

REPORTS OF THE COMMITTEES

2. Committee of the Whole – May 12, 2016

3. Gorge Waterway Zoning Bylaw Amendment

It was moved by Councillor Alto, seconded by Councillor Coleman:

1. That Council consider giving first and second reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1066).
2. That Council consider referring Zoning Regulation Bylaw, Amendment Bylaw (No. 1066) for consideration at a Public Hearing.

Carried Unanimously

4.1 Gorge Waterway Zoning Bylaw Amendment

Committee received a report dated May 11, 2016, from the Director of Sustainable Planning and Community Development regarding feedback received on the proposed Gorge Waterway Zoning Amendment to allow overnight anchoring and mooring of vessels on a limited basis.

Motion:

It was moved by Councillor Young, seconded by Councillor Coleman:

1. That Council consider giving first and second reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1066).
2. That Council consider referring Zoning Regulation Bylaw, Amendment Bylaw (No. 1066) for consideration at a Public Hearing.

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report For the Meeting of May 12, 2016

To: Committee of the Whole **Date:** May 11, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Gorge Waterway Zoning Bylaw Amendment

RECOMMENDATION

1. That Council consider giving first and second reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1066).
2. That Council consider referring Zoning Regulation Bylaw, Amendment Bylaw (No. 1066) for consideration at a Public Hearing to be held on May 26, 2016.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, the density of the use of the land, buildings and other structures, the siting, size and dimensions of buildings and other structures, as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

At its meeting on February 25, 2016 Council passed the following motion:

"It was moved by Councillor Alto, seconded by Councillor Isitt:

1. That Council direct staff to work with community partners to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.
2. That Council direct staff to:
 1. proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
 2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
 3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.
 4. Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.

3. That staff report back to council on methods to provide environmental protection and the potential removal of hazardous boats in the immediate term while working towards the bylaw changes as laid out in today's staff report.”

Residents within 200m of the Gorge Waterway and stakeholders were notified of the proposing zoning amendment. In addition to the mailed letter, we invited the public by way of stakeholder emails, paid print advertisements, posted notices around wharves to notify boaters, and released media and social media announcements.

Feedback was received through email responses, comments, and comment forms received at the community meeting held at the Victoria West Community Centre gym on May 5, 2016. The feedback received is summarized as follows:

- The proposed Zoning Bylaw amendment are generally supported. However, some feedback was opposed with either a preference for the current bylaw which does not permit overnight anchoring/mooring or a desire for the removal of all restrictions on anchoring/mooring in the Gorge Waterway.
- The future management of the Gorge Waterway is of strong interest with monitoring of vessels, bylaw enforcement and protection of the environment being the major aspects that need to be addressed through further City regulation of the waterway.

The feedback received in initiating this Zoning Bylaw amendment will inform the further steps the City will be taking to manage and better regulate the Gorge Waterway for the benefit of the Gorge Waterway users, nearby residents and the marine environment.

A Public Hearing on the proposed amendment to the Gorge Park Waterway Zone is scheduled for May 26, 2016.

PURPOSE

The purpose of this report is to provide information to Council on feedback received by email and at a community meeting on the proposed Gorge Waterway Zoning Amendment (Draft bylaw attached).

BACKGROUND

At its meeting on February 25, 2016, Council passed a motion (relevant minutes and report attached) directing staff to proceed with a City-initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring and mooring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period. Council also directed staff to hold a community meeting to receive comments on the zoning regulations for the Gorge Waterway Park District Zone.

The community meeting on the Gorge Waterway Park Zone was held on May 5, 2016 at the Victoria West Community Centre. Notice of the meeting (attached) was mailed to property owners and residents within 200 metres as well as other stakeholders.

An information meeting was held on February 12, 2016 at the Vic West Community Centre to inform the public of this City initiative.

SUMMARY OF FEEDBACK

The City received 17 email responses to the April 18th notification letter. The responses are attached. The large majority of the responses are in support of the proposed Zoning Amendment. The associated comments and questions of those supporting the proposed amendment are focused on:

- the problems associated with derelict boats and their removal;
- the future management of the Gorge Waterway, including monitoring and enforcement of mooring/anchoring time limits and the number of boats permitted; and
- the alternative locations and affordable housing options for those currently living on boats in the Gorge Waterway.

The associated comments of those expressing concerns or opposition to the proposed amendment include:

- support for a right to anchorage in federal jurisdiction;
- support for the current Zoning regulations prohibiting anchoring/mooring;
- concern for the lack of facilities and the environmental impacts of permitting overnight anchorage/mooring, and
- concern for current occupants of boats in the Gorge Waterway.

The community meeting was attended by 60 people. A summary of the questions and answers after the staff presentation is attached. No direct opposition to the Zoning Bylaw amendment was expressed. The majority of questions and answers focused on the future management of the Gorge Waterway with monitoring of vessels, bylaw enforcement and protection of the environment.

The following topics were covered in the questions and answers shared at the meeting:

- environmental study – the need for it, its timing and for information on its scope and its terms of reference, the effect of anchorage on the marine environment
- future management of the waterway – the timing of implementation of rules, the terms of the Licence of Occupation, its powers and its publication, the possibility of registering vessels and limiting their numbers
- the West Kelowna court decision – its applicability and the water area it covered
- bylaw enforcement – the nature of monitoring and enforcement, the likelihood of the granting of an injunction
- possible relocation of vessels – federal regulations south of the Selkirk Trestle preventing mooring/ anchoring

A total of 39 comment sheets (attached) were received following the community meeting with the following neighbourhood breakdown:

15 Burnside-Gorge	1 Brentwood Bay	1 Fairfield
19 Victoria West	1 Tsehum Harbour	
1 Central Saanich	1 unknown.	

On the majority of comment sheets (25) support is expressed for the Gorge Waterway Zoning Bylaw amendment with a minority (10) having expressions of opposition. Some of those expressing opposition are against allowing any moorage and others are against having any restrictions on moorage. On four comment sheets no opinion is expressed. Almost all comments

in favour of the Zoning Amendment include conditions and ideas for regulation of vessels with the frequent mention of requiring holding tanks on any vessels moored or anchored in the waterway. Comments are also frequently made on the need to monitor vessels to ensure regulations are respected and enforced.

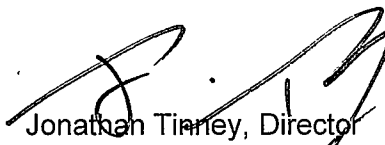
CONCLUSIONS

The feedback received through email responses, comments and comment forms received at the community meeting is generally supportive of the proposed amendments to the Gorge Waterway Park Zone. The feedback focuses on the future management of the Gorge Waterway with monitoring of vessels, bylaw enforcement and protection of the environment being the major topics of interest. The feedback received in initiating this Zoning Bylaw amendment will help inform the further steps necessary to manage and better regulate the Gorge Waterway for the benefit of the Gorge Waterway users, nearby residents and the marine environment.

Respectfully submitted,



Brian Sikstrom, Senior Planner
Development Services



Jonathan Timney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: May 11/16

List of Attachments

- Draft Gorge Waterway Zoning Amendment Bylaw and Notice of Public Hearing
- Council motion of February 25, 2016
- Notification letter dated April 18, 2016
- Committee of the Whole Minutes of February 18, 2016
- Staff report dated February 9, 2016
- Gorge Waterway Zoning Amendment: E-mail Responses
- Gorge Waterway Zoning Amendment: Community Meeting Feedback

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw regulations for the GWP Zone, Gorge Waterway Park District, to allow overnight anchoring and mooring of vessels on a limited basis.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO.1066)".
- 2 The Zoning Regulation Bylaw is amended in Schedule B, Part 9.3 [*GWP Zone, Gorge Waterway Park District*]
 - (a) by repealing section 9.3.1.b.i. and substituting the following paragraphs:
 - "i. The anchoring or mooring of vessels for a continuous period exceeding 48 hours
 - ii. The anchoring or mooring of vessels for more than 72 hours within a 30-day period"
 - (b) by renumbering in section 9.3.1.b. paragraphs ii and iii as paragraphs iii and iv respectively.

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
Public hearing held on the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CITY CLERK

MAYOR

PART 9.3 – GWP ZONE, GORGE WATERWAY PARK DISTRICT

9.3.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Parks and uses accessory to parks
- b. Water related recreational activities

Without limiting the generality of any Section or Part of the Zoning Regulation Bylaw, including Section 17 of the Introduction and General Regulations, the following uses are not permitted in this Zone:

- i. The anchoring or mooring of vessels between the hours of 11 p.m. and 6 a.m.
- ii. Live-aboard or float home as defined in Part 7.54.1 in the FWM zone, Fisherman's Wharf Marine District
- iii. Docks, wharfs and piers

Bylaw 14-059 adopted August 28, 2014

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

NOTICE OF PUBLIC HEARING

APPLICATION FOR REZONING OF PROPERTY KNOWN AS THE SELKIRK WATERWAY AND THE GORGE WATERWAY:

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1066) - No.16-050:

The purpose of this bylaw is to amend the regulations in the GWP Zone, Gorge Waterway Park District in the Zoning Regulation Bylaw to allow overnight anchoring and mooring of vessels on a limited basis.

Existing Zone: Part 9.3 – GWP Zone, Gorge Waterway Park District

Property description: Part of the land and land covered by water known as the Selkirk Waterway and Gorge Waterway

Members of the public interested in this matter will be given an opportunity to be heard by City Council at a Public Hearing to be held in the Council Chamber, City Hall, #1 Centennial Square, Victoria, B.C., on Thursday, _____, 2016, at 7:00 p.m.

