Submission to the Official Community Plan Update

Round Two Public Engagement: Draft Official Community Plan

Bowen Island Municipality / Nex̱ẃlélex̱ẃm

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Re: Water and governance in the draft Official Community Plan

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A note before the detail

Thank you for the work you have put into drafting a new Official Community Plan, and into this round of engagement. As you move into the next stage, you will be reviewing and weighing a great deal of feedback. I realise this submission is longer and more detailed than many of the responses you are reading, and I am conscious you are volunteers giving your time to a large task. With that in mind, I have built it to be read in layers: a short summary of the key points comes first, then a fuller explanation of each, which you can dip into only where useful. I have also written separately to Council, because some of what I raise is really for them to act on rather than the Committee.

Some of you will know my name re the temporary-use-permit history with a neighbouring property. I mention it only because of where it led. Like many people, I had understood the Official Community Plan and Land Use Bylaw to protect households that depend on their own wells, and that was the framework I though existed when the TUP first came up. My experience is where I saw the distance between how that protection is meant to work and how it actually did, and it is what led me to look more closely at the protections themselves. That closer look is the subject of this submission: how the draft plan protects, or fails to protect, the water that well-dependent households across the island rely on.

My starting point is simple. Bowen's Official Community Plan and Land Use Bylaw are the shield that protects ordinary people's water. That is especially true for the households who depend on private wells, on individual surface-water diversions, or on small private water systems outside the municipal network, and who have no alternative supply other than the water they draw now. The protection of those groundwater and surface sources, and the land-use framing that supports it, is what this submission is most concerned with. This submission is offered for a Bowen that is more densely populated, and facing greater water stress, than ever before. Its concern is that the draft, in several places, quietly trades binding water and environmental protections for discretionary ones, at the very moment those protections matter most. And this is in a context where one of the very few resources the municipality offers to private well users is more than a decade old and already identified that: "Bowen Island Municipality has received reports of wells running dry in the community."

The issues surrounding water for well users are not merely hypothetical future threats; they represent an existing reality, a pressing concern in the present, and a challenge that is expected to intensify in the future.

The submission is organised around that concern. Part One addresses water, where the draft steps back at the moment it should be strengthening protection. Part Two looks at the question from the other direction: not what the draft says it wants, but what it would actually allow. It addresses several ways the draft, as written, opens the Rural Residential designation to things that would run against the plan's own goals: a new processing use left undefined, a blurred line between farming and commerce, weakened light-industry water protection, demoted temporary-use safeguards, and an inconsistent residency standard. Part Three asks only that the plan be settled on its own merits. Throughout, a current rezoning application is referred to briefly, as a worked example. That is not because this submission seeks to decide that application, which is a matter for its own process. It is because a live case is the clearest evidence that these policy gaps are real rather than hypothetical.

One question runs underneath several of the points that follow, so I raise it here at the start. The Committee was given a mandate by Council, and its Terms of Reference set real standards for the plan: compliance with provincial legislation, the Islands Trust object to preserve and protect, and others. Meeting standards like those depends on the Committee having been given the right information and advice to work from. In places, this submission suggests it may not have been. Whether the Committee was put in a position to meet its mandate is not a criticism of the Committee; it is a question about what it was given, and that is a question for Council, to whom I have written separately about it.

Key points at a glance

Each point is explained, with draft OCP section references, in the correspondingly numbered part below.

Part One. Water.

- **Repealed water law, and what it signals (section 1).** The draft's central water definition still cites the repealed Water Act, a decade after the Water Sustainability Act replaced it and first brought groundwater under provincial licensing. Beyond the compliance question (the Committee's Terms of Reference require the plan to comply with provincial legislation), carrying a decade-repealed statute into a 2025-26 plan signals water work not developed abreast of the law that matters most for a heavily groundwater-dependent island.
- **Groundwater commitments reduced (section 2).** References to groundwater roughly halve between the current OCP and the draft, and the active commitment to "regulate the use of groundwater" gives way to discretionary "may consider" language.
- **Protection moved to the Land Use Bylaw, and infill that doesn't see the aquifer (section 3).** The draft maps the sensitive areas, but leaves their protection to a development-permit area that was never brought into force, drops the wetland

protections the current OCP contains, and makes assessment a matter of discretion. And its priority for infill is tested only against piped servicing capacity, which does not ask whether the shared aquifer can take more draw.

- **Supporting studies leave groundwater out (section 4).** The baseline assesses the piped systems in detail but records that the private-well assessments “were not reviewed,” and the current Grafton Lake watershed-plan RFP puts groundwater monitoring “beyond the scope.” If the studies leave groundwater out, the plan itself has to carry its protection.
- **A water role assumed of VCH that VCH does not hold (section 5).** The information the Committee was given, and the municipality’s own practice, treat Vancouver Coastal Health as the body looking after water and groundwater. VCH has said, privately and in public, that this is not its role. That leaves local land-use planning as the only real protection, and the draft does not carry it.

Part Two. Land use.

- **“Agricultural processing” elevated but undefined (section 6).** The draft newly lists “agricultural processing” as a Rural Residential use but never defines it.
- **Agriculture / commerce / tourism boundary undefined (section 7).** The draft supports on-site processing and sale, promotes a visitor economy, and co-locates orchards with tourist-oriented uses. It draws no defined line between agriculture and commercial or visitor activity.
- **Light industry weakened (section 8).** The “no deleterious effect” water protection that should apply to any industrial or light-industrial use is now confined to the Industrial designation (§3.2.14.2), so a light-industrial use on Rural Residential land is no longer plainly caught by it; and a repealed waste statute, the Waste Management Act (§3.2.14.4), is retained.
- **Temporary use permits demoted (section 9).** The TUP environmental safeguard is demoted from binding policy to discretionary narrative, and the power to require assessment information at the TUP stage is removed.
- **Residency / accessory-use standard (section 10).** An undefined commercial processing use sits outside the residency and artisan standards the rest of the designation applies.

Part Three. Use of the plan.

- **Settle the plan on its merits (section 11).** A number of applications are before Council and its committees while this work is underway. Some have been paused or deferred, significantly, often on water and septic concerns, to allow for the draft OCP and the Grafton Lake watershed report, while others have not. These are exactly the questions the draft OCP is the right place to settle, properly and for the long term, rather than addressing them piecemeal and differently from one application to the next.

A note on how I refer to things, to make a long document easier to follow. This submission runs longer than most, so I have tried to keep the references clear and consistent, and to set them out here in one place.

- When I say “the plan” or “the draft,” I mean the draft updated Official Community Plan now out for engagement. Where I mean the existing plan instead, I call it “the current OCP” (adopted in 2011, consolidated in 2023).
- The **Land Use Bylaw** is the draft OCP’s companion document: the zoning-and-rules document where many of the specific, operative land-use requirements actually sit. It is not a minor instrument, and where the draft moves a protection out of the OCP and into it, that matters. I never call either document simply “the bylaw,” because that word tends to suggest smaller, routine rules, and the Land Use Bylaw is a substantial instrument many residents may not know exists.
- For references, I use the section symbol for the draft plan’s own sections and policies, so “§2.2.85” means that part of the draft OCP. When I point to a part of this submission, I write it out, so “section 5” means the fifth point below.
- Where something reflects my own account rather than a document on the public record, I mark it [submitter’s account].

Throughout, I have tried to cite things so you can check them quickly rather than take my word for it, and to make the submission straightforward to read.

As I mentioned, my attention to these questions began with that earlier experience, and it has stayed with water and groundwater on the island ever since. That focused interest is what brought me to look closely at the draft plan, and it is the lens I have read it through. I am continuing to pursue these questions with Council directly and gathering related information as I go; much of that I will share with the community via Council submissions. Where this submission draws on that wider work, I have tried to say so.

The draft’s words on water are good; the work is making them bind

The draft’s intentions on water and the environment are the right ones and well expressed. Its Vision commits the community to living “in reciprocity with the lands and waters” and to “practices that protect land, water, and biodiversity.” A Guiding Principle is to “Protect, regenerate, and enhance” ecosystems and “guide growth with the least impact.” The accompanying Discussion Guide tells the community the draft treats “water as a central growth constraint” and promises “stronger watershed protection.” These are the right commitments for a more populated island under growing water stress.

