



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4358

A Bylaw to Mitigate Cowichan River Flood Hazards

WHEREAS if a floodplain has been designated in a Regional District bylaw enacted pursuant to s. 524 of the *Local Government Act*, the *Act* requires that the underside of any floor system or the top of any pad supporting any habitable floor area be above the flood level specified in the bylaw;

AND WHEREAS parcels of land in the Regional District that abut the Cowichan River are subject to a flooding hazard, as indicated on Floodplain Maps 1 and 2 as defined in this bylaw;

AND WHEREAS the Board has considered section 3.2 of the Province of British Columbia Flood Hazard Area Land Use Management Guidelines, as amended, which deals with flood hazards associated with rivers;

AND WHEREAS if flood levels are specified in a Regional District bylaw, construction standards related to the flood level are unrestricted matters for the purposes of s. 5(4) of the *Building Act*;

NOW THEREFORE the Regional Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows pursuant to s. 524 of the *Local Government Act*:

1. CITATION

This bylaw may be cited for all purposes as “**CVRD Bylaw No. 4358 – Cowichan River - Riverbottom Road Area Flood Management Bylaw, 2021**”.

2. DESIGNATION OF FLOODPLAIN

Lands within the “Flood Fringe Zone” on Floodplain Maps 1 and 2 are designated as a floodplain.

3. FLOOD CONSTRUCTION LEVEL

1. The flood construction level specified for the floodplain for any particular parcel of land, for the purposes of s. 524(6)(a) of the *Local Government Act*, and referenced to Canadian Geodetic Vertical Datum 2013 (CGVD2013), is:
 - a. if the proposed building envelope lies entirely between two isolines on the applicable floodplain map, the higher of the flood construction levels indicated on the floodplain map for those isolines;

- b. if the proposed building envelope straddles an isoline, the flood construction level indicated on the applicable floodplain map for that isoline; and
 - c. in any other case, the highest flood construction level indicated on the applicable floodplain map for any isoline that intersects the parcel on which the proposed building envelope is located.
2. A Building Inspector may require an applicant for a building permit to:
 - a. provide evidence in the form of a site survey indicating whether any part of a proposed building envelope is located in a floodplain designated by section 1, in the case of any uncertainty as to the location of the boundary of the floodplain that cannot be resolved by reference to the digital version of Maps 1 and 2; or
 - b. provide a parcel-specific flood hazard assessment and recommendations in accordance with s. 56 of the *Community Charter* if an upstream geotechnical event, river channel avulsion or major flooding of the Cowichan River occurring subsequently to the preparation of Floodplain Maps 1 and 2, or any other circumstance related to flooding could, in the Building Inspector's opinion, render the parcel unsafe for development, or require the building to be constructed at an elevation greater than that required by section 2.

4. EXEMPTIONS

This bylaw does not apply to any of the following:

- a. repair or renovation of an existing building with no addition of floor area;
- b. addition of habitable floor area to an existing building that does not comply with s. 524(6) of the *Local Government Act* and this bylaw, provided that:
 - i. the addition comprises less than 25% of the total floor area of the existing building, calculated in accordance with the zoning bylaw, considered either independently or in combination with any other floor area added to the building after the date of first reading of this bylaw;
 - ii. the number of dwelling units in the building is not increased; and
 - iii. no additional habitable floor area is constructed below the lowest elevation of existing habitable floor area in the building; or
- c. the construction of a carport, garage, entryway or porch, storage building, domestic greenhouse, or other accessory building containing no habitable floor area, whether or not the work requires a building permit.

5. INTERPRETATION

In this bylaw:

“building permit” means a building permit for which an application is made pursuant to CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011.

“Floodplain Maps 1 and 2” are 1:5000 digital maps prepared for this bylaw by the Cowichan Valley Regional District from the Northwest Hydraulic Consultants Report (Cowichan River – Riverbottom Road Area Flood and Erosion Hazard Mapping Final Report Revision 1 dated September 3, 2020), held in the records of the Regional District. In the event of any uncertainty as to the information shown on the printed copies, the digital maps shall govern the matter.

“habitable floor area” means any space or room, including a manufactured home, that is used for dwelling purposes, business or the storage of goods that are susceptible to damage by floodwater.

“zoning bylaw” means zoning bylaw of the Regional District that is applicable to the parcel in respect of which an application for a building permit is made.

READ A FIRST TIME this _____ day of _____, 2022.

READ A SECOND TIME this _____ day of _____, 2022.

READ A THIRD TIME this _____ day of _____, 2022.

ADOPTED this _____ day of _____, 2022.

Chairperson

Corporate Officer

SCHEDULE A MAPS 1-2

Floodplain Map 1 West

Floodplain Map 2 East