

Submission to the Advisory Planning Commission

Rezoning RZ-2026-0014, 620 Laura Road cidery

Summary

This submission concerns the proposed rezoning of 620 Laura Road (RZ-2026-0014), which would make permanent, and without a public hearing, the cider-manufacturing operation now running there under a temporary use permit. It is offered to the Advisory Planning Commission in support of the covering letter, and in the alternative to it.

The covering letter makes a single procedural point: there is no determination on the record that this proposal is consistent with the Official Community Plan, and so nothing on which the public hearing can be waived, and nothing for the Commission to confirm. This submission sets out, with sources, the grounds behind that point.

They come to five. First, the temporary use permit settled none of the questions this rezoning turns on; it asked a narrow environmental question, answered it in a single sentence, and was always provisional, so it cannot be the reason the rezoning is now treated as a formality (Part 1). Second, the operation is, on the record's own sources, a light-industrial use and not simple agriculture, and that classification is the hinge, because it decides whether the OCP's water and light-industry policies apply at all; it was supplied by the applicant and never independently tested (Part 2). Third, those water policies are engaged and unmet: the operation's draw on a shared, stressed, fractured-bedrock aquifer has never been measured, and it discharges high-strength fermentation effluent onto the land above its neighbours' drinking-water wells, under a regime built for household sewage, with none of the assessment the OCP requires (Part 3). Fourth, these questions have been kept out of view at each stage by a single pattern, ending in the removal of the public hearing, the one place they would ordinarily be surfaced and answered (Part 4). Fifth, the definition of agriculture this rezoning would write into the Land Use Bylaw would supply the meaning of a central term the draft Official Community Plan, now out for consultation, uses but leaves undefined, so the decision reaches well beyond this one site (Closing). Throughout, a covenant the Municipality itself holds on the title, tied to the area's water supply, has gone unremarked.

What the Commission is asked to advise is set out in full at the close. In short: on the material before it, the Commission is not in a position to advise that this rezoning is consistent with the Official Community Plan, because no one has assessed whether it is; the planning work the OCP requires has not been done; and the public hearing should not be waived until it has, and until the public have had the opportunity a hearing exists to give them: to learn what is actually proposed, to understand it, and to be heard on it before it is made permanent.

Part 1. What the temporary use permit did and did not settle

This rezoning has been carried forward, at every stage, as though it does no more than make permanent an arrangement the temporary use permit already settled. That premise has to be examined first, because everything else is built on it, and it does not hold. The temporary use permit settled none of the questions this rezoning now turns on; it never addressed them at all.

Consider what a temporary use permit is. It is a temporary and discretionary permission, issued under the OCP's own temporary-use policy, and it asks two questions, and only two: whether the use will create an unacceptable negative impact on the natural environment, and whether it will create an unacceptable negative impact on the character of the neighbourhood. That is the whole of the test. But the environmental question is not answered in a vacuum. What counts as the natural environment on Bowen, and what harms it, is defined by the OCP itself, in its policies on water, on groundwater and on aquifers. So a temporary use permit, done properly, is meant to reach the water when it answers its environmental question, and to reach it through the OCP's own framing of environmental harm, not apart from it. On this property, that framing points straight at the water, which is the subject of Part 3.

What a temporary use permit is not is the larger finding a rezoning requires: a determination that the use is consistent with the Official Community Plan as a whole. That is a different and much larger thing, and a permission granted for a fixed, trial term was never it. A finding of that kind is one the process is built to take seriously: weighed over more than a single sitting, put to public notice and a hearing, and allowed to change as it moves through its stages. The temporary use permit was given none of that. It was introduced at one Council meeting, on 22 February 2021, and granted at the next, on 22 March, with the permit issued less than two hours after that meeting began. So the permit is not, and could not be, the consistency finding this rezoning needs. But the narrower environmental question it did ask was a real one, and answering it properly meant grappling with what this use actually is. It is light industry, as Part 2 sets out in detail: an operation that manufactures a product, draws water, and discharges waste. That was the point at which its industrial character and its demand on water had to be weighed, in 2021, and again at the renewal in 2023. Neither was. The classification Part 2 establishes was there to be made and was not made, and the environmental consideration that should have carried the water with it was, as the next paragraphs show, essentially nothing at all.

Even on that environmental question, taken at its narrowest, the finding that issued the permit rested on nothing. The decision report of 22 March 2021 recorded, as its entire treatment of the environment, a single sentence: "No direct ecological/climate impacts are expected." No OCP water or aquifer policy was named; there was no water assessment behind the sentence, no study of the aquifer, no review by a qualified professional, nothing that would let anyone test whether it was true. And the permit was expressly provisional. It was granted for a three-year term, and the applicant sought it, in his own words in the February 2021 report, "to see if this is a viable business." It was described, repeatedly, as a trial. A trial is not a verdict. Its permanence was always to be decided later, on the merits, and that later decision is the one now in front of the APC, and the one the no-hearing route would remove from public view.

The logic of what is now urged runs backwards. An arrangement that was provisional by design is to be made permanent at speed, and with the public hearing removed, on the argument that the trial has already settled the very questions it was never asked to decide. The most permanent and least reversible form of this decision, a rezoning that runs with the land and binds whoever owns it next, would be reached with the least scrutiny of any stage in the whole sequence, precisely because a provisional version came first and is now offered as the proof that no scrutiny is needed.

It is worth being plain about how far the instrument was stretched to reach even that trial. A temporary use permit is meant for uses that are genuinely temporary. Yet the temporary-use policy under which this permit was issued had, not long before, been amended to strip the words “short term” and “seasonal” out of the definition; the Municipality’s own notice described the change as removing “language requiring that a TUP be issued for a use that is ‘short-term or seasonal.’” And the permit was sought, as the report shows, to test whether a commercial business would be viable, which is not what a temporary use permit is for. So the permit was pressed into a job it was never designed to do going in; and it is now being pressed into a second one coming out, made to stand as the proof that everything is settled, so the rezoning can pass without a hearing.

None of this is hindsight; the record foresaw it. In 2020, at the Advisory Planning Commission’s meeting of 15 July, as the APC was advising on the amendment to the temporary-use-permit policy, one of its members described the danger in plain terms: “One of the big problems with a lot of communities is that somebody gets a temporary use permit, and then they build something which is pretty substantial there to accommodate their temporary use. And then it’s kind of hard to get it away from them again because they say, oh, we’ve got all this.” And the same member named the very threshold this permit has since reached. Turning to how long a temporary permit should run, the member observed that “when you get into something like five years you really are talking about probably making some substantial improvements ... they want some kind of guarantee. And that’s a little scary.” That is this operation, point for point: the cidery has been on a temporary use permit for five years; it has made substantial improvements; and the guarantee it now seeks is this rezoning. The position the APC called scary in the abstract, a temporary permission treated, once the buildings are up and the years have passed, as though it had already decided the permanent question, is exactly the position it is now being asked to endorse.

And it was not the commission alone. At the same meeting, the Municipality’s own planner said he would “have a hard time recommending a temporary use permit where they’re going to build something specifically for the temporary use,” the permits he was comfortable with being ones that reused “an existing building” or “the outdoor space”; and he agreed that “if somebody build[s] something for a temporary use, even if it’s three years, there’s going to be an expectation that they get it renewed and they continue.” That is this matter exactly. The cidery built substantial structures for the use, the permit was renewed, and the expectation of continuation is now the argument for making it permanent. The concern the planning department itself put on the record in 2020 is the one this application realises.

By 2023 the same misgiving had surfaced on Council’s own record for this very property, with at least some members seeing the difficulty plainly. When the permit came up for renewal on 11

December 2023, one member said it “feels like we’re skirting around the whole process of having a public hearing and a resulting application and all of the amendments and the nuances that can come from that whole process,” and that addressing the concerns properly “needs to be something more than a temporary use.” Another agreed the concerns were “legitimate” but said “the time for addressing those would be in the zoning application.” The Mayor set out the ordinary path: a use “comes to Council for the issuance, it comes to Council for the renewal, and then if it’s going to be rezoned, it comes to Council again for the rezoning, which involves a public hearing.” Council renewed the permit on that understanding, that the rezoning, with its hearing, was where these questions belonged. The rezoning has now arrived, and the hearing is exactly what is being removed.

Underneath all of this is a single logical point that runs through the rest of the submission. This operation is light industry now; it was light industry at the permit in 2021 and at the renewal in 2023, and the permit assessed it as none of that. It is, in substantial part, an assembly use now; it was then, and the permit never named it. Its wastewater is a live question now; it was a live question in 2021, when the one question asked about it was answered about the wrong thing. Nothing about the use changed to make these questions arise: they were there from the start. The temporary use permit did not resolve them. It passed them forward, unexamined, and the rezoning is the moment they were passed forward to.

That moment is the rezoning now before the APC, the stage at which these questions were finally to be examined, on the merits and in public, and it is exactly that examination the no-hearing fast track would remove. What the OCP asks at the rezoning is not complicated, and it is the business of the parts that follow. The Official Community Plan treats an intensive use’s demand on water, and the waste it discharges, as a risk to be assessed and disproved before the use becomes a fixed feature of the land, because water on Bowen is a shared, limited and vulnerable resource, and once an aquifer is drawn down or a shallow supply contaminated, the harm falls on neighbours who had no part in causing it. And these are not distant or hypothetical worries, nor mine alone. The rezoning record itself carries letters from neighbours concerned about precisely these harms: the water the operation draws, the wastewater and septic it produces, and the effect of both on their own wells and water supply. The concern is on the record, raised more than once and by the people most exposed to it. That is why the OCP’s water and light-industry policies read as they do, as a burden of proof placed on the proponent. Whether that burden is engaged turns on what the use is, which is the subject of Part 2. What the water evidence shows is the subject of Part 3. And how a decision of this consequence came to be taken as though none of it arose is the subject of Part 4.

Part 2. What this operation is, and why the classification decides everything

Everything in this matter turns on one question, and it is not what this operation is called but what it actually is. The naming is what does the work, because what a use is called is what switches on the OCP’s protections, and the assessments that come with them, on or off. Getting the name

right, on the facts, is critical. Called agriculture, the use is asked very little. Called what it is in substance, light industry, and a commercial and an assembly use, it is asked a great deal: proof of adequate water supply and waste-disposal capacity, authorised discharge, an assessment of the effect on the aquifer and the neighbouring wells, and controls on gathering, on hours and on parking.

So the label is not a neutral description; it decides what is asked and what is not. And here the naming does something more particular. The applicants, and too often the planning department alongside them, proceed as though “agriculture” were already settled, while at the same time seeking a rezoning whose whole purpose is to widen the definition of agriculture until it takes this operation in. Both cannot be true. One does not need the meaning of a word enlarged in order to fall within it. The request for the amendment is itself the concession: as the land is zoned today, this is not agriculture.

What it is instead is set out in my submission to Council of 15 June 2026, and evidenced again in what follows. The same operation has been described, by different people and at different points in the record, as a winery, as light industry, as commercial production, as a manufacturing business, and as an assembly use; and BC Assessment, which classes property by its actual use, classes this one partly as light industry. It has nonetheless been permitted, from first to last, as agriculture. That gap, between what the operation is and what it has been called, is not a technicality. It is the space in which every unexamined question here, the water it draws, the waste it discharges, the crowds it gathers, has been able to sit unseen. To call it agriculture is to make those questions disappear.

2.1 On the record’s own terms, this is not simple agriculture

The description of the operation as something other than agriculture is not my characterisation. It is the record’s.

When the property first came before the Municipality, staff identified the use as a winery. The introductory report that brought the temporary use permit to Council in February 2021 records that “‘Winery’ is a defined term (but is not permitted in any zone),” and that “the building constructed has an area for manufacturing cidery.” The same report notes that the operation would rely on fruit brought in from off the property, and that it contemplated “potential retail of items not produced on that lot,” which, in the report’s words, “exceeds that of an accessory use to the agriculture zoning.” The land purchase record describes the activity as “commercial production.” Neighbours, in their written submissions in 2021, described what they saw as industrial manufacturing in a residential area. And BC Assessment, the provincial body that classes every property by its actual use, classes this one across three classes at once, one of them light industry, a point I return to below.

The most telling description comes from the Municipality’s own planner, and it comes at the most recent stage. At the Parks, Environment and Climate Action Advisory Committee on 7 July 2026, he explained why this operation requires a rezoning at all. Ordinary growing and crushing of apples, he said, is already permitted on a rural residential property: “any rural property on Bowen can grow apples, and can crush the apples, and can sell apple juice.” What distinguishes this

operation, he continued, is a single provision in the cidery definition, that not all of the fruit has to come from the property: “in the cidery definition, it’s that 25% have to come from the property, and 75% can be imported. And that’s essentially the key distinction that’s required for this rezoning.”

That sentence repays attention. The Municipality’s own planner has said, on the record, that the feature which takes this operation out of ordinary agriculture, the ability to bring in its fruit, is the very feature that makes a rezoning necessary. The operation needs a rezoning precisely because it is not the agricultural use it is otherwise treated as. Once that is on the table, the question the OCP asks, whether the use is consistent with its policies on water, waste and light industry, cannot be answered by pointing to the fact that apples are grown on the site.