The single concern running through this submission is that fine words are not, by themselves, protection. An Official Community Plan does its real work where it turns aspiration into binding requirement: a “must,” a mandatory assessment, a defined term, an adopted development-permit guideline, a clear threshold. That is what closes the gaps through which a use can slip past the intention. This points to a question worth asking of the whole plan, and it is really the test this submission applies: not only whether the draft states the right goals, which it does, but whether anything it permits would run counter to them. A plan can hold fine commitments and still leave the door open to their opposite. Much of what follows is the result of reading the draft that way, asking not what it hopes for but what it would allow. The draft, in places, does the reverse of what it intends. It leaves a key term undefined, softens “will require” to “may consider,” defers a protection to a bylaw never adopted, or relies on a body for a role it does not hold. Where that happens, the good words at the front of the plan are not carried through into anything that binds. That gap between stated value and operative mechanism is what each point below identifies, and asks the Committee to close while the plan can still be changed.

Part One. Water: the plan steps back where it should step forward

1. The draft carries a repealed water statute forward, and that is a signal worth heeding

Water is the area where this plan most needs to be current, and it is also one of the most layered areas of law it touches. Responsibility for water in British Columbia is spread across several statutes and several bodies: the Water Sustainability Act governs the diversion and use of surface water and groundwater and changes in and about a stream; the Forest and Range Practices Act is where a “community watershed” is actually defined and designated; the Drinking Water Protection Act, administered by the health authority, governs the safety of registered drinking-water systems; and the Environmental Management Act governs waste discharge. These pieces overlap, they have changed over time, and they are still developing. For an island where so many households depend on groundwater they draw themselves, this is not a settled or simple backdrop. It is one that deserves close, current attention.

The most important change in that landscape, in a generation, is the Water Sustainability Act. It came into force on 29 February 2016 and replaced the Water Act, which had stood, largely unaltered, since 1906. This was not a rename. It was the first time in the province’s history that groundwater was brought into the licensing regime alongside surface water: from that point, anyone diverting groundwater for anything beyond ordinary household use needed a licence, and roughly twenty thousand existing groundwater users had to be brought into the system. The Act recognised, in law, that groundwater is a shared resource that needs managing, not an unlimited private one. For Bowen, whose aquifers supply so many homes, that is the single most relevant development in provincial water law there has been.

Against that, the draft OCP, written now in 2025 and 2026, still frames its central water definition around the repealed Water Act. Its Schedule C glossary defines “Community Watershed” as the area upstream of the most downstream intake of a water-supply system whose users are “licensed under the Water Act for domestic purposes,” the identical wording carried over from the current OCP. A point worth pausing on: “community watershed” is not even a Water Act or Water Sustainability Act term in current provincial law; it is defined under the Forest and Range Practices Act and designated under the Government Actions Regulation. So the draft’s definition is not only anchored to a statute repealed nearly a decade ago; it could not be brought up to date by simply swapping “Water Act” for “Water Sustainability Act.” It needs reviewing against the body of current provincial law that actually applies, which is precisely the layered picture described above.

On its own, an out-of-date citation might be a minor thing to fix. What gives it weight is what it signals. If the water framework carried into a 2025-26 plan did not register that the foundational provincial water statute had been replaced more than a decade earlier, that suggests the water work the draft reflects was not developed abreast of the developments that matter most, in the area that matters most for this island. None of this is a failing of the Committee, who worked from the material they were given. But it is the Committee, while the plan is still open and in its hands, that is positioned to catch this and put it right, and that is the point of raising it now. The flawed input explains how the gap arose; it does not move the fix elsewhere. And it is not an isolated sign: the same quality appears later, in the assumption that Vancouver Coastal Health protects groundwater when it does not (section 5). Two symptoms, one underlying concern.

There is also a straightforward duty in play. The Committee's Terms of Reference require it to ensure the plan will "be in compliance with Provincial Legislation" (§1.1(a)), part of its mandate from Council. The difficulty is not that the water chapter under-recognises the Province's role; it is that, framed around a repealed Act, it does not recognise the Province's current groundwater jurisdiction at all, nor the licensing regime the wells on Bowen now fall under. That sits squarely against the compliance duty. So the Committee should confirm whether the glossary and the water policies have been reviewed against current provincial law, and update the definitions and referral language before adoption. As raised at the start of this submission, it should also establish what advice and information it was given on this question, and whether it was placed in a position to engage with it fully, as its mandate requires. This is the first instance of a question that recurs below: not whether the Committee did its work, but whether it was given what it needed to do it.

One point about timing matters here, because it bears on whether this is the right moment to raise it. The next phase, after this consultation window, is the drafting of the OCP into a bylaw for first reading, which includes a legal review. A legal review at that stage will likely catch the citation itself, that the draft names the repealed Water Act and, at section 8, the repealed Waste Management Act, and correct them to the Water Sustainability Act and the Environmental Management Act. But a legal review tests whether the plan is legally compliant. It does not ask the different, policy question: given that groundwater is now a licensed and regulated provincial resource, should the plan's groundwater policies be strengthened rather than carried forward in their current form? Fixing the citation is necessary, but it is not sufficient. The moment the reference is corrected, the plan reads as compliant, and the policy question can disappear unasked, because surfacing it is not what legal review is for.

There is a further point, and it is the one most easily missed. The inconsistency already sitting inside the draft, between the current legislation and the policies built on the superseded framework, does not appear, on the available record, to have been considered at any stage. The draft carries both the repealed-statute references and policies shaped around that older framing, and the question of whether those policies still hold once the current law is the reference point has not been asked. The Water Sustainability Act did not simply rename the Water Act; it changed what groundwater is in law. A later citation fix will not surface that question. The Committee is the body positioned to consider it, now, while the plan is open, rather than leaving a policy question to a legal step that will not reach it.

The same problem appears on the waste side. Draft §3.2.14.4 provides that "all industrial waste management discharge to land and water shall be authorized under the Waste Management Act." That statute was repealed and replaced by the Environmental Management Act in 2004. The current governing authorisation regime for discharging waste to the environment is the Environmental Management Act. That, for example is the framework most relevant to a manufacturing effluent that falls outside the Sewerage System Regulation, a related issue I have addressed elsewhere re agricultural processing as a mistaken identifier for light industrial manufacture. A 2025–26 draft that still cites the Waste Management Act is carrying forward a second repealed statute, and should be updated to the Environmental Management Act, and the policy considerations of that should be gathered in full.

2. The rewrite reduces the OCP's groundwater commitments

Groundwater is a resource that households downstream of land use decisions often depend on entirely, and it is the resource the Water Sustainability Act brought into provincial licensing in 2016. One would expect a 2025–26 rewrite to strengthen the OCP's groundwater commitments. It does the opposite.

On a straightforward count, references to groundwater are roughly halved between the current OCP and the draft. The count is only a starting point. The change in the kind of language is the substantive point.

The current OCP uses groundwater in operative, regulatory terms. It commits the Municipality to "regulating the use of groundwater," to the "protection of ground-water recharge areas," and to "ground-water supply, pollution and sediment control"; and it requires that a qualified professional advising on water supply have "experience in the field of ground-water supply." These are active commitments: things the plan directs the Municipality to do.

The draft's surviving references are markedly thinner, and the active regulatory language is gone. There is no equivalent of "regulating the use of groundwater" anywhere in the draft, and no qualified-professional groundwater-supply requirement of the kind the current plan contains. Several of those that remain are not water-governance commitments at all. They are a green-infrastructure aside about permeable surfaces (§2.1.11), a single descriptive sentence that the island "relies primarily on... groundwater" (§Part 4, Water Conservation DPA), and the light-industrial "no deleterious effect" line now confined to the Industrial designation

(§3.2.14.2, discussed in section 8). Others are the permissive “may consider… groundwater flow” clauses in the Rural Residential and Rural Residential Transition designations (§§3.2.5.1(d), 3.2.6.1(d), discussed in section 7).

