

File No.: PL-TUP-2025-0060

DATE OF MEETING: September 29, 2025

TO: Mayne Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: PL-TUP-2025-0060
Applicant: Neil Piller
Location: Horton Bay

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of PL-TUP-2025-0060 for a period of three (3) years.

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) to allow the winter storage of up to nine marine dock floats within a designated 10,000 ft² (929 m²) area in Horton Bay offshore from Mayne Island.

BACKGROUND

The TUP application is proceeding following Islands Trust Bylaw Enforcement action to seek the removal of illegal floats located in Horton Bay in 2023. Among the illegal floats located in Horton Bay is a collection of nine (9) floats owned by nine waterfront property owners who reside to the north of Horton Bay and store their floats during the winter. The dock/property owners claim that they have been storing their floats in Horton Bay for at least thirty years to prevent damage from storms during the winter months due to the Bay providing protection from the increased wave energy on the Strait of Georgia.

The TUP application was submitted following the receipt of multiple pieces of correspondence on the long-term practice of storing floats in Horton Bay during the winter months. The Local Trust Committee (LTC) discussed the winter float storage in Horton Bay at the January 27th Regular LTC Meeting resulting in the following motion:

MA-2025-002

It was MOVED and SECONDED,

that Mayne Island Local Trust Committee request staff to continue discussions for a Temporary Use Permit with Island Marine and the nine users of the service and report back at the next Local Trust Committee meeting.

CARRIED

The application would not involve any new construction as the mooring buoys which the floats are attached to are existing. The floats are towed by Island Marine and secured at the beginning of the winter storm season, and returned to the property owners following the winter storm season.

The proposed permit location is shown in Figure 1. The proposed designated area for the permit is 10,000 ft² (929 m²) in area, the nine floats occupy a total area of about 3000 ft² (278 m²). The additional space provides adequate room for the floats to move within the designated area without leading to non-conformity with the permit. Any siting outside of the designated area would be non-compliant with the LUB and subject to further enforcement.

The storage of the floats in Horton Bay is seasonal, and the proposed permit incorporates this aspect of the application. The draft permit defines the use as between the months of October and April, which accounts for the winter storm season. Storage of the floats outside of this designated time period would be a violation of the permit and subject to further enforcement.

The notice and draft permit are included as Attachment 4 and 5.



Figure 1: Proposed Float Location

ANALYSIS

Official Community Plan:

The proposed permit location is not located within a development permit area. The following OCP policy is relevant to this application:

- **4.2.1.6** Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

The proposed float location is contrary to the OCP Policy 4.2.1.6 since the siting is not adjacent to the owners' properties. The TUP conditions address this policy by only permitting the storage of the floats during the winter and the floats would only be permitted as storage and not to be actively used within this time period.

The TUP application is generally consistent with Section 2.9 of the Mayne Island OCP Bylaw No. 144. Staff's review of the TUP guidelines is included as Attachment 3.

Land Use Bylaw:

The proposed permit location is zoned **Water Moorage (W2)**. The purpose of this zone is to provide for and regulate accessory private moorage on the foreshore and marine waters adjacent to Mayne Island.

The W2 zone permits the following uses:

- Marine navigational aids;
- Docks, accessory to the residential use of an upland lot or lots abutting the natural boundary of the sea.

The Mayne Island Land Use Bylaw No. 146, 2008 (LUB) includes the following definitions:

"Dock" means a marine-based structure, or set of structures, generally consisting of a pier, ramp, float, and supporting structures, which is used for the non-commercial wharfage of vessels in association with the permitted use of the adjacent upland.

"Float" means a floating non-roofed structure that is used as a landing or wharfage place for watercraft and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor.

As the siting of the docks is not associated with an adjacent upland property, the siting and use is not permitted within the current zoning regulations. The TUP would temporarily allow the siting and use to be permitted.

Temporary Use Permit:

Sections 492 to 497 of the *Local Government Act* authorizes local governments to temporarily permit a use that otherwise is not permitted by the land use bylaw by issuance of a Temporary Use Permit. Further, TUPs can include specific conditions to which the use must abide. A Temporary Use Permit may be issued for up to three years and renewed only once (for up to an additional three years). After the renewal TUP expires, the applicant may re-apply for a new Temporary Use Permit.

When an LTC is reviewing a draft TUP for decision, the LTC by resolution can only add additional conditions to a draft permit; a LTC cannot remove conditions from a draft permit without re-advertising. At the time of TUP renewal, no changes to the renewal permit conditions are allowed except for the expiration date.

Issues and Opportunities

According to the float owners the proposed use has been ongoing within Horton Bay for at least thirty years. Despite non-compliance with the LUB, there has been little public opposition to the winter storage of the floats until recent years when Horton Bay has seen an increase in floats, derelict boats, and garbage associated with this activity washing up on the foreshore. The winter storage of the floats does not appear to be a nuisance within Horton Bay, and the storage of the floats is not associated with any active use of the floats. Islands Trust bylaw enforcement has received one complaint related to the winter storage of the floats.

If the TUP is issued the owners would likely need to apply for approval with the Transport Canada Navigation Protection Program (NPP) and a license of occupation from the Province of BC for the use of Crown Land. The Federal process is related to the safety and access to navigable waters for transport and recreation. The NPP application cannot be completed without permission of the local government.

If the TUP is refused then the float siting in Horton Bay during the winter storm season would remain illegal and subject to further enforcement and removal.

Circulation

The draft permits were circulated to surrounding property owners and residents on September 12, 2025. The notification period will end on September 23, 2025. Due to the location of the proposed permit area and distance from the shoreline, the notification capture area was increased from 100 m to 150 m to include the shoreline properties to the south of the permit area. The CRD Harbours Commission was also notified for comment.

Staff received one concern from a property owner and boat owner on Village Bay regarding the location of the floats in proximity to the community dock. Any comments received subsequently will be forwarded to the Local Trust Committee and reported at the meeting.

First Nations

There are no known archaeological sites or archaeological potential within the proposed permit area. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

Staff is recommending that the resolutions on page 1 be supported for the following:

- Staff consider the proposal to be in line with the TUP objectives while meeting the applicable TUP guidelines outlined in Section 2.9 of the OCP.
- The proposed use would not compromise future or current uses within Horton Bay.

- The use has been occurring for many years without concerns, and there appears to be minimal environmental impacts associated with the use.
- The TUP provides the opportunity for the proposed use to be tested for compatibility prior to beginning a process to rezone the water zone to outright permit the use.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Approve for a different time period

The LTC may opt to approve the permit for a shorter period. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of PL-TUP-2025-0060 for a period of _____ year(s).

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust

3. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee refuse application PL-TUP-2025-0060.

Submitted By:	Bruce Belcher, Planner 2	September 10, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	September 11, 2025

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. TUP Guidelines Checklist
4. Notice
5. Draft Temporary Use Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	N/A
PID	N/A
Civic Address	N/A
Lot Size	N/A

LAND USE

Current Land Use	Water Moorage
Surrounding Land Use	Water Moorage

HISTORICAL ACTIVITY

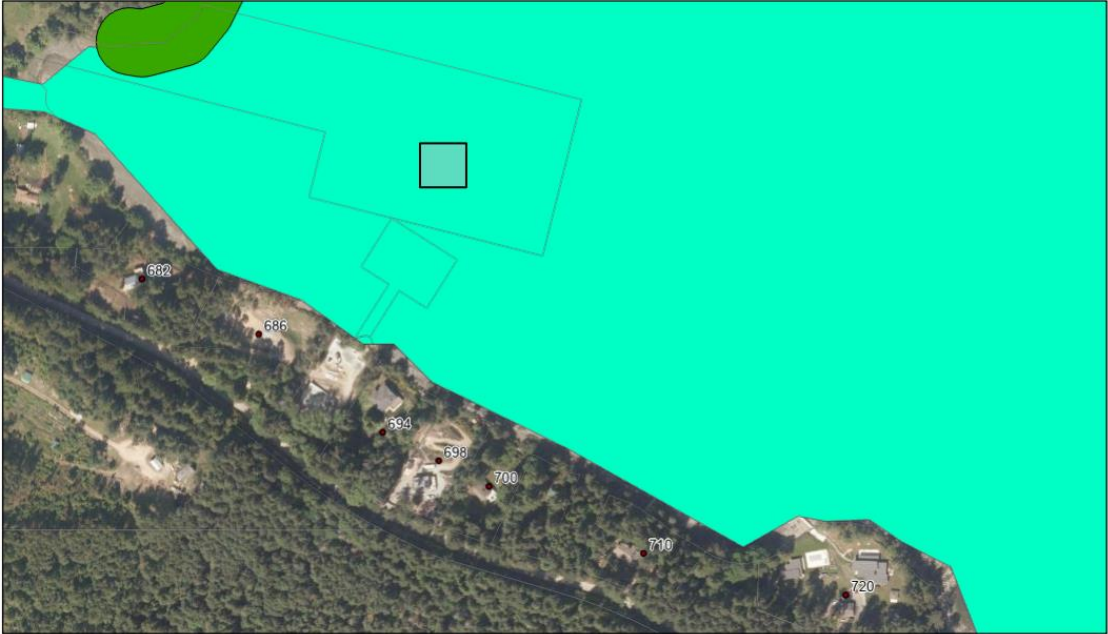
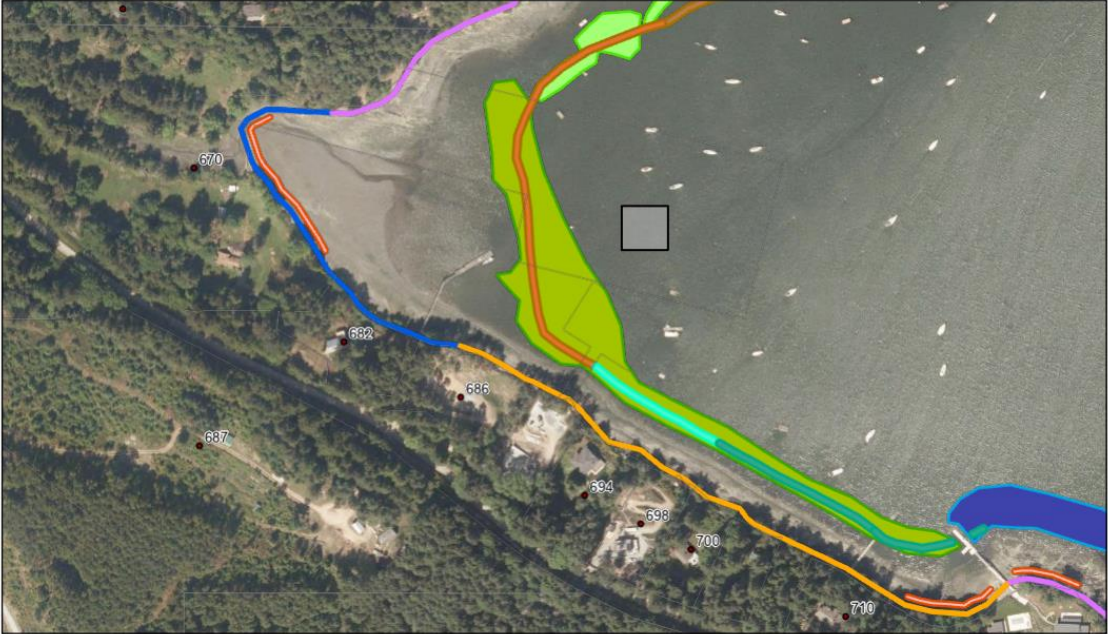
File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	N/A
Land Use Bylaw	Water Moorage – W2
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	MA-BE-2023.1 - Non-Permitted Use In Water Moorage Zone

SITE INFLUENCES

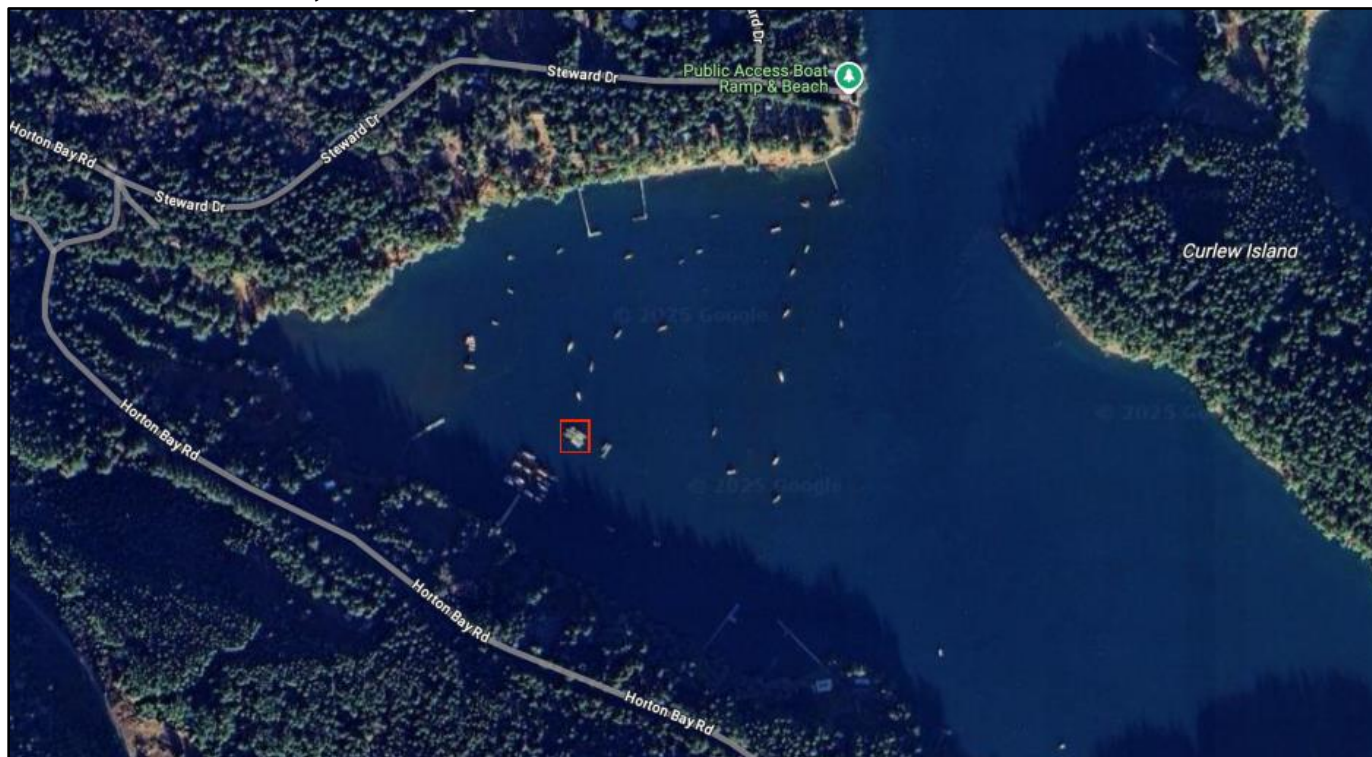
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Southern Resident Orca Whale – Critical Habitat

	Species at Risk  9/10/2025, 11:08:36 AM Property Boundaries Civic Address Southern Resident Orca Whale - Critical Habitat - DFO Species at Risk - CDC Vascular Plant ORTHO_2021 Red: Band_1 Green: Band_2 Blue: Band_3 0 0.03 0.05 0.1 mi 0 0.04 0.08 0.16 km Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, © OpenStreetMap, Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, NRCAN, Parks Islands Trust GIS Dept
Sensitive Ecosystems	Moderate Bull Kelp Beds, Eelgrass Shoreline Presence (Flat, Continuous) Marine Environment  9/10/2025, 11:01:49 AM Property Boundaries Civic Address Shoreline Type (Islands Trust) Estuaries/Tidal Flats Low Rock/Boulder Pebble/Sand Beach Bull Kelp Beds (2022) Moderate Forage Fish Potential Spawning Habitat (2014) Surf Smelt/ Pacific Sanddance Eelgrass Meadows (2022) Moderate Sparse Eelgrass Shoreline Presence (2014) Flat, Continuous Flat, Patchy Fringing, Continuous Fringing, Patchy ORTHO_2021 Red: Band_1 Green: Band_2 Blue: Band_3 0 0.03 0.05 0.1 mi 0 0.04 0.08 0.16 km Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, © OpenStreetMap, Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, NRCAN, Parks Islands Trust GIS Dept
Hazard Areas	N/A

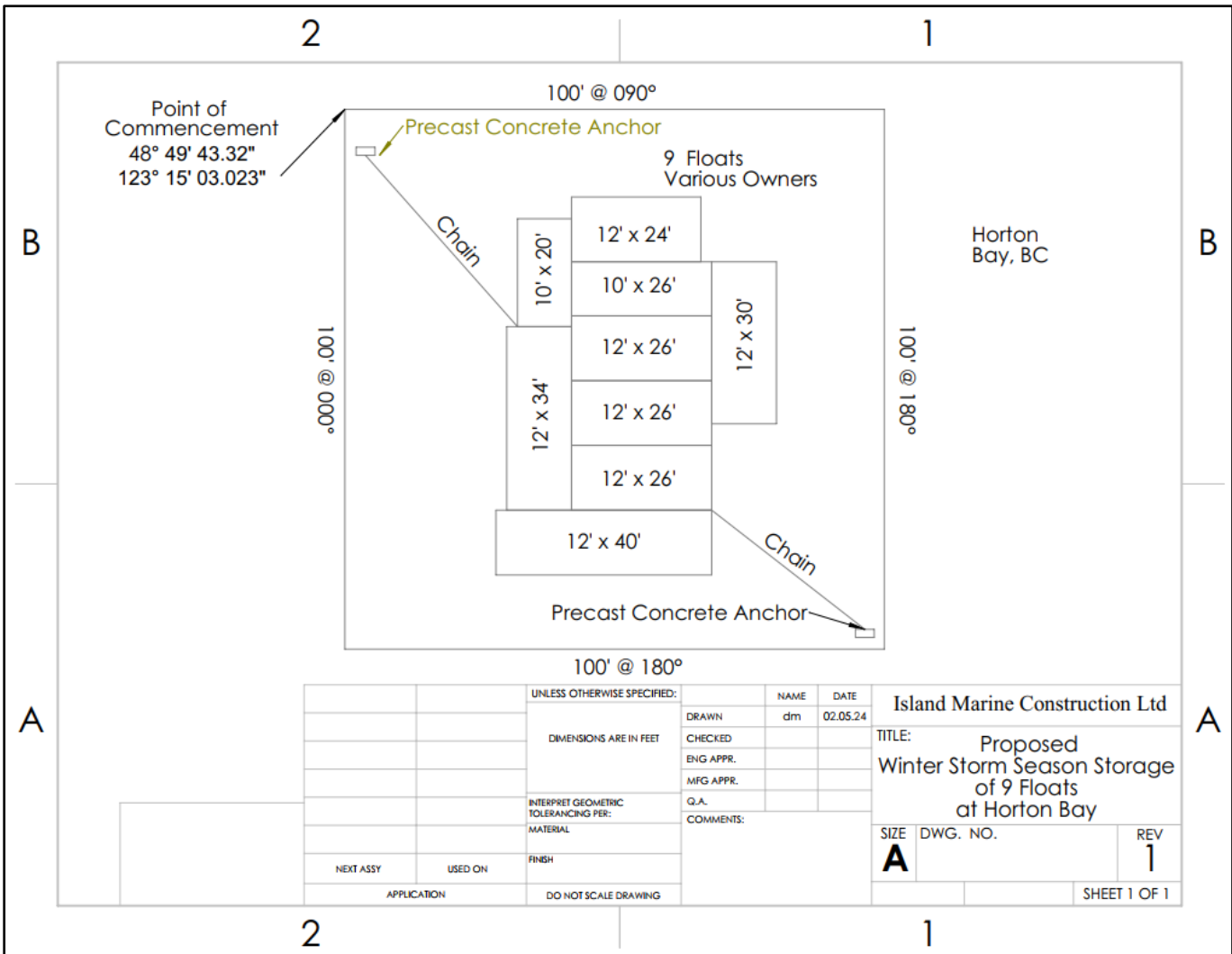
Archaeological Sites	No archaeological potential or known archaeological sites on subject permit location. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work
Climate Change Adaptation and Mitigation	No anticipated increase in GHG emissions associated with application.
Shoreline Data in TAPIS	Pebble/Sand Beach (within 150 m)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

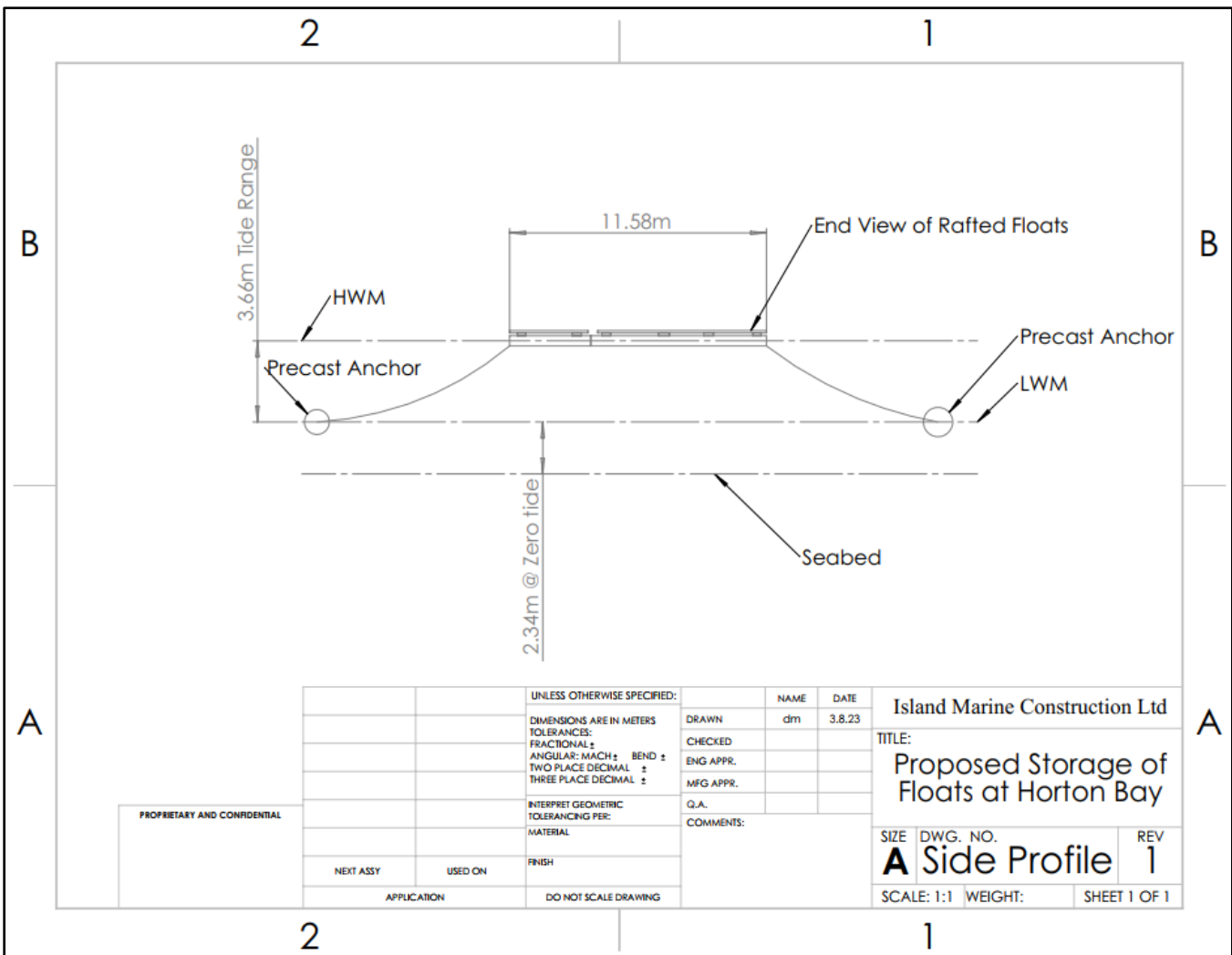
2.1 HORTON BAY DOCKS, AERIAL VIEW



2.2 FLOAT STORAGE PLAN



2.3 ELEVATION PLANS



2.4 PHOTOS



VIEW OF FLOATS, LOOKING NORTH FROM CRD DOCK



ATTACHMENT 3 – TEMPORARY USE PERMIT GUIDELINES

Guideline	Complies	Comments
2.9.1.1 Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.	Yes	Staff Comments: Proposed permit would allow use to continue for three years.
2.9.1.2 Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Yes	Staff Comments: Proposed use would be a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses.
2.9.1.3 Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Yes	Staff Comments: Proposed use can be removed following permit expiry.
2.9.1.4 Uses should not be allowed if they conflict with any ongoing planning policies or programs.	N/A	Staff Comments:
2.9.1.5 Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.	N/A	Staff Comments:
2.9.1.6 Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.	N/A	Staff Comments:
2.9.1.7 In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.	N/A	Staff Comments:
2.9.1.8 Review of applications should include consideration of smart growth principles.	N/A	Staff Comments:

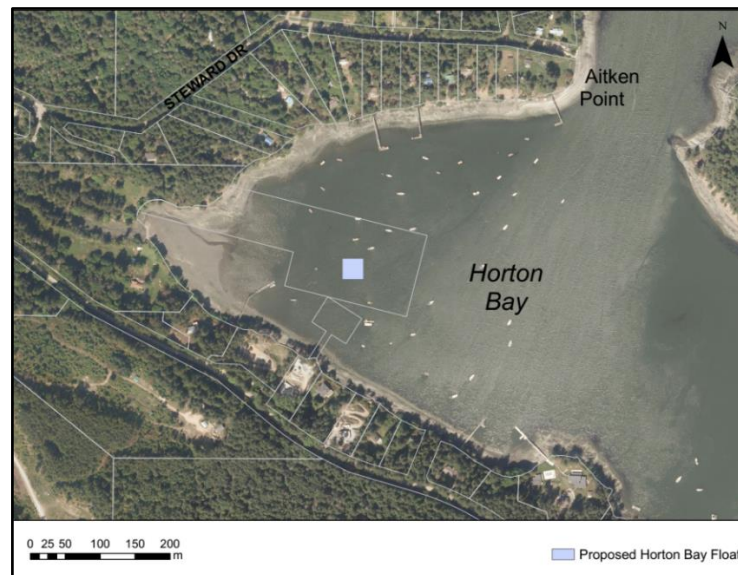
NOTICE
PLTUP20250060
Mayne Island Local Trust Committee

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to the DISTRICT LOT 575, COWICHAN DISTRICT being the unsurveyed land covered by water being the bed of Horton Bay, Cowichan District.

- The purpose of the Temporary Use Permit is to allow the storage of nine (9) marine dock floats within a designated location in Horton Bay.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

The location of the permit location is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 12, 2025** and continuing up to and including **September 23, 2025**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Bruce Belcher, Planner 2 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **September 23, 2025**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m.** on **September 29, 2025** to be held at the **Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20250060

Horton Bay

To: Neil Piller

1. This Permit applies to the land described below:
 - a) DISTRICT LOT 575, COWICHAN DISTRICT
 - b) Unsurveyed land covered by water being the bed of Horton Bay, Cowichan District
2. This Permit is issued for the purpose of permitting the applicant to conduct the following use as described:
 - a) Storage of up to nine (9) marine dock floats within the designated location identified in Schedule 'A' and Schedule 'B'.
3. The Permit is subject to the following conditions:
 - a) Float storage is only permitted between the months of October to April.
 - b) No float storage is permitted outside of the specified dates.
 - c) No float storage is permitted outside of the designated location as identified in Schedule 'A' and Schedule 'B'.
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE (LTA) ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

