

Dear Mayne Island Local Trust Committee,

We respectfully request that the Local Trust Committee modify the S 219 covenant for Lot 3 of the proposed rezoning/subdivision of 375 Village Bay Road to:

- Create a forest ecosystem protection zone of at least 20 meters in width along the western boundary where tree removal, roads, trails, parking lots, housing and other infrastructure supporting the housing development are prohibited¹.

Rationale for Request:

Forest ecosystem protection along the western property line:

1. Reciprocates the good neighbour approach we took in establishing a 15 metre buffer along our side of the property line 9 years ago.
2. Is consistent with the protection buffer established along the border between proposed Lot 2 and Lot 3.
3. Improves the ability to address surface water concerns along the western side of Lot 3 that, to date, have not been adequately considered and supports the recommendations made in the Wetland Restoration Report.
4. Will lead to a more compact site plan (ideally with fewer building envelopes, and more modest in design and scale) which, in turn, reduces project costs, improves the ability to serve renter households where need is greatest and improves the competitiveness of MIHS as it seeks support from taxpayer funded programs.
5. Improves the level of forest and ecosystem protection associated with the development on a parcel of land hosting valued and endangered ecosystems and is more in line with the recommendations made in the Ecological Assessment Report.
6. Provides the minimal level of security and certainty for us (the neighbour to the west) which is necessary to further invest in our farm business which employs regenerative farm practices and aims to restore and protect the forests and ecosystems on 80 to 85 percent of a 10 acre parcel.

Each of the above points are discussed separately, below.

1. Reciprocity – matching the buffer that we established

We voluntarily put in place a 15 metre buffer minimum along the property line 9 years ago to minimize the visual and other impacts of our low intensive regenerative approach to growing food and to preserve the wildlife/habitat corridor between upland areas of Village Bay Road and wetland areas. Since this buffer was established, much of the property along the border has seen strong growth and is mostly filled in. The understory continues to be heavily browsed by deer– especially the Oregon grape and red huckleberry. Grand fir which thrives in the wetter areas along the upper half of the property

¹ The buffer may need to be wider than 20 metres when the surface water issues, protection of endangered ecosystems and Edge Planning Guidelines are in considered in the context of a farm focused on restoration and protection of forest ecosystems and using regenerative farm practices.

line closer to Village Bay are now overcoming the heavy browse pressure and growing tall and strong enough to be out of reach of the deer. The Local Conservancy has recommended fencing in this buffer area to allow the reestablishment of native understory species. A commitment from the McHugh estate/MIHS to provide an adequate buffer and forest protection along the border on their side would help justify such an investment.

2. Consistency in the treatment of neighbours

The draft S 219 covenant for Lot 3 designates a wide strip of land between the housing development and Lot 2 as a “Wetland Remediation Zone”. But, like all buffer zones along property lines, multiple purposes are served.

The buffer to the east side of Lot 3 provides (a) environmental and ecosystem benefits by protecting a logged over area so that it may naturally regenerate, (b) a commitment to do some work in the future that includes some ditch removal, loosening up of compacted soil and the construction of a pond that is intended to regulate water flows and provide habitat benefits (c) protection for the owners of lot 2 from the negative impacts of a high density housing development on lot 3 and (d) a protected zone which typically increases the value of properties adjacent to them. Those are the purposes and benefits of the buffer between lot 2 and 3 in the draft S 219 covenant.

More generally, this strip of land serves as a buffer between the proposed development and lot 2. As a buffer it enhances the value of Lot 2 and provides a forested cover between development on lot 2 and lot 3. Similarly, the protection area along Lot 2 enhances the value of Lot 3 – significant benefits are afforded the owners of each lot with the created of protected forested buffers.

The other side of Lot 3 is treated very differently. The housing development on Lot 3 remains extremely close to the property line to the west with the footprint of one of the proposed houses even encroaching on the proposed setback by a foot or so. In contrast to the positive effects of the buffers between Lot 2 and 3, our property is devalued by the close proximity of housing, parking lots and roads. There are no protected buffers along about 70% of the property line. Future development along all parts of the unprotected areas allow unrestricted development except for the construction of structures within the proposed 8 metre setback.