The active verb in the current plan is regulate; the surviving verb in the draft is consider.

In fairness, the draft is not weaker on every front: it adds a policy to “develop protections for freshwater recharge areas” (§2.2.63), and references recharge more often than the current plan does. That improvement is worth keeping. But it does not offset the loss of the general groundwater-regulation commitment, because protecting recharge areas and regulating the use of (and impacts on) groundwater are different things. It is the latter, the use-and-impact commitment, that households need and that the draft drops.

The Committee is asked to restore an operative commitment to regulate the use of groundwater and to protect groundwater supply and quality, not merely to “consider” it, and to require qualified-professional assessment of groundwater impacts where a use may affect a groundwater source, keeping the draft’s recharge-area improvement alongside it.

3. Environmental protection is moved out of the OCP into the Land Use Bylaw, and made discretionary

The same shift from binding commitment to discretion appears, most consequentially, in how the draft handles environmentally sensitive areas and wetlands. It takes a particular form: protective content that the current OCP states as policy is, in the draft, either removed or moved into the Land Use Bylaw, and the assessments that were mandatory become discretionary. A word on the Land Use Bylaw, since it matters here and recurs through this submission: it is the detailed companion to the Official Community Plan, the zoning-and-rules document where many of the specific, operative land-use requirements actually sit. It is not a minor instrument, and where a protection is moved from the OCP into it, that move has real consequences, which this section sets out.

To be fair to the work done: the draft does identify and map these areas. Its Schedule B-1 Environmentally Sensitive Areas map shows wetland, freshwater, riparian, and forest ecosystems across the island, including the wetland and riparian features in the area of the live test site. The draft also speaks, in aspiration, of securing “ecological corridors” and protecting “wildlife habitat connectivity” (§§2.3.D, 2.2.6). The concern is therefore not that sensitive areas go unmapped, or that connectivity is unmentioned.

It is that the draft maps and protects the pieces, not the connected system, and the connectivity it does name is the wrong kind for the risk at issue. The submitter has mapped, in detail, the corridor running from the wetland through to Grafton Lake, as part of work on the Grafton Lake catchment. That mapping is drawn from the Metro Vancouver Sensitive Ecosystem Inventory (SEI), the same dataset the draft’s own ESA mapping draws on. It is a single connected hydrological feature, wetland to watercourse to lake, sitting over and recharging the aquifer beneath.

The draft maps its component ESA categories (wetland, riparian, freshwater) as separate colours on a map, and frames "connectivity" in terms of wildlife habitat, tree canopy, and parks. The rolled-over WASP bylaw, for its part, names Bowen Brook and Grafton Lake and protects a riparian strip along their banks. But a habitat-connectivity aspiration and a bank-side riparian strip are not protection of the corridor as a connected water-and-recharge system.

That system is the pathway by which water, and anything carried in it, actually moves from the wetland through the lake and simultaneously into the aquifer that supplies wells en-route. As the submitter's filed material on the live case puts it, a riparian strip says nothing about the aquifer, the wells, or the recharge function. Mapping every segment, and protecting each bank, can still leave the connected hydrological corridor unprotected, and that corridor is the thing that actually carries the risk. The Committee is asked to recognise and protect the wetland-to-lake hydrological corridor as a connected system, including its groundwater-recharge function, not only as separate mapped ecosystem categories or as a wildlife-habitat corridor.

Three specific wetland protections in the current OCP do not survive in the draft. The current plan provides for replacement wetlands "to mitigate lost wetland functions and values, where unavoidable adverse impacts occur" (current Policy 61), a no-net-loss mechanism. It works to discourage "the infilling of wetlands and the destruction of ground-water infiltration areas" (current Policy 64). And it requires that any development proposal affecting a fish-bearing watercourse complete "an environmental impact statement and definition of appropriate riparian setbacks by a Qualified Environmental Professional… approved by the Municipality."

Searching the draft for the replacement-wetland mechanism, the anti-infilling provision, and the mandatory environmental-impact-statement requirement returns none of them. The draft's wetland language is general, such as "incorporate natural assets, including… wetlands" (§2.2.22) and "discourage the disturbance of wetlands" (§2.2.27). It carries no replacement obligation, no infilling prohibition, and no automatic assessment requirement.

What protection remains is largely deferred. In the case of the Environmentally Sensitive DPA, it has never actually been in force. The draft keeps an Environmentally Sensitive Development Permit Area, but its entire operative content is a single line: "Guidelines for this DPA will be adopted as an amendment to the Land Use Bylaw." The plan's own baseline findings are candid about what that means in practice: McElhanney's Baseline Findings Report records that the Environmentally Sensitive DPA, with three others, was included in the current OCP but not adopted into the Land Use Bylaw after public-hearing opposition, and is "not currently in effect."

It recommends that the Steering Committee "discuss the necessity" of these DPAs. So - the wetland and riparian features the map identifies sit within a development-permit area whose protective guidelines have never been switched on. The draft's "will be adopted" wording perpetuates exactly that gap. The same deferral runs across the board: all nine of the draft's Development Permit Areas, including the Watershed, Aquifer and Stream Protection DPA, state that their guidelines have been, or will be, adopted in the Land Use Bylaw.

The treatment of the one development-permit area that does expressly protect groundwater illustrates the same problem from the other side. The municipality's most-used DPA is the

Watershed, Aquifer and Streamside Protection DPA (WASP, Bylaw 301, 2011); aquifer protection is one of its three named purposes. Unlike the deferred Environmentally Sensitive DPA, its guidelines are real and operative. They require that disturbance to "groundwater recharge areas" be avoided or mitigated, and that a qualified professional's report address wells, recharge areas, and whether development would introduce material "into existing surface water or groundwater." So WASP does substantive groundwater work. This is not a case of empty wording.

That is precisely why two features of it matter when the draft proposes to carry it forward essentially unchanged. First, WASP itself defines "Community Watershed" by reference to an intake "licensed under the Water Act," the same repealed statute discussed in section 1. The pre-WSA framing is therefore embedded in the operative Land Use Bylaw, not only the OCP glossary. Second, WASP exempts from its development-permit requirement the creating or expanding of a vegetable garden or "orchard regardless of size," and farming on agriculturally designated land, and, separately, agricultural use consistent with "normal farm practice" under the Right to Farm Act. The orchard exemption is qualified: it applies provided water resources are not adversely affected. But it is the classification of an operation as agricultural that determines whether the exemption is reached at all. This is the same classification move identified in sections 6 and 7: an "agricultural" or "orchard" label can remove an activity from the very DPA that protects the aquifer.

The baseline findings recommend retaining WASP, noting it is the most applied-for of the municipality's development permits. But that is a measure of how often the permit is used (100 of 137 over five years), not a review of whether its Water Act framing and agricultural exemptions still hold up against the Water Sustainability Act and current groundwater conditions. The Committee is asked to treat the carry-over of WASP as an opportunity. It should update the Water Act reference to the Water Sustainability Act, and examine whether the agricultural and orchard exemptions should apply where a commercial processing operation sits in a drinking-water catchment. It should not roll the DPA forward unexamined on the strength of how often it is used.

The "frequently administered" point in fact cuts the other way. It does more than counsel review: it tells the Committee exactly where the significant issues are. The baseline's own framing identifies WASP as by far the most-used development-permit area on the island, at 100 of 137 permits over five years. So the defects now identified in it are not buried in a seldom-touched corner of the bylaws. They sit in the single instrument through which development most often meets water protection in actual practice. Its Water Act framing and its agricultural and orchard exemptions are therefore not dormant wording. They are being applied, repeatedly, in live decisions, on the ground most affected.

Read together, the usage data and these specific defects point directly to where the high-stakes problems lie. The most-applied water-protection instrument on the island carries an outdated statutory anchor, and an exemption that lets exactly the kind of operation now before Council escape its scrutiny. That is precisely the thing a plan setting water policy for a generation should take most seriously, rather than wave through on the strength of how often it is used. The more heavily a DPA is administered, the more its embedded assumptions matter. They are a pointer to matters of profound significance in the real world.

