Re: Item 7.2, 620 Laura Road (Rezoning Application RZ-2026-0014)
Bylaw No. 726, 2026, before Council for first reading, 27 July 2026

Submitted by Heather Miller, 27 July 2026

Mayor and Council,

This letter is a reading of the staff report at item 7.2, from the Manager of Planning and Development, dated 15 July 2026 and revised 24 July 2026, at page 101 of the agenda package; and of what Bylaw No. 726 itself says and what would follow from first reading.

It deals with the report's structure, the premises it rests on, and at page 9 provides a list of the textual errors and discrepancies in the document itself.

There is more to be said on many of these matters, not least what the applicants' own submissions reveal. The purpose here is narrower.

Bylaw No. 726 amends *Land Use Bylaw No. 57, 2002* (*"the LUB"*).

This has been discussed as though it were about one property, one operator, and a heritage orchard. It is not.

What Bylaw No. 726 does

It permits a cidery at 620 Laura Road. That is the small part.

The large part is clause 2.3, and it works through the LUB's definition of agriculture without amending it.

Planning staff's position is that cider production is agriculture. That position does not appear ever to have been examined against the light industry question. Light industry was put to planning staff in writing in 2021, twice before the temporary use permit was issued, including in the agenda package for the meeting that issued it. Nothing on the record shows it was examined then, at the renewal, in either rezoning report, or now. So this bylaw is being built on a classification nobody has tested.

What clause 2.3 adds is a fixed meaning for the word. It goes into Section 1.1, the general definitions, so from adoption *"cidery"* means, throughout the LUB and permanently, a facility that need grow nothing on its own lot, has no maximum, and need not follow a harvest.

Put the two together. If a cidery is agriculture, and a cidery is a facility that need grow nothing on its own lot, has no maximum, and need not follow a harvest, then that is what agriculture in the LUB now contains. Agriculture is a permitted principal use in RR 1, RR 2 and RR 3 and in most other zones, and a permitted use is not applied for.

That consequence follows from staff's own position, not from anything clause 2.3 says on its face. Which is precisely why it needed examining, and no report has examined it.

What clause 2.3 permits

Nothing need be grown on Bowen. At least 25% of production must come from fruit grown on the same lot, *"or from another lot which is part of the same business."* All of it may come by the second route. The definition says nothing about how many lots, so the 25% may be assembled across as many as the business has. It does not define *"same business"* and requires no common ownership or title. And it sets no acreage requirement of any kind.

The 75% is expressed as a limit on imported fruit. But the 25% may come from any lot in the same business. Nothing in the definition requires anything to be grown on this island.

No maximum. The definition states no volume. It states a ratio: production may be four times the fruit the business grows. So the base is whatever the business grows, wherever it grows it, and the ceiling is four times that. A ratio to a number the operator sets is not a limit.

Nothing ties it to a harvest**.** The definition says nothing about when fruit is grown, or whether what arrives is fresh, stored or frozen. *"Fruit"* is undefined, and juice is not mentioned. Juice stores, so production need not follow a season and may run year round.

The Parks, Environment and Climate Action Advisory Committee (PECAAC) asked Council to consider a limit on cidery output. Bylaw No. 726 sets none.

The LUB already has this mechanism, at twice the threshold

The LUB's Winery definition requires at least 50% of production from grapes grown on the same lot, *"or from another lot which is part of the same business."* Clause 2.3 uses the same words for cidery at 25%.

So the LUB will hold two definitions of the same kind of operation, drafted the same way, at different thresholds. The lower one is the one going into the LUB permanently.

And no one enforces the figures

A cidery in BC needs a manufacturer licence, winery sub-category, from the Liquor and Cannabis Regulation Branch. That licence is compulsory. It contains no acreage requirement, no sourcing requirement and no BC-content requirement.