Equitable treatment of property owners on all sides is worth striving for in developments of this sort and rezoning/subdivision deals in general and all neighbours should be protected from unforeseen future development with these sorts of projects in rural zones.

3. Improving the ability to manage surface water flows

The additional protection and remediation within a protected zone proposed along the western property would help address surface water flows which are currently of such volume and force that construction of any building on Lot 3 is risky.

At present, there is extensive ditching in place on Lots 1, 2 and 3 that collects, concentrates and directs rainwater, discharging groundwater, and water emptying from two culverts that drain the ditches along a portion of Village Bay Road. The ditching network on proposed Lots 1, 2 and 3 was initially established years ago and expanded upon by the current property owner. Current water flows leaving the property proposed for subdivision are having a tangible impact on what neighbours can do on their property.

The housing development, road networks, tree removal and other supporting infrastructure on all proposed lots within the subdivision and associated surface water flows would cause any reasonable person alarm. Residents are looking to the LTC to ensure that surface water risks are fully explored and that MIHS put in place a feasible plan to manage them.

The Wetland Restoration Plan was intended to reduce surface water flows. However, the restoration plan called for much more ditch and road removal than is now planned and the current covenant omits the necessary restoration work on Lot 1 altogether.

The western side of the property was not addressed in the Wetland Restoration Plan. A culvert along Village Bay Road currently drains into the area along the western property line of Lot 3 and during high rain events and through much of the November to January period, the old logging road along the western property line on Lot 3 becomes a streambed. (Video has previously been provided to LTC showing this.) Last year about 3- 4 inches of water were flowing over it continuously for many days. This water was coming from the culvert, water draining from our property to the west, rains falling directly on Lot 3, and from springs that become active along the western portion of the property in the rainy season. The parking lot and 2 houses currently envisioned along the western portion of the property are directly in the path of these water flows. The flow of water then joins up with the water flowing from Lots 1 and 2 just a little down hill from the Well head on lot 3 and together they dump a torrent of water into the neighbouring lots on Maple Drive.

MIHS has taken the position that they are not responsible for surface water flows and only responsible for any incremental increase related to the development itself. With this justification, it seems, the need for an up-front, robust stormwater management plan was dismissed. As a consequence, the path and volume of surface water flows along the western portion of the property and over the building site have not been mapped and they have not been assessed in terms of the risks they pose for the development, the McHugh estate and for neighbours.

A key concern for the McHugh estate/MIHS is how to manage these water flows for a few reasons. They are a sure indicator that the soils are fully saturated or too compacted to provide a good level of water infiltration. This observation is also supported by the range of other studies that variously identify that ground water remains very close to the surface and that water infiltration on Lot 3 is so poor that a septic field could not be located anywhere except at the very highest points of the property along Village Bay Road in a red-listed, endangered ecosystem.

The Water Management plan also makes this conclusion:

“During winter storm events, the existing soils have been observed to be compacted and fully saturated, and therefore have a high runoff coefficient. Although forested areas are often assigned low runoff coefficients such as 0.15 (as referenced in the section below), the Ministry of Transportation and Infrastructure (MoTI) acknowledges that under saturated conditions, steep forest areas can have runoff coefficients upwards of 0.8 and therefore requires this consideration in the design of highway infrastructure. It is observed that a high runoff coefficient in keeping with MoTI’s conservative estimates is applicable to this catchment and contributes to stormwater management issues and concerns for downslope residents on Maple Drive.”

Strangely, the Water Management Plan then uses a run-off coefficient of 0.15 when it determines the ability of the parcel to take up the extra surface water flows that would result from the development. As a consequence, the analysis vastly underestimates predevelopment water discharge and post development discharge rates. Due diligence requires additional on the ground assessment. At the very least, the water management plan should also model pre and post development discharges based on a run-off coefficient upwards of 0.8 so that the risks of relying on a run-off coefficient of .15 are understood.

A more appropriate use of the western part of the property on Lot 3 would be to address the compaction along the old logging road there and reforest to help improve the ability of the land to take up water rather than hardscape and build on the area which runs the risk of further concentrating current surface water flows and directing them into neighbouring properties on Maple Drive.

4. A More Compact Development Reduces Building Costs and Improves Affordability

The requested additional protection zone along the west side of Lot 3 has an added and important benefit– it would challenge MIHS to develop a footprint with a more compact site plan with fewer roads and ideally fewer buildings and more modest in size for some units. A more compact design will reduce overall costs to build the project which translates into an improved ability to serve households where the need is greatest. In turn, this improves the attractiveness to potential funders.

The community amenity that MIHS and supporters of the project identified initially was affordable rental housing for lower income households, single people and seniors (the form letter crafted by MIHS and signed by many supporters was explicit about this and MIHS urged LTC to view these letters as clear support for the housing development). The renter surveys conducted by MIHS and more broadly for the Southern Gulf Islands confirmed that providing stable, better and more affordable housing for people with lower incomes was the core housing need. This core housing need was affirmed in the 2022 CRD funded housing feasibility analysis that reviewed the financial gap associated with a range of housing models and the extent to which they were able to meet the core housing needs of renters within the SGI and remain financially viable.² We assume that when the McHugh estate offered to give land to MIHS for affordable housing it was for the purpose of improving affordability for lower income renter households since this is how MIHS initially represented the project to LTC and the community.

Under the draft Housing Agreement MIHS can accept any eligible household earning up to \$77,430 for units of one bedroom or less and the income threshold is \$120,990 for units with two or more bedrooms. Rents in the Housing Agreement are no longer tied to the individual renter's income, but are deemed to be set to be no more on average than 30% of median income levels for the different household types. The relevant incomes for the Southern Gulf Islands are shown in Table 1.

Applying 30% to these income levels yields the maximum rents MIHS will be able to charge for units under the new Housing Agreement.

² Wisser Projects (May 2022), Southern Gulf Islands Housing Feasibility Analysis – Final Report, prepared for the Capital Regional District. [\[link to 2022 report\]](#)

Table 1: Income for all Households and Household Types in the Southern Gulf Islands (SGI)

Household Type	2020 Average Income	2020 Median Income	Applicable MIHS rental unit	MIHS Rents based on 30 % of Median Income
Income of all households	90,200	64,500	“average”	1,612
Income of one person households	52,500	38,000	One bedroom	1,500
Income of couples without children	111,400	82,000		
Income – one parent families	60,000	55,200	2-3 bedroom	1,953
Income – couples with children	136,000	101,000		

Note: The averages and medians are based on all households (renter and owner households are grouped together).

Source: Statistics Canada “Income of Economic Families 2020” for the Southern Gulf Islands Regional District

[\[link to data\]](#)

The average rental rate MIHS is seeking (\$1,612 per month) is higher than the average monthly rental rate of \$1,571 for 2 bedroom apartments in Victoria (as reported in CMHC’s Rental Market Survey conducted in October 2021).³ Yet median household incomes in Victoria are 50% higher than those on Mayne Island. The median household income in Victoria is just over \$91,000. Here on Mayne Island where the median household income for all households is \$61,200 we have a draft housing agreement that allows a non-profit society to charge what would be considered above average market rental rates in Victoria – a city where the median income is 50% higher?

The income ceiling and rental rates for a 1 bedroom unit in the complex can serve as a further illustration of the affordability gap created with the Housing Agreement. The agreement sets a \$77,430 limit for household income for those wanting to rent a 1 bedroom unit. The \$77,430 limit is the median income for households of two people without children in BC in 2022 as reported by BC Housing.

The census data shows that SGI median income (\$64,500 across all households) is about 20% lower than British Columbia median income (\$85,000 across all households). Mayne Island median income across all households is lower still at \$61,200. And the median income for renter households is lower still. Based on the 2017 renter survey conducted to support the SGI housing needs assessment, the renter household median income is 60% of the median income for all households within the SGI. For Mayne Island, this is equivalent to \$36,720 (60% of \$61,200).

To meet the needs of Mayne Islanders seeking affordable rentals, the qualifying income thresholds (and corresponding rents) need to be lowered substantially to reflect the intended population.

