the Michigan Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, as amended (Part 201). Do you plan on combining the two parcels into one? If so I would recommend completing the BEA after the parcels are combined under the new parcel number. Let me know how you would like to proceed.

Thanks!

Adam Bishop
Environmental Scientist

TRI TERRA

Triterra
Direct: 517.853.2155
Cell: 210.749.2704
www.triterra.us

From: Adam Bishop
Sent: Monday, July 26, 2021 12:37 PM
To: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: RE: Phase II ESA Site Visit

Rosie,

Attached is a map with the approximate boring locations.

Thanks!

Adam Bishop
Environmental Scientist

TRITERRA

Triterra
Direct: 517.853.2155
Cell: 210.749.2704
www.triterra.us

From: Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Sent: Monday, July 26, 2021 10:02 AM
To: tina highlandcemeteryypsi.com <tina@highlandcemeteryypsi.com>; Adam Bishop <adam.bishop@triterra.us>
Subject: RE: Phase II ESA Site Visit

Adam, do you know what time ya'll might arrive onsite tomorrow?

From: tina highlandcemeteryypsi.com <tina@highlandcemeteryypsi.com>
Sent: Wednesday, July 21, 2021 3:48 PM
To: Adam Bishop <adam.bishop@triterra.us>; Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: Re: Phase II ESA Site Visit

Sounds good, thanks!

Tina L. Kalusha
Office Manager

Highland Cemetery Association
943 N. River Street
Ypsilanti, MI 48198
Phone: (734) 482-9490
http://www.highlandcemeteryypsi.com

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Wednesday, July 21, 2021 2:54 PM
To: tina highlandcemeteryypsi.com <tina@highlandcemeteryypsi.com>; Margaret (Rosie) Pahl Donaldson

<pahlm@washtenaw.org>
Subject: RE: Phase II ESA Site Visit

Thanks Tina, I'm actually going to move the field work up a week and do it on Tuesday the 27th. There is nothing I need from you on your end just wanted to make sure it was alright for us to be on the site that day.

Adam Bishop
Environmental Scientist

Triterra
Direct: 517.853.2155
Cell: 210.749.2704
www.triterra.us

From: tina highlandcemeteryypsi.com <tina@highlandcemeteryypsi.com>
Sent: Wednesday, July 21, 2021 12:56 PM
To: Adam Bishop <adam.bishop@triterra.us>; Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: Re: Phase II ESA Site Visit

Mr. Bishop:

Yes, that works. Is there anything on my end I should prepare for or that you need before you come? Just let me know,

Sincerely,

Tina L. Kalusha
Office Manager

Highland Cemetery Association
943 N. River Street
Ypsilanti, MI 48198
Phone: (734) 482-9490
http://www.highlandcemeteryypsi.com

From: Adam Bishop <adam.bishop@triterra.us>
Sent: Tuesday, July 20, 2021 3:51 PM
To: tina highlandcemeteryypsi.com <tina@highlandcemeteryypsi.com>; Margaret (Rosie) Pahl Donaldson <pahlm@washtenaw.org>
Subject: Phase II ESA Site Visit

Tina,

Good afternoon – I was looking to schedule the Phase II ESA work for the Washtenaw County Parks & Recreation Commission on August 3rd. Does that work for you?

Thanks!

Adam Bishop

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS
355 W. Clark Road
Ypsilanti, Michigan 48198
Triterra Project No. 21-2784

