

# Final Report

## Accessory Dwelling Advisory Committee

2002 - 2003

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## **Accessory Dwelling Advisory Committee Recommendations**

January 23, 2003

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### **History and Specifics of the Committee**

This committee was formed because the Denman Island Trust Committee (LTC) recognized the high level of interest in the subject of accessory dwellings and wanted recommendations on how to implement Policy 21 E.1 Housing, of Denman Island's Official Community Plan. Six residents were chosen by the LTC from a list of volunteers to meet to answer specific questions to do with Accessory Dwellings. This 'Special Project Advisory Planning Commission' (APC) was asked by the Local Trust Committee to answer the following four questions:

1. Do you or do you not recommend a change to the Official Community Plan (OCP) to allow Accessory Dwellings to be constructed?
2. What are your reasons for this recommendation?
3. If your recommendation is to allow the construction of Accessory Dwellings, should limitations apply?
4. If you recommend limitations, what are your reasons for the limitations?

The Committee met for its first meeting on March 1, 2002. According to the bylaw, the term of office for this group was four months. At the end of the four-month period, its mandate was extended an additional four months. A quorum was 3 members, this being the number consistent with APC's and an easy number to achieve to keep the work moving.

The public was welcome to attend any of the weekly meetings and comments/presentations from the public were accepted by the Committee during the first half hour of every meeting during March and April. Beginning May 14<sup>th</sup>, because of time constraints, only written presentations were invited. Committee members read them at home and time was allowed at the next meeting to discuss and to prepare any further questions for their authors.

On July 13<sup>th</sup>, 2002, a questionnaire was distributed to all islanders surveying their opinion on the Accessory Dwelling issue. (See Appendix D)

On September 18, 2002, the Committee held a public meeting to give the community an additional opportunity to comment on the subject. Prior to the meeting, an Interim Report to the Community from the Committee was published. (See attached document, Appendix A). Responses and written submissions around the date of the meeting were reviewed by the Committee. (Please see attached results and submissions, Appendices B and C).

### **The Dilemma of the Accessory Dwelling Issue**

The committee wishes to respectfully express the opinion that there is a dilemma inherent in the question of allowing or continuing to disallow the construction of Accessory Dwellings. There are many people on Denman who would like to use their property to provide housing for a caregiver for themselves in their later years, to allow an ageing relative to live in close proximity, to provide a cottage for guests, or to defray expenses with a rental providing additional income. There are others who believe that permitting the construction of Accessory Dwellings will lead to excessive population growth and unacceptable impacts on the environment without a sufficiently valuable corresponding benefit. Both outlooks are valid; neither viewpoint will be entirely acceptable to the other. The committee recognizes that either choice requires a balancing of positive and negative results.

The Committee has come to recognise that:

- this is a difficult and complex issue
- there are strong opinions on both sides of the issue
- both sides have good intentions
- it is an issue over which reasonable people can disagree
- the outcomes and impacts on the community of any decision are uncertain and open to debate

### **Recommendations and Reasons for the Recommendations**

The Accessory Dwelling Advisory Committee, after receiving submissions from the community and deliberating over the issue of Accessory Dwellings, has been unable to reach consensus on whether to recommend that the Denman Island LTC permit or not permit the construction of Accessory Dwellings. The committee was divided on this question with an equal number favouring and opposing the permitting of Accessory Dwellings. Within each group, general agreement was reached although there was not complete unanimity on all of the issues involved.

The two points of view, favouring and opposing the permitting of Accessory Dwellings, break down as follows:

#### **Favouring Accessory Dwellings**

1. Do you or do you not recommend that our OCP be changed to allow Accessory Dwellings?

We do recommend.

2. What are your reasons for making this recommendation?

- The community has expressed a need/desire for more caregiver, family, guest and rental facilities on Denman Island. Allowing Accessory Dwellings (AD's) on certain lots is the only realistic way to meet those needs.

## Recommendations and Reasons for the Recommendations

- The significant majority of responses from the community have been in support of AD's. This information was derived from the results of an Island Survey (Appendix D), the public meeting survey in Jan. 2001 and a community meeting in Sept. 2002 (Appendices A,B,C) as well as ongoing submissions during the life of the committee.
- Almost all other Trust islands have provision for AD's, apparently reconciling the Preserve and Protect mandate with their community needs. (Appendix E)
- The benefits to the island's human community of the limited number of Accessory Dwellings that will be built under the proposed changes outweigh the inevitable negative impacts resulting from any population increase.
- Should the implementation of these proposed changes result in an unlikely explosion of undesirable building the issue can be revisited any time and changes can be made, as they have been in the past.

3/4 If you recommend that accessory dwellings be allowed, what limitations, if any, do you recommend? What are your reasons?

It should be noted here that the positions of the three members in favour of allowing AD's has shifted as a result of the committee's inability to reach consensus. During the course of the committee's meetings these members agreed to compromise their positions on particular restrictions in the interest of reaching a consensus on the first question. When it became apparent that consensus could not be reached, these members felt it appropriate to state their individual positions, as below.

- Lot size: two support a one- hectare minimum. Reason: an appropriate size. One supports a two- hectare minimum. Reason: large enough to provide a safety buffer for any negative impacts of additional water and septic needs.
- Maximum floor area: two support 1000 square feet. Reason: that is a modest size for a small family. Most AD's would probably be smaller as needed and affordable. One supports 400 square feet. Reason: to minimize the potential population increase and retain the rural character of Denman Island.
- Maximum distance from principal dwelling: All agreed, no restriction. Reason: location is best left to landowner, as each lot has its own character and natural features. There is no demonstrable benefit from arbitrary maximum separation figures.
- What zones should be included: All agreed, any zones allowing principal dwellings should allow AD's. Reason: fairness. Many lots of Denman Island, while classified as Agriculture, are in fact primarily Residential. But whether a lot is labelled Agriculture, Forestry or Residential, if it meets the other criteria, it should be equally considered for an AD.
- Question of short term rental: All agreed. Remove any reference to short term rental at this time, as the question needs more study.

## Accessory Dwelling Advisory Committee Recommendations

- Water and septic requirements: All agreed. These should be considered under the same regulations as the Primary Dwelling.

The three committee members recommend to the Trustees that the Islands Trust design a small, easily digested pamphlet to be distributed along with siting and use permits that would offer suggestions for ways to build ecologically sound structures in keeping with the rural nature of the island. Suggestions could include alternate septic systems, water catchment plans, natural building materials, and beneficial locations and building designs

### **Opposing Accessory Dwellings at This Time**

The three members of the Committee who recommend against permitting the construction of Accessory Dwellings at this time make the following points to explain why they have come to that conclusion:

1. Do you or do you not recommend that our OCP be changed to allow accessory dwellings?  
No. Not until issues listed under 2. below have been resolved.

2. What are your reasons for making this recommendation?

We have done a detailed analysis of benefits and costs the Accessory Dwellings might offer in three important sectors outlined in the OCP: Individuals and Families, Community Fabric and Environment (the full analysis is attached, Appendix F.) We can see that Accessory Dwellings offer significant benefits to individuals and families that choose to build them. It appears to us that these benefits are outweighed by significant costs to the Community Fabric and Environment accounts.

#### Reason One - Affordable housing

The subject of affordable housing is of concern to the community. It has come up time and again in submissions to the committee, on the survey and from the feedback forms from the public meeting. There still appears to be a strong connection in people's minds between Accessory Dwellings and Affordable Housing.

We acknowledge that Accessory Dwellings might help increase community diversity by providing rental housing for younger and lower-income individuals and families. Permitting the construction of Accessory Dwellings will increase the number of rentals on the island. However, we do not believe that it will provide an effective long-term supply of affordable housing. We think there may be better ways of providing this community benefit with less risk of the community and environmental costs that would come with Accessory Dwellings.

We consider that the existing OCP/LUB already provide sufficient opportunity for homeowners to meet their accessory housing needs (caregiver, caretaker, guest cottage, teen accommodation, temporary emergency situation, humanitarian...) through attached additions or auxiliary buildings connected to the principal dwelling by a short breezeway.

## Recommendations and Reasons for the Recommendations

Therefore we recommend that a new advisory committee be struck to investigate the need for affordable housing and alternative strategies for meeting the need. Possible options for that committee to consider include:

- co-housing
- co-op land tenure
- sites in houses; rooms over garages; temporary dwellings (“granny flats”)
- community constructed dwellings
- non-governmental projects, eg. Habitat , Beaver

### Reason Two - Water issues

Quantity and quality of drinking water and effective prevention of water pollution are increasingly important issues on Denman as population and development increase. We currently have little information about the natural water supply on Denman and note that island geologists have recently begun a study. In addition, we think there is a need for a comprehensive revised water policy on Denman and we would like to see provisions in the OCP and LUB to protect the quality of water and to conserve the limited supply. We also note that the provincial government has recently introduced new groundwater legislation which may affect our options in this regard. We further recommend an island-wide water stewardship/water conservation program similar to the one now underway on Hornby under the sponsorship of Heron Rocks Friendship Centre.

### Reason 3 - Short-term vacation rentals

We note that rapidly increasing commercial rentals of houses on a weekly basis to vacationers are a serious problem on at least two other Gulf Islands (Saltspring and Hornby). Transient vacationers replace permanent residents resulting in a decrease of community involvement and accountability. The impacts of this are felt through increasing rowdyism, decrease in volunteer services (ambulance and fire department) and decrease in school enrolment. Short-term vacation rentals are not permitted under our OCP/LUB, but several short-term rentals are advertised on signs and in newspapers on the island and on the internet at present. We anticipate that Accessory Dwellings would exacerbate this problem. Accordingly, we recommend that the LTC and community review the issue and establish clear regulations before relaxing the restrictions on Accessory Dwellings.

### Reason 4 - Bylaw compliance problems

At present Islands Trust's capacity and inclination to enforce bylaws are limited. In practice many existing bylaws are ignored by some residents. In January 1985 Bylaw #24 Residential Density Uses permitted “1 guest dwelling auxiliary to a principal dwelling where the parcel area exceeds .8 ha (2 acres), the gross floor area not exceeding 37 square metres.” The bylaw was repealed in March 1990. While guest houses were permitted on Denman, we understand that many of the restrictions on their size and use were often not observed. We think that until we have solved these compliance/enforcement issues it is unrealistic to permit Accessory Dwellings and to rely on complex conditions in the permitting bylaw to prevent problems.

**3/4.** If you recommend that accessory dwellings be allowed, what limitations, if any, do you recommend be imposed? What are your reasons?

We do not favour permitting accessory dwellings at this time on Denman. If they were to be permitted, we recommend limitations directed at minimizing population impacts and ensuring that accessory dwellings be used for purposes accessory to the principal use of the property, remaining complementary to the principal dwelling. In particular, we are concerned that use of Accessory Dwellings as rental dwellings for households independent of the landowner would have the result of doubling the density of the island population. There is a need for rental housing on the island. We would like to see this need met without leading to an excessive increase in population. We are especially concerned to prevent the proliferation of short-term vacation rentals. Given past experience with guest houses on Denman and the limitations of Islands Trust's ability to enact and effectively enforce restrictions on construction and use of accessory dwellings, we are not optimistic that the potential community and environmental costs of accessory dwellings can be avoided if they are permitted at all. Having stated that, we would recommend the following limitations on accessory dwellings:

*Maximum floor area: 400 sq. ft.* This is large enough to accommodate most uses truly accessory to the principal dwelling, but small enough to discourage vacation rentals and large increases in population.

*Maximum distance from principal dwelling: 20m* Close association of the Accessory Dwelling with the principal dwelling should minimise local environmental impact: land clearing, septic fields and water sources. It would also encourage the use of the Accessory Dwelling as a complement to the Principal Dwelling rather than as an independent unit.

*Zones: R1 and R2* Accessory Dwellings are a residential use. These are the only zones whose principal use is residential.

*Minimum lot size: 4ha.* Two members were in favour of 4 hectares or larger because they believe that larger lots are better able to absorb the impacts of a second dwelling. In addition, in combination with the above zoning restrictions, this would limit the increase in built-out population to 12-25% above the current level; smaller lot sizes and including other zones could augment the population impact to as much as a 65% increase at build-out. One Committee member believes 2 hectare lots are acceptable.

*Short-term vacation rentals:* We recommend the prohibition of short-term vacation rental of Accessory (or Principal) Dwellings, at least until the community review recommended above (Reason 3) has been carried out.

