

**CITY OF WHITEHORSE
COUNCIL POLICY**



POLICY: SCHWATKA LAKE DOCK POLICY

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| Policy Number: | 2016-01 |
| Approved by: | Council |
| Effective date: | March 30, 2016 |
| Next review due: | 2021 |
| Department: | Planning and Building Services/Legislative Services |

PURPOSE To regulate Dock development and associated land uses on the Schwatka Lake Waterfront Lands

AUTHORITY Council Resolution 2016-06-09 dated March 29, 2016

POLICY STATEMENT

It is the intention of the City of Whitehorse to establish, maintain, and promote effective policies to regulate Dock development and associated land uses on the Schwatka Lake Waterfront Lands.

In establishing and maintaining such policies, the requirements of the governing legislation of Canada and the Yukon Territory shall be observed.

This policy should be read in conjunction with the City’s applicable bylaws, policies, procedures, and supporting references. This document replaces the Schwatka Lake Waterfront Policy adopted by Council Resolution #99-24-09.

APPLICATION

The Schwatka Lake Dock Policy applies to all persons using Docks on the Schwatka Lake Waterfront Lands. Pursuant to section 2 of Appendix “A”, Dock Standards, the Development Officer has discretion to consider deviations from Development and Maintenance Standards.

DEFINITIONS

1. In this policy:
 - “CANADA” means Government of Canada;
 - “CITY” means the municipality of the City of Whitehorse;
 - “COMMERCIAL AVIATION OPERATOR” means an air carrier providing professional air transportation for the purpose of passenger or cargo movement;

“COMMERCIAL MARINE OPERATOR” means a business providing professional water transportation services for the purpose of passenger or cargo movement;

“COUNCIL” means the duly elected Council of the City of Whitehorse;

“DEVELOPMENT OFFICER” means the authorized City official appointed to interpret, administer, and enforce the provisions of the City’s Zoning Bylaw;

“DOCK” means all connecting sections of a temporary floating structure used for the mooring of float planes, boats, or other watercraft;

“DOCK DEVELOPMENT PERMIT” means a City authorized Development Permit allowing for the use of a Dock Site on the Schwatka Lake Waterfront Lands;

“DOCK OWNER” means a Commercial Aviation Operator, Private Aviation Operator, Commercial Marine Operator, or Private Marine Operator owning a Dock on the Schwatka Lake Waterfront Lands;

“DOCK SITE” means a City authorized location for a Dock on the Schwatka Lake Waterfront Lands;

“FEES AND CHARGES BYLAW” means the City’s Fees and Charges Bylaw adopted by Council, as amended from time to time;

“LEASE, ENCROACHMENT AND PROPERTY USE POLICY” means the City’s Lease, Encroachment and Property Use Policy adopted by Council, as amended from time to time;

“PRIVATE AVIATION OPERATOR” means an individual operating a float plane for personal use;

“PRIVATE MARINE OPERATOR” means an individual operating a marine vessel for personal use;

“SCHWATKA LAKE WATERFRONT LANDS” means the lands located on the western shore of Schwatka Lake between the Yukon Energy dam facility and the mouth of Miles Canyon, excluding private, leased, and licensed lands;

“TEMPORARY USE” means a use established for a fixed period of time with the intent to discontinue the activity upon the expiration of the fixed time period;

“YUKON” means the Government of Yukon;

“ZONING BYLAW” means the City’s Zoning Bylaw adopted by Council, as amended from time to time.

GENERAL PROVISIONS

2. Council may, by resolution, authorize the inclusion of new uses in this policy, providing such uses are consistent with the provisions of the Zoning Bylaw.
3. Dock Owners shall comply with all statutes, regulations, and bylaws, whether federal, territorial, or municipal, relating to their Dock, operation, float plane, and/or marine vessel.

