
SUBMISSION TO MAYOR AND COUNCIL, BOWEN ISLAND MUNICIPALITY

Re: Rezoning Application RZ-2026-0014, 620 Laura Road

Submitted by: Heather Miller

Date: 15 June 2026

DRINKING-WATER CHLORINE RECORD 620 LAURA ROAD

Every independent measurement taken by Vancouver Coastal Health across five years, against the permit standard.

Required minimum: 0.7 ppm free-chlorine residual at the discharge of the potable-water storage tank (Permit to Operate, Condition 3), the level the property's GARP designation demands and derived from BC's Provincial Drinking Water Treatment Objectives.

Inspection	Free-chlorine	What VCH recorded
28 July 2021 Initial inspection (Permit to Operate issued on this basis)	0.09 ppm	Chlorine injection pump disconnected due to incorrect setup. Conducted under Construction Permit VCH-21-345.
November 2021 Follow-up inspection	0.45 ppm	Monitoring device out of calibration.
January 2022 First regular inspection	0.64 ppm	Closest result in the entire record — still below standard. Inspector noted chlorinator issues appeared resolved; they were not.
May 2024 Next inspection after 2022	0.05 ppm	Reading directly contradicted the operator's logbook entry for the previous day. Treatment chain found inconsistent with the approved flow diagram. Operator instructed to confirm 0.7 ppm by daily and weekly checks.
28 May 2026 Final inspection to date → Water Quality Advisory	0.0 ppm	Non-detectable. No record of required daily/weekly chlorine and UV checks; test-kit reagent expired in 2024; logbook could not be located. Hazard rating raised from low to moderate. Failures of Permit Conditions 3, 4 and 5.

Related findings

- Not one independent VCH measurement in five years met the 0.7 ppm standard.
- The Permit to Operate, cited in the rezoning application, was issued on the strength of an inspection recording less than one-seventh of the chlorine the permit itself requires.
- The operator's self-kept logs are the only record showing compliance; not once has an inspector's on-site reading corroborated them, and by May 2026 the logbook could not be located.
- A treatment chain inconsistent with the design approved under Construction Permit VCH-21-345 has been present, and documented, since the system's first day of operation, either passed in error at the initial inspection, or altered afterward without the Health Authority approval Condition 1 requires.
- Currently four of the operating permit's nine conditions are not being met.

Source: https://www.healthspace.ca/Clients/VCHA/CoastGaribaldi/CoastGaribaldi_Website.nsf/water-drinking-frameset, confirmed at time of submission June 15 2026. Vancouver Coastal Health inspection record, as set out in the submission to Council. Figures are VCH on-site measurements (ppm = parts per million).

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SUMMARY

On 28 May 2026, three days after Council voted to advance this rezoning to first reading without a public hearing, Vancouver Coastal Health issued a Water Quality Advisory for the drinking water system at 620 Laura Road, raising its hazard rating from low to moderate. Council could not have had that advisory before them when they voted on 25 May. It certainly belongs before them now: the advisory is not an isolated event, and it goes directly to the record on which that vote was made.

That vote relied in part on the operation's supposedly clean five-year record under its Temporary Use Permit (TUP). The only supporting documents the application presents are the Drinking Water Operating Permit from Vancouver Coastal Health (VCH) and the municipality's enabling TUP.

The clean record is the applicants' own account. But on examination, and now manifest in the drinking water advisory, the only independent record, from VCH, shows the opposite: every chlorine measurement VCH has taken at this property in five years has fallen below the standard the water permit requires, without exception, ending in the May advisory. The premise that justified setting the public hearing aside does not hold.

The deeper problem is what has never been examined at all. The application asks Council to give permanency to a light industry discharging manufacturing effluent into a small, fractured-bedrock aquifer supporting multiple sites, many already designated as at risk of waterborne pathogen contamination. The cidery's neighbours depend on that aquifer for drinking water with no alternative supply.

Across five years under the TUP, and now in the rezoning process so far, no hydrological assessment, no groundwater licence, and no clarification of the wastewater framework has ever been required or obtained, even though the OCP and the Water Sustainability Act call for each.

Three things follow, set out in full below.

The decision to proceed without a public hearing rests on a faulty premise. The clean record is contradicted by the actual independent evidence recorded by the very agency (VCH) whose authority the applicants rely on. It is contradicted as well by a record of complaints raised publicly and registered with the Municipality since 2021, which the application leaves out of view.

The Temporary Use Permit settled nothing that the rezoning can inherit. The water, wastewater, and groundwater questions the OCP requires to be assessed were deferred at the TUP stage and never answered. Making the use permanent on the strength of that permit carries this critical gap forward rather than closing it.



The needs and interests of the people most affected have never been assessed. The households downstream share the aquifer and have nowhere else to turn. Their interests, and the Municipality's own exposure in approving without the information the law requires, are reason to act now, before a permanent decision, not after.

This submission does not ask Council to refuse the application. It asks Council to require what the OCP, the Local Government Act, and the Water Sustainability Act already oblige: a public hearing, independent hydrological and other environmental assessments, resolution of the groundwater-licence failure and the Water Quality Advisory, and clarification of the wastewater framework before any permanent decision is made.

BACKGROUND

The application now before Council asks that the cidery use at 620 Laura Road be made permanent. The applicants' case rests on a single proposition: that the operation is already comprehensively regulated and has run cleanly, so the rezoning is a formality rather than an occasion for scrutiny. They put it to Council in these terms:

"Our property and business are already subject to extensive regulation and oversight by multiple agencies."

"We have operated for five years without issue or complaint under this regulatory framework."

"A rezoning is often described as a mechanism for thorough review of potential impacts, but in our case, these impacts are already being monitored and regulated through existing provincial and regional health, building, and environmental authorities."

This submission examines that proposition and finds it does not hold. The "*multiple agencies*" the applicants invoke dissolve, on examination, into only one body with any oversight of their water practices, Vancouver Coastal Health, whose own record is the central evidence of non-compliance set out below.