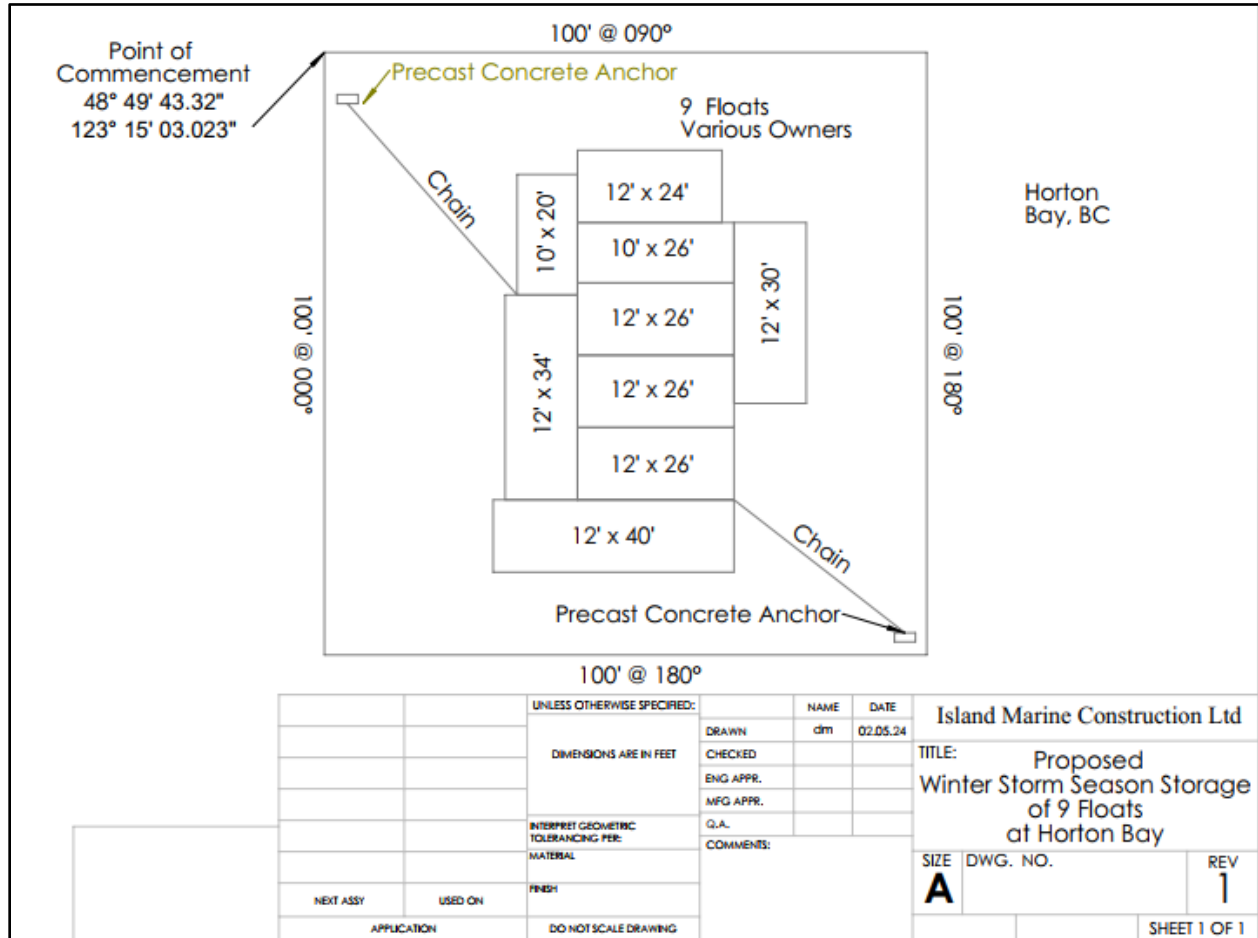
Date Issued

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

PLTUP20250060

SCHEDULE 'A'



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

PLTUP20250060

SCHEDULE 'B'

