

Community and Shared Docks

Case Studies from the B.C. Coast



Islands Trust



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Introduction

Around the South Coast and islands of British Columbia, excessive numbers of private docks extending from waterfront properties risk damaging sensitive ecosystems like eelgrass beds and forage-fish habitat, impede access to the publicly-owned foreshore, and detract from the natural beauty of the coastline. At the same time, most island and coastal communities see some value in the convenient access that docks provide. In an effort to limit the construction of private docks, many jurisdictions encourage, and some even require, the sharing of dock facilities among neighbours. Others ban outright the development of docks extending from private property. In the Gulf Islands, policy 4.5.11 of the Islands Trust Policy Statement guides local trust committees in their consideration of docks. This provision states that “Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.”

The purposes of this report are twofold. First, it is meant to provide a snapshot of how different communities around the South Coast have met the challenge of developing community and shared dock facilities. It is hoped that these examples might provide a point of departure for those seeking to do the same. Second, it is meant to give community and local trust committee members an idea of the policy and regulatory actions they can take around land use to support citizens looking to develop community or shared dock facilities, and to limit development of private docks. It is assumed, for the purposes of this report, that funding docks is beyond the authority of the elected officials served by this document.

There is no template to follow that ensures successful community or shared dock development. Success depends on the organizational capacity of the proponents, the responsiveness of various levels of government, the coastal location, and the type of dock sought, both physically and operationally. Some communities have made obtaining a community dock look relatively straightforward, while others have long desired a dock but been unable to make it happen. It is hoped that this report might open the eyes of grassroots groups to dock financing or management possibilities they had not yet considered.

On the policy and regulatory side, this report highlights how official community plans and land use bylaws are being used to encourage, discourage, permit, prohibit, site and size docks in the Trust Area and elsewhere on the coast. While they might not control the purse strings, local trust committee’s have an important role to play facilitating development of community and shared docks and limiting the proliferation of private ones.

There is no one-size-fits-all strategy to community and shared dock development. Private-sector participation, well-timed grants, citizen support for tax increases, and government willingness to limit private docks all influence outcomes. It is hoped this report captures the ups and downs, benefits and drawbacks, of several community and shared dock experiences on the B.C. South Coast and Gulf Islands.

Definitions

In the absence of any formal definitions for the terminology related to community and shared docks, the following definitions are used in this report:

Community dock: A dock, owned and operated by public or private interests, which places no restrictions on who may use the facility.

Shared dock: A dock, owned and operated by private interests, that restricts use of the facility to a prescribed set of individuals or groups.

Key Agencies

While local groups generally lead the push for new community or shared dock facilities, several government agencies play critical roles in the successful development of docks on the Gulf Islands and around the B.C. coast. It is important to understand the responsibilities of these agencies and acknowledge that their early involvement will expedite the success of any such venture. The following list of key players and summary of their respective roles is taken directly from a document commissioned by the Thetis Island LTC and created by Russ Irish of McElhanney Consulting Services Ltd. titled *Ruxton Island Community Dock Options Study*. The degree of involvement of the following agencies depends on the location, governance, operations, and funding model of a given community or shared dock. It should also be noted that many of the major dock construction firms that operate on the British Columbia coast will help guide their clients through the dock permitting process.

Integrated Land Management Bureau (ILMB)

Crown Land is land owned by the Province, and Crown Land includes nearly all foreshore from the high water mark out to the limits of provincial jurisdiction. Construction of works within the foreshore requires authorization in the form of a licence of occupation or lease over the foreshore. Permission to use Crown land is obtained by application to the Province. Companies or societies that apply for tenure must be registered in British Columbia. Obtaining tenure is a three-step process.

- Step 1 - The applicant must first secure a 1-year temporary permit from the Province to allow for time to seek the necessary approvals from other government agencies and to prepare a development plan.
- Step 2 - Upon receipt of all approvals and a development plan, the Province may issue a lease or license of occupation for Phase I of the development.
- Step 3 - The final lease is issued for a 30-year term when the facility begins operation.

