



CITY OF DUNCAN

Floodplain Designation Bylaw

No. 1975

(With Amendments to November 19, 2012)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original Bylaws should be consulted for all interpretations and applications of the Bylaws of this subject

This Bylaw has been consolidated for convenience only and includes amendments from:

- **Bylaw No. 3069, 2012 – Adopted November 19, 2012**

THE CORPORATION OF THE CITY OF DUNCAN**BYLAW NO. 1975, 2004****A Bylaw To Designate Flood Plains**

WHEREAS under s.910 of the Local Government Act, the Council may, if it considers that flooding may occur on land, designate the land as a flood plain; and

WHEREAS the Council has considered the Flood Hazard Area Land Use Management Guidelines published by the Minister of Water, Land and Air Protection in May 2004 under the authority of the Environment Management Act;

NOW THEREFORE the Council of the City of Duncan, in open meeting assembled, enacts as follows:

(1) This Bylaw may be cited as “City of Duncan Floodplain Designation Bylaw No. 1975, 2004”.

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(2) **DEFINITIONS:**

“Designated Flood Area” means a flood area having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood levels for the stream in question, as identified in the Lower Cowichan / Koksilah River Integrated Flood Management Plan Final Report dated September 2009 – Map 1 “Flood Hazard Map”;

“Designated Flood Level” means the observed or calculated elevation of the Designated Flood Area as provided in the Lower Cowichan / Koksilah River Integrated Flood Management Plan Final Report dated September 2009 – Map 1 “Flood Hazard Map” and is used in the calculation of the Flood Construction Level;

“Flood Construction Level” means the Designated Flood Level including the allowance for freeboard used to establish the elevation to the underside of a wooden floor system or top of concrete slab for habitable buildings;

“Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of its banks, in vegetation as well as in respect of the nature of the soil itself;

“Watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land, serving to give direction to a current of water at least six months of the year or having a drainage area of 2 square kilometers or more upstream of the point of consideration.

(3) This Bylaw applies to all land within the City of Duncan.

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(4) Land lower than the following elevations, which are Designated Flood Levels for the purpose of s.910(4)(a) of the Local Government Act, is designated as floodplain, and where more than one flood level applies to an area of land, the highest shall be the flood level designated by this Bylaw:

- a) 1.5 metres above the Natural Boundary of the sea, a lake, swamp, pond, or any other Watercourse;
- b) The Designated 200-Year Flood Level (freeboard included) for locations within the floodplain of the Cowichan River designated in the mapping referred to in section (2)(b).

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(5) The elevation required by section (4) may be achieved by structural elevation of the floor system of the building or structure or the pad supporting the building or structure, by the use of adequately compacted fill, or by any combination of structural elevation or fill, provided that no area below the required elevation is used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Fill placement shall be supervised by a geotechnical engineer in such a manner as to have no net effect on adjacent properties and the overall hydraulic conditions of the floodplain.

(6) The following setbacks are specified in respect of the floodplains designated in section (4) for the purpose of s.910(4)(b) of the Local Government Act, and where more than one setback applies to an area of land, the greatest shall be the specified setback:

- a) 7.5 metres from the Natural Boundary of the sea, a lake, swamp, or pond, and the inboard toe of any structure for flood protection or seepage control;
- b) 30 metres from the Natural Boundary of the Cowichan River;
- c) 15.0 metres from the Natural Boundary of any other Watercourse.

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(7) The following types of development are exempt from section 910(4) of the Local Government Act in relation to the flood plains designated in this Bylaw:

- a) Renovations to existing building or structure not involving an addition;
- b) An addition to a building or structure at the existing floor elevation, that would increase the floor area by less than 25% of the ground floor area (exclusive of carports and garages) existing on the date of adoption of Bylaw No. 1540;
- c) That portion of a building or structure used as a carport or garage;
- d) Light or heavy industrial development, provided that the underside of any floor system that is used for business or storage of goods

susceptible to damage by floodwater is above the Designated 200 Year Flood Level.

- e) That portion of a building or structure that is to be used as an entryway providing access to a habitable floor level provided such area is less than 10 square metres.

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- (8) The maximum height of an enclosed space below the Designated Flood Level shall be 1.8 metres except as permitted by Section 7.

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- (9) Except as permitted in Section 7, all construction in the Designated Flood Area requires a covenant under Section 56 of the *Community Charter*.

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- (10) Notwithstanding the exemptions in Section 7, all structures greater than 10 square metres in the active (floodway) zone as designated in the Lower Cowichan/Koksilah River Integrated Flood Management Plan Final Report require a geotechnical report and flood covenant under Section 56 of the *Community Charter*.

