



Public Information Package

Text Amendment RU1, RU2 & RU3

Proposed Bylaw:	<i>Zoning Amendment Bylaw No. 771 (600-78), 2020</i>
Zoning Amendment:	<p>To bring <i>Bylaw No. 600, Sooke Zoning Bylaw 2013</i> into compliance with the <i>Local Government Act</i>, the purpose and intent of <i>Bylaw No. 771, Zoning Amendment Bylaw (600-78)</i> is to remove and replace section 101.8, 102.9(a) and 103.8 conditions of use within zones RU1, RU2, and RU3 zones to state the following:</p> <p style="padding-left: 40px;">“A minimum lot size of 2 ha or larger is required for Agriculture-intensive on lots not within the <i>Agricultural Land Reserve</i> and on lots that have been exempted in writing by the Agricultural Land Commission from the <i>Agricultural Land Commission Act and Regulations</i>.”</p>

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1. Notice of Waiver of Public Hearing published in the Sooke News Mirror <ul style="list-style-type: none"> • January 29, 2020 and February 5, 2020 	1
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Please note that written and verbal submissions will become part of the public record.



Notice to Waive Public Hearing

Notice is hereby given pursuant to Sections 464(2) and 467 of the *Local Government Act* that the requirement for a Public Hearing has been waived by Council respecting Zoning Amendment Bylaw No. 771 (600-78), 2020. An Official Community Plan applies to the areas that are the subject to the Zoning Amendment Bylaw No. 771, and the District of Sooke considers this Bylaw to be consistent with the District of Sooke Official Community Plan Bylaw No. 400.

Notwithstanding the waiving of a public hearing, public notification is required.

Council will consider giving Third and Final Readings of the proposed Bylaw at its Regular Council Meeting in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **February 10, 2020** beginning at 7:00 pm.

Application Information:

Bylaw: Bylaw No. 771, *Zoning Amendment Bylaw (600-78)*

File No: 3220-20

Applicant: District of Sooke

Proposal:

A minimum lot size of 2 hectares or larger is required for *Agriculture-intensive*, a use permitted within the Watershed, Forest & Agriculture Zone (RU1), Rural Zone (RU2) and Small-Scale Agriculture Zone (RU3) zones of *Bylaw No. 600, Sooke Zoning Bylaw 2013*.

Through formal notification to the District, the Agricultural Land Commission has expressed opposition to the conditions of use within the RU1, RU2, and RU3 zones that restrict lot size for *Agriculture-intensive* use on **Agricultural Land Reserve** lands that are less than 2 hectares. The *Agricultural Land Commission Act* and section 555(2) of the *Local Government Act* does not allow a local government to prohibit a permitted intensive agricultural use on lands within the Agricultural Land Reserve. To bring *Bylaw No. 600, Sooke Zoning Bylaw 2013* into compliance with the *Local Government Act*, the purpose and intent of Bylaw No. 771, *Zoning Amendment Bylaw (600-78)* is to remove and replace section 101.8, 102.9(a) and 103.8 conditions of use within zones RU1, RU2, and RU3 zones to state the following:

“A minimum lot size of 2 ha or larger is required for *Agriculture-intensive* on lots not within the *Agricultural Land Reserve* and on lots that have been exempted in writing by the Agricultural Land Commission from the *Agricultural Land Commission Act and Regulations*.”

In the District of Sooke, there are 119 Agricultural Land Reserve properties that are under 2 hectares. This proposed amendment removes the minimum lot size restriction for *Agriculture-intensive* uses on lots within the Agricultural Land Reserve, with the exception of Agricultural Land Reserve lands that have been exempted by the Agricultural Land Commission under section 23(1) of the *Agricultural Land Commission Act*.

Further Information:

Copies of the bylaw, supporting written reports and any relevant background documentation may be viewed in the “Public Notices” section of the District of Sooke website www.sooke.ca or inspected at the District Municipal Hall, 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays) commencing **January 29, 2020 to and including February 10, 2020**.

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DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 771

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the conditions of use with regards to Agriculture-Intensive within the Watershed, Forest & Agriculture Zone (RU1), Rural Zone (RU2), and Small Scale Agriculture Zone (RU3) to ensure consistency with the *Agricultural Land Commission Act*.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw No. 771(600-78), 2020*.
2. a) Schedule 101 – Watershed, Forest & Agriculture (RU1) is hereby amended by deleting the wording under section 101.8, Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the *Agricultural Land Commission* from the *Agricultural Land Commission Act and Regulations*.

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- b) Schedule 102 – Rural (RU2) is hereby amended by deleting the wording under section 102.9 (a), Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the *Agricultural Land Commission* from the *Agricultural Land Commission Act and Regulations*.

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- c) Schedule 103 – Small Scale Agriculture (RU3) is hereby amended by deleting the wording under section 103.8, Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the *Agricultural Land Commission* from the *Agricultural Land Commission Act and Regulations*.

READ a FIRST and SECOND time the 13th day of January, 2020.

PUBLIC HEARING waived in accordance with section 464(2) of the *Local Government Act*.

Notice of waiver in accordance with section 467 and 468 of the *Local Government Act* the 29th day of January and the 5th day of February, 2020.

APPROVED by Ministry of Transportation and Infrastructure the 24th day of January ,2020

READ a THIRD time the day of , 2020.

ADOPTED the day of , 2020.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer



MINUTES
District of Sooke
Regular Council Meeting
January 13, 2020 7:00 PM
Council Chamber
2225 Otter Point Road
Sooke, BC

10. BYLAWS

10.2. **Zoning Amendment Bylaw No. 771 (600-78), 2020 - RU1, RU2 & RU3 Zoning**

A bylaw to amend the conditions of use within the Watershed, Forest & Agriculture zone (RU1), Rural zone (RU2) and Small Scale Agriculture zone (RU3) to ensure compliance and consistency between the *Sooke Zoning Bylaw* and *Local Government Act* and the *Agricultural Land Commission Act*.

The Corporate Officer advised that the Agricultural Land Commission (ALC) informed the District of a conflict between conditions of use within the RU1, RU2 and RU3 zones and the lands designated Agricultural Land Reserve (ALR) within the District. The District does not permit intense agricultural use on lots less than 2 hectares while the ALR designation doesn't have a minimum lot size. It was noted that this is strictly a text amendment to ensure compliance with the ALC regulations. There is limited value in requesting input as the change must be completed to adhere to the ALC legislation.

Council discussion:

- Desire to have notices sent to all affected property owners, advising of the change and noting the reason for the public hearing being waived and that the District is acting to achieve Provincial compliance.
- Assurance that the District's Agricultural Plan is available to the public.

2020-10.

MOVED by Councillor Megan McMath, seconded by Councillor Tony St-Pierre: THAT Council give First and Second reading to *Zoning Amendment Bylaw No. 771 (600-78), 2020* to amend the conditions of use within the Watershed, Forest & Agriculture zone (RU1), Rural zone (RU2) and Small Scale Agriculture zone (RU3) to ensure compliance and consistency between *Bylaw No. 600, Sooke Zoning Bylaw 2013*, the *Local Government Act* and the *Agricultural Land Commission Act*.

CARRIED UNANIMOUSLY

In Favour: Mayor Maja Tait, Councillor Jeff Bateman, Councillor Al Beddows, Councillor Dana Lajeunesse, Councillor Ebony Logins, Councillor Megan McMath, and Councillor Tony St-Pierre

2020-11.

MOVED by Councillor Tony St-Pierre, seconded by Councillor Dana Lajeunesse: THAT Council waive the holding of a Public Hearing in accordance with section 464(2)

Minutes for the Regular Council Meeting of the District of Sooke - January 13, 2020

of the *Local Government Act* and require notice of the waiver in accordance with section 467 and section 468 of the *Local Government Act*.

CARRIED UNANIMOUSLY

In Favour: Mayor Maja Tait, Councillor Jeff Bateman, Councillor Al Beddows, Councillor Dana Lajeunesse, Councillor Ebony Logins, Councillor Megan McMath, and Councillor Tony St-Pierre

2020-12.

MOVED by Councillor Megan McMath, seconded by Councillor Jeff Bateman:

THAT Council direct staff to notify all affected property owners, by mail, of the changes.

CARRIED UNANIMOUSLY

In Favour: Mayor Maja Tait, Councillor Jeff Bateman, Councillor Al Beddows, Councillor Dana Lajeunesse, Councillor Ebony Logins, Councillor Megan McMath, and Councillor Tony St-Pierre

DRAFT



Zoning Bylaw Text Amendment to RU1 RU2 RU3

RECOMMENDATION:

THAT Council give First and Second reading to Zoning Amendment Bylaw No. 771 (600-78), 2020 to amend the conditions of use within the Watershed, Forest & Agriculture zone (RU1), Rural zone (RU2) and Small Scale Agriculture zone (RU3) to ensure compliance and consistency between *Bylaw No. 600, Sooke Zoning Bylaw 2013*, the *Local Government Act* and the *Agricultural Land Commission Act*.

