

Corporation of the District of Maple Ridge

***PUBLIC HEARING***

January 18, 2005

The Minutes of the Public Hearing held in the Council Chamber of the Municipal Hall, 11995 Haney Place, Maple Ridge, British Columbia on January 18, 2005 at 7:00 p.m.

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***PRESENT***

*Elected Officials*

Mayor K. Morse  
Councillor E. Daykin  
Councillor J. Dueck  
Councillor C. Gordon  
Councillor J. Harris  
Councillor F. Isaac  
Councillor C. Speirs

*Appointed Staff*

J. Rule, Chief Administrative Officer  
T. Fryer, Municipal Clerk  
G. Fujii, Manager of Development and Environmental Services  
C. Marlo, Confidential Secretary

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Mayor Morse called the meeting to order and explained the procedure and rules of order of the Public Hearing. She advised that in accordance with the Community Charter, once a Public Hearing item is closed, no further input into that item can be received by the Municipal Council until they are either adopted or defeated. The by-laws will be considered further at the next Council Meeting on January 25, 2005.

The Mayor then called upon the Manager of Development and Environmental Services to present the following items on the agenda:

**1a) RZ/030/04**

**MAPLE RIDGE OFFICIAL COMMUNITY PLAN AMENDING BYLAW NO. 6241-2004**

**LEGAL:** Lot 28, Section 21, Township 12, Plan LMP30403, New Westminster District

**LOCATION:** 23853 Dewdney Trunk Road

**PURPOSE:** To amend Schedule "B" of the Official Community Plan (as shown on Map No. 676)

**FROM:** Service Commercial

**TO:** Community Commercial and Compact Housing (40 units per net hectare) (shown hatched)

**AND:** To amend Schedules “A” and “H” of the Official Community Plan to include the site into Development Area VIII(12) and XXXIV(4) (as shown on Map No. 692) to ensure the form and character of development at the building permit stage.

**1b) RZ/030/04**

**MAPLE RIDGE ZONE AMENDING BYLAW NO. 6242-2004**

**LEGAL:** Lot 28, Section 21, Township 12, Plan LMP30403, New Westminster District

**LOCATION:** 23853 Dewdney Trunk Road

**FROM:** RS-3 (One Family Rural Residential)

**TO:** C-2 (Community Commercial) and RM-1 (Townhouse Residential) (shown hatched)

**PURPOSE:** To allow a mixed development including 2 commercial buildings fronting Dewdney Trunk Road and 8 detached bare-land strata units fronting 238B Street.

The Manager of Development and Environmental Services displayed a map identifying the location of the property and described the purpose of the bylaws.

The Municipal Clerk advised that two pieces of email correspondence were received from Todd Turner and Clare DeWitt and a package was presented by Mike Stefiuk prior to the start of the Public Hearing that will be distributed to Council.

**Wayne Bissky, Applicant’s representative**

Mr. Bissky provided an overview of the proposal which includes a medical clinic, a pharmacy, a coffee shop and a townhouse complex and identified why the applicant believes this to be an appropriate use of the site.

**Mike Stefiuk**

Mr. Stefiuk is opposed to the rezoning and does not support commercial development along Dewdney Trunk Road. Referring to sections of the Official Community Plan (“OCP”), he indicated that those in attendance were there to offer comments and input on how they would like to see their neighbourhood evolve. Most do not see commercial in that evolution. He felt that

single family residential use should be encouraged in this area. He noted that 11% of commercial space in the downtown core is vacant.

**William Papp**

Mr. Papp indicated that he had many concerns about the project and urged the Planning Department and Council to look at this again. He commented on the number of variances being sought. He disagreed with the comments by the applicant's representative that this was an infill project and emphasized that the land use should be for residential housing. He felt that the applicant has disregarded the zoning and building bylaws. He indicated that he and the 160 people who signed the petition against this development care about the area. It was his hope that members of Council care enough to reject this application and enable residents to enjoy their own vibrant pedestrian experience. Mr. Papp submitted a copy of his presentation.

**Rory Caldwell**

Ms. Caldwell read a statement expressing her opposition to the application citing concerns about traffic. She would like all properties between 232 Street and 237 Street to remain residential. She asked questions related to the traffic study and the availability of visitor parking for the townhouses. Mayor Morse noted that Mr. Bissky had advised that the commercial parking lot would be made available to visitors to the townhouse component of the development.