*Driveway:* An Accessory Dwelling will use the same driveway as access to the property as is used by the Principal Dwelling unless, for some reason, this is impossible or ill-advised, in which case the property owner can apply for a variance. This is to limit additional infrastructure

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associated with the Accessory Dwelling and to ensure that the Accessory Dwelling remains closely associated with the principal dwelling on the property.

*Driveway fork:* A driveway fork within the property is permitted within setback and environmental protection regulations to provide the landowner with some design flexibility.

*Water quantity and quality* In the absence of the comprehensive water policy and improved legislation we recommend under 2. above, we recommend that the following provisions to safeguard water be met before a Siting and Use Permit for an Accessory Dwelling is issued:

- proof of adequate supply of potable water (for accessory and principal dwellings),
- rainwater catchment and cistern for non-potable needs

*Septic field:* We recommend that proof of adequate sewage disposal for the Principal and Accessory Dwelling be required prior to issuing a Siting and Use Permit for an Accessory Dwelling.

## Summary of Committee Recommendations

The committee is evenly divided on the question of whether to permit the construction of Accessory Dwellings at this time. If the Trustees ultimately do decide to permit the construction of Accessory Dwellings, then conditions and restrictions should apply. While the Committee members are in agreement about the list of conditions and restrictions, they are not in agreement about the specifics of some of those conditions and restrictions.

The Committee agrees on the following necessary conditions:

1. Lot coverage with the addition of an Accessory Dwelling may not exceed current regulations.  
Reason: To maintain current standards for the lot as a whole in order to protect sensitive areas and the privacy of neighbouring properties.
2. The same set-back restrictions apply to Accessory Dwellings as apply to Principal Dwellings.  
Reason: To maintain current standards for the lot as a whole in order to protect sensitive areas and the privacy of neighbouring properties.
3. The same septic system requirements apply to Accessory Dwellings as apply to Principal Dwellings and any Accessory Dwelling must meet the same Provincial health standards as apply to Principal Dwellings.  
Reasons:  
To clear fewer trees; to protect the environment; to protect human health through less chance of septic field failure.
4. Parking for Accessory Dwelling residents will follow current residential requirements; i.e. one space per dwelling, more for Home Occupations  
Reason: Vehicles should be parked off the public road for public safety on our narrow roads and to facilitate road maintenance (grading and snow-ploughing).
5. Outbuildings associated with an Accessory Dwelling will be permitted as long as those outbuildings are not for habitation purposes. The regulated size of an Accessory Dwelling

## Accessory Dwelling Advisory Committee Recommendations

will not include the square footage of the associated out-buildings.

Reason: It is reasonable to have a woodshed, carport,...but not more living space.

6. Home occupations will be permitted in Accessory Dwellings within the Land Use Bylaws that apply to home occupations in Principal Dwellings.

Reason: As long as the total number of employees does not exceed that permitted for the Principal Dwelling it is reasonable.

The family member or tenant may indeed have a home occupation.

No additional community or residential pressure will be created whether the home business is in the Primary Dwelling or the Accessory Dwelling as long as the total number of employees per lot does not exceed current regulations.

7. Provision for an Accessory Dwelling will not be accepted as a justification for rezoning or subdivision.

The Committee is not in agreement about the specifics of the following conditions, though they are in agreement that restrictions should apply if the Trustees were to approve Accessory Dwellings:

1. Which Zones Accessory Dwellings should be permitted in:

- R1 – Residential, minimum lot size 1 ha
- R2 – Rural Residential, Residential, minimum lot size 4 ha
- Agricultural - Residential, minimum lot size 15 ha
- Forestry - Residential, minimum lot size 64 ha
- Resource - Residential, minimum lot size 15 ha

Those committee members in favour of permitting Accessory Dwellings believe that they should be permitted in all zones.

Those committee members against permitting Accessory Dwellings at this time believe that if they were to be permitted, they should only be permitted in zones R1 and R2.

2. The minimum lot size on which an Accessory Dwelling will be permitted

- 1 ha – two members
- 2 ha – two members
- 4 ha – two members

3. The maximum separation between a Principal Dwelling and an Accessory Dwelling

- no restriction – all the members in favour of permitting Accessory Dwellings
- 20 meters – all the members against permitting Accessory Dwellings at this time

4. The maximum size of an Accessory Dwelling

- 400 square feet – all the members against permitting Accessory Dwellings at this time and one of the members in favour of permitting Accessory Dwellings
- 1000 square feet – two of the members in favour of permitting Accessory Dwellings

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### 5. Water supply requirements:

- will fall under the same regulations as apply to Principal Dwellings
- cistern or water catchment basin will be required for nonpotable needs
  - three members in favour of Accessory Dwellings oppose this requirement
  - three members opposed to Accessory Dwellings at this time are in favour of this requirement

The Committee identified the following guiding principles and objectives that they felt were important to address in any decisions regarding Accessory Dwellings:

- Preserve and protect the Trust area and its unique ecosystems and rural nature for the benefit of the residents of the Trust area and of British Columbia generally
- Address human needs
- Act in the best interests of the non-human community
- promote and protect community diversity

Finally, there is disagreement among the committee members as to how many Accessory Dwellings are likely to be built if they were to be allowed. The committee strongly recommends that whether or not they decide to permit the construction of Accessory Dwellings, the Trustees closely monitor the results of their decision and its impact on population, demographics, community diversity, and water supply and quality, and that the Islands Trust form a new committee in three years to review the impact and consequences of their decision, and to make recommendations on how to proceed.

### Appendices

A Interim report to community

B Minutes of public meeting September 18, 2002

C Responses and feedback forms from September 18, 2002 (collected from general public as well as meeting attendees)

D Island survey – comments and summary of results July 13, 2002

E Planner's data on which Trust islands permit Accessory Dwellings Memo from C.J. March 27/02

F Benefit-cost analysis table – from the viewpoint of not favouring a yes at this time

## Appendix A: Interim Report to Community

The ADAC has been meeting for the past 5 months endeavouring to reach consensus on a recommendation to the Local Trust Committee on whether the Bylaws should be changed to permit the construction of Accessory Dwellings on Denman Island. An Accessory Dwelling is a second dwelling unit in addition to the principal dwelling allowed on a property under the density provisions of the Land Use Bylaw (LUB); Accessory Dwellings are not permitted under the current LUB.

There will be a Community Meeting (tentatively scheduled for September 17<sup>th</sup> in the Community Hall) to discuss the issues associated with Accessory Dwellings. **Please read this report carefully in preparation for that meeting.** The Committee recognises that the following can seem like a lot to review and absorb but wants to give you the information it believes is minimally necessary for you to consider and discuss the issues.

The Committee has come to recognise (what may be obvious but nevertheless important) that:

4. this is a difficult and complex issue
5. there are strong opinions on both sides of the issue
6. both sides have good intentions and desire to do what is best for the community
7. it is an issue over which reasonable people can disagree
8. the outcomes and impacts on the community of any decision are uncertain and open to debate

The Committee has not yet reached a consensus on whether or not to recommend a change in the Bylaw to allow Accessory Dwellings to be constructed on Denman Island.

However, the Committee has reached agreement that it will be necessary that conditions and restrictions apply if Accessory Dwellings are to be permitted. While the Committee members are in agreement about the list of conditions and restrictions, they are not in agreement about the specifics of some of those conditions and restrictions.

The Committee agrees on the following conditions:

4. Lot coverage with the addition of an Accessory Dwelling may not exceed current regulations
5. The same set-back restrictions apply to Accessory Dwellings as apply to Principal Dwellings
6. The water source for an Accessory Dwelling is the same as for the Principal Dwelling
7. The same septic system requirements apply to Accessory Dwellings as apply to Principal Dwellings and any Accessory Dwelling must meet current health standards.
8. An Accessory Dwelling will use the same driveway as access to the property as is used by the Principal Dwelling unless, for some reason, this is impossible or ill-advised, in which case the property owner can apply for a variance
9. Parking for Accessory Dwelling residents will follow current residential requirements; ie one space per dwelling, more for Home Occupations

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10. Outbuildings associated with an Accessory Dwelling will be permitted as long as those outbuildings are not for habitation purposes. The regulated size of an Accessory Dwelling will not include the square footage of the associated outbuildings.
11. Home occupations will be permitted in Accessory Dwellings within the Land Use By-Laws that apply to home occupations in Principal Dwellings
12. Water supply requirements will fall under the same regulations as apply to Principal Dwellings
13. Accessory Dwellings may not be used for short term rentals (as defined by the Local Trust Committee)
14. Provision for an Accessory Dwelling will not be accepted as a justification for rezoning or subdivision

The Committee is not in agreement about:

4. Which Zones Accessory Dwellings should be permitted in
5. R1 – Residential, minimum lot size 1 ha
6. R2 – Rural Residential, Residential, minimum lot size 4 ha
7. Agricultural - Residential, minimum lot size 15 ha
8. Forestry - Residential, minimum lot size 64 ha
9. Resource - Residential, minimum lot size 15 ha  
[For full details on zone definitions see the Land-Use Bylaw, section 3, zone regulations.]
4. The minimum lot size on which an Accessory Dwelling will be permitted
5. 1 ha
6. 2 ha
7. 4 ha
8. other?
4. The maximum separation between a Principal Dwelling and an Accessory Dwelling
5. 20 meters
6. 30 meters
7. 40 meters
8. 50 meters
9. no restriction?
10. Other?
9. The maximum size of an Accessory Dwelling
4. 400 square feet
5. 600 square feet
6. 700 square feet
7. 1000 square feet
8. Any size smaller than the Principal Dwelling
9. other?

After you have read this document and have had a chance to hear more and discuss the issues at the Community Meeting in September, the Committee would like input from the community on the following:

4. Should Accessory Dwellings be permitted?

## Appendix A: Interim Report to Community

5. Why or why not?
6. If they are permitted, should restrictions apply?
7. Which restrictions should apply?
8. Reasons?

And specifically, if Accessory Dwellings were to be permitted:

4. Which zones should be included?
5. What should be the minimum lot size?
6. What should be the maximum separation from the Primary Dwelling?
7. What should be the maximum size of an Accessory Dwelling?

In considering these questions, the Committee would like you to be aware of the following:

### 4. **Variances**

When a landowner knows it will be difficult to meet a certain restriction, they can apply to the Islands Trust for a variance permit. If the application is successful (i.e., if the permit is issued), it allows the landowners to vary that particular restriction (e.g., the size of an accessory dwelling or the maximum separation between it and the principal dwelling). Note, however, that variance permits cannot vary two important factors, namely, use and density. "Use" refers to the activities and operations conducted repeatedly on a property (e.g., residential, agriculture or home occupation). "Density" refers to the number of buildings or other structures intended for a given use (e.g., "residential density" refers to the number of buildings on a property that meet the definition of a dwelling unit).

### 5. **Impacts on Island population:**

According to the latest official Census, in March 2001 there were 1016 people living on Denman in 722 dwellings. The analysis done by Islands Trust in 1999 for the Official Community Plan (OCP) process concluded that we had 1275 residents and 580 dwellings. The Census population figures probably exclude most seasonal residents, who are included in the Islands Trust estimate. The Census data on dwellings probably include some unoccupied dwellings that were not counted by Islands Trust. The two data sets probably define the range of the best estimate. This idea is supported by the fact that the Denman Post Office address list in July 2002 included 630 household addresses, which should be a close estimate of the number of occupied dwellings on the island now.

It is fairly straightforward to use the map of existing lots and zoning regulations to estimate the maximum number of dwellings that are allowable under current zoning or any proposed changes. This is not to suggest that all dwellings that can be legally constructed under any set of regulations necessarily will be built. The number of dwellings that would actually be built in any time period is uncertain and affected by demographic, economic, and other factors. One can construct any number of plausible scenarios to estimate the proportion of potential dwellings that will actually be built.

The next two tables show the maximum potential number of Accessory Dwellings that

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would be allowable under different combinations of zones and minimum lot sizes where Accessory Dwellings might be permitted. The far right column of each table shows the resultant increase in total allowable dwellings on Denman as a percentage of the currently permitted maximum of 997.