The 25%, a two-acre orchard requirement and 100% BC content are conditions of Land Based Winery status, a classification inside a commercial sales agreement with the Liquor Distribution Branch. It is optional. An operator who does not take it has no provincial sourcing rule at all.

Clause 2.3 copies the land-based numbers. It does not require the operator to be land-based.

So the Municipality has taken as its land use test figures whose enforcement lives in an agreement the operator is free not to sign. The Branch enforces them only for its own designation. The licence does not contain them. The only body left holding the 25% is the Municipality, against a definition it has never audited and has no stated means to audit.

Those terms are not fixed either. The Branch may change or revoke them at its discretion, and has: for the 2024 and 2025 vintages it suspended the 100% BC-input requirement, made the 25% owned-or-leased requirement exemptible on application, and made the 4,500-litre production floor waivable.

What this looks like in practice

Take a lot elsewhere on Bowen where agriculture is permitted, which is most of the island. On planning staff's account, growing and pressing on that lot is already agriculture, and needs no application. Bringing fruit in from elsewhere is the only part staff have ever treated as needing more than that, and clause 2.3 is the text on which it now runs.

Nothing is grown on the lot. The whole input arrives by truck: the 25% from lots held elsewhere by the same business, the rest bought in. Nothing in the definition distinguishes fruit from juice in either share. Production runs year round.

What stands on the Bowen lot is a building where trucked-in juice is fermented and bottled. No orchard. No crop. No harvest. Nothing grown, nothing reared, nothing produced from the land.

What the Municipality already holds

A building where trucked-in juice is fermented and bottled is a manufacturing plant. Two of the Municipality's own records treat this kind of operation as one.

The first is the business licence register. The application form asks a business for a description in its own words; it does not ask for an industry code. The Municipality supplies that. All three of the island's alcohol production businesses are coded within NAICS subsector 312, Beverage and Tobacco Product Manufacturing, in the Manufacturing sector: Riley's Cider at 620 Laura Road and Bowen Cider House at 1125 Grafton Road under 312130, Wineries, and Copper Spirit Distillery at 441 Bowen Island Trunk Road under 312140, Distilleries.

NAICS separates alcoholic from non-alcoholic production and treats them as different kinds of activity: non-alcoholic cider is food manufacturing, alcoholic cider is beverage manufacturing. The distinction is drawn inside manufacturing. Neither is agriculture.

All three are licensed in the Commercial category, which the Municipality defines as any business that is not a bed and breakfast, guest accommodation, guest house or home-based business. It is a category defined by what it excludes. The industry code is what says what the business is.

So the Municipality, when it licenses these businesses, codes them as manufacturing.

The second is the assessment roll. Under the *Classification of Land as a Farm Regulation* the qualifying agricultural product is the fruit, and cider is a manufactured derivative. Farm class values fruit at the farm gate, not cider at retail. So the standard treatment splits a single title: the growing land is farm class, and the building where the manufacturing happens is light industry. It is the rule, not an anomaly.

620 Laura Road carries three classes at once: residential, farm and light industrial. That roll is delivered to the Municipality every year, and the Municipality levies its property taxes from it by class.

Two systems, built for different purposes by bodies with no stake in this application. The Municipality applies one itself and levies its taxes from the other. Both put this operation in manufacturing, and neither has been put before Council.

So what clause 2.3 places inside the meaning of agriculture is light industry, on a lot with nothing growing on it, at a volume no one sets, anywhere agriculture is permitted.

The evidence answers the question. The Municipality has never asked it.

What the Municipality's consultants found

In British Columbia the Liquor and Cannabis Regulation Branch issues three manufacturing licences: winery, brewery and distillery. They differ by production method. Cider is made under a winery licence because it is a vinified product, fruit sugar fermented and then matured. Distilling is a second-order process: what is distilled has first been fermented.

In May 2017 Kerr Wood Leidal reported to the Municipality on the Copper Spirit distillery in Snug Cove, in a technical memorandum on the impact of distillery effluent on the Snug Cove treatment plant's capacity. Working from figures the distillery itself supplied, which the memorandum records it had not reviewed, it found the effluent could not be brought down to domestic sewage strength.