And this framing was not a late arrival. It was the planner’s from the very outset, before the application was public and before it reached Council. On 29 January 2021, having just been on site and met the applicants while preparing the temporary use permit, the Manager of Planning wrote to Vancouver Coastal Health to refer the application, and described it this way: “It is a strange application because almost everything they are proposing is already permitted under our ‘Agriculture’ zoning. I.e. they can grow apples, process them into cider, and sell them on site. As such, the only other zoning requirements would be if they also want to bring apples from off site to include in their cider, or if they want to sell food along with the cider.” Two things stand out. The agriculture characterisation was set at the very beginning, by the Municipality’s own planner, as the frame through which everyone downstream would come to see the application. And the planner himself identified, in that same first email, the single feature that did not fit it, the bringing in of fruit “from off site”, which is the very “key distinction” he would name again five years later. The feature that takes this operation out of agriculture was visible to the planning department from the first day, named by the planner, and then folded back into the agriculture framing rather than followed where it led.

There is a further difficulty in that same email, and it goes to the centre of the classification. The planner told the health authority that under agriculture zoning the applicants “can grow apples, process them into cider, and sell them on site.” But that is not what the bylaw permits, and it is not what the planner himself had said two years earlier. In November 2019, presenting the very definitions at issue, he had explained that an agriculture zone lets you grow fruit but not “grow grapes to use commercially,” that a cidery is not a vineyard but “a winery,” and that to allow cider-making the Municipality “should amend winery and say a winery includes making wine or cider.” That amendment was never made, as set out below. So on the planner’s own 2019 account, manufacturing cider was a winery use the zone did not permit; yet in 2021 the same office told the health authority it was already permitted as agriculture. The line the planner had drawn so plainly in 2019, between growing fruit and manufacturing alcohol from it, went missing at exactly the point where holding to it would have meant assessing this operation as something more than a farm.

BC Assessment draws exactly the same line, and it is worth pausing on because the applicants rely on it and it does not say what they suggest. BC Assessment is a provincial Crown corporation that classes every property by its actual use, for tax. It is not a health, water, environmental or land-use authority, and it regulates and monitors nothing, so it cannot be counted, as the

applicants count it, among the agencies overseeing this operation. And it does not record a farm class alone. Because classification follows use, 620 Laura Road is assessed across three classes at once: residential, agricultural, and light industrial. The light-industrial class is not incidental. Cider in British Columbia is manufactured under a winery licence, and this operation is licensed by the Liquor and Cannabis Regulation Branch as a Manufacturer, sub-category Winery; under the Prescribed Classes of Property Regulation the Light Industry class covers land used for “extracting, processing, manufacturing or transporting of products,” and BC Assessment’s own guidance places wineries in it. The farm class, by contrast, attaches only to the raw fruit: the regulation that governs it treats cider not as an agricultural product but specifically as a “manufactured derivative,” which falls outside it. So the very record the applicants cite for agricultural legitimacy records, by the same actual-use test, a manufacturing operation, and that light-industrial component sits in the Municipality’s own annual assessment roll, on which it levies the property’s taxes by class. This is the planner’s “key distinction” seen from another angle: the fruit grown and sold as fruit is agriculture, while the cider manufactured from it is a light-industrial derivative, and it is the manufacturing that takes the operation out of agriculture. The applicants cannot claim the farm class and pass silently over the light-industrial one that stands beside it in the same record.

And the agriculture description that this rezoning would make permanent is, in the end, the applicant’s own, and it is assembled from parts. The publicly available application carries a written “Interpretation of Agricultural Use,” prepared by the applicant’s agents, arguing at length that the cidery qualifies as agriculture. It is built from pieces taken wherever they help: the repeal of the old “Vineyard” definition in the Land Use Bylaw, the Farm Practices Protection (Right to Farm) Act, the property’s farm class for tax, and a provincial Agricultural Land Reserve rule that lets a leased orchard elsewhere count as part of one farm, which is what is offered to justify bringing in up to three-quarters of the fruit. The document cites the OCP’s objectives on agriculture, on economic development and on tourism. It cites none of the OCP’s policies on water, on groundwater, or on light industry.

One of those pieces deserves a closer look, because the definition that was removed did real work, and the way it was removed is telling. In November 2019, presenting Land Use Bylaw amendments to the APC, the Municipality’s planner explained what the “vineyard” definition did: it was the mechanism that stopped fruit from being grown commercially for alcohol. In his words to the APC, “you can grow grapes, but you can’t grow grapes to be used for wine.” He proposed to remove it, listing it among “unnecessary definitions.” In the same presentation he turned to cidery: “we don’t currently have a definition for cidery. And a couple of people have approached us and said they want to build a cidery. Is that a vineyard? No, that’s a winery.” He proposed a second change to go with the first, to amend the “winery” definition so that it expressly included cider, which would have made a cidery unambiguously a winery, and so not a permitted use.

Of those two proposals, one was carried through and the other was not. The “vineyard” definition, and with it the prohibition, was removed, in a bylaw adopted in 2021 and presented as housekeeping, with the term sitting on the slide beside “amusement arcade.” The amendment that would have made cidery a winery was never made. So the change that removed a protection was done, and the change that would have closed the gap was left undone. Neighbours advised

Council in writing in April 2021 that the removal was substantive, not housekeeping, and erased land-use prohibitions directly relevant to the then-active permit; they wrote separately to the Islands Trust; Council proceeded.

The circularity is now complete. The applicants' 2025 letter argues that because "vineyard" has been repealed, the only definition left is "agriculture," which they say the cidery meets. So the planner explained in 2019 that the vineyard definition was what prevented commercial production for alcohol; it was removed; the amendment that would have caught cidery as a winery was not made; and the applicants now rely on the absence of that very definition to establish that their operation is agriculture. The protection was removed, and its removal is now the argument.

And the argument is silent on the definition that still applies. "Winery" remains defined in the Land Use Bylaw, and it is not a permitted use in the Rural Residential zone. Cider is manufactured under the winery licence class, and the planner said as much to the APC in 2019: "Is that a vineyard? No, that's a winery." The applicants build their case on the absence of "vineyard," while a more directly applicable definition, "winery," still sits in the bylaw, governing exactly what they do, and their argument does not mention it.

It is worth being exact about what the rezoning actually proposes, because it confirms the point. The application does not ask to amend "winery" to take in cider, the change the planner floated in 2019, and the one that would squarely engage the definition that governs this use. It asks instead to create a new zone, "RR2(a)," and to permit new principal uses within it. As first brought forward, in April 2026, those uses were two, a "cidery" and a "guest house for agritourism."

Council was told, on 25 May, that the proposal had been narrowed to the cidery alone, the guest house dropped. A revised application does exist: the Municipality's planner later identified it, in an email of 15 June 2026, as document 342181 on the municipal website, holding the 25 May staff report and the amended application form. That form, signed on 8 May 2026, is a slight thing: it removes the guest house ("we are no longer requesting approval for 10 sleeping units"), adds "cidery" as a permitted use described only "as described in the temporary use permit," and supplies no proposal summary, no justification, no site plan and no studies of its own, stating instead that "All materials were submitted with that application." So the operative application does no fresh analysis; it drops the guest house and rests, for everything else, on the April materials.

But that is not where the public is directed. The Municipality's planning-notices page still links the original April application, document 338509, the two-use version with the guest house, and had not been corrected when last checked. So a member of the public following the ordinary route, the public notice, is sent to the original April application, guest house and all, while the current form sits at a separate document number reachable only by someone handed the link, as the planner handed it, or who knows to dig through the CivicWeb agenda folders. The operative application is, for practical purposes, unfindable by ordinary means. Part 4 returns to this.

The application's own label for these uses is itself telling: it calls them "agri-tourism uses" and describes the operation as an "agri-tourism business." Whatever else agri-tourism is, it is a commercial, visitor-serving activity, not the bare growing and harvesting that the word "agriculture" calls to mind; and to describe the cidery that way, as the applicants themselves do,

is to concede the very dimension, paying visitors gathered on the site, that the parts below on assembly and on commercial use address. It sits awkwardly beside the parallel claim that the operation is simply “agriculture.” And that description is not some superseded form of words. It is in the April application, document 338509, and the revised form does not replace those materials but expressly adopts them, “All materials were submitted with that application,” so the applicants’ own identification of the cidery as an agri-tourism business, a commercial, visitor-serving use, is carried into the operative application by reference, and it is also what a member of the public following the still-live notice link would read.

And for the cidery the application proposes, in its own words, “to incorporate the same definition and restrictions from TUP 2021-0017”: that is, to lift the definition the applicants themselves authored, word for word, out of the temporary permit and fix it permanently in the bylaw. The definition it would write in is the one carrying the 25 per cent provision: “‘CIDERY’ means the use of buildings and structures for the production of cider ... where at least 25% of the cider production comes from fruit grown on the same lot, or from another lot which is part of the same business,” with imported British Columbia fruit “limited to no more than 75%.” So “winery” is left untouched, and the only definition of this use ever placed before Council or the APC is the applicants’ own. That is what makes the naming problem acute: the rezoning does not test the applicants’ account of what the operation is against any independent standard, but proposes to adopt that account as the standard.

Two things about that definition repay attention, and neither has been remarked on. The first is that it is carried across from the temporary permit word for word: it appears identically in the issued temporary use permit, in the rezoning application, in the planner’s presentation, and in his 13 April staff report, each time on the footing that it is “the same definitions and restrictions as currently permitted under the Temporary Use Permit.” That sameness is offered as reassurance, and it is in fact the difficulty. This is not a definition that was examined, found sound, and is now simply being continued. The classification underneath it, that this manufacturing is a form of agriculture, was contested when the use first came before the Commission, and was set aside rather than answered; the definition went into the temporary permit with that question still open, and it has stayed open ever since. Carrying it forward word for word does not carry forward a settled matter. It carries forward an unsettled one, and now proposes to fix it in the bylaw and make it run with the land in perpetuity. That the words have not changed is not evidence that they were ever right. It is the same untested instrument, its central question never answered, and the rezoning would put it beyond reach.

The second is what the definition’s own last sentence contains. After the production and fruit-source provisions, it closes: “A cidery may include cidery tours, cider tasting, cider sales, a picnic area, and the sale of cidery promotional products.” That is not a description of manufacturing. It is a description of a visitor attraction: tours, tasting, sales, a picnic area, merchandise. It is, in the applicants’ own words, one of “two small-scale agri-tourism uses.” And it matters now for a reason the record has passed over. The guest house has been withdrawn, and with it, one might assume, the commercial and visitor dimension of the proposal. It has not been withdrawn. The tours, the tasting, the sales, the picnic area and the merchandise sit inside the cidery definition itself, and that definition is exactly what the rezoning would make permanent. The visitor-serving

commercial use survives the withdrawal of the guest house, folded into the one definition that remains, and it is the same dimension the parts below on assembly and commercial use take up.

There is a contradiction at the centre of the applicants' case, and it is worth stating plainly. They tell Council two incompatible things at once. The first is that a rezoning is not really needed, because the cidery is already a permitted agricultural use. The second is that Council should rezone the property and write a broader definition of "agriculture" into the bylaw so that the use qualifies. Both cannot hold. If the use were already permitted, there would be nothing to apply for and no term to redefine. The very act of applying for a rezoning, and of asking for the definition to be changed, is the admission that the use is not permitted as things stand.

The same tension ran through the temporary use permit in 2021. A temporary use permit is, by its nature, permission for a use that is not otherwise allowed, and applying for one is itself an acknowledgement that the use is not permitted; yet the operation was presented, then as now, as essentially agriculture. On both occasions the message to Council has been, in substance, that permission is not needed but should be granted, and the rules adjusted so that the use qualifies. What that leaves is a genuinely unresolved question about whether this is agricultural use at all, with a proposed amendment to the bylaw's own definition of "agriculture" in play, and only the applicants' side of it before the APC: not the staff analysis that prompted their letter, and not the contested question underneath.

What is missing from that document matters as much as what is in it. It is addressed to the Municipality's planner, and it opens by thanking him "for your note and for clarifying staff's interpretation of the RR2 zoning and the provisions of our Temporary Use Permit." So there was an exchange between the applicant and the planner about whether the cidery is agricultural use at all. Only the applicant's side of that exchange is on the public record. The planner's note, and staff's interpretation, are not there. What the APC and the public are given is the applicant's account of what staff said, followed by the applicant's own case for why the use is agriculture. Nowhere in the record is there an independent planning determination that this operation is agriculture, or that it is consistent with the OCP. There is the applicant's assertion that it is, and a courteous reference to a conversation no one else can read. The classification on which the entire application turns has been supplied by the party that benefits from it, and left untested.

2.2 The wastewater question was asked once, in 2021, and answered about the wrong thing

The clearest illustration of how the water question was set aside is on the transcript of the 22 February 2021 Council meeting.

