

January 29, 2019

City of Kawartha Lakes
26 Francis Street, P.O. Box 9000,
Lindsay, ON K9V 4R5

Attention: Council Members:

**RE: 117 Hillhead Road - Part of E 1/2 Lot 2, Concession 7
Geographic Township of Ops, City of Kawartha Lakes**

On behalf of the Board of Directors for the Mount Horeb United Church Cemetery Board, I would like to obtain Council's approval to waive the application fee for the zoning by-law amendment for report Number PLAN2019-004.

As part of my explanation to have the application waived, I supply the following information.

The additional lands which forms part of the zoning by-law amendment process were added by a consent for boundary adjustment (File B-232/87), which was perfected on October 18, 1988. There was no rezoning of the lands required to perfect the consent. The lands were zoned "Agricultural (A) Zone" in the Township of Ops Zoning By-law 78-14, as amended. The cemetery was not listed as a permitted use in the "A" zone.

In 1993, the Township of Ops passed Zoning By-law 93-30, which repealed By-law 78-14. The zoning was changed to "Open Space Exception Two (OS-2) Zone", which permitted a place of worship and a cemetery use. Several properties in Ops Township were provided this zone, to recognize existing cemeteries/places of worship in the rural areas. The current "Agricultural (A) Zone" does not permit cemeteries.

On Schedule "A" of By-law 93-30, the "OS-2" zone was only applied to the original lot boundary (Part 2 on Plan 57R-5147, as deposited on October 14, 1988). See attached excerpt;

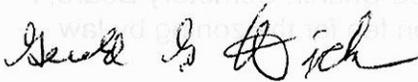
- The remainder of the property (Part 1 on Plan 57R-5147, and presumably Part 3 on same) are currently in the "A" zone.
- The Township of Ops had utilized the services of a consultant to prepare By-law 93-30 for Council's approval in 1993;
- The consent was handled by the County of Victoria.

It is staffs belief that as the County handled the consent and the consultant was working on behalf of the Township, the Township's mapping may not have shown the revised boundary. We believe there was a good chance the consultant was not aware of the boundary adjustment when they provided the "OS-2" zone on what appears to be the original property boundary, and no one appealed the By-law on that basis when it was approved.

As a result of our research noted above, the City was prepared to accept an application to amend the zoning for the remainder of the property to the "OS-2" zone. Due to the history of the zoning and issues noted above, Chris Marshall, Director of Development Services has advised that staff in the Planning Division would be supportive of a request from the applicant that the application fee for the amendment be waived. However, in order to deem an application complete, we would require the fee be submitted, and as part of a report to Council, staff would support including a recommendation to waive the fee.

I therefore respectfully ask the council members to waive the zoning by-law amendment fee based on the following information.

Best Regards,



Gerald Hickson
Vice President-Mount Horeb Cemetery Board

[Redacted contact information]