A Specific Permission must be applied for if the dock or moorage facility is located on marine waters and is for group moorage three berths or less. An application is required for all Specific Permissions. If the applicant of the proposed dock is not the upland owner, written consent of the upland owner and Specific Permission will be required. Water lots and the foreshore are property of the Crown. As such, building a dock there requires both a Crown lease of the water lot and potentially a lease of the upland lot if it too is Crown property.

(http://www.for.gov.bc.ca/Land_Tenures/tenure_programs/programs/privatemoorage/index.html).

Ministry of Transportation and Infrastructure (MOTI)

Highway right-of-ways extend to the high tide line as defined by the present natural boundary on registered legal survey plans of the island. The approaches to a community dock will inevitably require the construction of works that are within this highway right-of-way. Authorization is secured by making an application to the Ministry for a “permit to construct works within public right-of-way.” The Ministry’s primary responsibility is to ensure the following:

- that activities or installations within the highway right-of-way do not compromise public safety;
- that the proposal does not damage or put at risk existing highway facilities;
- that other non-highway facilities are protected; and,
- that there is no undue restriction to future highway development.

Applications must be made by the eventual owner of the works, or an authorized agent for the owner, and the approval process is initiated by way of submitting a water application. Typical requirements for approval of an application of this type will include the following:

- **Insurance**

Insurance is a requirement, and Ministry policy states that all permits and agreements must contain an indemnity clause and an insurance requirement clause that protects the Ministry, the applicants, and any other named insured

Key Agencies

from financial loss due to damage or harm. The financing of these transferred risks is handled by a requirement for Liability Insurance in the permit. To prove that the applicant has adequate insurance, the insurance agent or broker must fill out a Certificate of Insurance (H-0111). The upshot of this requirement is that the community dock must be owned by a body that can finance and carry insurance.

- **Environmental Protection**

Protection of the environment within the Ministry's right-of-way must include compliance with all applicable federal and provincial legislation and regulations including protecting fish and fish habitat, protecting endangered species, protecting indigenous ecosystems, and compliance with the Heritage Conservation Act (typically related to archaeological concerns).

- **Certification**

Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act must be performed by a Professional Engineer, and must comply with the Ministry's "Engineer of Record and Field Review Guidelines."

Department of Fisheries and Oceans (DFO)

Construction of a community dock will likely cause impact to fish habitat and project planning is required to avoid the risk of contravening the Fisheries Act. Typical planning steps are described as follows:

- **Step 1 – Identify the impacts**

Prior to undertaking the design of a dock it will be necessary to have a professional biologist complete a habitat assessment of the site to determine potential impacts.

- **Step 2 – Mitigate the impacts**

Design of the proposed works should include measures to mitigate these potential impacts. Options for mitigation may include strategic siting to avoid areas with high fisheries value, design of low-impact structures, and construction timing to avoid sensitive seasonal impacts.

- **Step 3 – Compensate for un-avoidable impacts**

If significant habitat impacts cannot be avoided, then it may be necessary to incorporate habitat compensation as a condition of authorization. Typical forms of compensation may include construction of habitat reefs or construction of eel grass beds.

Transport Canada (TC)

Construction of any works within navigable water requires approval under the Navigable Waters Protection Act (NWPA). The NWPA is administered by Transport Canada and ensures a balance between the public right of navigation and the need to build works, such as bridges, dams or docks. An approval under the NWPA authorizes the work only in terms of its effect on navigation.

Application for approval under the NWPA is initiated by submitting a completed application that includes the following information:

- Name, address and contact information for the applicant or their agent
- Location, description and size of the proposed works
- Plan and cross-section drawings of the work with dimensions including high and low water mark
- An area map of the location
- Details of the anchoring system
- Photographs of the site and surrounding area
- Project description and workplan

Key Agencies

In some cases a small dock may be considered a “Minor Work” and therefore exempt from these requirements if they meet the following requirements:

- The works are at least 5 m from the adjacent property boundaries and property line extensions;
- The works are at least 10 m from any dock, boathouse or other structure that is fully or partially in, on or over the navigable waters;
- The extremity of the works that is furthest from the land is at least 30 m away from any navigation channel;
- The works do not extend further in, on or over the navigable waters than any adjacent dock;

Regional Districts

In the Islands Trust Area, regional districts are probably the most important partner for any groups seeking to establish publicly-owned or publicly-operated docks. Through their parks functions regional districts are able levy fees, pay insurance costs, build up reserve funds, and in some cases, operate the dock either directly or through a local organization. In the Trust Area, regional districts are also likely to provide building inspection services on the completed structure.