A councillor asked the applicant directly how the waste from production would be dealt with. She had reason to ask: she connected the site to a former island beverage-production operation where, in her words, "the disposition of the waste was a significant issue on that property." The applicant first answered that the pressed fruit pulp is eaten by the deer. When the councillor explained why she was asking, the applicant said:

"It's a very different process. Our process is just apples and apple juice. There's one input into cider, a real cider, and it's fruit juice, just pure 100% so there's no water,

nothing going in. Breweries, I'm not as familiar but they have hops and whatnot. They have lots of other inputs that go into it so there's more waste but there's one input, it's 100% fruit juice and nothing else going in."

The question was about waste, which is an output. The answer was about ingredients, which are an input. Whether water is added to the fermentation tank tells you nothing at all about the water the process discharges. Cider production uses water and produces wastewater through pressing, through fermentation, and above all through the cleaning and sanitising of tanks and lines, and that wastewater is high in organic load and low in pH. It is generated in the largest volumes in the autumn, at harvest.

The conflation did not stay with the applicant. At the decision meeting on 22 March 2021, the same councillor told Council, in explaining her support, that "water is apparently not used in the production of cider which was something I certainly didn't know and perhaps many of the neighbours didn't know." The applicant's answer had become the Municipality's understanding of the waste question, and the waste question was not revisited.

Five years later, the same framing was offered again. At the Parks, Environment and Climate Action Advisory Committee on 7 July 2026, the Municipality's planner told the committee: "I will just say that water isn't an input in cider production ... it's different than like a beer or whisky or something production, but it's more like winemaking where again water is not an input. Water is obviously used, I guess, to like clean the equipment between batches, but it isn't a direct input." The concession is inside the sentence: water is used to clean the equipment between batches, which is exactly where the wastewater comes from, and it is then set aside as "not a direct input." This time a committee member named the point the framing skips over, that the assessment must cover "the impact of the wastewater on the groundwater ... how much water is being pulled out and where that water goes and its quality." The question first asked in February 2021 was a question about waste, and it has still not been answered.

2.3 The size that has been controlled is not the size that matters

A second substitution runs alongside the first. Attention has been kept on the footprint of the building, when the footprint is not what determines the operation's demand on water or its output of waste.

The applicant said as much himself, on the same 22 February 2021 record. He supported restrictions on the building: "restrictions on square footage, building size, retail area, patio area. 100% support that." But he also explained that production is a function of equipment and fruit, not floor area, and then put the point beyond doubt: "It's really hard to tell like the different size cideries like a 20,000 litre versus 50,000 litre cidery when you walk up, you wouldn't be able to notice." A cidery producing two and a half times as much would look, from the outside, the same. The one control that has been placed on scale, the size of the building, is by the applicant's own account no measure of how much cider is made, and therefore no measure of how much water is used or how much waste is produced.

It helps to be precise about the orchard, because the application leans on it heavily. The heritage collection on the site is about one acre: an espalier planting of heritage and heirloom apple

varieties, and a genuine horticultural achievement whose value as a living preservation collection is not in question here. But a preservation collection is not a commercial production base. It is managed for tree health and genetic preservation, not for yield; many of its varieties fruit only every other year; and its harvest is small, irregular, and gathered across hundreds of varieties that ripen at different times. What it yields is a seasonal heritage blend, not fruit at commercial scale. A newer cider orchard of freestanding trees has since been planted alongside it, bringing the property to about two and a half acres, but those trees are young and, on the independent horticultural account, will not mature until after 2030; they are not in meaningful production now. That newer planting exists to meet a liquor-licensing threshold, the two acres a land-based licence requires, on a parcel that is not in the Agricultural Land Reserve and has no other agricultural anchor.

The applicants have said as much themselves. At Council on 22 February 2021, the applicant told the meeting that “it’s very hard to grow fruit” on Bowen, that per-acre yield here is “about one-twentieth” of what the same planting produces in the Similkameen, and that “25% is better, given the growing conditions here.” That is the applicant’s own explanation for why the fruit is brought in from off-island and why the floor was set at a quarter rather than a half: not that a quarter ties the cider to Bowen, but that Bowen cannot supply more. The heritage-orchard narrative and the applicant’s own evidence about Bowen’s growing conditions point in opposite directions, and it is the second that describes where the fruit comes from.

That matters because of what the cidery definition does and does not require. Read as most people read it, “at least 25% of production from fruit grown on the same lot” sounds like a constraint, a rule that ties the operation to the apples grown here. It is not. The definition requires 25% “from fruit grown on the same lot, or from another lot which is part of the same business,” and the applicants lease an orchard in Cawston, in the Similkameen Valley, which their own application confirms (“we lease a small orchard in Cawston, BC”). That lease makes Cawston “another lot which is part of the same business,” so the whole of the 25% can be met from Cawston, and the remaining three-quarters imported from anywhere in British Columbia. As written, the definition requires no Bowen-grown fruit at all: neither the heritage acre nor the new cider orchard need contribute a single apple.

Nor need the input arrive as fruit. It can come as juice, including frozen juice, tanked or shipped in, and the applicants’ own 2021 account described product arriving from the Similkameen as juice, tanked in and processed on site. The image the word “cidery” calls up is apples grown nearby and pressed here. What the definition actually permits is a processing facility receiving juice from elsewhere.

And here is the root of it: the 25% is not a planning standard at all, but a liquor-licensing one, and three quite different tests are being run together as though they were the same.

The first is the provincial liquor rule. To hold a “land-based” manufacturing licence, a producer must draw a quarter of its fruit from land it owns or leases and have two acres planted; what that buys is the commercial right to sell and distribute on favourable terms. It is a rule about commerce, it says nothing about water, and for its purposes “land” means owned or leased, which is the whole reason a leased orchard in the Similkameen can count. This is the test the 25%

comes from, and it is the newly planted two acres on the property, described earlier, that exist to satisfy it.

The second is the genuine land-use test: the Agricultural Land Reserve farm-use rule, under which an alcohol-production facility is a protected farm use only where at least half of the primary product is harvested from the land the facility itself sits on, and never from an off-site lease. That is the far stricter bar a real agricultural classification would have to clear. But 620 Laura Road is not in the Agricultural Land Reserve, so it never has to clear it.

The third is the Land Use Bylaw's own definition of agriculture, which speaks of products harvested "on that lot," not on "another lot which is part of the same business."

Set side by side, the rezoning proposes to write the first and weakest of the three, the commercial liquor threshold, into the bylaw in place of the other two. It takes the standard designed to decide who may sell cider commercially and installs it as the standard for whether the use belongs on the land at all.

And a proportion is not a cap. Because the definition fixes ratios and not litres, production can double, and double again, and the ratio still holds, so long as the imported and the "same business" shares keep their proportions. Nothing in the permit, the renewal, or the proposed rezoning limits the volume of cider, and volume is what determines the water drawn and the wastewater discharged.

The narrative runs the other way. The operation's signature product, "Long Lost Apples," is described as "a truly unique blend that includes the full harvest of our heritage orchard and many traditional bittersweet varieties," with the heritage orchard placed first, where the reader's eye lands. But bittersweet cider apples, the Dabinetts and Yarlinton Mills grown for tannin and structure, are not what a heritage table-apple collection mostly holds; they are the volume of the blend, and their origin is not stated. Nothing requires it to be. Cider is a standardised alcoholic beverage under the federal food and drug regulations, and standardised beverages, wine, beer and cider alike, need not list their ingredients; no disclosure of fruit origin or proportion is required anywhere. So the share of that product, or of any of this cider, that is Bowen-grown cannot be checked by a consumer, by a resident, or by a member of Council weighing this rezoning. Even the applicants' own careful phrase, that "100% of the fruit from those trees is used in our cider production," says only that all of the orchard's fruit goes in, not that the cider is made of it: it is precise, and precise in one direction. The flagship product settles it: the 2022 Portland International Cider Cup bronze in the single-varietal McIntosh class was made from McIntosh grown in the Similkameen Valley, not on Bowen. The name, the description and the narrative all point to the heritage orchard; the labelling framework guarantees nothing behind any of it, and requires nothing that would let anyone check.

There is a further difficulty, and it goes to the premise itself. The whole application is justified by the heritage orchard, its preservation offered as the public good the rezoning serves. But the applicants have told the Municipality that they can no longer provide the day-to-day management the orchard requires, and they have not been resident on the property since 2024. In September 2022 an application was made to relocate an apple orchard to the UBC Botanical Garden, which UBC has confirmed in writing was put on hold in January 2023 pending funding, never completed

and never permitted; and the property has been offered for sale for some time. So the premise of the application is the preservation of an orchard that the applicants have themselves said they cannot manage, on a property they are seeking to leave. That impugns no one. It means only that the future this rezoning would fix to the land, the future in which the use passes to whoever holds the land next, is not a distant hypothesis. On the applicants' own account, it has already begun.

Finally, and most important, a rezoning attaches to the land, not to the people who hold it now. This is the point on which the whole matter turns, and it is the one most easily lost. The question in front of the APC is not what the present owners are doing today, or whether they are careful and well-meaning neighbours; it is what the zoning would permit anyone to do here, in perpetuity. And what it would permit is a great deal. Because the 25% can be met from "another lot which is part of the same business," a future owner could be a large commercial producer whose "same business" already includes a substantial orchard elsewhere in British Columbia. That owner could buy or lease this property, satisfy the whole of the definition from off-island fruit, bring in as much further fruit or juice as it wished, and make as much cider as it wished, with no production cap, no water assessment, no wastewater authorisation and no hydrogeological study standing anywhere in the way. The permission would not sit with the present owners, or depend on their restraint. It would run with the land, at whatever scale a later owner chose, for as long as the zoning stood.

So the reassurance that the current operators are careful people who would not overreach, whatever its merit, is beside the point, because it is not the operators that are being made permanent. It is the use, fixed to the land, for whoever comes next. The 25% reads as a constraint; it is a loophole. A percentage is not a cap. And the rezoning would attach this use to the land with no questions asked and no limits applied.

2.4 The operation is also an assembly use, which the zone does not permit

There is a further part of this operation that the record does not name at all, and it is the part that brings the largest number of people to the site.

The Land Use Bylaw defines "assembly" as "the use of land or a building or structure for gatherings for public, charitable, cultural, religious, memorial, philanthropic, recreational, educational or entertainment purposes." An operation that, on the owners' own account, has welcomed on the order of fifty thousand visitors for tastings, gatherings and events is, in substantial part, an assembly use on the bylaw's own terms. Much of that gathering happens outdoors, and the bylaw lists "outdoor assembly" as a distinct use in its own right.

The Rural Residential zone permits neither. Its list of permitted uses is closed: the bylaw states that the named uses, "and no others," are permitted, and the principal uses it names are dwelling, agriculture, stable and kennel. Assembly is not among them. And where the bylaw does allow assembly, in certain commercial and village zones, it controls it tightly: assembly use in those zones is "limited to a total of not more than six separate events in a calendar year, each of a maximum duration of eight hours," and elsewhere the maximum floor area for assembly is set at 250 square metres. The bylaw, in other words, treats public assembly as an intensive use to be confined to commercial areas and then rationed by events, hours and floor space, because of the

traffic, noise and demand on services that gatherings bring. At 620 Laura Road that same intensity is present at a scale far beyond six events of eight hours, and none of the control applies, because the use has not been named as assembly. It has been treated as agriculture.

That this outdoor, commercial character is real is confirmed by the Municipality's own mapping. On BowMap, the reference tool to which the Municipality's Bylaw Services said they had directed the property owner in 2021, the commercial designation over 620 Laura Road covers the parcel, not merely the buildings. The Municipality's own map already treats the commercial use as reaching across the land, outdoors included. Part 4 returns to this mapping.

It is worth noting how differently a named protection has been treated. In 2021 the concern about light at night was raised, and Bowen has a specific bylaw addressed to it; boundaries around outdoor lighting followed. The difference is not that light matters more than assembly or noise. The difference is that light pollution was named, and had a bylaw attached to its name, and so it was acted on. Assembly use, and outdoor assembly in particular, has an equally specific set of controls in the bylaw, and it has simply never been named.

2.5 The parking requirement measures the building, and misses the visitors entirely

The parking condition on the permit shows the whole problem reduced to a single number.

Parking was set, in the 2021 report, "to match the Land Use Bylaw requirements for cottage industry and artisan industry, which is 1 space per 30 sq. m. of floor area," and, applied to a building of about seventy square metres, "this would require 3 parking spaces." The issued permit fixes it: "the cidery use must provide 1 parking space for every 30 sq. m. of floor area." Three spaces.

The bylaw's own table sets a different, higher standard for assembly. For "church, community hall, assembly" in rural zones the requirement is one space for every fifteen square metres of floor area, twice the rate, and measured against the space in which people gather rather than against a manufacturing shell. The operation was parked as the lightest of cottage industries while functioning as an assembly use. The result is three required spaces against an operation that reports on the order of fifty thousand visitors in five years – that is, ten thousand visitors a year. The mismatch is not theoretical. At the 25 May 2026 meeting the closest neighbours described "parking mayhem on Laura Road" over a sunny holiday weekend that "would have caused problems for emergency access." Three spaces is what you get when you measure the building and never count the people.