AND THAT Council waive the holding of a Public Hearing in accordance with section 464(2) of the *Local Government Act* and require notice of the waiver in accordance with section 467 and section 468 of the *Local Government Act*.

Report Summary:

Through written notification, the Agricultural Land Commission has informed the District of Sooke of a conflict between conditions of use permitted under the Watershed, Forest & Agriculture Zone (RU1), Rural Zone (RU2) and Small Scale Agriculture Zone (RU3) zones and lands designated Agricultural Land Reserve.

In response, District staff have initiated an amendment to *Bylaw No. 600, Sooke Zoning Bylaw 2013* to update the conditions of use within zones RU1, RU2, and RU3 to exempt lands that are within the Agricultural Land Reserve. This amendment will satisfy the concerns from the Agricultural Land Commission and ensure compliance with section 555(2) of the *Local Government Act*.

Previous Council Action:

Council adopted *Bylaw No. 600, Sooke Zoning Bylaw 2013* on January 28, 2013.

Report:

The RU1, RU2 and RU3 zones each have a condition of use that requires a lot to be 2 hectares or larger before *Agriculture-intensive* is permitted as a use on the lot.

Definition of AGRICULTURE-INTENSIVE *means the use of land, buildings and structures for the growing of mushrooms or the confinement of poultry, livestock or fur bearing animals, where more than 10 agricultural units are located within a building, structure or feedlot; includes but is not limited to poultry and poultry egg farming, piggeries, fur farms, breeding and boarding kennels, animal training, the keeping of pigeons, rabbits, and doves, feedlots and manure storage piles.*

The Ministry of Agriculture acknowledges that local governments have the authority to regulate, but not prohibit, certain farm uses on land within the Agricultural Land Reserve (ALR). According to the Agricultural Land Commission (ALC), the conditions of use within the RU1, RU2 and RU3 zones are contrary to the *Agricultural Land Commission Act* and section 555(2) of

the *Local Government Act* for the following reason: *Agriculture-Intensive* is a permitted use on ALR lands regardless of lot size. By requiring a minimum lot size of 2 hectares or larger in *Bylaw No. 600, Sooke Zoning Bylaw 2013 (ZB 600)* essentially states that *Agriculture-intensive* uses are prohibited on all ALR lands less than 2 hectares.

It is not the District of Sooke's intention to have a bylaw that contravenes either the *Local Government Act* or the *Agricultural Land Commission Act*. In moving forward, District staff have initiated an amendment to ZB 600 to remove the condition of use that states *Agriculture-intensive only permitted on lots 2 ha or larger* and replace with the following wording:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots that are not within the Agricultural Land Reserve and on lots that have been exempted in writing by the Agricultural Land Commission from the Agricultural Land Commission Act and Regulations.

The new wording removes the minimum lot size restriction for *Agriculture-intensive* uses on lots within the Agricultural Land Reserve, with the exception of lots that are in the Agricultural Land Reserve that have been exempted by the Agricultural Land Commission under section 23(1) of the *Agricultural Land Commission Act*.

The following policies in *Bylaw No. 400, Official Community Plan, 2010* support the proposed amendment:

- 4.5.3(a) Support all uses of land within the ALR that are in accordance with the *Agricultural Land Commission Act*, BC Regulation 171/2002 and Orders of the *Agricultural Land Commission*;
- 4.5.3(b) Support the objectives of the *Agricultural Land Commission* and encourage the preservation of lands which have for farming capability and suitability;
- 4.5.3(i) Encourage "organic intensive agricultural" and other sustainable farming activities on arable lands both in and not within the ALR.

Legal Impacts:

The proposed amendment brings ZB 600 into compliance with section 555(2) of the *Local Government Act* which states: Despite a zoning bylaw, if agricultural land is located in the agricultural land reserve and that agricultural land is not subject to section 23(1) [*exception for small farms established before 1973*] of the *Agricultural Land Commission Act*, intensive agriculture is permitted as a use.

Section 464(2) of the *Local Government Act* allows a local government to waive the holding of a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is subject to the zoning bylaw, and the bylaw is consistent with the official community plan. Should Council waive the public hearing, a notice to waive the public hearing will be advertised in the local newspaper for 2 consecutive weeks prior to 3rd reading in accordance with sections 467 and 468 of the *Local Government Act*.

Budget/Financial Impacts:

There are nominal costs associated with the statutory notifications and the notice to waive the public hearing.

Frequently Asked Questions:

Was the Agricultural Land Commission (ALC) included in the referral process for Zoning Bylaw No. 600 and previous Zoning Bylaw No. 500?

During the zoning bylaw review process for Zoning Bylaw No. 600 and previous Zoning Bylaw No. 500, the ALC was notified by way of email referral. The ALC provided written comments

and through documented correspondence, all ALC concerns presented at that time were addressed. The ALC recently acknowledged that the concern regarding *Agriculture-intensive* was not identified during those previous reviews.

What are the notification requirements within the *Local Government Act*?

When a public hearing is waived, notification is still required to inform the public that the public hearing is being waived as per section 467 of *Local Government Act*. A notice will be published in 2 consecutive issues of the local newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing as per section 466(3) of the *Local Government Act*. The location of the land will be clearly identified in the notice by way of words instead of a sketch which is permissible by section 466(6) of the *Local Government Act*. Individual notification does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration as per section 466(7) of LGA.

In Sooke, how many properties are within the Agricultural Land Reserve (ALR) with lot sizes 2 hectares or less?

There are 119 properties within the ALR that are under 2 hectares.

Is individual mail notification required to be sent to all properties zoned RU1, RU2 and RU3?

As per section 466(7) of the *Local Government Act*, individual notice to owners and tenants in occupation does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration. Since there are 119 properties affected by the bylaw alteration, individual notification is not required. Should Council wish to send individual notices, the cost to mail letters to owners and occupants of the 119 properties would be approximately \$129.00.

Attached Documents:

[Attachment 1: Bylaw No. 771\(600-78\) - Zoning Amend-text-conditions of use in RU1 RU2 RU3 2020](#)

[Attachment 2: Letters recieved from Agricultural Land Commission](#)

[Attachment 3: Response to Agricultural Land Commission Dec 2 2019](#)

Approved by
Ivy Campbell, Head of Planning
Carolyn Mushata, Corporate Officer
Norm McInnis, Chief Administrative Officer

Approved - 27 Dec 2019
Approved - 07 Jan 2020
Approved - 07 Jan 2020



DISTRICT OF SOOKE ZONING AMENDMENT BYLAW NO. 771

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the conditions of use with regards to Agriculture-Intensive within the Watershed, Forest & Agriculture Zone (RU1), Rural Zone (RU2), and Small Scale Agriculture Zone (RU3) to ensure consistency with the *Agricultural Land Commission Act*.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw No. 771(600-78), 2020*.
2. a) Schedule 101 – Watershed, Forest & Agriculture (RU1) is hereby amended by deleting the wording under section 101.8, Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the *Agricultural Land Commission* from the *Agricultural Land Commission Act and Regulations*.

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- b) Schedule 102 – Rural (RU2) is hereby amended by deleting the wording under section 102.9 (a), Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the *Agricultural Land Commission* from the *Agricultural Land Commission Act and Regulations*.

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- c) Schedule 103 – Small Scale Agriculture (RU3) is hereby amended by deleting the wording under section 103.8, Conditions of Use, and replacing it with the following:

A minimum lot size of 2 hectares or larger is required for Agriculture-intensive on lots not within the *Agricultural Land Reserve* **and** on lots that have been exempted in writing by the

Agricultural Land Commission from the Agricultural Land Commission Act and Regulations.

READ a FIRST and SECOND time the day of , 2020.

PUBLIC HEARING waived in accordance with section 464(2) of the *Local Government Act* the day of , 2020

Notice of waiver in accordance with section 467 and 468 of the *Local Government Act* the day of and the day of , 2020.

READ a THIRD time the day of , 2020.

APPROVED by Ministry of Transportation and Infrastructure the day of ,2020

ADOPTED the day of , 2020.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

November 14, 2019

Reply to the attention of Gordon Bednard
Issue File #51605

Ivy Campbell

Manager of Planning, District of Sooke

Delivered Electronically

Re: Sooke Zoning Bylaw 2013 – RU and ALR Zoning designations

It has come to the attention of the Agricultural Land Commission (ALR) that there may be a conflict between land uses permitted within the Sooke RU Zones and lands designated as ALR.

In response to citizen inquiries, staff at the ALC has:

- 1) reviewed its records and found that the 2013 Sooke Land Use Bylaws (LUB) do not appear to have been circulated to this office for review and comment as to their consistency with the ALC Act and Regulations, as required under the Local Government Act.
- 2) reviewed portions of the 2013 LUB, specifically the RU Zones which include the ALR, and has noted that the "Conditions of Use" section in these zones specifically restricts intensive agricultural uses to properties larger than 2 ha.