It is important to note that these tables present figures and percentages that describe the most extreme scenario in regard to potential additional development on Denman Island if Accessory Dwellings were to be permitted with restrictions on zones and minimum lot size. The numbers represent the maximum potential number of additional dwellings if the By-laws were changed to allow Accessory Dwellings. They are based on the assumption that every legal lot would have a Principal Dwelling and that every Principal Dwelling allowed an Accessory Dwelling would actually build an Accessory Dwelling. The Committee understands that predicting the actual number of additional dwellings that would be built is guess work and depends on what assumptions one is using to make an uncertain prediction. The only thing that can be said for certain is that the actual number of additional dwellings will fall somewhere between zero and the numbers in the following tables. The committee does not believe that it is at all likely that these maximum potential numbers will actually be built. These tables, therefore, only offer a means of comparing the relative maximum potential growth under various scenarios of different restrictions involving which zones Accessory Dwellings could be built in and on what minimum lot size.

Table 1 shows the effects on the benchmark maximum allowable dwellings of permitting Accessory Dwellings only in Residential (R1) and Rural (R2) Zones.

TABLE 1. Maximum potential numbers of Accessory Dwellings if they were allowed all lots above the specified minimum size in Zones R1 and R2 only.

<b>Regulation</b> —minimum lot size for Accessory Dwellings (ADs)	Maximum Allowable Number of Accessory Dwellings	Percentage Increase over Current Maximum Total Dwellings on Denman
ADs on lots 4 ha (10 acres) and larger	260	26%
ADs on lots 2 ha (5 acres) and larger	423	42%
ADs on lots 1 ha (2.5 acres) and larger	531	53%

Table 2 shows the effects on maximum allowable dwellings of permitting Accessory Dwellings in Resource (RE), Agriculture (A) and Forestry (F) Zones in addition to R1 and R2 as in Table 1.

TABLE 2. Maximum potential numbers of Accessory Dwellings if they were allowed on all lots above the specified minimum size in Zones R1, R2, RE, A, and F.

<b>Regulation</b> —minimum lot size for Accessory Dwellings (ADs)	Maximum Allowable Number of Accessory Dwellings	Percentage Increase over Current Maximum Total Dwellings on Denman
ADs on lots 4 ha (10 acres) and larger	372	37%
ADs on lots 2 ha (5 acres) and larger	553	55%
ADs on lots 1 ha (2.5 acres) and larger	674	68%

To translate increases in maximum number of dwellings into estimates of maximum potential population increase requires assumptions about the numbers of people living in each dwelling. The 1999 Islands Trust analysis for the Denman OCP estimated an ultimate built-out population for Denman of 2075 people under present zoning, assuming an average of 2.2 people per dwelling (based on 1991 Census data on household sizes). The table below uses that figure to project population based on current regulations. Estimates of built-out population with Accessory Dwellings are shown based on two alternative assumptions about occupancy: either one or two people per dwelling, and high and low assumptions about minimum lot sizes and zones in which Accessory Dwellings might be permitted.

TABLE 3. Maximum projected built-out population for Denman Island without Accessory Dwellings and under different possible regulatory schemes and Accessory Dwelling occupancy rates.

<b>Regulation</b> —minimum lot sizes and zones for Accessory Dwellings (ADs)	Projected Built-out Population assuming:	
	Average one person per AD	Average two people per AD
Current: No ADs	2075	2075
ADs on lots 4 ha (10 acres) and larger; Zones R1 and R2 only.	2335	2595
ADs on lots 2 ha (5 acres) and larger; Zones R1, R2, RE, A and F.	2628	3181
ADs on lots 1 ha (2.5 acres) and larger; Zones R1, R2, RE, A and F.	2749	3423

## Summary of Committee Recommendations

The scenarios in Table 3 project an increase in the estimated built-out population of 12% to 65% with Accessory Dwellings relative to the current regulations, depending on the underlying assumptions. Other assumptions would produce other estimates, but this seems like a reasonable range. As in the case of the projected maximum allowable number of dwellings, the built-out population is a theoretical upper limit that probably will never be reached. However, the proportion of the theoretical figure that we actually do attain at any given time is likely to be the same under any of the regulatory scenarios, and so the maximum figure provides us with an index of the relative population increase under alternative sets of rules.

Here is an example of a potential scenario based on one set of assumptions about the proportion of the potential Accessory Dwellings that will actually be built:

“Using the statistics supplied by Trust planner Chris Jackson, and totalling all lots **2 ha** or more in size, in all zones except Commercial, Institutional, Conservation and Parks, there are a total of **394** for potential Accessory Dwellings.

In this scenario, the following assumptions are used:

10. Only one Accessory Dwelling will be allowed on each existing lot
11. 25% of the lots will not have Accessory Dwellings for reasons of privacy/conservancy.
12. Another 15% will not have Accessory Dwellings for lack of funds and/or will not be able to meet the necessary regulations.
13. A further 10% already have Accessory Dwellings built on them.

That leaves **197** lots that may have Accessory Dwellings built upon them in the years to come.

Using the latest census formula of 2.14 persons per household, and multiplying by **197**, we would have a potential population increase of **422**, to add to our built out current figure of **2075**. This scenario would result in a theoretical population down the road of **2497** souls on our island.”

If we modify the above scenario to allow one Accessory Dwelling for every allowable Principal Dwelling rather than one per existing lot, then the maximum allowable number of Accessory Dwellings for lots 2 hectares and larger would be 553 (see Table 2). If this potential number is reduced by the proportions in the above list of assumptions, the predicted number of Accessory Dwellings actually built becomes 276 and the increase in built-out population rises to 591. This increase is within the range projected in Table 3 for the 2 hectare minimum lot size.

Different assumptions about what is likely to happen as a result of allowing the building of Accessory Dwellings would produce different conclusions about the outcome and impacts. Everyone on the Committee agrees that it is impossible to know with certainty what the outcomes and impacts will be. As we noted above, the actual number will be somewhere between zero and the numbers in the tables above with either extreme being less likely.

## 6. Affordable Housing

The committee recognises that the subject of Affordable Housing is of great concern to the community and has discussed the relationship between Accessory Dwellings and Affordable Housing at some length. There is a range of opinion about the potential impacts of Accessory Dwellings on the availability of Affordable Housing. Some Committee members believe that permitting Accessory Dwellings will have some effect on the availability of Affordable Housing on Denman Island but might be insufficient to satisfy present Affordable Housing needs. Others believe that any decision to permit the construction of Accessory Dwellings will have little effect on the availability of Affordable Housing on Denman Island, maybe providing more rental housing but at rental rates that likely would reflect full market value. Consequently, the committee strongly recommends that the Islands Trust immediately form a new committee to study and make recommendations on the subject of Affordable Housing on Denman Island.

Possible options for that committee to consider include:

11. co-housing
  12. co-op land tenure
  13. Sites in houses; rooms over garages; temporary dwellings (“granny flats”)
  14. Community constructed dwellings
  15. non-governmental projects, eg. Habitat , Beaver
  16. other creative ideas generated from the community and elsewhere
7. Some Committee members share a concern that any permitted Accessory Dwelling might be used for short term rentals even though residences, including any permitted Accessory Dwellings, may not be used for short term rentals (daily or weekly rentals) as implied in the Land Use By-law in our Official Community Plan.

### 8. **Statutory limitations of the Bylaws**

Islands Trust has legal power to make Bylaws creating zones , specifying lot size and density of dwellings, and regulating some aspects of land use. It is important that the Committee craft its recommendations to the Trustees so that the Trust is able to implement them under their Bylaw-making powers.

Our Committee has reviewed many ideas about how Accessory Dwellings can be permitted on Denman and at the same time can be regulated so as to maximise benefits to landowners and the community as a whole, while avoiding or minimising potential negative impacts. In consultation with our Trustees and Islands Trusts staff, we have discovered that many suggestions that have appeared promising to us are either beyond the power and jurisdiction of the Trust or are not practical because implementation would require more resources than are available.

### **Rules Applying to Bylaws**

A Bylaw regarding Accessory Dwellings should provide a Trust Planner with the basis for making an objective decision to grant or disallow a Siting and Use Permit Application.

- **Bylaws must apply equally to all cases.** There can be no case-specific discretionary decision-making by the Local Trust Committee (LTC), Trust Staff or their delegates. This eliminates the possibility of allowing Accessory Dwellings on the merits of individual cases

## Summary of Committee Recommendations

and denying proposed ADs in other cases where zone, lot size and other features of the proposal are similar.

- **A Bylaw cannot specify a limit on the total number of Accessory Dwellings that may be built.** Any limitations must be expressed in terms of objective criteria like zone and lot size. Any proposals for Accessory Dwellings that meet the criteria in a valid Bylaw cannot be refused, regardless of how many have already been granted.

- **A Bylaw cannot limit the options of future LTC's to make decisions and pass Bylaws that are otherwise within their mandate.** This means, among other things, that a Bylaw cannot contain a provision requiring a review and evaluation after a certain time period. Such a review can be recommended, but it is up to future officials to determine their own schedules and priorities.

- **A Bylaw cannot specify who can live in a dwelling or the terms and conditions of its rental.** We cannot specify, for example, that Accessory Dwellings can only be rented at affordable rates. Housing Agreements can deal with affordability, but see the discussion below.

### **Variances**

It has been suggested that landowners who wish to construct an Accessory Dwelling might apply for a Variance Permit to allow them to build even though present zoning does not allow it. As explained above, Variance Permits cannot be used to vary dwelling density, which is what construction of an Accessory Dwelling would do.

### **Housing Agreements**

These are contractual agreements between a landowner and a local government like the LTC. They can specify, among other things, terms and conditions of a rental agreement between the landowner and a tenant. Such agreements must be individually approved as Bylaws by the LTC with Planning Staff support. To be effective, Housing Agreements need to be monitored and enforced. Because of the Trustee and Staff time involved in implementing and monitoring, such agreements are most feasible for multiple unit rental developments and not for a substantial number of single rental units.

### **Temporary Use Permits**

These permits allow for a limited period activities that otherwise would not be allowed under the Land Use Bylaw. Many islanders have suggested that Accessory Dwellings be allowed temporarily for specific purposes, like housing a caregiver or an aged family member. However, Temporary Use Permits are applicable only to commercial and industrial uses, and thus cannot be issued for Accessory Dwellings in residential zones.

### **Water Issues**

The Committee and many islanders are very concerned about the island supply of drinking water and about safe disposal of sewage and grey water. We have discussed the possibility of attaching conditions to Accessory Dwellings so as to deal with these concerns. All of these issues are beyond the regulatory jurisdiction of Islands Trust; authority for dealing with them lies with provincial government agencies. The OCP now

contains Advocacy Policies encouraging the province to deal appropriately with these issues, but the Trust has no power to make regulations in these areas. We as a Community will have to rely on creative action in dealing with these issues.

### **What can the Trust do about Accessory Dwellings?**

The Trust does have the power to create zones, and to regulate lot size, number of dwellings per lot and certain aspects of land use. It is clearly within the power of the Trust to allow or not allow Accessory Dwellings in specified zones and on lots of specified sizes. Bylaws can also regulate physical details of the dwelling (such as floor area) and the location of the dwelling relative to lot boundaries, other buildings, sensitive areas and other features.

#### **9. Enforcement limitations of the Islands Trust**

All members of the Accessory Dwelling Advisory Committee agree that there should be some restrictions on Accessory Dwellings if we decide to allow them under our Bylaws. We are recommending limitations on maximum floor area, lot sizes, zones where Accessory Dwellings would be permitted, and other details. However:

- **We cannot rely on Islands Trust to enforce detailed conditions that people may not want to comply with.** While most landowners obey the local Land Use Bylaw, some people don't. When people wish to build one or more structures on their property, they are required to obtain a Siting and Use Permit before beginning construction. After that, if the structure is approved by the Islands Trust, the project can go ahead. No further inspection is done other than for electrical and septic work, which is by separate provincial agencies. After that, unless someone makes a complaint to the Islands Trust Bylaw Investigations Officer alleging a violation, there is no further monitoring by Islands Trust. There is no policy of pro-active enforcement of regulations. If a complaint is made, however, the Bylaw Investigations Officer will visit the site. His first step is to determine if in fact a violation has occurred. If one has, he then asks that the activity stop while he looks for a way to achieve compliance by, for instance, the landowner ceasing using a structure in a certain way, or moving a structure, or obtaining a variance permit allowing the violation. If this step fails, court proceedings may be initiated. In that case, the court will make the final decision on whether or not a violation has occurred. It should be noted that Bylaw complaints rarely result in court action, and Islands Trust makes every effort not to resort to this step.
- The committee recognizes that the **former regulation** allowing a 'guest dwelling' on certain properties (it was discontinued in 1990) was abused in the past by some landowners who built larger structures than permitted or used their guest dwelling as rental housing. The committee also recognizes that some landowners have built accessory dwellings **without seeking permission**. This is an example of the way violations of bylaws occur and are allowed to persist as long as no one complains. The onus is on islanders to initiate action, and people are somewhat reluctant to take this step. This isn't necessarily a bad thing, but we need to remember that complex and/or poorly supported bylaws (e.g. detailed conditions on Accessory Dwellings) will not necessarily be complied with. As another

## Summary of Committee Recommendations

example of violations, the committee also recognizes that a few of these guest dwellings as well as some principal dwellings, are presently being used as '**short-term rentals**' which is not a permitted use on any property on Denman.