What follows from Part 2

None of this asks the APC to decide what the operation should be permitted to do. It asks the APC to notice that the operation has been assessed as one thing and operates as another, and that the difference is precisely the set of things the OCP exists to weigh: the water it draws, the waste it discharges, and the people it gathers. Because the use was treated as agriculture, the water policies in Part 3 were never applied to it, the assembly controls were never applied to it, and the

parking was set to the building rather than to the use. The classification is not a technicality. It is the mechanism by which the substantive questions were never reached.

Part 3. The water case

3.1 What the OCP's water rules are, and what they turn on

The Official Community Plan's rules about water are a risk assessment. That is what they are, not what lies behind them. They exist because on an island the water is neither unlimited nor private. Bowen has no large river and no reservoir fed from elsewhere. Its fresh water is only what falls on the island as rain and snow: what runs across the surface, and what soaks into the ground beneath. The groundwater the households here depend on comes from that same falling source and no other. And two features of the island make that groundwater scarcer than it may sound. Its aquifers are mostly fractured bedrock, which holds and carries water only through cracks in the rock; and its ground is steep, so a large part of the rain that falls runs off the slopes and reaches the sea before it can soak in. The share of precipitation that actually recharges the aquifers is, for both reasons, low. This is the regional pattern for these coastal islands: the Islands Trust's own groundwater-recharge mapping finds that low slopes promote infiltration while steep slopes "promote runoff and decreased infiltration," gives the steepest ground the lowest infiltration values, and treats the fractured-bedrock structure as a primary control on recharge. What sits in the ground is limited to begin with, and slow to be replaced. Those same sources are shared by everyone who draws on them, and because the resource is shared, limited, and easily harmed, the OCP does not leave it to chance. It requires a use that could affect water to show, before it is permitted, that it will not.

Two of the OCP's policies say this in terms, and both turn on one thing: what the use is. Policy 205 provides that "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, or to the long term sustainability of these resources." Policy 207 provides that "All industrial waste management discharge to land and water must be authorized under the Waste Management Act."

Two features of Policy 205 matter. It puts the burden on the operation to prove, not on neighbours to disprove, that it will do no harm; and it names both surface water and groundwater, and both supply and long-term sustainability. It is, in other words, a risk test with the onus on the use. But it is engaged only if the use is industrial or light-industrial. So the first question in any water assessment of this application is not a question about water at all. It is a question about classification: is this a light-industrial use? If it is, Policy 205 and Policy 207 apply, and the operation had to prove its case. If it is treated as agriculture, they fall away, and nothing is required.

3.2 The use is light-industrial, which engages Policies 205 and 207, and the question that follows

Part 2 of this submission sets out, from the record's own sources, why this is a light-industrial use and not simple agriculture: the applicants' own certificate of limited partnership describes the business as "commercial production"; the planning department's own record, in 2019 and again in 2021, treats cider-making as a winery and places wine production outside the agriculture zoning; BC Assessment classifies part of the property as light industrial; on 7 July 2026 a member of the reviewing environmental committee described it in those terms, setting out what the missing assessment would have to cover: "a hydrological report that ... looks at the impact of the cidery and light industrial use of the property on the neighbouring ... groundwater"; and the adjacent owners described it as an industrial manufacturing operation. Only the planning record for this application treats it as agriculture. That classification is the hinge of the water question, because Policy 205 and Policy 207 are engaged only if the use is industrial or light-industrial. On the record, it is.

From that follows the sharpest question in this submission, and it is not an accusation but a request that the process account for itself. The use is, on the record, light-industrial. If it is light-industrial now, it was light-industrial at the temporary use permit in 2021 and at the permit's renewal in 2023. The Official Community Plan's policies governing light industry, Policy 205 and Policy 207, were applied at none of those stages, and they are not applied in the report now before the APC. The APC may reasonably ask why the light-industrial character of the use, and the policies it engages, are not addressed in the current staff report, and were not addressed at the temporary use permit or its renewal. There is no answer to that question that leaves the approval chain intact: either the use was always light-industrial and was never assessed as such, or it became light-industrial only now, which nothing supports.

3.3 Whose water this is, and why it is the hardest to see

Before turning to what a cidery discharges, it is worth being clear about what sits downstream of it, because the answer is not a lake. It is households, on private wells, drawing their only drinking water from the ground. Throughout, 'downstream,' 'below' and 'upstream' describe surface drainage and the shared-aquifer relationship, not an asserted direction of groundwater flow to any particular well; in fractured bedrock those paths cannot be read from the surface, and that no one has established them is precisely the gap this submission identifies

On this part of the island, it is the Grafton Lake watershed that receives most of the attention, as it did in the APC's own recent consideration of 1355 Westside Road, which it recommended deferring pending the Grafton Lake Watershed Management Plan. And Grafton Lake matters: it is the surface-water source for the Cove Bay system, the island's largest municipal water system, and it carries its own long-running difficulties, the treatment problems and the new water treatment plant the community has been waiting on since 2014. But the households at issue here do not draw from Grafton Lake, or from any municipal system. They take their water from the ground: from private wells, and in some cases from small surface diversions on creeks, streams, or a spring. They have no other source. That is the water this use sits above, not a managed

reservoir with a treatment plant behind it, but the wells and small diversions of individual households.

And the lake's is not the only watershed here. This ground sits across two of them, the Grafton Lake watershed and the Tunstall Bay watershed, which meet near Adams Road, and it recharges the wells around it. Tunstall Bay draws almost none of the notice the lake does, yet it is itself a groundwater-based municipal water system, serving well over a hundred homes from a set of wells, and it is already in difficulty: as of December 2025 it sits under a high hazard rating and a Water Quality Advisory, a point this section returns to below. The watershed that commands the attention is the lake's; the one that does not already holds a municipal system in trouble.

The first thing to hold is that these wells are not separate points; they draw on the same groundwater, in the same fractured bedrock. That ground carries surface-introduced material quickly and with little filtration, and over-pumping a well in that ground widens the area it draws from, which raises the risk of drawing in both salt water and surface contamination. So an extraction that is never measured does not simply take water; it changes the shape of what the neighbours' wells pull up. Cumulative draw is interference between wells. Contamination is interference between wells. A process that looks at each property as though it stood alone is not looking at the thing that matters. The unit is the aquifer, not the lot.

The second thing to hold is that these households are the most exposed water users in the area and, at the same time, the least visible to every system meant to watch over water.

They cannot be assessed for pathogen risk the way a water system can. The Province's designation for groundwater at risk of pathogens, which triggers treatment requirements, attaches only to multi-connection water systems. A single-household well cannot receive one, and structurally never will. The very tool that would identify the risk to these wells is one they are not eligible for. And where the framework can look at groundwater, it finds trouble: when VCH inspected the Tunstall Bay system, a multi-connection groundwater system, on 3 December 2025, it rated it high hazard, assessed every well as being at risk of pathogens, and issued a Water Quality Advisory because the required treatment was not in place. Assessed groundwater on this island is found to be at risk; unassessed groundwater is simply unseen.

They are almost never licensed, so their draw is never weighed against anyone else's. Of 487 recorded wells on Bowen, 484 are unlicensed; the three that are licensed are not commercial and sit together at a single site elsewhere on the island. The mechanism that would assess one user's extraction against the others sharing an aquifer is, here, almost never used.

They are barely monitored. The provincial Ministry of Water, Land and Resource Stewardship, in a response before Council in July 2026, confirmed that the Province monitors Bowen's groundwater through two observation wells, against the island's seven mapped aquifers. And the two records that might catch a problem do not speak to each other: the health authority inspects wells but does not record the Province's well numbers, and the provincial database records neither a well's condition nor whether it has been contaminated, so a problem documented by one is invisible to the other. Wells not tied to a mapped aquifer drop out of the count entirely, which is how a report can state there are no artesian wells in an area where three are flowing within 575 metres of the cidery.

They were not looked at in the plan. The infrastructure review underlying the draft Official Community Plan assessed groundwater only as supply and demand for the municipal wells, and left private-well users, in its own words, “not reviewed.” Set that against ordinary professional practice: the capacity report for a nearby property builds an express allowance for “interference drawdown from neighbouring well use.” Hydrogeologists budget for one well affecting another as a matter of routine. The plan that governs land use on this island did not, because it did not look at the private wells at all.

It is worth adding what the Municipality does offer a household whose well fails. Its published guidance to private-well users still describes the Water Sustainability Act, the statute that has governed groundwater in this province since 2016, as legislation that “will come into effect.” The advice predates the law and has not been updated. To a failing well, the answer is a leaflet, not a look at the aquifer.

And the one body the whole process defers to is not built to see them either. The temporary use permit deferred the water question to Vancouver Coastal Health, where it was never actually worked through; the current report, and the applicants, defer it there again. But VCH’s remit under the Drinking Water Protection Act is the safety of the operation’s own drinking-water system: it monitors the operator’s source and treated water to confirm that the water drawn for the operation’s own use is safe to drink. That is an inward-looking test, conducted within the boundary of a single licensed water system. It does not assess what the operation takes from the shared aquifer, and it does not assess what the operation discharges into the ground its neighbours draw from. The model looks at impacts inside the system, not at impacts outside it, and the neighbours’ wells are outside it. So to hand the water question to VCH is to hand it to a body whose model is not directed at the very thing the OCP is directed at: the effect of one use on the shared resource around it. And even within that narrow remit, VCH’s own record on this operation is one of continuous, documented failure across the life of the permit, ending in the Water Quality Advisory of May 2026. The reassurance is thin twice over, wrong in scope, and, on its own terms, unmet.

The full picture, mapped, is set out in the attached record of aquifer, groundwater and watershed evidence: the watercourses, the two aquifers, the well density, the springs and the downstream artesian well, and how the three linked applications fall across two watersheds, not one. The point here is simpler. The people who depend most directly on the groundwater beneath and below 620 Laura Road are the people no system is built to see, and they sit immediately downstream of the use this application would make permanent.

The third thing to hold is that the Municipality has told itself all of this already, and has funded none of it. Its own Asset Management Policy defines a natural asset as “naturally occurring features (e.g., aquifers, wetlands) that provide ecosystem services and reduce reliance on engineered infrastructure,” and the aquifer is the first example the policy gives. The policy commits the Municipality to “recognize and incorporate natural assets as integral components of the municipal asset base, valuing their ecosystem services,” and to “integrate ecological protection considerations into lifecycle costing and risk assessments for all asset types”; it provides that “asset risks will be assessed and documented” and that “resources will be allocated to mitigate high-priority risks”; and the staff report recommending it states that

“dedicated funding will need to be set aside to foster the principles enshrined in the policy.” The aquifer is, on the Municipality’s own definition, a municipal asset, and it is the asset on which the households below this property depend entirely.

It is not funded. The only groundwater-facing work in the five-year plan is Phase 2 of the Water Master Plan, “Private Water and Groundwater,” which the plan schedules for 2027, at \$100,000, and describes expressly as non-regulatory. But the capital budget carries the Water Master Plan at \$200,000 in 2026 and nothing thereafter, less, even, than the plan’s own \$225,000 estimate for the municipal Phase 1. The groundwater half of the work has no line in the year it is meant to happen. In a British Columbia five-year financial plan, only the current year is, in practice, a real appropriation; the out-years are projections re-decided at each budget round. So the one piece of groundwater work in the plan is an unfunded item, in a provisional year, described as non-regulatory. By contrast, the Works Yard replacement is a major General Fund capital project of roughly \$6 million, its main construction phase, some \$5.88 million in 2028, funded from a combination of capital-renewal reserves and new borrowing, with firm year-by-year figures and a plan to pay for them. The engineered asset has a budget; the natural asset has a sentence. The yard is a General Fund work, paid from the property taxes and general debt every owner on the island contributes to, including the households on private wells who receive no municipal water service at all: the aquifer-dependent half of the island helps to pay for the serviced-infrastructure programme. The single piece of groundwater work, by contrast, is not in the General Fund at all. It sits in the separate Water and Sewer capital fund, carried by the municipal water systems’ own users and not by the private-well households who depend most on the aquifer, and there it is small, non-regulatory, deferred, and, in the year it is due, unfunded. This is not an argument that the Municipality has failed to see the problem. It is that it has written the problem down, in its own policy, and then not funded the answer.

The last thing to hold is how long this has been asked for. In 1981, Bowen’s Official Community Plan recorded that a surface-water study was being carried out by the Province, and that it should be supplemented by a study of groundwater supply, which it called necessary and to be done in the near future. The word “aquifer” does not appear in that plan; its authors knew what they could not see, and said so, and they did not wait for the answer, but protected the water by controlling the land, because land use was the only instrument they had. In 1986 they registered that protection on the titles of this very property and its neighbour, in covenants the Municipality now holds.

In 2006, the Municipality’s own Public Works Superintendent reported to Council that the water commission “only represents 50 percent of the Island population,” and recommended that the Municipality engage the half of the population not represented, provide “leadership for water resource stewardship,” and “define financial responsibilities for fire protection and ground water monitoring.” Groundwater monitoring was among the outstanding issues, and Council resolved to explore an island-wide, watershed-based role for water stewardship. It was never implemented. In 2016 the Province brought groundwater into licensing for the first time, under the Water Sustainability Act: the instrument the 1981 plan had asked for now existed. In 2018 the Municipality’s own report stated that there are seven mapped aquifers on Bowen, that the Municipality could establish an observation well within each, given “the Bowen Island

Community's dependence on groundwater as a drinking water source," and that such wells "can be used to detect a contamination issue before it reaches drinking water wells or municipal production wells." Today there are two, and neither is in this area.