Analyzed Constituents *(Refer to laboratory report for method reference data)*	Chemical Abstract Service Number	Statewide Default Background Levels	2015 Michigan Background Soil Survey Levels (Huron - Erie Glacial Lobe)			EGLE Part 201 Residential Generic Cleanup Criteria and Screening Levels			Volitilization to Indoor Air Pathway (VIAP) Screening Levels		Sample ID and Collection Date				
			Topsoil	Sand	Clay	Drinking Water Protection Criteria	Groundwater Surface Water Interface Protection Criteria	Direct Contact Criteria	Residential	Nonresidential	HA-1 2-3' 7/27/21	HA-2 1-2' 7/27/21	HA-3 0-1' 7/27/21	HA-5 0-1' 7/27/21	HA-6 0-1' 7/27/21
Volatiles, VOCs ug/Kg															
Various VOCs	Varies	NA	NA	NA	NA	Vw/C	Vw/C	Vw/C	Vw/C	Vw/C	<RL	<RL	<RL	<RL	<RL
Semivolatiles, PAHs ug/Kg															
Acenaphthylene	208968	NA	NA	NA	NA	5,900	ID	1,600,000	NA	NA	<300	<300	<300	<300	<300
Benzo(a)pyrene	50328	NA	NA	NA	NA	NLL	NLL	2,000	NA	NA	<300	**300**	<300	<300	<300
Benzo(ghi)perylene	191242	NA	NA	NA	NA	NLL	NLL	2,500,000	NA	NA	<300	**800**	<300	<300	<300
Naphthalene	91203	NA	NA	NA	NA	35,000	730	16,000,000	67 (M)	1,900	<300	**500**	<300	**300**	<300
Various other PAHs	Varies	NA	NA	NA	NA	Vw/C	Vw/C	Vw/C	Vw/C	Vw/C	<RL	<RL	<RL	<RL	<RL
Inorganics, Metals ug/Kg															
Arsenic (B)	7440382	5,800	14,900	26,300	31,400	4,600	4,600	7,600	NA	NA	**880**	**5,310**	**830**	**1,750**	**6,030**
Barium*	7440393	75,000	261,000	199,000	227,000	1,300,000	440,000	37,000,000	NA	NA	**27,000**	**153,000**	**18,800**	**50,900**	**27,100**
Cadmium*	7440439	1,200	2,000	2,000	3,100	6,000	3,000	550,000	NA	NA	<200	**5,080**	<200	**1,550**	**650**
Chromium III*	16065831	18,000 (total)	37,000	30,400	77,000	1,000,000,000	2,900,000,000	790,000,000	NA	NA	**2,370**	**11,400**	**2,440**	**11,500**	**4,310**
Chromium VI	18540299	NA	NA	NA	NA	30,000	3,300	2,500,000	NA	NA	<1,000	<7,000	<4,000	<4,000	<5,000
Copper*	7440508	32,000	52,500	23,500	46,900	5,800,000	75,000	20,000,000	NA	NA	**1,690**	**18,100**	**1,500**	**45,900**	**65,900**
Lead, Total*	7439921	21,000	43,900	24,100	26,200	700,000	2,500,000	400,000	NA	NA	**5,450**	**3,210,000**	**10,700**	**228,000**	**42,700**
Mercury, Total (B)	7439976	130	160	120	580	1,700	50 (M)	160,000	22 (M)	390	<50	**209**	<50	**269**	**73**
Selenium (B)	7782492	410	4,700	3,900	1,200	4,000	400	2,600,000	NA	NA	<400	<400	<400	<400	**890**
Silver	7440224	1,000	1,600	1,200	6,000	4,500	100 (M)	2,500,000	NA	NA	<200	<200	<200	<200	<200
Zinc*	7440666	47,000	122,000	85,800	102,000	2,400,000	170,000	170,000,000	NA	NA	**18,500**	**1,910,000**	**15,500**	**356,000**	**107,000**
Oganics, PCBs ug/Kg															
PCBs	1336363	NA	NA	NA	NA	NLL	NLL	4,000	NA	NA	<330	-	-	-	<330

NOTES:

