



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 23, 2021
MEETING TYPE & DATE Special Electoral Area Services Committee Meeting of July 7, 2021
FROM: Community Planning Division
Land Use Services Department
SUBJECT: CVRD Non-Conforming Dwellings Policy 1991
FILE: 6480 Community Planning - Official Community Plan

PURPOSE/INTRODUCTION

The purpose of the staff report is to present and recommend that the CVRD Non-Conforming Dwellings Policy 1991 be rescinded.

RECOMMENDED RESOLUTION

That it be recommended to the Board that the CVRD Non-Conforming Dwellings Policy 1991 be rescinded.

BACKGROUND

As part of ongoing improvement, existing land use planning policies were reviewed for consistency with the draft Official Community Plan for the Electoral Areas Bylaw 4270 and with the *Local Government Act*, and several policies are recommended to be rescinded on the basis of being inconsistent or redundant.

The CVRD Non-Conforming Dwellings Policy 1991 is recommended to be rescinded as it is redundant with the *Local Government Act*.

ANALYSIS

The *Local Government Act* addresses lawful non-conforming uses in Part 14, Division 14.

If a property has more dwelling units than the zoning permits, all are unlawful. If the CVRD decides to enforce, the owner must determine how to bring the property into compliance. For example, an owner might want to keep a newer, smaller dwelling and remove an older, large dwelling, even if the older one is the one the CVRD considers to be the “conforming” dwelling under this policy.

The CVRD doesn’t get to decide which dwellings are conforming. It is not a policy that would be given any weight in an enforcement scenario.

Regardless of the status of Official Community Plan for the Electoral Areas Bylaw 4270 (not yet adopted), the CVRD Non-Conforming Dwellings Policy 1991 is redundant with the *Local Government Act* and therefore recommended to be rescinded.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

This responds to the Strategic Plan direction to review all existing land use bylaws to identify challenges and opportunities for improved consistency.

GENERAL MANAGER COMMENTS

☐ Not Applicable

Referred to (upon completion):


- ☐ Communications & Engagement
 - ☐ Community Services *(Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Emergency Management, Facilities & Transit)*
 - ☐ Corporate Services *(Finance, Human Resources, Legislative Services, Information Technology, Procurement)*
 - ☐ Engineering Services *(Environmental Services, Recycling & Waste Management, Water Management)*
 - ☐ Land Use Services *(Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails)*

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General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Manager, Legislative Services

Financial Considerations:

☒ Manager, Finance

ATTACHMENT:

Attachment A – CVRD Non-Conforming Dwellings Policy 1991