The Committee very much appreciates your attention in reading and considering this report and any thoughtful comments you can offer. The Committee will carefully consider the comments from the community before drafting its final recommendation to the Trust Committee.

## **Appendix B: Minutes of Public Meeting**

September 18, 2002 7:30 - 9:30 p.m.

Present: committee members Betty-Ann Grodecki, Mike Morrell, Jos Kollee, Riane DaSilva and Wendy Reimer, Chair

Facilitator: Tim Hicks

Trustees: Tom Babb and Louise Bell

Trust planners: Chris Jackson, planner for Denman and David Marlor, Regional Planning Manager

Recorder: Don Reimer, volunteer

17 members of the public

Chairperson Wendy Reimer introduced the committee members, facilitator, Trustees and staff.

Facilitator Tim Hicks went over the ground rules and the agenda for the evening. Jos Kollee will time oral presentations (4minutes). The public were invited to leave written presentations and/or fill out the response forms. If they preferred to take them home to fill out, the committee wanted them back by 5:00 p.m. Friday at the latest, to the box at Abraxus. The facilitator commended the committee for their hard work over the past few months. They have come to recognize the 'dilemma' aspect of the issue – both options present problems, there is no right or wrong solution.

Opening Statement: (Wendy Reimer)

1. The six members of the Accessory Dwelling Committee have been meeting once a week since the beginning of March. The committee's task has been to decide whether or not to recommend allowing accessory dwellings on Denman Island and to give reasons for that recommendation.
2. If the committee does recommend allowing accessory dwellings, the second task is to determine what limitations, if any, should be placed on them and the reasons for those limitations. A final document stating the committee's position will be presented to the Local Trust committee for their consideration in deciding whether or not to change the present bylaws.
3. Extensive presentations, both written and verbal, as well as lengthy discussion around individual committee members' opinions led the committee as far as an interim report, which was printed in full in September's Flagstone. To date the committee has not reached consensus on the question, although they agree on many principles.

Reasons for this meeting:

1. To accept presentations from the public which will be considered before writing a final report to the LTC. In the end the LTC makes the decision whether to allow Accessory Dwellings.

## Summary of Committee Recommendations

2. The committee and planners were there to clarify any questions arising from the 5 page Interim Report published in the Flagstone.

The chairperson reiterated points from Interim report which the committee saw as most important and pointed out zoning maps and a lot plan drawn by David Diver. The scale plan showed the various configurations possible for principal and accessory dwellings on 10 acre lots. It was pointed out that David had attended all of the committee's meeting as an observer and had contributed several helpful submissions. Extra copies of the Interim Report and results of the survey conducted in July were available for those who didn't bring their Flagstone. The audience was reminded that copies of all submissions, information used by the committee and minutes are located in a binder in the library.

The facilitator invited questions for clarification on the Interim Report.

Q. (Ted Trueman) Would the same regulations for potable water in the OCP apply to ADs as for Principal Dwellings?

A. (Tom Babb) Potable water question is under discussion by all LTCs and may result in bylaw changes in the future.

Q. (Cynthia Minden) How much were the guiding principles of the new OCP used in the committee's deliberations?

A. (Wendy Reimer) The committee looked at the general Islands Trust guidelines, e.g. preserve and protect, population diversity, etc.

A. (Mike Morrell) Specific things were considered from the OCP. Were there specific principles you suggest we should consider?

(CM) The general guidelines in the OCP were laid down by the community, e.g. 'putting the environment first', therefore any actions should flow from the OCP principles.

Q. A question was asked re definition of 'guest dwellings' in earlier bylaw which ended in 1990.

(Pat Veness) Commented on the concerns about abuse of this pre 1990 bylaw (guest cottages grew like mushrooms). He also pointed out that some landowners bought on the understanding that they could build guest cottages and then the bylaw was rescinded.

Q. (Jane Fawkes) Where is AD defined?

A. Not defined yet, committee is working on this.

Q. (Jane F) Can we require the landowner to be resident in the principal dwelling?

A. (David Marlor) Not possible to make this requirement, e.g. Charter rights issue, etc.

Q. Considerable back and forth discussion and confusion on the requirements for provision of potable water. It appears that under our OCP the same conditions that apply to second principal dwellings can also be attached to ADs (potable, adequate source). It was noted that 'proof' may require an engineer's certificate and is prohibitively expensive for individual cases. It is more realistic for subdivisions.

## Appendix B: Minutes of Public Meeting

(Louise Bell) commented that more than one principal dwelling is permitted on some larger lots but people rarely go that route.

(Tom B) There are no requirements for water quantity or quality on the first principal dwelling in our bylaws, but for the second Pr. Dw. you do have to provide proof of potability and quantity.

Q. (Tim Hicks) Therefore the committee could make this requirement for Ads?  
(No response recorded)

Q. (Cynthia M) Can second Pr. Dw. be rented?

A. Yes

Q. Do we know how many second Pr. Dw. have been built?

A. (Tom B) No, but it could be obtained from BC Assessment.

(Cynthia M) It would be very useful to know how many second or more Pr. Dw. have been built for rental or otherwise.

A. (Riane dS) The committee is looking at Ads not rental housing.

(Unknown) Pr. Dw. are much more expensive than ADs therefore we can't draw conclusions that landowners who haven't built a second Pr. Dw. would not build an AD.

Q. (Pat Veness) Which zoning would allow second Pr. Dws?

A. (Dave M and Louise B.) Any zone permits if lot is large enough. Have to check bylaws carefully.

Presentations were invited by the Facilitator.

(Graham Brazier) "Brings an OCP approach" to this issue. Likes that Affordable Housing was separated by the committee. Quoted OCP regarding natural environment and social fabric being more important than individual and family needs. The committee's Interim Report acknowledges these elements. Therefore ADs do not satisfy any of the 3 main elements and we could say no to allowing them, whereas Affordable Housing does address the social fabric.

(Linda Kadlec-Diver) Social fabric comes from the people, therefore ADs do fit and help the social fabric. They would allow people other than landowners to be here and would allow movement of people up into larger accommodations. Guiding principles in the OCP are not regulations and she commends the committee for keeping the guiding principles in mind otherwise their job would have been easier.

(Laura Busheikin) Commends committee, complex issue. Appreciates that we can't use ADs to solve problem of Affordable Housing, but the committee recognizes the relationship between them. ADs have been key for many renters on Denman but she recognizes the problem of wide-open regulations. She would like to regulate use, eg. mandatory rainwater collection, and

## Summary of Committee Recommendations

not only if but how we allow them. Housing Agreements sound good. Can we revisit this? She is willing to brainstorm with others on this.

(Cynthia M) 'This whole thing makes me sad. We have a huge responsibility to support each other.' She supports social diversity, but doesn't see that as counter to the environment. Environment can't speak therefore we have the responsibility to speak for it. More than just ground water. We can be creative and have the smallest possible footprint. We are not Surrey or Comox. We haven't heard enough on this.

(Wendy Reimer) You haven't sat through the hundreds of hours of committee discussions. (Concern for the environment) is behind our thinking and is why we cannot agree.

(Pat V) Ferries limit us. We must keep this in mind. Lots of second Pr. Dw. are permitted already so lots of expansion is possible. Septic systems are expensive. He recommends the same regulations as pre 1990. 400 square foot max, because many people need the support of others and are getting old and crotchety.

(Gerald Talbot) Seconds Pat's comments [above]. He wants to build a small cottage for a caregiver. Feels size of lot not relevant, e.g. as little as 1 hectare.

(Ted T) Recognizes committee work. Does not support ADs under present situation. 'What is the purpose or reason of this committee? E.g. what is the mission statement? What are ADs for? Should be front and centre in the Interim Report. Need statement of number of dwellings already on the island. How many, are they legal? or legal non-conforming?

(Tim H) The committee does not have these numbers. Committee has discussed reasons why ADs might be wanted. Several examples were cited.

(Betty-Ann Grodecki) Noted that in the recent community survey 200 people replied and 85.6% of respondents supported ADs.

(Ted T) This (reasons for ADs) is not clear or transparent. Lots of non-owner occupied dwellings in our neighbourhood. He cited a recent article in a professional magazine stating that in rural Sask. 90% of the wells do not meet health standards and 1/3 of them are dangerous. We need to prove potable water or have water tested.

(Dennis Forsyth) Not necessarily opposed to bylaw that allows some ADs under some circumstances, but... After reading 'limitations of bylaws' in the Interim Report he has concerns. There are many issues of possible concern, e.g. ferries, water, beach access, roads, spirit of OCP. These guiding principles (OCP) are essential to consider. They represent opinions of most Denman Islanders over a long period of time and discussion. E.g. density. Therefore we want to go at this very, very carefully. It is much easier to pass a bylaw to allow something than to reverse it later.

(Patti Willis) Process question. If consensus is not reached by the committee then what?

## Appendix B: Minutes of Public Meeting

(Tim H) Committee will prepare a report to the LTC with all the information and opinions and they will decide.

(Riane daS) Pointed out that not all committee discussions appeared in the Interim Report. As for the OCP guiding principles, they may be at the heart of our inability to agree. Some think we should address the social fabric issue.

(Marilyn Jensen) Recognized the committee's work. Err on the side of caution. If yes, then small, perhaps for family, close by (to main house), but not for rental income and attracting more people to the island. More people mean more traffic, more rules, etc. People see Denman as a quiet, rural place to live, versus Hornby.

(Hans Jungman) Water is a separate issue, affecting the whole community, and important in its own right. Deserves our cooperative efforts. Water is not the issue of whether or not we want ADs for our needs, e.g. someone who wants to build a cabin for his old age. It is a reality that many people have lived in these legal, or not legal dwellings over the years. Let's recognize these realities in this community.

(L K-D) Population has gone down recently. The school is dying. Not all ADs that could be built will be built. We need diversity. We don't want to become an old age home. OCP guiding principles say 'should' therefore consider them in relation to all other factors. Balance is needed between the environment, population and a school that thrives.

(Wendy Pope) Asked for clarification re definition of 'short term rentals.'

(Chris Jackson) Rental less than 30 days is commercial. Short term rentals are not currently permitted.

(Dave M) Commented that restricting use of ADs , e.g. for caregivers, etc., can only be done by Housing Agreements which are registered with the title. This could be very cumbersome to track by Staff and hard to enforce.

(Dave M) Responded to question about treating water collected by downspouts to make it potable. He noted that this could be possible, but may not get approval by engineers or health department.

(Laura B) Recognized that the difficulty of implementing Housing Agreementss may be good because they would likely only be a few and they could be monitored. This would help the diversity issue and could prevent landowners from building for rental or income. Re water: All water should come from recycling to avoid depleting aquifers as density increases.

(Wendy P) Asked about ADs on other islands.

(Chris J) Gabriola permits 700 sq. ft. ADs on 5+ ha lots, but they are not tracked because this is in the Nanaimo Regional District, not Islands Trust.

## Summary of Committee Recommendations

Q. (Cynthia M) Under the present bylaws could a person add a room or small building to a house without a kitchen, eg. for a caretaker or caregiver?

A. (Chris J) Yes, bedroom/bathroom within 10 feet of main dwelling, attached by breezeway.

Adjournment 9:35 p.m.

Don Reimer, recorder.

## Appendix C: Feedback Forms

(collected from general public as well as meeting attendees)

Please return completed form to the box at Abraxas Bookstore by Friday, 20 Sep: 5 PM.

Your name (optional) \_\_\_\_\_

1. Please provide us with some information about yourself (*Check all that apply*):

I have attended the Advisory Committee's Public Meeting on this issue.

I have read the Committee's Interim Report (*Flagstone, Sep '02*).

I am a Denman Island resident.

I am a Denman Island renter.

I am a Denman Island landowner.

2. Should Accessory Dwellings be permitted on Denman?

Yes

No

3. Why or why not?

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4. If Accessory Dwellings are permitted, should any restrictions apply?

Yes

No

5. What restrictions, if any, should apply?

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6. What are the reasons for your answers to questions 4 and 5?

The Advisory Committee is considering recommending restrictions on Accessory Dwellings in the following categories. If there are to be restrictions, which would you prefer?

Summary of Committee Recommendations

7. In which zones should Accessory Dwellings be permitted? (*Check as many as you think appropriate.*)

- R1 .....Residential, minimum lot size 1 hectare (2.5 acres)
- R2 .....Rural Residential, minimum lot size 4 hectares (10 acres)
- Agricultural .....minimum lot size 15 hectares (37.5 acres)
- Resource .....minimum lot size 15 hectares (37.5 acres)
- Forestry .....minimum lot size 64 hectares (160 acres)

8. What should be the minimum lot size on which Accessory Dwellings are permitted? (*Check one.*)

- 1 hectare (2.5 acres)
- 2 hectares (5 acres)
- 4 hectares (10 acres)
- Other (please fill in the blank) \_\_\_\_\_

9. What should be the maximum distance between an Accessory Dwelling and the associated Principal Dwelling? (*Check one.*)

- 20 metres (66 feet)
- 30 metres (99 feet)
- 40 metres (132 feet)
- 50 metres (165 feet)
- Other (*Please fill in the blank.*) \_\_\_\_\_
- No restrictions

10. What should be the maximum floor area of an Accessory Dwelling? (*Check one.*)

- 400 square feet
- 600 square feet
- 700 square feet
- 1000 square feet
- Other (*Please fill in the blank.*) \_\_\_\_\_
- No restrictions

Please add any additional comments in the space below. Add more pages if required.

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Thank you for helping us in our work.                      The Committee.

## Comments from Public Meeting Feedback Form

(September 18, 2002)

Yes

1. Is there not something more important that the trust could spend their time and money on. A healthy community. Hey look, the island highway is now finished. Could the trust have brought forward the funding that was presented to community for a bicycle path. Our focus should be healthy community, not many ideas of separation and isolation. If community consensus supercedes the law. We have a long ways to go to bring our community back together again. Just look at Gabriola for the aftermath of Jenks logging it. Is this proposed natural gas pipeline going to land in the island trust jurisdiction. As far as our governments concerned this is a done deal. This does not present self sufficiency. If the mandate of the trust is now going or trying to restrict the types of people living here. We are in a lot of trouble. There's got to be bigger issues to deal with. (Sheila Danko.) (Did not attend public meeting, resident landowner, read Interim Report)
2. As long as we don't give the realtors the go ahead to have 'two houses' as one property. I am not 'afraid' that the population will grow too fast too soon. I feel there is a self regulating sieve of who wants to live on Denman. ( resident landowner, read Interim Report, did not attend public meeting)
3. I checked the definition of 'accessory' in the LUB – ANCILLARY OR SECONDARY. It doesn't go far enough. Smaller? Newer? Less rooms? As it presently stands you could build anything you like and call your original house the 'accessory dwelling'. I'm afraid allowing 'accessory dwellings' will not help to provide more low rental accommodation and will encourage off island people to build 'for profit' high rental houses. (Jane Guest, attended public meeting, read Interim Report, resident landowner) [in her earlier comments she says the advantages outweigh the disadvantages and is a 'yes']
4. Water and sewage considerations are more important than whether accessory dwellings should be allowed. Density is the issue not whether the dwelling is principal or accessory. (Sue Trueman, resident landowner, attended public meeting, read Interim Report)
5. Water is regulated by the provincial government who hold the authority and responsibility. People are part of the environment. (resident, attended public meeting, read Interim Report)
6. Floor area should be determined by lot size and existing buildings coverage of lot. People that are fortunate enough to own much more land than they need too. [?] Build whatever they want and nobody complains or mostly can't see because of the size of property. Islands trust takes themselves very serious but rich people, know forgiveness is cheaper than permission. (Fred Hinz, read Interim Report, resident landowner)

## Comments from Public Meeting Feedback Form

7. The character of Denman is becoming wealthier and older. If younger people wanted to stay here it would balance that a little, so that the island is more than a retirement haven. (Doug Rennpferd, renter)
8. Most people want them. The powers that be, on this island are trying to subvert the will and desires of the people. (resident landowner, read Interim Report, did not attend public meeting)
9. For Denman Island to grow with diversity, it is essential that accessory dwellings be permitted on existing parcels. (B. Phillips, resident landowner, has not read report or attended public meeting)
10. I really believe we must be cautious when exercising our rein over others. I do not believe this will fix the rental problems. I believe we must make space for common growth so our island can economically sustain itself; if extra housing that is monitored is allowed we open ourselves up to many more possibilities. (Resident landowner, read the Interim Report, did not attend public meeting)
11. Young people need places to live. Retired people need people to look after them and their property. (resident landowner and renter [?] has not read Interim Report or attended meeting)
12. These young families contribute so much to this community. It would be a shame and a loss if they have to go. (David Lang, resident, has not read Interim Report or attended public meeting)
13. Don't get too fussy. Build ideas and community. Trust other kinds of people. Help people to build and provide. (no data)
14. I have a view of peace and tranquillity on your own land. Big speculators ie. real estate, pushing people out by using property taxing through resale of land they are not living on except for money's to be gained. Thanks. (John A. Monks, resident landowner, has read Interim Report)
15. Maximum distance between AD and Principal Dwelling: Distance will be governed by Hydro and Water access. (Linda Kadlec, resident landowner, attended public meeting and read Interim Report)
16. 400 square feet is adequate for 2 people for kitchen, sleeping and sitting room but another 100 sq. ft min should be for bathroom/utilities. Economic and accessibility considerations will impose natural limitations on the population levels. (Gerry [Talbot?], resident, attended public meeting and read Interim Report)
17. 700 square feet is tight but is manageable, however 1000 sq ft has been touted [?] by those requiring rental accommodation for their children or being preferable (see my submissions) and

## Appendix C: Feedback Forms

I am inclined to agree with them. (David Diver, resident landowner, read Interim Report, unable to attend meeting because of business) [attended every other one]

18. Housing Agreements could be monitored by a community body – either one that already exists or one set up for this purpose. (Renter, attended public meeting and has read Interim Report)

19. As a landowner with a 10 acre plot I would stand to benefit from accessory dwelling permits as the value of my land would increase (as would the taxes), however, I don't feel it would be good for the community or the island – we have serious water problems and septic threaten to be a long term challenge. We must keep density low on this island or risk increasing traffic, noise and the resulting increase in laws and rules governing behaviour. (Marilyn Jensen, resident landowner, attend public meeting, read Interim Report)

### NO

1. Without clear guidelines accessory dwellings will become a form of subdivision, (without having to go through a review process.) If we really come to a consensus that we simply want more dwellings on the island we should reduce minimum lot sizes in some zones and allow for more subdividing. (Lloyd Neufeld, resident landowner, did not attend public meeting, but read Interim Report.)

2. The committee has an obligation to listen to and act on the feedback asking for caution. My above answers (on the feedback form) are not to be considered support for going ahead and recommending AD's . I would like to see an exploration of affordable housing options and then a reassessment while there is definitely some support for ADs there's nowhere near consensus to move ahead. Thank you to all the ADAC members. You have worked really hard for the community. (Wendy Pope, resident landowner, attended public meeting, read Interim Report)

3. Water & sewage considerations should override lot size & other restrictions.

If it is kept small, the AD could fit on any lot size. It makes more sense to allow an AD on a small lot with considerable water than on a 10 acre lot with little water. Many large acreages on Denman (e.g. McFarlane, Keith Wager) have very poor groundwater supply. Our well produces 0.25 g/m, our neighbours 1<sup>st</sup> well was dry; allowing accessory dwellings on these properties would be totally irresponsible! I've read the ADAC interim report. Have the committee members read the OCP? It is our guiding document. Please bear in mind that the object of the Islands Trust is to 'preserve & protect'. (Ted Trueman, resident landowner, attended the public meeting and read the Interim Report)

Tally and brief comments – Public Meeting of Sept 18/02

34 YES FEEDBACK FORM. Sept 18/02 W  
 ADS? 6 NO  
 # Yes /// No //

Reasons: diversity  
 young families who will become 'pillars' of the com.  
 diversity  
 advantages outweigh disadvantages  
 an answer to a dilemma.  
 humanitarian needs - less bureaucracy  
 a way to meet the needs of people.  
 diversity - elderly  
 room for the growing population  
 mental opportunities  
 only if density is considered.  
 much needed housing for renters  
 landowners' right - economy -  
 mental - fam. - friends.  
 help with mortgage - fam. - guests, - mental.  
 extra income for owners, mental.  
 young people can't afford to own  
 to provide for people's needs.  
 needs of people, like money, mental  
 young fam.  
 providing for their needs.  
 young people - caregivers - granny suites, visitors  
 fam. needs  
 landowner in charge  
 low-mental, help with mortgages.  
 care giver - family  
 mental  
 need - diversity - to keep rents down -  
 caregivers etc. - mortgage help - mental -  
 mental - keeps good people on the island.  
 'wants to wait till later'  
 because we can't control the restrictions  
 doesn't know what AC is  
 no control - OCP wants to maintain current situation

- need more facts

No

Res #	Zones	In any zone having at least													
		2 ha													
Res #	R1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	27
	R2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	27
	A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	23
	R	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	21
	F.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	19

List #	Min. Lot Size													
		I don't know												
List #	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	19
	2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	11
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	3
List	Other.	NONE / any distance / I don't know / 1 acre / 1 acre										4		
	No restrictions	✓✓✓												

List #	Separation													
		I don't know												
List #	20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	5
	40	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	2
List #	50.	or more from neighbours.										2		
	Other	Min. of 100 M from neighbours <sup>situational assessment</sup> primary residential												
List #	⊖ No restrictions	smaller than main dwelling up to owner & renter / not sure										14		
	Other	✓✓✓✓✓												

List #	Area													
		I don't know												
List #	400	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	5
	600	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	5
	700	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	4
List #	1000	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12
	Other	in relationship to existing structures on parcel of land / depends on prop. size										2		
List #	⊖ No restrictions	✓✓											2	
	Other	✓✓												

Type comments:

## Appendix D: Island Survey

July 13/02

Question I. In general, do you favour allowing one accessory dwelling on Denman Island lots of a certain size and zoning to provide accommodation for caregivers, family members, renters or guests?

YES      NO (circle one)

Question II If you circled 'yes' in question one, on what minimum lot size would you allow accessory dwellings? (circle one)

2 hectares (4.94 acres)    4 hectares (9.88 acres)    other

Question III If you circled 'yes' to question one, please circle A or B.

A. In general, I recommend limiting the size, location, and uses of any allowable accessory dwellings, while requiring provincial health and safety standards to be met.

B. In general, I recommend allowing individual landowners to determine size, location, and use of allowable accessory dwellings, as long as provincial health and safety standards are met.

Comments: Please use extra sheet if necessary.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Names are only for the purpose of validating individual questionnaires that will be destroyed after results are tallied. Individual responses will be treated with confidentiality.

Please return this questionnaire to the box at Abraxas by July 12, 2002. Thank you.

Please Turn Over

ACCESSORY DWELLINGS: YES OR NO

An accessory dwelling is a small house or cottage built separately from the currently allowed single principal dwelling per lot on Denman Island. Some potential uses for accessory dwellings would be as accommodations for caregivers, family members, guests or renters.

After lengthy consideration and discussion of the issues including oral and written submissions from islanders the six committee members on the Accessory Dwellings Committee with the help of a facilitator and with legal advice from Islands Trust representatives will soon prepare a written submission concerning accessory dwellings for Island Trustees to consider.

One of the more contentious issues has been the question of “affordable” rental housing on Denman Island. While the committee acknowledges that accessory dwellings will likely have the effect of providing more rental housing, the “affordability” of such dwellings is considered by the committee to be an issue separate from and beyond their mandate.

