



Land Conveyance Policy

*Markham's Environmental Policy and Procedures for the
Conveyance of Lands to the City*

&

Excess Soil Policy

*Markham's Policy and Procedures for Managing
Excess Soils*

Engineering Department
April 9th, 2024



Agenda

1. Land Conveyance Policy

- Background
- Changes proposed in the revised Policy
- Recommendations

2. Excess Soil Policy

- Background
- Why was Excess Soil Regulation introduced?
- Why do we need a Markham Excess Soil Policy?
- Consultation
- Recommendations

3. Next steps

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1. Land Conveyance Policy

Background:

- In 2017, Council adopted the “Environmental Policy and Procedures for the Conveyance of Land to the City Pursuant to the Planning Act” (“the Policy”).
- This Policy applies to the conveyance of lands to the City that were proposed as part of a Planning Act applications.
- The Policy requires a Record of Site Condition (RSC) acknowledged by the Ministry of Environment, Conservation and Parks (MECP), and peer-review of Environmental Site Assessment (ESA) for all land conveyances to the City, except for Minor Road Widening.



Ontario Ministry of the Environment and Climate Change - Record of Site Condition # 224785

Record of Site Condition
Under Part XV.1 of the Environmental Protection Act

Summary

Record of Site Condition Number	224785
Date Filed to Environmental Site Registry	2018/07/16
Certification Date	2018/04/20
Current Property Use	Agricultural/Other
Intended Property Use	Residential

O. Reg. 153/04: RECORDS OF SITE CONDITION - PART XV.1 OF THE ACT
under *Environmental Protection Act, R.S.O. 1990, c. E.19*



1. Land Conveyance Policy (cont.)

Changes proposed in the revised Policy:

- Changes to the Policy were needed to simplify and expedite the development approval process for land conveyances to the City, and to align City processes with amended Provincial regulatory requirements.



These changes include:

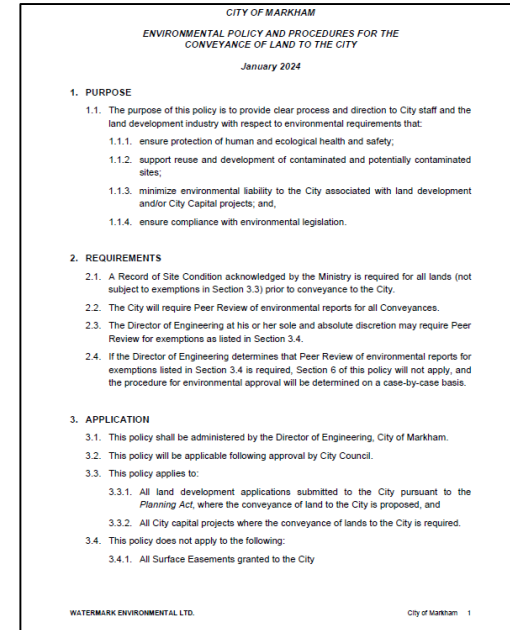
- ✓ Revising the Policy to encompass land conveyances to the City via both land development applications and capital projects.
- ✓ Adding ESA peer-review and RSC requirements when lands are conveyed to the City as part of capital projects.
- ✓ Enhancing the Policy by incorporating comprehensive descriptions of exemptions of the peer-review and RSC requirements.



1. Land Conveyance Policy (cont.)

Changes proposed in the revised Policy (Cont):

- ✓ Clarify language regarding Certificate of Property Use (CPU) when Risk Assessment (RA) is required.
- ✓ Ensure City processes are aligned with existing Provincial regulatory requirements.
- ✓ Delegate authority to Director of Engineering (instead of Commissioner) for waiving specific requirements (e.g., ESA peer-review and/or RSC).





1. Land Conveyance Policy (cont.)

Recommendations:

- “That the staff report titled “Environmental Policies and Procedures for Land Conveyance to the City, and Policy and Procedures for Management of Excess Soil” be received; and,
- That Council adopt the revised Environmental Policy and Procedures for the Conveyance of Land to the City (“Land Conveyance Policy”) in substantial conformity with the Land Conveyance Policy set out in Attachment “A”; and,
- That the Director of Engineering be authorized to waive the Environmental Site Assessments (ESA), including Record of Site Condition (RSC) and/or restrictions in the Certificate of Property Use (CPU), as set out in the Land Conveyance Policy and outlined in this report;”



2. Excess Soil Policy

Background:

- The new Markham's Excess Soil Policy has been developed in response to the new regulation approved in 2019 by the Province of Ontario, titled "Ontario Regulation 406/19: *On-Site and Excess Soil Management*" ("Excess Soil Regulation").
- Compliance with the MECP Excess Soil Regulation is obligatory, and it is imperative that both Markham and its staff promptly adhere to this Regulation.