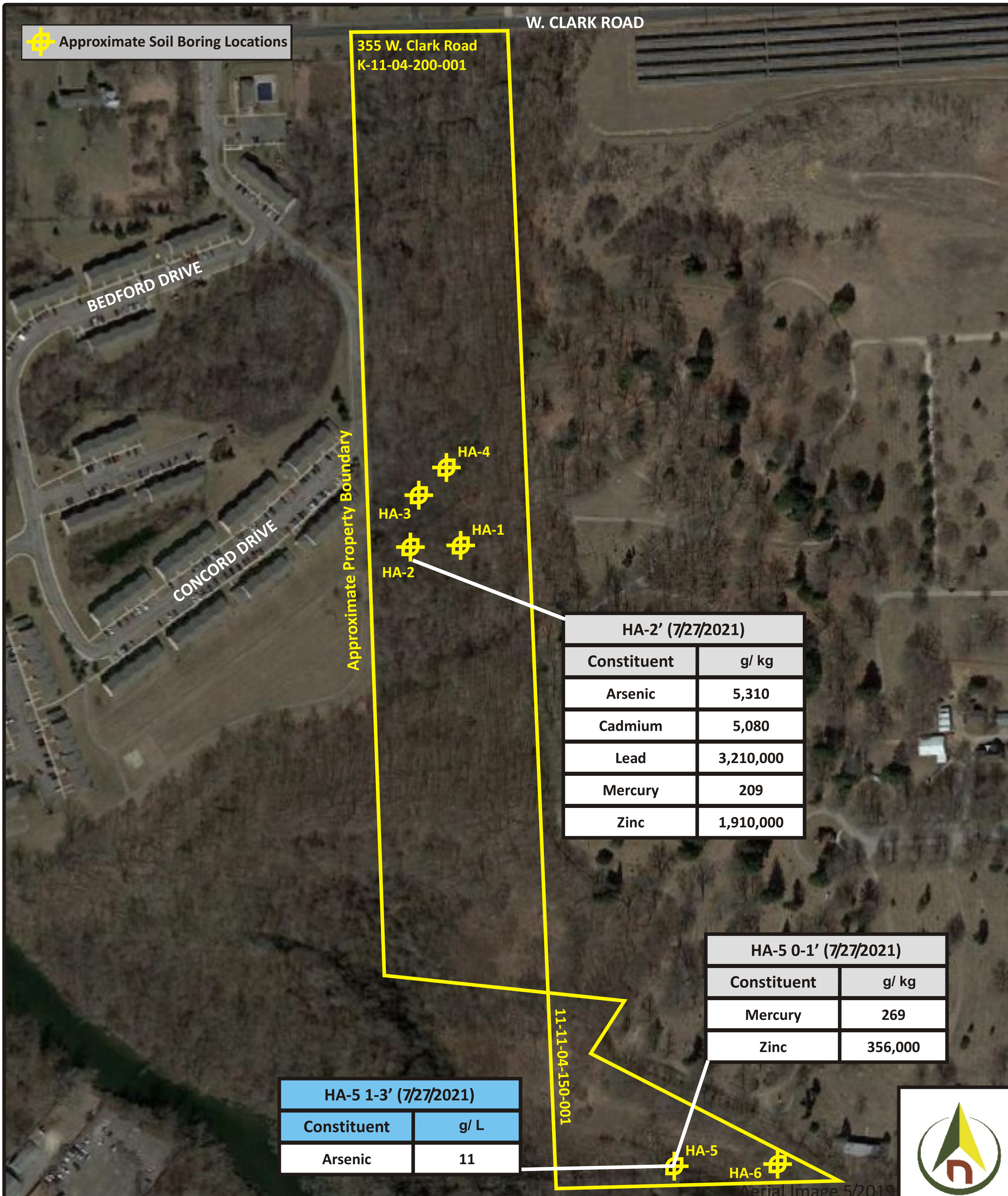
1. Analytical results compared to EGLE (formerly MDEQ) criteria presented in Administrative Rules for Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, effective December 30, 2013, Updated June 25, 2018.
2. Concentrations reported in ppb (parts per billion or ug/kg).
3. Detected results shown in **BOLD.** Exceedances are highlighted.
4. * = GSI Protection was calculated for the indicated metals using the EGLE spreadsheet for calculating GSI. A default water hardness value of 150 mg/kg as $CaCO_3$ was used to calculate GSI. Results are presented for surface water receiving bodies that are protected as a drinking water source.
5. <RL = Result was less than the laboratory reporting limits, - = Constituent was not analyzed, NA = Not applicable, NLL = Not likely to leach under most soil conditions, ID = Insufficient data to develop criterion, Vw/C = Varies with constituent.
6. B = Background, as defined in R 299.1(b), may be substituted if higher than the calculated cleanup criterion. Background levels may be less than criteria for some inorganic compounds.
7. M = Calculated criterion is below the analytical target detection limit, therefore, the criterion defaults to the target detection limit.

