

Heather Miller

June 27, 2026

Attention: Executive Committee

Chair Patrick and Members of the Executive Committee

Dear Chair Patrick and Members of the Executive Committee,

I'm writing to follow up on a submission I made to Bowen Island Municipality's Mayor and Council on 15 June, which I attach. It concerns a rezoning application on Bowen Island (BIM reference RZ-2026-0014) about a cidery at 620 Laura Road. In my covering note to BIM Council, I told them I'd also be bringing it to the Trust and to MLA Jeremy Valeriot (West Vancouver-Sea to Sky).

I'm bringing it to you directly because the Executive Committee was already asked, back in 2021, to look at some of the very issues my submission now raises, under its preserve-and-protect mandate.

The cidery was then allowed under a Temporary Use Permit, issued on 22 March 2021 and renewed in December 2023, and the applicants are now essentially seeking to have that original temporary permit rolled over into a permanent rezoning. The Municipality has accelerated this toward a process that would eliminate any public hearing, and I am very concerned by the issues, and the implications, of the whole situation.

What we asked in 2021.

In April 2021 my mother and I wrote to the Executive Committee asking it to reconsider its decision (EC-2021-001, of 13 January 2021) by which it had advised the Municipality that BIM Bylaw No. 528 was not at variance with the IT Policy Statement. We were careful about what we were asking. We weren't asking the Trust to oppose the Municipality's bylaw; we were asking it to look again at its *own* decision in EC-2021-001, because the BIM bylaw removed a long-standing protection in our Land Use Bylaw, and we believed its removal was at variance with Policy Statement sections 3.3, 4.4 and 5.4.

Our letter was on the Executive Committee's agenda of 5 May 2021, and the Committee recorded a motion to write to us in reply. After that meeting, I wrote to the Chair to point out that the discussion had proceeded on the wrong bylaw. The Chair told me that he and David Marlbor would write to us. So we were told, twice, that a response would come, once in the recorded motion, and once by the Chair directly. Neither reply ever arrived. The current rezoning brings all of this into sharper focus, because the application rests, in part, on exactly the change we asked you to look at then.

The protection was the prohibition on vineyards. Bylaw 528 was presented as a "housekeeping" amendment, tidying up terms said to be unused, and it deleted the "vineyard" definition on that basis. But in our Land Use Bylaw a use, or a prohibition, is carried by its definition: take out the defining term and you take out the rule that lived in it. By having a definition that is not attached anywhere in the LUB as a permitted use, you essentially prohibit that use. So deleting "vineyard" didn't tidy an unused word; it removed a prohibition. And that prohibition mattered, because a cidery is functionally a winery, both are fermentation-based alcohol production, and the bar on vineyards and wineries had stood as a protection against exactly the light-industrial wastewater this kind of operation produces. We said so at the time, in writing, before second reading. The bylaw went forward regardless.

We were also concerned about how the change reached you. When the Executive Committee considered Bylaw 528, we felt the presentation it was given did not convey the substantive nature of what the bylaw actually did, and we did not think the Committee would have endorsed those changes had they been squarely put. That is why we wrote asking you to look again.

Why it matters now.

The present rezoning relies on precisely that gap. The applicants point to the removed vineyard prohibition, and their application works the Land Use Bylaw's definitions, in its "agriculture" definition, the on-the-same-lot sourcing requirement, the line between agriculture and a winery, to fit a cidery into a permitted category, even though their fruit is supplemented from a leased orchard off-island. The protection that was quietly removed in 2020-21 is now doing real work in 2026: its absence is part of what the application is built on. What we flagged to the Trust then is what is in play today.

There is a wider point in this that I think is properly the Trust's concern. When a protection is moved out of the framework the Trust reviews, or

removed from it under the banner of housekeeping, it can fall outside the Trust's oversight without that ever being squarely decided. That is, in effect, what happened here, and it is the reason I'm bringing this back to you rather than treating the 2021 correspondence as closed.

For completeness: I attach my 15 June submission, which sets these matters out in full. In short, the property, with a GARP designated well, sits on a fractured-bedrock aquifer with documented springs, a recharge-zone wetland fed in very short order by Murray Creek which runs right through the cidery area of the lot; a groundwater licence that Vancouver Coastal Health asked for in writing in 2021, under the Water Sustainability Act, was never obtained; the drinking-water system has been under a Water Quality Advisory; the lot is also in large part (a part where "wastewater irrigation" appear to be taking place) in BIM's WSP DPA; there have never been any environmental assessments or Council consideration of its water, waste or wastewater impacts beyond an implicit treatment of VCH's role as guarantor; the area around this lot has very high well density; and the rezoning is proceeding on a determination that it is consistent with the Official Community Plan, the basis on which a public hearing is proposed to be waived, which I dispute. Relevant OCP Policies, such as 205, and the others identified in my submission, have never been engaged, either in the TUP or now in the rezoning process. These are preserve-and-protect questions, and they arise just as the Official Community Plan that will frame them is itself being rewritten.

A brief note on one recent event, so there's no confusion. Two days after I sent my submission to Council, Vancouver Coastal Health attended the property and lifted a water quality advisory. On the surface that might look as though it answered the concerns I'd raised; on the substance, reading the inspection itself, it doesn't. I have a Freedom of Information request in with VCH on this and related matters across the full five years of its involvement, and it seems cleaner to wait for those records before saying more. There are also other Provincial layers, with MWLRS for instance, engaged from their actions/inactions in 2021 and also subject now to FOIs. I mention the June 17 VCH inspection only so the rescission isn't mistaken for a resolution.

I was also preparing to make a request to the Trust under the Freedom of Information and Protection of Privacy Act for the Trust's records relating to these matters, though your response may make that unnecessary.

This is a long letter, covering something that has built up over several years. My purpose is to make sure the Trust is aware of these matters, on the record, while the Official Community Plan update and this application

are live, and able to consider them in light of its object and the Policy Statement.

If it would be appropriate, and if that is how things are usually done, I would be grateful if this could also be passed to the Bowen Island Trustees, Sue Ellen Fast and Judy Gedye. I don't want to presume the right channel, so I leave that to you.

Beyond that, I would welcome clarification on the following.

First, on our original 2021 concern. We asked the Executive Committee to look again at EC-2021-001 and were told a written response would follow; it never came. If the Committee is able to provide a substantive response to that original concern now, even at this distance, I would be grateful to receive one.

Second, on records. The vineyard and winery provisions in our Land Use Bylaw relate to a real history on Bowen Island, one that predates the Municipality and spans the transition from IT's earlier governance through the incorporation period. I would be grateful to know whether the Trust holds any records bearing on the vineyard or winery provisions, their origin, or their removal.

Third, on the current Official Community Plan update. The Municipality has indicated that the Trust would be involved in this process now that the draft OCP has cleared the second public consultation phase. I would welcome any clarification of the nature of that involvement, in particular whether the Trust has been engaged before this, and how it is engaged at the upcoming stages, and in what capacity. I have made a further submission to the OCP Steering Committee, with an accompanying note to Council, that touches directly on the Trust's role; I will leave that aside for now, as this letter is long enough, but I mention it so the Committee is aware it exists.

Yours sincerely,

Heather Miller

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[RZ-2026-0014 Submission to Council Heather Miller June 15 2026.pdf](#)

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