In 2020 the Municipality had the effluent sampled independently. The distillery ferments on site, and what Urban Systems sampled was the washdown of its fermenter tanks: 2,080 mg/L biochemical oxygen demand in the supernatant and 34,200 mg/L in the settled solids, from an accredited laboratory. Domestic influent to the same plant runs about 200 to 300 mg/L.

The solids are the larger number, but they are not what carries the point. The liquid alone, measured independently, is several times domestic strength.

The distillery connects to the municipal plant, so its effluent had to be assessed before connection. That is why these records exist. A cidery on a private septic system triggers no such assessment.

The precedent question

On 23 July, from 35:39, a commissioner put it directly: *"It just feels like this is a highly industrial use. So, I'm wondering how precedent-setting what we're doing is. Are we automatically saying that industry is agriculture for all agricultural uses on rural land?"*

The answer, from 36:04, was that cideries and wineries are defined as farm uses by the Agricultural Land Commission, that on ALR land a local government could not prohibit it, and that *"our agriculture zoning permits processing of stuff… from that lot."*

That answers a different question. What was asked was whether industry becomes agriculture for all agricultural uses on rural land. What was answered was that on-lot processing has always been permitted.

The commissioner said so at the time, from 36:40: *“what you’re saying is we’re not really changing the use, even though in this case, it’s basically an industrial process. To me, it’s sort of an industrial process and a tourism attraction. And the agricultural part is kind of the illusion.”*

She then set out what follows from it: *“because I feel like it’s so industrial, I feel like we’re using sort of residential impact assessments when we should be using industrial ones. And particularly with the waste treatment given where it sits on a recharge area and on a shared aquifer that at least the waste treatment should have a higher level of assessment as you would with a commercial project, not with a residential.”*

Asked whether the industrial character came from the fruit being brought in, she said no, from 38:00: *“that they’re making the cider and cleaning the equipment and having all the residue from the cider making and… dumping it on the land there… it’s all industrial stuff and people are accessing their drinking water from there.”*

The reply, from 38:40, was that Vancouver Coastal Health accepted the septic filing and has flagged no concern. From 38:58: *“So, I guess I’m flagging it as a concern.”*

The question is not new. When this use was first considered, on 22 February 2021, two councillors put it to the planner directly. One asked whether granting the permit would establish *“any sort of precedent… that might constrain other applicants down the road,”* pointing to another cidery then in development. The other cautioned against *“the slow conversion of residential… land to commercial land through… small changes and TUPs,”* and said he wanted to be sure *“we’re not setting a precedent here that we get this happening on other… residential properties.”*

The answer then distinguished the other cidery as permitted because it is in the Agricultural Land Reserve, and noted that this property is not.

In 2021 the Agricultural Land Reserve was the reason this property was different. In 2026 it is the reason this property is the same.

The report does not examine what Bylaw No. 726 would permit beyond this property. No report on this application does.

What is never assessed

On planning staff’s own account, none of this reaches Council. To PECAAC: any property on Bowen zoned for agriculture *“would never come to council. It would never come, may not come to the municipality at all beyond like business licencing.”* To the Advisory Planning Commission: *“if it was entirely fruit from that lot, that that would be permitted without further approvals needed in our zoning.”* A commissioner drew it out at the same meeting: *“They could get a business licence. There would be no process.”*

A rezoning produces a report, referrals, committee review and a decision by Council. That is where water supply, waste, scale and effect on neighbours are meant to be examined. A permitted use produces none of it.

Nor does the agricultural characterisation bring agricultural controls with it. The *Code of Practice for Agricultural Environmental Management*, which sets waste handling and setback rules for farms, applies only to a land base that is not zoned residential. RR 1, RR 2 and RR 3 are residential zones, and 620 Laura Road is in RR 2. So the setbacks that would protect drinking water sources and watercourses on a farm do not attach here. The operation takes the characterisation without the controls.