The claim of "*five years without issue or complaint*" is contradicted both by the inspection record and by complaints placed on the public record. And the framing of the rezoning by the applicants on May 25, 2026, as merely a matter of "*process and timing*", amenable to accelerated and truncated consideration, is itself the difficulty. The critical questions this application raises are not procedural. They concern public health, environmental impact, and whether the operation has actually complied with the standards the applicants claim they have upheld.

Although the applicants claim there is a settled record of compliance, the evidence that follows shows that this claim is unexamined, largely unverified, and from what is available in the public record deficient.

THE WATER SYSTEM: COMPLIANCE AND INSPECTION RECORD

The applicants present the Permit to Operate, and the water system it authorises, as proofs of meeting the required standards of the multiple agency oversight they assert has been in place over five years of operation.

The only authority with any ongoing oversight of that system is VCH and VCH's own record does not show compliance. It shows continuous, documented failure across the full life of the permit, ending in the May 2026 Water Quality Advisory.

Condition 3 of the Permit to Operate requires a minimum chlorine residual of 0.7 ppm at the discharge of the potable water storage tank, the level of disinfection the property's GARP designation demands. Across the full period of the permit's operation, not one independent measurement taken by VCH has met that standard: every inspection by VCH so far

- July 2021

Initial inspection, on which the Permit to Operate was issued: **0.09 ppm**. The chlorine injection pump had been disconnected due to incorrect setup.

- November 2021

Follow-up inspection: **0.45 ppm**. Their monitoring device was out of calibration.

- January 2022

First regular inspection: **0.64 ppm**, the closest result in the entire record, and still below standard. The inspector noted chlorinator issues appeared resolved; they were not.

- May 2024

Next inspection after 2022: **0.05 ppm**.

- May 2026

Final inspection to date: **0.0 ppm**, non-detectable, resulting in the Water Quality Advisory.

The Permit to Operate, the very document cited in the rezoning application as proof of compliance, was issued on the strength of an inspection that recorded less than one-seventh of the chlorine the permit itself requires.

The May 2026 Advisory is the culmination of that record, not an aberration. It was issued because the site had no record of the required daily and weekly chlorine and UV checks, the test-kit reagent had expired in 2024, and no chlorine residual was measurable, failures of Conditions 3, 4, and 5 of the Permit to Operate. The inspector recorded that the same problem had been identified two years earlier: at the 2024 inspection the operator had been instructed to confirm, with weekly and daily checks, that the required 0.7 ppm

residual was being achieved. By 2026 it was not, and the records that would show otherwise were not there.

The standard the system has failed is neither local nor arbitrary. At its delegation to Council on 26 February 2024, Vancouver Coastal Health explained that provincial drinking water treatment objectives developed over decades from the work of the US EPA and other agencies and were adopted from those standards as British Columbia's own guidelines. The 0.7 ppm chlorine residual that this system has never met, but is required to meet, derives from those established, province-wide criteria.

The operator's own logs are the only record that shows compliance, and they have never been independently confirmed. The self-kept logs do record chlorine at or above the standard; not once in five years has an inspector's on-site measurement corroborated them. In 2024 the logbook was present and appeared well maintained, yet the inspector's own reading returned 0.05 ppm, directly contradicting what the log recorded for the previous day. By May 2026 the logbook could not be located at all, and the inspector noted only that it was "*unclear if daily chlorine records are being maintained.*" After five years, VCH's own word is the fairest summary of the self-reported record: unclear.

The system also appears to depart from its own approved design. The initial inspection of 28 July 2021, conducted under *Construction Permit VCH-21-345*, and the basis on which the Permit to Operate was issued, described the treatment chain as chlorine injection before the storage tank and before the UV reactor, and found the works completed "*in substantial accordance with the approved specifications.*" The 2024 inspection then found that the treatment chain in place "*is not consistent with the flow diagram that was provided for the Construction Permit,*" which required UV disinfection before sodium hypochlorite injection. Both findings cannot be true. Either the system was built in its current configuration from the outset, in which case a non-compliant installation was passed at the initial inspection, or it was altered after approval without the prior Health Authority approval that Condition 1 of the permit explicitly requires. The record does not resolve which. What it does establish is that a treatment chain inconsistent with the approved design has been present, and documented, since the system's first day of operation. Four of the nine conditions of the operating permit, not met over five years of operation.

This is the record the applicants asked Council to rely on. In March 2024 they described the system to Council as fully licensed and subject to ongoing monitoring. What Council was not told is that by then the system had already returned 0.09, 0.45, and 0.64 ppm at its first three inspections and had never met its permit condition. The compliance the application asserts is, on the only independent evidence that exists, a five-year record of undocumented claims, unverified readings, and unresolved failures ending in a formal Water Quality Advisory issued three days after Council voted to proceed with an accelerated rezoning process.

WASTEWATER

The applicants assert:

"Our wastewater system is provincially licensed and registered under the Sewerage System Regulation, with approved design and maintenance schedules."

That assertion was first made to Council not as an unprompted statement of confidence but as a rebuttal, a direct response to a letter raising concerns about pollution. It was not examined at the time. It is repeated in the rezoning application now, and it warrants examination now.

The cidery's wastewater is not domestic sewage. It is not greywater, blackwater, or any other kind of domestic waste, though the applicants have characterised it in those terms. It is the process effluent of a manufacturing operation: tank and line wash-water, lees, and cleaning agents from fermentation, in technical terms, a high-organic-load, low-pH wastewater stream. That this is the signature of a light industry, one with distinct and significant waste and wastewater impacts, is not to apply a label frivolously or loosely; it follows from the character of the activity, and BC Assessment's classification of the property's actual use (considered in full under a separate heading) reflects this reality.

This matters because of which regulatory framework actually governs the waste. The applicants rely on the Sewerage System Regulation, but that regulation governs domestic sewage, the wastewater of households and similar premises, not industrial waste. The one other framework that might be thought relevant, the provincial agricultural-waste code, does not apply to residentially-zoned land. What that leaves is the general rule under the Environmental Management Act: waste may not be discharged into the environment without authorisation. This is a stricter requirement than the Regulation's professional filing, not a more lenient one, and whether any authorisation has ever been obtained for this operation does not appear in the record¹.