The ALC acknowledges your email response on this issue to Martin Collins, ALC Director of Policy and Planning which reads in part:

" Although the District of Sooke can not prohibit farming on ALR lands we can (as Mr. Collins stated) regulate its use. For example we have setbacks for intensive agricultural uses of 30m from all property lines due to the impacts on surrounding residential areas. The 30m setback is in part why a minimum 2 hectare parcel is required for intensive agricultural uses."

The ALC is concerned that while you acknowledge that the District cannot prohibit farming in the ALR, the minimum parcel size provision of the RU1-3 zones specifically does so on properties less than 2 ha. The ALC considers this prohibition of intensive agriculture on lots less than 2 ha to be in conflict with the ALC Act/Regulations and therefore of no force or effect. The ALC expects the District to amend the LUB by removing this restriction on intensive agriculture at the earliest possible opportunity. At the same time, it may be advisable to re-label areas of the ALR as "ALR" in the LUB to ensure it is clear to any reader of the Bylaws that both provincial legislation and local government bylaws apply to those lands.

If you have any questions about the above comments, please contact the undersigned at 604-660-7011 or by e-mail gordon.bednard@gov.bc.ca

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "G. Bednard", written in a cursive style.

Gordon Bednard, Regional Planner

CC: Reed Baily, Planner – Ministry of Agriculture

Inquiry51605m1



November 21, 2019

Ivy Campbell – Manager of Planning
District of Sooke

Dear Ivy Campbell (Sent by email):

Re: Prohibition of Intensive Agriculture on Properties within the Agricultural Land Reserve

This letter is being sent in response to email communication that I was copied on between yourself and Agricultural Land Commission Director of Policy and Planning, Martin Collins, on November 7, 2019.

The Ministry of Agriculture acknowledges that local governments have the authority to regulate, but not prohibit, certain farm uses on land within the Agricultural Land Reserve (ALR). However, as per Bylaw No. 600, Sooke Zoning Bylaw, 2013 (the 'Bylaw'), the District of Sooke (the 'District') has prohibited intensive agriculture on parcels less than 2 ha in the three zones (RU1, RU2 and RU3) that contain land within the ALR.

Please be advised that s.555(2) of the *Local Government Act* states the following:

"Despite a zoning bylaw, if agricultural land is located in the agricultural land reserve and that agricultural land is not subject to section 23 (1) [exception for small farms established before 1973] of the Agricultural Land Commission Act, intensive agriculture is permitted as a use."

Because the Bylaw is contrary to s.555(2) of the *Local Government Act*, the District may be vulnerable to a legal challenge initiated by a landowner who owns property in the ALR within one of the RU zones that desires to commence an intensive agriculture operation on their property. As such, the Ministry encourages the District to amend the Bylaw to ensure that intensive agriculture is not prohibited on properties in the ALR.

Further, it appears as though the Bylaw was not referred to Ministry staff for review and comment. Please note that a core responsibility of my position is to support local governments on any planning initiatives, such as ALC applications, zoning bylaws, Official Community Plan reviews, etc..., that impact agriculture within their community. As such and in the future, I encourage the District to refer any type of planning initiative that impacts agriculture to the Ministry for our review.

Lastly, with respect to updating the Bylaw to ensure consistency with the *Local Government Act*, I am available anytime to assist the District with completing such an update.

Please contact me directly if you have any questions regarding the above comments.

Sincerely,

Reed Bailey, Land Use Planner
B.C. Ministry of Agriculture
Phone: (778) 698-3455
Email: reed.bailey@gov.bc.ca

Cc: Gord Bednard, Regional Planner, Agricultural Land Commission



December 02, 2019

File No. 3360-20

Agricultural Land Commission
201-4940 Canada Way
Burnaby, BC V5G 4K6

Attention: Reed Bailey and Gordon Bednard

**Re: Response to November 14 and 21st letters from ALC regarding
Prohibition of Intensive Agriculture on Properties within the Agricultural
Land Reserve**

Thank you for bringing forward your concerns regarding a conflict between land uses permitted in the District of Sooke's RU1, RU2 and RU3 zones and lands designated as ALR. It is not the District of Sooke's intention to have a bylaw that contravenes the *Local Government Act*. In respect of past and current working relationships between the District of Sooke and the ALC, the ALC was included as part of the review process for previous Zoning Bylaw 500 and current Zoning Bylaw 600. Through documented correspondence, all ALC concerns were addressed with both bylaws.

Previous Zoning Bylaw 500 - Referral for draft bylaw sent on March 21, 2011 and on May 4, 2011 (Attachment 1). Response received from ALC, Roger Cheetham on May 3, 2011 via email (Attachment 2). The ALC did not provide any comments or concerns on the condition of use regarding "Agriculture-intensive only permitted on lots 2 ha or larger" in Rural zones. All ALC concerns were addressed by the District prior to adoption of Zoning Bylaw 500.

Zoning Bylaw 600 - Referral for draft bylaw sent on November 8, 2012 and on December 18, 2012 (Attachment 3). Zoning Bylaw 600 is very similar to Bylaw 500 and the condition of use regarding "Agriculture-intensive only permitted on lots 2 ha or larger" remained in the Rural zones. Response received on January 15, 2013 via email from ALC, Roger Cheetham and Rob Kline (Attachment 4). The only ALC concern was regarding section 3.22 Setbacks (Water). In response, Zoning Bylaw 600 was changed to reduce the water setback from 100 m to 30 m. On January 16, 2013, the ALC thanked the District for amending the bylaw and confirmed that they had no other areas of concern with regards to the draft bylaw.

The RU1, RU2 and RU3 Rural zones, which permit Agriculture Intensive, also include the following language under Permitted Uses: "May be subject to

approval by the Provincial ALC". That may have previously satisfied the ALC concerns and would explain why the "2 ha or larger" clause was not flagged for removal in the past.

In moving forward, the District will address ALC's concerns and ensure consistency with the *Local Government Act* by initiating an amendment to Zoning Bylaw 600 to clarify that the Conditions of Use in Rural zones "Agriculture-intensive only permitted on lots 2 ha or larger" is only applicable to properties that are not within the Agricultural Land Reserve.

Sincerely,



Ivy Campbell RPP, MCIP, CNU-A

Manager of Planning

District of Sooke

2205 Otter Point Road, Sooke, BC V9Z 1J2

Direct: 250-642-1628

Web: sooke.ca Email: icampbell@sooke.ca

C.c. Norm McInnis, CAO District of Sooke

Attachments

Attachment 1



Incorporated December 7, 1999

2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2

Phone: (250) 642-1634 • Fax: (250) 642-0541 • Email: info@sooke.ca • Website: www.sooke.ca

March 21, 2011

File No. 3360-01

Agricultural Land Reserve Commission – Attn: Planning Referrals
B.C. Hydro - Attn: Planning Referrals
CRD Parks & Community Services – Attn: Planning Referrals
EPCOR - Attn: Planning Referrals
Juan de Fuca EAP Office – Attn: Planning Referrals
Ministry of Transportation - Att: Planning Referrals
RCMP, Sooke Detachment - Attn: Planning Referrals
Shaw Cable - Attn: Planning Referrals
Vancouver Island Health Authority – Attn: Michael Riefman
B.C. Transit – Attn: Roxanna Lypka
Beecher Bay Band Office – Attn: Dionne Charles
CRD Water Department, Technical Services Division – Attn: Craig Gottfred
Canada Post, Sooke Branch – Attn: Richard Sabourin
Fisheries and Oceans, Pacific Region Habitat Management Branch – Planning Referrals
Archaeology Branch Ministry of Tourism, Sport & the Arts - Attn: Planning Referrals
Ministry of Environment, Planning and Assessment Section – Attn: Brenda Barr
SEAPARC – Attn: Larry Hutchings
School District 62, Sooke – Attn: Pete Godau
TELUS Communications – Attn: Planning Referrals
Terasen Gas – Attn: Planning Referrals, Chris Silburn
T'Sou-ke Nation – Attn: Bonnie English
District of Metchosin – Att: Sheila Mackay, Technical Assistant

Re: Zoning Bylaw Review

The District of Sooke is developing a new Zoning Bylaw that will, through its application, implement the community's vision and policies for redevelopment and new development in Sooke.

The project consulting team, working under the oversight of Katherine Lesyshen, Planner with the District of Sooke, is comprised of Chris Hall, Beverly Suderman, Michael Kelly, working as Island Planning Services.

As part of this process, the District recognizes that neighbouring jurisdictions and various provincial agencies have an interest in the way development proceeds within Sooke's boundaries, and wishes (as much as possible) to harmonize the new Zoning Bylaw with the rules and regulations of neighbouring jurisdictions. We are writing to invite you to review the draft Zoning Bylaw, which will be posted on the District of Sooke's website on Monday, March 28. Should you so desire, we also invite you to participate in one of the open houses scheduled for early next month.