There is a larger tension worth naming here, because it runs through several of the points in this submission. WASP shows that the municipality already possesses a genuine aquifer-protection lens: the bylaw defines “aquifer,” protects “groundwater recharge areas,” requires assessment of wells and recharge terrain, and guards against introducing material “into existing surface water or groundwater.” That lens is real.

But in the draft it sits siloed inside the one development-permit area inherited from 2011. Every time the word “aquifer” appears in the draft, it is as the name of that DPA. The draft’s own new content, its Vision, its water policies, its infill and growth framework, and its designation rules, is built on a surface-watershed and piped-servicing logic and does not carry the aquifer lens through. The groundwater thinking is present in the plan only because it was carried over in a bolt-on bylaw, not because the rewrite integrated it. Much of what this submission asks for is, in substance, that the aquifer-protection lens WASP already contains be integrated across the plan: into how growth and infill are tested (section 3), how “agricultural processing” is defined and bounded (sections 6 and 7), how the studies scope their work (section 4), and how the OCP engages current groundwater law (section 1). The municipality does not need to invent this lens; it needs to stop quarantining the one it has.

This matters against the Islands Trust mandate specifically. The Islands Trust Policy Statement requires member municipalities to address, in their OCP and bylaws, the identification and protection of environmentally sensitive areas (§3.1.3) and “means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones” (§3.3.2). A draft that maps wetlands and riparian zones but leaves their protection to a development-permit area that has never been adopted, while dropping the operative wetland policies the current OCP carried, raises a fair question whether it adequately addresses that Policy Statement requirement.

This is not merely relocation. The Official Community Plan is the instrument that goes to a public hearing and, as the submitter’s filed material notes under section 15 of the Islands Trust Act, must be submitted to the Islands Trust Executive Committee for approval, and must not be at variance with the Islands Trust Policy Statement on environmentally sensitive areas and water resources. The Land Use Bylaw is amended by Council by ordinary bylaw. Moving the substance of environmental protection from the OCP into the Land Use Bylaw therefore moves it out of the more closely scrutinised, Trust-supervised instrument, into the one Council controls directly. And where the guidelines are not yet written, a public hearing on this draft OCP cannot even see the protections it is being asked to endorse.

The same softening shows up in what actually sets an assessment going. Where the current OCP says a watercourse proposal “will require” an environmental impact statement, the draft says only that the Municipality “may require” an impact assessment “where potential environmental impacts are anticipated” (§2.2.32), and that a water report from a qualified professional “may be required” (§2.3.5). So the assessment is no longer automatic. Nothing about a wetland, a watercourse, or a drinking-water catchment sets it going on its own; someone first has to decide that impacts are “anticipated” before it happens.

A concrete illustration shows why this matters for growth, not only for individual sites. The draft prioritises "infill... over sprawl" (§2.2.K) and "residential infill and higher-density development along main roads and transit routes," qualified only "subject to servicing and infrastructure capacity" (§2.3.1). To be fair, the draft is not silent on water supply generally. It carries forward a requirement that an undeveloped lot not on a community water system prove an "annual sustaining yield" of potable water before a building permit or rezoning (§2.1.6, echoing current Policy 293), and it allows an impact assessment to be required on rezoning (§2.3.2). But those tests are keyed to an individual proposal proving its own supply is adequate, not to its effect on the shared aquifer or on neighbouring wells.

There is a sharper loss nearby. The current OCP, at Policy 294, requires that any use needing more water than a single home, and not on a community water system, obtain a report from a qualified groundwater professional showing the supply can be sustained "without detrimental effects upon adjacent water systems." That is mandatory, and it is the one test that looks beyond a proposal's own supply to its effect on neighbouring wells. In the draft, that same professional water report becomes something the Municipality "may require" (§2.3.5), discretionary rather than required. So the protection that most directly shields neighbouring wells from a larger, water-intensive use is downgraded from a requirement to a possibility.

"Servicing and infrastructure capacity", in the ordinary piped-utility sense, does not capture the cumulative draw on a shared aquifer in an area of high well density where households have no alternative source. Parts of Bowen are exactly that: clusters of properties drawing from the same connected aquifer, with no municipal supply to fall back on. And very many of them are subject to Rural Residential zoning.

An infill priority that sees servicing capacity but not aquifer carrying-capacity could direct added density into precisely those pockets without the cumulative groundwater question ever being asked. This is not a hypothetical pressure. The Province now requires municipalities to allow more small-scale multi-unit housing on lots that used to be limited to a single home, and to plan for twenty years of growth, and the municipality is already working through what that means here. That density has to go somewhere, and once the plan permits it, development that fits the plan proceeds with less public scrutiny than before, because the Province has also removed the public hearing for development that conforms to the OCP. All the more reason the plan itself, now, should make sure added density is not steered into high-well-density areas on a test that does not see the aquifer.

A current example shows how tangled this gets, and the tangle is the point. The paused rezoning for multi-unit housing at 1355 Westside Road was explicitly not a subdivision, and it would draw its water from groundwater and handle its waste through on-site septic. Follow where the draft's terms would actually take it. The lot-based water-supply tests just described are written for lots not on a community water system, but a development of this size would itself create a water supply system under the Drinking Water Protection Act, so it routes instead to Vancouver Coastal Health, which, in its own response on this very file, said it "does not regulate or confirm adequate quantity of ground or surface water." The septic side, with a combined peak flow above the regulatory threshold, falls to be referred onward from VCH to the Ministry of Environment. So the proposal moves from the OCP's lot-level tests, which do not quite fit it, to a health authority that says water quantity is not its job, to a provincial ministry that handles the waste authorisation, and at no point in that chain does anyone squarely ask what the development means for the shared aquifer and the wells around it.

If that sequence is hard to follow, that is rather the point. These are real, complicated problems, and the draft's framework does not have a clear, thought-through home for them. A plan built on the assumption that water is "looked after" somewhere in that chain has not confronted how, for a groundwater-dependent island facing exactly this kind of development, the cumulative question still falls through the middle.

The current OCP at least addressed siting at the level of growth pattern. Policy 53 directed that development be clustered "in the least environmentally sensitive areas." Even that is framed around the surface watershed rather than the aquifer beneath it, and the draft's infill-where-serviceable approach does not plainly carry forward even that surface-level protection. The deeper gap is the same throughout: the aquifer, the resource these households actually depend on, is not what either the old siting rule or the new servicing test is measuring. (Some of these areas also carry protective covenants and reflect earlier subdivision-pattern decisions that the submitter addresses separately; the relevant point here is simply that infill should not be directed into them without the aquifer question being asked.) The Committee is asked to make aquifer carrying-capacity in well-dependent areas an explicit consideration in the infill and density policies, so that intensification is not directed into high-well-density areas on a "servicing capacity" test that does not see the aquifer.

This connects directly to the referral gaps identified later in this submission. The draft not only makes environmental assessment discretionary and defers its content to the Land Use Bylaw. It also provides no mechanism referring development that affects a drinking-water source to Vancouver Coastal Health (section 5) or to the provincial groundwater regulator (section 4). The protections are deferred downward into an as-yet-unwritten part of the Land Use Bylaw and referred outward to no one, leaving municipal discretion as the only check.

The Committee is asked to retain the wetland replacement, anti-infilling, and mandatory environmental-impact-statement provisions as binding OCP policy; to keep core environmental development-permit guidelines within the OCP rather than deferring them entirely to the Land Use Bylaw; and to make environmental and water-supply assessment required rather than discretionary for development of any kind that may affect a wetland, watercourse, or drinking-water source, not only at subdivision.

.4. The supporting studies leave groundwater out of scope

The OCP’s Baseline Findings Report includes an Infrastructure Review Technical Memorandum prepared by the plan’s lead consultant, McElhanney (February 2025). It is the memorandum’s own words, not an inference, that establish the gap.