If an authorisation exists, it should be brought forward. The confirmation it would carry, that the discharge has no deleterious effect on surface or groundwater, that any relevant flow rate or quantity information or limitations have been captured, and that these matters have been properly considered, is directly related to the demonstration the OCP requires of a use of this kind (Policy 205, on adequate waste-disposal capability for light industry with no deleterious effect on surface or groundwater; Policy 68, that effluent not be permitted to pollute fresh or salt water). On the record, that demonstration has not been made.

This bears on the assurance itself. The water system, the system the applicants assured Council was fully licensed and monitored, appears, as set out above, either to have been

¹ On this and a number of other points not introduced or elaborated in full in this submission, or where a lack of information on record is identified, further information is being sought through FOI requests with BIM, VCH, LCRB, the Ministry of Water, Land and Resource Stewardship (WLRS) and the Islands Trust.

approved in a non-compliant configuration or to have been altered after approval without the prior Health Authority approval its permit requires. If the engineered, inspected, permitted water system was built or changed contrary to its own approval, the applicants' parallel assurance that the wastewater system meets the requirements of the Sewerage System Regulation is not something Council can take on faith. It is, on the contrary, another assertion that needs checking rather than assuming.

GROUNDWATER, RECHARGE, AND THE ENVIRONMENTAL CONTEXT

The environmental context of this property is not generic. It has been formally identified, along with neighbouring properties, as a GARP area (GARP meaning Groundwater At Risk of Containing Pathogens). That is a deliberately broad designation: where some standards look only at groundwater under the direct influence of surface water, GARP captures groundwater at risk of pathogen contamination from any source, including its own latent qualities. Among GARP's expressly identified risk factors are the discharge of sewage or waste to land. The designation, as it is commonly used on Bowen, attaches to individual wells or water sources rather than to an aquifer as a whole; not every well downstream of the cidery has been evaluated, but very many of those that have, including the subject property, carry the designation.

The property sits within a hydrological system of unusual sensitivity: a small, fractured-bedrock aquifer that transmits surface-introduced material rapidly and with little filtration; a provincially recorded spring on or near the property, other springs on neighbouring land, and a flowing artesian well just downstream; high surrounding well density; and Murray Creek, which runs close to the cidery building and connects to a 12-hectare wetland identified as a significant groundwater recharge zone.

The creek is central to that connectivity, yet it was absent from the applicants' site plan when this was noted to Council in 2021, and it is absent again from the rezoning site plan now. So is the wastewater system. Although a wastewater system at the property was certified under the Sewerage System Regulation in 2021 in the course of VCH's engagement with the cidery set-up, the rezoning site plan does not show where it sits or how it discharges. The two features most relevant to whether this operation threatens the surrounding water, the creek and the wastewater system, are the two the plan leaves out. The staff report compounds the difficulty: it places Murray Creek "*along the eastern border of the site*," when in fact the creek bisects the two orchard areas the cidery operates between, running close to the cidery building, the well, and presumably the wastewater infrastructure.

The safeguard the staff report offers for the creek raises a further question. Its environmental condition for the rezoning is a new restrictive covenant over "*portions of*" the Murray Creek riparian area, through the Conservation Development Policy. Yet that riparian area is already protected: it lies within the Watershed, Aquifer and Stream Protection Development Permit Area, designated as a tributary to a fish-bearing stream. A covenant over portions of an area the bylaw already protects either duplicates that protection or, reaching only portions, offers less of it. More to the point, a riparian covenant protects a strip of creek-bank. It says nothing about the aquifer, the wells, or the wastewater discharge, which are the pathways by which this operation could reach a neighbour's

drinking water. The safeguard the report offers does not address the risk this submission documents, and it is not a substitute for the hydrological assessment that would.

Immediately downstream, multiple households depend entirely on groundwater drawn from this same aquifer, a few also drawing on surface-water diversions. They have no alternative source of water. They are not connected to any municipal water supply or other large and regulated water supply, and realistically it is very unlikely they ever could be. Their water security is the thing the assessments this submission asks for exist to protect. The OCP and the LUB are their shield.

Into this setting the operation discharges its wastewater. In correspondence with us in March 2021, the applicants described their intention to direct cidery water to irrigation on the cider orchard, that is, the application of light-industrial process effluent (their word being greywater) onto land, on the surface and below it, within the hydrological environment just described, and under a framework (the Sewerage System Regulation) that does not apply to that waste. The applicants have since become unwilling to be specific about the precise siting and mechanism of their wastewater disposal. That reticence, in a GARP-designated area with this profile, is not a minor procedural matter.

The same pattern of reticence appears in the Municipality's own file. The staff report for the December 2023 TUP renewal recorded both three bylaw complaints and a separate environmental concern relating to the operation and described them as resolved by July of 2021; staff said the same at the renewal meeting. Three of those, including the "*environmental concern*", were raised by us. They arose directly from the irrigation and discharge concerns just described, and they were not resolved, as documented in my February 2024 letter already on the public record. The applicants, for their part, tell Council the operation ran for five years "without issue or complaint" at all. Whether the Municipality records the concerns as resolved or the applicants deny they exist, the result is the same: on the record, these concerns are closed down or invisible to everyone but the people who raised them.

No independent hydrological assessment of the surrounding environment has ever been conducted. When I raised the question directly with the applicants in 2021, the answer was that environmental impact was minimal and that VCH was addressing it. But VCH governs drinking-water quality at the point of supply; it does not assess groundwater, environmental impact, or the effect of extraction on other users.

VCH have told Council this directly. At its delegation to Council on 26 February 2024, VCH described their role themselves. They do not build or operate water systems, and they told Council that approving water usage and dealing with waste disposal are "*not within our role*." The questions this submission raises sit, on VCH's own account, outside what the one body with ongoing oversight of this operation actually does.

The engineering firm that designed the water and wastewater systems signed them off as meeting their own design specifications and that is not the assessment the OCP describes. A professional sign-off confirms an installation matches its drawings; it does not address whether discharging effluent into this specific environment, GARP-designated, fractured-bedrock, spring-fed, connected to a recharge zone, poses a risk to surrounding groundwater users. That is the assessment the OCP's water-protection and environmental policies call for, and as far as the public record shows, it has never been commissioned or carried out.