SCHWATKA LAKE DOCK POLICY

March 2016

4. Dock Owners shall be responsible for obtaining all licenses and permits required, at their own expense. Specifically, Dock Owners shall obtain a Dock Development Permit from the City annually by March 31st. The permit fee is indicated in the Fees and Charges Bylaw.
5. Dock Owners shall provide a damage deposit in the amount indicated in the Fees and Charges Bylaw.
6. If the Dock is to be used for commercial purposes, the Dock Owner shall make application to the City for a Business License. Businesses on the Schwatka Lake Waterfront Lands shall be limited to Commercial Aviation Operators and Commercial Marine Operators.
7. If a Commercial Aviation Operator or Commercial Marine Operator requires any form of on-shore storage, office, or overnight trailer facility, the Dock Owner shall make application to the City for a Development Permit to allow for a Temporary Use and, where applicable, shall apply for a Building Permit. Overnight trailers must be self-contained with respect to waste water storage.
8. Priority for Dock Sites shall be given to Dock Owners renewing from the previous permit year. Notwithstanding this provision, Commercial Aviation Operators and Private Aviation Operators shall receive permit priority.
9. Applications for Dock Development Permits shall include the following information:
 - (1) The type and nature of the proposed business or activity.
 - (2) A sketch showing the location of the Dock Site, indicating Dock dimensions and relation to existing Docks and development.
 - (3) For Docks, proof of public liability insurance in no less than the amount specified by the Lease, Encroachment and Property Use Policy.
 - (4) For float planes, proof of registration and public liability insurance in no less than the amount specified by the Lease, Encroachment and Property Use Policy. Commercial Aviation Operators shall additionally submit proof of passenger liability insurance in no less than the minimum amount specified by Transport Canada.
 - (5) For marine vessels, proof of registration, if applicable.
10. Upon receipt of an application for a Dock Development Permit, the Development Officer shall:
 - (1) Review the application for compliance with this policy.
 - (2) Request any additional information deemed necessary.
 - (3) Approve, approve with conditions, or refuse the application.

IMPLEMENTATION

11. Dock Sites and Docks shall be developed in a manner that is compliant with Canada's *Fisheries Act* and all other applicable regulations. Additionally, they shall

be developed and maintained in a manner consistent with the Dock Standards listed in Appendix "A", attached hereto and forming part of this policy.

12. Dock Owners shall:

- (1) Operate from the Dock Site designated to them by the Development Officer.
- (2) Have a fuel spill kit on-site when handling fuel and other hazardous substances, and shall comply with all standards and practices specified by Yukon's *Environment Act*, *Dangerous Goods Transportation Act*, *Gasoline Handling Act*, and any successor legislation. The spill kit shall be equipped to respond to the maximum spill potential of the operation, on land and water.
- (3) Be responsible for maintaining the lands in the vicinity of their Dock in a clean, litter free, and tidy state.
- (4) Not park along the shoulders of Miles Canyon Road for purposes other than loading and unloading. Day parking is permitted only in developed and designated parking areas.

ENFORCEMENT

13. The City may inspect any Dock Site to ensure compliance with this policy. If non-compliance is found, the City has the right to revoke the approval for such use.
14. Docks that present a hazard to the public or environment as determined by the Development Officer shall be removed by the Dock Owner, or may be removed by the City at the expense of the Dock Owner.
15. Docks that are abandoned or retrieved may be removed by the City at the cost of the Dock Owner.
16. Damage to the shoreline resulting from the activities of a Dock Owner shall be restored by the Dock Owner, or may be restored by the City at the cost of the Dock Owner.
17. Non-compliance with or violation of this policy shall be enforced in accordance with the provisions of the Zoning Bylaw.

◆ *March 2016*

SUPPORTING REFERENCES

Related Council policies and bylaws, and other applicable Acts and Regulations, including:

City of Whitehorse Zoning Bylaw 2012-20

City of Whitehorse Fees and Charges Bylaw

City of Whitehorse Lease, Encroachment and Property Use Policy

Government of Canada *Fisheries Act* and Regulations

Yukon Government *Gasoline Handling Act* and Regulations

Yukon Government *Dangerous Goods Transportation Act* and Regulations

Yukon Government *Environment Act* and Regulations

HISTORY OF AMENDMENTS

| <u>Date of Council Decision</u> | <u>Reference (Resolution #)</u> | <u>Description</u> |
|---------------------------------|---------------------------------|---|
| May 23, 1995 | 95-13-19 | Schwatka Lake Waterfront Policy adopted |
| November 22, 1999 | 99-24-09 | Schwatka Lake Waterfront Policy revised |

APPENDIX “A”

DOCK STANDARDS

PURPOSE

1. The purpose of the City’s Dock Standards is to provide standards for Dock development and maintenance on the Schwatka Lake Waterfront Lands. The standards shall apply to the construction of new Docks and to the maintenance, renovation, and replacement of existing Docks at City authorized Dock Sites.

DISCRETION

2. The Development Officer may consider deviations from the Dock Standards where individual circumstances merit, and shall consider:
 - (1) The operational needs of the Dock Owner.
 - (2) The size of the air or watercraft to be moored at the Dock.
 - (3) Dock Site conditions, including shoreline contour and exposure to current and wind.
 - (4) Relation of the Dock Site and Dock to other development and activities.
 - (5) Impact to public and environmental safety.

DEVELOPMENT AND MAINTENANCE STANDARDS

3. Dock Sites and Docks shall be developed and maintained in a manner that is compliant with the Implementation section of this policy and the following standards:
 - (1) **Earth and Fill**
 - (a) Earth shall not be removed from the shore or lakebed.
 - (b) Fill shall not be added to the shore or lakebed.
 - (2) **Parking**
 - (a) No new parking pads shall be developed.
 - (3) **Vegetation**
 - (a) No trees shall be removed.
 - (b) The root systems of shrubs and grasses shall not be disturbed, other than to develop stairs and walkways to provide safe access to Docks.
 - (c) A limited amount of maintenance to the crown of trees and shrubs shall be allowed, to the extent of keeping the access to Docks unobstructed.

(4) **Attachments to Shore**

- (a) Docks are restricted to temporary floating structures only. Stationary Docks with posts resting on the lakebed shall not be developed.
- (b) Concrete abutments and hinged piles are acceptable attachments to shore. It is recommended that piles connecting to Docks be replaced with galvanized mooring cables during winter months to allow for lake level fluctuation. The length of mooring cables shall be sized to avoid excess accumulation on the bed of the lake.

(5) **Walkways**

- (a) Walkways leading to Docks shall be constructed in a manner that is adaptable to lake level fluctuation.
- (b) Removable walkways are recommended as a means to protect against unauthorized use of Docks and vandalism.

(6) **Dimensions and Separation**

- (a) Docks shall not exceed the following dimensions:
 - (i.) Length parallel to shore: 10 m
 - (ii.) Extension from shore: 15 m
- (b) The minimum distance separation between Docks shall be 10 m. The recommended separation is 20 to 30 m.
- (c) Where a Dock Owner is interested to exceed the dimensions and separation standards, the approval of the Development Officer is required. Exceptions may be considered where:
 - (i.) There are no adjacent Dock Sites.
 - (ii.) Adjacent Dock Sites are permitted to the same Dock Owner.

(7) **Clearance Above and Below Water Surface**

- (a) The surface of Docks shall not be subject to prolonged inundation when under the weight of regular activity and when not in use.
- (b) To avoid damage to the lakebed, the minimum low water clearance below Docks used to moor float planes is 1 m. The minimum low water clearance for Docks used to moor motorized boats is 1.5 m.

(8) **Materials**

- (a) Materials used for Dock construction shall be inert (without active chemical, physiological, or other properties), corrosion resistant, and resistant to abrasion.
- (b) Materials that need to be cut, stained, sealed, or otherwise treated shall be done so at a location away from the Schwatka Lake Waterfront Lands.

- (c) The following construction materials shall not be used:
 - (i.) Metal barrels
 - (ii.) Plywood
 - (d) All treated lumber and other materials shall be completely dried before being installed next to or into the lake.
 - (e) All works involving the use of concrete, cement, mortars, and lime-containing construction materials shall be pre-cast and cured away from the Schwatka Lake Waterfront Lands.
 - (f) Where foam materials are used for floatation, they shall be of a closed-cell design.
- (9) **Identification**
- (a) The Dock Site number shall be affixed to each Dock in a location visible from shore.
- (10) **Inspection**
- (a) Each Dock shall be regularly inspected by the Dock Owner to ensure compliance with the Dock Standards.
- (11) **Removal of Docks and Infrastructure**
- (a) Docks removed from the lake for seasonal storage or end of use shall be towed to the public launch for removal.
 - (b) Disruption to the lakebed shall be minimized by ensuring that removal activities do not include dredging and/or placement of fill into the lake.
 - (c) Infrastructure (including stairs, piles, anchors, and Docks) may only be left in place by an exiting Dock Development Permit holder where an agreement with the entering applicant is registered with the Development Officer.
 - (d) Structures and piles shall be removed in a manner that prevents foreshore disturbance and sediment generation.
 - (e) Where the removal of piles may cause damage or instability to the shore, piles shall be cut as close to the point of attachment as possible. The remaining pile shall be left in a state that does not present a safety risk to the public or wildlife.
 - (f) Debris shall be removed by hand, where possible, to avoid disturbance to the shore by machinery.
- (12) **Site Restoration**
- (a) Disturbed areas shall be restored by the Dock Owner, or may be restored by the City at the expense of the Dock Owner, to prevent surface erosion and siltation of the lake.

- (b) In the case of significant disturbance, the area shall be graded to a stable angle.
- (c) Disturbed soils may be protected from surface erosion by:
 - (i.) Seeding, hydro-seeding, or planting with a mulch or seed mix.
 - (ii.) Installing erosion blankets.
- (d) Only native plant species shall be used for restorative purposes.

■ *March 2016*