In 2021, Vancouver Coastal Health told the applicant, in writing, twice, that a groundwater licence should be obtained. It was not. In 2025, the Municipality's own staff, answering questions on the Grafton Lake watershed study, scoped groundwater out of it. And in 2026 the Asset Management Policy names the aquifer as an asset and commits to funding the protection of natural assets, while the five-year financial plan carries no money for groundwater in any year after 2026, and the half of the island on private wells remains outside the water-governance structure, as it has been since 2006. Forty-five years, and the near future has not arrived. The question the 1981 plan asked, what is beneath this land and who is taking it, has still not been asked of this property, at any stage, by anyone.

3.4 The water this operation takes, and on what authority

Section 3.3 was about the aquifer this operation shares. This section is about its own draw on that aquifer, which is the one large commercial demand on the shared groundwater and the one that has never been measured or assessed.

The applicants have described that draw themselves. At Council on 11 March 2024, addressing an unrelated complaint, they said that "our site area uses very little water," that "the biggest demand on water is for irrigation," that they hold "4,000 gallons of water storage to help mitigate the impact of this need," and that they "hold a provincially registered surface water licence that allows for this use." Three things follow from that account, and none supports treating the draw as settled.

First, storage is not use. The two figures offered as reassurance, "very little water" and "4,000 gallons of storage," measure different things, and neither measures how much water the operation consumes. A store of water is a capacity, not a rate: it tells you what the tank holds, not how much passes through it in a season. Two operations with the same tank can draw very different volumes, one filling and emptying it many times over while the other rarely touches it, just as two cars with identical fuel tanks use quite different amounts of petrol depending on how far each is driven. If anything, a substantial store points the other way, because storage exists precisely to let a large and uneven demand be met by holding water back through the dry months and drawing it down when it is needed. The figure describes the buffer, not the draw. It is the same substitution that runs elsewhere through this record, a measure of one thing offered to answer a question about another, and it is set out at Part 2 and Part 4.

Second, irrigation is not a small or steady demand. It is the demand that grows fastest in exactly the conditions that matter here. Crop water use is governed by evapotranspiration, which climbs on hot, bright, low-humidity days, and in a heatwave or drought the rainfall that would otherwise offset it disappears, so the whole of the crop's requirement falls on irrigation. Household and livestock use rises only modestly in heat; irrigation is the weather-elastic load. So the operation's largest water demand peaks in the hot, dry, low-recharge window, precisely when the fractured-bedrock aquifer, already carrying high surrounding well density, is most stressed. And the

applicant's own evidence explains why the orchard needs so much: at Council on 22 February 2021 the applicant told the meeting that "it's very hard to grow fruit" on Bowen, that per-acre yield here is "about one-twentieth" of the Similkameen's, and that "25% is better, given the growing conditions here." Poor growing conditions are what make irrigation the standing price of any on-island production, and that price is paid in water drawn from the shared aquifer at the driest time of year.

Third, holding "a surface water licence that allows for this use" answers less than it appears to. British Columbia does not licence water in classes called "private" and "commercial"; it licences by purpose, and the purpose on the face of a licence is what it authorises. A domestic, or private-use, surface-water licence authorises basic household needs, domestic animals, and a limited garden. It does not authorise commercial or industrial processing; those are separate, licensable purposes, and the commercial and industrial ones sit at the top of the provincial rental scale. So a licence issued for private or domestic use does not, on its face, cover either the cidery's processing draw or the production orchard's irrigation. To make those lawful the operation would need the licence's purpose amended, or a new commercial or irrigation licence, each a fresh application with its own environmental review and a new, junior priority date. On the groundwater side the position is starker: any non-domestic draw from a well, for processing or for irrigation, has required a licence since the Water Sustainability Act came into force, with a 1 March 2022 deadline for existing users to preserve their historic priority. A commercial draw without one is unauthorised and holds no priority.

The fair way to put this is not an accusation but a question, and it is the applicants' to answer, not the APC's to disprove: under what authorisation is water lawfully drawn for the commercial cidery, and for the irrigation of a production orchard, given that a private or domestic surface licence does not extend to either purpose and there appears to be no groundwater licence at all? It matters here because the same compliance case that offers "registered and licensed systems" as proof of regulatory standing relies on exactly this kind of document: a licence that looks like authorisation while not, on its stated purpose, authorising the commercial activity. And it matters for scale, because nothing caps production, as Part 2 sets out, so nothing caps the draw either, and no measurement, assessment, or hydrogeological study of it exists anywhere on the record.

And this goes directly to the Official Community Plan, because the draw is not a separate issue from the OCP's water rules; it is one of the two things Policy 205 is about. Policy 205 does not speak only of waste. It requires an industrial or light-industrial use to "prove adequate water supply and waste disposal capability to ensure that there is no deleterious effect on surface and ground-water supplies, or to the long term sustainability of these resources." Water supply and ground-water supply and long-term sustainability are the draw side of that policy, set out in the same sentence as the waste side and carrying the same burden of proof: before it was permitted, this operation had to prove that its supply was adequate and that its abstraction would not deplete the shared groundwater or undermine its long-term sustainability. That proof was never offered, because the use was treated as agriculture and Policy 205 was never applied, which is the classification failure set out in Sections 3.1 and 3.2. The one document that would have answered the question, the hydrogeologist's water assessment that Vancouver Coastal Health had asked for, stood on the April record and was then removed from the revised application. So

an unmeasured extraction from a shared, stressed aquifer, one that grows with production and peaks in drought, is not a neutral fact and not a side issue. It is the supply side of Policy 205, unproven, and it is the draw side of the very risk the OCP's water policies were written to have assessed before a use like this is made permanent.

3.5 What this kind of operation puts into the water, and who has said it matters

Start with what the waste actually is. A commercial cidery is a fermentation operation, and fermentation produces a particular kind of wastewater. It is not like the wastewater from a house. Cider and winery effluent carries a very high organic load: its strength, measured as biochemical oxygen demand, runs up to around 10,000 milligrams per litre, where ordinary household sewage is roughly 200 to 300. That is thirty to fifty times the strength of normal domestic wastewater, and it is acidic on top, at a pH of about 3 to 4. It comes in volume, and in seasonal surges, from pressing, fermentation, and washing down tanks and lines.

None of that is the submitter's characterisation, and none of it is a matter of opinion. This waste is recognised as a distinct and serious problem in every register that touches it: by the Municipality's own engineers, by wastewater regulators up and down this coast, by environmental agencies in the oldest cider regions of the continent, by the insurance market, and by the chemistry of the waste. These bodies have never been asked to agree with one another. They agree completely.

Begin with Bowen's own record, because the Municipality has already answered this exact question, and has held the answer since 2017. When the in-village distillery sought to connect to the Snug Cove wastewater treatment plant, its effluent had to be assessed before it could. The Municipality's 2017 study, Kerr Wood Leidal's "Impact of Distillery Effluent on Snug Cove WWTP Capacity," dated 25 May 2017 and posted on the Municipality's own water and sewer page, found that the distillery's process effluent could not be brought down to domestic-sewage strength; it was a categorically different stream. It put that strength at a BOD of about 1,800 milligrams per litre, four to nine times what the plant was designed for, and found that 850 litres of it a day carried the organic load of forty-two to fifty-six people while adding the volume of about four. The Municipality returned to the question in 2020, in the Snug Cove wastewater capacity study, which sampled the same distillery washwater at an accredited laboratory and recorded, in its Table 2-5, a BOD of about 2,080 milligrams per litre in the supernatant, and the settled solids higher again by more than an order of magnitude, at 34,200; domestic influent at the same plant, in the same study's Table 2-3, ran around 300. Two independent samplings, three years apart, both far above domestic sewage and the later one higher than the first, and the 2020 study treated alcohol-production effluent as the one distinct, separate category of wastewater it had to account for.

And this is not knowledge the Municipality came to lately, or that sat in some other corner of the building. The planner now carrying the cidery rezoning is the same planner who handled the distillery development in 2017, and was copied on the consultant's correspondence at the time. The distinct, high-strength character of fermentation effluent has been on the Municipality's own record, in the same planner's hands, since 2017.

A distillery is not identical to a cidery, and the differences, if anything, cut against the cidery here. A distillery ferments a wash and then distils it, working through stored liquid at a fairly steady rate

across the year. A cidery ferments and stops there, but its waste is tied to the harvest: it arrives in sudden seasonal spikes of high-volume, high-strength effluent in the autumn, when the fruit comes in and the tanks and lines are pressed and washed down. What the two share is the thing both studies establish, that the process effluent of alcohol-making is categorically stronger than domestic sewage and cannot be handled as if it were. And the Bowen precedent is, if anything, conservative: the distillery supernatant sampled here, at about 2,080, runs on the order of seven times the roughly 300 of the domestic influent beside it, and its settled solids more than a hundred times that, while cider and winery effluent runs higher still, up to around 10,000 milligrams per litre, and comes in concentrated bursts rather than a steady flow. So whether fermentation effluent is like ordinary household sewage is not an open question on Bowen. The Municipality's own engineers have answered it, twice, in plain terms: it is not.

And Bowen is not alone. Take the whole of the West Coast. In British Columbia, Metro Vancouver adopted a Fermentation Operations Bylaw specifically for this waste, and the Capital Regional District regulates fermentation operations under its own sector-specific code, both because the effluent is high-strength and hard for ordinary systems to handle. Washington and California each regulate winery process water discharged to land under dedicated winery orders. Oregon requires wineries discharging process wastewater to land to hold a permit, and that permit makes the operator characterise both the wastewater and the groundwater it may affect, together with a land-use compatibility statement and public notice.

The same is true in the oldest cider and wine regions of the east. Vermont regulates breweries, cideries and wineries through industrial permits because, in its own words, the wastewater “may contain high concentrations of organic matter, which can overload traditional in-ground wastewater systems,” and it enforces those limits, with fines for high-strength discharge violations. New York characterises winery wastewater as “high-strength organics,” and because most of its wineries have no access to municipal sewers they dispose of it to land, which is exactly why the state requires permits and monitoring for it.

And the insurers, whose entire business is pricing risk accurately, treat it the same way: the market excludes this category of effluent from ordinary liability cover and sells a separate, activity-specific product to cover it, underwritten on the particular operation, its wastewater, and its location. When the market that exists to price hazards builds a dedicated product around one, that is independent confirmation the hazard is real.

So the same conclusion arrives from five directions that have nothing to do with one another: the Municipality's own engineers, this coast's wastewater regulators, the eastern environmental agencies, the insurance industry, and the chemistry of the waste. High-strength, high in BOD, a threat to groundwater, needing its own permitting and treatment.

Now the difference that matters. Every one of those regimes exists for an operation discharging into a municipal treatment system that can absorb and treat a load like this. 620 Laura Road has no such system. The same high-strength effluent is discharged onto the land, over the fractured-bedrock aquifer described above, with none of the permitting, monitoring, or groundwater testing those jurisdictions require. And the only reason the Municipality assessed the distillery and not this cidery is the route the waste takes: the distillery connected to the municipal plant, so its

effluent had to be examined before it could; a cidery on its own septic system connects to nothing, so nothing forces the question. The waste is the same kind of waste. One route made the Municipality look; the other let it pass unexamined. This application is the first occasion on which that question could be asked of the cidery, and it has not been.

There is a regulatory point folded inside this, and it matters, because the applicant offers the wastewater system as a reassurance. Their own account is that the system is “approved and registered and meets the requirements of the sewerage system regulation.” But the Sewerage System Regulation is the regime for domestic sewage, the household-scale waste of kitchens and bathrooms, administered by the health authority on a light-touch, register-and-maintain basis. It is not the regime for industrial effluent. Industrial waste discharged to land or water is meant to be authorised under the Environmental Management Act, the successor to the Waste Management Act that the OCP’s own Policy 207 names, on a permit that characterises the effluent and its effect on the ground that receives it. High-strength fermentation effluent, on the evidence above, is industrial effluent. So registering it under the domestic-sewage regulation is not a mark of proper oversight; it is the application of the wrong, and weaker, regime, one whose threshold this waste sits well above.

And the health authority is not the backstop for that gap. Its role, as set out above, is the safety of drinking water, not the regulation of industrial discharge, and when the question of scale has actually arisen it has said so. On the neighbouring application at 1355 Westside Road, the two on-site systems’ combined design flow, about 34,000 litres a day, exceeded the 22,700-litre-a-day threshold below which the Sewerage System Regulation applies and the health authority takes the filing, and above which the Municipal Wastewater Regulation applies and the Ministry of Environment and Parks authorises the system. Vancouver Coastal Health referred that application to the Ministry, and indicated it would likely rescind its own septic filings. A body that passes the question on is not a body that holds it. So the reassurance that this operation is “registered” and overseen does not reach the thing that matters, the industrial-strength effluent going onto the land above the aquifer, under a regime built for something else, with the one authority that might have caught it having already shown, next door, that this is not its job.