One specific requirement was identified at the time and never met: a groundwater licence. In May 2021, VCH's Public Health Engineer told the applicant and their engineers, in writing, that given the other wells and users in the aquifer "*a water licence should be obtained*" to confirm no adverse impact on those wells or on the flow of the Frank Spring. This was a specific written direction from the engineer reviewing the proposal, not a passive sign-off, which makes the fact that the licence was never obtained even more striking. The point was made again on 23 July 2021, when a VCH Environmental Health Officer advised the applicant that, the operation having moved beyond purely domestic water use, they should confirm with the Province that the correct licence was in place; the applicant replied that they would look into it. The requirement was put in plain terms, twice, by two separate VCH officials, and expressly acknowledged, all in 2021. The licence falls under the Water Sustainability Act, in force since 2016, and is administered by the Ministry of Water, Land and Resource Stewardship, not VCH. It was never obtained. The well in question is the well that now supplies the system under advisory.

The applicants hold a surface-water licence, which they have cited to Council in support of their water-management practices. It does not fill the gap. It is a separate instrument under the earlier Water Act regime, in fact an unamended renewal of a licence first registered for private irrigation by the property's previous owners around 2000, permitting surface extraction only between 1 April and 30 September. Such licences are issued on request and are conditional in form; allowable quantities are calculated by category of use, and no one inspects what is actually drawn. It says nothing about groundwater, and it does not answer the groundwater-licence requirement VCH identified.

Nor has the broader flow regime ever been assessed. In response to a query, a Provincial hydrologist confirmed that no environmental flow needs assessment has ever been carried out for Murray Creek or the larger creek system (Bowen Brook) it feeds. No assessment, that is, of the volume and timing of flow each needs for the surrounding aquatic ecosystem to function. The applicants, for their part, told Council in March 2024 that their "*biggest demand on water is for irrigation*," and pointed to 4,000 gallons of storage to help mitigate it. Storage does not mitigate a demand; it defers it. The underlying questions, how much water this operation draws, and what that does to a shared and stressed system, they remain unanswered.

That water stress is increasing. Bowen's groundwater is under growing pressure from drought, reduced recharge, and rising demand; residents already live under active water-conservation measures. These are documented current trends, not speculative future ones, and they make the downstream households more vulnerable, not less. If their wells are contaminated, or their supply diminished, by the cumulative effect of unlicensed extraction and unassessed wastewater disposal in the aquifer they share, they have nowhere to go. These risks are direct and foreseeable and are undoubtedly the exact type of harms that the requested assessments are intended to preclude.

Taken together, a GARP designation, a fractured-bedrock aquifer, a recharge-zone wetland, documented springs and artesian wells, high well density, a groundwater licence required and never obtained, no flow assessment, and a wastewater disposal arrangement the operator will not specify, this is a risk profile no approving authority can responsibly set aside. It bears directly on neighbouring households who draw their drinking water from the same connected system: a population whose interests this process has not assessed at any stage, and who would bear the consequences of a permanent decision made without the assessments the law requires.

THE OCP, THE LAND USE BYLAW, AND THE ISLANDS TRUST

The regulatory failures documented above did not occur in a policy vacuum. The Bowen Island Official Community Plan and Land Use Bylaw contain specific obligations that apply directly to this application, obligations not met when the original TUP was granted, not met when it was renewed, and not met now.

On water and environmental impact, the OCP is explicit and binding. It empowers the Municipality to require an environmental impact assessment where water resources may be affected (Policy 13) and a Qualified Professional surface-water supply study (Policy 60); it requires that Municipality request VCH ensure that any indirect flow of effluent under its authority is controlled so it does not directly or indirectly pollute fresh or salt water (Policy 68); for industrial and light-industrial uses it requires proof of adequate water supply and waste-disposal capability with no deleterious effect on surface or groundwater (Policy 205); and it requires a water management study before industrial or large-scale agricultural water use is permitted (Policy 303).

The TUP staff report recorded no potential adverse environmental impacts, but the record holds no environmental impact assessment, no water management study, and no qualified-professional review of surface or groundwater impacts to support that conclusion. On the documented record, none of the OCP's assessment tools was required of, or carried out for, this property. The same omissions run through the file: the covenant on the title not identified, Murray Creek not shown on the application, the groundwater licence VCH called for in 2021 neither obtained nor followed up, all handled, throughout, by the same planning office. The point is not any single decision but the consistency of the omission across five years. Under the Local Government Act, a zoning bylaw must be consistent with the OCP; meeting these obligations is therefore not optional, and they should be satisfied before the bylaw proceeds.

On land use, the position is equally specific. The RR2 zone permits dwelling, agriculture, stable, kennel, home occupation, and accessory uses (LUB s.4.1.1). The LUB defines "*agriculture*" to include the processing and sale of products harvested or produced on that lot, expressly excludes intensive agriculture, and limits processing to products from the same lot. "*Winery*" is separately defined as the production of wine at a licensed facility where at least 50% of production comes from grapes grown on the same lot — and it is not a permitted use in RR2. Cider production is not separately defined, but it is functionally and legally equivalent, a fact BC Assessment's classification of the property reflects (addressed in the next section). The "*on that lot*" limitation matters here: the applicants' own account has them supplementing on-site apples with fruit from a leased orchard in Cawston, so even the "*agriculture*" definition they rely on is one their sourcing does not cleanly meet.

The applicants' reliance on the "*agriculture*" definition turns on a change to the bylaw itself. In a letter to the planner in October 2025, included in the rezoning application, they argue

that because the definition of "*vineyard*" has been repealed, the only relevant definition left is "*agriculture*," which they say the cidery now plainly meets. That repeal is not neutral ground. The Land Use Bylaw, as it stood at the time of the original TUP, contained a prohibition on vineyards, one that, as my mother and I advised Council in our letter of 25 April 2021, was there as a safeguard against the light-industrial wastewater implications of fermentation-based production. In 2021 Council removed the term "*vineyard*," and with it that prohibition, in a process characterised as housekeeping. My mother and I advised Council in writing at the time that the change was substantive, not housekeeping, and removed protections directly relevant to the then-active TUP; we wrote separately to the Islands Trust, of which Bowen Island Municipality is a member, advising that the full effect of the amendment had not been placed before it. Council proceeded regardless. The applicants now rely on the absence of the very protection that was removed in those circumstances.