For the areas not served by the municipal or Cowan Point systems, that is, private wells, small water systems and individual surface water diversions, the memorandum records that Vancouver Coastal Health "completed assessments of private systems," but that "the VCH assessment were not reviewed" in preparing the report. It makes a parallel admission for the municipal systems: water "treatment assessments were not reviewed" either. So the baseline rests on the statement that VCH assessments exist, without the consultant having examined them. What those assessments actually consist of, or whether they bear on groundwater quantity and aquifer health at all, is therefore not established, which connects to the limits of VCH's role set out in section 5. The result is that assessments of exactly the private-water and treatment systems most exposed to the catchment and processing questions were set aside unexamined.

The consequence is that the infrastructure evidence base underpinning the draft OCP was assembled without the private-water, VCH, and water-treatment picture. A water-and-infrastructure baseline that sets aside the assessments of private systems and treatment is an incomplete foundation for policies that will govern those very systems for a generation.

Underlying the gap is how the memorandum scopes “infrastructure” in the first place. Its detailed water assessment, a system-by-system table of condition, capacity, and constraints, covers the seven municipal utility systems and the private Cowan Point utility. Each piped system is examined individually; the municipal groundwater system at Tunstall Bay is even assessed closely enough to record wells in an “operationally unsustainable” condition. The private wells and surface sources that serve the rest of the island, a substantial share of its properties, receive a single sentence: that such homes “utilize private wells and surface water,” followed by the note that the VCH assessments of them were not reviewed. The exact proportion of island properties on private wells is not itself established in the baseline, which is part of the point: the well-dependent share is treated as the residual “areas not serviced” rather than as infrastructure to be assessed. “Infrastructure,” in the baseline’s working definition, means the engineered, municipal, piped systems.

This scoping choice has a direct policy consequence, and it connects to the infill concern in section 3. If “infrastructure” means pipes, then a growth test of “infill subject to servicing and infrastructure capacity” structurally cannot see the well-dependent areas. They have no piped “infrastructure capacity” to measure, so the cumulative groundwater question simply falls outside the frame. The households most exposed to water risk are, by the baseline’s own definition, the ones it does not count. The Committee is asked to ensure the OCP treats private wells, groundwater, and the aquifers they draw on as part of the island’s water infrastructure, assessed and weighed in growth and capacity decisions, rather than as the unexamined space between the piped systems.

The same pattern appears in the municipality’s current flagship water work. Addendum #1 to the Request for Proposals for the Grafton Lake Watershed Management Plan (BIM-RFP-2025-02, October 2025) answers a bidder who asked whether the work would include a groundwater study for potential contamination of the groundwater that feeds the lake. The answer is that “groundwater monitoring is beyond the scope of this study,” while in the same answer the proponent is told to review the Islands Trust groundwater recharge potential mapping to identify sensitive areas needing protection. So groundwater is named as something to protect, and in the same breath left out of what the study will actually measure. The same answer also states there are no monitoring wells within the watershed. That is not quite the full picture, as there is a provincial observation well monitoring Aquifer 746, the bedrock aquifer in the Grafton Lake watershed. The wider question of what groundwater monitoring exists, and what it shows, is a larger topic than this submission, and one I will be addressing separately with Council.

The infrastructure baseline, which was meant to inform this plan, set the private-well and groundwater assessments aside, as the start of this section described. And the municipality's separate Grafton Lake watershed work, its current flagship water study, puts groundwater monitoring beyond its scope. Groundwater is the common thing missing from both. That is one more reason the OCP itself, rather than these studies, has to carry groundwater protection.

The Committee is asked to confirm, on the record, what advice it received about this gap, and whether the infrastructure baseline will be completed to take in the private-water, VCH, and treatment assessments before the draft proceeds to first reading.

5. Is the plan assuming a water role for VCH that VCH does not hold?

Before setting this out, I should be clear about what I can and cannot see. I am reasoning here from what is on the public record: the draft itself, the baseline the Committee was given, and what VCH said to Council. I cannot see what advice the Committee received, or how VCH's role in the plan came to be where it is. That is why I put this as a question rather than a conclusion.

The draft itself says very little about Vancouver Coastal Health and water. It names VCH four times. Three of those are about assisted-living facilities, healthcare-worker retention, and seniors' services (draft §§2.3.19, 2.6.26, 2.6.27), which are health-services matters, not water. Only one reference touches water at all.

That single water reference, §2.2.85, asks the municipality to "encourage" VCH to monitor and control "any indirect flow of runoff or effluent at sites used for garbage handling operations" That is, refuse-handling sites such as a transfer station, recycling depot, or landfill. It is narrow and confined to waste sites. It says nothing about drinking water, wells, aquifers, or water systems. The phrase "drinking water" appears only twice in the whole draft, and neither instance gives VCH a role.

So if the draft itself does not give VCH a water-protection role, where does the idea that VCH looks after water come from? It comes from how the question has been framed for the Committee, and from the municipality's own practice of treating a referral to VCH as the answer to all water questions. In the rezoning now before Council for the cidery at 620 Laura Road, I have set out in my own submission that the municipality has relied on having referred the proposal to VCH as if that referral met the OCP's own standards for water use and supply, the standards that ask a use to prove it will not harm the water source. That reliance is questionable on its face, because VCH's role does not reach those standards, so a referral to VCH cannot satisfy them. And VCH itself does not treat its role as the end of the line: in the modular-home application at 1355 Westside Road, VCH referred the septic question onward to the Ministry of Environment once the system's scale took it past what VCH handles. A body that passes the question on is not a body that holds it. With a number of rezonings, permits, and variances now before Council and its committees, whether a referral to VCH is being treated as meeting water-supply and source-protection standards it cannot actually reach is a fair question to ask, and a legitimate area for the review this submission asks for.

This assumption, that VCH is the body protecting groundwater, does not match what VCH actually does. VCH looks after registered drinking-water systems under the Drinking Water Protection Act: systems with permits, multiple connections, and regular monitoring. That covers the safety of the water coming out of a tap in such a system. It does not cover:

- how much groundwater is taken, or the effect of that on the aquifer and on neighbouring wells;
- the provincial licensing of larger groundwater users under the Water Sustainability Act, which the Province handles, not VCH;
- the effect of a processing or industrial operation on a shared aquifer; or
- where process wastewater goes, and whether it reaches groundwater.

VCH has said this itself. When I raised water-use and aquifer concerns, VCH's Environmental Health Officer told me, in substance, that water use was the Province's responsibility and not VCH's, and no assessment by anyone followed. [submitter's account, from correspondence with VCH's Environmental Health Officer]

VCH said much the same in public, in this plan's own context. At the Council meeting of 26 February 2024, with a VCH delegation present, a councillor noted the OCP process was about to begin and asked what role VCH might play in "water protection and possibly permitting and regulations from the municipal side." VCH offered a general willingness to review official community plans and to "provide input on really anything," and gave examples like active transportation and healthier communities, rather than the water role the question asked about. Invited to describe a water role for the coming OCP, VCH did not claim one.

This is where section 4 and this section meet. The materials the Committee worked from did not assess the groundwater and private-water picture. For the many properties on private wells and surface sources, the baseline gave two sentences: that these homes use wells and surface water, and that VCH had assessed them but those assessments were not reviewed. Set beside the detailed, system-by-system treatment of the piped municipal systems, the well-dependent properties and the aquifer they draw on came down to a single pointer to VCH. So the idea that VCH covers this ground is not something the Committee invented, and it is not a criticism of the Committee. It is what the framing handed to them produced: a pointer to VCH in place of an assessment. Meanwhile the bodies that do hold the relevant roles, the Province for groundwater licensing under the Water Sustainability Act and for waste discharge under the Environmental Management Act, are not engaged in the draft at all.

The same assumption shows up in what the municipality actually puts in front of well-dependent residents. Its public page for private-well users offers a small, mixed set of material: a municipal information sheet that still speaks of the Water Sustainability Act as something that “will come into effect” in 2016, written before the Act it describes; a Vancouver Coastal Health letter that is, by its own terms, addressed to “water suppliers” operating a “water supply system” serving more than one dwelling; and a 2005 local water booklet that itself notes the vulnerability of the island’s aquifers and the value of groundwater observation wells. None of this is necessarily wrong in itself. The point is that the responsibilities here are layered, and the page does not explain them.