Islands Trust

The Islands Trust has a mandate to establish and enforce planning policies and regulations for all of the Gulf Islands. The Islands Trust has no mandate to own or maintain infrastructure.

Residents and Community/Shared Docks

Community and shared docks are established based on needs identified by the communities in which they are desired. They may be complementary, or an alternative to, private docks. Whatever the impetus for their development, however, they are generally the result of the organizational efforts of a group of private citizens. Sometimes it might be a handful of neighbours, sometimes a pre-existing group like a residents or ratepayers association, while other times a new group must be established specifically for the purpose of advancing dock development. Whatever the composition of the group, its success will be determined by how well organized its efforts are at assembling the constituent pieces.

Aside from their physical characteristics, community and shared dock types are differentiated to various degrees by the extent of public and private involvement in the initial organization and funding, their ongoing maintenance and operational structures, and the users they serve. Research for this report suggested the following four possible models:

Publicly-developed, publicly-operated, public-use: In this situation, local government is pro-actively involved from the outset of the dock development process and, when complete, continues to own and operate the dock for the benefit of all users. These are “community docks” in the truest sense of the word. (See Thetis Island Community Dock case study)

Privately-developed, publicly-operated-public-use: In this situation, development, fundraising and construction of the dock is undertaken by a private entity (usually a non-profit society), with the finished product transferred to local government for ownership, maintenance and operations. (See Surge Narrows Community Dock case study)

Privately-developed, privately-operated, public-use: This situation sees a private entity (like a non-profit society) develop the dock, while continuing to own and operate it after completion.* Use of the dock, however, is available to all users. (See Denman Island Community Dock case study)

Privately-developed, privately operated, private-use: This circumstance sees a private entity (formal or informal) develop, maintain and operate the dock for use by an exclusive group of people.

How a particular dock is funded and managed is largely a function of the category into which it falls. The case studies that follow in this report describe the practical implications of each type.

Lessons Learned

Referenda, either formal through local government, or informal through an unelected body, are an important tool for gauging community appetite for funding and operating a dock.

* While it is conceivable that such a configuration could occur abutting private land, all examples found during this report’s research saw docks that abutted leased Crown Land.

Lessons Learned

One resident of an island that’s grappled with the community dock issue for a decade said, “The two biggest hitches that keep coming up, apart from initial capital costs, are liability and ongoing operations. Out here we can’t have a fixed ramp. It’s got to be a cantilevered ramp, and whenever you’re dealing with a cantilevered ramp and 16 foot tides, the ramp is awkward to operate. The dock has to be just right, otherwise the winch won’t work right, and then there’s the steepness of the dock at low tide. All of these things will present challenges for the elderly people on the island. So, who’s going to take responsibility for all of this?”

LTCs and Community/Shared Docks

While community/shared docks generally rely on the energies of private citizens to set their development in motion, Local Trust Committees play an important role establishing the policy and regulatory framework that allows for their creation. The first way that Local Trust Committees set the stage for community/shared dock development is through their Official Community Plans (OCPs). While OCPs do not confer positive obligations on a Local Trust Committee, LTC's must not endorse any actions whose outcomes would be contrary to the policies of the OCP. Communities in the Trust Area and around the B.C. coast can, and do, use their official community plans to prohibit, support, define, and site community and shared docks. What they do and how they do it depends on the outcome the community desires. In the following examples, (IT) means the example OCP is an Islands Trust document, while (O) means the OCP comes from a jurisdiction other than the Islands Trust.