The Project Process

The project is anticipated to be completed by June 2011, conducted through four phases:

- **Phase 1: Technical review and recommendations (December/January) –**
The first phase required the consultant team to understand the challenges faced by staff in using the existing Zoning Bylaw, as well as a review of Sooke's vision as captured in its various plans:
 - Sooke OCP (2010)
 - Parks and Trails Master Plan (2009)
 - Town Centre Plan (2009)
 - Transportation Master Plan (2009)
 - Sustainability Strategy (2008)
 - Accessibility and Inclusiveness Study (2008)
 - Community Amenity Contribution Policy (2010)
 - Liquid Waste Management Plan (2010)

The technical review phase resulted in a draft new Zoning Bylaw which incorporates a series of recommendations about how to resolve existing issues, and addresses the implementation requirements of the various plans.

- **Phase 2: Public Review (February/April) –** The Technical Review Committee established by the District of Sooke Council has recommended that Council move forward with a public consultation process on the draft Zoning Bylaw.

The public review process is scheduled to launch on March 28, with an online survey, which will be announced in newspapers and other media. The online survey will run for 2 weeks only, closing on April 11.

There will also be a number of open houses:

- April 4, 11-2, a poster board session specifically for seniors with a presentation of the new Zoning Bylaw at 1:00 pm (Location: Sooke Municipal Hall);
- April 4, 4 – 7 pm, a poster board session at SEAPARC, to catch parents as they drop off and pick up their children for recreation events;
- April 14, 4 – 8 pm, a poster board session as part of a larger District of Sooke Open House, showcasing various initiatives by the District.

The public review phase is anticipated to result in revisions to the draft Zoning Bylaw, and a recommendation to Sooke Council as to how to proceed.

- **Phase 3: Legal and Agency Review (May)** – A “next-to-final” draft of the Zoning Bylaw will be sent to agencies and neighbouring jurisdictions for review and comment, as well as for legal review by the District of Sooke. There will be a three-week comment period.

The legal and agency review phase may result in further revisions to the draft Zoning Bylaw, as required, and a recommendation to Sooke Council as to moving towards adoption.

- **Phase 4: Adoption Process (June)** – It is hoped that Sooke Council will move towards 1st and 2nd reading in late May/early June, following which an Open House and Public Hearing are planned to showcase the new Zoning Bylaw to Sooke community members. 3rd reading is anticipated for late June.

You, or representatives from your agency, are most welcome to attend any events. We will continue to share information with you as this project develops. We hope that you will be available to provide comment and input as we move forward.

Please direct any inquiries about this project to:

Beverly Suderman, Consultant
M.E. Kelly Consulting
Email: bsuderman2005@gmail.com
Phone: 250-737-1109

Katherine Lesyshen, Planner
District of Sooke
Email: klesyshen@sooke.ca
Phone: 250-642-1627

Sincerely,



Katherine Lesyshen
Planner



May 4, 2011

File No. 3360-01

Agricultural Land Reserve Commission – Attn: Planning Referrals
Sooke Builders Association – Attn: Randy Clarkston and Laurie Wallace
B.C. Hydro - Attn: Planning Referrals
CRD Parks & Community Services – Attn: Planning Referrals
EPCOR - Attn: Planning Referrals
Juan de Fuca EAP Office – Attn: Planning Referrals
Ministry of Transportation and Infrastructure - Attn: Planning Referrals
RCMP, Sooke Detachment - Attn: Planning Referrals
Shaw Cable - Attn: Planning Referrals
Vancouver Island Health Authority – Attn: Michael Riefman
Vancouver Island Health Authority Community Care Licensing – Attn: Alison Coupar
B.C. Transit – Attn: James Wadsworth
Beecher Bay Band Office – Attn: Dionne Charles
CRD Water Department, Technical Services Division – Attn: Craig Gottfred
Canada Post, Sooke Branch – Attn: Richard Sabourin
Fisheries and Oceans, Pacific Region Habitat Management Branch – Planning Referrals
Archaeology Branch Ministry of Tourism, Sport & the Arts - Attn: Planning Referrals
Ministry of Environment, Planning and Assessment Section – Attn: Brenda Barr
SEAPARC – Attn: Lynn MacDonald
School District 62, Sooke – Attn: Pete Godau
TELUS Communications – Attn: Planning Referrals
Fortis BC – Attn: Planning Referrals, Chris Silburn
T'Sou-ke Nation – Attn: Bonnie English
District of Metchosin – Att: Sheila Mackay, Technical Assistant
Technical Zoning Bylaw Committee – Attn: Members
Kemp Lake Water Improvement District
Scia'new First Nation

Re: Zoning Bylaw Review

The District of Sooke is developing a new Zoning Bylaw that will, through its application, implement the community's vision and policies for redevelopment and new development in Sooke.

The project consulting team, working under the oversight of the District of Sooke Planning Department, is comprised of Chris Hall, Beverly Suderman, Michael Kelly, working as Island Planning Services.

The draft Zoning Bylaw process is now in Phase 3 where the "next-to-final" draft of the Zoning Bylaw is sent to agencies and neighbouring jurisdictions for review and comment, as well as for legal review by the District of Sooke. We are writing to invite you to review the draft Zoning Bylaw at the following FTP Site:

FTP Site: <ftp://land.sooke.ca/referral>
FTP login: zoning
FTP password: 4SookeZoning

Please provide comments by Tuesday, May 24, 2011, at the latest. Please direct any inquiries about this project to:

Beverly Suderman, Consultant
Island Planning Services
Email: bsuderman2005@gmail.com
Phone: 250-737-1109

Tara Johnson, Planner
District of Sooke
Email: tjohnson@sooke.ca
Phone: 250-642-1628

Sincerely,

Tara Johnson
Planner

The Zoning Bylaw Project Process

The project is anticipated to be completed by June 2011, conducted through four phases:

- **Phase 1: Technical review and recommendations (December/January)** – The first phase required the consultant team to understand the challenges faced by staff in using the existing Zoning Bylaw, as well as a review of Sooke’s vision as captured in its various plans:
 - Sooke OCP (2010)
 - Parks and Trails Master Plan (2009)
 - Town Centre Plan (2009)
 - Transportation Master Plan (2009)
 - Sustainability Strategy (2008)
 - Accessibility and Inclusiveness Study (2008)
 - Community Amenity Contribution Policy (2010)
 - Liquid Waste Management Plan (2010)

The technical review phase resulted in a draft new Zoning Bylaw which incorporates a series of recommendations about how to resolve existing issues, and addresses the implementation requirements of the various plans.

- **Phase 2: Public Review (February/April)** – The Technical Review Committee established by the District of Sooke Council has recommended that Council move forward with a public consultation process on the draft Zoning Bylaw.

The public review process took place on March 28, with an online survey, which was announced in newspapers and other media. The online survey ran for 2 weeks and closed on April 11.

We also held a number of open houses:

- April 4, 11-2, a poster board session specifically for seniors with a presentation of the new Zoning Bylaw at 1:00 pm (Location: Sooke Municipal Hall);
- April 4, 4 – 7 pm, a poster board session at SEAPARC, to catch parents as they drop off and pick up their children for recreation events;
- April 14, 4 – 8 pm, a poster board session as part of a larger District of Sooke Open House, showcasing various initiatives by the District.

- **Phase 3: Legal and Agency Review (May)** – A “next-to-final” draft of the Zoning Bylaw will be sent to agencies and neighbouring jurisdictions for review and comment, as well as for legal review by the District of Sooke. There will be a three-week comment period.

The legal and agency review phase may result in further revisions to the draft Zoning Bylaw, as required, and a recommendation to Sooke Council as to moving towards adoption.

- **Phase 4: Adoption Process (June)** – It is hoped that Sooke Council will move towards 1st and 2nd reading in late May/early June, following which an Open House and Public Hearing are planned to showcase the new Zoning Bylaw to Sooke community members. 3rd reading is anticipated for late June.

Beverly Suderman, Consultant
Island Planning Services
Email: bsuderman2005@gmail.com
Phone: 250-737-1109

Tara Johnson, Planner
District of Sooke
Email: tjohnson@sooke.ca
Phone: 250-642-1628

From: [Beverly Suderman](#)
To: Gordon.Bednard@gov.bc.ca
Cc: [Katherine Lesyshen](#)
Subject: District of Sooke Zoning Bylaw Project Introduction
Date: January-13-11 9:48:22 AM

TO: Gordon Bednard, Agricultural Land Commission

Dear Gordon:

The District of Sooke is developing a new Zoning Bylaw that will, through its application, implement the community's vision and policies for redevelopment and new development in Sooke.