A household’s position depends on its situation: a shared well serving more than one connection can fall under VCH’s drinking-water-system role; a single private well does not, and the resource itself, the aquifer and the right to draw from it, is the Province’s responsibility under the Water Sustainability Act, with contamination a matter for the Ministry of Environment. A resident trying to work out who to turn to finds none of that set out clearly or currently. For a community where so many households depend on their own wells, that is not an adequate standard of provision, and it is the same gap the draft leaves rather than closes. It is worth adding that the need for groundwater observation wells on Bowen was being flagged locally as far back as that 2005 booklet. A provincial observation well now monitors the bedrock aquifer in the Grafton Lake watershed, yet the current watershed-plan RFP stated there were none (section 4), one more sign of how unevenly this knowledge is held and carried forward.

The practical consequence is simple. If water and groundwater questions are passed to VCH, and VCH does not deal with them, then passing them to VCH protects no one. The only thing that can actually protect people who depend on groundwater, from the effect of a land use in their recharge area, is local land-use planning: the OCP, its development-permit areas, and the conditions it puts on particular uses. That is the protection the Islands Trust mandate exists to provide. A plan that keeps water governance thin, assumes a VCH role that VCH does not perform, and makes catchment protection discretionary (section 7) leaves these residents without the one protection they actually have. The Committee is asked to (a) describe VCH’s water role accurately, as the authority for registered drinking-water and small water systems under the Drinking Water Protection Act, and no more; and (b) recognise in the plan that protecting groundwater and aquifers is a job for local land-use planning and the Province, and to make the OCP’s own tools carry that protection rather than leaning on VCH.

Stepping back from the individual points, one thread runs through all of Part One. The draft frames its central water definition around a statute repealed a decade ago (section 1). The studies meant to inform it leave groundwater out of scope (section 4). The framing the Committee was given, and the municipality’s own practice, treat Vancouver Coastal Health as protecting groundwater, a role it does not hold (this section). And the everyday material the municipality gives to well-dependent residents is partly pre-2016 and nowhere clearly explained. These are not unrelated lapses. Together they suggest the municipality’s understanding of groundwater, across its plan, its studies, and its public information, is fragmented and out of date, in a community where very many residents rely on groundwater sources. That is the underlying concern this Part is really about. The specific fixes asked for in each section matter; but the larger ask is that the plan be the place where this is finally pulled together into something current and coherent, because the plan is the instrument with the standing to do it.

Part Two. Land use: an undefined use entering the Rural Residential designation

6. “Agricultural processing” is elevated but left undefined

The draft OCP adds **agricultural processing** as a supported main use in the Rural Residential (RR) designation (draft §3.2.5, “Main Uses”; and the land-use designation table in Part 3, which states that agriculture and commercial uses are supported in RR “in the form of hobby farms, home-based businesses, and agricultural processing”).

This is a new addition. The current (2011, consolidated April 2023) OCP does not use the term “agricultural processing” anywhere, and its Rural Residential Land Use Management section (current §3.4.3) does not list it as a use. The draft therefore elevates a use category that the existing plan does not contain.

Three features of the draft make this consequential for water:

- **The term is undefined. "**Agricultural processing" is listed as a permitted RR use but is not defined anywhere in the draft. It does not appear in the Schedule C glossary, and no policy qualifies its scale, intensity, effluent characteristics, or relationship to a commercial operation. The draft's own designations table is explicit that, in Rural Residential, "Agriculture and Commercial uses are supported," with agricultural processing named as one of the forms they take.

  In other words, the commercial character is not something I am reading into the use; the draft's own table puts it there, listing "Agriculture and Commercial uses" together in a residential designation. And because the use is undefined, nothing bounds it. There is no stated limit on its size, its scale, its intensity, or the number of visitors it might draw. An undefined commercial use, sitting in a residential designation and tied to nothing that would cap it, is in effect an open-ended one: it can be as large, as intensive, and as visitor-oriented as a given application makes it.

  Set against the other Rural Residential uses, which are residential, small-scale (hobby farms), or expressly secondary (home-based business), agricultural processing stands out as the one open-ended use. Other land-use categories in the draft are given boundaries, through their own designations, scale limits, or defined terms; agricultural processing is elevated as a Rural Residential use with none of these, carrying whatever content a later application gives it.

- **Water protection in RR is discretionary, not required.** Draft §3.2.5.1(d) provides that land-use regulations for RR lands “may consider” environmental values, water quality and quantity, and groundwater flow and recharge. “May consider” is permissive. It does not require that a processing use within a drinking-water catchment be assessed for its effect on that catchment.

- **The DPA exemptions sit outside the OCP's control.** The draft's Watershed, Aquifer and Stream Protection Development Permit Area (draft Part 4) states that its guidelines, and therefore its exemptions, "have been adopted within the Land Use Bylaw." The operative bylaw (WASP, Bylaw 301, 2011) exempts from the development-permit requirement an "orchard regardless of size" and "farming in agriculturally designated lands," and, separately, agricultural use consistent with "normal farm practice." The result is that classifying an activity as "agriculture" or "agricultural processing" can remove it from the very development-permit scrutiny the DPA exists to provide. The draft would carry that same gap forward into policy.

Put together, the draft elevates an undefined processing use in a residential-rural designation, makes protection of the aquifer and its catchment for that use discretionary, and leaves the exemption that lets an "agricultural" label bypass the Watershed, Aquifer and Stream Protection DPA in a bylaw the OCP does not here revisit. The reasonable question for the Committee is whether the OCP should entrench this elevation at the policy level while the term remains undefined, or whether "agricultural processing" in Rural Residential should be defined and expressly subordinated to aquifer and catchment protection before the draft proceeds.

There is something telling in the timing. The draft introduces "agricultural processing" as a new Rural Residential use and treats it as settled and unproblematic, defining nothing and bounding nothing. Yet at the same time, this very classification is live and disputed in a current rezoning, and in related applications. A use the plan treats as simple is, in practice, anything but. And it does not sit alone: the draft leans in the same untroubled way on "agriculture" and "normal farm practice" as though these were clean, settled categories, when in fact they rest on a complex provincial framework, the Agricultural Land Reserve, the farm-class assessment rules, and the "normal farm practice" standard, that the draft does not engage with and that bears directly on what an "agricultural" label can carry.

The current rezoning shows how live this is. Whether the operation is "agriculture" at all is genuinely contested on the rezoning record. The applicants argue in their own correspondence that the operation is already a permitted agricultural use, implying no rezoning is needed, while simultaneously inviting Council to amend the Land Use Bylaw's definition of "agriculture." Yet a rezoning is in fact proceeding, which itself implies the use is not currently permitted. At the same time, BC Assessment classifies the property across three classes including light industrial, treating cider production as manufacturing, and the farm-class regulation treats cider not as an agricultural product but as a "manufactured derivative."

That mismatch is the signal: these are not settled matters to be written into the plan as though they were, and they should not be left to resolve themselves one application at a time. They are exactly the kind of questions the draft OCP process is the right place to work through, in full and with proper attention to where they lead, before they are locked into the plan as fixed.

A word on the Agricultural Land Reserve, because it sits underneath much of this. The ALR is an immensely complex regime, and I do not attempt to address it in full here. But it is another version of the same pattern this submission keeps identifying: a complex framework the municipality tends to treat as a simple answer that closes off further inquiry. The point can be made with the municipality's own documents, several of which came before Council together on 23 January 2023.

On one hand, the municipality knows ALR status is not the end of its authority. A December 2022 staff report on the Bowen Cider House lounge-area application records that, although cidery use is not permitted under the Land Use Bylaw, the use is a designated farm use on ALR land, and then adds that "permitted farm uses on ALR land may not be prohibited but may be restricted or subject to local government conditions, thresholds, and/or other requirements." That is the municipality stating, plainly, that it retains the power to set conditions and thresholds on ALR farm uses. The same is true of provincial law: material before the same Council meeting recorded that, under the Environmental Management Act, any discharge of leachate or contact stormwater to the environment requires a permit, and that under the Water Sustainability Act, water used for industrial purposes must be licensed, with composting and truck-washing both listed as industrial water uses and any non-domestic water use requiring a licence. These apply regardless of ALR status; they are a floor, not a ceiling.