OCPs and Community/Shared Docks

(IT) On **Denman Island**, the OCP is used to identify the two locations where a community dock could be supported, while simultaneously prohibiting private docks elsewhere. To that end, Policy 9 of the Marine Environment section of Denman Island's OCP states, "... facilities for ferries, water taxis, fishing boats and pleasure boats should be limited to existing locations. Zoning regulations may permit public dockage on the foreshore area adjacent to the Denman West and Denman East ferry docks, provided such a use is primarily to serve the residents of Denman Island." Meanwhile, Policy 12 of the same section states in part, "In the Water designation, the following should be prohibited: private docks;"

(O) On **Quadra Island**, the stage was set for the eventual development of the community dock at Hoskyn Channel by including in the 2007 OCP the following policy in its water transportation section: "Identification of an appropriate site in the Surge Narrows and Granite Bay areas for the possible future establishment of a small public dock facility shall be encouraged."

(IT) On **Keats Island**, community members declined to constrain private docks, so instead the following policy was included in its OCP: "Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves."

(IT) In the new **Gambier Associated Islands** OCP it says. "Zoning should permit and encourage the construction and use of common, community, or communal docks where feasible in order to limit the need for multiple private dock development along the shoreline; however, individual private docks accessory to residential uses should be permitted where required for access, but may be regulated by zoning."

(O) In Bedwell Bay at the mouth of Burrard Inlet's Indian Arm, the **Village of Belcarra** has noted as a policy in its OCP that "Within the area designated Civic Natural Shore Area on Schedule A (Generalized Land Use Map), the Village will entertain proposals for the use of the foreshore for Group Wharfage Facilities in accordance with Council's Group Wharfage Facility Foreshore Lease Policy."

"Group Wharfage" is defined in the document's glossary as, "a wharf owned and operated by a Group Wharfage Association which is a group of four to six Village residents that is formed pursuant to the Society Act for the purpose of owning and operating a group wharfage facility;"

(IT) **Passage Island's** section in the Gambier Associated Islands OCP includes the following advocacy policies to support its ongoing, though as yet unsuccessful, efforts to see a community dock established on the Island:

- The LTC requests that the Ministry of Transportation and Infrastructure provide for and maintain safe access to the foreshore on dedicated highways.
- The LTC encourages Greater Vancouver Regional District (Metro Vancouver) to explore options to provide a ports function for residents of Passage Island.

Land Use Bylaws and Community/Shared Docks

Land use regulations (which can also apply to land under water) bring the policies of an official community plan to life by allowing and prohibiting different uses. Zoning bylaws related to water lots that can support community and shared docks on the Gulf Islands and around the coast vary widely according to the outcomes intended by the communities where they've been enacted.

For example, in communities where a single potential community dock location has been identified and favoured, local government can zone it to a designation that allows for that use and those structures. Such is the case in the Marine-5 zoning designation on **North Thormanby Island** under the Gambier Associated Islands soon-to-be-adopted Land Use Bylaw which states, "The following structures are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited: (a) Public wharf or barge; (b) Buoys, floats, wharves, wharf ramps, walkways, piers, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone." Meanwhile, if the community wants docks at several specific sites, each of them could be zoned to allow for a community dock. Such is the case of **Keats Island** where two locations carry the M-1 (Public Wharf) designation.¹

If the community has not yet considered where a community dock might go but wants to leave the option open, they might create a whole water zone around the Island that allows for community docks. Most of the east side of **Quadra Island**, for example, is characterized by Access 1 zoning, which allows "Private or public boat ramps or private or public wharves, excluding any such facilities that are offered for commercial gain."

If the community wants to ensure that only one of several potential sites is ever developed, the bylaw can restrict the number of docks that can be built in that zone to the number of their choosing. This is the case with the **Gambier Associated Islands** M-2 zone where "One community dock or wharf may be constructed or installed at each M2 zoned location." Likewise, if a community is interested in establishing zones where neighbours are forced to enter into sharing agreements with one another in order to construct docks, a zone such as **Belcarra's** Group Wharfage Zone, or its Shared Wharf Zone might be contemplated. The municipality's "group wharfage" zone states, "Permitted Land Use: (1) Group wharfage facility."

Land use bylaws can be used to encourage an essentially unlimited array of dock configurations, both physically from the perspective of length and width, and in terms of location. **Belcarra's** W-2 zone for group wharfage, for example, with its defined geographic boundaries, states that "No section of a float or wharf shall exceed a width of 6 metres, except for a maximum of 3 wharf fingers, each of which may have a length of no more than 7.5 metres and a width of no more than 1.2 metres."

