

The Directives Only Checklist for Bylaw No. 726: staff comments and the record

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Prepared for the Islands Trust Executive Committee. Section references are to the accompanying "*Submission on the referral of Bylaw No. 726, 620 Laura Road, Bowen Island*", submitted as Bylaw_726_620_Laura_Road_Submission_2026-08-20.pdf.

Every staff comment in the checklist now attached to the first reading report, in the order it appears, with the directive it answers and what the record shows.

Ten policies are marked consistent. Twenty-eight are marked not applicable. Nothing is marked inconsistent. The finding of compliance across all three Parts of the Policy Statement rests on five comments. One sentence answers four of the ten policies, including the forest ecosystems directive, and describes a covenant that does not exist. Two water directives are answered by a single comment resting on a pathogen screening of one well.

Part III, Ecosystem Preservation and Protection

3.1.3 — identification and protection of environmentally sensitive areas and significant natural sites, features and landforms. Marked consistent.

"The rezoning application includes a protective covenant around Murray Creek riparian area."

Bylaw No. 726 contains no covenant. None was before Council. What Council resolved was to direct staff to seek protection of the riparian areas as a condition of rezoning approval, and the councillor who moved that wording said she liked it because it did not require a conservation covenant. Section 10.

3.1.4 — planning, establishment and maintenance of a network of protected areas preserving representative ecosystems. Marked consistent.

"The rezoning application includes a protective covenant around Murray Creek riparian area."

The same sentence. It does not address a network of protected areas.

3.2.2 — protection of unfragmented forest ecosystems from the adverse impacts of growth, development and land use. Marked consistent.

"The rezoning application includes a protective covenant around Murray Creek riparian area."

The same sentence again, answering the forest ecosystems directive.

3.3.2 — means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones, and to protect aquatic wildlife. Marked consistent.

"The rezoning application includes a protective covenant around Murray Creek riparian area."

The same sentence a fourth time. Sections 5 and 10.

3.1.5 — regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species. Marked not applicable.

The property discharges process effluent to ground within a Development Permit Area designated for watershed, aquifer and stream protection. Section 8.

Part IV, Stewardship of Resources

4.1.4 — identification and preservation of agricultural land for current and future use. Marked consistent.

"Rezoning application includes provision for cidery use to provide a viable economic model to support ongoing use of agriculture land as productive apple orchards."

4.1.5 — preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses. Marked consistent.

"Rezoning application includes provision for cidery use to provide a viable economic model to support ongoing use of agriculture land as productive apple orchards."

The same sentence. It treats the two plantings as one thing. The production planting is a block of cider varieties planted around 2018; the heritage orchard is a collection of about a thousand varieties on cordon and espalier, valued, in the applicants' own words, *"primarily for its heritage and genetic diversity"*. The bylaw sets no minimum planting, no harvest requirement and no tie between production and the land. Section 6.

4.1.8 — land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land. Marked consistent.

"Rezoning application includes a protective covenant for agriculture land that it be used for that purpose. The cidery operation provides economic viability for the ongoing orchard operation."

No such covenant exists, and Council did not resolve to obtain one. Its direction on the agricultural side was to seek ongoing protection of the biodiversity of the heritage orchard, which the planner told Council was *"not about protection of the agricultural land"*. Section 10.

4.4.2 — measures that ensure neither the density nor intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater; that water quality is maintained; and that existing, anticipated and seasonal demands for water are considered and allowed for. Marked consistent.

"Hydrogeologist report provided as part of the report outlines water sustainability. Water is provided from a groundwater source for cidery operations and a creek licence for irrigation."

The report is a GARP hazard assessment of one well. It screens for pathogens, not sustainability, and expressly excludes quantity, drawdown, neighbouring wells and the creek. The creek licence is for irrigation only, seasonal, over 2.5 acres. The groundwater source is unlicensed. Section 4.

4.4.3 — measures that ensure water use is not to the detriment of in-stream uses. Marked consistent.

"Hydrogeologist report provided as part of the report outlines water sustainability. Water is provided from a groundwater source for cidery operations and a creek licence for irrigation."

The same sentence. The report does not address in-stream uses. No Environmental Flow Needs assessment exists for Murray Creek or Bowen Brook. Section 5.

Part V, Sustainable Communities

5.7.2 — economic opportunities that are compatible with conservation of resources and protection of community character. Marked consistent.

"Cidery operations provide an economic opportunity on Bowen Island to support agricultural [sic] on Bowen Island."

The comment addresses the opportunity. The directive asks whether it is compatible with conservation of resources. Section 8.

5.2.3 — policies related to the aesthetic, environmental and social impacts of development. Marked not applicable.

The Official Community Plan contains policies on each of those matters, and none was applied across five reports on this application. Section 9.

5.2.4 — growth rate and strategies for growth management ensuring land use is compatible with preservation and protection of the environment, natural amenities, resources and community character. Marked not applicable.

5.2.6 — identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability. Marked not applicable.

What the checklist concludes

The ten policies marked consistent are 3.1.3, 3.1.4, 3.2.2, 3.3.2, 4.1.4, 4.1.5, 4.1.8, 4.4.2, 4.4.3 and 5.7.2. Every one carries a comment; no policy is ticked without one. The remaining twenty-eight are marked not applicable, and nothing is marked inconsistent. The compliance box at the end of the checklist is ticked *"COMPLIANCE WITH TRUST POLICY"*, and the row for *"NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons"* is blank.

One sentence answers four separate policies, including the forest ecosystems directive. Two water directives receive the same sentence, resting on a document that addresses neither. Both covenant statements describe an instrument that does not exist and that Council did not resolve to obtain.