The LUB makes the same distinction in its own setbacks. Section 3.18 keeps buildings 30 metres back from a watercourse. Where the LUB zones land for industrial use it sets 50 metres, expressly despite Section 3.18.

So the LUB's own judgement is that this kind of use belongs 50 metres from a watercourse. On the Municipality's own mapping this operation stands inside 30. It is inside the setback that applies to it, and it is well inside the distance the LUB thinks its use requires.

The Official Community Plan (the OCP) has the tests.

Policy 205: *"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: *"All industrial waste management discharge to land and water must be authorized under the Waste Management Act."*

Policy 303 requires a water management study, as part of an environmental impact assessment process, before industrial or large scale agricultural or recreational use of water is permitted.

Objective 127 says the density and type of land use should not exceed the natural capacity of the land to absorb liquid waste effluent where on-site sewage disposal is used.

None of these has been cited in any report on this property: not at the temporary use permit in 2021, not at its renewal, not at either rezoning report, not now.

Nor have the mechanisms that would have produced the information. Policy 13 allows the Municipality to require an impact assessment where environmental impacts are anticipated, with effects on the island's water resources forming a primary basis. Policy 60 provides for a surface water supply impact study by a Qualified Professional. Policy 294 requires a report by a Qualified Professional where a use needs more water than a single detached home, on whether the supply can be sustained without detrimental effects on adjacent water systems. Policy 68 has the Municipality request the health authority to control effluent so it does not pollute fresh water. None was engaged.

The development permit area

620 Laura Road lies within the Watershed, Aquifer and Stream Protection Development Permit Area. So do the cidery building, the wastewater system and the well.

Bylaw No. 301, 2011 says that areas within the designation *"shall remain free of development except in accordance with conditions of the development permit."*

The applicants' own application records that three complaints were made to Bylaw Services about work in the development permit area. 620 Laura Road does not appear in the Municipality's published register of issued development permits. Building permits are not published.

Twelve exemptions are listed in Bylaw No. 301. The only one that could apply here is *"agricultural use conducted in a manner consistent with 'normal farm practice.'"* Whether that fits a manufacturing operation is the classification question, and no report has asked it. So whether a development permit was required at all turns on the same question everything else here turns on.

What a permit would have required is exactly what is missing. The Water Resources Protection guidelines in Bylaw No. 301 call for a qualified professional's report giving the location of all surface water, water intakes and wells; terrain characteristics including groundwater recharge areas; an impact statement describing the effects of the development on the maintenance of water resources and supplies; and an environmental management plan. None of that exists for this property. Bylaw No. 301 also treats the area within 30 metres of a watercourse or spring, and within a 30-metre radius of a well, as a water resource protection area. The operation stands within 30 metres of the well that serves it.

The Stream and Riparian Protection guidelines are mentioned in the reports. They are not applied. The 13 April, 25 May and 27 July 2026 reports all place Murray Creek *"along the eastern border"* of the property. The Municipality's own mapping shows it running through the site. No site plan in any report shows where the creek is.

The Water Resources Protection guidelines are not mentioned at all.

The one time a hydrogeologist assessment and a septic assurance were required, in the 13 April 2026 report, they came from Vancouver Coastal Health. Both were gone from the 25 May report, which is the report that introduced the route waiving the public hearing.

A comparison of what each report on this property has cited from the OCP was filed to the Advisory Planning Commission on 23 July. The report before you was revised the following day, and cites no water policy either.

Here a decision is required, and still none of it has been assessed. Where no decision is required, there will be nothing at all.

Objective 80, the OCP's light industry objective

The report cites six OCP objectives and concludes consistency. Two of them, 80 and 83, are set out with identical text.