As part of this process, the District recognizes that neighbouring jurisdictions have an interest in the way development proceeds within Sooke's boundaries, and wishes (as much as possible) to harmonize the new Zoning Bylaw with the rules and regulations of neighbouring jurisdictions. We are writing to introduce you to the project and to ask you to share any relevant documents that would be useful to the process. As the project progresses, we will seek further input and comment on the draft Zoning Bylaw.

The project consulting team, working under the oversight of Katherine Lesyshen, Planner with the District of Sooke, is comprised of Chris Hall, Beverly Suderman, Michael Kelly, working as M.E. Kelly Consulting.

The Project Process

The project is anticipated to be completed by June 2011, conducted through four phases:

- **Phase 1: Technical review and recommendations (December/January)** – The first phase requires the consultant team to understand the challenges faced by staff in using the existing Zoning Bylaw, as well as a review of Sooke's vision as captured in its various plans:
 - Sooke OCP (2010)
 - Parks and Trails Master Plan (2009)
 - Town Centre Plan (2009)

- Transportation Master Plan (2009)
- Sustainability Strategy (2008)
- Accessibility and Inclusiveness Study (2008)
- Community Amenity Contribution Policy (2010)
- Liquid Waste Management Plan (2010)

The technical review phase will result in draft new Zoning Bylaw which incorporates a series of recommendations about how to resolve existing issues, as well as addresses the direction provided by the various plans.

- **Phase 2: Public Review (February/March)** – The second phase will take the draft Zoning Bylaw through an extensive public review process, beginning with Technical Review Committee made up of community members, which will assist the consulting team to better understand community concerns, followed by a series of presentations and open houses, an on-line community survey, and other means to ensure that the public has the chance to comment.

The public review phase will result in revisions to the draft Zoning Bylaw, and a recommendation to Sooke Council as to how to proceed.

- **Phase 3: Legal and Agency Review (April/May)** – A “next-to-final” draft of the Zoning Bylaw will be sent to agencies and neighbouring jurisdictions for review and comment, as well as for legal review by the District of Sooke. There will be a three-week comment period.

The legal and agency review phase will result in further revisions to the draft Zoning Bylaw, as required, and a recommendation to Sooke Council as to moving towards adoption.

- **Phase 4: Adoption Process (May/June)** – It is hoped that Sooke Council will move towards 1st reading of the new Zoning Bylaw by late May. Following 1st and 2nd reading, an Open House and Public Hearing are planned to showcase the new Zoning Bylaw to Sooke community members. 3rd reading is anticipated for late June.

The specific dates for key events have not yet been identified for this project, but you will be informed once they are set. You, or representatives from your agency, will be most welcome to attend any events. We will continue to share information with you as this project develops. We hope that you will be available to provide comment and input as

we move forward.

At this time, our request to you is that you provide the project with relevant documents for the consulting team to review. This could be Land Codes, Official Community Plans, Zoning Bylaws, or other documents that may have a bearing on land use in the District of Sooke.

Please send your documents, or direct any inquiries, to:



We will be in touch soon to let you know about dates and how the project is proceeding. In the meantime, please do not hesitate to contact us if you have any questions or comments.

Sincerely,

Bev Suderman
(For the Team)

Attachment 2

From: [Cheetham, Roger ALC:EX](#)
To: [Tara Johnson](#)
Subject: FW: District of Sooke Draft Zoning Bylaw referral
Date: May 5, 2011 8:48:49 AM

FYI

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Cheetham, Roger ALC:EX
Sent: Tuesday, May 3, 2011 3:53 PM
To: 'Susan Dyble'
Cc: Kline, Rob AGRI:EX
Subject: RE: District of Sooke Draft Zoning Bylaw referral

Hi Susan, here are my comments on the draft:

36. The Commission is unlikely to have any difficulty with setbacks for buildings but it would be opposed to the restriction of development (which includes a range of agricultural activities) adjacent to watercourses and ravines. It considers that such restrictions are inconsistent with the ALC Act and regulations. I suggest that agriculture be exempted for land within the ALR.

RU1, RU2 and RU3 zones. I had a little difficulty in distinguishing the RUI from the RU2 as the green colours are rather close – I suggest that you try to use colours that are easier to identify. With regard to the provisions relating to coverage these are all well below the standards recommended in the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas. They should be significantly increased, in particular for greenhouses for which the guide standard is 75%. The condition of use that restricts agriculture and agriculture-intensive to areas beyond 30 metres of a watercourse is inconsistent with the ALC legislation and should be removed.

Proposed Zoning Map

The zoning of the existing park along the Sooke River in Sun River Estates may need to be changed if it is intended to act on the approval of the Commission to exclude a portion of land within the development to accommodate a school (ALC Resolution 2678/2010) A condition of approval was that the zone be changed to Agriculture . I note that the remaining areas within the ALR in Sun River Estates development are zoned as CD2 (or is it 3 – the colours are difficult to distinguish). You have not provided the details of the uses permitted in these zones but I presume that agriculture is permitted within the ALR.

I note from Google earth that the ALR property at the corner of Deerlepe and Whiffen Spit Roads that is zoned as P1 or P2 is under trees. if the zone recognises an existing use (i.e. a park) I don't think there is any problem with the zone. However if it is a proposed new zone that anticipates a use that requires the Commission's approval it is preferable the zone be changed after Commission approval has been obtained.

I suggest that the name of the zones applicable to the ALR be changed from Rural to

Agriculture.

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Susan Dyble [mailto:sdyle@sooke.ca]
Sent: Tuesday, March 22, 2011 4:20 PM
To: 'smackay@metchosin.ca'; TRAN SCR DAS Saanich TRAN:EX; Bednard, Gordon ALC:EX; (pgodau@sd62.bc.ca); (ReferralsNanaimo@dfo-mpo.gc.ca); (stephen.w.wright@rcmp-grc.gc.ca); Beecher Bay; Bonnie English; Barr, Brenda M ENV:EX; Chris Silburn; 'cpo-svi@bchydro.com'; CRD Water Referrals (Dev-Submissions.Eng-Planning@crd.bc.ca); Lake, Cynthia NRO:EX; Emma Taylor (etaylor@crd.bc.ca); John Reynolds (jreynolds@epcor.ca); June Klassen (jklassen@crd.bc.ca); lhutchings@crd.bc.ca; Lynn Wilson; Michael Riefman (michael.riefman@viha.ca); Richard Sabourin (Richard.Sabourin@CanadaPost.ca); Cheetham, Roger ALC:EX; Roxanne_Lypka@BCTransit.Com; Telus Referrals (Victoria.engineering@telus.com)
Cc: Katherine Lesyshen
Subject: District of Sooke Draft Zoning Bylaw referral

Please see the attached referral notification for the District of Sooke Draft Zoning Bylaw Review.

Susan Dyble
Development Services Clerk
District of Sooke
Ph. (250) 642-1634
Direct Line (250) 642-1614
Fax. (250) 642-0541
www.sooke.ca

From: [Cheetham, Roger ALC:EX](#)
To: ["Beverly Suderman"](#)
Cc: [Kline, Rob AGRI:EX](#); [Tara Johnson](#); ["Chris Hall \(Alternate\)"; Brian Goble](#); [Kaethler, Terra ALC:EX](#)
Subject: RE: Sooke Zoning Bylaw & ALC Comments
Date: June-07-11 12:39:19 PM

Hi Bev, Yes good to meet you too.

The rezoning of the Sooke River Park to RU3 satisfies the requirement of ALC Resolution 2678/2010 that the area be rezoned to Agriculture bearing in mind RU3 is the name given to the Agriculture zone in Sooke. The zoning of Deerlepe Park is also okay in view of the background you have provided although you have not indicated whether or not it is actually used as a park at this stage.

Picking up on my comments to you and Tara at the Conference I see that a covenant is also required for the Sooke River Park land as well as other areas in terms of other conditions of Resolution 2678/2010 to ensure that the area is only used for agricultural purposes. Tara, what progress has been made in this regard? Until that condition has been complied with the school site will remain within the ALR and cannot be used for the school without the specific authority of the Commission.

Cheers

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Beverly Suderman [mailto:bsuderman2005@gmail.com]
Sent: Tuesday, June 7, 2011 10:59 AM
To: Cheetham, Roger ALC:EX
Cc: Kline, Rob AGRI:EX; Tara Johnson; Chris Hall (Alternate); Brian Goble
Subject: Re: Sooke Zoning Bylaw & ALC Comments

Hi Roger --

Very nice to have met you at the PIBC conference, and will look forward to working together with you in the future ... as our paths cross!