There is a further point to bring to Council's attention. The applicants' October 2025 letter, included in their rezoning application, argues that the cidery is already a permitted Agricultural Use, that, on their reading, a rezoning is not strictly necessary at all, and goes on to invite Council, if it sees fit, to amend the definition of "*agriculture*" in the Land Use Bylaw. Yet a rezoning is proceeding, which itself implies that the operation is not currently a permitted use. The agricultural-use question is, in other words, genuinely contested, and a possible amendment to the bylaw's "*agriculture*" definition is in play. All that is before Council is the applicants' case for their interpretation, not the staff analysis that prompted their letter, nor the contested question underneath it. Council should have the whole of that picture before it, not one side of it.

On the Islands Trust, under section 15 of the Islands Trust Act, the bylaws of member municipalities must not be contrary to or at variance with the Islands Trust Policy Statement, which addresses environmentally sensitive areas and water resources. Whether the 2021 amendment (the housekeeping bylaw removing vineyard as a term) properly engaged the Trust's mandate, and whether this rezoning also engages that mandate, these are questions that should be carefully considered and confirmed before the bylaw proceeds to first reading.

Finally, the application proposes protective covenants as a safeguard. The Municipality is already the registered holder of a Section 215 covenant on this property (P106531, registered 1986), and I have found no record of that existing covenant being identified or considered in the planning of either the original temporary use permit or this rezoning. A covenant protects only so far as its holder gives it effect; the record on the one already on title does not provide that assurance. I would ask that it be addressed before any further protective covenant is relied upon as a condition of approval.

BC ASSESSMENT

The applicants cite their BC Assessment farm class designation as evidence of agricultural legitimacy, and list BC Assessment among the bodies providing regulatory oversight. Both characterisations misstate what BC Assessment is and what its record for this property shows.

BC Assessment is a provincial Crown corporation operating under the Assessment Act. Its function is to determine the market value and classification of every property in British Columbia for taxation, based on how each property is actually used, not on how it is zoned. It is not a health, environmental, water, or land-use authority: it does not regulate, monitor, or enforce anything in those areas. Its powers run only to assessing and classifying property for tax. To list it among the bodies overseeing this operation's water practices misdescribes its role.

Nor does the property carry a farm classification alone. Because classification follows actual use, a property with several uses is regularly assessed across more than one class. 620 Laura Road has been so assessed, resulting in three classes being assigned to this property, namely residential, agricultural, and light industrial use. That light industrial classification is not incidental, but it's not visible anywhere in the consideration of either the TUP previously or the rezoning now.

Cider in British Columbia is manufactured under a winery licence. The operation at 620 Laura Road is specifically licensed by the Liquor and Cannabis Regulation Branch as a Manufacturer, sub-category Winery. Under the Assessment Act and the Prescribed Classes of Property Regulation, the Light Industry class, ie Class 5, covers land and improvements used for "extracting, processing, manufacturing or transporting of products." A winery manufactures a product, and BC Assessment's published guidance accordingly treats wineries as Class 5, distinguishing them from the production of food and non-alcoholic beverages, which falls in a different class. Classification follows actual use, not zoning: by this measure the cider operation is light industry regardless of how the land is zoned.

This is the difficulty with the applicants' reliance on BC Assessment. The same body, applying the same actual-use test, records not only a farm component but a manufacturing one.

And the farm component certifies less than the applicants suggest. Farm classification is a measure of the agricultural use of land, the growing of crops valued at the farm gate, and nothing more. Whatever it reflects, it reflects the orchard and not the cidery: the regulation that governs farm class treats cider not as an agricultural product but specifically as a "*manufactured derivative*." The farm class attaches to the raw fruit; the cider the operation manufactures from it falls outside it. The applicants cannot rely on BC Assessment's

classification as evidence of agricultural character while passing over the light-industrial classification the same record contains.

Nor is that classification unknown to the Municipality: BC Assessment completes an assessment roll each year and delivers it to the Municipality, which uses it to levy property taxes by class, so the classification of 620 Laura Road, including its light-industrial component, sits in the Municipality's own annual assessment roll. BC Assessment's treatment of the operation amounts to a recognition of its manufacturing character.

This is manufacturing that carries distinct wastewater implications. Fermentation wastewater is regularly treated as a high-strength industrial stream wherever it enters a managed system: Metro Vancouver, for one, regulates discharges from breweries, wineries, cideries and distilleries under a dedicated Fermentation Operations Bylaw, with controls on pH, solids, and monitoring, because the waste is high in organic load and can damage infrastructure. At 620 Laura Road the same kind of waste is not discharged to any sewer but applied to land, in a sensitive aquifer, under a regulation written for domestic sewage and with no equivalent controls.

CIRCULAR ARGUMENT

Read together, the failures set out above are not a series of isolated gaps. They form a single structural pattern, a closed loop in which each party relied on another's oversight, and the questions the OCP requires to be answered were answered by no one, but the chain of reliance is taken as answer. A question is answered by deferral to another that then loops back as proof that the first has been answered.

The OCP provides that a Temporary Use Permit may be issued only where the use will not create an unacceptable negative impact on the natural environment or the character of the neighbourhood (OCP Policy 238). Council's ability to make that judgment depends on having adequate information about the nature and scale of what it is permitting. On water, wastewater, and groundwater, the TUP decided nothing, because nothing on those questions was ever really said. The only place in the entire TUP process where the applicants formally addressed water and waste, their supplementary submission of March 2021, told Council only that VCH was engaged and that they were working through its approval process. That was also VCH's own answer whenever the matter was raised: it was *"in process."* Neither pointed to substance; each pointed to the other. Council approved the TUP with VCH approval not yet in place, and the staff reports then and since never asked whether deferring these questions to VCH actually discharged the Municipality's own obligations under the OCP.