The text belongs to Objective 83, the agriculture objective: *"To encourage commercial and domestic agriculture in suitable locations, and to encourage local food production."*

Objective 80 is not an agriculture objective. In the OCP as consolidated in April 2023 it sits under the heading Industrial Land Use Management, and it reads: *"To encourage light industry activity serving the Bowen Island community provided it has a minimal impact on nearby uses. including noise, dust, glare and traffic, and is visually well screened from adjacent uses."*

The explanation is in the Municipality's own reports. The agricultural objectives were renumbered by three before that consolidation. The 2021 reports on this property cite Objective 80 for commercial and domestic agriculture; in the OCP as it now stands that is Objective 83. The report of 13 April 2026 carried a list part old and part current. The report before you has updated most of it, and left Objective 80 where it was.

So the objectives in this report were carried forward and partly corrected, rather than read against the OCP as it stands. That is the same exercise that would have surfaced Policies 205 and 207, which sit three and five policies beneath Objective 80, in the same section, under the same heading. It has not been done at any point in five years.

What it severs

The applicants, in their letter to Council of 21 July, rest their case on sustainability. The LUB's agriculture provision is where that sits: it permits the processing and sale of products harvested or produced *on that lot*. Production tied to a lot is bounded twice, by what the land grows and by when it grows it. Objective 86, which the report cites, promotes sustainable active farming and the protection of the resources necessary for such agricultural activity.

Clause 2.3, read as agriculture, replaces both bounds with a ratio to fruit grown elsewhere.

It does so for cidery alone. But the reasoning that permits it, that processing is agriculture whatever the source of the input, is not reasoning about cider. Once the LUB carries a worked example of it, it is available to any processing use that can be described the same way.

These are things that need to be examined openly. That is what a staff report is for, and what Council consideration is for, and it is what a public hearing is for. The first two have not done it. The third has been waived.

What the committees were told

None of the above was put to either committee. On the question that governs all of it, whether the definition ties production to this lot, both were told the opposite.

To PECAAC on 7 July, from 46:32: *"in the cidery definition, it's that 25% have to come from the property, and 75% can be imported."*

To the Advisory Planning Commission on 23 July, from 49:31, asked by the chair to confirm that a covenant requiring 25% from the site was unnecessary because the definition already said so: *"That's in the proposed cidery definition, 25% to come from on site."*

The commissioner who had proposed that covenant withdrew it, from 49:37: *"then I have no recommendations."*

Another commissioner sought confirmation in the same terms: this cidery *"can only operate if 25% of the juice comes from trees on site."*

The words *“or from another lot which is part of the same business”* were not put to either committee.

They were also told that this ground had been gone over before.

On 7 July the planner told PECAAC: *“I remember in discussions with this about the temporary use permit, it’s like the agriculture zoning permits you to grow, to process, and to sell.”*

There were no such discussions. One statement, made once and never taken up, is not a discussion. On 22 February 2021 he told Council that the agriculture zone would already permit growing apples, processing them into cider and selling it on the property. No councillor replied to it. It was not put as a question and drew no comment. His March 2021 presentation recites the LUB’s definition of agriculture and does not mention cider. No other speaker at either meeting said the agriculture zone permits cider production.

Asked directly at the Advisory Planning Commission on 23 July whether the application had been looked at from the light industry angle, the planner said that in his view it is not: *“It’s the same as a farm use that’s permitted in the ALR.”*

The Agricultural Land Reserve is a scheme for what may be done on protected farmland. It is not a definition of what agriculture is. It permits farm gate stands, u-pick, farm tours, corn mazes, sleigh rides, petting zoos, weddings and music festivals, and a good deal besides. None of those becomes agriculture by being permitted there.

And where the Reserve does designate an alcohol production facility a farm use, it does so on a condition. It is a different rule in a different scheme from the LUB’s Winery definition, but the same figure: at least 50% of the fruit must be grown on the land the facility stands on. Clause 2.3 requires 25%, and permits all of it to come from somewhere else.

