

## REPORT TO THE SOUTHERN GULF ISLANDS HARBOURS COMMISSION

SUBJECT: Public dock facilities on Mayne Island

ISSUE: The purpose of this report is to review the shortage of marine facilities on Mayne Island and recommend action.

BACKGROUND: Mayne Island has 1700 tax parcels with a full time population of 1070 residents, summer population approaches 4000 residents. Mayne Island has only two docks available to the general public: Miners Bay dock is well located for visiting traffic but due to strong currents in Active Pass and large swells from the wake of BC Ferries it is not safe for moorage by local Islanders. Horton Bay dock is located in an all weather bay, perfect for small craft. A court challenge is in process between the Federal Government (Small Craft Harbours) and the upland property owner (Arbutus Bay Estates). The dock size has been reduced to 50% of its original size due to a previous challenge by the upland owner. The pending trial leaves cause for doubt over the future of Horton Bay.

Our Island is unique among the Southern Gulf Islands for its lack of either public or commercial small craft moorage. In a recent survey of marine facilities within the Southern Gulf Islands, Mayne Island was identified as having less than one third the moorage footage per resident of the Islands surrounding Mayne. Over the past four years Mayne has seen a significant increase in active boaters. The Horton Bay dock is full throughout the winter and double rafted during the summer. Many of the Island's senior residents store their boats on a mooring buoy resulting in a risk to their personal safety each time they transit between shore and boat. Besides the local demand for safe moorage, docks provide an important service to our Island. Horton Bay dock plays a critical role for both emergency access and evacuation to and from the Island. The dock is used by residents of Pender, Saturna, Samuel and Lizard Island to conduct commerce on Mayne Island. Docks have an economic impact, our Island receives regular reports of potential new residents choosing alternate communities due to marine facilities not meeting their boating needs. New residents are a major economic driver for any community; a renovation or new build can provide thousands of hours if not years of employment for local Islanders.

### Existing Dock, Horton Bay

The Horton Bay dock offers 200 feet of moorage. The dock is currently inadequate to meet the moorage needs of Mayne Island residents. In order to expand the dock the size of the water lease would have to be increased.

The Dock does not have a titled easement from the road resulting in the pending court case between the upland property owner and Small Craft Harbours. Permission for access to the dock had been granted by the previous land owner but never placed on title. The road from which the dock is accessed is a class 4 road (Shoulder to Shoulder) approximately 12 feet wide. Vehicles parked along the road are trespassing on private property. The upland property owner (the Plaintiff) has a litigious history. The Plaintiff has a history of appealing court decisions that have ruled against her. Our Islands experience with previous court cases involving the plaintiff suggest that should the Small Craft Harbours case be successful, the appeals will extend the decision many years. For example, the trial date for said case had been set for April of 2014 but was adjourned to October 2015 due to the Plaintiff's request to include the Provincial Government during the opening day of the April trial.

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### Anson Road SGIHC Dock, Horton Bay

The CRD holds a water lease off Anson Road, a double wide road allowance providing access to Horton Bay. The road allowance is held by the Ministry of Transport. It is located one third mile west of the existing dock in Horton Bay. The road allowance has a primitive road providing vehicle access to a potential low bank parking lot. Few major geographic changes would be required to allow all weather access to the beach front.

The water lease and upland property are in place. The Islands Trust has advised they would waive the fees required for the rezoning of the water lease. Soundings of the water lease along with surveys of the tidal area and upland indicate the site is well suited for a dock. The lease allows for a dock plan capable of providing 720 feet of moorage. The project could be completed in two phases; the first involving the walkway, ramp, main float and three fingers, providing 460 feet of moorage. The second phase would see the installation of three additional fingers to achieve the docks capacity of 720 feet. The construction cost for phase one is estimated to be \$269,000, including electrical, engineering and environmental. Allowing for a 20% contingency, the estimated cost of the dock would be \$322,800 before tax. Improvements to the road allowance, providing an all weather gravel road and turn around complete with 15% contingency is estimated at \$57,500

before tax. Road allowance improvements may be covered within CRD parks. Phase two complete with contingency is estimated to be \$82,000 before tax.

To address the shortage of Public Dock facilities on Mayne Island, it is proposed that: The SGIHC include in its 2015 operating and capital budget a capital allowance for phase one of the proposed Anson Road SGIHC Dock and that the SGIHC direct staff to take action leading to the completion of the Anson Road SGIHC Dock as per this proposal.

#### ALTERNATIVES

Alternative 1 - That the Southern Gulf Islands Harbours Commission direct staff to include in its 2015 draft operating and capital budget and 2016-2019 budget plan a capital allowance for phase one of the proposed Anson Road SGIHC Dock; that the SGIHC direct staff to take action leading to the completion of the Anson Road SGIHC Dock proposal.

Alternative 2 – That the Southern Gulf Island Harbours Commission take no action towards addressing the shortage of dock facilities on Mayne Island.

#### IMPLICATIONS

There is no public parking at Horton Bay Dock. Vehicles parked along the road are trespassing on the upland property. Parking may prove to be a greater challenge than dock access in the Justice Departments case against the Plaintiff. During negotiations with the Justice Department, the Plaintiff had offered the upland property to the Government for \$1,500,000, four times the current assessed value. Based on the Plaintiff's expectations and past legal history, a decision favoring the Government is expected to result in an appeal.

#### IMPLICATIONS cont.

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A court decision in favor of the Plaintiff could result in the docks removal or being given or sold to the upland property owner. This would result in the loss of the dock to the general public.

Should the Horton Bay court case reach a decision in favor of the Government which is not appealed, the existing dock could compliment the marine infrastructure needs of Mayne Island. Any increase to its current size would require an extension to the water lease.

#### CONCLUSION

The existing Horton Bay dock is inadequate to meet the needs of Mayne Island. An increase in the size of the dock would require an extension to the water lease. Due to the ongoing court challenge the dock has received minimal maintenance over the past decade. The results of the pending October 2015 court case could be non conclusive given the legal history of the Plaintiff.

Development of the Anson Road SGIHC Dock would provide a new low maintenance dock, while eliminating the uncertainty of the existing dock. Access and parking for the dock would be provided by the adjacent Department of Highways road allowance. The water lease will allow for a dock sufficient in size to better meet the needs of Mayne Island.

#### RECOMMENDATION:

- That the Southern Gulf Islands Harbour Commission direct staff to include in its 2015 draft operating and capital budget and 2016 – 2019 budget plan a capital allowance for phase one of the proposed Anson Road SGIHC Dock.
- Action be taken towards rezoning (water lease), design and construction leading to the completion of the proposed Anson Road project.

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Attachments: 5