TABLE 2
SUMMARY OF GROUNDWATER ANALYTICAL RESULTS
355 W. Clark Road,
Ypsilanti, Michigan 48198
Triterra Project No. 21-2784

Analyzed Constituents (Refer to laboratory report for method reference data)	Chemical Abstract Service Number	EGLE Part 201 Residential Generic Cleanup Criteria and Screening Levels			Sample ID and Collection Date	
		Residential Drinking Water Criteria	Non-Residential Drinking Water Criteria	Groundwater Surface Water Interface Criteria	HA-5W 1-3' 7/27/21 (Unfiltered)	HA-5W 1-3' 7/27/21 (Filtered)
Volatiles, VOCs ug/L						
Various VOCs	Varies	Vw/C	Vw/C	Vw/C	<RL	-
Semivolatiles, PAHs ug/L						
Various PAHS	Varies	Vw/C	Vw/C	Vw/C	<RL	-
Inorganics, Metals ug/L						
Arsenic	7440382	10	10	10	**17**	**11**
Barium*	7440393	2,000	2,000	7,700	**251**	**178**
Cadmium*	7440439	5.0	5.0	2.5	**0.5**	<0.5
Chromium III*	16065831	100	100	100	**7**	<5
Copper*	7440508	1,000	1,000	13	**22**	**11**
Lead*, Total	7439921	4.0	4.0	14	**36**	<3
Mercury, Total	7439976	2.0	2.0	0.0013	<0.2	<0.2
Selenium	7782492	50	50	5.0	<5	<5
Silver	7440224	34	98	0.2	<0.5	<0.5
Zinc	7440666	2,400	5,000	170	**67**	**7**

NOTES:

1. Analytical results compared to EGLE (formerly MDEQ) criteria presented in Administrative Rules for Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, effective December 21, 2020.
2. Concentrations reported in ppb (parts per billion or ug/L).
3. Detected results shown in **BOLD**. Exceedances are highlighted.
4. * = GSI Protection was calculated for the indicated metals using the EGLE spreadsheet for calculating GSI. A default water hardness value of 150 mg/kg as CaCO3 was used to calculate GSI.
5. <RL = Result was less than the laboratory reporting limits, - = Constituent was not analyzed, Vw/C = Varies with constituent.



HA-2' (7/27/2021)	
Constituent	g/ kg
Arsenic	5,310
Cadmium	5,080
Lead	3,210,000
Mercury	209
Zinc	1,910,000

HA-5 0-1' (7/27/2021)	
Constituent	g/ kg
Mercury	269
Zinc	356,000

HA-5 1-3' (7/27/2021)	
Constituent	g/ L
Arsenic	11

TRI TERRA

FIGURE 3

BORING LOCATIONS & ANALYTICAL EXCEEDANCES

355 W. CLARK ROAD
YPSILANTI, MICHIGAN 48198

PROJECT NUMBER: 21-2784

DATE:8/23/2021

DIAGRAM CREATED BY: AJB

WASHTENAW COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

Environmental Assessment Grant Program
APPLICATION FORM

The WCBRA Environmental Assessment Grant Program provides grants for conducting Department Specific Activities, as defined by Act 381, by, or on behalf of, the Brownfield Authority on prospective eligible properties to be included in a Brownfield Plan. These include, but are not limited to, Phase I and II studies, as part of Baseline Environmental Assessments, Due Care Activities and Hazardous Materials Surveys.

The program is funded using available Brownfield Administrative Funds from active brownfield projects. Municipal and Non-Profit sites are eligible for 100% of the cost of eligible assessment activities, up to $15,000, and privately-owned sites are eligible for 50% of the cost, up to $15,000. Higher awards may be given on a case-by-case basis.

Type of Application

- [x] Publicly-Owned or Non-Profit-Owned Property
- [ ] Privately-Owned Property
- [x] Site is located within a Low or Very Low Opportunity Area, within the Washtenaw County Opportunity Index

Owner Information

Property Owner: Highland Cemetery Association Contact: Tina Kalusha, Office Manager

Property Address: 943 N RIVER ST and 355 W CLARK RD Phone No.: (734) 482-9490

Property Tax ID #: 11-11-04-150-001 (partial) and K -11-04-200-001

Applicant Information

Applicant Name: Rosie Pahl Donaldson, Park Planner, WCPARC Phone No.: (773) 294-6784

Address: 2230 Platt Road, Ann Arbor, MI 48104

Developer (Entity) Name (if different than applicant): ____

Project Information

Project Name: Highland Cemetery NAPP Acquisition

Project Description: The Washtenaw County Parks & Recreation Commission's Natural Areas Preservation Program has entered a sales contract with the Highland Cemetery to purchase land to establish a new nature preserve.

