



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Details (With Text)

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On agenda: 2/3/2020 **Final action:** 2/3/2020
Title: Update re: docks on the Gorge - Staff Report No. CSS-20-005
Sponsors:
Indexes:
Code sections:
Attachments: 1. Attachment No. 1- Licence - Gorge Docks encroachment on Township Land (Jan 22 2020)

Date	Ver.	Action By	Action	Result
2/3/2020	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: January 29, 2020 Report No. CSS-20-005
TO: Laurie Hurst, Chief Administrative Officer
FROM: Blair McDonald, Director of Community Safety Services
SUBJECT:
Options for docks

RECOMMENDATION:

That Council direct staff to take the following actions in relation to docks on the Gorge:

- A. Docks attached to private land:
Take no further enforcement action. Advise all dock owners via letter that their current dock, in its current size and configuration is “grandfathered”. This authorization is contingent on the dock remaining of the current size and configuration. The dock must be maintained and kept in a safe condition.
- B. Docks attached to Township land:
Take no further enforcement action. Advise all dock owners via letter that their current dock, in its current size and configuration is “grandfathered”. This authorization is contingent on the dock remaining of the current size and configuration. The dock must be maintained and kept in a safe condition. All owners must enter into an agreement with the Township by way of Licence of Use and Occupation in order to have their dock attached to Township land and to use Township land to access the dock.
- C. New dock construction:
All new dock construction must meet all Township, Provincial and Federal requirements.

RELEVANT POLICY:

Zoning Bylaw, 1992, No. 2050

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific Strategic Priority.

BACKGROUND:

In January of 2018, staff presented a report to Council seeking direction in relation to enforcement of use of public lands by private entities. At that time, Council deferred the matter until after the completion of the Official Community Plan.

In March of 2019 staff received direction from Council to initiate a process wherein all owners of docks which were not in compliance with Federal/Provincial/Municipal requirements were to be advised of the requirements of dock siting and ownership and further, that they initiate the required steps to comply with regulations or face potential municipal bylaw enforcement action. Additionally, those persons who owned a dock that was attached to Township land were to be offered the opportunity to enter into an agreement with the Township to allow them to continue to access their dock via Township land, and further that they initiate the required steps to comply with regulations or face potential municipal bylaw enforcement action.

Staff, through legal counsel, initiated a regime which would allow property owners whose land abutted Township land along the Gorge waterway to enter into a Licence of Use and Occupation Agreement (Attachment No. 1). The Agreement will allow those land owners who have possession of a dock in the Gorge that is attached to Township land, the option provided certain conditions are met, to continue to access that dock by crossing over Township land and also allow their dock to remain attached or anchored to Township land.

Staff sent letters to property owners which have docks attached to their own land, advising of the provincial requirements for having private moorage in the Gorge, as well as Township requirements to have the water on which their dock sits rezoned to allow for siting of a dock. To those property owners which had a dock attached to Township land, a similar letter was sent advising of Provincial and Township requirements, as well as a copy of the Licence of Use and Occupation Agreement. A meeting was held with interested property owners in November of 2019 to discuss the requirements surrounding the Agreement.

After the letters were sent, Council advised staff they wished to reconsider their direction relating to enforcement of docks at a Committee of the Whole meeting. At the Committee of the Whole meeting, council directed staff to return with a report outlining options in dealing docks attached to Township lands, docks attached to private property and docks that are to be newly constructed.

ISSUES:

1. Rationale for Selected Option

There has been much discussion by Council and much public input in relation to docks on the Gorge. The strategies outlined in the recommendations were put forward by Council after having considered all input.

2. Organizational Implications

This work can be completed by staff with existing resources.

3. Financial Implications

The licence fees will be collected by the Township. The current fee per three year agreement is \$300.

4. Sustainability & Environmental Implications

There are no sustainability or environmental implications as these docks already exist and for most, have existed for a considerable period of time.

5. Communication & Engagement

Property owners will be notified by letter of Council's decision and any action that needs to be taken by them.

ALTERNATIVES:

1. That Council direct staff to take the following actions in relation to docks on the Gorge:

A. Docks attached to private land:

Take no further enforcement action. Advise all dock owners via letter that their current dock, in its current size and configuration is "grandfathered". This authorization is contingent on the dock remaining of the current size and configuration. The dock must be maintained and kept in a safe condition.

B. Docks attached to Township land:

Take no further enforcement action. Advise all dock owners via letter that their current dock, in its current size and configuration is "grandfathered". This authorization is contingent on the dock remaining of the current size and configuration. The dock must be maintained and kept in a safe condition. That all owners must enter into an agreement with the Township by way of Licence of Use and Occupation in order to have their dock attached to Township land and to use Township land to access the dock.

C. New dock construction:

All new dock construction must meet all Township, Provincial and Federal requirements.

2. That Council provide alternate direction to staff.