

To: The Advisory Planning Commission

Re: RZ-2026-0014, 620 Laura Road

July 13, 2026

Dear Commissioners,

I'm writing about the referral of the 620 Laura Road rezoning. Before any of the questions about the proposal itself, there is a problem with the process that you need to see clearly, because it affects the position you are being put in.

Put plainly, and I set it out step by step below. You were referred the 13 April version of this application; the version now actually in play is a revised one, taken to Council on 25 May, and it is one that would proceed with no public hearing.

A public hearing can be dispensed with only where the proposal is consistent with the Official Community Plan, and no one has assessed whether this one is. So if the Commission advises in the ordinary way, its advice becomes the thing that appears to confirm a consistency no one established.

First, the sequence, because it matters.

On 13 April 2026 this rezoning went to Council. At that stage two notable things stood on the record in the staff report: a requirement, on Vancouver Coastal Health's recommendation, that the applicant provide a hydrogeologist's water assessment and a septic assurance; and a staff recommendation that the public hearing be kept. The application was referred to the advisory committees, including this Commission, which has not met on it since. Your meeting, on July 23, is the first time you will take it up.

In the meantime the application changed substantially: the guesthouse was dropped, the water and septic assessments were removed, and a new option appeared, to proceed with no public hearing at all.

That revised version went back to Council on 25 May 2026. The planner's report on it was given over almost entirely to the machinery of the Local Government Act, the options for proceeding, how to give notice that a hearing would be skipped, and how to move quickly enough to meet the applicant's stated wish for an early decision, and not to whether the proposal is consistent with the OCP.

The report set out the rule that a hearing may be waived for an application that complies with the OCP, but neither it nor the discussion that followed asked whether this one does; consistency was treated as already settled, taken as proven without ever being considered. The Municipality's public notice page, as far as I can see, still directs anyone looking into this to the 13 April version. So you, and the public, are being brought to this after the direction was effectively set, using papers that no longer describe the proposal.

The assumption underneath it.

The whole rezoning leans on the idea that it does no more than make permanent something the temporary use permit already settled. That permit settled none of the questions this rezoning now turns on. A temporary use permit (TUP) is what its name says: temporary, and directed only at two narrow questions, whether the use would create an unacceptable negative impact on the natural environment or on the character of the neighbourhood.

The TUP is and was not a decision that the use is consistent with the OCP, and it applied none of the OCP's policies on water or light industry. And it did not properly answer even its own narrow questions: its entire statement on the environment was one sentence, "No direct ecological/climate impacts are expected," with no assessment behind it. It was sought for three years in 2021 to test whether the cidery business was viable: a trial, not a verdict. So there is nothing in it for this rezoning to rest on. Making the use permanent is the first time anyone is being asked to decide whether this operation belongs here at all, and that is the decision the no-hearing route takes away from the public.

One further thing is worth adding, because the urgency now urged tells against itself. The permit was issued in 2021 and renewed in 2023, and on both occasions the need to bring a rezoning was put to the applicants. The rezoning has arrived only now, five years on, and with a request that it be accelerated. Whatever lies behind the delay, an applicant's wish for speed, after five years of opportunity, is not a reason to set aside the public's opportunity to be heard before the use is made a permanent and irreversible feature. A feature not just of this neighbourhood but of the island, with implications for the new Official Community Plan now being written, which I have addressed separately with the OCP Steering Committee.

It is worth being clear about what a public hearing is for, because it is more than a single chance to speak. The readings, the required notice, and the hearing itself are what give the public time to learn that a proposal exists, to consider it, and then to be heard on it. Even so, the real window is short, and this operation's own TUP shows how short. That was introduced on 22 February 2021, but the first public notice did not appear until 4 March; the planner finalised his report on 15 March and did not consider anything submitted after noon that day; and the permit was granted at the meeting of 22 March, issued less than two hours after that meeting began. The public's effective opportunity to affect the planner's consideration, from the first notice to the report's cut-off, was about eleven days, and that report was before Council when it granted the permit. The stages may look unhurried from the outside, but the window to be heard is small, and removing the public hearing takes even that away.

How a public hearing gets skipped.

Normally a rezoning goes to a public hearing, where anyone affected can be heard. Recent changes to the law added a separate rule for certain residential rezonings, but this is not a residential application. For a commercial one like this, the position that matters here is that Council may waive the hearing only where the proposal is consistent with the Official Community Plan. That is the single condition, but it is a necessary condition.

What that requires someone to do.

Deciding a proposal is consistent with the OCP is a substantial task: taking the OCP's relevant policies, on water, on light industry, on rural land, and checking the proposal against them one by one. Someone has to carry that check out and write it down, so Council can rely on it, you can weigh it, and the public can find out about it. OCP consistency is the finding the whole no-hearing route stands on.