There is, it should be said, a real ambiguity in how these systems are framed and which regulation is treated as governing them, and I do not try to resolve it on this record, which does not hold enough to resolve it. But the ambiguity is worth noticing. At 1355 the systems were described as “sewerage systems,” the language of the health-authority regime, even as their flow carried them past it; at 620 Laura Road the term used, by the applicants and by the health authority itself in its April comment (“the onsite wastewater system”), is “wastewater system,” the language of the other. Whether the cidery’s system, like 1355’s, would fall beyond the health authority altogether cannot be told from the record, because what it is, and what it discharges, has not been established.

The same posture shows in what the health authority actually said here, and in how carefully it was hedged. On the water, its comment was only that the Municipality “could require an assessment from a professional hydrogeologist to review any concerns regarding additional potential demand on site and the quality of water being used on the property.” On the septic, it recommended that the Municipality “require that the proponent engages a Registered Onsite

Wastewater Practitioner or a Professional to provide a Letter of Assurance that confirms that the intended use of the property will not have a negative impact on the onsite wastewater system and that the system can handle the proposed new use.” The health authority assesses nothing itself; it suggests the Municipality might require the applicant to retain a professional to do so, an assessment authored by a consultant the applicant engages, not oversight a public body holds. And the septic recommendation is not pointed where the risk is. It asks whether the “onsite wastewater system” can “handle the proposed new use,” whether the system will cope, not whether the effluent it discharges will reach the aquifer and the wells below. Its subject, moreover, is not household sewage at all. The septic at this property is not one system but three components, of two different kinds. The site plan identifies and locates two of them: domestic septic tanks, serving the household uses on the property, the ordinary sewage the Sewerage System Regulation is built for. The guest house, had it stayed in the proposal, would not have added a third; it would have connected to one of these. The third component is different in kind, and it is the one that matters here: a separate wastewater system, at and for the cidery, engineered and certified under the Sewerage System Regulation in 2021. It is this component, not the domestic tanks, that the health authority’s own septic recommendation was pointed at: the “onsite wastewater system” it asked the Municipality to have checked is the cidery’s. Yet that one the record does not pin down. It is named in the application but nowhere on it located or described, and the very fact that it is called a “wastewater system,” rather than a septic tank, marks it as something other than domestic sewage. So even the body that named it left it unplaced, as the record does throughout. So on the applicants’ own documents, what the cidery’s wastewater system is, where it sits, and where its effluent then goes onto the land above the aquifer, cannot be told. That is the question no regime here has actually held: not the domestic-sewage regulation the system is registered under, not the health authority that hands it to a consultant, and not the planning process that never asked it at all.

3.6 What the number means, and how far above it this waste runs

To see what is at stake in an unassessed discharge, it helps to look at the one discharge on this island the Province does regulate closely, and at the number it turns on.

The Municipality’s own Snug Cove treatment plant releases its treated effluent to the ocean under Permit PE-07859, issued under the Waste Management Act on 9 October 1987 and last amended on 10 April 2001. The permit authorises Bowen Island Municipality “to discharge effluent to the marine waters of Queen Charlotte Channel from a community sewerage system,” and it sets three conditions that, read together, show what the regime is protecting. The maximum rate of discharge is 227 cubic metres per day. The effluent’s five-day biochemical oxygen demand may not exceed 45 milligrams per litre, and its total suspended solids may not exceed the same. And the effluent must be non-acutely toxic, a condition the permit defines as a “Fish bioassay (rainbow trout), LT50 96 hours”: the treated water must be clean enough that rainbow trout survive in it for ninety-six hours. On the face of the document, contravention “is a violation of the Waste Management Act and may result in prosecution.”

Set those conditions side by side and the meaning of the BOD limit is plain. It is not an administrative figure. The permit pairs it with a test of whether the discharge kills living things. BOD is the regulator’s chosen measure of how far an organic load will strip the oxygen from the

water it enters, and the Province caps it, then asks whether fish survive, because a high BOD is the signal of ecological harm. And the permit demands all of this of water that has already passed through secondary treatment and is then released, not at the shoreline, but through an outfall engineered to carry it roughly a hundred metres offshore and discharge it at some fifty metres' depth into a large marine channel. Even after treatment, even after that degree of dilution, into the least vulnerable receiving water there is, the ceiling is 45 and the fish must live.

Now the effluent. When the Municipality's own consultants sampled the washwater of the in-village distillery, the closest comparable operation on the island, they recorded, in the 2020 study's Table 2-5, a BOD of about 2,080 milligrams per litre in the liquid fraction, with the settled solids far higher again. Domestic sewage arriving at the same plant, in the same study's Table 2-3, runs around 300. The permitted ceiling for release to the sea is 45. So the washwater of a comparable fermentation operation, on the Municipality's own engineers' measurements, runs on the order of forty-six times the level the Province permits into the ocean, in its liquid fraction alone, before treatment. This is the class of effluent the study concluded "cannot be reduced to domestic-sewage BOD levels."

Then look at where each stream is allowed to go. That organic load may enter the ocean only after secondary treatment, under permit, with a hard ceiling and a fish-survival test, into a vast and dilutive body that is no one's drinking water. At 620 Laura Road, effluent of the same character is applied to the land, over the fractured-bedrock aquifer the households below draw their only water from, with no discharge permit, no treatment to that standard, no engineered system to receive it, no monitoring, and no bioassay. If 45 milligrams per litre is the threshold of concern for the Pacific Ocean, the absence of any threshold at all for a small, poorly draining, fast-transmitting drinking-water aquifer is not a gap in enforcement. It is a gap in the framework.

None of this asserts that harm has occurred. It is that BOD is the regulator's own marker of ecological harm; that effluent of this character, on the Municipality's own measurements, runs one to nearly three orders of magnitude above the level the Province will permit into a large body of water; and that it is being released, unassessed, into a small and vulnerable one.

And the OCP closes the circle in its own words. Policy 207 requires that "all industrial waste management discharge to land and water must be authorized under the Waste Management Act." It would be easy to read the naming of that older statute as a slip, since the Environmental Management Act has since replaced it. But Permit PE-07859 is itself issued under the Waste Management Act, and the Snug Cove plant has discharged under it since 1987, which is why the Municipality's own materials describe the discharge as made under the successor Act. The Plan points, correctly, at the provincial waste-discharge regime: the regime under which the Municipality's own plant is permitted, and under which any discharge of industrial waste to the environment requires authorisation. The Plan named the right law. The operation was never taken to it.

3.7 The safeguard offered, and whether it can bear the weight

The staff report offers a covenant as the environmental safeguard: a restrictive covenant over portions of the Murray Creek riparian area, with the Parks, Environment, Climate Action

Committee recommending further covenants over the heritage orchard and its biodiversity. Before that is relied on, it is worth being clear about what a covenant is. It is a promise, registered on the title, that certain work will be done. It is only ever as good as the answers to three plain questions: who will do the work, who will pay for it, and who will make sure it happens. On this record, each answer is a problem.

Who will do the work. The people who would carry it out have said, in writing, that they cannot. In their own letter of 1 April 2026 supporting this application, the owners state that “due to changes in our personal circumstances, we are no longer able to provide the level of day-to-day attention the orchard requires.” They have not lived on the property since 2024. Nothing before the APC says who has cared for the heritage trees since, or whether that person is qualified to, and this is specialised work.

Who will pay for it. The last properly resourced attempt to secure this collection’s future collapsed for exactly this reason. In September 2022 the UBC Botanical Garden applied to reproduce the Bowen Island collection on its own grounds, as a permanent research and conservation orchard it named the “Riley Orchard,” proposing to “reproduce for conservation, research, and display a collection of ~950 varieties of apples currently growing in a private orchard on Bowen Island,” a collection its proposal describes as “comparable in size and diversity to Canada’s Apple Biodiversity Collection.” UBC’s own Manager of Development Services confirmed in writing, on 22 February 2024, that the project had been on hold since January 2023 pending funding, was never completed, and was cancelled. A covenant does not supply money. It records an obligation; it does not fund one. The value of the collection is real, which is precisely why it was worth reproducing at a research institution; but its survival does not depend on this cidery, and the one properly funded route to secure it has already failed, for want of money.

Who will make sure it happens. This is the sharpest of the three, because the Municipality is being asked to take on a new covenant here while it has not accounted for the one it already holds. Bowen Island Municipality is the registered owner of a covenant on the title of 620 Laura Road, Section 219 covenant P106531 (registered under the former s. 215, now s. 219), registered on 19 November 1986. Its operative terms cap the number of lots that may be created and require at least one to be held at four hectares as an anchor: “the total number of lots allowed to be subdivided from the remainder of Block 'D' shall be a maximum of seven (7) with at least one lot of a minimum area of four (4) hectares,” with a parallel limit on Block “C.” It burdens 620 Laura Road and the neighbouring 1355 Westside Road. It appears nowhere in the handling of the temporary permit, its renewal, or this rezoning. It was brought to the APC, on 3 February 2026, by a member of the public. So the body being asked to protect the water and the orchard through a new covenant is the same body that holds a covenant on this property already and did not find it.

Put the three together. A new covenant is offered as the safeguard, to be carried out by owners who have said they cannot, funded by a route that has already failed, and enforced by a Municipality that could not account for the covenant it already holds. And this is the instrument the report offers as the protection for the water the rest of this submission is about. A promise is only worth the capacity to keep it, and on this record that capacity is not shown.

3.8 This is not old history; it is the reason the OCP exists

It would be easy to hear all of this as an appeal to old rules, the kind a modern application can expect to move past. That reading is backwards. The Plan's concern with water is not a relic. It is the founding purpose of planning on these islands, and the danger it was built to hold off is not receding. It is arriving.

The logic has never changed, because the geography has not. Bowen has no large river, no reservoir fed from elsewhere, no import and no fallback. Its fresh water is what falls on the island and what sits in the ground beneath it, and that is all there is. On islands like this, the Province recognised half a century ago that the only instrument capable of protecting the water is control of land use. That is why the Islands Trust was created in 1974, after a decade in which subdivision had begun to carve the Gulf Islands into city-sized lots; it is why the Province had already frozen island subdivision in 1969, giving potable water as the reason; and it is why land-use planning powers were handed to the Trust in 1977, so it could do that one job. Protecting the water by controlling the land is not an environmental gloss laid over planning here. It is what planning here is for.

And of all the islands that logic was built to protect, Bowen sits closest to its source, and carries the result. The pressure the Trust was created to hold off came from the growth of the cities nearby, and Bowen lies in Howe Sound, a short ferry crossing from the edge of Metro Vancouver, the largest population centre in the province. The other Trust islands sit off Victoria and Nanaimo, which generate real development pressure of their own, but from far smaller cities. That proximity shows in the numbers. On the 2021 census, Bowen is the most densely populated island in the whole Islands Trust, at about eighty-five people per square kilometre, and the Trust's densest islands are consistently those with the shortest, easiest connections to a city. So the pressure the scheme exists to manage bears on Bowen more directly than on any of them, and the water it exists to protect is, here, under the heaviest and most concentrated demand.

Bowen's plans have carried that logic without a break, from the 1969 subdivision freeze through to the current Plan, which still holds the rule, in Policy 205, that industrial and light-industrial uses must prove they will do no harm to surface and groundwater. The thread runs unbroken to the policy on the page today, and part of it is registered on the title of 620 Laura Road itself, in the 1986 covenant described above and set out in the timeline that closes the account of whose water this is.

What has changed is the pressure. The Municipality's own current record, set out through this submission, is not that of a community whose water worries belong to the past. Its own Hazard, Risk and Vulnerability Assessment, adopted by Council, names drought as a hazard that "can cause crop failure, depletion of municipal water sources, increase in forest fire risk," names water contamination as a hazard to health, lists "Grafton Lake (BIM)" among the reservoirs "vulnerable to contamination," records that "most of the remaining homes on Bowen are serviced by individual wells or groundwater supplies" over "7 distinct aquifers, the majority of which (5) are deep fissure," and states that climate change "has the potential to affect and exacerbate multiple hazards." On VCH's own July 2026 table, six of seven municipal water systems fail one or more treatment objectives; two are under active advisory; the Eagle Cliff reservoir has not held full

volume since 2019; residents are under Stage 3 restrictions this summer. And the Municipality's own conservation work concluded, in its 2020 assessment, that Grafton Lake will remain sustainable "particularly if demand management measures are improved," while its new water conservation bylaw is justified in these words: "Climate change is increasing the frequency and severity of drought conditions." The fear that built these rules is not a memory. It is the Municipality's present tense. And every household on the island is being asked to conserve; the Municipality's own conservation plan even recommends that its development servicing bylaw be reviewed to set "demand management requirements that should be applied to future development." This is that development, and no such requirement was applied, because its demand was never asked.

So the rules are not old-fashioned. They are the island's operating logic, more load-bearing now than when they were written, and part of that logic is registered on this property's own title. And the mechanism now being used to make this use permanent, without a hearing, on a bare assertion of consistency with the OCP, is the very mechanism that logic warns about: development passing through the OCP and out the other side with less scrutiny, on the water question the OCP exists to force and this process never asked.