**Irene Buchanan**

Ms. Buchanan spoke in opposition to the application. She expressed concerns about traffic, particularly the ability of emergency vehicles to negotiate traffic on Dewdney Trunk Road. She indicated that the developer had stated that the area between 238B and 237 would eventually all become commercial. This both frightened and annoyed her. It was her hope that these bylaws would be removed and the residential zoning would remain. She submitted a copy of her presentation.

**Ron Caldwell**

Mr. Caldwell is opposed to this rezoning application pointing out that the increased traffic would pose additional dangers to children attempting to cross the street on their way to and from Alexander Robinson School. He would like all properties between 238B Street and 237 Street to remain residential. He noted that properties already zoned commercial at 227 Street, Glenhurst Street and 240 Street are empty. At the public information meeting he asked Mr. Hogarth if he was interested in those properties and he said yes. Mr. Caldwell viewed this as just the beginning of commercial use of the whole block. He referred to the Rollo Study which recommends restricting commercial development to major intersections. Mr. Caldwell felt that 240 Street would be a more appropriate location for this type of development. He reminded Council that the neighbourhood had spoken loudly in opposition to a previous application at this corner. He asked that Council listen to the neighbourhood concerns and return the area to residential zoning once and for all. Mr. Caldwell submitted a copy of his presentation.

**Mike Stefiuk**

Mr. Stefiuk also referred to the recommendations in the Rollo report. He asked how staff could recommend this application when it doesn't fit the form and character of the neighbourhood. He

presented a petition with 174 signatures from residents in opposition to the application and submitted a package of background documents for Council's information.

**Rory Caldwell**

Ms. Caldwell expressed further concerns about traffic and access and egress from the development. She asked that if the project proceeded a restrictive covenant be placed on the commercial development restricting hours of operation from 9:00 a.m. – 9:00 p.m. She felt that opening after school had started would be safer. She submitted a copy of her presentation.

**Mike Stefiuk**

Mr. Stefiuk provided copies of minutes from Council meetings dealing with previous applications and submitted a plan for the property that he felt would fit in nicely with the residential zoning.

**Al Hogarth, Applicant**

Mr. Hogarth noted that he lives on 238B Street but no one came to his house with the petition. He clarified that he did not say that the balance of the block would be commercial, he said that the balance is designated CS -1 and if residents wished to change that they should talk to Council. He noted that these comments are reflected in the minutes of the public information meeting. He commented on the already existing problems with traffic at Alexander Robinson School and pointed out that 238B is classified a municipal collector route. The Manager of Development and Environmental Services explained the three levels of road designations. Mr. Hogarth spoke to the traffic study report which covers traffic needs for the next 20 years and takes into account that Abernethy Road will be opened up. He felt that this intersection is suited to commercial development. He suggested that the operating hours of the commercial development would be 8:00 a.m. – 10:00 p.m. He indicated that the clinic where the doctors currently practice generates 8-10 cars per hour. He felt that the proposal is sensitive to the neighbourhood. He confirmed the comments of Mr. Bissky that the commercial parking lot could be used for after hours guest parking for the residential units.

**Dr. Cilliers Marais**

Dr. Marais spoke in support of the application. He indicated that the physicians saw a need for a clinic on the east side of Maple Ridge because there are no other services available. He noted that none of the businesses would be open after 9:00 p.m. The nucleus of the commercial portion will be the medical clinic.

**Wayne Bissky**

Mr. Bissky advised that this site has always been designated CS-1. The reason for the variances and amendments is an acknowledgement that this designation is not sensitive to the neighbourhoods concerns. Other uses that would be allowed in this zone would be more traffic intensive than this facility. The setbacks are a reflection of the way parking issues are being addressed. Parking will be placed at the back of the facility to create a streetscape. He indicated that the traffic study was done in compliance with the requirements of the Engineering and Planning Departments and is available for the public to look at. He felt that the concerns brought forward by the neighbourhood are addressed in the plan. The access and signaling at the

intersection are appropriate and will work well with the current configuration. While he couldn't speak to specific data in the traffic study he indicated that it addresses current and proposed future demands for that intersection.