Correspondence can be submitted for inclusion in the meeting agenda via mail to the address noted above, or by email at: publichearings@victoria.ca. Correspondence should be received by 11:00 a.m. the day before the Council meeting.

Copies of the proposed Bylaw and other relevant documents and information may be inspected at City Hall, #1 Centennial Square, Victoria, B.C. from the date of this Notice to and including the date of the Public Hearing, from 8:00 a.m. to 4:30 p.m., from Monday to Friday both inclusive, excluding public holidays.

Please note that all correspondence submitted to the City of Victoria in response to this Notice will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

REPORTS OF THE COMMITTEE

2. Committee of the Whole – February 18, 2016

4. Gorge Waterway Park Zone

It was moved by Councillor Alto, seconded by Councillor Isitt:

1. That Council direct staff to work with community partners to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.
2. That Council direct staff to:
 1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
 2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
 3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.
 4. Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.
3. That staff report back to council on methods to provide environmental protection and the potential removal of hazardous boats in the immediate term while working towards the bylaw changes as laid out in today's staff report.

Carried Unanimously

**Department of
Sustainable
Planning &
Community
Development**

Community
Planning Division

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0212

Fax (250) 361-0386

www.victoria.ca

April 19, 2016

Re: Gorge Waterway Zoning Amendment Community Meeting

Dear Resident,

You are invited to attend a community meeting to learn more and provide feedback on a City-initiated proposal to amend the current Gorge Waterway zoning regulations.

The City of Victoria is proposing changes to the management of the Gorge Waterway to enhance the use of the Selkirk Water for recreation and to prohibit residential use and the storage of vessels. The City and members of the community are concerned about the negative impacts that unregulated marine activities are having on the marine environment and Victoria residents.

The proposed zoning amendment would allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period. The existing Gorge Waterway zoning does not permit the anchoring of vessels.

The proposed approach for short-term anchoring minimizes the current impacts to the environment and residents, while respecting a BC Court of Appeal decision regarding anchoring which suggests that not permitting some anchoring may be viewed as interfering with federal jurisdiction over navigation and shipping.


Join us to view displays, share your thoughts with City staff, and attend a presentation at the:

Gorge Waterway Zoning Amendment Community Meeting
Thursday, May 5, 2016
6 p.m. – 8 p.m., Presentation at 7 p.m.
Victoria West Community Centre
Gymnasium
521 Craigflower Road

If you are unable to attend the meeting, you can email your feedback to bsikstrom@victoria.ca by Friday, May 6, 2016.

Input from the community will inform the preparation of the Gorge Waterway zoning bylaw amendment that will be presented to City Council for consideration. The community will have a further opportunity to provide feedback on the proposed zoning amendment at a public hearing on May 26, 2016. For more information, visit: www.victoria.ca.

Sincerely,



Brian Sikstrom, Senior Planner
250.361.0285
bsikstrom@victoria.ca

4.2 Gorge Waterway Park Zone

Committee received a report dated February 9, 2016, from the City Clerk providing recommendations on proposed amendments to Gorge Waterway Park Zone Regulations.

The City Clerk provided Committee with a presentation.

Committee discussed:

- Concerns about the slow response times to polluting vessels due to the various authorities involved with the Gorge Waterway.
- Anchoring permanent moorage buoys to reduce environmental impacts, control locations and clear navigation channels.
- Concerns about the effect polluting vessels may have on the sea bed below.
- Ensuring services are available to assist the live-aboards with finding homes on land.
- Allowing all the effected Community Associations an opportunity to speak at the public hearing.

Motion: It was moved by Councillor Young, seconded by Councillor Alto, that Council direct staff to:

1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended to include the following point:

4. **Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.**

On the amendment:
CARRIED UNANIMOUSLY 16/COTW

Amendment: It was moved by Councillor Isitt, that the motion be amended to include the following point:

5. **THAT staff be directed to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.**

Mayor Helps ruled the amendment out of order and asked that the item be dealt with as a separate motion.

Committee discussed:

- Concerns about penalizing the responsible live-aboards.
- Taking immediate action on the unoccupied derelict vessels.
- Engaging the CALUCs prior to planning the community meeting.

Postpone: It was moved by Mayor Helps, seconded by Councillor Alto, that the following motion be postponed:

That Council approve the following motion:

1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.
4. Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.

CARRIED UNANIMOUSLY 16/COTW

Motion: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council approves the following motion:
THAT staff be directed to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.

Amendment: It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that the motion be amended as follows:
That Council: ~~approves the following motion~~
~~THAT staff be directed~~ **That Council direct staff to work with community partners** to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.

Committee discussed:

- Having further discussions on the extent of assistance that will be offered to the live-aboards.

On the amendment:
CARRIED UNANIMOUSLY 16/COTW

Main motion as amended:

That Council direct staff to work with community partners to reach out to people currently residing on live-aboard vessels in the Selkirk water with a view toward assisting them in developing individualized strategies for relocating to alternate accommodations, including alternate moorage options and/or land-based housing options.

On the main motion as amended:
CARRIED UNANIMOUSLY 16/COTW

Motion: It was moved by Mayor Helps, seconded by Councillor Alto, that the postponed motion be lifted from the table as follows:

That Council direct staff to:

1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.
4. Investigate and report back to Council on options for the installation of moorage buoys to prevent the potential negative impacts of short-term anchoring, including interference with navigation channels and damage to the ecological health of flora and fauna on the seabed of the water lot.

CARRIED UNANIMOUSLY 16/COTW

Motion: It was moved by Mayor Helps, seconded by Councillor Loveday, that Council direct staff to report back on methods to provide environmental protection and the potential removal of hazardous boats in the immediate term while working towards the bylaw changes as laid out in today's staff report.

Committee discussed:

- Ensuring there are no legal impacts prior to removing the derelict boats.
- Working with experts to ensure the boats are moved and/or disposed of in a humane and cost effective way.

Councillor Coleman joined the meeting at 9:50 a.m.

CARRIED UNANIMOUSLY 16/COTW



Committee of the Whole Report

For the meeting of February 18, 2016

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: Gorge Waterway Park Zone

Date: February 9, 2016

RECOMMENDATION

That Council direct staff to:

1. Proceed with a city initiated zoning process to amend the Gorge Waterway Park Zone to allow anchoring for a period of up to 48 consecutive hours, but not exceeding 72 total hours in a 30-day period.
2. Hold a community meeting to receive comments on proposed changes to the zoning regulations for the Gorge Waterway Park District Zone.
3. Prepare a bylaw to implement the changes after the community meeting has been held to bring forward for Council's consideration.

EXECUTIVE SUMMARY

In August 2014, Council rezoned the Gorge Waterway as the Gorge Waterway Park District ("GWP Zone") to better regulate the area in response to concerns from the public in connection with the use of the waterway for recreational purposes; environmental issues in the waterway; abandonment of vessels; nuisance and noise issues from live aboard vessels; impacts on Park users, and damage to shoreline and riparian areas where access to anchored vessels occurs. The GWP Zone limits the use of the Gorge Waterway to recreational activities more compatible with surrounding land uses. It specifically prohibits live-aboard use or overnight anchoring or mooring of vessels. Enforcement of the new regulations was delayed while the City sought a Licence of Occupation from the Province. This was received in October of 2015 and allows the City to manage the licence area for community use, recreation and the public interest.

Municipal authority over zoning includes the power to regulate land covered by water. However, the regulation of navigation and shipping falls within exclusive federal jurisdiction. This sets up an inevitable conflict when municipalities regulate land covered by navigable waters. Court decisions have confirmed that municipalities may regulate, through zoning, use of land covered navigable waters and recognized that some incidental interference with navigation and shipping has to be allowed.

A 2015 BC Court of Appeal judgment confirmed that municipal bylaws may regulate use of land covered by water but must allow for some short-term anchoring to avoid intruding on federal jurisdiction over navigation. The current GWP Zone makes no allowance for short-term anchoring and it may not be consistent with the Court of Appeal judgment. Therefore, an amendment to the

GWP Zone is recommended for council's consideration in order to be able to successfully enforce the provisions for moorage in the GWP Zone.

This matter is of high interest to the immediate neighbours and community as a whole. There is growing community interest in this matter and specific interest from harbour interest groups. There are over thirty vessels currently anchored in the City's Zoned area of the Gorge Waterway. Several vessels are being used for living aboard.

The process to move the recommended amendments forward would involve the City initiating a rezoning application; consulting with the public a community meeting to receive input on proposed changes and bringing forward proposed Zoning Bylaw for council's consideration. Following this such a process, changes to the Zoning Bylaw, if approved could be in place by the summer of 2016.

PURPOSE

The purpose of this report is to seek Council's direction to move forward with the previous direction to enforce the regulations in the GWP Zone by initiating amendments to the GWP Zone regulations to make them consistent with the BC Court of Appeal judgement.

BACKGROUND

The Gorge Waterway is a sheltered waterway that has become a popular area for vessel anchoring by adjacent onshore residents and residents who live-aboard their vessels. Long term vessel anchoring in the Gorge Waterway is not compatible with the neighbouring land uses in the area or the recreational nature of the waterway near Banfield Park and presents the following additional concerns:

- interference with recreational activities of the general public
- discharge of sewage effluent and garbage from live-aboard vessels
- discharge of fuel and lubricants from unseaworthy vessels
- noise and nuisance activities from live-aboard vessel residents
- abandonment of unseaworthy vessels and vessel debris,
- obstruction of the waterway that affects recreational use by the public
- erosion of shoreline and riparian areas from occupant access routes.