The pattern is visible in miniature in a single exchange, seemingly the only direct query on record ever put to the applicants about wastewater by Council. In 2021, when a councillor directly asked how production waste would be managed, the applicants responded by describing the small amount of water used in the cider-making process. However, that was not the question. The enquiry concerned the output: the liquid waste produced by the process, the high-organic-load stream mentioned earlier, which is a far more significant matter. Input was presented in place of output, and this appears to have been accepted as settling the issue.

The December 2023 renewal repeated the pattern. Again, no water, septic, or wastewater assessment, and no engagement with Policy 205, even though, by then, the planning office had been told in writing that the operation's light-industrial classification brought Policy 205 into play. Nor does any such assessment appear in the application now before Council.

So neither the TUP nor its renewal examined the impacts Policy 238 requires Council to weigh. Council accepted instead the applicants' claim that no examination was necessary, in 2021 because the matter was said to be covered by VCH, and now because of what the applicants describe as extensive multi-agency oversight. That claim was, and remains, misleading. Only VCH has any ongoing regulatory role, and VCH's own inspection record, set out above, is the central evidence of non-compliance now before Council. The other

bodies the application names, the Municipality and BC Assessment, exercise no monitoring or enforcement function over the water or wastewater systems at all; and the Municipality, which does carry obligations under the OCP, has never exercised them.

That is the closed loop. The applicants used the assertion of comprehensive external oversight to argue that no municipal examination was needed at the TUP stage. The Municipality, accepting this assertion, exercised none of the scrutiny its own decision required. The external oversight that the Municipality relied upon to close the loop, that of VCH, never addressed these matters at all. VCH has acknowledged as much, describing the limits of its role to Council directly. VCH similarly repeatedly deferred on the same critical issues, ones the Municipality treated as resolved by referring them to VCH, to other agencies instead, none of whom appear ever to have been engaged. And the whole referring circle is put forwards as proof of appropriate scrutiny and oversight. Each party's reliance rested on another's, and the impacts the OCP requires to be considered were considered by no one.

The applicants now point to the existence of the TUP, to five years of operation under a permit that examined nothing, to argue that no scrutiny is required at the rezoning stage either. But the passage of time has not answered the questions. It has only deferred them longer, and made them more pressing, because five years of unassessed operation have already occurred in a shared and sensitive groundwater system. Council should not be drawn into that circle yet again. The way out is the single step the TUP and the renewal both skipped: require assessments and critically engage with them before the use is made permanent.

WHAT COUNCIL IS BEING ASKED TO DO

Council intends to give first reading on 22 June while waiving the public hearing. Under the Local Government Act, a public hearing on a zoning bylaw may be waived only where the bylaw is consistent with the Official Community Plan. That consistency is exactly what is in question here, measured against the OCP's water-protection policies and the Watershed, Aquifer and Stream Protection Development Permit Area bylaw, and it cannot be assumed in order to remove the very forum in which it would be tested.

The application was also referred to two advisory bodies, the Advisory Planning Commission and the Parks, Environment and Climate Action Advisory Committee.

In the same catchment, two residential applications have run into watershed concerns, and both are being held back on water grounds. One remains before committee, which has not referred it back to Council. The other reached Council and was deferred. Both are held against the wider watershed review now under way, with reference to the current OCP review process and the Grafton Lake Watershed Management Plan.

The cidery presents on the documented record a potentially much greater risk to the exact same water as either of those applications. It is nonetheless being moved the other way: sent to first reading before either committee has completed its review, and without a public hearing. The committee stage and the Council stage are where the two residential applications have been held on water grounds. The cidery is being advanced past both.

There is a further problem inside that deferential approach. The neighbouring applications came with data: quantities, professional reports, the material that let the committees and Council weigh their likely impact. The cidery has been carried forward without any of that. Nothing in its approvals, then or since, has asked about or limited the volume of cider it may produce, and so nothing limits the volume of waste that production generates or the water it draws.

The only time scale was taken up at all was when the temporary use permit was first issued in 2021. Council adjusted the footprint of the building and the picnic area, not the volume of production. On the record of those proceedings the applicants themselves acknowledged that footprint is no guide to output, that a small operation and one several times larger would look much the same, and that production is set by the volume of fruit and the level of sales. The one issue of size that was examined was acknowledged as the one scale of measure that had no bearing on the quantity of water use, wastewater or solid waste.

And the OCP now in public consultation would itself alter the protections this submission relies on; to decide this application now, as though those protections were settled, pre-empts the very review the community has been asked to take part in.

Council is not being asked to be unreasonable. It is being asked to do what the OCP, the Local Government Act, and the Water Sustainability Act already require:

- Hold a public hearing, which the Corporate Officer confirmed Council retains the discretion to do.
- Require an independent hydrological assessment by a Qualified Professional, addressing the GARP designation, the fractured-bedrock aquifer, the recharge zone, and the impacts of water extraction and wastewater disposal on neighbouring wells and connected watercourses.
- Require resolution of the active Water Quality Advisory before any permanent use is authorised.
- Require clarification of the regulatory framework applicable to the cidery's light-industrial wastewater.
- Require the groundwater licence VCH identified as necessary in May 2021 to be obtained before permanent use is approved.
- Engage properly with the Islands Trust on the Policy Statement questions this application raises.
- Before relying on any new restrictive covenant as a safeguard, confirm the existing Section 215 covenants already registered on this and the neighbouring rezoning properties.

None of these steps is extraordinary. Every one of them is required by existing legislation or OCP policy. The extraordinary thing is that not one has been taken across five years of TUP operation, and not one is proposed now. The time to require them is before a permanent decision is made, not after.

CONCLUSION

On the basis of what has been presented in this submission alone, this rezoning application should not be approved as it stands.

