



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** March 29, 2021  
**MEETING TYPE & DATE** Special Electoral Area Services Committee Meeting of July 7, 2021  
**FROM:** Community Planning Division  
Land Use Services Department  
**SUBJECT:** CVRD Letters of Comfort for Non-Conforming Siting Policy 1994  
**FILE:** 6480 Community Planning – Official Community Plan

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## PURPOSE/INTRODUCTION

The purpose of this report is to present and recommend that CVRD Letters of Comfort for Non-Conforming Siting Policy 1994 be rescinded.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that the CVRD Letters of Comfort for Non-Conforming Siting Policy 1994 be rescinded.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*. The CVRD Letters of Comfort for Non-Conforming Siting Policy 1994 is recommended to be rescinded on the basis of being inconsistent or redundant.

## ANALYSIS

The policy states that:

CVRD staff are authorized to issue a letter of comfort (for a designated fee) advising the owner of land that bylaw enforcement action will not be undertaken with respect to the non-conforming siting of a building provided that the following conditions are met:

1. the non-conformity relates to the siting of buildings only and does not encroach into a required setback area by more than 0.6 metres (2 feet); and
2. the non-conforming portion of the building was completed and/or occupied 5 or more years prior to the request for a letter of comfort.

The *Local Government Act*, adopted subsequent to the adoption of this policy, includes provisions for lawful non-conforming uses, buildings and structures. Unlawful non-conforming uses can be made lawful through a successful rezoning application to the CVRD Board or through Board approval of omnibus bylaw amendments. Buildings or structures that have been unlawfully sited can be made lawful through a successful variance application to the CVRD Board. Alternatively, unlawful non-conforming uses, buildings and structures can be discontinued, decommissioned, moved or removed (as needed) in order to comply with applicable zoning.

The decision to permit or not permit unlawful uses, buildings and structures is within the Board's authority and should be considered on a case by case basis. Bylaw amendments and variances can not be delegated to staff.

Staff recommend that this policy 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):

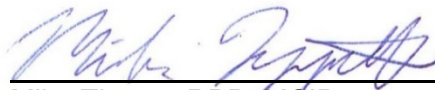
- ☐ Communications & Engagement
- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Emergency Management, Facilities & Transit*)
- ☐ Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)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

Prepared by:



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

Resolution:

☒ Manager, Legislative Services

Financial Considerations:

☒ Manager, Finance

**ATTACHMENTS:**

Attachment A – CVRD Letters of Comfort for Non-Conforming Siting Policy 1994