



## STAFF REPORT

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**DATE:** July 11, 2024 **FILE:** 0550-04 Board

**TO:** Chair and Directors,  
Regional Board

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE:** BYLAW NO. 509 – CORTES ISLAND BULK WATER REGULATION

### PURPOSE/PROBLEM

To consider Bylaw No. 509 which proposes to regulate or prohibit the processing, bottling and sale of bulk water on Cortes Island.

### EXECUTIVE SUMMARY

The attached report was considered at the July 10, 2024 meeting of the Electoral Areas Services Committee at which time the following resolutions were passed:

Vonesch/Mawhinney: EASC 243/24

THAT prohibited uses number i) and ii) under Part 303 (c) of Bylaw No. 509 be deleted.

Vonesch/Mawhinney: EASC 244/24

THAT the Committee recommend that Bylaw No. 509 as amended be given first 2 readings, and

THAT the public hearing for Bylaw No. 509 be waived.

The recommendation to remove existing prohibited use clauses (ie. the use of an accessory building or structure for human habitation, and the use of vessels as liveaboards or houseboats) is not recommended by staff nor supported by legal counsel since these clauses are related to health and safety standards and provide certainty to the community regarding acceptable human habitation. Habitable structures must meet Provincial requirements as the B.C. government is the primary authority for setting building requirements which means that local governments do not have the authority to approve regulations that are not aligned with legislation enacted by other levels of government. Removal of these clauses could give the community the impression that living in such structures, which are neither constructed nor serviced to meet Provincial requirements, is an acceptable practice and one which is permitted by the local government.

Further, to suggest that property owners are permitted to live in accessory buildings and structures that are inadequate or substandard creates several issues for neighbouring property owners. The SRD currently has active complaints regarding properties on Cortes Island that are housing residents in accessory buildings and/or recreational vehicles. Complaints of this nature are typically centered around health and safety concerns, increased density issues, the lack of appropriate sewage disposal and potable water, risk of fire, and taxation inequities for those neighbouring properties with permanent structures that are assessed and taxed accordingly.

Lastly, the removal of such clauses may create risk and liability and put the SRD in jeopardy of litigation should an incident arise.

The actions outlined below are offered in support of the Committee’s recommendations.

**RECOMMENDATIONS**

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 509, being a bylaw to amend the zoning regulations applicable to Cortes Island, be now introduced and read a first time.
3. THAT clauses i) and ii) of paragraph c) of section 303 [Prohibited Uses] be deleted.
4. THAT Bylaw No. 509 be given second reading as amended.
5. THAT the public hearing for Bylaw No. 509 waived in accordance with s.464 of the *Local Government Act*.

Respectfully,



Dave Leitch  
Chief Administrative Officer

**Prepared by:** *T. Yates, Corporate Services Manager*  
*A. Nelson, Community Services Manager*

Attachments: Bylaw No. 509  
Copy of July 4, 2024 report to EASC



## BYLAW NO. 509

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### A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO CORTES ISLAND

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**WHEREAS** the former Comox-Strathcona Regional District has, by Bylaw No. 2455, adopted zoning regulations for Cortes Island and vicinity pursuant to Part 14 of the *Local Government Act*;

**AND WHEREAS** a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

**AND WHEREAS** the Regional Board wishes to amend the aforesaid Bylaw No. 2455 having due regard to the requirements of the *Local Government Act*;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Amendments

1. Bylaw No. 2455, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

#### Citation

2. This bylaw may be cited for all purposes as Bylaw No. 509, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, Amendment No. 32.

**READ A FIRST TIME ON THE \_\_ DAY OF \_\_\_\_\_, 2023**

**READ A SECOND TIME ON THE \_\_ DAY OF \_\_\_\_\_, 2023**

**READ A THIRD TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

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Chair

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Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE TEXT AMENDMENT**

**PART 200 INTERPRETATION** is amended by inserting the following in the appropriate alphabetical order within the existing list of definitions:

**BULK WATER BOTTLING** means the process of bottling bulk water for distribution, commercial or industrial purposes, sale or financial gain.