On the other hand, in practice ALR status is too often treated as the answer that ends the inquiry. When neighbours raised environmental concerns about a proposed abattoir, the Environment and Climate Action Advisory Committee was advised, in its minutes of 8 June 2023, that "as the location was on ALR land, the applicant was within his rights to operate" it "without" the committee's approval, and the matter went no further. The gap between what the municipality acknowledges it can do, set conditions, thresholds, and requirements, and what it does in practice, defer to ALR status as though it removed the question, is exactly the gap the OCP should close.

The confusion runs deeper still, because these categories, ALR status, "normal farm practice," designated farm uses, and the provincial licensing that applies regardless, are complicated and they bleed into one another. They get conflated in practice, with whichever label seems to close off the question reached for first. The reflex even attaches where it does not belong: the cidery rezoning currently before Council, at 620 Laura Road, is not on ALR land at all, yet the "it's agricultural" framing still follows it. These are not simple matters, and they interact in ways that need to be thoroughly assessed and understood, not assumed. A draft OCP that elevates "agricultural processing" to a settled Rural Residential use without doing that work would license a great deal while understanding very little of what it was permitting. ALR designation is not a substitute for the water, catchment, and land-use scrutiny the plan is responsible for, and the strongest response is to define and bound the term, and to work through how these frameworks actually fit together, before the plan enshrines it.

7. The boundary between agriculture, commerce, and tourism is undefined

A related gap compounds the problem. The draft pairs the new, undefined “agricultural processing” use with both an on-site-sales agenda and a substantial visitor-economy agenda. But it never defines where agriculture ends and tourist-oriented commercial activity begins. To be clear about what the draft does and does not say: it does not use the word “agritourism” anywhere, and neither does the current OCP. The concern is not a labelled policy. It is an undefined boundary.

The components sit side by side in the draft. On the agricultural side, §2.6.70 supports “the creation, harvest, process, and sale of locally produced agricultural products to businesses,” permits roadside farm-gate sales, and supports farmers’ outlets or a public market. That is on-site processing and sale, not merely cultivation. On the tourism side, the draft contains a dedicated visitor-economy chapter (“Sustainable and Regenerative Visitorship,” §2.4) and tourist-oriented and Retreat Commercial designations. And in at least one designation the two are expressly co-located. The Grafton Lake Comprehensive Development Area (CDA-3) lists “an agricultural commons and orchard” together, in the same description, with “limited tourist-oriented commercial uses and retreat centre development.”

Individually, each of these may be reasonable. The difficulty is the absence of any defining line between them. Nothing in the draft defines “agricultural processing,” caps visitor-serving activity at an agricultural operation, or states where a farm operation that also sells, hosts, and draws visitors stops being “agriculture” and becomes tourist-oriented commercial use. The result is an open category through which a visitor-destination commercial business can present itself as agriculture.

An OCP that supports on-site processing and sale, promotes a visitor economy, and co-locates orchards with tourist-oriented commercial uses, all without defining the boundary, makes it straightforward for an operation to be nominally agricultural and substantively a tourism-commercial business. The Committee is asked to define “agricultural processing” and the threshold at which agricultural operations with visitor-serving or commercial components are treated as commercial/tourist uses for planning purposes, so that the agricultural label cannot be used to carry commercial and visitor activity into the Rural Residential designation unexamined.

8. The rewrite weakens how the OCP treats light industry

The classification point above matters all the more because the draft simultaneously weakens the OCP's grip on light industry, the category into which fermentation-based production, such as a cidery, falls on the actual-use test. Three changes between the current and draft OCPs run in the same direction.

First, and most importantly, the key water-and-waste protection changes what it attaches to. In the current OCP, Policy 205 reads: "Industrial and light industrial uses will prove adequate water supply and waste disposal capability to ensure that there is no deleterious effect on surface and ground-water supplies." That obligation is written as a duty on the uses themselves, "industrial and light industrial uses," so it follows the activity wherever it occurs, including a light-industrial use on Rural Residential land. The draft keeps the same "no deleterious effect" wording almost word for word, but moves it into §3.2.14.2, inside the Industrial (ID) designation, and rephrases it as "Businesses shall prove..."

So a duty that used to attach to a kind of use now attaches to a kind of land. On its plain reading it applies to businesses on industrially designated land, the land carried in the Industrial (ID) designation and, in the Land Use Bylaw, the Industrial Medium (IM) and Industrial Commercial (IC) zones. A light-industrial use sitting on Rural Residential land, as a cidery or other fermentation operation does, is no longer plainly caught by it. That is a real narrowing: the protection has moved from following the activity to following the zoning.

Second, the draft drops a control the current OCP has. The current OCP has a dedicated Light Industrial Development Permit Area (§11.4.9), which sets rules for what light-industrial buildings and sites should look like and how they fit their surroundings. The draft's list of development-permit areas leaves it out. So the draft has less control over the appearance and siting of light-industrial development than the current plan, not more.

Third, the draft retains a repealed waste statute (developed further in section 1): §3.2.14.4 still requires industrial waste discharge to be authorized under the Waste Management Act, replaced by the Environmental Management Act in 2004.

The combined effect is that the draft narrows the obligation that would require a light-industrial use to prove it will not harm groundwater, tying it to industrial land rather than to the use itself; removes the permit area that controlled light-industrial development; and points to the wrong waste statute. At the same time, in the Rural Residential designation, it newly invites "agricultural processing" that, on the evidence, operates as light industry, precisely the kind of use that, on Rural Residential land, now falls outside the protection. The Committee is asked to restore a general obligation, attaching to any industrial or light-industrial use wherever it occurs rather than to industrial land alone, that the use prove it will cause no deleterious effect on surface or groundwater, and to reinstate development-permit control over the form and character of light-industrial development equivalent to the current Light Industrial Development Permit Area.

9. The temporary-use-permit safeguards are demoted from binding policy to discretion

The draft retains temporary use permits, but materially weakens the standard governing them. A temporary use permit is, by design, the lighter-touch route into a use: time-limited and conditional rather than permanent. The safeguards attached to it therefore matter, because weakening them lowers the bar at exactly the stage meant to test whether a use belongs at all. On Bowen this is not abstract. A current operation has run under a TUP for five years without the water and groundwater assessment the OCP contemplates, a live illustration of what a weak TUP standard allows to go unexamined.

In the current OCP, the temporary-use-permit safeguard is a numbered, binding policy. Policy 238 provides that the Municipality may consider issuing a temporary use permit “provided the use will not create an unacceptable negative impact upon the natural environment or the character of the neighbourhood.” Under the Local Government Act a zoning bylaw and its decisions must be consistent with the OCP, so a numbered policy of this kind operates as a binding constraint, not a suggestion. The current OCP also contains Policy 240, which expressly empowers the Municipality to require development-approval information, that is, assessments, for any temporary-use-permit application.

The draft removes both as numbered policies. The temporary-use-permit provision is reduced to a narrative paragraph that is no longer numbered or expressed as binding policy, and it newly inserts the words that the Municipality “may, at its discretion,” consider issuing such permits. The environmental safeguard that was a binding condition becomes a matter of municipal discretion. Policy 240, the power to require assessment information at the temporary-use-permit stage, disappears from the draft altogether. What remains is only the discretionary paragraph and the narrow waterfront-industrial carve-out.

This is not an abstract drafting change. The temporary-use-permit route is exactly how an unassessed commercial use can establish itself on the land without the scrutiny a rezoning would invite. The dropped Policy 240 is precisely the tool that could have required hydrological or water-supply assessment information before such a permit issued. Demoting the environmental test to discretion, and removing the assessment-information power, makes the next temporary-use-permit even easier to grant without the information the situation requires. The Committee is asked to retain the temporary-use-permit environmental standard as a binding policy (not a discretionary narrative), and to reinstate an express power to require development-approval/assessment information for temporary-use-permit applications, equivalent to current Policy 240.