Further to the outstanding issues on the Sooke Zoning Bylaw:

Re: Sooke River Park (Sun River Estates):

Our original correspondence read like this:

Comment 5: The zoning of the existing park along the Sooke River in Sun River Estates may need to be changed if it is intended to act on the approval of the Commission to exclude a portion of land within the development to accommodate a school (ALC Resolution 2678/2010) A condition of approval was that the zone be changed to Agriculture . I note that the remaining areas within the ALR in Sun River Estates development are zoned as CD2 (or is it 3 – the colours are difficult to distinguish). You have not provided the details of the uses permitted in these zones but I presume that agriculture is permitted within the ALR.

Response: Attached please find the detailed list of permitted uses within the various areas within Sun River Estates. There was a recent zoning bylaw update (Bylaw 479) which added Area F. I will ask Sooke Planning Staff to confirm that all is in conformance with ALC Resolution 2678/2010, and to confirm that to you in writing.

New information: At our meeting with the District of Sooke's Committee of the Whole on May 30, we discussed the need to revise the zoning on the Sooke River Park (part of Sun River Estates) from P1 to RU3, to meet the requirements of the ALC Resolution 2678/2010. This was accepted by the District of Sooke's COW, although it was fairly controversial. We were not recommending that the land use be changed at this time; simply that the land is in the ALR (and therefore needs agricultural zoning), and agricultural uses are permitted in this land. Please note that in the draft Zoning Bylaw, parks are a permitted use in every zone.

Re: Deerlepe and Whiffen Spit Roads

Our original correspondence read like this:

Comment 6: I note from Google earth that the ALR property at the corner of Deerlepe and Whiffen Spit Roads that is zoned as P1 or P2 is under trees. If the zone recognises an existing use (i.e. a park) I don't think there is any problem with the zone. However if it is a proposed new zone that anticipates a use that requires the Commission's approval it is preferable the zone be changed after Commission approval has been obtained.

Response: Thank you for your comment. I will ask Sooke Planning staff to confirm the history of the zoning on this property, and respond to you directly on this matter.

New information from the Sooke Planning Dept: The land is called Deerlepe Park and is zoned P1. The District Of Sooke (DOS) has had it since at least 1999, and has always been zoned P1. The CRD Zoning Bylaw (1993 – 2006) which transferred to the DOS in 1999 also show P1 zoning for this property. We are allowing agricultural uses in parks located in the ALR so there should be no concerns. Any time the land is used for a non-agricultural use, an application to the ALC is still required, regardless of who owns the property because it is in the ALR. The zone should remain as P1.

While I understand that this may not resolve all of your concerns fully, it is my hope that you will recognize the limitations of the scope of the Zoning Bylaw project ...

Please let me know if you have any further concerns.

Sincerely,

Bev Suderman
250-737-1109

On Wed, May 18, 2011 at 8:44 PM, Beverly Suderman <bsuderman2005@gmail.com> wrote:

Hi Roger --

Thank you for your input into the Sooke Zoning Bylaw process! In response to your

comments, we are proposing the following:

Comment 1: Section 36. The Commission is unlikely to have any difficulty with setbacks for buildings but it would be opposed to the restriction of development (which includes a range of agricultural activities) adjacent to watercourses and ravines. It considers that such restrictions are inconsistent with the ALC Act and regulations. I suggest that agriculture be exempted for land within the ALR.

Response: Add a clause to Section 36 that exempts development for agricultural purposes on ALR lands from the setback requirements, as follows:

c) The lands under development are designated as ALR lands, located within the Agricultural Land Reserve, and the development is for agricultural purposes, in which case the development is exempt from the setback requirements per the *Agricultural Land Commission Act* and regulations.

Comment 2:

RU1, RU2 and RU3 zones. I had a little difficulty in distinguishing the RUI from the RU2 as the green colours are rather close – I suggest that you try to use colours that are easier to identify.

Response: It is difficult to distinguish a variety of colours. In the final zoning maps, the colours will be supported with zone labels on the zoning blocks or individual parcels, which will make it much easier to distinguish. The purpose of the colours is basically to reflect the zone groupings, so that it is easy to see which are the rural zones, etc.

Comment 3: With regard to the provisions relating to coverage these are all well below the standards recommended in the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas. They should be significantly increased, in particular for greenhouses for which the guide standard is 75%.

Response: Thank you for bringing this resource to our attention, particularly since it was updated this year. We have increased the lot coverage to 35% in the 3 agricultural zones (RU1, RU2, and RU3), with a condition of use that increases lot coverage to 75% in the case of greenhouses. Specially, the section reads: "For agricultural production dependent on greenhouses, maximum lot coverage is increased to 75%."

Comment 4: The condition of use that restricts agriculture and agriculture-intensive to areas beyond 30 metres of a watercourse is inconsistent with the ALC legislation and should be removed.

Response: This provision has been removed.

Comment 5: The zoning of the existing park along the Sooke River in Sun River Estates may need to be changed if it is intended to act on the approval of the Commission to exclude a portion of land within the development to accommodate a school (ALC Resolution 2678/2010) A condition of approval was that the zone be changed to Agriculture . I note that the remaining areas within the ALR in Sun River Estates development are zoned as CD2 (or is it 3 – the colours are difficult to distinguish). You have not provided the details of the uses permitted in these zones but I presume that agriculture is permitted within the ALR.

Response: Attached please find the detailed list of permitted uses within the various areas within Sun River Estates. There was a recent zoning bylaw update (Bylaw 479) which added Area F. I will ask Sooke Planning Staff to confirm that all is in conformance with ALC Resolution 2678/2010, and to confirm that to you in writing.

Comment 6: I note from Google earth that the ALR property at the corner of Deerlepe and Whiffen Spit Roads that is zoned as P1 or P2 is under trees. If the zone recognises an existing use (i.e. a park) I don't think there is any problem with the zone. However if it is a proposed new zone that anticipates a use that requires the Commission's approval it is preferable the zone be changed after Commission approval has been obtained.

Response: Thank you for your comment. I will ask Sooke Planning staff to confirm the history of the zoning on this property, and respond to you directly on this matter.

Comment 7: I suggest that the name of the zones applicable to the ALR be changed from Rural to Agriculture.

Response: Thank you for your suggestion. The purpose of RU2 zoning appears to be clear with the existing name, which is a carryover from the 2006 ZB.

Please let me know if you have any concerns about the proposals for responding to your initial concerns, and if so, how we might address them.

Sincerely,

Bev Suderman
Island Planning Services

--

I wake up every morning determined both to change the world and have one hell of a good time. Sometimes this makes planning the day a little difficult -- E.B. White

--

I wake up every morning determined both to change the world and have one hell of a good time. Sometimes this makes planning the day a little difficult -- E.B. White

Attachment 3



Date: November 8, 2012

Archaeology Branch Ministry of Tourism, Sport & the Arts - Attn: Planning Referrals
Agricultural Land Commission – Roger Cheetham
BC Hydro – Attn: Planning Referrals
B.C. Transit – Attn: Roxanna Lypka
Beecher Bay Band Office – Attn: Dionne Charles
Canada Post, Sooke Branch – Attn: Robert Binning
Capital Regional District, Water Department – Attn: Craig Gottfred
Capital Regional District, Parks & Community Services Department – Attn: Lynn Wilson
EPCOR - Attn: John Reynolds
Ministry of Transportation and Infrastructure – Attn: Ryan Evanoff
Ministry of Environment – Attn: Brenda Barr
RCMP, Sooke Detachment - Attn: Planning Referrals
SEAPARC – Lynn McDonald
School District 62, Sooke – Attn: Pete Godau
Shaw Cable - Attn: Lee-Ann Shaw
TELUS Communications – Attn: Planning Referrals
Fortis BC – Attn: Planning Referrals, Chris Silburn
T'Sou-ke Nation – Attn: Bonnie English
Juan de Fuca Electoral Area – June Klassen
Department of Fisheries & Oceans – Referrals, Nanaimo
Vancouver Island Health Authority – Ron Beise

RE: SOOKE'S NEW ZONING BYLAW

File Number: 3220-20 Zoning Bylaw

In November 2011, *Sooke Zoning Bylaw*, No. 500 (Bylaw 500) was adopted by the District of Sooke. This district-wide zoning bylaw effectively rezoned all of the properties within Sooke. Since its adoption, concerns have been raised that not all property owners were properly notified that Bylaw 500 would affect the zoning of their property and that of surrounding properties. For this reason, a new zoning bylaw is being prepared.

This new zoning bylaw will be very similar to Bylaw 500. Any zoning amendments made since the adoption of Bylaw 500 will be respected. Detailed information on the scope of changes made by Bylaw 500 and which are proposed for reinstatement in the new zoning bylaw are available on the District's website at:

http://sooke.ca/EN/main/government/devservices/planning/zoning_bylaw.html

Council is also considering including several initiatives already underway into the new zoning bylaw as well as reconsidering some of the changes that were made by Bylaw 500. Public reports are being prepared for Council on the following topics:

- Reviewing the setbacks and density in the Manufactured Home Park Zone;
- The impact of combining commercial zones;
- Clarifying what zones permit community care facilities;
- Development of two new zones for apartments and townhouses in the Town Centre;
- A reduction in the minimum lot size in the Rural Residential 4 (RU4) zone to 2500 m²;
- Marine zoning;
- Designating additional temporary use permit areas;
- Rezoning the Charters River Salmon Interpretation Centre to Public Recreation; and
- Administrative corrections.

