



Clause No. 1 in Report No. 3 of the Commissioner of Engineering was adopted, as amended, by the Council of The Regional Municipality of York at its meeting on October 10, 1990.

1 ORGANIC YARD WASTE COMPOSTING FACILITY

On October 2, 1990, Regional Engineering Committee recommended that Clause 17 of Report No. 16 respecting the establishment of an Organic Yard Waste Composting Site for the Systems be forwarded to Council with the proviso that confirmation be provided that the proposed use of the land complies with the appropriate Town of Richmond Hill zoning By-law.

The By-law in question is By-law 189-78. Clause 5.17 of that By-law states:

"Except for uses specifically included as permitted uses in a particular zone, nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for the purpose of a public service by the Town of Richmond Hill and/or any public undertaking authorized or maintained by a Public Authority, provided that it is in conformity with the general character of the area and the standards applicable under this By-law to the zone in which it is situated."

"Public Authority" is not defined in the By-law.

It has been indicated by the Town of Richmond Hill that in order for the composting facility to fall within Section 5.17 the following requirement must be satisfied:

1. The use must be a public undertaking authorized or maintained by a Public Authority.

The Town has further indicated that the use could satisfy this requirement only if all of the following occurs:

- (a) the Region passes a resolution stating that the facility is being established as a public undertaking authorized by the Region;
- (b) the agreement between the Region and the private company recites that the operation is a public undertaking authorized by the Region and being conducted exclusively for and under the authority of the Region; and
- (c) it is made clear (both in the Region's agreement with the private company and in a separate acknowledgement from the private company to the Town) that the use is permitted and will only be carried on if it is a public undertaking for the Region pursuant to an agreement with the Region and that when the agreement with the Region terminates, the use also will cease.

The proposed operating contract will be amended to account for items (b) and (c) above.

In order to satisfy the requirement outlined in (a) it is suggested that the previously adopted Clause consenting to the operation of this facility, along with the recommended amendment to it contained in Clause 17 of Report No. 16 be changed to reflect the requirements of the Town of Richmond Hill.

It is therefore recommended that:

1. Recommendation No. 3 of Clause 33 of Report No. 13 of the Engineering Committee as proposed to be amended by Recommendation No. 2 of Clause 17 of Report No. 16 of the Engineering Committee be replaced in its entirety by the following:

"The adoption of this Report constitutes the consent required by Section 169(2) of The Regional Municipality of York Act for Miller Waste Systems to establish and operate an Organic Yard Waste Composting Facility on Part of the east half of Lots 9 and 10, Concession 2, E.Y.S. Town of Richmond Hill subject to the following conditions:

- (a) the facility accept organic yard waste generated from within The Regional Municipality of York only; and
- (b) Miller Waste Systems report to the Commissioner of Engineering at three-month intervals on the quantities, types, and Municipality of origin of organic yard waste received.

Adoption of this Report by Regional Council authorizes the establishment of the Composting Facility as a public undertaking."

(Regional Council at its meeting on October 10, 1990, amended the foregoing clause by adding thereto the following:

2. *the Chairman and Regional Clerk be authorized to execute a contract substantially in the form attached to Clause No. 17 of Report No. 16 of the Engineering Committee;*
3. *all of the foregoing be subject to obtaining a Certificate of Approval from the Ministry of the Environment; and*
4. *all Regional staff be authorized to take the necessary action to effect the foregoing.*

Respectfully submitted,

October 10, 1990
Newmarket, Ontario

W. R. Hodgson
Commissioner of Engineering

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