Lessons Learned

One person familiar with the development of the community dock at Hoskyn Channel on Quadra Island said, "Just get it in there, into the official community plan somehow, to maintain community access where the roads end. Then give direction to pursue tenure. Once you've got that, which you can get fairly easily, zone the whole area as park."

¹ Both of these sites are home to former federal government wharves now owned and operated by the Sunshine Coast Regional District through its ports function.

LTCs and Community/Shared Docks

Further LTC Considerations and Community/Shared Docks

The role of local trust committees in the development of community and shared docks does not end with the inclusion of supportive OCP policies and land use regulations. Elected officials may further be called upon to make decisions in three areas when a new dock is ready to move forward: rezonings, variances, and development permits.

Rezoning, whether initiated by council at the behest of their community, or by private landowners interested in hosting a shared dock off their property, will be required to ensure that community/shared docks are sited appropriately. Local trust committees retain final discretion on those rezonings.

Variance permits may also be required, as most docks will violate the standard rules governing setbacks from the natural boundary of the sea for structures. A forward thinking bylaw, however, would grant community/shared dock sites the necessary exemptions from the customary sea setbacks.

Finally, if the proposed site of a community or shared dock should fall within a Development Permit Area (DPA), the local trust committee is responsible for determining whether the dock would meet the requirements of that DPA.

Lessons Learned

Dock-related traffic consists not only of the marine vessels that moor alongside them, but also the vehicles that people use to get to and from the upland end of the dock.

Dock proponents must consider the land-based transportation infrastructure required to support a dock.

Relevant questions include:

- Will a parking lot be necessary?
- What capacity should it support?
- Is parking on the shoulder viable?
- How would shoulder parking impact property owners?
- What impact will potentially increased traffic have on road conditions and maintenance?
- Who will be responsible for that maintenance?
- How will increased traffic impact owners upland of the dock?
- Is a new parking scheme or increased traffic consistent with the official community plan and land use bylaw?

Publicly-Developed, Publicly-Operated, Public-Use

Thetis Island Community Dock

With the involvement of the Cowichan Valley Regional District almost from the outset (after significant community pressure), the Thetis Island Community Dock exemplifies a true public community dock.

Origins: Like many coastal Islands, Thetis Island was long home to a federal government wharf. After years of effort by Thetis Islanders to acquire local control of the facility, the federal government eventually agreed to divest its wharf on the Island to the Cowichan Valley Regional District in 2002. The CVRD, while at first reluctant to take on the responsibility, agreed to do so following a referendum among Islanders (85 percent of whom voted in favour) that created a local area services establishment bylaw for the operation and maintenance of the wharf and the tax regime to pay for it.

Financing: Divestment of the federal wharf came with a \$300,000 grant to undertake major repairs to the wharf. This was spent on a major refit within the first few years under its new owners. Meanwhile, the 2002 service establishment bylaw saw a parcel tax implemented on Thetis Island that authorizes the CVRD to raise \$15,000 annually from property owners. To date, the CVRD has found that \$9,000 is adequate to cover ongoing maintenance and operation of the wharf and the adjacent boat launch over which it also has jurisdiction. Moorage fees are collected from dock users. Approximately \$30,000 from unspent annual parcel tax money now sits in an operating reserve fund in anticipation of future repair work.

Governance/Operations: A Thetis Island Port Commission was established by CVRD bylaw in 2003 that consists of five Islanders (appointed by the CVRD board on the recommendation of the Thetis Island Residents and Ratepayers Association), one Improvement District trustee, and the Director for Electoral Area G –Saltair/Gulf Islands. The Port Commission is the on-Island eyes-and-ears for the dock. When maintenance, minor or major, is required, the Port Commissioners convene a volunteer work party or manage a tendering process to bring in professional contractors and sends the bill to the CVRD for payment.



Photo Credit: Kelly Bannister

Lessons Learned

When a port commission is established through the regional district, it allows local decision making to guide the dock while the regional district manages the complexities of crown leases and liability insurance.

Lessons Learned

Parcel taxes or property tax levies brought into effect through a local area services establishing bylaw can be an effective tool to fund public goods that will be used by residents in one geographic area of a broader government jurisdiction.

Privately-Developed, Publicly-Operated, Public-Use

Surge Narrows Community Dock

On the northeast edge of Quadra Island, a community dock shows what can be accomplished when a committed community and a dedicated local politician harness the power of the private sector to get things done.

Origins: Unlike the Thetis Island example, Hoskyn Channel had no federal wharf to acquire when residents of the outer Discovery Islands began pressing for better access to Quadra Island. Up until the early 2000s, they had relied on a haphazard assortment of floats, boom sticks and pulleys to get to shore at Hoskyn Channel. Hearing the demands of the Surge Narrows community, the electoral area director for Quadra Island teamed up with the leadership of the Surge Narrows Community Association, and began to drum up support from private-sector donors to help construct a permanent, all-season dock. Over the years, financial and infrastructure donations—like surplus fish farm floats—have been received from aquaculture operators and other businesses in the area, and most of the labour to get the docks built has been volunteered by local business, the community and dock users. Efforts to get a permanent dock built (including permitting, etc.) began in 2004 and the official ribbon cutting took place in 2008.

Financing: Apart from a \$10,000 regional district grant to help offset the cost of ramp construction, virtually the entire capital costs of the project were covered by in-kind and cash donations. Today, the electoral area director says he continues to shake the tree for support from large businesses, government contractors and crown corporations that operate in the area whenever he can. Moorage fees pay for a portion of the ongoing maintenance and operation, while the electoral director says a “small sliver” of the Strathcona Regional District’s (SRD) parks budget is carved off for operations. The SRD pays a contractor on Quadra Island approximately \$6,000 per year to undertake maintenance on the dock as required and keep an eye on the facilities, and provides grant money where possible. No property or parcel tax has ever been implemented, which avoids creating new bureaucracy, but also means forgoing a predictable funding source.

Operations/Governance: Despite the large volume of private funding and grassroots efforts that led to its creation, the Surge Narrows dock is today owned and insured by the Strathcona Regional District. Decisions about the dock are made at the regional district staff level, usually on the basis of suggestions or complaints that come to the local electoral area director via the Surge Narrows Community Association or other dock users. No formal port commission has been established to govern the dock, but its users are reportedly quick to flag any outstanding issues to the SRD.

Lessons Learned

Hoskyn Channel dock proponents say that the regional district’s decision to zone the end of highway right-of-ways at key locations on Quadra Island as regional parks was an important tool to dissuade the province from granting water lot occupation leases to individuals or firms whose planned use of the sites would have rendered a community dock impossible.

Lessons Learned

Leveraging private industry support and tapping in to professional networks can yield great benefits and significantly offset development costs.



Photo Credit: Marine Harvest Canada

Privately-Developed, Privately-Operated, Public-Use

Denman Island Community Dock

The Denman Island Community Dock demonstrates how to leverage grant money in pursuit of a community dock, and how to do so with minimal government assistance.

Origins: While Denman Island long had a federal dock, the derelict structure was removed in the 1980s and the Island was without a small boat docking facility from then on. Even with the dock gone, however, the federal government retained Crown Land tenure over the site. Sensing an opportunity with the federal government's attempts to divest itself of dock sites around the coast, the Denman Island Residents Association (DIRA)—a non-profit society—struck a committee to begin working toward the development of the new dock. After five years of effort, the \$381,000 dock was officially opened in the summer of 2011.

Financing: The DIRA was given \$75,000 in federal divestiture money to take over responsibility for the former dock site. The group used this funding as leverage to start seeking ever-larger grants from a variety of government and quasi-government agencies and organizations. The largest grantors to the project were the Island Coastal Economic Trust (ICET) with \$118,500 and the West Coast Community Adjustment Program (WestCCAP) with \$124,188.50. Grants from the Comox Valley Regional District, the Comox Valley Community Fund and plenty of locally-raised donations and volunteer hours helped round out the funding. Today, moorage fees help offset the day-to-day operations costs, and the DIRA retains a fund of approximately \$35,000 from the original federal divestiture money from which they'll carry out maintenance as those needs arise.