The analogy takes the conclusion and leaves the condition that produces it. He did not say whether the question had ever been examined.

The report is deficient on its face

The committees had what they were told. Council has the report, and the report can be checked against itself.

1. The second resolution asks Council to refer Bylaw No. 726 and "the attached Islands Trust Policy Statement checklist" to the Islands Trust. Attachment 2 is headed "Bylaw No. 723, 2026 – File: 2026-0016 1658 1639 Mount Gardner Rd." It is the checklist for a different bylaw on a different property. There is no checklist for Bylaw No. 726 in the package. If the resolution passes, what Council authorised and what is sent will be different documents.
2. The Conservation Covenant section says *“Approximate areas of the covenant are shown below:”* and nothing follows. PECAAC asked for that map on 7 July and was told staff would come back with the area.
3. Clause 2.1 states that it inserts section 4.1.4 (12). The section it inserts is numbered 4.1.4. (1).

4. Staff say Alternative 1 would mean *“there would no longer be a volume threshold of fruit coming from 620 Laura Road.”* It makes no such change. Its first sentence is identical to clause 2.3, word for word, including the 25% and the same-business route. It replaces the express 75% ceiling with a requirement that imported fruit be BC-grown, but the 25% floor already bounds imports at 75%, so the arithmetic is unchanged. The only substantive addition is two acres of orchard. Staff’s description only makes sense if clause 2.3 currently requires fruit from 620 Laura Road. It does not, and both committees were told it does.

5. Alternative 1 would also align the LUB definition to Liquor Distribution Branch criteria, a provincial marketing classification, set for other purposes, changeable without notice to Bowen, and one this operator need not hold.

6. Alternative 2 is the route to a public hearing. It asks Council to *“refer the bylaw to a First Reading following a potential Second Reading.”* First reading after second reading, which cannot happen. The one alternative offering the public a hearing describes something impossible.

7. Staff state that Bylaw No. 726 contains the same cidery definition as the temporary use permit. It does not. The permit’s definition does not mention lounge endorsement; the permit dealt with it separately, at term 5: *“No lounge area may be developed.”* Clause 2.3 adds lounge endorsement to the definition. Clause 2.1(b) then prohibits it at this site. The permit is not in the package, so Council cannot check the statement against anything before it.

8. The report answers PECAAC’s request for an assessment by a professional hydrogeologist by citing a 2021 report it calls a Hydrogeologist Report. That document, attached to the report, is titled *“GARP Hazard Assessment.”* Its stated purpose is a screening-level assessment of whether the well water is influenced by surface water and at risk of pathogens. It was prepared for Riley’s Cider to support a permit application to Vancouver Coastal Health. It examines one well and says nothing about quantity, drawdown or neighbouring wells. Its own Statement of Limitations says the report is not applicable to any other project, may not be relied upon by anyone other than the client without the firm’s written consent, and should be re-evaluated by the firm before reliance where the site, purpose or development plans have changed. Nothing in the package indicates the firm has been asked.

9. The two committees made nine recommendations. All are quoted. The report was revised on 24 July to add the Commission’s. Nothing in the Staff Discussion answers any of them.

10. The report concludes that the application is consistent with the OCP. It cites six objectives, all quoted as supporting agriculture, and no policy on water, groundwater, aquifers, waste or industrial use.

The permit as the argument

The rezoning is presented as making permanent what the temporary use permit already settled. It settled none of it.