Responding to these concerns City Council enacted zoning regulations to better regulate more appropriate use of this area, in a manner consistent with the neighbouring land uses and the Official Community Plan.. The City also proceeded to obtain a License of Occupation over the area to establish further management authority over the waterway. During these processes the City consulted with Esquimalt and Songhees First Nations and area residents. The Zoning was completed in August of 2014, the Licence of Occupation received in October 2015. Appendix A shows the area of the Zoning and License of Occupation within the white line superimposed on the aerial photo. The GWP Zoning regulations currently in place are attached as Appendix B.

The District of Saanich, Township of Esquimalt and Township of View Royal also border the Gorge Waterway. In late 2015, Saanich Council approved amendments to the regulations for the P-1 Assembly Zone that covers the portion of the Gorge waterway within Saanich's municipal boundary. These regulations prohibit floating homes or the use of other floating vessels as residences in that zone. Saanich's bylaw amendments also prohibit the anchoring or moorage of any vessel in the P-1 zone for a continuous period exceeding 72 hours.

The portion of the Gorge Waterway that lies within the boundaries of the Township of Esquimalt is zoned Marine Navigation [M-4]. This zone prohibits "Boat Moorage". Staff understand Esquimalt is reviewing their zoning regulations in light of the BC Court of Appeal judgement.

ISSUES & ANALYSIS

It is well established that municipal authority over zoning includes the power to regulate land covered by water. However, the regulation of navigation and shipping falls within exclusive federal jurisdiction. This sets up an inevitable conflict when municipalities regulate land covered by navigable waters. Court decisions have confirmed that municipalities may regulate, through zoning, use of land covered navigable waters and recognized that some incidental interference with navigation and shipping has to be allowed. The exact balance between legitimate exercise of municipal zoning power and exclusive federal jurisdiction can be difficult to achieve in practice and there are numerous court decisions dealing with this issue in BC and across Canada. The most recent BC judgment, a 2015 Court of Appeal decision in *West Kelowna (District) v. Newcomb* confirms the municipal authority to regulate use of land covered by water even if such regulations interfere with rights of navigation. However, this case also confirms that a blanket prohibition on all anchoring, including short-term anchoring, would exceed municipal competence by interfering with navigational rights to impermissible degree. Therefore, the City Solicitor recommends amending the GWP Zone to expressly allow for some short-term anchoring before any attempt to enforce the GWP Zone regulations against any of the vessels anchored in the area.

There are currently four anchored wharves, 22 vessels and 12 small vessels (e.g., dinghies) anchored in the Gorge Waterway. There are also two sunken vessels and one partially submerged vessel located in the waterway. It is estimated that between five to eight vessels are used for living aboard.

In late December 2015 a large sunken vessel began releasing diesel fuel into the water and was removed by the Canadian Coast Guard Service with support from the Victoria Fire and Police Departments. Coast Guard has sole jurisdiction when it comes to polluting vessels. Otherwise the removal of polluting vessels is not undertaken by any other agency. The City could assume the responsibility for the removal of floating and sunken (non-polluting) vessels. Given the cost associated with the removal of sunken vessels, addressing the removal of vessels while still afloat is significantly more cost effective.

There are ongoing concerns from neighbours and environmental groups due to pollution related issues that have occurred and may occur. City staff are undertaking a preliminary analysis of potential contaminant risks to environmental and human health.

To enable the original intention of removing anchored vessels in the waterway, for Council's consideration, staff recommend Council consider undertaking the following process:

- City to initiate a rezoning process;
- consult with the public at a community meeting to obtain feedback on the proposed new zoning regulations;
- bring forward Zoning Bylaw amendments to initiate the changes;
- After holding a public hearing, Council may consider approving the adoption of the Zoning Amendment Bylaw.

From an enforcement perspective, if the regulations are implemented by Council, the City would follow its standard practice of education, notification and legal action if necessary, to ultimately remove any vessels that remain anchored in contravention of the regulations. A copy of a notice to boaters to move anchored vessels is attached as Appendix C. Timelines for the process could be as follows:

Phase 1

Media relations and advertising, website materials, signage and direct outreach to boat owners (May 2016).

Phase 2

Notices posted on vessels and floating wharves requesting owners to remove. (June/July 2016)

Phase 3

Legal Action - Injunctions to remove remaining vessels (August/September 2016)

Additionally, compliance monitoring on an ongoing basis will require regular inspections to ensure that compliance is maintained.

2015-2018 Strategic Plan

Better management of the Gorge Waterway is included in the 2015 Operational Plan and will be recommended to carry forward to 2016 when Council considers the 2106 Operational Plan.

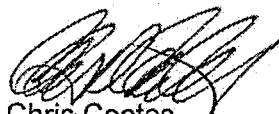
Impacts to 2016-2019 Financial Plan

Estimated costs related to enforcement are not clear and will depend on the degree of success with voluntary compliance. Legal costs as well as cost to remove could exceed \$100,000.00. There is funding set aside in the current Financial Plan for this enforcement if it becomes necessary.

CONCLUSION

The City had awaited taking the enforcement steps until such time as the Licence of Occupation was received. The BC Court of Appeal judgement was reached and has impacted the City's ability to effectively carry out enforcement of the Zoning Regulations. The proposed changes to the zoning regulations to allow for limited, short term anchoring are recommended to be considered to enable the City to move forward on achieving compliance aiding in the continued health of the Waterway.

Respectfully submitted.


Chris Coates
City Clerk


Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:

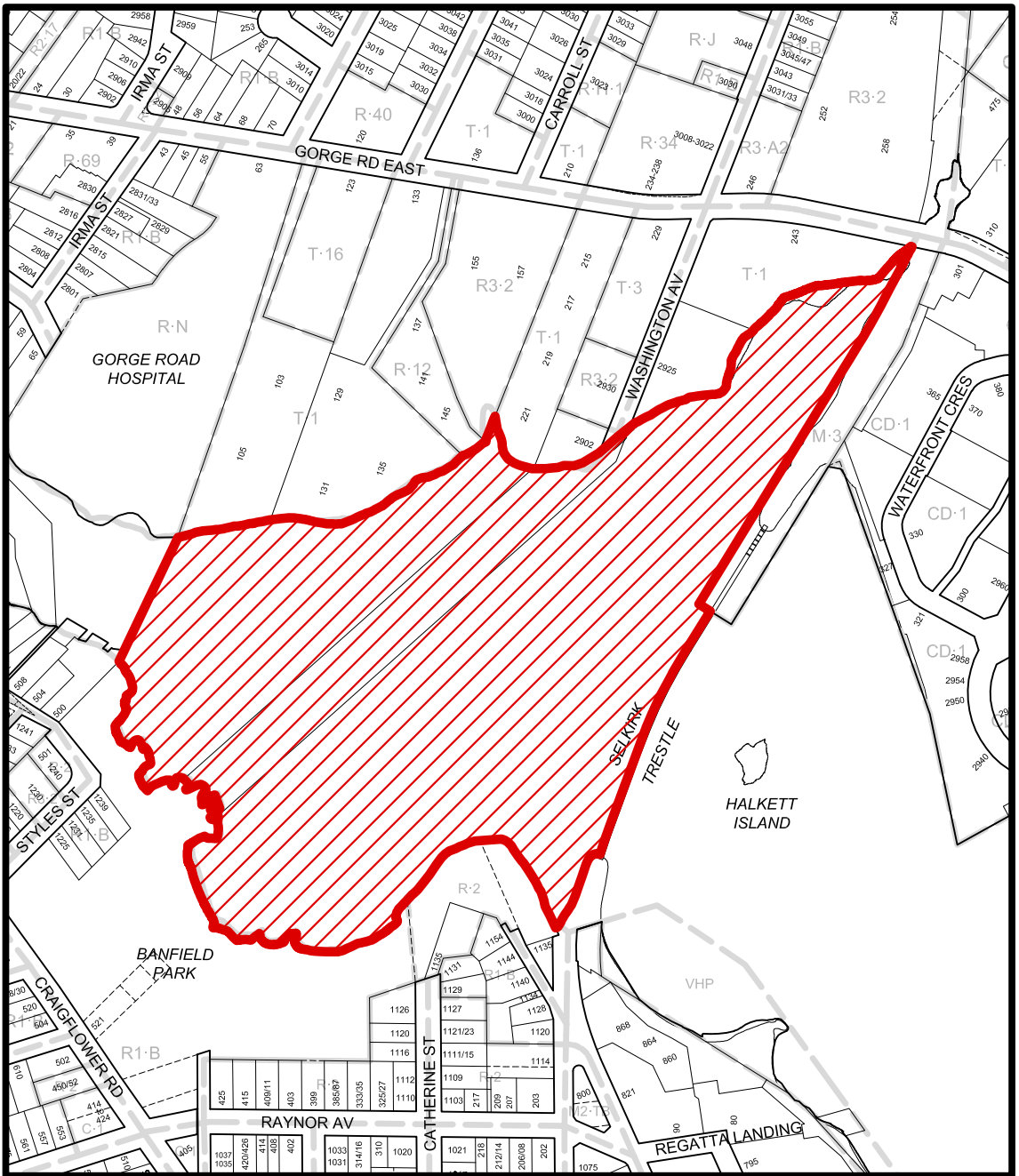

Date: Feb. 11, 2016

List of Attachments

Appendix A – Area of City Management for Waterway

Appendix B – Existing Gorge Waterway Zoning Regulations

Appendix C – Notice to Boaters



Gorge Waterway
Rezoning #00515



PART 9.3 – GWP ZONE, GORGE WATERWAY PARK DISTRICT

9.3.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Parks and uses accessory to parks
- b. Water related recreational activities

Without limiting the generality of any Section or Part of the Zoning Regulation Bylaw, including Section 17 of the Introduction and General Regulations, the following uses are not permitted in this Zone:

- i. The anchoring or mooring of vessels between the hours of 11 p.m. and 6 a.m.
- ii. Live-aboard or float home as defined in Part 7.54.1 in the FWM zone, Fisherman's Wharf Marine District
- iii. Docks, wharfs and piers



NOTICE OF BYLAW CONTRAVENTION

To the owner(s) of the vessel occupying the Selkirk Waterway and Gorge Waterway, and may be moored to a floating dock that has been placed contrary to the *Zoning Regulation Bylaw*, please be advised that your vessel is occupying an area of the Selkirk Waterway and Gorge Waterway contrary to the City of Victoria's *Zoning Regulation Bylaw*.

Zoning Regulation Bylaw, Amendment Bylaw No. _____ created the Gorge Waterway Park District prescribing the following uses for this Zone:

1. Parks and uses accessory to parks; and
2. Water related recreational activities.

The following uses are not permitted in this Zone:

- i. The anchoring or mooring of vessels between the hours of 11 p.m. and 6 a.m.
- ii. Live-aboard or float home as defined in Part 7.54.1 in the FWM zone, Fisherman's Wharf Marine District
- iii. Docks, wharfs and piers

Your vessel is occupying the waterway contrary to City's *Zoning Regulation Bylaw*. By service of this Notice you are requested to remove your vessel from the waterway by _____, 2016.

Failure to remove your vessel by this date may result in further enforcement action by the City of Victoria.

Further information respecting this Notice may be obtained from Bylaw & Licensing Services by contacting their office at 250.361.0215

City Clerk

_____,
2016

GORGE WATERWAY ZONING AMENDMENT

EMAIL REPSONSES

APRIL – MAY 2016

Brian Sikstrom

From: Rolf Dolling **personal information**
Sent: Tuesday, April 26, 2016 9:32 AM
To: Brian Sikstrom
Subject: RE: Gorge Waterway Zoning Amendment.

Thank you Brian,
Will do our best to attend.
Regards,
Rolf & Lenke

From: Brian Sikstrom [mailto:bsikstrom@victoria.ca]
Sent: April 26, 2016 8:50 AM
To: Rolf Dolling **personal information**
Subject: RE: Gorge Waterway Zoning Amendment.

Hi, Rolf:

Thank you for this email. It will be compiled with others for Council's information. There will be an opportunity to speak at a Public Hearing on the proposed Zoning amendment on May 26th at Council Chambers in City Hall.

Cheers,

From: Rolf Dolling **personal information**
Sent: Monday, April 25, 2016 5:42 PM
To: Brian Sikstrom <bsikstrom@victoria.ca>
Subject: Gorge Waterway Zoning Amendment.

Dear Mr. Brian Sikstrom,
Thank you for your letter dated April 19 2016.
In the sad event that we are unable to attend the Community Meeting.
We would like to make it known that both my wife and I wholeheartedly support "The proposed zoning amendment" as outlined for the Gorge Waterway.
We will do our utmost to attend but....
Is it possible to vote on this important issue although we are unable to attend?
Thanks for your consideration.
Regards,
Rolf & Lenke Dolling
90 Regatta Landing.

2.

Brian Sikstrom

From: randy van eyk · **Personal information**
Sent: Friday, April 29, 2016 10:58 AM
To: Brian Sikstrom
Subject: Gorge boatdweller eradication
Attachments: 20160429_104708.jpg; 20160429_104747.jpg; 20160429_104812.jpg; 20160429_104941.jpg

Section 91 #10 of the constitution act 1876 clearly states that navigation and shipping are "the exclusive Legislative Authority of the Parliament".

Im currently promoting "anchor for your rights canada day false creek" because us boatdwellers needlessly die at sea in storm when we are stripped of our legal right of safe harbour. Keep this up and I will promote "occupy gorge harbour " in september.

Please google my name and check out this issue more thouroughly.

Sincerely Randy van Eyk Master of the vessel

Tuesday Sunrise

Sent from Samsung Mobile

Brian Sikstrom

From: Niki - Accounts Administrator **personal**
Sent: Friday, April 22, 2016 10:56 AM
To: Brian Sikstrom
Subject: Gorge Waterway

Good Morning,

We received your letter yesterday regarding the rezoning of the Gorge and the unregulated boats. We live on the Gorge, and we are pleased to hear that the City of Victoria will be removing these derelict boats. My concerns of these boats, besides the obvious of being an eye sore, is for the past several years people have spent their personal time trying to clean up the Gorge to bring it back to the popular swimming hole that it was. Now with these boats they are destroying that. The majority of them probably don't even run, they are just used to live on and party on. More than once we have been woken up from party's. And where do they dump their sewage??? Quite often, garbage floats up on our side and you know it is from them. Generators and wood stoves are running or burning.

The majority of the boats are falling apart and oil and boat parts are found in the water. This can't be good for the environment!

The Gorge is also used for the skulls, kayaks and Dragon Boats. Some of the derelict boaters call out abusive language to these people. And of course, the people that are enjoying boating have to stay clear of these boats and watch for the boats that have sunk!

So to say I am happy they are being removed is an understatement. I just hope that the City holds true to removing them, unlike tent city.

Thanks

Nicole Blais

Brian Sikstrom

From: mike van der wal **personal**
Sent: Sunday, May 01, 2016 5:57 PM
To: Brian Sikstrom
Subject: Gorge waterway zoning.

Hi,

Thanks for reviewing this zoning. I am a boater but also live in direct view of the permanent live-aboard boats that occupy the gorge waterway. I can almost guarantee that they never go out to sea to empty their "holding tanks", if they even have these. The boats are derelict and in no way geared/seaworthy for sailing/travelling.. in other words they serve as makeshift permanent housing for their occupants. This is unacceptable as the bay is not able to accommodate the needs of such an arrangement.

I would suggest that 8 -10 permanent mooring boys are placed with reasonable separation and that boaters can tie up to these on a first come first serve basis for no longer than 5 days. Permits for these could be sold at the Victoria public dock office on the inner harbour, who can also monitor the occupancy by this means. This works well in many provincial park mooring sites across the pacific west coast.

Respectfully

Mike

Brian Sikstrom

From: Mary Coward <[personal information]>
Sent: Tuesday, April 26, 2016 9:15 AM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning proposal

Hello. I'm not able to go to the meeting next week, but would like to comment on this proposal.

I strongly support the current zoning to prohibit the anchoring of vessels. The city worked hard in the past, with community groups, to enact this policy and regulation. Any effort to open it up to short-term anchoring would have negative impacts on the environment, require significant city resources to monitor and enforce, and take us back down the slippery slope to the situation we have today. I would suggest we go further – to ban all vessels with gas/petrol engines in the Gorge waterway, keeping it for human and electric powered vessels.

I understand that this proposal for short term mooring is in response to federal regulations that are intended to allow boats to shelter from storms or in emergencies. With mooring available in the outer and inner harbours, it seems reasonable that the city could enforce a ban on mooring in the Gorge due to environmental concerns. The city could make the case to the federal government that they need to manage this urban waterway to protect the environment.

The public meetings held on the Gorge emphasized the value of maintaining the ecosystem in the Gorge - the fish, birds, the eelgrass. The city and community groups have worked hard for many years to “rescue” the Gorge from pollution and restore the ecosystem to one that supports marine and bird life. However, the waterway is still fragile and requires continual efforts to keep pollutants from damaging it further.

Allowing short term mooring would require significant city resources to implement and monitor. It would be necessary to establish and implement policies to track the number of days each boat is moored, tell people when to move on and ensure they do so, manage garbage and sewage, and enable access to the shore. In my view it is most likely that lax enforcement would lead to the situation we have now, with long term usage, derelict boats, and problems with sewage, garbage, and shore degradation.

The Gorge waterway, and the Banfield Park basin, are being increasing popular for recreational uses - swimming, paddleboards, canoes and kayakers. Any moored boats interfere with the recreational day use of the waterway.

There have been suggestions that we need a Gorge Waterway Management group that would include other municipalities, and have the ability to establish and enforce policies. It would be useful to have a public discussion on other aspects of Gorge management. For example, perhaps all gas/petrol engines should be banned above the trestle bridge. In the meantime, I hope that you will hold firm on the current zoning for the Gorge Waterway, which is to ban moorage of any vessels.

Thank you for allowing me to make these comments.

Mary Coward

Brian Sikstrom

From: MacFarlane, Jo-Ann I personal information
Sent: Wednesday, April 27, 2016 3:29 PM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning Amendment

Dear Sir – I received your letter dated April 19 and as I am not able to attend the meeting on May 5, I have the following comments:

1. If the existing Gorge Waterway zoning does not permit the anchoring of vessels – why do we need an amendment? Is this not clear? NO anchoring of vessels.
2. If we are going to allow 48 hours, why say 48 hours but not exceeding 72 hours? Is it 48 hours or is it not?
3. There are no facilities available nearby to service any of these vessels – the vessels currently there dump their waste directly into the Gorge. I, as a taxpayer, contribute towards these facilities but they do not and yet we want to encourage that sort of behaviour?

Thanks for your time,

Jo-Ann MacFarlane

personal information

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Brian Sikstrom

From: Karyn Warner · **personal information**
Sent: Saturday, April 23, 2016 9:10 AM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning Amendment

Hello,

My name is Karyn Warner and I have lived at 1 - 1236 Sunnyside Rd **personal information** I walk to work through Bamfield park every day and I've **personal information** here. While I enjoy seeing the Gorge being used I am also very concerned with the derelict boats that have anchored there. Several which have sunk and remain half in and half out of the water. Are steps being taken by anyone to clean that up? What about the gas leakage?

Having said this it comes down to the bigger issue of AFFORDABLE HOUSING for us Victorians. Where are the folks on the boats going to go? Tent city? I often wonder where would I go if my landlord decided to sell or do major renovations? As a **personal information** with an income **personal information** am one of the lucky ones but if I would need to move I may be faced with homelessness given the current circumstances of the city's housing crisis.

I'm all for rezoning but I would like to see the city take more steps to increase affordable housing opportunities.

I write this as I am unable to attend the May 5 meeting. Thank you for your time.

Cheers,

Karyn Warner

Brian Sikstrom

From: Karen Jawl <karen.jawl@jawlproperties.com>
Sent: Monday, April 25, 2016 12:36 PM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning Amendment

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian,

We received the notice about the Gorge Waterway Zoning Amendment. I won't be able to attend the meeting, but we appreciate the efforts the City is making to clean up this section of the Gorge.

The only concern we have is if this will potentially have the impact of displacing the current stored boats further up the Gorge by Selkirk which I believe isn't covered by this zoning change, or are there conditions there that would prevent that from happening?

Thanks!

Karen Jawl
Jawl Properties Ltd.
3350 Douglas St. - Suite 100
Victoria, BC, V8Z 3L1
Tel: (250) 414-4172
www.jawlproperties.com

This email was scanned by Bitdefender

Brian Sikstrom

From: Fern S · **personal**
Sent: Sunday, May 01, 2016 3:47 PM
To: Brian Sikstrom
Subject: Gorge Waterway zoning bylaw amendment

Living on the Esquimalt portion of the waterway we have followed and participated in the many approaches to solving the boat issue with interest. To Victoria's proposed zoning amendment we would offer the following:

1. It should not be overly complicated and must be easily enforceable.
2. There has to be a coordinated and unified approach to this problem by all municipalities bordering the Gorge otherwise the impact of live-aboards and derelict boats will simply be moved from one area to another. We have seen vessels seeming to scout out potential sites close to the Gorge Bridge.
3. If a form of anchoring must be allowed don't confuse the issue with too many numbers (e.g. 48, 72). In its present form the amendment is simply inviting boat owners right back. It should be stronger "boats may be allowed to anchor for a continuing period not exceeding 72 hours after which they must not anchor elsewhere in the Gorge Waterway".

Obviously the by-law officer will have to maintain an updated inventory and pursue violators but this will be a small price to pay to resolve this long-standing problem.
 Submitted for your consideration.
 Fern & John Spring

Brian Sikstrom

From: Eugene **personal**
Sent: Wednesday, May 04, 2016 7:59 PM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning Amendment

Hello I hope the zoning amendment will happen . I live on gorge rd east for the last **personal information** I have lived here **personal information** I love it here . I feel this is boat city re- tent city .it is a eye sore and a polution problem. when I have a boat I have to pay moorage per foot not cheap where do they get thinking they can moore age free on pristine waterway and dump there garbage ,and when it is all over they let thier boat sink to the bottom.

w

Brian Sikstrom

From: Darius Millar personal
Sent: Tuesday, May 03, 2016 9:31 AM
To: Brian Sikstrom
Subject: Gorge Waterway Zoning Amendment

To whom it concerns,

I appreciate the opportunity to provide my feedback on the proposed amendment regarding the rezoning of the Gorge Waterway.

I fully support the restriction and enforcement to prohibit residential use and the storage of vessels in the Gorge waterway. I reside on Selkirk Avenue near Banfield Park, and I see the negative impacts that the stored/abandoned vessels have on our community and waterway.

I have observed these vessels and related activities over the past 7 years, and the problems are numerous - environmental, social and economic. Most of these vessels are not well maintained or are derelict. They are leaking oils, solvents, and other garbage is blown or washed into the Gorge. There is also evidence of human waste and bilge water being deposited into the waterway. The shoreline, dock and other parts of Banfield Park have become the dumping ground and storage spaces for the garbage, and unwanted or extra belongings related to these vessels.

A number - three that I have seen - of these vessels have sunk in Banfield bay, spilling not only fuel, oil, solvents, and the like, but also the garbage and other contents of those vessels. This has a very negative effect on the environment, and is extremely costly to clean-up.

Please support and pass the restriction - and enforcement - of the unregulated marine activities which are impacting the marine environment and Victoria residents. I support the proposed zoning amendment would allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period. I encourage the city to support this with a plan for regular enforcement.

Thank you.

Darius

Brian Sikstrom

From: Collins Brian < [personal information](#) >
Sent: Thursday, May 05, 2016 9:58 AM
To: Brian Sikstrom
Subject: Selkirk Waterway abandoned boats

We would support the City's plan to attempt to control the time in which these boats are allowed to stay in this waterway. We think it is a pity that any boats are allowed to park here without the provision of a floating dock and facilities and an easy monitoring system to ensure they comply with health and environmental standards. Absent this at the moment, this seems to be an acceptable albeit indirect, way of controlling some of the nuisance issues that end up being a cost to the City - human and other waste, litter, derelict boats, sunken boats, hazards, drug deals, etc. - you are aware of these issues.

I hope the City continues to press the Federal Government to live up to their responsibilities with a view to continually improving the Gorge Waterway to become the hidden gem it potentially is. This is not just about these boats and these issues but it is a test of the municipal imagination as to what the Gorge could become, for instance zoning the edge of the Gorge exclusively for residential, for example, as part of a wider imaginative plan for this waterway. You might look at how Brisbane, Australia has used the banks of the less populated upper river for low rise condos.

In the meantime, you have our support and for your information we overlook this section of the Gorge and see these boats every day and use the water for dragon boating and other water pursuits.

Sincerely,
Brian and Ann Collins
[personal information](#)

Brian Sikstrom

From: personal information
Sent: Thursday, May 05, 2016 6:56 PM
To: Brian Sikstrom
Subject: Zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Brian

I am a Railyards resident and couldn't make the meeting today. New job at the province as a personal information which is keeping me hopping so too tired to attend, unfortunately.

I would love to get more Intel on the proposed zoning changes.

We def. Support something as the derelict vesales, live aboards (though some could argue provide aff hsg) causes a number of issues which I know this is trying to address (there have been deaths, noise, refuse, blocking the water way etc). What I am wondering is how will the city or other agency enforce the up to 48 hrs buy not exceeding 72 hrs in a 30 day period?

The truth is that we have seen some "bleeding" underway that is hard to enforce now and has taken up a lot of residents time (eg mooring at the public dock in adjacent areas for 2 to 5/days at a time). What is the ongoing enforcement plan essentially.

Also the opinion that there may be legal challenges is also a bit curious for us. Has this been tested, if so where? Or is it just a legal opinion?

Any other info (eg city report on the subject) and response to the above gratefully received. I would just like to see what the other options were that were proposed.

Glad to see something is happening though!

And on another note, hope life is treating you well. you can believe it.

personal information

if

Ciao,

Karen Ramsay Cline

Brian Sikstrom

From: MAUREEN WILLIAMS personal information
Sent: Friday, May 06, 2016 3:09 PM
To: Brian Sikstrom
Subject: comment on Gorge bylaw amendment

hello,

I was at the meeting last night (Thursday) at Vic West CC and wanted to follow up with a suggestion.

Here is my suggestion:

While you are in the process of amending the Gorge waterway bylaw, please consider including an amendment to exempt current residents of the relevant waters from the new moorage restrictions. It is abundantly clear that the city and other levels of government do not have solutions for homeless people and the thought of intentionally creating more homelessness seems, well, not smart. If any people currently living on boats in the Gorge do not have another reasonable place to live, they should be grandfathered in to any new regulation of the water, and assisted in complying with new environmental, safety, and other rules as they are created.

Unless the city has another acceptable place in mind for this handful of residents to anchor -- but I think they/you don't.

So, Please, Stop wasting money on this mean-spirited bylaw and get on with doing something positive.

sincerely,

Maureen (Vic West)

Maureen Williams ND * 239 Menzies Street, suite 202 *

personal information

1

Brian Sikstrom

From: John Westover personal information
Sent: Friday, May 06, 2016 7:08 AM
To: Brian Sikstrom
Subject: re boats in Gorge/Selkirk

Dear Sir:

I am appreciative and supportive of the city's efforts to deal with the boats anchored in the Gorge north of the trestle. It is my impression that the present bylaw amendments while a good and necessary step should be seen as a mere beginning. In effect it seems that the bylaw will legitimize anchoring in that water albeit with limitations of length of stay. Conspicuously there is no stated maximum on the number of boats that can anchor there. This generates a very real risk of turning that area into a destination for many boats in the summer season.

Furthermore, as there is no mention of the requirement for holding tanks the risk of pollution from the boats is not necessarily reduced.

I suggest that the placing of mooring buoys would further legitimize and institutionalize anchoring in this area and would politically be very difficult to remove.

While beyond the scope of this bylaw change perhaps the city could exert influence in order to make live-aboards more acceptable and more reasonably priced at marinas around the southern island so that people who want that lifestyle could be better accommodated.

Thank you.

John Westover
#13 - 791 Central Spur Rd.
Victoria, B.C.
V9A 7R3

Brian Sikstrom

From: Frances Westover · **personal information**
Sent: Friday, May 06, 2016 4:58 PM
To: Brian Sikstrom
Subject: Fwd: re boats in Gorge/Selkirk

Dear Sir,

I want to "second" the opinion of John Westover re. boats anchored in the Gorge. I live in Vic West and I object to a lot of boats moored there. I swim there in the summer and am concerned about pollution. This is a park for those of us living here and boats mooring here is like RVs camping in Beacon Hill Park.

Thank you.

Frances Westover

----- Forwarded message -----

From: **John Westover** · **personal information**
Date: Fri, May 6, 2016 at 7:08 AM
Subject: re boats in Gorge/Selkirk
To: bsikstrom@victoria.ca

Dear Sir:

I am appreciative and supportive of the city's efforts to deal with the boats anchored in the Gorge north of the trestle. It is my impression that the present bylaw amendments while a good and necessary step should be seen as a mere beginning. In effect it seems that the bylaw will legitimize anchoring in that water albeit with limitations of length of stay. Conspicuously there is no stated maximum on the number of boats that can anchor there. This generates a very real risk of turning that area into a destination for many boats in the summer season. Furthermore, as there is no mention of the requirement for holding tanks the risk of pollution from the boats is not necessarily reduced.

I suggest that the placing of mooring buoys would further legitimize and institutionalize anchoring in this area and would politically be very difficult to remove.

While beyond the scope of this bylaw change perhaps the city could exert influence in order to make live-aboards more acceptable and more reasonably priced at marinas around the southern island so that people who want that lifestyle could be better accommodated.

Thank you.

John Westover
 #13 - 791 Central Spur Rd.
 Victoria, B.C.
 V9A 7R3

Brian Sikstrom

From: xoxopi3: [personal information](#)
Sent: Friday, May 06, 2016 7:02 PM
To: Brian Sikstrom
Subject: Gorge Waterway Amendment

I agree with the proposed zoning amendment for limited anchorage and to stop the daily build up of human excrement.

**GORGE WATERWAY ZONING AMENDMENT
COMMUNITY MEETING FEEDBACK**

APRIL – MAY 2016



**GORGE WATERWAY PROPOSED REZONING AMENDMENT
COMMUNITY MEETING, THURSDAY, MAY 5, 2016
VICTORIA WEST COMMUNITY CENTRE**

Q&A MEETING NOTES

Presenter: City Clerk Chris Coates

Panel: City Clerk Chris Coates, City Solicitor Tom Zworski, Senior Planner Brian Sikstrom

Below are the comments, questions and answers that were shared at the Gorge Waterway Proposed Rezoning Amendment Community Meeting on Thursday, May 5, 2016 at the Victoria West Community Centre.

Comment: Some anchoring is allowed for “transient moorage” but these people aren’t transient.

Response: City anticipates removal of vessels in area of authority that don’t comply.

Q. Is there a plan to have a registration process for these transient boats?

A. This would be part of an exercise to plan the management of the amended bylaw.

We will be monitoring any anchoring so that we can enforce the 48-hour restraint.

Q. I feel the proposed amendment will work. Is the Licence of Occupation on the website?

A. The Licence of Occupation gives us a level of authority that we would not otherwise have had. We will commit to having the Licence of Occupation available on the website.

Comments: There is a very low vacancy rate, feels like you’re pushing the homeless out. I suggest amiable option to both sides is small housing units on the waterfront. The report didn’t go back far enough for the legal precedent – there’s a long history of “maritime gentrification”. The City is putting a lot of dollars into policing this. Reports of boaters eroding the soil, but this is due to commercial. Baseline data elsewhere shows recreational boats polluting the water. In Amsterdam, people can live on the waterfront. Here it’s not always pretty but some (boats) have a lot of maritime history and I feel connected to them. Regarding navigation, as a dragon boat rower I have not had a problem. Mega-yachts will push rowers into the sea plane area.

Q. How will sewage from 30 transient boats be different than sewage from 30 residential boats?

A. The next step is to determine who is eligible to be there. The Licence of Occupation triggers the ability to manage which vessels can be on the waterway. The Licence of Occupation can enable the City to require vessels to have appropriate holding tanks to not dump into the waterway.

Q. What is the focus of the environmental study? It should be less about the six people living aboard vessels and more about the high fecal coliform count that is being dumped from stormwater/sewage pipe into Banfield. 200 parts + is not appropriate for swimming. Coliform counts are 100,000 – 180,000 parts due to this dumping of sewage from pipes. Will the study focus on fecal count?

A. The environmental assessment is being led by the Engineering and Public Works Department. My expectation is that it will encompass this.

Comment: It hasn’t been the City’s concern to date.

Comment: Thank you for moving and unloading/emptying the three derelict boats.

Comment: Veins of Life Society – during the previous serious clean-up of the Gorge we took out 15 boats. This is an area that we can do some good science.

Comment: How to deal with these vessels? Some are from Esquimalt and Victoria Harbour. They must have holding tanks to moor here.

Comment: The boats that were cleaned were not occupied, correct? (Yes) There were three, then two, and now back to three again. I'm concerned that some of these people will end up at Tent City. I want to see these people living there now grandfathered – the City could provide them with holding tanks – it would be more cost effective than trying to find them housing that doesn't exist.

Q. West Kelowna case dealt with a similar bylaw?

A. They enacted zoning bylaw limiting boats to be moored on Okanagan Lake. By allowing some short-term anchoring the bylaw can be valid. This way it could withstand a constitutional challenge.

Q. Can the City put a limit to the number of moored boats?

A. The Licence of Occupation exercise can help with the management of the waterway after the rezoning step. The management could cover: holding tanks, number of boats to be moored, the location of the mooring. Limiting the number of boats could be one of the rules.

Comment: The environmental review should come first so that it would drive the rezoning amendment and management of the waterway. This is a bureaucratic process. Too many City people here tonight costing dollars. Just send someone there to fix it. Hire a regulatory person to help deal with this problem. Absurd bureaucratic issue re: levels of government involved. Stop and go back to deal with the real problem.

Q. Was it the entire Okanagan Lake? Is there a parallel process based on the environmental assessment that this area should be exempt from anchorage (due to environmental issues)?

A. It would be the Federal government who could do this. The City can't do this. The environmental study will inform the management of the rezoned area.

Q. Could this sensitive area be exempted so anchorage is not allowed?

A. There is a lack of confidence to move forward on a full ban on mooring due to the West Kelowna BC Court of Appeal decision.

Q. When will the results of the environmental study be made public?

A. Work is starting now and results will be available in June.

Q. Will there be a process in place to address the infractions?

A. The ultimate objective is compliance, penalty is second. Fining is not the objective. Removal is. We are looking for absolute compliance.

Q. The environmental review is only happening now. You didn't care earlier or else you would have done the review before.

A. Not sure of the historical environmental analysis of the area but the environmental review will inform the management of the waterway

Q. I don't feel this process was initiated based on the City's concern for the environment.

A. Regarding environmental concerns moving forward – the City is certainly concerned about establishing the science. It is an important issue that is coming forward now.

Q. Would the City consider not allowing mooring? Can the environmental study impact the management of the rezoning moving forward?

A. The "softening" of the bylaw is beneficial to the enforcement of the regulations.

Q. Could Council decide not to pass this rezoning until after the environmental study was completed?

A. It's possible.

Q. Is there an opportunity for the public to comment on the management rules?

A. Yes. There will be opportunities for public consultation on specifics as part of the Parks Master Planning process.

Q. Is there a timeline to have the rules in place by?

A. There is no timeline yet to have the rules in place. Mooring buoy discussions can be part of the Parks Master Planning process.

Q. Would boats just move to the other side of the trestle?

A. Federal jurisdiction becomes much more stringent. Transport Canada will not allow mooring on the other side.

Q. Enforcement should not be complaint-based. Should be like the Parking Ambassadors.

A. Regular monitoring of the waterway will be done by Bylaw Officers. The public's eyes and ears are greatly appreciated. Primary responsibility of monitoring and enforcement will be by Bylaw Officers.

Comment: I support no moorage there and I'm a live-aboard but I would never live on the Gorge. Live-aboards are penalized by cost of moorage and power. The BC Nautical Association believes in respecting the community that you are living in. Transport Canada has a responsibility to ensure that these boats on the Gorge are safe.

Response: The City is jumping in to work out this issue.

Q. Regarding bylaw enforcement plans – Phase 3 – what is the likelihood that an injunction will be granted for the removal of a vessel?

A. If there isn't voluntary compliance, the City will seek an injunction. Once a breach of the bylaw is demonstrated, the Courts will grant an injunction. There are very few defences available to those who oppose a municipal bylaw. A boat owner could try to constitutionally challenge the bylaw, but a bylaw that provides some short-term anchoring is better able to withstand a challenge.

Q. Is the Terms of Reference for the environmental study available?

A. We will make it available on the website.

Q. Regarding anchoring, how does Transport Canada defend one side of the trestle is not anchoring and the other side is okay.

A. The rules end at the trestle because it's the boundary of the ports.

Q. I understand that anchoring is allowed for emergencies but what about for pleasure?

A. In an emergency, a boat can tie up to a private dock. There is a lot of case law that says the right to navigate includes the right to anchor. What we are trying to do is address this in the proposed regulations.

Q. I'm pleased the City is doing something after years of inaction. But it's a knee-jerk reaction. Have you consulted with other municipalities such as Esquimalt?

