



The Corporation of the District of North Cowichan

Building Amendment Bylaw (Retaining Walls)

Bylaw 3892

The Council of The Corporation of The District of North Cowichan enacts in open meeting assembled as follows:

Title

- 1 This Bylaw may be cited as *"Building Amendment Bylaw No. 3892, 2022"*.

Amendment

- 2 Building Bylaw No. 3172, Section 2 [Application] is hereby amended by striking out section (2)(b) retaining structures.

- 3 Building Bylaw No. 3172, Section 3 [Definitions] is hereby amended by striking out the following definition:

"structure" means a construction, or part of a construction, of any kind, whether fixed to, supported by, or sunk into, land or water, but excludes landscaping, fences, paving, and retaining walls."

And inserting the following in its place:

"structure" means any construction fixed to, supported by, or sunk into land or water but excludes concrete slabs on finished or natural grade, and decks on grade which are less than 0.61 m (2') in height;"

- 4 Building Bylaw No. 3172, Section 3 [Definitions] is hereby amended by inserting, in alphabetical order, the following definition:

"retaining wall" means a vertical or near-vertical structure constructed to hold back Geotechnical Materials and safely deal with any hydrostatic pressure. Retaining Walls can be created out of a variety of structural and Geotechnical Materials. Retaining Walls typically stabilize soil and rock against downslope movement and provide lateral support for steep to vertical grade changes (Engineers and Geoscientists of BC definition, February 25, 2020);"

- 5 Building Bylaw No. 3172, is hereby amended by adding the following section:

"Retaining Wall Building Permit
19.2

- (1) A building permit must be obtained prior to the construction of a retaining wall over 1.2 m in height.

- (2) Multiple retaining walls over 1.2 m in height will require separate building permits except where they form a single terraced retaining wall system.
- (3) The horizontal separation between terraced retaining walls must not be less than the height of the retaining wall with the greater height. Where the horizontal separation between retaining walls is less than 5x the height of the retaining wall with the greatest height, the retaining walls shall be considered to be components of a single terraced retaining wall system.
- (4) It is the responsibility of the property owner to install guardrails as appropriate to mitigate any falling hazards associated with retaining walls.
- (5) Guardrails, where installed, must be built to Section 9.8.8 of the BC Building Code.
- (6) Guardrails are not included in the overall height of the retaining wall.
- (7) Retaining walls greater than 1.2 m in height will require engineering oversight (designed and inspected by a registered professional) including letters of assurance in the form of a Schedule B (field review and oversight by registered professional) and Schedule C-B (final report and sign off by registered professional)."

READ a first time on December 21, 2022

READ a second time on December 21, 2022

READ a third time on December 21, 2022

RESCINDED Third reading on February 21, 2023

Resolution to (1) add new section to strike out section 2(2)(b) retaining structures and (2) amend the definitions for retaining walls, was adopted on February 21, 2023

RE-READ a third time on February 21, 2023 as amended

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER