



Mayne Island Housing Society
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May 6, 2022

To: Chair Dan Rogers, Trustees Jeanine Dodds and David Maude
Cc: Planner Narissa Chadwick

Dear Trustees Rogers, Dodds and Maude,

The Mayne Island Housing Society (MIHS) is writing to you today about our proposed affordable housing project on Mayne Island (the Project). Our Project has been championed by local resident Dr. Sean McHugh, who has agreed to donate a portion of his land to see this Project come to fruition. The Project is based upon a rezoning and subdivision that would split Dr. McHugh's property into three lots, with Lot 1 and 2 to be retained by Dr. McHugh, and Lot 3 to be transferred to the MIHS for affordable housing.

As you are all aware, in the Fall of 2021, there was a change of circumstances that led to appointment of attorneys to act on behalf of Dr. McHugh. This difficult and sad situation led to an abeyance of the application before the Local Trust Committee (LTC) during the Winter months. During that abeyance, the MIHS was fortunate to work with the attorneys to provide a history of the Project, the status of the application before the LTC, and to confirm their intention to have the MIHS continue to represent Dr. McHugh in the proceedings and to carry out Dr. McHugh's wishes to donate land for the Project.

The attorneys have advised the MIHS that they are comfortable with how the Project and application have developed, including with respect to the proposed Lot 2 building zone restrictions, the inclusion of the ecological protection zones, and the restricted access to proposed Lot 2 by way of the existing driveway on Lot 1. The attorneys have made one request and asked that the MIHS bring their request to you for consideration. In particular, the attorneys seek a reasonable time limit on the building restriction on Lot 2. The building restriction currently states that the owner of Lot 2 may not start construction of any building or structure on Lot 2, until the owner of Lot 3 has completed the construction of, and received an occupancy permit, for the affordable housing on Lot 3 (the "Lot 2 Building Restriction").

Upon a successful rezoning and subdivision, it will certainly be MIHS' priority to move this Project to occupancy as soon as practicable, but MIHS, and indeed no society, can guarantee a timeline for development and construction of the Project, which means that Lot 2 is left in limbo. The attorneys propose that this Lot 2 Building Restriction should expire 5 years after the date of subdivision. The MIHS is bringing their request to you as a reasonable compromise in considering the burden of care and uncertainty facing Dr. McHugh and his family.

Dr. McHugh's generous donation of land for the Project represents a significant contribution to the Mayne Island community. Without a secured parcel of land with appropriate zoning, it is impossible to proceed with an affordable housing Project. And we must stress that the need for affordable housing on Mayne Island is both urgent and critical, as underlined by the Islands Trust Council's declaration of a

Housing Crisis (Motion: TC-2021-127, December 2, 2021.) This donation will facilitate the creation of a community amenity to provide affordable housing, and this community amenity will be guaranteed in perpetuity by the rezoning, regardless of when construction occurs.

The MIHS respects the position taken by the Trustees to prioritize construction and development on Lot 3. Your position that the land donor should not receive a benefit on Lot 2, before the community reaps the benefit of the affordable housing on Lot 3, is understandable. However, it also creates significant uncertainty for the owner of Lot 2. The creation of Lot 2 is certainly a benefit to Dr. McHugh, but it is a benefit anticipated and permitted by the Mayne Island OCP when a property owner offers to provide a voluntary community amenity. An indefinite hold on the development of Lot 2 turns a benefit to the land donor into a complicated restriction on title for Lot 2 – in other words, a liability.

We request that the Trustees consider the attorneys' request for a reasonable time-limit on the Lot 2 Building Restriction. MIHS believes that denial of this request would be a disservice to this family and their generosity to the Mayne Island community, and may risk the entire application and Project.

The MIHS has made significant efforts to move this Project forward, with the support of pre-development funding from a variety of government and corporate sources, including: the Capital Regional District (CRD), Canada Mortgage and Housing Corporation (CMHC); the Federation of Canadian Municipalities (FCM), and Vancity Credit Union. Further, as a member of the SGI Housing Coalition, we have been funded to develop a solution to mitigate the barriers to developing affordable housing on the Southern Gulf Islands. To continue to move the Project forward, MIHS will apply for capital funding from CMHC and FCM once the zoning and subdivision approvals are in place. Other funding sources, such as the BC Housing Community Housing Fund, become available on an intermittent basis and while MIHS has not yet applied for BC Housing funding, we intend to do so.

Although the MIHS has been successful in obtaining funds during the pre-development stage, the unpredictable timing of funding opportunities, and the pending rezoning and subsequent subdivision approval processes create uncertainty for the Project. The best prospect for MIHS to improve access to funding for the Project is to obtain the rezoning, subdivision and transfer of the property to MIHS, thus achieving Dr. McHugh's vision of donating Lot 3 to the MIHS for affordable housing. An indefinite Lot 2 Building Restriction turns a benefit to Dr. McHugh into a liability, and imperils the donation and his vision. We hope that you will carefully consider the proposal put forward by the attorneys to mitigate this liability in a way that still prioritizes the community amenity on Lot 3. The attorneys' have offered to assist with the application before the LTC, and may be available for discussion with the Trustees if that will be helpful to this process.

Thank you for your consideration of this request.

Yours truly,

Deborah Goldman, Pres.
Submitted On behalf Mayne Island Housing Society