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- (11) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

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- (12) Section headings do not form part of this Bylaw. They are included for convenience only and must not be used in interpreting this Bylaw.

READ THE FIRST TIME on the 12th day of October, 2004.

READ THE SECOND TIME on the 12th day of October, 2004.

READ THE THIRD TIME on the 12th day of October, 2004.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal

Council of the City of Duncan on the 25th day of October, 2004.

Director of Corporate Services

Mayor

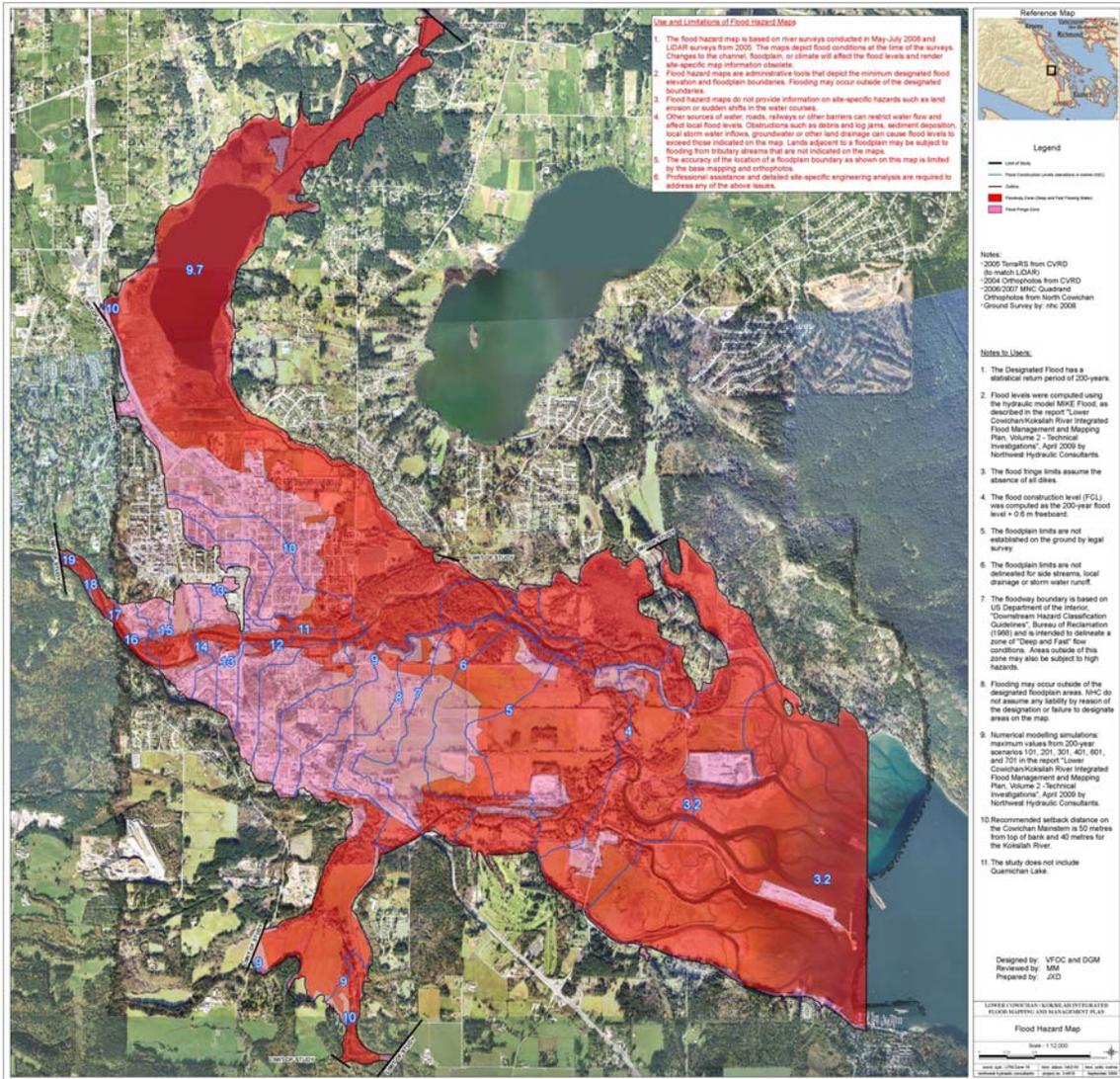
I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. 1975 of The Corporation of the City of Duncan, being "City of Duncan Floodplain Designation Bylaw No. 1975, 2004" as reconsidered, finally passed and adopted on the 25th day of October, 2004.

Dated at Duncan, B.C.

this day of

,

Director of Corporate Services



Map 1

