

Received April 25, 2021
(no date included)

Re. Item 7.3 Proposed Housekeeping Land Use Bylaw Amendments

Dear Mayor and Council

In relation to item 7.3 and the recommendation put before you, namely:

*That Bylaw No. 528, 2020 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020" be read a second time as amended; and
That Council refer Bylaw No. 528, 2020 to a public hearing.*

we urge you to suspend consideration of this bylaw and not proceed with the second reading.

We are extremely concerned that under the guise of a general housekeeping bylaw containing multiple terms, definitions and practices, despite a repeated statement that the project goal was merely to clarify and streamline the Land Use Bylaw but not make substantial changes to permitted land uses, the Bylaw put before you for second reading does in fact make substantial changes to permitted land uses and that these have not been discussed or addressed.

We were further concerned and in fact alarmed after reviewing the discussions with the Council of the Whole, the APC in September and again in January, and the presentation to the Islands Trust in January.

Note, the approval of the APC is attached to partial and misleading representations of the full Bylaw, and further amendments were made after the process with them was completed, and their endorsement given.

Note also, the presentation to the Islands Trust, we feel, omitted consideration of substantial changes which we do not believe they would have approved. We have written to the Islands Trust advising them of our concerns.

In the TUP presented to you on Feb 22nd and passed by you on March 22nd, the definition of a vineyard, the prohibition on wineries and related discussion on "Agriculture" featured heavily. This Bylaw, by eliminating the term "vineyard", effectively erases a term and set of land use permissions and more importantly prohibitions that, with respect, are still contentious and at issue. There are also further redefinitions and changes involving agriculture which are problematic.

In fact, the Municipality now faces a legal action related to these matters. We personally are finalizing communication to the Planner and the CAO re formal investigations into the Planner's conduct and actions in relation to both this Bylaw and the TUP, not least as related issues extending over a considerable period of time.

We feel it is important to also note here that as a matter of fact, not of opinion or interpretation, a cidery is legally and functionally a winery, both using the same industrial process of fermentation to produce alcohol, and that the production of, in this case, cider is again, in fact, not opinion or interpretation, a light industrial process that produces vast quantities of contaminated wastewater. The LUB was written, in prohibiting vineyards and thereby wineries, to protect against precisely the harm now being visited upon us.

Again, we strongly urge you to suspend consideration of this Bylaw,

Yours sincerely,
Christine and Heather Miller