The idea behind the housing model advanced by the province and MIHS is that by renting to moderate to higher income households, revenues for the society are sufficient to allow them to serve lower income households as well. The Housing Agreement, however, is allowing rental rates that are simply abandoning the goal of serving lower income households altogether. Table 2 (which follows) calculates the income gap (the different between the average rental rate in the Housing Agreement and what is affordable for households ranging from low to moderate to higher incomes. The starting point data

³ Apartment rental rates are lower than condominium apartments . We are comparing MIHS rental rates with apartment rental rates in Victoria because these are the more affordable housing units. Some 23% of rental units in Victoria are condo apartments and the average monthly rent for them was \$2,116 in 2021.

comes from the 2017 renter survey. All incomes were increased by 20% based on the fact that the median income for Mayne Island has increased by 20%. While not precise, the resulting incomes are likely in the ballpark.⁴

By our estimates, 90% of households who rent on Mayne Island cannot afford the average rent charged for the units. The affordability gap for the 63% of households earning less than about \$36,000 a year (the estimated median income for renter households in the SGI) ranges from about \$700 to \$1,300 per month. Just 10% of households have no affordability gap and would find the MIHS “average” rental rate of \$1,613 affordable. About 4 households make up this 10% based on the outdated estimate that there are 40 renter households on Mayne Island. Those four higher earning households could offset rents for some households who cannot afford the average rent projected for the project. But, it likely leaves about 60 to-80% of the renter households out in the cold whose earning power is insufficient to help MIHS achieve its rental income targets.

The MIHS renter survey conducted in 2018 paints a grimmer picture. That survey found that 77% of renter households were paying more than 30% of their income on rent and the average rent paid at that time was about \$850 per month. Just one household was paying affordable rental rates close to the ceiling for the average rate specified in the draft housing agreement.

MIHS is seeking an average rent of “no more than” \$1,612 per month per unit in order to ensure the project is financially viable⁵. In the attempt to make their project financially viable MIHS has moved a far distance from its original goal of serving Mayne Island’s core housing need. The multi-family rental project is simply not going to work for renter Households on Mayne Island. Even the Housing Society’s own consultant (Wiser Projects) has identified multi-family rental developments as the least viable approach one could take to meeting the core housing need on the Southern Gulf Islands⁶.

LTC is considering a 1st, 2nd and 3rd reading for the housing agreement and since inception this project has become less affordable for renters and drifted far from addressing the core housing needs on Mayne Island.

Affordable rental housing - if it is to attract federal and provincial funding - must support the targets in the National Housing Strategy. The National Housing Strategy is specific in its aims:

- Reduce affordable housing need among renters by 50% and to focus funding on where there is a core housing need.

Mayne Island should aim to do the same. In assessing whether a proposed project is a community amenity (under the amenity zoning guidelines), it would be essential to demonstrate that the project is focused on households where there is a core housing need. Lower income households are where the

⁴ Incidentally, rents increased 16% in Victoria over the 2018 to 2021 period (Wiser Projects (May 2022) Southern Gulf Islands Housing Feasibility Analysis).

⁵ The Wiser Projects letter to LTC dated May 6, 2022 identifies that MIHS is seeking an average rental rate that is no higher than what would be considered affordable for a median income household within the SGI. The letter further notes that their approach will allow MIHS to meet the financial needs of the project.

⁶ See the recommendations at page 2 of Wiser Projects (May 2022), Southern Gulf Islands Housing Feasibility Analysis – Final Report, prepared for the Capital Regional District. [\[link to 2022 report\]](#)

core housing need is on Mayne Island (the MIHS survey of renters conducted a few years ago found this and the 2017 renter survey for the Southern Gulf Islands did too.)

If this project doesn't address the core housing need on Mayne Island, it simply cannot be considered a community amenity under the Amenity Zoning Guidelines for affordable housing. The notion that now the land may now be considered an amenity is a further stretch, given the current content of the Housing Agreement. The land is saddled with a housing agreement that ensures that this project will not improve conditions on Mayne Island for the vast majority of renter households. Renter households need a better solution. Is this the legacy of affordable housing for Mayne Islanders that Sean McHugh wanted to create?