The timing is what makes it matter. A new Official Community Plan is being written now, and both the mechanism just described and the broader direction of recent provincial reform tie the loss of a public hearing to consistency with the OCP. What the OCP says about water will decide what proceeds, with reduced scrutiny, for years. The Plan is the gate. And the APC has already recognised, on its own record, that these are the questions that must be answered before such an application advances: it reserved its decision on Lot 7 Adams Road pending hydrogeological testing and the adequacy of water supply, and it recommended deferring 1355 Westside Road until the new Plan and the Grafton Lake Watershed Management Plan are complete. The cidery, upstream of both and the source of the effluent, is being handled the opposite way, accelerated through on the current Plan's silence, before the new one is written. The fuller case about the OCP itself belongs with the Official Community Plan review, and it is made there; it is raised here only because it bears on this. And it bears on it in a specific way, which the closing section of this submission develops in full. The same office is both carrying this rezoning and leading the Official Community Plan rewrite, so the unexamined classification at work here is of a piece with how these categories are being written into the Plan that will govern the island for the next twenty years. That is what makes this rezoning precedent-setting rather than local: not a single site, but the supply of meaning to a term the draft Plan uses and leaves undefined. The fuller case is set out in the closing section, and in my submission of 19 June 2026 to the OCP Steering Committee.

The question this submission asks the APC to hold is not that the water rules are dated. It is that they are the point, and that this is the one use being let past the point unmeasured, at the very moment the OCP that will govern the next twenty years is being decided without it.

Part 4. How these questions were kept out of view

The questions set out in Parts 2 and 3 have not been hidden in any dramatic sense. They have been kept just out of view, at each stage, by a sequence of framings, each pointing at something small, visible and reassuring in front of something larger and unassessed. Taken one at a time, each framing is defensible. Taken together they are a single pattern, and the pattern has three features that matter here. It runs through the whole record, from the first classification to the last report. It is not history: it is still operating, and within the last month it has already shaped what one of the Municipality's own committees was able to see. And it converges on a single point, the public hearing, which is the one place these questions would ordinarily have been surfaced and answered, and which is now being removed. This Part follows the pattern from its foundation to that point.

4.1 The classification the whole application rests on was supplied by the applicant, and never tested

Begin at the foundation, because everything else is built on it. This application turns on a single question, whether the operation is agriculture, and that question has not been answered by the Municipality. It has been answered by the applicant. The publicly available application contains a written "Interpretation of Agricultural Use," prepared by the applicant's agents, addressed to the planner, and opening with thanks "for your note and for clarifying staff's interpretation of the RR2 zoning." So there was an exchange with the planner about whether the cidery is agricultural use, and only the applicant's side of it is on the record. What the planner actually advised is not there. The APC is therefore asked to take as settled a classification argued for by the party that stands to gain from it, with the planning side of the conversation absent, and with no independent finding, anywhere in the record, that this operation is agriculture or that it is consistent with the OCP. Every framing that follows works outward from that one unexamined starting point.

4.2 The Municipality does not assess; it relies on reports, and the reports do not hold

The classification is not the only thing taken on trust. As a rule, on questions like these, the Municipality does not carry out its own technical assessment; it relies on professional reports commissioned and filed by the applicant. That reliance is only ever as good as the reports, and on this stretch of land the reports do not hold together.

On the neighbouring 1355 Westside Road application, the environmental report states that its survey "also determined if there were any unmapped drainages within the study area," but nowhere says what that determination found, and then concludes that the rezoning "will not result in a significant alteration to the existing drainage patterns" and so "will not result in significant impacts to the community watershed." And the septic design for the same application rests its treatment case on a uniform depth of soil above bedrock, while the survey filed in the same package annotates "TOE OF ROCK" and "TOP OF ROCK CUT." Two of the applicant's own documents disagree about the ground beneath the system.

That bears directly on the cidery, because the safeguard now offered for it is another professional report: the hydrogeological assessment Vancouver Coastal Health suggested the Municipality could require. It would be commissioned, scoped and paid for by the applicant, and it would be signed. On the pattern of this record, a signature closes the question. This is not a criticism of any professional. It is a description of what happens when a body defers and no one is charged with looking behind the deferral.

4.3 Where the OCP's own protections reached the water, they were read down to the stream

From that starting point the pattern repeats wherever the OCP's own protections come near the water. Each is narrowed to the one water feature anyone can see on the ground, the Murray Creek riparian strip, and the aquifer beneath it is left out. It happens twice with the OCP's own protective instruments, each a broad protection folded down to the stream.

The property lies within the Watershed, Aquifer and Stream Protection Development Permit Area, a three-part protection named, in its own title, for the watershed, the aquifer and the stream. Its Water Resources provisions call for the location of wells and water intakes, an assessment of groundwater recharge areas, and an impact statement on the maintenance of water supplies. In the record, the area is treated as though it were only the stream: the renewal report notes that "a portion of the property falls within the Watershed, Aquifer, Streamside Protection Development Permit Area" only to set it aside, "no work within the DPA is proposed." The aquifer half of the protection, the half that would have looked at the groundwater the neighbours depend on, is never engaged. And the agricultural exemption within that same protection, available to "normal farm practice," is precisely what the applicant's agriculture argument reaches for.

The same narrowing happens with the Conservation Development Policy, which the 2026 reports rely on for their environmental grounding. On its face the policy is broad: it seeks to protect "biodiversity, farmland, ecosystem services, ecological corridors" and sets a goal that "a minimum of 50 percent of the total land subject to the rezoning application is protected from further development," with priority to environmentally sensitive areas. In the reports it is operationalised as one thing: a covenant over the Murray Creek riparian strip along the eastern boundary. The aquifer, the recharge areas, and the groundwater, all of which are "ecosystem services" and "environmentally sensitive" on any ordinary reading, are not identified, and so are not protected.

And the one time the record produced genuine scrutiny of the water and the septic system, it did not come from the planning analysis at all. It came from Vancouver Coastal Health. In April 2026, VCH's referral comments led staff to recommend requiring a professional hydrogeologist to assess water demand and quality, and a practitioner's assurance that the septic system could carry the use. That is the single moment in five years when the aquifer and the effluent were squarely on the table, and it arrived through the very channel the OCP provides for it: Policy 68 charges the Municipality with requesting VCH to ensure that any indirect flow of effluent "does not directly or indirectly pollute fresh or salt water." Six weeks later, in the revised report, both requirements were gone, treated, in a way the committee referral described below lays bare, as though they belonged to the withdrawn guest house. So the pattern completes itself. Where the

planning analysis comes near water, it reads the water down to the stream; and where genuine water scrutiny does surface, it comes from the health authority rather than the planner, and is then removed. At no point does the record show the planning process itself engaging the aquifer, the groundwater, or the wastewater that Parts 2 and 3 are about.

4.4 The Municipality's own mapping already treats the land as commercial

It is not only the written reports. The Municipality's own base mapping tells against them. The Municipality directs the public to its online mapping system, BowMap, as the reference for what applies to a property; its own Bylaw Services did exactly that in writing in 2021, referring the property owner "to BowMap to be able to turn on the layer showing where DP areas are located." Open BowMap on its default view, before any layer is added, and a commercial designation, shaded pink, already sits over 620 Laura Road, a property that is not commercially zoned and holds only a temporary use permit. That shading is not an artefact of the display or something a user switches on; it is a designation carried in the Municipality's own base mapping. And it is not confined to the small part of the operation a permit might touch. It covers the land. Add the orthophoto and cadastral overlays, and a further point comes into view: the designation does not stop at the property line, but runs over the boundary onto the adjoining parcel. On its face, then, the Municipality's own reference mapping classifies this land, and part of a neighbour's, as being in commercial use. The Municipality drew its own parcel report from that same system, and the applicants submitted it with their application. I put it as a question, asserting nothing beyond the record: why does the base mapping carry a commercial designation over land that has never been commercially zoned, extending across the boundary onto a neighbour's parcel, and did anyone look?

4.5 The proposal on the public record is not the one proceeding, and a committee has already been left unsure which proposal it was advising on

None of this is confined to the past, or to paper. The proposal now proceeding is not even the one on public view, and the gap between them has, within the last month, actively shaped what one of the Municipality's own committees was able to see.

The only rezoning application available to the public is the version introduced on 13 April 2026. That version asks for two new uses: the cidery, and a ten-bedroom "guest house for agritourism." The proposal now proceeding is not that one. At the 25 May meeting the guest house was dropped and the application narrowed to the cidery alone, a change made in discussion and recorded in a staff report, not in a revised application document. Yet the revised, smaller proposal states that "all materials were submitted with that application," so the APC is asked to assess the current proposal using the withdrawn proposal's materials. And the Municipality's public notice page, as far as can be seen, still directs anyone looking into the matter to the 13 April version. The committees and the public are working from papers that no longer describe the thing being decided.

The mechanics are precise. The planner's own email of 15 June 2026 gives two document numbers. The original 13 April application, the two-use version with the guest house, is document 338509; the revised submission is document 342181. It is 338509 that the Municipality's

planning-notices page still links, and 342181, the current one, that a member of the public can reach only by being handed the link or by digging through the CivicWeb agenda folders. And 342181, when opened, is not a fresh application at all: it is a five-page form, signed 8 May 2026, that removes the guest house, adds the cidery “as described in the temporary use permit,” carries no proposal summary, justification or studies, and states that “All materials were submitted with that application.” The operative proposal does no new analysis; it strips the guest house and rests on the withdrawn April materials, which are the ones still on public view. Part 2 sets this out in full.

That this produces real confusion, and worse, is not hypothetical. It has already happened. When the rezoning was referred to the Parks, Environment and Climate Action Advisory Committee on 7 July 2026, the committee was given the 13 April presentation, the guest-house version, together with a staff report. And the water question was framed for it in a way that made the scrutiny disappear. Both of the assessments Vancouver Coastal Health had asked for, the hydrogeologist’s report on water and the practitioner’s letter on the septic system, were presented as recommendations tied to the guest house. In the planner’s words to the committee, Vancouver Coastal Health “were recommending based on the guest house use,” and “both of the concerns ... were both recommendations regarding the proposed increased use of the guest house.” So once the guest house was dropped, the water and septic scrutiny was treated as dropping with it, though the draw and the discharge that concern the neighbours are the cidery’s, and were the cidery’s all along. That is the mechanism, visible on the record, by which the water assessment left the proposal.

The committee’s own members did not accept the framing. One set it aside and named the real question: a hydrological assessment “of the drawdown of water use for the cidery itself, not even talking about the guest house aspect,” looking at “the cumulative impact on all the neighbours” in a groundwater area already flagged at risk of pathogens; the point that “there was no assessment done of that when the [temporary use permit] was granted and renewed”; that there is “no maximum amount of water that can be drawn”; a query whether the operation even holds a groundwater licence; and the conclusion that to make the use permanent without such an assessment is “problematic,” and Council “a little premature in moving ... from a temporary application to a permanent.” Every element of the water case in Part 3 was reconstructed, unprompted, by a member of the Municipality’s own committee, working against the way the matter had been put to it. And when that member pressed on the draw, on how much water the cidery takes from the ground, the planner answered with the same substitution Part 2 identifies. “Water isn’t an input in cider production,” he said; it is “not a direct input,” though “water is obviously used ... to clean the equipment between batches.” But the draw was never a question about what goes into the drink. The water that ends up in the cider is a trivial fraction; the water that matters is what is taken out of the ground, to clean, to process, and to irrigate, and what is then put back onto the land as waste. To answer a question about those large quantities by pointing to the small one added is the input-for-output substitution exactly, and the committee member corrected it on the spot: what needs assessing, she said, is “how much water is being pulled out and where that water goes and its quality.”

So the referral, and the advice that committee gave back to Council, were shaped at the source by superseded materials and by a framing that pinned the water question to a use no longer sought.

That committee met on 7 July, a week before I write this. The timing matters to why I raise it at all. To be heard on this rezoning, a submission has to be filed at least seven days before the meeting, so I am writing now, before the APC sits on 23 July, and before I can see what the Commission will be given or how the matter will be handled. I cannot wait to see the agenda and then respond; the process does not allow it. What I can do is point to what happened to the committee handed this same application a week ago, working from the same superseded papers. The APC is the next committee in line, and it is being asked to do exactly what that committee was asked to do.

4.6 The hearing is the one place all of this would surface, and it is being removed where no one could see

That is where the pattern converges. Every substantive question in Parts 2 and 3, the classification, the water, the waste, the assembly use, the scale, has been carried forward without being decided, and the public hearing is the ordinary point at which questions carried forward like this are finally surfaced and answered on the record. It is the one stage built to reverse the whole pattern. And it is being removed in the same manner as everything else: quietly, and out of view. As the covering letter sets out, the hearing has been set in motion for removal by a resolution that named only the notice provision of the Local Government Act, not the provision that permits waiving a hearing, and not the consistency finding that alone could justify it. Neither the Municipality's own public summary of that meeting nor the local press reported that a hearing was being set aside. And the reason now offered for the removal is not that the proposal has been shown to fit the OCP, but that some of the closest neighbours, after a private meeting with the applicant, have come to accept the proposal, by their own account reluctantly. Private acceptance by a handful of neighbours is not public scrutiny, and it is not the test the OCP and the statute set. It is, once more, a small and reassuring thing placed in front of the large one it does not answer, and this time the thing it stands in front of is the hearing itself.