O. Reg. 406/19: ON-SITE AND EXCESS SOIL MANAGEMENT

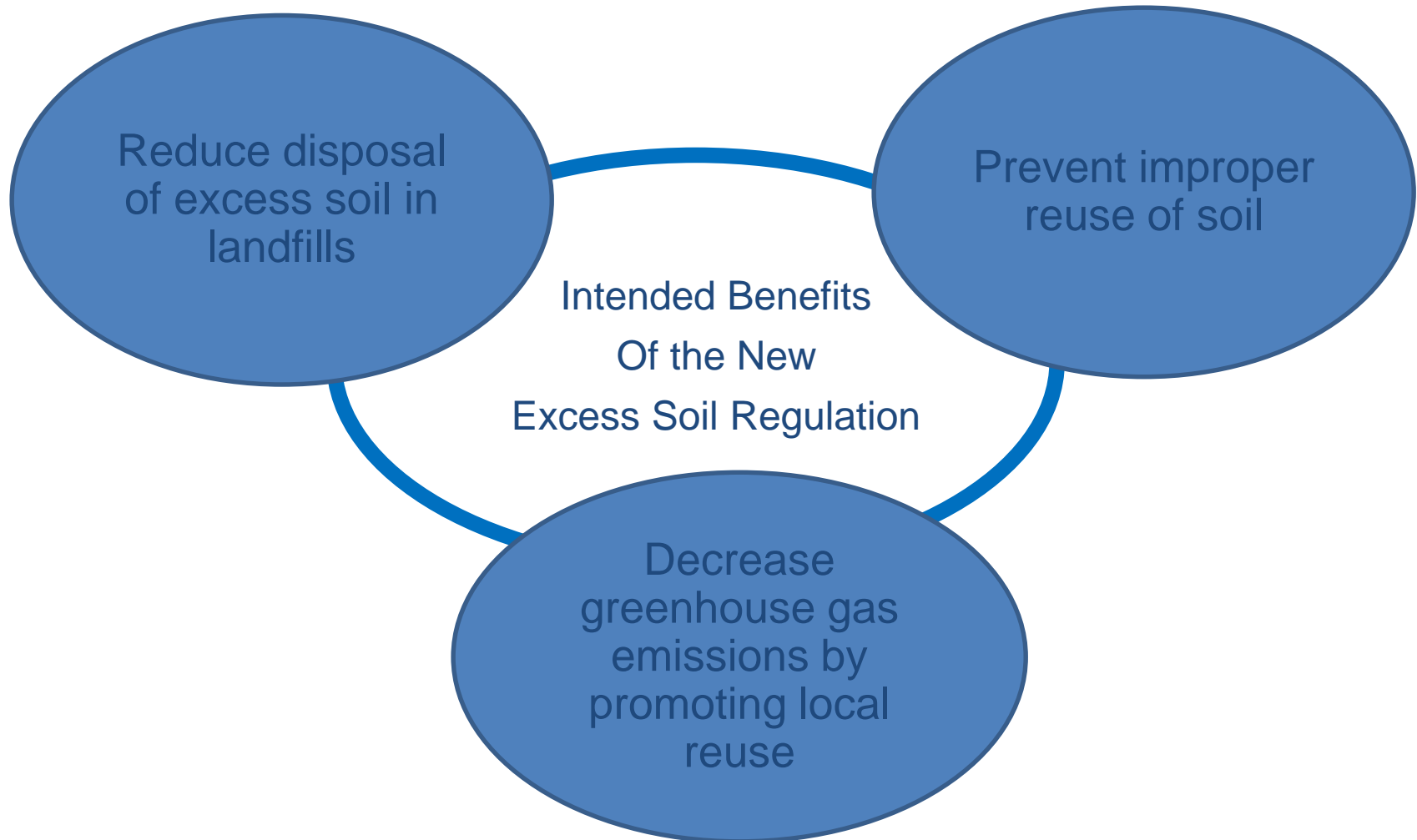
filed December 4, 2019 under *Environmental Protection Act, R.S.O. 1990, c. E.19*





2. Excess Soil Policy (cont.)

Why was Excess Soil Regulation introduced?





2. Excess Soil Policy (cont.)

Why do we need a Markham Excess Soil Policy?

- To provide City of Markham project managers with guidance on how to apply the Excess Soil Regulation (Ontario Reg. 406/19) to City projects, and to better understand the procedures involved with managing excess soils on City projects (see next slide).



- Markham requires an Excess Soil Policy to ensure that all affected City departments and project leads involved in the movement of excess soil (import/export) comply with the Excess Soil Regulation.



2. Excess Soil Policy (cont.)





2. Excess Soil Policy (cont.)

Consultation:

- The engineering team utilized the expertise of Watermark Environmental, a specialized environmental consultant, to assist the City in developing a new Excess Soil Policy aimed at efficiently managing excess soil.
- In developing these policies, Watermark Environmental followed industry best practices, including an in-depth examination of policies from neighboring Greater Toronto Area (GTA) municipalities, consultation with MECP and other environmental consultants within the industry.



2. Excess Soil Policy (cont.)

Consultation (Cont):

- A Technical Advisory Committee (TAC) was created to engage and support collaboration among essential City departments including, Engineering, Legal Services, Planning and Urban Design, Sustainability and Asset Management, and Operations.
- The TAC role was to gather feedback and input on proposed policies and procedures. Following consultations with these departments, revisions were made to accommodate suggestions and ensure alignment with internal stakeholder processes and interests.





2. Excess Soil Policy (cont.)

Recommendations:

- “That Council adopt the Policy and Procedures for Managing Excess Soil (“Excess Soil Policy”) in substantial conformity with the Excess Soil Policy set out in Attachment ”B”; and,
- That Staff be authorized and directed to do all things necessary to give effect to this resolution.”



3. Next Steps

- Additional scope and budget will be required for projects involving soil movement.
- On-going and enhanced training for City staff (Project Leaders) is imperative to ensure comprehensive understanding and strict compliance with the Excess Soil Regulation.
- City must proactively establish procedures, standards, policies (including the Excess Soil Policy), by-laws, etc., to facilitate and ensure compliance with the Excess Soil Regulation.
- Request for Proposals (RFPs), contracts, tender documents, etc. have to be updated to integrate requirements of the new Excess Soil Regulation and to ensure compliance.



4. Questions?