Changes to the site plan and building design are one of the few actions MIHS can take to reduce project costs other than finding a better location or developing a different approach to improving conditions for renter households in core housing need.

Table 2 – The Affordability Gap Between What MIHS is Supplying and what Renter households on Mayne Island can Afford.

Stats Canada Income Groups	Income Range	Percentage of SGI Renters	Number of Renters (based on MIHS estimate of 40 renter households)	Cumulative Percentage of SGI Renters	Cumulative Number of Renters (based on MIHS estimate that there are 40 renter households)	Affordable Rent Based on 2017 Survey)	Affordable Rent assuming a 20% increase in renter incomes	Average Rent Charged by MIHS	Affordability Gap for the Household (assuming renter incomes increased by 20% over the 2017 to 2022 period)
Little to No Income	Under \$10,000	7%	3	7%	3	250	\$300	\$1,612	\$1,312
	\$10-\$14,999	14%	6	21%	8.5	250-375	\$300 to \$450	\$1,612	\$1,162 - \$1,312
Low income	\$15 - \$19,999	18%	7	39%	16	375 – 500	450-600	\$1,612	1,012 – 1,162
	\$20-29,999	24%	10	63%	25	500-750	600-900	\$1,612	712 – 1,012
Low to Moderate	\$30-39,999	18%	7	81%	32	750-1000	900-1,200	\$1,612	712 - 412
Moderate	\$40-49,999	9%	4	90%	36	\$1,000 - \$1,250	1,200 – 1,500	\$1,612	\$100- \$412
Moderate to Above Moderate	\$50 - \$59,999	2%	1	92%	37	1,250 – 1,500	1,500-1800	\$1,612	\$112 to affordable
Above Moderate to High	\$60-79,999	4%	2	96%	38	1,500 – 2,000	1,800 – 2,400	\$1,612	Affordable
High Income	\$80,000 and over	6%	2	102%	41	\$2,000 plus	2,400	\$1,612	Affordable
	Total	102 (rounding error brings total to 102)							

Based on the 2017 Renter Survey for the Southern Gulf Islands

5. Improved Forest and Ecosystem Protection on Lot 3

The western portion of Lot 3 is on a slope with the highest points along Village Bay Road and the lowest points abutting neighbours along Maple drive. Going from Village Bay Road, the forest transitions from Coastal Douglas-fir/dull Oregon grape to Cedar/sword fern about 1/3 of the way down the property line. Then the forest transitions to another patch of Douglas-fir/dull Oregon grape on the rocky rise about 2/3s down the property. From there the land gets wetter and cedar/swordfern is predominant. This general tendency is a simplification though, there little hills and gullies and different soil pockets which create a large number of niches and variation in forest composition. It is a rare forest-scape because of the diversity in niches and the forest communities that change so markedly as one walks from village bay road down into the wettest areas at the bottom of the hill. To maintain a corridor of this type has great value from an ecological perspective.

The upland and drier areas are buffers that help maintain the health of the wetlands and more broadly provides a corridor for species and plants to move and for the broader forest to adapt to various stressors like droughty and wetter periods and in the big picture greater forest resilience in the face of climate change.

An additional protection zone supports the recommendations made by Keith Erickson. It would

- Support the protection of Douglas-fir/dull Oregon grape – a provincially red listed ecological community which can be found at the high points along both sites of the property line including the footprint of the house sited closest to the western property line.
- Reduces forest fragmentation and reduces the footprint of the development.
- Better situates the development on areas identified as being heavily disturbed and compacted.
- Further protect the root zones of veteran Douglas-firs by actually protecting the forest around them.

6. Maintaining Our Commitment to Forest/Ecosystem Restoration and Protection as an integral Component to Farm Business that Produces Good Products and Supports the Local Agri-food Value Chain

The success of the forest and ecosystem protection and restoration efforts on all proposed lots within the proposed development depend to varying extent on the good will and efforts of neighbours who also own part of the forest that the proposed lots are part of. So – efforts to protect forest values along the property lines of all three lots should pay dividends because it can encourage neighbours follow suit.