Please provide a Site Map, Aerial, and/or Site Plan for the redevelopment.

Property Information

Previous Owners: The land has been owned by the Highland Cemetery Association since the early 1900s. Previous owners unknown.

Historic Property Uses: The subject property area has never been used for modern burials; used only for nature observation and cemetery buffer in the 20th and 21st century. The subject area of 11-11-04-150-001 had a lease with The Nature Conservancy. Probably used by Indigenous Peoples.

Property Acreage: 21.962

Zoning: Park, Multiple Family Residential

Surrounding Land Use: Cemetery, multiple family residential, industrial

Proposed Environmental Activities:

	Estimated Cost
☐ Phase I	
☑ Phase II	$4,500
☑ BEA Report	$2,500 (if needed)
☑ Due Care Plan	$2,200 (if needed)
☐ Hazardous Material Survey	

Please attach a price quote from a qualified environmental firm.

Please describe Previous Environmental Assessments Completed: Completed Phase I ESA.

Please describe environmental conditions: RECS: Waste dumping and waste burial, including metal drum; neighboring 717 Norris has long industrial history that could impact subject soils

https://ewashtenaw.sharefile.com/d-s2395e3d55db24ffd82dc2089efecf69b

Please provide cloud links to any relevant environmental reports.

Please return the completed form and attachments to:

Nathan Voght
Economic Development Specialist
Washtenaw County Office of Community and Economic Development
415 W. Michigan Ave.
Ypsilanti, MI 48197
734-660-1061
voghtn@washtenaw.org