A member of the DIRA suggested that the key to the organization's ability to win grants was the economic development spin with which they pitched the project, arguing that increased boat traffic to the Island would increase visitation to local shops and restaurants.

Operations/governance: The Denman Island Community Dock is run by a committee of the Denman Island Resident's Association. It holds the insurance on the dock through a marine liability policy which costs approximately \$2,000 annually. The DIRA member with whom we spoke for this report suggested she wished her organization had approached the Comox Valley Regional District early on in the process to bring the dock under the regional district's parks and recreation function. She said there is expertise within the regional district on which they wish they could have drawn, and the regional district is better placed to cover the insurance functions.



Photo Credit: Denman Island Residents Association

Lessons Learned

Grant money is out there, but finding the right pitch with which to win it can be challenging. While local economic development was the flavour of the day when the Denman dock was under development, today it could be emergency access or strengthening the marine highway.

Lessons Learned

What an organization gains in autonomy by pursuing a dock independent of government oversight can be offset by frustration over dealing with complex issues (i.e. insurance) without government help.

Brigade Bay Owners Association Dock

In waterfront areas where residents are demanding dock access, but a public community dock won't be entertained, there exist opportunities for shared, private docks. The dock at Brigade Bay on Gambier Island offers an example of a private dock that serves dozens of waterfront and upland properties in the same subdivision.

Origins: When the Brigade Bay subdivision was created on Gambier Island, the developer expected that waterfront homes would be granted private docks. Those plans were scrapped when the Department of Fisheries and Oceans refused to okay private docks over concern for the marine environment. Instead, the developer created a "community lot" on one of the subdivision's waterfront properties, and used that property's water access to construct a breakwater and multi-fingered dock. Today, operation and maintenance of this dock falls to the Brigade Bay Owners Association.

Financing: The Brigade Bay Owners Association owns the community lot and the dock. All property owners in the subdivision are expected pay annual fees to the homeowners society which are then used for maintenance and up-keep of the subdivision including the community lot and dock. A homeowner in the subdivision estimated the total annual costs associated with the dock at \$23,000. Of this, \$10,000 is for annual insurance, maintenance and operations, while the remaining \$13,000 is saved in a fund to pay for future large-scale maintenance or replacement of the facility. The dock has an estimated replacement value of \$200,000.

Operations/governance: A committee of the Owners Association manages the dock, pays the liability insurance, and determines repairs as necessary. Access to the dock is via a lot owned by that subdivision's homeowners association, and a gate on the dock prevents both non-Brigade Bay residents and those who don't pay their homeowners association dues from accessing the shore from the dock and vice versa.

Lessons Learned

A homeowners/ratepayers association with the resources to purchase a waterfront lot of its own then has the ability to create a private access dock to be used only by those who pay into its maintenance.



Photo Credit: Rick Gustavson

Privately-Developed, Privately-Operated, Private-Use

Belcarra Group Wharves

In an effort to grant non-waterfront property owners an opportunity for dock access, the Village of Belcarra created a “Group Wharves” water zone. This zone runs parallel to a waterfront municipal road, and within it, groups of four to six non-waterfront property owners can apply to construct a dock at one of 13 designated spots. Licenses of occupation for the limited number of spaces the municipality has allocated for Group Wharfage are issued on a first-come-first-served basis.

Origins: The “Group Wharfage” zone was established to minimize wharf construction in Bedwell Bay while still allowing local property owners a place to dock their boats. Port Metro Vancouver has authority to govern waterfront uses in the area—an authority delegated to it by the provincial government—and the Port has subcontracted this authority to the municipality as the upland property owner. Property owners interested in forming a group and building a wharf must register as a society under the British Columbia Society Act. The internal bylaws of the society will govern how money is collected and allocated and the responsibilities of the society’s various members. The society then applies to the municipality for a building permit, highway encroachment agreement to access the foreshore from the municipal road allowance, and the necessary water lot license. The water license is tied to the society, and members may join or depart as they choose with the sale and purchase of property, provided there are between four and six members at any given time. The municipality demands the society carry liability insurance and will inspect the dock once a year for structural integrity.