10. A consistent residency / accessory-use standard

Bowen’s planning framework has historically held accessory commercial activity to a residency-based, self-supporting, artisan standard, with commercial use tied to people who live on the property. The draft preserves this orientation: its glossary defines “Artisan Commercial” as small-scale, largely hand-made production emphasising local, sustainable sourcing, and RR “home-based business” is expressly framed as secondary to residential use (draft §3.2.5).

This connects to a larger and still-unsettled question the draft does not confront: what it means for an area to be residential at all. The Rural Residential designation increasingly admits uses that need not be tied to anyone actually living on the land, of which an undefined, non-resident "agricultural processing" operation is one example. That tension, between a residential neighbourhood and commercial activity run by people who do not live there, has surfaced before in the municipality's own decisions, and the draft would carry it forward unresolved. The ask is consistency: if RR is to support agricultural processing, the draft should state whether that use is held to the same residency and scale standards as other accessory commercial activity, rather than leaving an undefined commercial use outside a standard the rest of the designation applies.

Part Three. How the plan should be used

11. The OCP should be settled on its own merits

A general principle underlies this submission. An Official Community Plan should be settled on its own merits and for the long term. That does not mean live applications are irrelevant to it, quite the opposite: where a current application surfaces a genuine gap, as this update shows can happen, the right response is to let that lesson feed back into building better policy, not to leave the gap unexamined. What does not make sense is for the same questions to be worked through and decided in two processes at once, a live application and the plan that is meant to govern it, when the OCP is the place those questions should properly be settled. I recognise this can be hard on anyone who has an application in front of the municipality right now, waiting on decisions that settling the plan properly may slow. But the real task here is bigger than any one application: it is getting this right for the whole community, for a generation or more.

This connects to a live procedural question. The lawful basis for waiving a public hearing on a rezoning is that the bylaw is consistent with the Official Community Plan. But whether this application is consistent with the OCP is contested, both in my own submission on the rezoning and by the fact that the OCP is being rewritten on the very policies in question at the same time. To settle the draft now in terms that resolve that consistency in the application's favour would be to supply, through the OCP process, the compliance the waiver of a public hearing depends on, while the question is still open. A procedural letter raising this was filed with Council on 15 June 2026, asking, among other things, that the basis for waiving a public hearing be set out given that consistency with the OCP is contested. [submitter's account]

The submission does not ask the OCP to take a position on any application. It asks that the draft's water and land-use policies be settled on their merits, for the future generation they will govern.

12. Requested changes to the draft

In summary, before the draft proceeds to a first-reading bylaw, the submitter asks the Steering Committee to:

1. Define "agricultural processing" in the Schedule C glossary, including its scale, and expressly subordinate it to catchment and groundwater protection where it occurs within a Water Resources Protection Area.
2. Define the threshold at which an agricultural operation with visitor-serving or commercial components (sales, hosting, tasting, visitor draw) is treated as a commercial or tourist-oriented use for planning purposes, so the agricultural label cannot carry commercial and visitor activity into Rural Residential unexamined.
3. Convert the discretionary "may consider" water-protection language in §3.2.5.1(d) into a requirement that processing uses in drinking-water catchments be assessed for their effect on water quality and quantity.
4. Confirm the relationship between the Watershed, Aquifer and Stream Protection DPA and the Land Use Bylaw exemptions, and ensure that an "agriculture" or "agricultural processing" label cannot remove a use from that DPA's scrutiny where it sits over an aquifer or its recharge area, not only a surface catchment.
5. Restore an operative commitment to regulate the use of groundwater and to protect groundwater supply and quality, not merely to "consider" it, and require qualified-professional assessment of groundwater impacts where a use may affect a groundwater source, while retaining the draft's new freshwater-recharge-area protection (§2.2.63).

6. Retain the wetland replacement (no-net-loss), anti-infilling, and mandatory environmental-impact-statement / Qualified-Environmental-Professional provisions as binding OCP policy; keep core environmental development-permit guidelines within the OCP rather than deferring them entirely to the Land Use Bylaw; and make environmental and water-supply assessment automatic and required, rather than discretionary, where a development may affect a wetland, watercourse, or drinking-water source.
7. Restore a general obligation, not confined to the Industrial designation, that any industrial or light-industrial use, wherever it occurs, prove adequate water supply and waste-disposal capability with no deleterious effect on surface or groundwater; and reinstate development-permit control over the form and character of light-industrial development equivalent to the current Light Industrial Development Permit Area (§11.4.9).
8. Ensure the Environmentally Sensitive Development Permit Area is actually brought into effect (its guidelines adopted) rather than left as a mapped-but-unenforced designation, so that the wetland and riparian features the draft maps are genuinely protected, consistent with Islands Trust Policy Statement §§3.1.3 and 3.3.2.
9. On carrying forward the Watershed, Aquifer and Streamside Protection DPA, review and strengthen its aquifer-protection guidelines against the Water Sustainability Act and current groundwater science, rather than rolling it over on the strength of how frequently it is administered.
10. Make aquifer carrying-capacity in well-dependent areas an explicit consideration in the infill and density policies, so intensification is not directed into high-well-density areas with no alternative supply on a "servicing capacity" test that does not assess the shared aquifer.
11. Restore a general obligation, not confined to the Industrial designation, that any industrial or light-industrial use, wherever it occurs, prove adequate water supply and waste-disposal capability with no deleterious effect on surface or groundwater. Reinstate form-and-character control over light-industrial development equivalent to the current Light Industrial Development Permit Area.
12. Retain the temporary-use-permit environmental standard (no unacceptable negative impact on the natural environment or neighbourhood) as a binding policy rather than a discretionary narrative, and reinstate an express power to require development-approval/assessment information for temporary-use-permit applications, equivalent to current Policy 240.
13. Update the glossary and water policies from the repealed Water Act to the Water Sustainability Act, and the industrial-waste authorisation reference from the repealed Waste Management Act (§3.2.14.4) to the Environmental Management Act, and review the referral and jurisdiction language so it reflects provincial groundwater licensing.
14. State Vancouver Coastal Health's drinking-water role accurately, as the authority for registered drinking-water and small water systems under the Drinking Water Protection Act, and recognise in policy that groundwater and aquifer protection are matters for

local land-use planning and the Province, so that the OCP's own tools, not deferral to VCH, carry that protection.

15. Confirm on the record what the infrastructure baseline did and did not review with respect to private water systems and groundwater, complete that baseline before first reading, and ensure the OCP treats private wells, groundwater, and aquifers as part of the island's water infrastructure, assessed and weighed in growth and capacity decisions, rather than as the unexamined space between the piped systems.
16. State whether agricultural processing in Rural Residential is held to the same residency and accessory-use standard as other accessory commercial activity.
17. Decline to let the timing of this update be used to supply OCP-compliance for any live rezoning; settle the water and land-use policies on their merits, independent of that file.

A closing word on how to read this

I am conscious that several of the points above open questions I have not fully worked through here, and that deserve further reflection rather than a settled answer. Two are worth naming. The carry-over of the Watershed, Aquifer and Stream Protection bylaw is one: the more closely I looked at it, the more it seemed that the bylaw being rolled over may in fact protect water better, through its own structure and framing, than the draft's own new policies do. That is worth examining in its own right, because it suggests the plan's strongest groundwater protection is something it inherited rather than something the rewrite built. The boundary between residential character, what it means for an area to be residential, and the commercial or processing uses the draft would admit, is another question I have only begun to open here. I raise these as matters needing more thought, not as finished conclusions, and I may return to some of them as the plan develops.

The current OCP dates from 2011. The plan that emerges from this update will frame land use and water decisions on Bowen Island for potentially a generation. Water is a critical issue in that update. The records and questions above bear directly on the integrity of the information underpinning the draft, and the public interest in getting these policies right before they are settled is correspondingly high. Thank you for considering this submission.