WCBRA Financial Report - October 2021

Developer Reimbursement Complete

Project	Maple Shoppes	Michigan Inn	Zingerman's	Arbor Hills	618 S. Main	Jiffy Warehouse/140 Buchanan	544 Detroit	Packard Square	Water Street	Kingsley Condos - 221 Felch	615 S. Main -A2	Grand View Commons-Dexter	1140 Broadway-A2	Thompson Block	309 N. Ashley	Broadway Park-Roxbury	Rockwell Bldg-Chelsea	Maple Oaks-Saline
Project Parameters																		
Brownfield Plan - Total Approved Elig Activities	$ 1,209,027.00	$ 655,640.00	$ 1,233,937.00	$ 5,400,000.00	$ 4,628,636.00	$ 580,676.00	$ 698,773.00	$ 3,582,222.00	$ 22,874,634.00	$ 5,109,420.00	$ 4,489,510.00	$ 3,370,613.00	$ 13,159,069.00		$ 2,739,022.00			
Brownfield Plan - Maximum Developer Reimburseme	$ 1,010,042.00	$ 569,414.00								$ 4,000,000.00					$ 2,039,022.00			
Actual Approved Eligible Activity Expenses	$ 1,010,042.00	$ 397,839.13	$ 600,218.85	$ 4,384,556.00	$ 2,726,826.00	$ 298,463.97	$ 383,368.00	$ 3,431,092.00		$ 4,000,000.00	$ 2,609,663.57	$ 1,552,678.00	$ 6,787,385.93		$ 1,876,130.05			$ 68,267.50
Approved Eligible Activity Expense Reimbursed to Dat	$ 702,361.62	$ 397,839.13	$ 257,929.41	$ 4,164,510.85	$ 1,399,785.99	$ 298,463.97	$ 165,810.92	$ 3,431,092.00		$ 2,329,063.85	$ 2,609,663.57	$ 129,704.07	$ 1,877,571.55					$ 49,563.19
Remaining Approved Eligible Activity Expenses	$ 307,680.38	$ -	$ 342,289.44	$ 220,045.15	$ 1,327,040.01	$ -	$ 217,557.08	$ -	$ -	$ 1,670,936.15	$ -	$ 1,422,973.93	$ 4,909,814.38	$ -	$ 1,876,130.05	$ -	$ -	$ 18,704.31
Approved Interest to be Reimbursed	$ 41,282.00	$ 36,964.00	$ 195,056.69	$ 1,015,444.00	$ 404,253.61	$ -	$ 56,955.84	$ 53,331.18				$ 142,556.75						
Interest Reimbursed to Date		$ 36,964.00						$ 53,331.18										
Remaining Interest to be Reimbursed	$ 41,282.00	$ -	$ 195,056.69	$ 1,015,444.00	$ 404,253.61		$ 56,955.84	$ -				$ 142,556.75						
Project Financial Activity																		
12/31/20 Fund Balance	$ -	$ -	$ 5,000.00	$ -	$ -		$ 5,000.00		$ 126,649.96	$ -	$ (37,972.50)		$ (247.00)			$ 513.35		
TOTAL 2021 REVENUES																		
Application Fee	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,000	$ 5,000
Interest Revenue*																		
TIF Revenue/Capture	$ 81,658.69	$ 54,712.03	$ 44,564.02	$ 590,477.62	$ 268,804.42	$ 70,590.53	$ 35,028.03	$ 735,136.66	$ 33,162.07	$ 971,052.21	$ 1,110,486.79	$ 33,983.71	$ 1,369,502.59	$ 6,876.68	$ 19,885.80	$ 1,060.68		$ 49,563.19
Total Revenues	$ 81,658.69	$ 54,712.03	$ 44,564.02	$ 590,477.62	$ 268,804.42	$ 70,590.53	$ 35,028.03	$ 735,136.66	$ 33,162.07	$ 971,052.21	$ 1,110,486.79	$ 33,983.71	$ 1,369,502.59	$ 6,876.68	$ 19,885.80	$ 1,060.68	$ -	$ 49,563
2021 EXPENDITURES																		
Certified Expense Reimbursement	$ 78,469.69	$ 26,380.33	$ 35,353.86	$ 559,867.39	$ 254,940.78	$ -	$ 32,432.03	$ -	$ -	$ 922,702.51	$ 232,624.26	$ 29,095.86	$ 1,349,360.97	$ -	$ -	$ -	$ -	$ 49,563.19
Administrative Fee Transfer	$ 3,189.00	$ 1,847.00	$ 3,684.06	$ 30,610.23	$ 13,863.64	$ 7,105.31	$ 2,596.00	$ 13,299.97	$ 3,316.21	$ 48,349.70	$ 32,251.03	$ 4,887.85	$ -	$ -	$ -	$ -	$ -	$ -
LBRF Revenue or Deposit	$ -	$ 26,484.70	$ 5,526.10	$ -	$ -	$ 63,485.22	$ -	$ 721,836.69	$ -	$ -	$ 730,000.00	$ -	$ 19,894.62	$ -	$ -	$ -	$ -	$ -
State of MI Brownfield Fund (Approved after 2014)						$ -	$ -			$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Expenditures	$ 81,658.69	$ 54,712.03	$ 44,564.02	$ 590,477.62	$ 268,804.42	$ 70,590.53	$ 35,028.03	$ 735,136.66	$ 3,316.21	$ 971,052.21	$ 994,875.29	$ 33,983.71	$ 1,369,255.59	$ -	$ -	$ -	$ -	$ 49,563.19
Misc Refund																		
Current Brownfield Account Balance	$ -	$ -	$ 5,000.00	$ -	$ -	$ -	$ 5,000.00	$ -	$ 156,495.82	$ -	$ 77,639.00	$ -	$ -	$ 6,876.68	$ 19,885.80	$ 1,574.03	$ -	$ -
											To pay 3 mill SET							

**** Includes Admin and LBRF Funds***

Total of all 2021 CY TIF Reimburse Transfers	$ 3,521,227.68		
Total of all CY 2019 Admin Transfers	$ 165,000.00		
Total of all CY 2018 Admin Transfers	$ 164,999.72		
Total of all CY 2017 Admin Transfers	$ 164,113.00		
Total of all CY 2016 Admin Transfers	$ 150,739.88	ACCOUNT BALANCES SUMMARY	
Total of all CY 2015 Admin Transfers	$ 114,437.35	Admin Fund Cash Reserves as of 10-1-21*	**$ 124,319** ** Max AnnualAdmin Capture $165,000 per Act 381, with 15 active projects*
Total of all CY 2014 Admin Transfers	$ 87,198.19	LBRF Interest earned since 2017 as of 8-1-21 (inc. in bal. below)	**$ 61,137**
2020 LBRF Capture Running Current Yr Total	$ 1,567,227.33	LBRF Balance as of 11-1-21	**$ 2,750,000**