The following questionnaire is simple and general. It is just one more piece of information for the committee to consider in the formation of its recommendations. The terms ‘certain size’ and ‘zoning’ in question one are necessarily vague because the committee has not finalized its decisions on these points. Comments are welcome.

Please Turn Over

## Comments from Public Meeting Feedback Form

A survey was sent to every household on Denman in a general mail out. The results were published in the August 2002 Flagstone.

### Results of survey known

The community's initial reaction to the survey about allowing Accessory Dwellings on Denman provides more information for the committee. Nearly 200 people took part in this information gathering, which, as stated on the survey, was just that, not a referendum. For the curious, here is how the data tallied. To see a complete copy of the comments visit the Denman Library.

To the question "In general, do you favour allowing one accessory dwelling on Denman Island lots of a certain size and zoning to provide accommodation for caregivers, family members, renters or guests? **85.6% were in favour. Those who responded "yes" were invited to answer the next two questions.**

To the question "On what minimum lot size would you allow accessory dwellings?"

2 ha (5 acres) and more _____	72	people
4 ha (10 acres) and more _____	27	"
other (without comment) _____	30	"
other (wanting smaller than 2 ha.) _____	36	"
other (wanting larger than 4 ha.) _____	1	"

To the question on restrictions **63 people** favoured limiting the size, location, and uses of any allowable accessory dwellings, while requiring provincial health and safety standards to be met, and **99 people** recommended allowing individual landowners to determine size, location and use of allowable accessory dwellings, as long as provincial health and safety standards are met. Four persons did not mark this question. **61% of those who answered "yes" to Accessory Dwellings favour fewer restrictions on the landowner. This is 50% of those who returned the survey.**

Committee members:	Wendy Reimer (chair)	Mike Morrell
Betty-Ann Grodecki (secretary)	Tobey Callahan	
Jos Kollée	Riane DaSilva	

## Accessory Dwelling Questionnaire Results

### NO'S

1. NO/ comment: Allow for temporary kitchen in caregiver accommodation. Re. Q.3, this is a suburbanite's dream. Why should anyone have the right to buy a single dwelling lot and convert it to a second (and third, fourth--after all, why limit it to a one shot doubling of allowable dwellings?) It would have, also, been appropriate to include the committee name with a contact person. There is a need for senior/handicapped short-term accommodation. This can be provided within existing by-laws with provision for a temporary kitchen. In special needs situations a cabin in the bush is not an answer; proximity is essential.

2. NO/comment: In spite of answering NO to question 1, if you must recommend in favour of accessory dwellings, then I would definitely want to have option A in place. Accessory dwellings, as currently described in this process, seem to encompass an impossibly broad range of potential purposes and uses. My primary objection is that there appears to be inadequate restraints and/or monitoring systems available to the Trust to allow blanket approval on the island. I could support a granny flat of 400 square feet connected to the water and septic of nearby main building, providing the environmental aspects were carefully considered. However, a 750 - 1000 sq. ft. building is not likely to be accessory whether or not it is connected to water and septic services of the main building or has its own services. These larger dwellings would likely evolve into separate, independent dwellings with negative implications for the environment, for population growth and possibly for sub-division of properties.

3. NO/comment: The initial question is so vague and generalized, it's impossible to answer in the affirmative.

4. NO/comment: I would refer you to the article in the Flagstone by Des Kennedy. He sets forth a workable set of ideas that could protect both the community and the ecology. Creative ways of providing affordable housing are possible and necessary.

5. NO/comment: Because I do not believe that legislating accessory dwellings is an appropriate solution to providing affordable housing on Denman Island.

6. NO/comment: but if accessory dwellings are approved, they should be in areas greater than 4 hectares and I recommend limited the size, location and uses of any allowable accessory dwellings.

7. NO/comment: I would guess that the committee members have heard the argument before. Denman Island is a Land Trust Area. The mandate of the Islands Trust makes absolutely clear that preservation of the natural environment is paramount over human requirements.

8. NO/comment: There is no reason to think it would actually deal with the problem.

## Accessory Dwelling Questionnaire Results

9. NO/comment: 1. Allowing accessory dwellings defeats the whole purpose of “preserve and protect” land-use zoning. Minimum-sized lots are based on the assumption of one family or living unit per lot. 2. Accessory “dwellings” rarely (if ever) meet health, safety and fire standards--separate well, separate septic system, meeting building code. etc. If they do, they're no longer “accessory”, but a bona fide second dwelling on the same lot, which goes back to #1. Currently, we have cases like the one being advertised in the waiting room at the Denman West ferry terminal--an 8' X 8' cabin with no water, no toilet, no lights, no electricity--for \$30 per night. 3. Guests who are not able to put up with sharing accommodation in the main dwelling (or tents or trailers or b and b's) for a week or two are not guests, but renters. Back to #1. 4. Cases of genuine need (aged parent, etc.) could apply for an exemption to the one-dwelling per lot rule, This could perhaps be a limited-time exemption i.e. one year--renewable based on legitimate need. 5. What is really needed on Denman is a willingness to build a real economy, as opposed to a false and exploitive one based on being slum landlords of substandard, unhealthy and dangerous dwellings. If Denman Island had a real economy, there would be acceptable accommodation available--and renters could afford to pay rent. (2)

10. NO/comment: I believe that accessory dwellings would be too difficult to monitor and would just cause more resentment in the community. The “little cottage” soon gets added onto and the results are the same as if all these properties were sub-dividable. I would be in favour of granny flats/in-law suites which were part of the allowed dwelling on any given property.

11. NO/comment: I don't like yes or no answers. There are too many variables. As a general idea I'm loathe to approve something that would cause more clearing or more driveways on the island. I would much rather see a group be able to purchase large pieces of cleared land and homestead than have two separate houses or smaller pieces. People could apply for zoning change on an individual basis. This is a very complicated question and I appreciate the difficulty in coming up with recommendations.

12. NO/comment: I am in favour of having a structure in place that does allow for certain kinds of accessory dwellings. Top priority is affordable rent that combines long-term rental. Finding a place to rent here is always done--its having to move in the summer, for big rental money that summer brings is the problem--more accessory dwellings with no controls would continue this same trend. A system of granny flats -- moveable--- to accommodate caregivers. Accessory dwellings tied into existing house in creative ways so privacy is maintained--there are all kinds of wonderful examples out there of how structures and plantings create great side by side living arrangements. Very important to me is that our existing tree cover remain. Having separate driveways and cottage clearing and septic tanks gives me the willies! Tons more information is needed by the community to make a smart considerate decision. The question itself seems easy enough to answer (most people would probably say 'yes') right off the top. Once having considered how that would change land use, water, septic, forest cover, population, ferry, services, etc, many people, I think, would ponder more and want to come up with more thoughtful and creative solutions. It seems this will be the next stage. I think this is a long process. It has been a long process,

## Appendix D: Island Survey

committee and decisions ongoing in past 25 years. Its important that we're looking at it again as our community keeps changing. My worst fear is people using second structures for summer rentals involving huge money, and the face of the community is changing in that direction. In 20 years these Gulf Islands will be so in demand for vacationing. Limited amount and use accessory dwelling is my vote. Thanks.

\*\*\*\*\*

### AMBIGUOUS

1. Ambiguous/comment: The above choices are really irrelevant, since we believe that regardless of age, people moving to Denman Island should a) have means to support themselves, or b) be assured of a living to support themselves, being able to buy and build a home.

2. Ambiguous/ comment: see attached page.

3. Ambiguous/ comment: yes and no. My feelings are mixed. Question 2. circled 'other' and said that it depends on whether size and site of building are regulated. In Question 3. circled A. I think this is a complex issue with many costs as well as benefits both ways. I would like to see community discussion about the history of this issue and how it relates to tourism now and in the future. I'm worried we will become more like Hornby.

\*\*\*\*\*

### YES'S

1 Yes/1 ha./res.

Essential to install and maintain modern sewage systems for all buildings. (2)

2 Yes/1 ha./unres.

While there are risks associated with unconstrained development, I believe it is a common value of rural living and particularly Denman Island residents and landowners, to have freedom of choice in these matters. I believe the vast majority of landowners will exercise this freedom responsibly and add secondary dwellings appropriate to the social and geographic context, and with the utmost environmental sensitivity. Any development or design criteria or limitations will surely lead to banality, uniformity and loss of unique Island character so important to both residents and visitors alike.

While one might advocate small, simple dwellings for all, this would not be acceptable. A grand and spacious great room can be either an eyesore or a beautiful thing designed skilfully and placed sensitively into the landscape. If we must place limitations, these should relate more to total number of beds and baths (incl. principal residence) in relation to lot size, not total square footage or building envelope. Touch the earth lightly.

3 Yes/4 ha./res.

## Accessory Dwelling Questionnaire Results

Low rent in perpetuity. See Des Kennedy's article in Flagstone. I agree with that. [other limitations] 1. septic 2. water 3. delicate areas 4. neighbourhood water availability (same ground water source)

4 Yes/other/unres.

Re Question II: Restricting accessory housing to lots of larger sizes discriminates against homeowners who weren't rich enough to afford a 'larger' size lot in the first place. And these homeowners might be the people who most need to supplement their income with rent from an accessory dwelling.

Perhaps, also, total size of ,primary +accessory. dwelling could be part of the formula so that those with more modest-sized dwellings have the option of having extra living space in a separate building.

5 Yes/2 ha./res.

I see this as a separate issue from that of low-cost rental housing I think Denman residents should be able to build small (approx. 400 square feet) buildings for artist studios, occasional guests, care givers, etc. If they wish to rent these buildings from time to time, OK. But I do not see this issue as being one of supplying a social need for low-cost housing., That is dictated by economics, demand, environmental concerns, demographics, etc. and is beyond the scope of accessory dwellings.

6 Yes/2 ha./res.

Caregivers, family members, renters and guests – all of these should be acceptable and determined solely by the owner of the accessory dwelling. Agree with 2 ha. or smaller if approved by a local VARIANCE COMMITTEE.

FOOTPRINT SIZE of residence and accessory dwelling should not exceed percentage of lot size as agreed upon by islanders in a public decision making process. We both advocate more affordable housing and a diverse community. (2)

7 Yes/other/unres.

Question 1: Renters, providing rents are affordable! No to that aspect otherwise. [Agree with B]. if rentals are reasonable

I am in favour of affordable housing for anyone on low income and in need of it.

[Committee believes affordable housing an issue separate from their mandate] They take whatever steps are needed to make it part of your mandate.

8 Yes/1 ha./res.

We need to provide one self contained, separate, accessory building for accommodation for one family (Max. 2 adults & 2 children)of care givers, family members or guests. No renters.

9 Yes/1 acre/unres.

Size of secondary dwelling should be related to property size. (2)

## Appendix D: Island Survey

10 Yes/4 ha./res.

It is happening now but is unregulated.

11 Yes/1 ha/res.

[A. Except] Most ordinary citizens don't have a body of knowledge sufficient to be used in formulating regulations related to ecological land use but a research group could find and sift through current knowledge. Much knowledge has been developed and is in a form accessible by the public and could be shared with islanders so that an informed community way of land use be respected and applied. Provincial health and safety standards are completely the concern of the provincial government and the due processes of that government and no other mandate need to bring it into this accessory dwelling question. It is a province wide responsibility.

12 Yes/4 ha./res.

The size (square footage) of dwelling is very important keeping in mind the number of occupants possible.

13 Yes/2 ha./res Thanks to the good work of the committee

14 Yes/other/unres

[rewords B] I recommend allowing individuals to determine size, location, and use of allowable accessory dwellings, as long as health and safety standards that locals agree on are met.

15 Yes/4 ha./res.

Environmental assessment of Accessory Dwellings impacts should be necessary for island developments.

16 Yes/4 ha./res.

I tend to agree with Des K. (Flagstone, July) that we need to act with an eye to the future, i.e. with caution and care in this matter.

17 Yes/all lots/unres.

Since the definition of accessory already implies small, I would prefer to trust people's decency rather than making even more rules.

18 Yes/other/unres.

but single residence only, no duplex or bigger

19 Yes/2 ha./unres.

Maybe a sliding scale on the size accessory dwelling to property could help i.e. 5 acres 500 sq ft, 6 acres 600 sq ft 7 acres 700 sq ft and so on.