What the submission documents is not unsubstantiated allegation. It is a body of independent evidence, from multiple sources across multiple years: a formal Water Quality Advisory issued by Vancouver Coastal Health; inspection reports documenting repeated and unresolved chlorine failures across the entire life of the permit; a treatment system operating contrary to its own approved engineering design, for an unknown period, without remediation; permit conditions in violation at the very time the application presents that permit as proof of compliance; a regulatory framework described to Council as comprehensive when, on examination, it reduces to a single body whose own record shows non-compliance; a BC Assessment record carrying a light-industrial classification that contradicts the applicants' own agricultural-use argument; bylaw complaints characterised as resolved when the complainants are on record to the contrary; a groundwater licence required by VCH and never obtained; a wastewater stream managed under a framework that does not apply to it; and documented concerns repeatedly presented as resolved or unfounded, which the independent record now places in a very different light.

Behind that record are the households whose wells draw from the same aquifer. Local people who have no other source of water, who had no voice in the TUP process, whose interests have not been assessed at any stage of this application, and who will bear the consequences if this decision is made without the scrutiny it requires.

Council has both the authority and the obligation to examine that record fully. The process that exists for it is the public hearing, and that process was set aside on a premise this submission shows does not hold. It should be restored.

The applicants have not demonstrated the compliance they assert, and the oversight framework they ask Council to rely on has not delivered it. Council is not being asked to be unreasonable. It is being asked only to do what the law and its own policies already require, before a permanent decision is made.

Council should.

GLOSSARY OF SOME KEY TECHNICAL TERMS

Agricultural Land Reserve (ALR) and Agricultural Land Commission (ALC)

The ALR is a provincial zone in which agriculture is the priority use, administered by the ALC; land inside it is subject to provincial farm-use rules that do not apply outside it. 620 Laura Road is not within the ALR. The applicants' agricultural-use argument draws on several ALR-based provincial frameworks, which do not bind a property outside the reserve.

BC Assessment

A provincial Crown corporation that determines the value and classification of all properties in British Columbia for taxation. It assigns properties to classes, such as residential, farm, light industrial, and others, based on how that land is actually used. Its powers are limited to assessing and classifying property for tax; it does not regulate, monitor, or enforce water, environmental, or land-use matters. 620 Laura Road has been assessed under multiple classes: farm, light industrial, and residential. The light-industrial classification reflects BC Assessment's determination that cider production constitutes manufacturing — the same classification applied to wineries.

Chlorine Residual

The amount of active chlorine remaining in treated water after the disinfection process. A measurable chlorine residual is the standard way of confirming that water has been adequately treated and remains protected against bacterial contamination as it travels through pipes to the point of use. The Permit to Operate for the 620 Laura Road system requires a minimum of 0.7 parts per million (ppm) at the point where treated water leaves the storage tank. Every independent measurement taken by VCH at this property across five years has fallen below that level.

Development Permit Area (DPA)

An area designated in an Official Community Plan within which special objectives apply and development may require a development permit addressing them. The OCP designates a Watershed, Aquifer and Stream Protection Development Permit Area, directed at protecting water resources. Consistency with that area's objectives is among the questions bearing on whether the rezoning is consistent with the OCP.

Environmental Flow Needs (EFN)

The volume and timing of water flow a stream requires for its aquatic ecosystem to function properly. An EFN assessment establishes how much water can be drawn from a stream, or how its flows may be altered, without harming the ecosystem that depends on it. This submission notes that no environmental-flow-needs assessment has ever been carried out for Murray Creek or Bowen Brook/Creek.

Environmental Management Act (EMA)

The principal provincial statute governing the discharge of waste into the environment in British Columbia. Its general rule is that waste may not be introduced into the environment except as authorised. Authorisation rests on permit, approval, or a regulation or code of practice applying to the particular activity. Where no specific regime applies, an authorisation is required. This submission raises the question of whether the cidery's light-industrial wastewater, which falls outside the Sewerage System Regulation, required an authorisation under the Environmental Management Act, and whether one was ever obtained or considered.

Groundwater At Risk of Containing Pathogens (GARP)

A formal designation used by Vancouver Coastal Health to identify groundwater sources that are particularly vulnerable to surface contamination — for example, because the ground above them is fractured, or because there are direct connections between surface water and the water underground. GARP is deliberately broad: where the related GUDI standard (Groundwater Under the Direct Influence of surface water) is concerned only with surface water reaching a well, GARP captures groundwater at risk of pathogen contamination from

any source expressly including the discharge of sewage or waste to land. When a source is in a GARP area, BC's Provincial Drinking Water Treatment Objectives require a higher level of treatment and monitoring than would otherwise apply. The GARP designation is why the Permit to Operate requires a minimum chlorine residual.

Groundwater Licence

Under BC's Water Sustainability Act, anyone who extracts groundwater for commercial or industrial use must hold a water licence issued by the Ministry of Water, Land and Resource Stewardship. This requirement came into force in 2016. A licence confirms that the extraction has been assessed, that it will not adversely affect other users of the same aquifer, and that it will not harm connected features such as springs or streams. The 620 Laura Road system draws from a well. In May 2021, a VCH public health engineer noted in correspondence with the applicant and their engineers that a water licence should be obtained, given the other wells and users in the aquifer and the potential impact on the Frank Spring. It was never obtained.

Islands Trust

A federation of local governments established by the BC government to preserve and protect the natural environment and unique character of the islands of the Salish Sea. Bowen Island Municipality is a member. Under the Islands Trust Act, bylaws must not be contrary to or at variance with the Islands Trust Policy Statement, which addresses environmentally sensitive areas and water resources. OCP bylaws must be submitted to the Islands Trust Executive Committee for approval; non-OCP bylaws that reference a matter in the Policy Statement must be referred for review.

Land Use Bylaw (LUB)

The Land Use Bylaw translates the OCP's policies into specific, legally enforceable rules about what can and cannot be done on a given piece of land, defining permitted uses zone by zone. 620 Laura Road is zoned RR2 (Rural Residential 2) which permits residential, agricultural, and certain accessory uses. Winery operations are not a permitted use in RR2. The LUB also previously contained a prohibition on vineyards, removed in a 2021 amendment process addressed in this submission.

OCP: Official Community Plan

Bowen Island Municipality's primary policy document governing land use and development. It sets out what activities are permitted where, what assessments must be completed before development proceeds, and what values, including environmental protection and water resources, the Municipality is committed to upholding. Under BC's Local Government Act, zoning decisions and development approvals must be consistent with the OCP. The policies cited in this submission, including those requiring environmental impact assessments and water management studies, are binding obligations on the Municipality, not guidelines.