There being no further comment, the Mayor declared this item dealt with.

**2a) RZ/063/04**

**MAPLE RIDGE OFFICIAL COMMUNITY PLAN AMENDING BYLAW NO. 6288-2004**

**LEGAL:** Lot 18, Section 28, Township 12, Plan 46272, New Westminster District and Lot B, Except Firstly, The West 285.9 Feet; Secondly, Part Subdivided by Plan 46272, Section 28, Township 12, Plan 15402, New Westminster District

**LOCATION:** 23821 and 23823 132 Avenue

**PURPOSE:** To amend Part VI, Subsection 2 – Silver Valley Area Plan, Figures 2 and 4 of the Official Community Plan;

Figure 2 – Land Use Plan:

To redesignate from Conservation and Open Space to Low Density Urban and to remove a portion of a watercourse as shown on Map 689

Figure 4 - Trails/Open Space:

To remove Open Space and Conservation Designation from Figure 4 as shown on Map 690

**2b) RZ/063/04**

**MAPLE RIDGE ZONE AMENDING BYLAW NO. 6275-2004**

**LEGAL:** Lot 18, Section 28, Township 12, Plan 46272, New Westminster District and Lot B, Except Firstly; The West 285.9 Feet; Secondly; Part Subdivided by Plan 46272, Section 28, Township 12, Plan 15402, New Westminster District

**LOCATION:** 23821 and 23823 132 Avenue

**FROM:** RS-2 (One Family Suburban Residential) and RS-3 (One Family Rural Residential)

**TO:** RS-1 (One Family Urban Residential) and RS-1b (One Family Urban (Medium Density) Residential) (shown hatched)

**PURPOSE:** To permit future subdivision into 20 lots.

The Manager of Development and Environmental Services displayed a map identifying the location of the property and described the purpose of the bylaws.

The Municipal Clerk advised that one letter was received from Ken Hemminger and a letter was submitted prior to the presentation by Roy Josephson.

**Gavin Roach**

Mr. Roach felt that the application sought to make significant changes to important sections of the OCP. Although this is a small development, the effects will be significant as it will change public open space and conservation areas and turn the plan on its head. The amendments change the focus from the environment to housing. This is contrary to the Silver Valley Plan which puts the environment first. He saw no compelling case presented for the removal of open space. He asked if this recommendation was made by the developer or District staff and who viewed what was actually on the ground at this site. He felt that the retention of some trees would not mitigate the loss of public open space. Once it was gone no number of trees can make up for the loss. He cited several reasons for maintaining open space. He asked where green space would be located if not in its current place.

The Manager of Development and Environmental Services advised that the proposed adjustments were based on the recommendations of the applicant's consultant and the Department of Fisheries and Ocean ("DFO").

**Dr. Shiraz Mawani**

Dr. Mawani asked for more elaboration on what is proposed. He felt that too little information had been given on the proposal compared to the previous item on the agenda.

**Ian White, Envirowest Consultants, Applicant's Representative**

Mr. White indicated that a representative of Progressive Construction was detained in traffic so he would describe the proposal in her absence. He displayed the subdivision layout and described the location of creeks and ditches on the property. He indicated that as there are no fish in the stream a 15 metre setback was deemed appropriate on either side of the tributaries to Fern Creek. He noted that field surveys had identified other watercourses on the property and he identified their location on a map. He displayed a photograph of Fern Creek. Mayor Morse advised that the question posed was that if green space had been designated for the site, where would it now be. She suggested that this question was larger than just this property. Mr. White advised that the water course ends at the top and there was not much point in going further as it is not contiguous.

**Don Bowins, Applicant's Representative**

Mr. Bowins indicated that the purpose of green space is to protect environmental issues. Envirowest said that there are no issues on the site that need special protection. Ground proofing determined that green space was not necessary for environmental purposes. He described some of the features identified in the Silver Valley Plan and suggested that this development will provide continuity to the trail network already shown in the OCP. Mayor Morse asked staff if something could be displayed that would show the Silver Valley Plan and identify what is being proposed that is different from the plan. The Manager of Development and Environmental Services displayed a sketch that illustrated the proposed redesignation.

**Ian White, Envirowest Consultants, Applicant's Representative**

Mr. White identified the water courses that DFO will allow to be filled in. He indicated the developer will be introducing enhancements to rehabilitate areas of the site. He described the storm water management system that will be used indicating that they are meeting state-of-the-art guidelines and will improve not only this site but make improvements down stream.

**Ken Hemminger**

Mr. Hemminger urged Council to support the Silver Valley Plan. He said that the idea that DFO is in support has to be looked at carefully as their support is based on the applicant's documents. He suggested that if those documents are pertinent to this rezoning, the public should be able to see it. He recommended that there be a public advocate for development. The Manager Development and Environmental Services advised that the proposal was vetted through the District's Environmental Review Committee. Mr. Hemminger asked why, if the Silver Valley Plan was adopted in 2002, the applicant would not be aware of it and present a proposal that is in keeping with the plan.

**Dwaina Sprague**

Ms. Sprague indicated that Fern Creek runs through her property and they have battled water running down the hill since they moved in. As development proceeds up the hill the surface water gets worse. The applicant proposes to fill in water courses because there are no fish and they are dry in the summer. She suggested that there are more reasons for creeks than fish. She suggested that it has not gone well for other communities who have denuded property and filled in creeks. She spoke of the mudslides that have just occurred due to the heavy rainfalls being experienced at this time. She asked if another soulless development is needed and if it is time to demand good development. She felt that the proposal does not fit in with in with the Silver Valley Plan. She indicated that the job of Council is stewardship. Council is morally obligated to see that the District's assets are protected and managed. She submitted a copy of her presentation.

**Lyn Peters**

Ms. Peters spoke in opposition to the application. She did not feel it was supportive of the Silver Valley Plan. She read a section from the Plan concerning the environment and said that none of the statements were reflected in this application. It is not in the plan for this site to have 20 houses. The land was protected as it is environmentally sensitive. She paraphrased DFO as saying no fish, not our problem, watch out for storm water. She pointed out that it is up to

Council to protect the greenways. She suggested that perhaps there was no water on March 14 when the pictures were taken but those who live along this waterway can tell stories of flooding. She noted that there was flooding right this minute. She also disputed that there are no animals on the property indicating that there are bears, deer and cougar in the area. She felt the property owners that cross Fern Creek should have been notified of the Public Hearing.

**Ann MacBayne,**

Ms. MacBayne was flabbergasted that the effort of citizens to get the environment they want to live in is being turned on its head. The Plan has only been in place for two years and people are saying let's challenge it. They are saying what is open space and what use is it to the community. She found it unbelievable that with the time and money spent by taxpayers on the Plan that this proposal is even coming forward without any answers of where green space is going to be if it is taken out of OCP on this property.

**Dr. Shiraz Mawani**

Dr. Mawani felt that filling in an existing creek goes against the spirit of preserving and enhancing the environment as emphasized by the OCP. A creek has more purposes than supporting fish. He asked how this would affect down stream flows. He described the situation right now at Maple Ridge Park from the heavy rainfall and the experience of those who live down stream from development. He pointed out that those developments had storm water systems that met requirements. He spoke of the requirements for notification of the Public Hearing and suggested that 50 meters is not sufficient. He suggested that neighbourhood associations be directly informed of Public Hearings so they can inform their members. He felt that having 3 minutes to speak to an issue that he is only just learning about is not the best way to protect the community. He appealed to Council to allow for greater dissemination. The Municipal Clerk provided information on the elements of public notification and advised that at a recent Council Workshop the Clerk's Department was tasked with evaluating the notification requirements. Options to be looked at include changing the minimum requirement or providing for a site-specific change to the minimum. Mayor Morse suggested that notification of neighbourhood associations could be folded into that review.

**Ian White, Envirowest Consultants, Applicant's Representative**

Mr. White clarified that it was not the intention to fill in any of the main branch of Fern Creek. 20 metres would be taken off the top of a ditch that runs along side the driveway. Hand dug trenches will be eliminated. The watercourses in Schedule E will be preserved with the exception of the one along the driveway. Enhancements are proposed to make up for the elimination of the hand dug ditches. Non-native vegetation and its top soil will be removed from the creek and the area replanted with native trees, shrubs, and ground species. The area is a clear open field, not a pristine environment. He suggested that flooding down stream would be expected because there is little ability now for water to get into the ground. He suggested that the state-of-the-art 3 tier water management strategy being proposed would maintain base flow conditions and may expand the duration of flow in the creek.