Financing: The society created by the Group Wharf users is responsible for all aspects of the dock, including construction and insurance.

Operations/governance: Societies formed for the purposes of sharing a group wharf in Belcarra can enact any by-laws they choose so long as they conform to the provisions of the B.C. Society Act. It is recommended that a lawyer be involved in drafting the society’s governing bylaws.

Lessons Learned

Because the municipality owns the road that runs parallel to the foreshore, Belcarra’s group wharves policy provides a unique opportunity for non-waterfront property owners to have waterfront access.

Lessons Learned

While the group wharves system has so far been relatively popular, administering the program costs the municipality more than it brings in from administration fees because of the amount of time spent chasing down dock societies to ensure their insurance is in order. Furthermore, since the ramps often begin within the municipality’s road allowance, poorly maintained docks risk becoming a municipal liability.

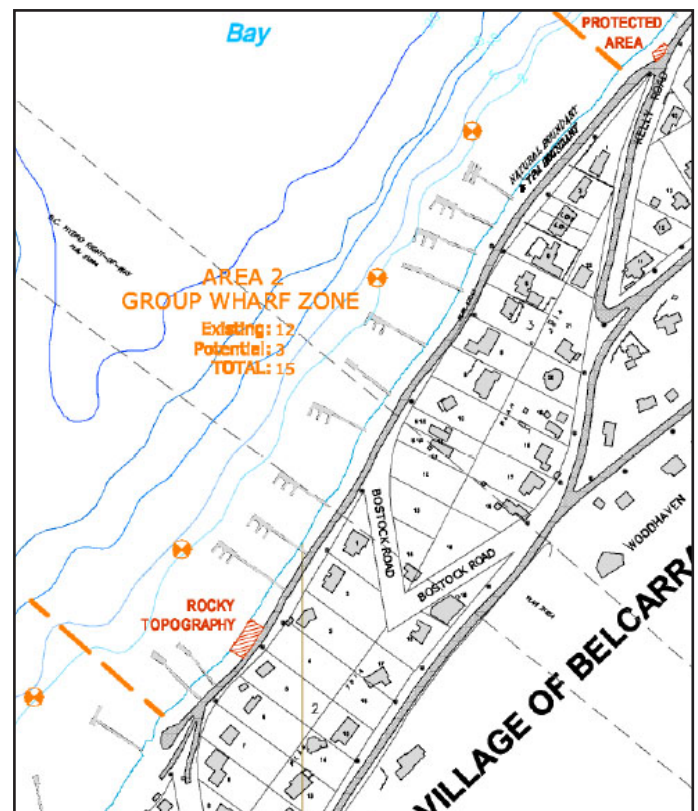


Photo Credit: Village of Belcarra

Port Metro Vancouver Shared Docks

For the past six years, Port Metro Vancouver has had in place a moratorium on private dock development. Instead, it accepts only applications for shared docks. As such, waterfront neighbours are learning to get along if they want a place to park their boat.

Origins: Two or more—typically adjacent and exclusively waterfront—property owners submit an application for a shared dock license of occupation to Port Metro Vancouver. This is generally done as a cooperative or non-profit society so to more easily establish the internal bylaws that will govern the construction and ongoing maintenance of the structure. The addresses of all individual members of the society are identified in the license application, so the Port knows which waterfront property owners have surrendered their right to host a private dock on their own waterfront, and instead sign up to use one that abuts a neighbour's property.

Financing: The waterfront property owners that agree to share the dock are responsible for all aspects of its construction and maintenance.

Operations/governance: While not required by Port Metro Vancouver, shared dock applicants are strongly advised to formalize their relationship using the services of a lawyer who drafts bylaws that define the nature of each member's responsibilities toward the dock and other members. Easements can be registered on title to guarantee right of access for society members to the dock regardless of who owns the property to which the dock abuts.

Lessons Learned

Despite the years-long moratorium on private dock development on the shoreline administered by Port Metro Vancouver, the organization says it has received relatively few shared dock applications. It does, however, receive a constant stream of inquiries from waterfront property owners wondering when the moratorium will be lifted.