Additional items may arise during the process of preparing the new zoning bylaw. It is anticipated that a draft zoning bylaw will be ready by early December and a copy will be sent to you at that time for your review and comment. A public hearing is tentatively being scheduled for January 2013.

The purpose of this letter is to notify you of the process currently underway and to encourage you to contact the undersigned with any questions you may have at this time or to request further information.

Sincerely,

Tracy Olsen, MCIP
Planner II



Date: December 18, 2012

Archaeology Branch Ministry of Tourism, Sport & the Arts - Attn: Planning Referrals
Agricultural Land Commission – Roger Cheetham
BC Hydro – Attn: Planning Referrals
B.C. Transit – Attn: Roxanna Lypka
Beecher Bay Band Office – Attn: Dionne Charles
Canada Post, Sooke Branch – Attn: Robert Binning
Capital Regional District, Water Department – Attn: Craig Gottfred
Capital Regional District, Parks & Community Services Department – Attn: Lynn Wilson
EPCOR - Attn: John Reynolds
Ministry of Transportation and Infrastructure – Attn: Ryan Evanoff
Ministry of Environment – Attn: Brenda Barr
RCMP, Sooke Detachment - Attn: Planning Referrals
SEAPARC – Lynn McDonald
School District 62, Sooke – Attn: Pete Godau
Shaw Cable - Attn: Lee-Ann Shaw
TELUS Communications – Attn: Planning Referrals
Fortis BC – Attn: Planning Referrals, Chris Silburn
T'Sou-ke Nation – Attn: Bonnie English
Juan de Fuca Electoral Area – June Klassen
Department of Fisheries & Oceans – Referrals, Nanaimo
Vancouver Island Health Authority – Ron Beise

RE: SOOKE's NEW ZONING BYLAW

File Number: 3220-20 Zoning Bylaw

Further to my letter of November 8, 2012, Council has now given first and second reading to Bylaw No. 600. Copies of this bylaw are attached for your review and comments no later than January 11th, 2013. A public hearing on this bylaw is scheduled for Tuesday, January 15th, 2013.

Bylaw No. 600 reinstates many of the land uses and densities currently found in Bylaw No. 500. The notable changes to Bylaw No. 500 that will be made by Bylaw No. 600 are to:

- Decrease the density in the Manufactured Home Park Zone (MHP) from 22 units per hectare to 20;
- Decrease the minimum lot size for subdivision in the MHP zone from two hectares to one hectare;
- Require a six metre setback between manufactured homes on lands zoned MHP at 7109 and 7111 West Coast Road
- Add a new minimum lot size of 1,000 m² to the Rural Residential (RU4) zone for lots 5000 m² or less in area at the time of joining the Sewer Specified Area;
- Add specific setbacks to the RU4 zone for lots 1000 m² or smaller in size;
- Change the zoning of 7135, 7163, 7173 and 7180 Grant Road West and 7180 and 7188 West Coast Road from Rural Residential (RU4) to Large Lot Residential (R1) to

- recognize that these six properties joined the Sewer Specified Area before or around the time that Bylaw No. 500 was adopted and should have been zoned R1 by Bylaw No. 500;
- Change the 1.5 hectare area currently zoned Charters River Stewardship Zone (CD10) to Public Recreation (P1);
 - Create three new zones: Town Centre Apartment (RM5); Town Centre Townhouse (RM6) and Group Moorage (W4);
 - Rezone the surface of the water, column of the sea and seabed for all existing valid water leases for private moorage from Passive Recreation (W1) to Private Moorage (W2);
 - Change the zoning of the water lease area (Licence # 150715) associated with the upland property at 1573 Dufour Road from W2 to Marina (W3);
 - Designate all lands zoned industrial or commercial including those lands in any comprehensive development zones that permit commercial uses as temporary use permit areas;
 - Remove the provisions regarding flood hazard management for the purpose of creating a new and separate bylaw specifically for flood hazard management;
 - Restrict commercial schools in the Commercial Recreation Zone (C4) to 5449 Sooke Road;
 - Add community care facilities and cooperative housing as a permitted use in the Neighbourhood Commercial (C1) zone and restrict that use to lands within the Sewer Specified Area;
 - Create a new Town Centre Mixed Use (CTC) zone by combining the two town centre commercial zones in Bylaw No. 500;
 - Add car wash as a permitted use in the CTC and General Commercial (C2) zones;
 - Add vehicle sales as a permitted use in the C2 zone;
 - Add auto service facility as a permitted use to the C2 zone and restrict this use to the north side of Highway #14 in the Town Centre except for 6731 West Coast Road;
 - Add gas bars as a permitted use to the C2 zone and limit this use to the north side of Highway #14;
 - Correct the uses permitted in Area “C” of the Beaton Road Residential CD (CD5) zone;
 - Clarify the application of section 20 of Community Care and Assisted Living Act;
 - Include community care facilities in the definition of “Institutional” use;
 - Include residential shelter in the definition of “Assisted Living Facility”
 - Change Part 2 Definitions by adding definitions for cooperative housing, limited home based business, lot width, stacked townhouses, rowhouses, group sites and retail and including business offices in the definition of “Office” and post office in the definition of “Retail”;
 - Replace minimum lot frontages for the purposes of subdivision with lot width;
 - Reduce the minimum lot size of the parent parcel for the purposes of a subdivision pursuant to section 946 of the *Local Government Act* from one hectare to 5000 m²; and
 - Improve the mapping for the comprehensive development zones.

More information is available on the District’s website at:

http://sooke.ca/EN/main/government/devservices/planning/zoning_bylaw.html

Sincerely,

Tracy Olsen, MCIP
Planner II

Attachment 4

Tara Johnson

From: Cheetham, Roger ALC:EX <Roger.Cheetham@gov.bc.ca>
Sent: January 16, 2013 9:27 AM
To: Tracy Olsen; Kline, Rob AGRI:EX; Gerard LeBlanc
Cc: Fox, Alison AGRI:EX; van Daltsen, Bert AGRI:EX; Schmidt, Orlando AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

Hi Tracy. Thanks for the positive response. The change will remove the potential for inconsistency with the ALC Act. I also confirm that we have no other areas of concern with regard to the bylaw. With reference to my 4th May e-mail, I remind you that in the event that the P1 zoned property at the corner of Deerlepe and Whiffen Spit Roads is intended to be developed for active recreational purposes or other use not permitted in terms of Regulation 171/2002 the Commission's approval of the use will be required. As parks are a permitted use in the ALR we have no objection to the P1 zone.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Tracy Olsen [mailto:tolsen@sooke.ca]
Sent: Wednesday, January 16, 2013 8:42 AM
To: Kline, Rob AGRI:EX; Gerard LeBlanc
Cc: Fox, Alison AGRI:EX; Cheetham, Roger ALC:EX; van Daltsen, Bert AGRI:EX; Schmidt, Orlando AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

Thank you Roger and Rob for drawing this matter to our attention and providing all of the background information.

Last night, Council amended the bylaw before opening the public hearing by reducing the setback to a surface drinking water supply from 100 m to 30 m and later gave the bylaw 3rd reading. I trust this meets with your approval.

From: Kline, Rob AGRI:EX [mailto:Rob.Kline@gov.bc.ca]
Sent: Tuesday, January 15, 2013 2:10 PM
To: Gerard LeBlanc; Tracy Olsen
Cc: Fox, Alison AGRI:EX; Cheetham, Roger ALC:EX; van Daltsen, Bert AGRI:EX; Schmidt, Orlando AGRI:EX
Subject: FW: Sooke's New Zoning Bylaw

Hello Gerard and Tracy

I want to bring to your attention prior to the Sooke public hearing tonight on the Sooke new zoning bylaw (Bylaw 600) that there are provincial standards for agriculture building setbacks that local governments were to comply with in their bylaw amendments. The factsheet "*Agricultural Building Setbacks From Watercourses In Farming Areas*" apply to local surface drinking water protection bylaws and incorporate the *Environment Management Act* (EMA) and the *Health Act* (HA) setbacks for drinking water protection. The setbacks were a result of discussions at the Partnership Committee on Agriculture and the Environment <http://www.agf.gov.bc.ca/resmgmt/partners/index.htm> which is an multi agency committee which includes the Ministry of Environment, Health and UBCM representatives.

The Province expects local governments will comply with these Provincial standards in new bylaw amendments for agricultural building setbacks. Exceeding the setback limitations may be considered as excluding an agricultural use within the ALR and areas zoned for agricultural use by Sooke.