A. Yes, we are speaking with other municipalities such as Saanich and Esquimalt on their anchoring regulations.

Q. Were the boaters on the Gorge Waterway notified of this meeting?

A. Yes, meeting notices were posted around Banfield wharves.

Comment: You're in muddy water to tell people they can't anchor.



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- ☐ North Park
- ☐ Oaklands
- ☐ Rockland
- ☐ Victoria West
- ☐ Outside the City of
Victoria, where?

Q2. How old are you?

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> Under 18 | <input type="checkbox"/> 40-59 |
| <input type="checkbox"/> 18-24 | <input checked="" type="checkbox"/> Over 60 |
| <input type="checkbox"/> 25-39 | |

Q4. Do you own property in the City of Victoria – Yes ☒ No ☐

Q5. Do you rent property in the City of Victoria – Yes ☐ No ☒

Q6. Do you own or run a business in the City of Victoria – Yes ☐ No ☒

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

Totally in support.

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Central Saanich (Brentwood Bay)

Q2. How old are you?

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No ☒

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No ☒

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

- I like Q 7 and the timing.
 - What is to stop people from moving outside your management area?
 - Remove all mooring booms if any.
 - We share the same problems so
- Thank you for leading the way!
- GR

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This seems to me to be like the scene in Captain Courageous where the cabin boy goes to toss the slop bucket on the windward side of the boat.

Maritime law has been shown - over and over - in other cases - as mentioned in the report - that permit anchoring in navigatable waters.

While I am not involved in maritime activities, nor do I have any acquaintances that are - I am strongly in favour of allowing vessels unrestricted access to anchoring in the way that law supports. To be using tax payers funds to chase people off is just the type of NIMBY type thinking that really picks on the poor, such as the 'Mad as Hell' group that promotes hatred toward the disadvantaged.

On the other hand, a huge mega yacht marina is closing off navigatable waters. There is no law against caretakers living on board, nor should there be. However there is no law that prohibits unfiltered bilge water to be pumped overboard, with the PAH that damage the marine environment. Also judging from the amount of foam that is produced below the tidal rapids, large amounts of pollutants are entering the

Thank you for taking time to complete this feedback form. water from the fore shore residents. This is much harder

To stay informed, please visit: www.victoria.ca on 'soil erosion' than is sighted in the report. The sewage issue sighted is also ABSURD considering the present state of sewage treatment.



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London, Amsterdam, Venice all have marine waterways that house vessels and provide habitat as well as alternate transportation. Considering the low vacancy rate the notion of moving boats ~~out~~ out of the area is irrational. There could be a plan to work within what is generally dictated by the law, in the Navigable Waters Act, that anchoring is permitted under law. To see tax payers money to uphold a bylaw that would not stand up to the Federal Law is again, absurd. The region has the NIMBY attitude where other people could not really prioritize this as prudent spending.

There are other options, I believe, ~~and~~ but making a place for boaters to use as alternatives would be a place to start. Given the low vacancy rate, and the need for housing the homeless other ways of looking at this problem should be considered. Building self contained floating homes - small units that are aesthetically appreciated - with sewage treatment on board - avoids the problem of costly land for a development that is sorely needed. The City would gain favourable world wide attention for solving

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homelessness issue.

The ~~is~~ has been a lot of heritage vessels but people do not understand the value of maritime history. which is a shame.

a problem - such as does
Red Deer for solving the



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BRENTWOOD Bay

Q2. How old are you?

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AT SOME POINT THERE NEEDS TO BE
LAW IN EFFECT THAT PROHIBIT LIVE ABODING
VESSELS IN AND AROUND PUBLIC RECREATIONAL
AREAS. VERY FEW, IF ANY, OF THE VESSELS HAVE
HOLDING TANKS, SO IT IS FAIR TO CONCLUDE, THAT
THEIR RAW SEWAGE IS BEING RELEASED INTO AREAS,
OFTEN USED FOR SWIMMING AND OTHER RECREATIONAL
PURPOSES. THE SMALL AND POSSIBLE HEALTH HAZARDS
ARE LIKELY. THE VIEW OF SUCH VESSELS IS LESS
THAN LOVELY IN A PRISTINE SETTING, USUALLY
RESERVED FOR THE ENJOYMENT OF ALL! IF WE DON'T
TAKE CONTROL NOW, I BELIEVE IT WILL LEAD TO

Thank you for taking time to complete this feedback form.

ACCELERATED DIFFICULTIES
LITTER

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ISEHUM HARBOR

Q2. How old are you?

- | | |
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No ☒

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No ☒

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I AM A LIVE ABOARD SAILOR. I AM A MEMBER OF THE

BC NAUTICAL RESIDENCE ASSOCIATION (est. 2010)

OUR MANDATE IS;

1. PRESERVE AND SUPPORT THE TRADITIONS OF LIVING ABOARD
ONES OWN VESSEL

2. PROMOTE ENVIRONMENTAL AWARENESS AMONGST THE
LIVEABOARD COMMUNITIES

3. ESTABLISH EFFECTIVE COMMUNICATIONS, RESOLVE
ISSUES AND CONCERNS TO LIVEABOARDS

4. SERVE AS A VOICE FOR LIVE ABOARDS REGARDING
ACTIVITY THAT AFFECTS BC. WATERWAYS.
AND LIAISE WITH LOCAL GOV'T AND COMMUNITY.

• WE ADVOCATE RESPONSIBLE LIVING ON THE WATER.

• IF LOCAL GOV'T DEEMS AN AREA ECOLOGICALLY
SENSITIVE, BOATERS SHOULD BE RESPECTFUL
OF THOSE ENVIRONMENTAL DECISIONS.

• DERELICT/ABANDONED VESSELS (HAZARDOUS MATERIAL,
VESSELS INCAPABLE OF MOVING UNDER THEIR OWN
POWER < SAIL OR MOTOR > SHOULD BE HELD ACCOUNTABLE.

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Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

Like the city of Vancouver did to address the issue of vessels anchoring in False Creek, if Victoria wishes to regulate vessel anchorage in the George Waterway the following matters must be included:

- ① All transient vessels wishing to moor or anchor must register (no fee - at a location convenient to the anchorage)
- ② Mooring buoys must be provided* and clear boundaries to the navigable channel be in place. * To prevent damage to eel grass, + sediment disturbance
- ③ All vessels must be equipped with holding tanks, and a shore-based pump out station be established nearby.
- ④ A dinghy dock and proper ramps/steps to shore be in place to control access and prevent shore erosion

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- ⑤ Increase anchoring time limits to match those set for False Creek anchorage



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No ☐

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No ☒

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*I personally have witnessed boats sinking & damaging
oil spilling in the Gorge whistler way.*

*One morning I was concerned about a man in the
water trying to bail out his boat. He was able
to scramble up the muddy bank & I did not feel
his rescue required police or fire help.*

Moorage has been very bothersome to me.

*I am against any moorage being allowed going forward.
As a "Marine Park" in tidal waters any moorage should
not be allowed.*

*As a avid kayaker I find it difficult & dangerous to
essentially "dodge" the boats in the Selkirk area.*

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No ☐

No ☒

No ☒

40 AFS OK. IF THE AFS HOLDING TANK.

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I AGREE WITH THE PROPOSAL PROVIDING
THE VESSELS USING THIS ANCHORAGE
HAVE A CERTIFIED HOLDING TANK ON
BOARD

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No ☐

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No ☒

Q6. Do you own or run a business in the City of Victoria – Yes ☐

No ☒

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

- How will this be enforced/monitored?
- What will be the penalty? - fine? boat removal.

Note: we think it's worth attempting the original plan which was "No mooring!"

- Implement fee at boat registration to assist/covers items such as removal of abandoned vessels. (as in Wash.)

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- way past time!

- I believe removal of boats will encourage residents & tourists to make more recreational use of this area.

- Create moorage: boats must have holding tanks onboard.

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- Agree with the proposal

- Sewage, garbage + sunken boats
are my main concern.

- responsible liveaboards for short
duration O.K.

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48 HOURS IS A LITTLE SHORT IN THE BOATING WORLD
72 HOUR WOULD BE BETTER

THERE NEEDS TO BE MORE QUALIFYING REGULATIONS
SO AS TO KEEP BOATS AWAY FROM THE DEEPER
NAVIGATIONAL CHANNEL. THE CHANNEL IS NOT
STRAIGHT BUT TAKES A ROUTE PARALLELING
THE BANFIELD SHORE.

SO — EITHER USE FIXED BUOYS OR
MARK THE BOUNDARIES WITH FLOATS, AS TO
WHERE ANCHORING IS PERMITTED

WHO WILL ADMINISTER THESE TRANSIENT
VISITORS? BOATING IS A 24/7 THING.

CITY WORKING HOURS WOULD NOT WORK.

BRUCE

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THE CITY REZONING HAS GOT IT
JUST RIGHT.
I SUPPORT THE PROPOSED RE-ZONING

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Very concerned that the boat problem will be
escalating out of control if something's not done!
I have just discovered the wonderful Gorge Inlet
as a good swimming place and am concerned
about the pollution of the water + beaches
(noise, too) from the boats. Effluent, too. in there's a
lot of residential growth around these
waters and they (and families) would like to
enjoy these waters as well.

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Proposal looks good.

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Impose a fee on those waiting to anchor more than
72 hrs. ... perhaps the environmental (marine) might decrease,
if boats were to have facilities to use during their stay
any time & perhaps for a fee!!

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No ☒

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As long as the vessels are seaworthy and not anchored
in right-of-way, I don't feel they should be
limited in their use of the waterway.