It was never done.

The current staff report, on the now active application, does not measure the proposal against a single policy of the OCP. What it says is that the application "involves an amendment to the Land Use Bylaw, but not the Official Community Plan." That is a different statement. "We are not changing the wording of the OCP" is not "this proposal is consistent with the OCP": a proposal can leave every word of the OCP untouched and still cut against what it asks for. So the consistency finding on which skipping the hearing must rely has not been made anywhere.

You can see it in the motion Council passed on 25 May. It pointed to only one part of the Local Government Act, section 467, which is simply the notice you give once you have already decided there will be no hearing. It did not point to section 464(2), the part that actually allows a hearing to be skipped, and it did not state that the proposal is consistent with the OCP. Section 464(2) permits skipping a hearing only when the proposal is consistent with the OCP: that is the provision that carries the decision, and it is the one the motion is silent on. The removal of the hearing was written up as a routine instruction to send a notice, when it was a decision that needed a finding of consistency behind it. The motion reads as an instruction to give notice, and functions as the removal of a public hearing.

And because it was framed that way, no one reading the public record would know a hearing had been removed. The Municipality's own "Council Highlights" for 25 May says only that Council received the revised application and directed staff to prepare bylaws and proceed toward first reading. The Undercurrent's report described the application being narrowed to the cidery. Neither mentions a hearing being set aside, or any question of consistency with the OCP. The public has not been told that a hearing has been waived, nor that it was waived on an assumption about the OCP that no one has checked.

And the same silence hides more than the hearing. Identifying and weighing the risks a use carries is the Municipality's job, not that of the public, and the public relies on it being done; so the reports' silence about the water this use draws and the waste it discharges is not neutral, but tells the reader there is nothing here to be concerned about.

There is good reason to think the consistency finding would not be straightforward if it were made. At the Parks, Environment and Climate Action Advisory Committee on 7 July, the Municipality's own planner explained why this operation needs a rezoning at all: ordinary growing and crushing of apples is already allowed on a rural residential property, and what makes this one need a rezoning is the provision that only 25% of the fruit has to come from the property while up to 75% can be brought in. In his words, that is "the key distinction that's required for this rezoning." So by the Municipality's own account, the operation needs a rezoning precisely because it is not the ordinary agricultural use it is otherwise treated as; the amendment the applicants seek, one entirely unexamined by the planner or Council, would, in effect, write a broader definition of agriculture into the bylaw to accommodate this rezoning. All the more reason the consistency question needed working through, and it was not.

Why this matters for you.

You have been asked to advise on this rezoning, and consistency with the OCP is exactly what your advice speaks to. If you advise in the ordinary way, without noticing that the consistency check was never done, your advice becomes the thing that appears to supply that lack.

The record will show that the Commission looked at this proposal and supported it going forward, and that will stand in, afterwards, for a consistency finding no one made. You would be endorsing a conclusion that has never been reached or shown, without having been told that the consistency of this proposal with the OCP is the very question in issue. I don't think the Commission should be put in that position without knowing it.

What I am asking.

On what is in front of you, you cannot confirm that this proposal is consistent with the Official Community Plan, because no one has assessed whether it is. I am asking you to say exactly that, and to recommend that the hearing not be waived until the required work is done: a proper planning review that measures the proposal, policy by policy, against the OCP, and which is put before Council and the public.

Two further things point the same way. The revised, smaller application says "all materials were submitted with that application," so you are being asked to judge the new proposal on a withdrawn proposal's documents. And the reason now offered for skipping the hearing is not that the proposal fits the OCP, but that some of the closest neighbours, after a meeting with the applicant, have come to accept it, and by their own account only reluctantly. That is not my word: a councillor at the 25 May Council meeting described them as having worked out their concerns "reluctantly or otherwise." In April, staff recommended keeping the hearing because there were letters of opposition on the record. Reluctant acceptance by some of the nearest neighbours now, however reached, is not the test the law sets. The test is consistency with the OCP, and that is the finding that is missing.

One last point, because it bears on how far this is already being treated as decided. This is the same Council that renewed the TUP for this property in December 2023, and when it did, its members said on the record that the rezoning would be the stage carrying a public hearing, the place where the questions the TUP had set aside would at last be examined. It is now the same body removing that hearing, and which has not picked up those set-aside questions.

There is a great deal more to say about the proposal itself: what this operation really is, what the OCP says about protecting water, a covenant already registered on the property's title, and how the two neighbouring applications on this part of the island were handled. I have put that in a separate submission, should you wish to go further. But none of it is needed for the point here, which is simpler than all of it: there is nothing on the record that checks whether this proposal is consistent with the OCP, so there is nothing for you to confirm, and you should not be asked to appear to confirm it.

Thank you for considering this.

Heather Miller