



# MINUTES

## Hyde Creek Advisory Planning Commission (APC)

Held on Wednesday, December 6th, 2017 at 7:00 pm,  
at the Hyde Creek Community Hall, 1105 Hyde Creek Road.

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Attendance:

Chair:	Walter Eggenberger
Members	Mike Green Jim McIntee Sharon Barratt Guylaine Longpre
Secretary:	Pam McIntee
Manager of Planning	Jeff Long
Regrets:	
Member	Lynn Iskra
Electoral Area C Director:	Andrew Hory

1. Meeting called to order at 1905 by Chair Walter Eggenberger.
2. Adoption of agenda. Moved by Jim McIntee and Sharon Barratt 2<sup>nd</sup>. Carried.
3. Review of minutes and accepted with correction that review of the official community plan would be priority in preparation for community consultation in February. Moved by Sharon Barratt, 2<sup>nd</sup> Jim McIntee. Carried

4. Old Business

a. Beach Access and Signage:

- i. Pam consulted with Greg Fletcher.
- ii. Next step is to meet with Bill Cessford, Head of Recreation Society.

b. Bylaw 923 and clarification of definitions with the municipal lawyer.

- i. Jeff reviewed draft information prepared for the Hyde Creek Hollar. The members thought it might be helpful to have some information on use of propane, street frontage distances, and water & sewer systems.
- ii. Jeff asked committee if there would be interest in learning more about drilling wells and well maintenance. New regulations for those drilling for non-domestic purpose.

**Action:**

Jeff to complete article and circulate via email to committee prior to coming out in the Hollar and posted on the RDMW website.

Jeff planning to bring education for wells in 2018.

iii. Clarification:

1. **ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** means a building or structure on the same site that is subordinate or incidental to the principal use or building. Accessory buildings include separate garages and carports.
  - a. This definition implies that accessory buildings can be of other types as well, such as a woodshed or greenhouse in a residential zone.
2. **GUESTHOUSE:** means a separate, single-family dwelling, built upon a foundation, accessory to a primary permanent residence. Guesthouses must not be used for commercial enterprise purposes and do not include mobile homes, trailers, or recreational vehicles.
  - a. In a residential zone that permits home commerce, a prohibition on “commercial enterprise” uses was more likely intended to restrict home commerce and short-term vacation rentals to the primary permanent residence. It’s not normal to characterize the rental of a residential building in a residential zone via a residential tenancy agreement as a “commercial enterprise” for land use management purposes even though it may be a commercial enterprise for income tax and other purposes. If by “rented for dwelling purposes” you are referring to short term vacation rentals, then I think the answer is yes because that’s clearly a commercial enterprise.
  - b. Given the legal input, it appears that the past practice of issuing site permits for accessory buildings for a variety of purposes is in compliance with the Hyde Creek Zoning Bylaw based on the fact that the word “include” is used in the definition, but the lawyer agrees that the definition could be better

clarified. With respect to the definitions of guesthouse, the lawyer is saying that the restriction to not allow them to be used for commercial enterprise purposes relates to the intent to prevent them from being used for home commerce and short term vacation rentals which would be considered commercial enterprises, but that a typical residential rental arrangement via a residential tenancy agreement is not characterized as a commercial enterprise for land management purposes and therefore, would be permitted.

- c. Walter Eggenberger reported that the guest house addition to the bylaw was meant for family and not for rental purposes. The goal was to keep density low and maintain rural lifestyle.

Addendum: December 7<sup>th</sup>, 2017:

Last night we discussed the definition of guesthouse and based on the legal advice that had been provided to date, I indicated that in moving forward, guesthouses would be interpreted to exclude home commerce and short term accommodation rentals, but the rental of guesthouses for the purpose of a typical residential tenancy arrangement would be considered to be permitted. I have since heard back from the after I had requested further clarification on the matter of guesthouses. The lawyer indicates:

The definition of “guesthouse” is problematic because it doesn’t expressly indicate much more than the type of structure. In our view a guesthouse must be something other than a “primary permanent residence”. The implicit point is that it has something to do with accommodating guests of the occupants of the primary permanent residence, as an accessory use. The guesthouse cannot perform this function if it’s rented out as somebody’s residence. As the rule that an accessory building cannot be used as a residence seems to clarify that an accessory building that is a guesthouse cannot be occupied as a residence, permitting a “guesthouse” as defined in the bylaw in a residential zone does not seem to us to “specifically permit” the use of that accessory building as a residence, so as to make this rule inapplicable.

Given the above, a guesthouse will be treated such that it cannot be used for the provision of rental accommodation of any kind and we should look at revising the definition in future as was previously proposed, in order to ensure this is clear. This supports what Walter mentioned last night in terms of the purpose guesthouses were intended to provide when they were introduced as part of the current zoning bylaw back in 2002. Obviously, guesthouse could have been much better defined such that the intent was obvious.

c. Continuation of bylaw 613 (page 6)

i. Transportation:

1. Keep anticipated loop between Raven Hill Road and Eagle Ridge Road.
2. Replace Weyerhaeuser with private company forest road network system.
3. Propose that trails for horses, bikes and walking be added as a vision for the community. Visibility can be challenging in winter with people walking on the road. Trails and linkages key.
4. Discussion of bus route to be added.
5. Any roads created to be built to ministry standards.

ii. Electrical Distribution and Communication System

1. BC Hydro serves community for electrical.
2. Telus provided fibre for high speed internet. There is a community program providing internet as well as a satellite company.
3. There is no natural gas provided at this time.
4. Cell service is spotty.

5. Next meeting date: January 9th at 6:30 pm at the RDMW office with focus on OCP.

6. Adjournment at 2100

Certified Correct

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Pam McIntee, Secretary

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Walter Eggenberger, Chair