The Ministry of Agriculture sent out a covering letter in 2011 to local govts with background information on the setbacks which can be found at the web links below:

[http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1 Agriculture Building Setback Factsheet.pdf](http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf)

[http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-2 FAQ Agric Bldg Setbacks 22 June 2011.pdf](http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-2_FAQ_Agric_Bldg_Setbacks_22_June_2011.pdf)

[http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-1 Part C.pdf](http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-1_Part_C.pdf) - please note the Guide to Bylaw Development is undergoing a revision and should be finished early in 2013.

I have left you a voice message with these items.

Rob

Rob Kline, P. Ag.
Regional Agrologist
BC Ministry of Agriculture
Ph 250 356-2521

From: Cheetham, Roger ALC:EX
Sent: Tuesday, January 15, 2013 12:49 PM
To: 'Gerard LeBlanc'; 'tolsen@sooke.ca'
Cc: Kline, Rob AGRI:EX; Fox, Alison AGRI:EX
Subject: Sooke's New Zoning Bylaw

Hi Gerard and Tracy, I realise that I am probably late having regard to your public hearing tonight. However I have a concern with regard to the set back provisions under 3.22. When I commented on the Bylaw 500 in my 3rd May e-mail I indicated that the proposed setbacks for buildings would be inconsistent with the ALC Act and regulations. In her 18th May 2011 e-mail response Bev Suderman indicated that a clause exempting development for agriculture on land within the ALR would be added. However I have now discovered that this was not done and the existing Bylaw 500 does not have any exemption for land within the ALR. A set back requirement for agricultural structures of 100 metres is well beyond the maximum of 30 metres recommended in the Guide to Bylaw Development and runs the risk of inconsistency with the ALC Act. I therefore urge you to make the change proposed by Bev Suderman.

Your response to this request is awaited.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

Tara Johnson

From: Cheetham, Roger ALC:EX <Roger.Cheetham@gov.bc.ca>
Sent: January 15, 2013 3:53 PM
To: Tracy Olsen
Subject: RE: Sooke's New Zoning Bylaw

Hi Tracy, Thanks for your positive response. Let's hope you can persuade Council.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Tracy Olsen [mailto:tolsen@sooke.ca]
Sent: Tuesday, January 15, 2013 3:50 PM
To: Kline, Rob AGRI:EX; Gerard LeBlanc
Cc: Fox, Alison AGRI:EX; Cheetham, Roger ALC:EX; van Daltsen, Bert AGRI:EX; Schmidt, Orlando AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

Thank you for the information.

I have spoken with Gerard and we will be recommending to Council that the 100 meter setback be changed back to 30 metres for all buildings, i.e. both agriculture and non-agriculture.

I also tracked down the history of the change.

Our consultants did make the change Roger requested to the Zone Schedules. Bylaw 500 was then sent to our lawyer for review. In the General Regulations section (not the Zone Schedules), he expressed concerns about possible nuisance claims if we did not establish greater setbacks for future use of watercourses for surface drinking water. Based on this, we increased the setback from 30 to 100 metres in the General Regulations. Now that we have been made aware of your concerns, we will remedy the situation ASAP providing Council agrees.

From: Kline, Rob AGRI:EX [mailto:Rob.Kline@gov.bc.ca]
Sent: Tuesday, January 15, 2013 2:10 PM
To: Gerard LeBlanc; Tracy Olsen
Cc: Fox, Alison AGRI:EX; Cheetham, Roger ALC:EX; van Daltsen, Bert AGRI:EX; Schmidt, Orlando AGRI:EX
Subject: FW: Sooke's New Zoning Bylaw

Hello Gerard and Tracy

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The Province expects local governments will comply with these Provincial standards in new bylaw amendments for agricultural building setbacks. Exceeding the setback limitations may be considered as excluding an agricultural use within the ALR and areas zoned for agricultural use by Sooke.

The Ministry of Agriculture sent out a covering letter in 2011 to local govts with background information on the setbacks which can be found at the web links below:

http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf

http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-2_FAQ_Agric_Bldg_Setbacks_22_June_2011.pdf

http://www.agf.gov.bc.ca/resmgmt/publist/800Series/840000-1_Part_C.pdf - please note the Guide to Bylaw Development is undergoing a revision and should be finished early in 2013.

I have left you a voice message with these items.

Rob

Rob Kline, P. Ag.
Regional Agrologist
BC Ministry of Agriculture
Ph 250 356-2521

From: Cheetham, Roger ALC:EX
Sent: Tuesday, January 15, 2013 12:49 PM
To: 'Gerard LeBlanc'; 'tolsen@sooke.ca'
Cc: Kline, Rob AGRI:EX; Fox, Alison AGRI:EX
Subject: Sooke's New Zoning Bylaw

Hi Gerard and Tracy, I realise that I am probably late having regard to your public hearing tonight. However I have a concern with regard to the set back provisions under 3.22. When I commented on the Bylaw 500 in my 3rd May e-mail I indicated that the proposed setbacks for buildings would be inconsistent with the ALC Act and regulations. In her 18th May 2011 e-mail response Bev Suderman indicated that a clause exempting development for agriculture on land within the ALR would be added. However I have now discovered that this was not done and the existing Bylaw 500 does not have any exemption for land within the ALR. A set back requirement for agricultural structures of 100 metres is well beyond the maximum of 30 metres recommended in the Guide to Bylaw Development and runs the risk of inconsistency with the ALC Act. I therefore urge you to make the change proposed by Bev Suderman.

Your response to this request is awaited.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

Tara Johnson

From: Cheetham, Roger ALC:EX <Roger.Cheetham@gov.bc.ca>
Sent: January 15, 2013 2:51 PM
To: Tracy Olsen
Subject: FW: Sooke's New Zoning Bylaw

FYI

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Kline, Rob AGRI:EX
Sent: Tuesday, January 15, 2013 2:45 PM
To: Fox, Alison AGRI:EX; Cheetham, Roger ALC:EX
Cc: van Dalssen, Bert AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

Drinking water is of course a Ministry of Health and MoE regulated setback that is reflected in the Ministry of Agriculture's Guide for Bylaw Development and the watercourse setback factsheet – note "f" bottom of page 9 "*The setback from a domestic water intake for all agricultural buildings is 30 m.*"

From: Fox, Alison AGRI:EX
Sent: Tuesday, January 15, 2013 2:37 PM
To: Cheetham, Roger ALC:EX; Kline, Rob AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

From drinking water supplies, yes, 30m is the maximum acceptable setback.
Alison

Alison Fox
Land Use Agrologist
Strengthening Farming Program
BC Ministry of Agriculture
(250) 356-6267

From: Cheetham, Roger ALC:EX
Sent: Tuesday, January 15, 2013 2:26 PM
To: Kline, Rob AGRI:EX; Fox, Alison AGRI:EX
Subject: FW: Sooke's New Zoning Bylaw

Is 30 metres acceptable to MA ?

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Tracy Olsen [<mailto:tolsen@sooke.ca>]
Sent: Tuesday, January 15, 2013 2:25 PM
To: Cheetham, Roger ALC:EX; Gerard LeBlanc

Cc: Kline, Rob AGRI:EX; Fox, Alison AGRI:EX
Subject: RE: Sooke's New Zoning Bylaw

Thank you for following up with a phone call Roger.

As we discussed the 100 metre setback in section 3.25 Setbacks from Water only applies to surface drinking water supplies. However, there is one surface drinking water supply, Kemp Lake, which does have lands in the ALR immediately adjacent to it.

I will be discussing this matter further with Gerard and our Clerk ASAP but will be exploring adding a clause to section 3.25: "Nor within 100 m of a surface supply of drinking water expect for lands in the ALR where the setback is reduced to 30 metres."

Please let me know if this revision would be acceptable.

From: Cheetham, Roger ALC:EX [<mailto:Roger.Cheetham@gov.bc.ca>]
Sent: Tuesday, January 15, 2013 12:49 PM
To: Gerard LeBlanc; Tracy Olsen
Cc: Kline, Rob AGRI:EX; Fox, Alison AGRI:EX
Subject: Sooke's New Zoning Bylaw

Hi Gerard and Tracy, I realise that I am probably late having regard to your public hearing tonight. However I have a concern with regard to the set back provisions under 3.22. When I commented on the Bylaw 500 in my 3rd May e-mail I indicated that the proposed setbacks for buildings would be inconsistent with the ALC Act and regulations. In her 18th May 2011 e-mail response Bev Suderman indicated that a clause exempting development for agriculture on land within the ALR would be added. However I have now discovered that this was not done and the existing Bylaw 500 does not have any exemption for land within the ALR. A set back requirement for agricultural structures of 100 metres is well beyond the maximum of 30 metres recommended in the Guide to Bylaw Development and runs the risk of inconsistency with the ALC Act. I therefore urge you to make the change proposed by Bev Suderman.

Your response to this request is awaited.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
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