NO TRANSACTION APPROVALS REQUESTED

PROJECT

Summer 2021 Ann Arbor TIF Distributions		LBRF	Reserve for SBRF	Developer Reimbursement
309 N. Ashley Summer 2021 Capture	$ 19,885.80	$ -		$ 19,885.80
Grand Total	$ 19,885.80	**$ -**	**$ -**	**$ 19,885.80**

Subscriber Exclusive

Plans submitted for 561-unit housing development on Ann Arbor’s north side

Updated Jun 29, 2021; Posted Jun 29, 2021

A site plan by the Land Design Studio for the Village of Ann Arbor development off Pontiac Trail and Dhu Varren Road in Ann Arbor, submitted to the city in June 2021.

By Ryan Stanton | ryanstanton@mlive.com

ANN ARBOR, MI — A developer who announced plans earlier this year for a large housing development on Ann Arbor's north side is now officially seeking city approval.

A site plan submitted this month by Bloomfield Hills-based Robertson Brothers Homes calls for 561 housing units off Pontiac Trail and Dhu Varren Road — 23 more than previously contemplated.

The plans show 320 rental apartments with estimated monthly rents between $1,800 and $2,400, and 241 for-sale homes expected to be priced between $250,000 and $500,000, including a mix of single-family homes, townhomes and townhomes over flats.

Within the overall development, there would be 120 one-bedroom units, 344 two-bedroom units and 97 units with at least three bedrooms, plans show.

Robertson Brothers is teaming up with Lansing-based DTN Management Co. on the development dubbed The Village of Ann Arbor. The team has submitted a separate annexation petition for the land, most of which is an Ann Arbor Township island within the city's ultimate borders.

Loughrin, Robertson's director of land acquisition and development, told the city's planning department in a June 4 letter.

"The targeted demographics are looking to reside in a maintenance-free, well-planned home community and enjoy all that Ann Arbor has to offer."

The homes would range in size from about 800 to 1,900 square feet and most would feature an attached one- or two-car garage pre-wired for electric vehicle charging stations, he said.

The for-sale portion of the development aims to provide options for new first-time homebuyers, move-up homes and ranch-style condominium living for those seeking to live near a vibrant city center, and for buyers looking for convenience of both location and the lack of maintenance that comes with attached condominium living, Loughrin said.

"For many, this will be an attainable alternative to stay in the Ann Arbor limits, as pricing of existing housing becomes less affordable in the current market conditions," he wrote.

"The apartment homes will simultaneously provide for a housing need with quality rental units set in a comfortable, amenity laden community with many options for outdoor activity."

The development is proposed on roughly 65 acres of land that's mostly vacant with the exception of two homes to be demolished. There would be drive entrances off both Pontiac Trail and Dhu Varren Road.

The landfill ceased operations in the 1950s and the roughly 10-acre former landfill area has since become a well-forested area that is to remain undeveloped and have walking trails through the woods as an amenity for the community at large, he said.

The development would create important vehicular and pedestrian links to Leslie Park, along with a new link between Leslie Park to the east and Olson Park to the north, he said.

Due to the environmental challenges on the property as a result of its past history, considerable environmental mitigation is needed to develop the property, Loughrin said.

The development team is requesting brownfield tax incentives to have a portion of the new property taxes generated by the project reimburse the developer for site remediation and infrastructure improvements. Without the estimated $3 million annual tax capture, the properly likely would remain vacant for the foreseeable future, Loughrin said.

Other aspects of the development include a large centralized pond for stormwater detention. A wetland area on the site is expected to remain in its native state.

Homeowners in the development would have access to a common pool and community building as part of their annual homeowner association dues, Loughrin said.

“In addition, a network of amenities is planned throughout the community that will interconnect the multiple sections of the development,” he wrote. “The vision for the project is that of an integrated and walkable community with multiple options for residents in different stages of life.”

The development team intends to create a unified architectural theme throughout the development and has provided the city some possible concepts to consider.

The project awaits review by the city’s Planning Commission and approval by City Council.

MORE FROM THE ANN ARBOR NEWS:

$15M plan unveiled for 102 new apartments in southeast Ann Arbor

Illustrator unveils conceptual design for downtown Ann Arbor central park

Ann Arbor’s West Park kicked out the jams in the 1960s -- then the city shut it down

Downtown Ann Arbor on the rise: Latest look at development projects taking shape