For us, the protection and expansion of forestlands on our property is as important as producing food for the community. We purchased this property because we knew how special the forest on it was before the area was logged. Bringing that forest back is central for us. We are working on the land lightly and we are aiming to prove to ourselves that a farm business can produce a modest income even when forest protection and ecosystem health are the primary goals.

In the last few years, we have become increasingly aware that this approach is also a good alternative to the more typical strategy for the protection of forests and ecosystems on the islands which is to use rezoning and subdivision as a vehicle for securing land donations or limited protections on private lands

through S 219 covenants. While many high value areas within the Gulf Islands have been protected in this way it has come at the cost of increased housing density and the creation of smaller and smaller parcels. There is an obvious limit to how many more protected areas can be secured in this manner. The other approach – outright purchase or no strings attached land donations - is limited as well because it can be costly. We and others exploring similar ideas, are part of a growing group of people who are beginning to demonstrate that high levels of protection of private lands can be secured through wise use and economic activity on the land. Supporting businesses like ours provides an additional route to pursuing the preserve and protect mandate on the islands - it strengthens the local economy and our islands food resilience, honours the agricultural roots of this community and is growing back and protecting the forest along a valued green corridor.

We have heard on a number of occasions that “it is easy to become a farm” or “there is nothing stopping anyone from cutting down the trees unless there is a covenant”. The thing that is required is commitment. What makes a farmer also a good steward of the land is an unrelenting commitment to keep doing something because you believe in it. We have been doing this for 9 years and our commitment has been unwavering.

Additional protection along the western boundary would safeguard and build on our forest protection zone along the western boundary which hosts the same cedar wetlands and some fire scarred veteran Coastal Douglas firs. In a few cases some of those trees are bigger than some of the Stanley Park firs registered in the Province’s big tree inventory. The big firs are also part of a red-listed ecological community (douglas-fir/dull Oregon grape) that extends into the proposed Lot 3 and is recommended for protection in the Ecological Assessment Report.

Our protection zone extends all along the western property line (a minimum of 15 metres and well over 50 metres for most of the property line. This is part of our broader plan to expand current ecosystem remnants to fully protect about 80% to 85% of the 10 acre parcel. Our work is also securing a wide buffer along the properties downhill of us which is improving the ability of the land to manage winter surface water flows and improving forest contiguity.

The areas we are protecting along the western property line of Lot 3 also connect to the forested areas along Village Bay Road on our property. We worked with the CRD to save trees along the road front and we are at present working with the CRD and the Local conservancy to develop a plan to replant native plants appropriate for the various ecosystem niches along the trail route on our property – much of this at our expense.

The farm business is how we generate an income sufficient to allow us to continue to steward this 10 acre piece of land. We are a small-scale farm enterprise employing regenerative farm techniques. We supply food to Mayne Islanders and are a part of what we hope will be a growing and stronger local food system. Our efforts indirectly support employment where our products are purchased and they keep us busy too. Today, the lack of a protected buffer creates a level of uncertainty that puts our business at risk.

The forest protection and restoration work we are doing supports our desire to see a forested corridor along Village Bay Road that future generations can enjoy.

The Village Bay road corridor can be a forested jewel if landowners and decision-makers want it to be.

Conclusion

The end result on the current development trajectory for the McHugh/MIHS project is a reduced quality of life for some neighbours with periodic flooding, fragmentation and ever smaller rural zoned parcels, the development into housing of an ecologically valuable rural parcel, the impairment of a successful local business that is delivering valued environmental goods and services, local food and helping to create a stronger food production system on Mayne Island. All this to accommodate a housing development that is not affordable for the vast majority of renter households and, with possible changes to the covenant, may never be built. The financial benefits of the rezoning/subdivision are significant for the landowner(s), but the community benefits are dubious.

Prior to the Community Information Meeting, we respectfully ask that the LTC modify the S 219 covenant to create a forest ecosystem protection zone along the western border. We also suggest the Housing Agreement be revised to ensure it is a reasonable response to Mayne Island's core housing need – affordable housing for renters.

Sincerely,

Tim Maki and Rebecca Ewing