**BULK WATER PROCESSING** means the process of altering bulk water for any purpose other than private residential or agricultural use as permitted by the appropriate Provincial agency.

**BULK WATER SALES** means the sale of bulk water for commercial purposes or financial gain, but specifically excludes the receipt of water by parcels of land where supplemental water is required to enable private domestic, agricultural, commercial or industrial consumption as permitted by zoning.

**PART 300 GENERAL REGULATIONS** is hereby amended by repealing **303 Prohibited Uses** and replacing with the following:

**303 Prohibited Uses**

- a) Any use not expressly permitted in this bylaw is prohibited in every zone and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.
- b) Bulk water sales, bulk water processing and bulk water bottling are prohibited on any upland or foreshore area, except where expressly permitted within a zone.
- c) The following uses are specifically prohibited:
  - i) The use of an accessory building or structure for human habitation;
  - ii) The use of vessels as liveaboards or houseboats;
  - iii) The wrecking or storage of more than three derelict vehicles.



## STAFF REPORT

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**DATE:** July 4, 2024 **FILE:** 0550-04 Board

**TO:** Chair and Directors,  
Electoral Areas Services Committee

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE:** BYLAW NO. 509 – CORTES ISLAND BULK WATER REGULATION

### PURPOSE/PROBLEM

To consider Bylaw No. 509 which proposes to regulate the processing, bottling or sale of bulk water within Electoral Area B.

### EXECUTIVE SUMMARY

The attached bylaw has been reviewed numerous times by the Committee with specific reference to the language being proposed for "prohibited uses". The version attached to this report incorporates changes recommended by staff since the bylaw's initial introduction at the Committee's July 19, 2023 meeting (additions shown in green and deletions shown in red).

Assuming that the Committee is now ready to proceed with Bylaw No. 509 the following recommendations are offered for consideration.

### RECOMMENDATION

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that Bylaw No. 509 be given first 2 readings, and  
THAT the public hearing for Bylaw No. 509 be waived.

Respectfully:

A handwritten signature in black ink, appearing to read "Dave Leitch", is written over a horizontal line.

*for*  
Dave Leitch  
Chief Administrative Officer

**Prepared by:** T. Yates, Corporate Services Manager



## BYLAW NO. 509

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### A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO CORTES ISLAND

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**AND WHEREAS** a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

**AND WHEREAS** the Regional Board wishes to amend the aforesaid Bylaw No. 2455 having due regard to the requirements of the *Local Government Act*;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### Amendments

1. Bylaw No. 2455, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

#### Citation

2. This bylaw may be cited for all purposes as Bylaw No. 509, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, Amendment No. 32.

**READ A FIRST TIME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2024**

**READ A SECOND TIME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2024**

**READ A THIRD TIME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2024**

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Chair

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Corporate Officer

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**BULK WATER SALES** means the sale of bulk water for commercial purposes or financial gain, **but specifically excludes the receipt of water by parcels of land where supplemental water is required to enable private domestic, agricultural, commercial or industrial consumption as permitted by zoning.**

**PART 300 GENERAL REGULATIONS** is hereby amended by repealing **303 Prohibited Uses** and replacing with the following:

**303 Prohibited Uses**

- a) Any use not expressly permitted in this bylaw is prohibited in every zone and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.
- b) ~~Further to the generality of 303(a) above,~~ Bulk water sales, bulk water processing and bulk water bottling ~~is~~ **are** prohibited on any upland or foreshore area, except where expressly permitted within a zone.
- c) ~~Without limiting the generality of the foregoing,~~ The following uses are specifically prohibited:
  - i) The use of an accessory building or structure for human habitation;
  - ii) The use of vessels as liveaboards or houseboats;
  - iii) The wrecking or storage of more than three derelict vehicles.