Permit to Operate

A licence issued by Vancouver Coastal Health under the Drinking Water Protection Act authorising the operation of a water system that serves the public or a group of people. It should be distinguished from the Construction Permit, the earlier approval that authorises building a system to a specified design; the Permit to Operate is the later approval that authorises running it, subject to ongoing conditions. Those conditions, in this case, include minimum chlorine levels, daily and weekly monitoring, and record-keeping. Operating a water system without meeting them is a violation of the Act. The permit is not a one-time approval: it requires ongoing compliance.

Qualified Professional (QP)

In British Columbia's environmental and land-use framework, a professional such as a hydrogeologist, biologist, or engineer registered with a recognised professional body and required to act within their area of

competence. Several OCP policies call for assessments or studies to be carried out by a Qualified Professional. This submission asks that an independent hydrological assessment of the site be carried out by one.

Section 215 Covenant

A restrictive covenant registered on a property's title under the Land Title Act (the provision historically numbered section 215, now section 219), held by a public body such as a municipality or the Crown. It binds present and future owners and can restrict how land is used or developed, including for protection of the natural environment. A covenant protects only to the extent its holder gives it effect. The Municipality already holds such a covenant on 620 Laura Road (P106531, registered 1986).

Sewerage System Regulation

A provincial regulation governing the design, installation, and maintenance of on-site sewage systems used by homes and small properties not connected to a municipal sewer. It applies specifically to domestic sewage: the wastewater of household activities such as washing, cooking, and toilet use. It does not apply to industrial or commercial wastewater. The cidery produces light-industrial wastewater through fermentation based manufacturing which is chemically and volumetrically different from domestic sewage, and is a distinct type of light industrial waste with a particularly challenging wastewater signature . Whether that wastewater is being managed under a framework that legally applies to it is one of the unresolved questions this submission raises.

Surface Water Licence

A licence authorising extraction of water from a surface source such as a creek, river, or lake. Both surface and groundwater licences fall under the Water Sustainability Act and the same ministry, but they are separate instruments addressing separate sources. A surface water licence confirms only that the holder may take water from a named surface source; it says nothing about groundwater extraction and does not substitute for a groundwater licence. The applicants' surface water licence significantly predates the 2016 Act and was issued under the previous Water Act regime, in a context that did not require consideration of the groundwater impacts the WSA now addresses.

Temporary Use Permit (TUP)

A permit allowing a use of land for a limited period without permanently rezoning the property. Under the OCP, a TUP may be issued only where the use will not create an unacceptable negative impact on the natural environment or the character of the neighbourhood (Policy 238). A TUP is by design temporary and conditional; it does not settle the questions a permanent rezoning must address. The cidery has operated under a TUP, first issued in 2021 and renewed in December 2023.

Water Quality Advisory

An official notice issued by Vancouver Coastal Health when a drinking water supply may pose a risk to human health. It is issued when an inspection has found conditions indicating the water may not be safe. The advisory issued for the 620 Laura Road system on 28 May 2026 was triggered by the absence of any measurable chlorine residual, missing monitoring records, and expired test equipment. It raised the system's Drinking Water Hazard Rating from low to moderate. There are only three ratings: low, moderate or high.

NOTE ON SOURCES

The sources below are not a formal bibliography nor a complete citation record. They indicate most of the key primary and official sources referred to in preparing this submission, including provincial legislation, the responsible authorities' records, the Province's and region's public databases, and direct correspondence with the agencies concerned. Full statutory citations are available but are not reproduced here.

A further note on names: over the period covered (2021–2026), some OCP policies have been renumbered and some provincial ministries renamed. The convention here is to use the most current name or number, except within direct quotations, which keep the wording used at the time.

Legislation and policy. The submission draws on the Drinking Water Protection Act, the Water Sustainability Act, the Environmental Management Act, the Local Government Act, the Islands Trust Act, the Land Title Act, the Assessment Act and its property-classification regulations, and the Sewerage System Regulation, together with Bowen Island's Official Community Plan and Land Use Bylaw, and the Province's drinking-water and environmental-flow-needs policies.

Provincial and regional data sources. Claims about the aquifer, wells, watercourses, water licences, and the wetland have been checked against the Province's and the region's own public tools:

- Groundwater Wells and Aquifers database (GWELLS) — apps.nrs.gov.bc.ca/gwells/aquifers — wells and mapped aquifers
- Freshwater Atlas, via iMapBC — maps.gov.bc.ca — streams, watercourses, and wetlands
- Water Rights / Water Licences public search — j200.gov.bc.ca — licences on record
- Environmental Flow Needs policy — www2.gov.bc.ca (water-policies / environmental-flow-needs)
- Metro Vancouver Sensitive Ecosystem Inventory — gis.metrovancouver.org/mvmaps/SEI — the source of the wetland-area figure
- Metro Vancouver (Greater Vancouver Sewerage and Drainage District) Fermentation Operations Bylaw No. 294, 2015 — regional regulation of brewery, winery, cidery and distillery wastewater discharged to the sewer; cited as a comparator, metrovanancouver.org, liquid-waste regulatory program.

Records, reports, and correspondence. VCH water inspection reports and advisories; VCH correspondence; released VCH records, FOI 2022; BIM webpage and civicweb file depository; BIM correspondence; LCRB correspondence; Islands Trust web resources; Islands Trust correspondence; US EPA, Office of Wastewater Management correspondence.

Some key points from direct communications:

- BC Assessment: the property's classification confirming its light-industrial component.
- Land Title and Survey Authority: confirming the covenant on title.
- Ministry of Water, Land and Resource Stewardship, Groundwater: detailed background on springs, aquifers, and groundwater conditions in the area and Provincial record keeping.
- Regional Hydrologist, relayed by FLNR (now WLRS): confirmation no environmental flow needs have been established for Murray Creek or Bowen Creek/Brook.
- US EPA, Office of Wastewater Management: onsite wastewater standards established in the: the foundational reference for this data in the North American context.