20 Yes/2 ha./res.

## Accessory Dwelling Questionnaire Results

[but as for location]whatever works best in the situation

In general I recommend allowing individual landowners to determine location be limited by size; use to fall within guidelines (see "provide...Q1). Main concern for me is that real estate people don't start telling people that they can build 2 dwellings.

21 Yes/smaller/unres.

Deal with water and septic.

22 Yes/other/res.

Something combining A & B in Question III would be workable (2)

23 Yes/other/unres.

I have 2 ½ acres and could easily, and environmentally sensitively, construct a smaller accessory dwelling that would blend nicely. I acknowledge the risk of others, who might be less prone to conserve land, building out of all proportion. One always has to balance size of edifice against #'s of dwellings.

24 Yes/1 ha./unres.

I strongly recommend that accessory dwellings be limited in size in direct proportion to overall lot size – an accessory dwelling with 1 or 2 bedrooms and 1 bath is more attractive than primary residences with 6 or 7 bedrooms and 4 baths, which current regs may allow.

25 Yes/other/unres.

Too many trees are dying to print copies of regulations. We do not need a mountain of rules to control a mole hill of zoning issues. And we should not discriminate on the basis of lot size for this particular matter.

26 Yes/why not every lot size?/unres.

The by-law(s) should be simple and general.

27 Yes/2 ha./res.

I don't think that second buildings should be allowed for renting as this would increase the population considerably. I think the original 400 sq. ft. for extra house would be right. (2)

28 Yes/2 ha./unres.

2 ha. or other: water and sewage important consideration. Each case is individual and should be dealt with as such.

29 Yes/2 ha./res.

I see no problem with allowing one accessory dwelling provided that the property owner accepts responsibility for the use of the dwelling and that it doesn't have a negative impact on the neighbours.

## Appendix D: Island Survey

30 Yes/2 ha./res

Approval of applications subject to acceptable findings by a hydrologist. Adjacent property owners must also give approval. (2)

31 Yes/2 ha./res.

Should be some sort of Board of Variance whereby individual cases could be examined on their own merit. (2)

32 Yes/1 ha./unres.

Three tents and two teepees or an exact combination of these should equal one accessory dwelling.

33 Yes/2 ha/res.

(iiiA) Limit on location is questionable. The owner should have best understanding of where to position the unit.

34 Yes/2 ha./unres.

[Emphasize] B...as long as provincial health and safety standards are met.(2)

35 Yes/other/unres.

Excellent idea, but not a huge dwelling. Limited size, something like 1,000 – 1500 sq ft.

36. YES/ 2ha/ limit/ comment: Size of accessory dwelling should be limited to size of property.

37. YES/ other/ unres/ comment: This is important for our community.

38. YES/ 2 ha./ unres/ comment: As the economic times get more and more restrictive to people living on and off the land, co-operative respective land usage counterbalances state restrictions. This is a matter of freedom.

39. YES/2 ha./ unres/ comment: As a woman with a disability I need to not live on my own and I require the assistance of able-bodied people close by. All of us as we age will probably require this. As I live on a disability pension from nursing, I live on a fixed income and require reasonable rents.

40. YES/ 2 ha./ unres/ comment: affordable housing long overdue.

41. YES/ 4 ha./ ? / comment: Can't answer this question (Q 3). I am in favour of limits but not to the extent that they are crippling. i.e. Size: large enough for couple or summer cabin 600-700 sq.ft. but not an excuse to build a huge second house. Location: depends entirely on intended use of dwelling and geography of lot. Use: very difficult to control. I think the fear of landowners building for monetary gain is groundless as it wouldn't be profitable. (2)

## Accessory Dwelling Questionnaire Results

42. Yes/smaller/unres.

Dear Surveyor, I'm very concerned about the lack of affordable accommodation for people on the Island. However, I'm also concerned about sewage problems developing. Couldn't you allow homeowners to make pump out outhouses like the one at Fillongley Park if they can't meet their septic needs otherwise. Also I think 2<sup>nd</sup> dwellings are very important for extended family living needs. Also, it would be a boon to a struggling local economy to have more local construction going on. Also, it seems to me that when 2<sup>nd</sup> dwellings aren't allowed, people just build bigger houses and get around that rule! The problem for many renters is that the big houses are too costly to heat in the wintertime.[Attached article from Society Guardian on homelessness]

43. YES/ 2 ha./ limit/ comment: re. Q. 3. Reasonable and moderate restrictions to observe social and natural environmental conditions free from prior agendas as to, for example, population status.

44. YES/ other(smaller)/ unres/ comment: a landowner should be able to have an accessory dwelling, especially for family, relatives, etc. Also we have too many regulations forced upon us for a rural community like this.

45. Yes/4 ha./res.

[Attached letter supporting 4 ha]

46. YES/ other(one hectare)/ limit/ comment: By allowing infill on small lots, the land/soil will be determining factor if can (e.g.. health issues) and there will likely be less degradation of natural, presently unmanaged areas(forest, wetland,etc) so most of rural natural landscape stay intact. I assume the committee will present "implications" to public when presenting choices-- i.e. population increase, effects on traffic, ferry # of unbuilt houses already allowed, etc. so community fully understands what they support.

47. YES/ 4 ha./ unres/ comment: Available water is the only criterion I would be concerned with.

48. YES/ 2 ha./ circled both/ comment: I'm glad we're being asked. Re Q. 3, there needs to be some limitations which should involve more input than just the owner.

49. YES/ 2 ha./ unres./ comment: I agree that affordable housing is a major issue--all we can do is encourage people to provide it and hope. Thanks for giving us this opportunity to 'vote'.

50. YES/ other/ unres/ comment: There are natural barriers on Denman that would limit the size of these dwellings, such as water supply.

51. YES/ other/ unres/ comment: Many waterfront and lakefront owners get a lot of family and friends visiting for a week or so at a time over the summer. A small self-contained (micro,

## Appendix D: Island Survey

fridge/stove-top) unit attached to one's studio makes a lot of sense. A small cottage which can be rented affordably to a caretaker would mean the person could live year round in the cottage and would not have to move out in the summer when the owners claim back their house for the holiday periods (as is the case on Hornby Isl every summer). Affordable housing agreements could be set up. The caretaker/renter looks after the property year round and has ongoing affordable housing, a win-win situation for both landowners and renters. (Under Q 2, 'Fillongley/little Burnaby')

52. YES/ other/ limit/comment: One of the shops on Denman could carry a line of septic safe cleaning products, and it should be publicized heavily in the beginning. Perhaps a small subsidy from the Isl. Trust would work to launch a clean water campaign.

53. YES/ 2 ha./ unres/ comment: I would prefer us, as islanders, to expend energy on researching ecologically sound water and waste management systems for households and lobbying the appropriate authorities and agencies to acknowledge and accept sound practices, composting toilets, for example. The easy way is to accept status quo thinking, because it is less complicated. Thanks to you all for your attention to these questions and your hard work.

54. YES/ other/ unres/ comment: Any size property should be permitted to have a guest cottage, guest room or accessory dwelling based on a percentage of the property/home size. By law changes made to restrict guest cottages or care-giver accommodations should be left to property owners, with the only restriction being proportionate to the property size and existing dwelling. At the time of my property purchase (1981) a secondary guest room/cottage was permitted. Without notice (?) to absentee land owners this by-law was changed in 1992. Now, as I return to DI to retire and have my grandchildren and family come to visit, I'm told secondary dwellings are not permitted. Please correct this by-law to allow home owners (as well as future residents) to have a proportionate cottage/dwelling for guests, caregivers or family. Rentals (or income) is not necessarily every homeowners desire. If rental units are at issue (or lack thereof), deal with rentals separately.

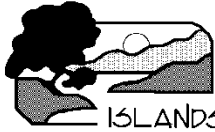
55. YES/ other(one acre)/ unres/ comment: Poor landowners need a little extra money and poor people need a place to live. We're not all rich on Denman.

56. YES/ 2 ha./limit/ comment: No rental units.

57. YES/2 ha./ limit/ comment: Should be some kind of limit without there being a whole gambit of criteria (red tape) to meet.

## Appendix E: Staff Memos

### March 25<sup>th</sup> Memorandum from Chris Jackson



ISLANDS TRUST Memorandum

Date: March 25, 2002  
To: Denman Island Local Trust Committee  
From: Chris Jackson  
Re: Accessory Dwelling Advisory Committee

The Denman Island Local Trust Committee has asked that I provide some information to assist in developing your recommendations. Following each heading is a brief summary of a specific topic requested.

#### Purpose

This committee was formed to provide the Denman Island Local Trust Committee (LTC) with recommendations on how to implement E.1 Housing, Policy 21 of the *Denman Island Official Community Plan* (OCP). The LTC created this committee to specifically answer the following:

1. Do you, or do you not, recommend that the Denman Island Official Community Plan be changed to allow accessory cottages?
2. What are your reasons for making this recommendation?
3. If you recommend that accessory cottages be allowed, what limitations, if any, do you recommend by imposed? For example: Would you recommend limiting the size of residential buildings, the minimum lot size on which additional residences may be permitted, location of residential buildings, lot coverage?
4. What are your reasons for making these recommendations?

These questions provide the framework for discussion.

#### Jurisdiction

There are various jurisdictions that should be considered in this evaluation. The Islands Trust is the local government regulating land use. Other jurisdictions that involve Denman Island residents where the LTC has no authority include:

- Ministry of Health - Sewage disposal approval
- Land Reserve Commission - Agricultural Land Reserve properties
- Department of Fisheries and Oceans – Federal Government department responsible for fish and fish habitat
- Ministry of Sustainable Resource Management & Ministry of Water, Land and Air Protection –Ministries administering environmental provincial legislation.

## Appendix E: Staff Memos

You may find that some issues, such as composting toilets, may become an item of discussion, but it should be kept in mind that the LTC has no authority to regulate these matters.

### Roles

There are four separate groups that are directly involved with the accessory dwelling issue. These roles involve the Denman Island Local Trust Committee, the Special Projects Advisory Planning Commission (SPAPC), the public, and Islands Trust staff.

The LTC are a part of the Islands Trust, which is a federation of islands divided into 13 Trust Areas. Each of these areas has two locally elected members that comprise the 26 member Trust Council. Trust Council internally elects 4 members for the Executive Committee. The members of the Executive Committee divide the task of sitting as the chair for each Local Trust Committee. The Denman Island Local Trust Committee currently has Trustee Louise Bell (Denman), Trustee Tom Babb (Denman), and Chairperson Trustee Kim Benson (Keats Island – Gambier Island Local Trust Committee). The Denman Island Local Trust Committee was elected to represent the people of Denman Island, while upholding the Islands Trust mandate and Trust Council policies. The policies of Trust Council direct the actions of individual local trust committees. Trust Councils external influence guide local trust committee decisions from time to time.

The Special Projects Advisory Planning Commission is an appointed committee that has been asked by the LTC to develop recommendations on how to fulfill Policy 21 of the OCP (E.1 Housing). The SPAPC will not make a decision that will amend any Denman Island bylaw directly. Rather, the SPAPC can make recommendations to the LTC based upon research, community input, and opinion. These recommendations are fundamentally necessary for the LTC to make informed decisions.

The role of Islands Trust staff is to provide the LTC, the public and appointed committee members with technical planning support. Staff cannot make any final decision to amend any Denman Island bylaw. Rather staff can only make recommendations to the LTC based on legal and technical planning matters, which assist the LTC in making informed decisions.

It should be noted that only the elected members of the Local Trust Committee are qualified to make decisions on matters affecting the voters of Denman Island. However, while the SPAPC can only recommend, it should also be noted that the LTC formed the SPAPC with the sole purpose of reviewing the accessory dwelling issue on Denman Island.

#### Legislation - Local Government Act (LGA)

The LGA is provincial law that gives local government authority over land use planning. Some relevant legislation relating to accessory dwellings include:

#### Section 903 – Zoning Bylaws

This section gives local governments the authority to create a bylaw to regulate use, and density of land, buildings and structures; regulate height, siting, dimensions, and size of buildings/structures; and establish minimum lot sizes for subdivision of property. The bylaw can classify different zones for different areas within the local government's jurisdiction. These zones can have different regulations, such as commercial, industrial, or residential use of properties.