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If the City feels it cannot push back legally for no moorage at all, I suppose the 48/72 period will have to do. Has thought been given to possible unintended consequences such as vacationing boaters using the moorage for free in place of using downtown docks for a fee?

Some source of funding might be considered to provide to evicted boaters to pay for disposal of their vessel. I know from experience it is not a simple thing to decommission dismantled or otherwise free yourself from a boat!

The proposed wording says, "anchoring". This disturbs me as the seafloor here needs to be as undisturbed as possible. Two reasons - eel grass habitat restoration and leaving keeping toxic sediments from circulating back into the water column. Is "mooring" not an exclusive option? Put out a fixed number of buoys?
How will it be monitored?

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I don't think any anchoring should be permitted.
A single buoy should take care of any requirements
under the DOT legislation. Anchoring destroys
the crucial bed grass beds. Sealed heads or
buckets should be mandatory, as they are in
the rest of the harbour. Boats should keep
well clear of the narrow navigation channel.

My understanding is that the relevant
legislation mandates emergency anchoring
only — not anchoring for pleasure.

Please investigate further.

Winghies should be prohibited from landing on

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The vulnerable shore -
There is a public
dock already.



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Seems like a tremendous ^{mis}Admission

+ Regulation

Why have any anchoring?

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- ☐ Rockland
- ☒ Victoria West
- ☐ Outside the City of Victoria, where?

Q2. How old are you?

- | | |
|---|----------------------------------|
| <input type="checkbox"/> Under 18 | <input type="checkbox"/> 40-59 |
| <input type="checkbox"/> 18-24 | <input type="checkbox"/> Over 60 |
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Q4. Do you own property in the City of Victoria – Yes ☒

No ☐

Q5. Do you rent property in the City of Victoria – Yes ☐

No ☒

Q6. Do you own or run a business in the City of Victoria – Yes ☐

No ☒

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

SEEMS REASONABLE TO ME HOWEVER THE FOLLOWING MUST BE ADDRESSED FIRST:

① MY CONCERN IS SINCE HOW THE CITY

IS GOING TO HANDLE/REGULATE/MONITOR

SEWAGE DISPOSAL FROM THE VISITING

BOATS.

② THE DOCK SPACE/USAGE ON THE DOCK AT

~~BELOW~~ THE BOTTOM OF STICKS STREET. WHEN

WE MOVED TO THE NEIGHBOURHOOD THAT DOCK WAS

BARRELY USED, BUT SINCE A DRAGON BOAT BUSINESS

WAS ESTABLISHED THERE (WITHOUT NEIGHBOURHOOD CONSULTATION

AND THE BOATS ARRIVED THAT DOCK HAS BECOME

SO OVERUSED/CROWDED - AS HAS THE STREET

PARKING. SO IF PEOPLE ARE COMING AND GOING PERHAPS THERE COULD BE SOME

Thank you for taking time to complete this feedback form.

RESTRICTION ON THE DOCK USAGE?

To stay informed, please visit: www.victoria.ca

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3) WHO & HOW OFTEN WILL MONITOR TO
MAKE SURE BOATS ARE NOT STAYING
LONGER THAN 72 HRS.



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Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

*Get rid of the Goats! This should be a day-use
recreation area only*

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This is good. Allowing live aboard boats in the Gorge Waterway is environmentally unsound and dangerous.

Boats are not being maintained; are an eyesore and are a hazard to other boaters who safely use the water way.

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- ☐ Oaklands
- ☐ Rockland
- ☒ Victoria West - Rail yards
- ☐ Outside the City of Victoria, where?

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I think the 48 hour anchoring would be difficult to police & monitor, given the lack of attendance now for bylaw infractions at the docks and in the waterway. Boats coming and going with the trestle going up and down seems undoable. Hundreds of bicycles go over the trestle every day. They should have the priority.

But It's better than the current situation, which must be addressed. Remove the boats from the waterway!!

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No ☐

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① Enforcement - who?
- how often?

② What about the waterway below
the Siskin trestle

③ Who will remove the sunken
boat currently in the waterway

④ I accept the by-law

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No ☒

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I SUGGEST -

"ALLOW ANCHORING FOR A PERIOD OF UP

TO 36 HOURS - BUT NOT EXCEEDING

48 HOURS IN A 60-DAY PERIOD).

BASICALLY - GET THE BOATS (LIVE A

BOARDS, DERELICT, SINKING, AND

DANGEROUS BOATS) OUT OF THIS

AREA OF THE GORGE. IT IS

HARD TO SWALLOW POLITICAL SERMONS

ON THE "GREENING" OR "CLEAN-UP OF

THE GORGE" WITH FLOATING CRAP

AND DERELICT BOATS POLLUTING

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THE WATERWAY.



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No ☐No ☒No ☒

a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

How will this be enforced?

Will it be complaint driven

or actually monitored?

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I think it is good EXCEPT there needs to
be some consideration for the people who
LIVE in the gorge on their boats. Consider
a vigilant oversight of the environmental
impact of their boats, help them with upkeep
& Maintenance. I'm sure you'll find a Management
agreement will be less expensive than finding
them alternative housing. Know who is out there,
don't allow new long-term anchorages, and
all will be WELL.

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No ☐

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

1) No Anchoring. (first choice!)

2) IF ANCHORING PROCEEDS - NEED PROOF

THAT THE ANCHORING BOAT WILL LEAVE

WITHIN REQUESTED PERIOD, OR THERE

WILL BE FINES(?) REMOVAL(?)

3) HOW CAN THE CITY EITHER (A) ENFORCE THE

ZONING AND/OR TAKE ACTION.

4) WE NEED IN VIC WEST ASSURANCE THAT

THE GORGE WILL NOT CONTINUE TO BE A

WATER VERSION OF A HOMELESS TENT (FLOATING)

CITY !!

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I would prefer not to see boats anchor at all, but this is an acceptable compromise. As long as it is enforced consistently. I have observed folks living aboard these boats dumping sleeping bags, jerry cans and other garbage into the Gorge, and using their paddle to try to push it down to sink. With the resurgence of promoting the Gorge as clean enough for swimming, I find this an unfortunate irony. Would love to swim in the Gorge at this location, but will not until the ~~derelict~~ liveaboard boats are gone.

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No

☐

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I believe this is a mistake. You are displacing marginal people, contributing to the homeless problem.

What are the real problems with the existing boats?

① pollution – fuel or oil or trash – deal with these problems directly.

② eel grass beds – what is the plan to protect them? There are many docks in the Gorge that are a much bigger problem. Are there eel grass beds where the boats are anchored?

③ The boats are ugly. True, but we don't prevent 'ugly' in neighbourhoods. Any 'ugly' is in the eye of the beholder.

④ The people involved are poor. People love to hate and fear the poor.

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No ☐

No ☐

No ☒

No thoughts at this time

If you have any questions, please email: bsikstrom@victoria.ca



GORGE WATERWAY PROPOSED REZONING AMENDMENT FEEDBACK FORM

The City of Victoria is proposing changes to the management of the Gorge Waterway to enhance the use of the Selkirk Water for recreation and to prohibit residential use and the storage of vessels. The proposed zoning amendment would allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

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A few details about you... We would like to hear from a diverse representation of Victoria citizens and businesses and this information will help us better understand who we are hearing from.

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 - ☐ North Park
 - ☐ Oaklands
 - ☐ Rockland
 - ☒ Victoria West
 - ☐ Outside the City of Victoria, where?
-

Q2. How old are you?

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> Under 18 | <input checked="" type="checkbox"/> 40-59 |
| <input type="checkbox"/> 18-24 | <input type="checkbox"/> Over 60 |
| <input type="checkbox"/> 25-39 | |

Q4. Do you own property in the City of Victoria – Yes ☒

No ☐

Q5. Do you rent property in the City of Victoria – Yes ☐

No ☐

Q6. Do you own or run a business in the City of Victoria – Yes ☒

No ☐

Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

- Sounds like a great Idea. (who will monitor the time?)

- Glad to hear that there will be safe harbor.

- It will be nice to not have garbage / excrement in the water!!

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Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

I generally support this amendment.

I do believe that, were it possible,
a full prohibition on anchoring in the
proposed area would be better but I do
understand the complexities.

I strongly believe that holding tanks
and should be mandatory and discharge
should be monitored

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Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

- I would rather see a prohibition of anchoring
in the Gorge. With the new City proposal there
must
~~needs~~ to be: 1) mooring buoys only (max of 3)
+ no other anchoring beyond that. First their needs to be a
determination to see if anyone uses them before wasting taxpayer
\$ on both the infrastructure + enforcement
2) a proper access point identified where they can come ashore
to stop the degradation of habitat
3) Appropriate fees levied to cover the needed enforcement
so taxpayers do not have to bear the costs for the sake
of a few boaters (do they even pay taxes?)
4) ~~STRICT~~ enforcement of the max 48 hrs STRICT
5) Underwater Studies done to determine the
least ecologically sensitive place for the mooring buoy
that does not restrict ^{or impede} waterway navigation ^{park users}
6) Fees could also be used towards the 2 ^{communities}
centers, ecological restoration in Gorge or ^{neighbourhood} parks
7) Absolutely no discharge of materials from boats
into Gorge – maybe mandatory pumpout at GVH + doc
before they can even use the Gorge. Must prove they
have holding tanks as well.

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Q7. Please share your thoughts below on the proposed rezoning amendment to allow anchoring for a period of up to 48 hours, but not exceeding 72 total hours in a 30-day period.

— GOOD IDEA. TO LIMIT TIME

— ~~NO~~ ANCHORY BOOYS ONLY!

— HOLDING TANKS.

— FEE

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