Policy 238 permits a temporary land use permit only where the use will not create an unacceptable negative impact upon the natural environment or the character of the neighbourhood. The decision report of 22 March 2021 answered the environmental question in one sentence: *“No direct ecological/climate* *impacts are expected."* No water policy was named. No assessment stood behind it. The permit ran three years, and the applicant sought it, in his own words in the February 2021 report, *"to see if this is a viable business."*

Five years on, the passage of time has become the argument. On 23 July the applicant told the Commission: *"it has proven to work, we've operated it for 5 years and it operates well and it's a functioning business now."* A commissioner reasoned from *"this investment that's been put into the business."*

And the buildings now set Bylaw No. 726. The planner explained the floor areas at the same meeting: they *"are reduced from the temporary use permit and to reflect sort of what's actually on the site now, whereas the TUP was sort of, before it was established, it was sort of like setting maximum area, and then what was actually built on the site is slightly smaller, so the bylaw would be slightly smaller amounts."*

The permit set a maximum. The buildings went up. The buildings now set the permanent limit.

The Commission identified this difficulty before this application existed. On 15 July 2020 it was considering an amendment to the temporary use permit policy, the amendment that made every area of Bowen a temporary use permit area and removed the requirement that a temporary use be short-term or seasonal. It was brought forward on a different application, not this one.

A commission member named the problem: *"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."* On duration, the same member: *"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."*

The planner agreed. He said he would *"have a hard time recommending a temporary use permit where they're going to build something specifically for the temporary use,"* and that where someone builds for a temporary use, even on a three-year term, *"there's going to be an expectation that they get it renewed and they continue."*

That was eight months before this permit was granted. Five years, substantial buildings, and the guarantee now sought is this rezoning.

When the permit was renewed 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 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 on that understanding. The rezoning has arrived and the hearing has been waived.

The exception and the rule

The case for Bylaw No. 726 rests on what is particular about this place: a heritage orchard, its diversity, its history. That is what the report and the applicants' letter are about, and it is what both committees were asked to weigh.

The instrument is general. Clause 2.3 goes into the general definitions and governs the word everywhere, on lots with no orchard at all.

And the orchard gets nothing. Bylaw No. 726 requires no covenant. The covenant staff describe would protect the agricultural land *"as either environmental protection or for agricultural uses,"* which the production orchard planted for the cidery satisfies. Both committees asked for the heritage collection to be protected. Neither got it.

Staff offer the two acres in Alternative 1 as what protects the heritage collection. *"Maintain 2 acres of fruit orchard"* carries no yield test, no bearing-tree test and no harvest requirement. *"Orchard," "fruit orchard"* and *"fruit"* are undefined in the LUB. Even taking the provincial definition of cider, which requires apples or pears, nothing requires the two acres to be apples, to match the cider, or to be the heritage orchard. And clause 2.3, the definition actually before Council, contains no acreage requirement at all.

The particular is the reason. The general is the effect. And the thing said to need protecting is not protected.

What I am asking

Notice of Council's consideration of first reading was given under section 467 of the *Local Government Act*. That route is available only where the amending bylaw is consistent with the OCP. Giving the notice therefore asserts that consistency, and the notice has already been given, before Council has considered Bylaw No. 726 at all.

Council can still hold a public hearing. It was waived, not removed. On 25 May Council was told: *"I don't believe there would be anything holding council back from holding a public hearing if upon first reading, it does appear that there is a need for one."*

But holding one would not supply the finding. Consistency with the OCP has already been asserted on Council's behalf, and the basis for it appears in no report before you. My separate letter to you at item 7.2(a) on this agenda asks how Bylaw No. 726 is consistent with the OCP. It has not been answered.

Documents this decision rests on are also not public. The Islands Trust checklist for Bylaw No. 726 is not in the package; the one attached is for another bylaw on another property. The covenant map the report says is shown is not there. The plot plan, the as-built plan and the maintenance plan that the sewerage records state are attached and appended are not in the package either.

So I ask six things.

1. That those documents be produced and published, and that Council not resolve to refer to the Islands Trust a checklist that neither Council nor the public has seen.

2. That the basis for the consistency finding be set out in writing and made public: which policies of the OCP were applied, what was found against each, and where on the record that finding was made and by whom. I asked for a public statement of the basis on 15 June and did not receive one.