#### Section 904 – Zoning for amenities and affordable housing

This section allows property densities to be increased when certain conditions have been met. The conditions that may be considered include: conditions relating to conservation or provision of amenities; conditions relating to the provision of affordable and special needs housing; or a condition that the owner enters into a housing agreement under section 905.

#### Section 905 – Housing agreements for affordable and special needs housing

Housing agreements may include terms and conditions agreed to by the LTC and the owner respecting the occupancy of the housing units identified in the agreement, including but not limited to the terms and conditions respecting one or more of the following: the form of tenure of the housing units; the availability of the housing units to persons identified in the agreement; the administration and management of the housing unit; rents, lease, sale or share prices that may be charged and how rates increase over time. However, a housing agreement may not vary the use or density from that permitted in regulations. A housing agreement is created by bylaw, and if adopted, notice of the agreement is registered on title.

#### 911-Non-conforming uses and siting

If a building or a structure, the use of which does not conform to the provision of a bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, it must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

#### Glossary of Terms

*OCP - Denman Island Official Community Plan.* This is a community bylaw that states the vision and objectives of the people of Denman Island. The community plan can be amended by the LTC.

*LUB - Denman Island Land Use Bylaw.* This is the community bylaw that states the regulations to bring about the OCP's vision. The LUB cannot have regulations that are in conflict with the OCP. The LUB can be amended by the LTC.

## Appendix E: Staff Memos

Adopted – This term refers to a bylaw that has been passed by the LTC and is now in affect.

Density – This term refers to the number of buildings/structures situated on a property.

Dwelling Unit – This term is specifically defined in the LUB. Different bylaws have different definitions. The Denman Island LUB currently states:

Dwelling unit means a room or set of rooms

- (a) joined by contiguous walls, other than a walls of a covered walkway, covered patio, sunroom, greenhouse, arboretum, hallway, balcony or bridgeway with neither a length nor depth of 4 metres or more;
- (b) contained in a single building;
- (c) for use for human habitation of one or more individuals habiting together as a single domestic unit and sharing facilities contained in that unit; and
- (d) that contains sleeping and sanitary facilities and one facility, in one room, for cooking.

What should be kept in mind is how this is interpreted.

Planning staff often receive enquiries involving extreme scenarios that can make the dwelling unit definition ambiguous. Clearly stating the community's desire to either include or exclude some things under this definition is useful to all stake holders.

Siting – the location of buildings/structures on property. The term setback is used to define the distance a building/structure from property line boundaries, or other features.

### Comparison of other Islands Trust Areas

The following was referenced from rural/residential type zones on other islands within the Islands Trust. In some cases the islands allow for different densities in different rural/residential zones. A metric conversion table is provided following the table.

Island	Zone Classification	Permitted Dwelling Units	Permitted Accessory Cottages	Cottage Restrictions
Gabriola	Large and Small Rural Residential	1 per lot	1 on lots larger than 2 ha	Maximum size 65sqm
Bowen	Rural	1 per lot		
	Rural Comprehensive1	1 per 2 ha		
	Rural Comprehensive2	1 per 0.55 ha		
	Settlement Residential	1 per lot		
	Village Residential	1 per lot		
Galiano	Village Residential	1 per lot	1 on lots larger than 0.4 ha	Maximum size 60 sqm
	Small Lot Residential	1 per lot plus 1 additional for every 1.2 ha of property	1 on lots larger than 0.4 ha, in respect of each permitting dwelling.	Maximum size 60 sqm
	Rural Residential	1 per lot plus 1 additional for every 2ha	1 on lots larger than 0.4 ha, in respect of each permitting dwelling.	Maximum size 60 sqm
	Rural 2 and 3	1 per lot plus 1 additional for every 4ha	1 on lots larger than 0.4 ha, in respect of each permitting dwelling.	Maximum size 60 sqm
Gambier	Settlement & Rural	2 per lot; 2 <sup>nd</sup> dwelling unit must be less than 60 sqm		

Appendix E: Staff Memos

Island	Zone Classification	Permitted Dwelling Units	Permitted Accessory Cottages	Cottage Restrictions
Hornby	Small Lot Residential	1 per lot no larger than 200 sqm		
	Compact Residential	1 house no larger than 186 sqm for every 0.24 ha of property		
	Rural Residential	1 per lot plus 1 for each additional 4ha over 4ha		1 secondary house is permitted if a lot is over 3.5 ha (8.6 acres) in size
Lasqueti	Land Zones	1 per 4 ha in Subdivision District A; 1 per 8 ha in Subdivision District B; 1 per 65ha in Subdivision District A1	1 for every permitted dwelling	Maximum size 56 sqm
Mayne	Settlement Residential	1 per lot plus 1 additional for every 0.6ha	1 on lots larger than 0.6 ha	Maximum size 60 sqm
	Comprehensive Settlement	1 for every 1.62ha		
	Rural Residential	1 per lot plus 1 additional house for every 2.8 ha	1 for every permitted house	Maximum size 56 sqm
North Pender	Rural and Rural Residential	1 per lot	1 on lots larger than 1.2 ha	Maximum size 56 sqm

March 25th Memorandum from Chris Jackson

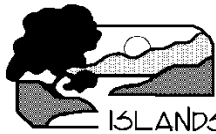
Island	Zone Classification	Permitted Dwelling Units	Permitted Accessory Cottages	Cottage Restrictions
South Pender	Rural and Rural Institutional	0 ha–1.2 ha is permitted 1; 1.2 ha–4.04 ha is permitted 1 house and one cottage; 4.04 and up is permitted 1 house and 1 cottage for every 2.02 ha of property to a maximum of 5 houses and 5 cottages	1 for every permitted house	Maximum size 92.9 sqm
	Rural Comprehensive Development	1 for every 2.02ha		
Saturna	Rural	0 ha–1.2 ha is permitted 1; 1.2 ha–4.04 ha is permitted 1 house and one cottage; 4.04 and up is permitted 1 house and 1 cottage for every 2.02 ha of property to a maximum of 5 houses and 5 cottages		Maximum size 92.9 sqm
Salt Spring	R7, R8, and R9	1 per lot	1 on lots larger than 1.2 ha	Maximum size – 56 sqm; Not mobile or trailer
Thetis	Rural 1	1 per lot	1 on lots larger than 0.8 ha	Maximum size 65 sqm
	Rural 2	Lots larger than 8 ha can have additional dwelling units for every full 4 ha size and equal an amount of cottages	Equal to the number of permitted dwelling units	Maximum size 65 sqm

Appendix E: Staff Memos

Hectares (ha)	Acres (ac)		Square Metres (sqm)	Square Feet (sqft)
0.4	0.98		32.5	350
0.6	1.48		56	602.8
1	2.47		69.7	750
1.2	2.96		92.9	1000
2	4.94		186	2002
4	9.88		200	2152.8
8	19.77			

pc: Denman Island Local Trust Committee  
David Marlor, RPC

**March 27<sup>th</sup> Memorandum from Chris Jackson**



ISLANDS TRUST

Memorandum

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Date: March 27, 2002  
To: Denman Island Local Trust Committee;  
Special Projects Advisory Planning Committee  
From: Chris Jackson  
Re: Accessory Dwelling Advisory Committee

Comparison of other Islands Trust Areas

The following was referenced from the *Denman Island Land Use Bylaw No. 65* and can be compared with my memo to the SPAPC dated March 25, 2002.

Island	Zone Classification	Permitted Dwelling Units	Permitted Accessory Cottages	Cottage Restrictions
Denman	Residential (R1)	1 on lots 1ha or less, plus 1 additional for every 1ha to a maximum of 5 per lot		
	Rural Residential (R2)	1 on lots 4ha or less, plus 1 additional for every 4ha		
	Rural Residential (R3)	1 on lots 15ha or less, plus 1 additional for every 15ha		

pc: David Marlor, RPC

## **Appendix F**

### **ADAC Benefit-Cost Analysis**

Mike Morrell, Wendy Reimer, Riane DaSilva. 24 Jan 03

We have analyzed the projected costs and benefits of allowing Accessory Dwellings on the basis of three accounts suggested in the OCP: Families and Individuals (further segregated into landowners and renters), Community Fabric, and the natural Environment. We have allocated benefits and costs to the Families and Individuals account if they accrue only to those who own or rent Accessory Dwellings. Benefits and costs in the Community Fabric account are felt by all community members regardless of whether they personally own or rent an Accessory Dwelling. The Environment account includes only those effects that impact the non-human elements of the ecosystem; thus, we place problems with potable water and sewage disposal in the Community Fabric account because they primarily affect the environment as human habitat, but we also include water issues in the Environment account due to ecosystem effects.

In our analysis (see attached tables), the principal benefits of Accessory Dwellings would go to those who own them (convenience, income, increased property value). Renters might also receive a benefit since Accessory Dwellings may increase the availability of rental housing on Denman. There are also some costs to owners, but they are relatively minor and would be offset by the benefits—presumably if costs exceed benefits landowners will not construct Accessory Dwellings.

We predict that Accessory Dwellings will contribute to significant costs in both the Community Fabric and Environment accounts. The most important costs would arise as a result of increase in population beyond what would be possible without Accessory Dwellings. Increased human population would increase demand for island resources, both natural (more or less undisturbed ecosystems, clean water, peace and quiet) and infrastructural (ferries, roads, parks and conservation areas). In addition, if Accessory Dwellings are used as rental accommodation, especially short-term vacation rentals, there are likely to be impacts on community stability and quality of life through an increase in transiency and decrease in individuals' accountability and commitment to the community (volunteering and long-term thinking).

On balance, we think the costs to the community and the environment outweigh the mainly financial benefits to landowners. Furthermore, many of the benefits to the owner (accommodation for guests, caregiver/caretaker or dependent family members) can be provided in an alternative way by construction of additions to the principal dwelling as permitted under the existing OCP.

We can see one significant community benefit that might arise indirectly through permitting of Accessory Dwellings: an increase in community diversity through an increase in rental housing that would allow more young and low-income people to live on the island. We think this benefit is not enough to counterbalance the costs that we have listed; however, we think it would be worthwhile to seek other ways of providing a reasonable amount of rental housing on

the island while minimizing the costs that would accompany a general permitting of Accessory Dwellings. Community diversity would not necessarily benefit from a simple increase in the number of rental spaces unless such housing were specifically provided to low-income people at below-market rates.

**Benefit-Cost Analysis**

In the tables below, benefits and costs thought to be especially significant are shown in bold type.

**TABLE 1a. Benefits and costs to Individual families—landowners**

ITEM	BENEFIT	COST
Convenience/ Privacy	Caregiver/caretaker/worker/ guest/family housing with maximum privacy	Some loss of privacy depending on proximity of AD
Income	Rental income: short or long-term	'Risk': Short-term rental not legal
Property value	Increased property value	Increased property tax due to increase in value
Affordability	Possibility of purchase with partners—2 families per lot	
Construction		Construction cost
IT regs		Conditions on AD bylaw may increase compliance costs.

**TABLE 1b. Benefits and costs to individual families—renters**

ITEM	BENEFIT	COST
Rental availability	More available rentals	
Affordability	Possible short-term decline in rent due to increased supply	Possible long-term increase in rent as property values increase and/or vacation rentals increase
Competition for rentals		If housing is more affordable, more people will want to live here, and demand will increase.

**TABLE 2. Benefits and costs to community fabric**

ITEM	BENEFIT	COST
Population increase	1. Increased market for businesses. 2. More jobs—service, trades	Increased demand on community infrastructure: ferries, roads, common land
Increase in long-term renters	1. Larger pool of workers. 2. Increased diversity: young, low-income	
Increase in vacation rentals		1. Decreased commitment to community 2. Commercial tourism attitudes—partying, rowdiness 3. Decreased sense of community
School	Increased school age population → maintain school services to community.	Greater transiency in the school population, often experienced in areas where many families rent, can create problems of its own.
Property tax	Increased tax base and tax income	Increased taxes due to increase in property value
Environmental services to humans		1. Decreased quantity and quality of water 2. Increased sewage disposal problems 3. Decreased solitude in wild places
Future planning options		Reduced options for meeting other community needs—e.g. seniors and affordable housing

**TABLE 3. Benefits and costs to environment**

ITEM	BENEFIT	COST
Ecological integrity		Decline due to increased building, clearing and human use of resources
Natural areas		Decreased area
Undisturbed forest core areas		Large decline
Water issues		1. Increased human consumption 2. Increased risk of pollution