What follows from Part 4

None of this requires a finding of bad faith, and I ask for none. It is one pattern, shown across the record: a classification supplied by the applicant and never tested; the OCP's water protections read down to a stream; the Municipality's own mapping treating the land as commercial while its reports do not; the operative proposal kept off public view while a withdrawn one is shown in its place; and, a week ago, a committee led to the wrong question by exactly these means. At each step, something small and reassuring is placed in front of something large and unexamined.

The public hearing is the one stage in the whole process built to reverse that: the point at which the large, unexamined things would be brought into the open, on the record, before the use is made permanent. I do not overstate what it does. A hearing does not by itself supply the assessments that are missing, and on the present record it might not produce them; the deeper failure is that the planning work the OCP requires has not been done at all. The staff report on the revised application does not measure the proposal against a single policy of the OCP. The proper course is for that work to be done, the report redone with the water, the light-industry and the OCP-consistency questions actually in it and put before the public, and for the hearing to proceed. Waiving the hearing does the reverse: it removes the one occasion on which the absence of that work would have to be confronted.

I am realistic about the APC's part in this. The APC advises; it does not decide, and Council is not bound by what it says. But that is exactly why the record the APC makes matters. What I ask is that the APC put on that record what this submission shows: that, on the material before it, the APC is not in a position to advise that the rezoning is consistent with the Official Community Plan, because no one has assessed whether it is; that the planning work the OCP requires has not been done; and that the hearing should not be waived until it has, and until the public have had the opportunity it exists to give them, to learn what is proposed and to be heard on it before it is made permanent. Council may still proceed. But it should have to do so in the open, against the recorded advice of its own advisory commission, and on a record that says plainly what was missing, rather than on a silence that lets these questions pass as though they had been answered.

Closing. The rezoning, the draft Official Community Plan, and the covenants

The rezoning would define a term the draft plan leaves undefined

The draft Official Community Plan now out for consultation permits “agricultural processing” as a main use in the Rural Residential designation. The term appears twice in the whole document, in no other designation, and it is not a permitted use in the Industrial designation. Yet the draft does not define “agricultural processing.” It does not define “agriculture.” It does not define “hobby farm.”

It defines other things readily enough. “Retreat Centre” is defined and capped at “a maximum of 40 in-residence guests.” “Short-Term Rental,” “Low Impact Farming,” “Domestic Agriculture” and “Tourist-Oriented Commercial Uses” are all defined. The drafters plainly know how to define a use, and how to limit one.

This rezoning would write into the Land Use Bylaw a definition under which a cidery is agriculture: an operation manufacturing under a winery licence, requiring no fruit grown on Bowen Island at all, and subject to no limit on production volume. That definition would then be the only definitional content available to a plan that uses these terms and defines none of them.

So the APC is not being asked to decide a single site. It is being asked to advise on a decision that would supply the meaning of the central agricultural term in a plan the community is still being consulted on.

The water protection sits in a designation this use is not permitted in

The requirement that industrial and light-industrial uses “prove adequate water supply and waste disposal capability to ensure that there is no deleterious effect on surface and ground-water supplies” now appears in the draft at §3.2.14.2, within the Industrial designation. Agricultural processing is permitted only in Rural Residential. So the draft permits a commercial processing

use in the designation covering land where households depend on private wells, and leaves the water protection behind in the designation where that use is not permitted.

And the draft's remaining water safeguards do not fill the gap. The one water test it keeps, at §2.1.6, asks the wrong question: it tests whether an undeveloped lot's own supply will sustain its own household, looking inward, and only at supply, where the provincial groundwater test under the Water Sustainability Act looks outward, at the effect on other users of the aquifer and on connected springs and streams. And it applies only to undeveloped lots, which 620 Laura Road, 1355 Westside Road and Adams Road are not. Meanwhile the stage to which water and septic questions have habitually been deferred, the subdivision stage, has itself disappeared: the draft carries no subdivision policy, and sets density in the designation instead, so the questions are deferred to a stage that no longer exists. I do not develop these points here; they are made in full in my 19 June 2026 submission to the OCP Steering Committee, and are noted only to show that the gap this rezoning would open is caught nowhere else in the draft Plan.

The designation over this property, and how the definition would travel

On the draft Land Use Map, 620 Laura Road and the surrounding area, including Laura Road and Westside Road, appear within the Rural Residential Transition (RRT) designation. I would ask the Commission to confirm that designation from the Municipality's own mapping, because the distinction between Rural Residential and Rural Residential Transition is material to what follows. On the RRT footing, a careful reader might raise an objection, and it is worth meeting head on, because answering it is the whole point. RRT does not list "agricultural processing" among its main uses; that use is listed only in Rural Residential. So it can look as though nothing the draft does with "agricultural processing" could reach a property in RRT, and that this concern is misplaced. That reading is natural. It is also wrong, and the reason it is wrong is exactly the mechanism that makes this rezoning matter beyond one site.

The danger is not in the phrase "agricultural processing." It is in the single word "agriculture," which is a main use in RRT, and which the draft nowhere defines. What "agriculture" means is therefore filled in from elsewhere, and the current Land Use Bylaw fills it in with a definition that already includes processing, but ties it to the land: the processing and sale of products harvested "on that lot." On that definition a farm may process what it grows, on the parcel where it grows it. Processing already sits inside "agriculture," but leashed to the land's own produce.

This rezoning would cut that leash. The cidery definition it would write in permits manufacture at unlimited volume from fruit that need not come from the lot at all, up to three-quarters imported and the remaining quarter satisfiable from a leased orchard in the Similkameen. Once "agriculture" is made to mean processing that need not use the land's own produce, at any scale, it means that wherever "agriculture" is a permitted use. And "agriculture" is a permitted use in RRT. Which is 620 Laura Road. Which is every parcel around it. The use does not need to be named in the RRT designation to arrive there; it arrives inside the word "agriculture," and the draft Plan, by leaving that word undefined, leaves the door unlatched across every parcel the designation covers.

Two further consequences follow, and neither has been examined. A new official community plan does not repeal existing zoning: a permission granted now, under the current Plan, survives the adoption of the new one, so if this rezoning passes the property would carry a permanent, uncapped commercial processing use that no future Plan could reach. And RRT halves the average parcel size, from four hectares under Rural Residential to two. So the APC is not being asked whether to permit a use on one site. It is being asked to write the definition by which that use enters every designation in which “agriculture” appears.

And the argument does not turn on which designation the map is finally read to show. If the area is RRT, the case is as set out above: “agricultural processing” is not a listed use there, so the permission would survive as an orphan the Plan does not contemplate, while the undefined word “agriculture” still carries the redefined use in. If the area is instead Rural Residential, the position is worse, not better: there “agricultural processing” is itself a listed main use, equally undefined, and the water test that a light-industrial use would otherwise face has been moved out into the Industrial designation, where this use does not sit. Either way, the definition this rezoning would write enters a designation that does not bound it, and the water protection is not there to meet it.

The covenants

Bowen Island Municipality holds a section 219 covenant, P106531, registered on 19 November 1986, on the title of 620 Laura Road and of 1355 Westside Road. It is not a minimum lot size. It caps the number of lots that may ever be created in the Sunset Park subdivision, and requires specified parcels to be held at four hectares as anchors within the scheme. Its sibling instrument, P106532, registered at the same moment, remains held by the Minister of Environment.

The covenants were placed as part of a subdivision framework created in the mid-1980s for the Laura Road and Westside Road area, in response to development pressure in an area then identified for community water-supply protection.

The covenant does not state that purpose on its face, because a charge on title is not the kind of instrument in which purposes are stated. It records a restriction; it has no field for a reason. But the restriction it records is a density limit, and under the plan in force when it was placed that density limit was a carrying-capacity measure tied expressly to the water. Bowen’s 1981 Official Community Plan provided, in terms, that “the type and intensity of development will be related to the supply of potable water in each development”; and its Rural 4 designation was defined solely by minimum parcel area, “4 hectares (9.88 acres) per dwelling unit,” the same four-hectare floor the covenant then fixed on title. The covenant’s density limit and the Plan’s water-carrying-capacity rule are the same figure, from the same period, and the two cannot be treated as unrelated. To read the covenant’s silence about water as evidence that it has nothing to do with water is to mistake the limits of a form for the limits of a purpose. What the process has not done is take that connection up: the precise reach of the covenants, and how they bear on what this designation would permit, is a matter the planning process should have examined, and has not.

The draft plan designates that entire area Rural Residential Transition, with an average parcel size of two hectares. A covenant is a charge on title; a plan cannot discharge it. Only its holder can,

and the holder is the Municipality. So either the Municipality has not identified the covenants it holds within the designation it is proposing, or it has, and has not said so.

The covenant does not appear in the record of the temporary use permit, its renewal, or this rezoning. It does not appear in the application for 1355 Westside Road, whose own application form requires that covenants registered on title be disclosed, under the words “Staff will not begin processing incomplete applications.” It came before the APC on 3 February 2026 because a member of the public produced it. And the staff report for this rezoning proposes a new covenant as the environmental safeguard, the instrument examined in Part 3.

Three applications, one aquifer, and no forum for the whole

This rezoning does not stand alone, and that is the last thing the record does not bring together. Three applications sit on this part of the island, over the same groundwater, on the same creek system, within the reach of the same 1986 covenant instrument, and in the same designation: 620 Laura Road, the cidery, proceeding now and without a hearing; 1355 Westside Road, some thirty modular homes alongside four existing dwellings, deferred on water grounds and still live; and Adams Road, deferred on water grounds. The shared groundwater, the two watersheds that meet on this ground, the density of wells, the springs and the downstream artesian well are set out in the attached record of aquifer, groundwater and watershed evidence. The one question that matters most, the effect of all of these together on the aquifers they share, has never been assessed, because there is no stage at which it is anyone’s job to assess it.

The relationship between the applications is precisely what the process is built not to look at. Each is held separately, considered separately, and deferred separately, and a cumulative impact cannot be seen by pausing things one at a time. The bodies that touch the water each point to another: the APC sees one application, and so does the environmental committee; Council sees them months apart, and has deferred two; the Official Community Plan Steering Committee has not been told; the health authority says water is not its role; and the Province waits for a licence application that is never made. Every body can point to another. None holds the whole. And the stages the questions were deferred to will not answer them: the Grafton Lake watershed study scoped groundwater out, and the draft Plan has dropped the cumulative-impact test the 1996 plan contained. That test was not a soft aspiration. The 1996 plan provided that “additional development within significant watersheds will not be permitted unless it can be conclusively proven that the development will have no substantial negative initial or cumulative impact on the water resource,” a hard burden, and one borne by the proponent. The word “cumulative” does not appear anywhere in the draft Plan. The environmental committee asked, on 7 July, for an assessment of “cumulative effects”; it was handed a single application.

The absence of the forum is itself the finding. It is not that a cumulative assessment was carried out and came out favourably; it is that no place exists in which it could be carried out, and this rezoning, decided first and decided alone, would set the pattern against which the others are measured.

What is foreseeable, and has not been considered

The following is not attributed to anyone as a plan or an intention. It is what the documents, taken together, would permit. The rezoning passes, without a public hearing, on the footing that it continues an existing small operation. The Land Use Bylaw acquires a definition treating uncapped cider manufacture as agriculture. The new plan is adopted, and the site-specific permission survives it. Because a rezoning runs with the land, nothing prevents a larger orchard operation elsewhere in the province from acquiring or leasing the property, bringing its own fruit, and manufacturing at whatever scale it chooses; the draft itself supports, at §2.6.70, the "creation, harvest, process, and sale of locally produced agricultural products to businesses on Bowen Island and the greater Metro Vancouver region." And the "no deleterious effect" water test does not apply, because it sits in a designation this property is not in.

No step in that sequence requires anyone to do anything improper. It requires only that this rezoning pass, and that the draft plan be adopted as written. However remote any particular step may appear, it is foreseeable on the face of the documents, and it has not been assessed. That is precisely the kind of outcome a plan and a rezoning exist to consider before the fact.

Two processes, neither looking at the other

The rezoning is being decided now, and without a public hearing. The plan that would inherit its definition, and that would designate this land and its neighbours Rural Residential Transition, is still out for consultation. So the APC is being asked to advise on a rezoning without regard to the plan it will feed, while the Official Community Plan Steering Committee drafts a plan whose central undefined term is about to be defined by a rezoning it has not been told about. Neither body has been asked to consider the other. The combination produces a result that neither has assessed, and that no future plan can undo.

What I would ask the APC to consider

The definitional question, what "agriculture" and "agricultural processing" mean on Bowen Island, and what limits attach to them, is plainly a matter for the Official Community Plan now being written. It should not be settled by a site-specific rezoning, decided without a public hearing, on land the Municipality holds a covenant over that it has not identified, while the plan that would inherit the definition is still out for consultation. On the material before it, the APC is not in a position to advise that this rezoning is consistent with the Official Community Plan, and it is entitled to say so.