3. That before a general definition of *"cidery"* is put into Section 1.1, staff report on what that definition permits, and where, and that the report be public. PECAAC asked Council to consider a limit on cidery output. Bylaw No. 726 sets none, and no report explains why.

4. That Council and staff confirm whether Objective 80 was intended to be cited, given that the number printed is the OCP's light industry objective; and if it was, state how Policies 205 and 207, which sit beneath it, were addressed.

5. That Council be told what development permits and building permits were issued for the cidery building, the wastewater system and the well, and when; and if no development permit was issued, on what exemption the work proceeded.

6. That Council hold a public hearing, as its own Advisory Planning Commission recommended on 23 July.

This letter does not cover everything. There is more on water, waste, the water licence and the Conservation Development Policy, and in the applicants' own material.

Heather Miller

Sources

Where this letter says something is absent from a report, that can be checked directly for the report of 27 July 2026, which is before Council. The earlier reports of February and March 2021, December 2023, 13 April 2026 and 25 May 2026 are linked from the Regular Council agendas for those meeting dates. Quotations from the February and March 2021 staff reports are from those reports.

Quotations from the Parks, Environment and Climate Action Advisory Committee on 7 July 2026, the Advisory Planning Commission on 23 July 2026 and 15 July 2020, and Regular Council on 22 February 2021, 22 March 2021, 11 December 2023 and 25 May 2026 are from recordings of those public meetings, which I hold. Times are given where I have them.

Business licence classifications are from the Municipality's business licence register, consulted 27 July 2026; the application form and the category definitions are from the Municipality's website, consulted the same day. NAICS is the North American Industry Classification System, published by Statistics Canada. The assessment classification for 620 Laura Road was confirmed with BC Assessment by telephone on 31 October 2025. Liquor manufacturing licence categories are from the *Manufacturer Licence Terms and Conditions Handbook*. Wastewater figures are from Kerr Wood Leidal's technical memorandum of 25 May 2017 on the impact of distillery effluent on Snug Cove wastewater treatment plant capacity, published on the Municipality's water and sewer page, and from Urban Systems' *Snug Cove Wastewater System Capacity Assessment* of October 2020, section 2.4 and Table 2-5, which identifies the sampled stream.

Development permit records are from the Municipality's published register of issued development permits, consulted 27 July 2026. Siting relative to the watercourse and the setbacks is from BowMap, the Municipality's own mapping, viewed 27 July 2026. The complaints to Bylaw Services are recorded in the applicants' own rezoning application and in the temporary use permit renewal report of 11 December 2023. The sewerage records are Attachments 4 and 5 to the report. My letter on the status of the application and the public hearing is dated 15 June 2026, and the comparison of OCP citations across reports was filed to the Advisory Planning Commission on 23 July 2026.

Temporary use permit terms are from the permit issued for 620 Laura Road. The temporary use policy amendment is Official Community Plan Amendment Bylaw No. 521, 2020, adopted 13 October 2020, which amended Policy 235, now Policy 238 in the April 2023 consolidation. Liquor licensing requirements are from the *Liquor Control and Licensing Regulation*, B.C. Reg. 241/2016, s. 16. Land Based Winery criteria and the 2024 to 2025 vintage relief are from Liquor Distribution Branch published criteria and its 2025 land-based winery memorandum. The definition of cider is from the *Liquor Control and Licensing Regulation*. The Agricultural Land Reserve farm use test is from the *ALR Use Regulation*. Farm classification is from the *Classification of Land as a Farm Regulation*, B.C. Reg. 411/95. Waste handling and setback rules for farms are from the *Code of Practice for Agricultural Environmental Management*, B.C. Reg. 8/2019. Development permit area guidelines are from Bylaw No. 301, 2011. LUB wording is from the consolidation to November 2025; OCP objectives and policies are quoted from the consolidation to April 2023. Everything attributed to the staff report, Bylaw No. 726 and its attachments is on tonight's agenda.