**Allison Davies, Progressive Construction**

Ms. Davies apologized for arriving late. She displayed the proposed subdivision plan. She indicated that she was not aware of an association in the area. She would have been happy to meet with them. She noted that the OCP allows for density of 12-18 units per net hectare. The density of the proposal is 12.73 which is at the low end. The neighbouring property is 15 units per net hectare. She described the features of the property that were being preserved including two older homes on the site and some natural rock outcrop. Lots will be oversized and the developer will endeavour to keep the backs open to protect and retain trees. She described the landscaping features of the development. She indicated that she read the Silver Valley Plan numerous times and tried to take everything into account to come up with the best plan given their desire to save the houses, the creek and the rock outcrop.

**Gavin Roach**

Mr. Roach asked if there was a difference in the percentage of open space and conservation between the Silver Valley Plan and the proponent's plan. He referred to DFO's support of eliminating the drainage area and suggested that land use decisions can't be made in isolation. All parts of the community are connected. The Silver Valley Plan integrates many different aspects and as soon as you mess with it you start to change the entire plan. He asked Council to ask themselves if this is in the best interest of the community as a whole. It is not Council's responsibility to make sure development happens, it's to make the community's vision come to pass. He asked that they address the big picture of Silver Valley and look at the overall plan and not address this application in isolation.

**Ken Hemminger**

Mr. Hemminger read portions of correspondence between DFO and Envirowest requesting that any future development in Silver Valley maintain the integrity of the creeks. He read a letter from DFO to Mark Adams of Envirowest and indicated that the environmental report for this property should be in compliance with what had already been indicated to the applicant by DFO.

The Manager Development and Environmental Services explained that the Silver Valley Plan was done on a conceptual basis. Through implementation of the plan the intention was that a detailed analysis would massage and refine the boundaries of land use designations while maintaining the integrity of the plan. In staff's opinion the developer has done the best design possible while staying within the intent of plan.

**Lyn Peters**

Ms. Peters was pleased that there would be a park in the development but felt it would be better to use municipal land for a park so they wouldn't have to build 20 houses on 5 acres. She noted that the report stated that the Fire Department had no issues with the proposal. She asked if the Fire Department had been asked about the proposal. Mayor Morse responded that they had been. Ms. Peters thought that the Fire Department would have had a problem with more residents in the area. She submitted a copy of her presentation.

Councillor Gordon asked for clarification of the comment that there would be a park. It was her understanding that there was a conservation area, not a formal park. The Manager of

Development and Environmental Services confirmed that the area shown in the subdivision plan as park is intended to reflect the conservation area.

**Dwaina Sprague**

Ms. Sprague expressed frustration with hearing the same song and dance. She felt this subdivision does not fit the area. She finds it disheartening and discouraging to have worked on the Silver Valley Plan only to have this property purchased after it was implemented and to be expected to believe that it is going to be an enhancement. She said she is not buying this. She supported Mr. Hemminger's suggestion that we have our own environmental studies done. She indicated that she didn't believe what was being said and hoped that Council would see beyond it and stick to what was said was needed – green space and intelligent development. She said she did not believe that the developer didn't know about the local association.

**Ken Hemminger**

Mr. Hemminger talked about the reports submitted to DFO and other reports submitted that referenced ephemeral creeks on the property. These creeks were designated on the GPS maps in 2002. He suggested taking a close look at the ephemerals that are in the environmental reports. He supported Dr. Mawani's comments about notification. He suggested a simple way to notify people in the community about different developments is to post information on the website. He cited Port Moody's website as a good example. He also suggested that there could be an email notification system that could be subscribed to.

**Doug Stanger**

Mr. Stanger pointed out that everyone worked long and hard on the Silver Valley Plan and he is fully supportive of it. He is frustrated that all applications vary from it. He would like to see the plan adhered to.

**Joel Lycan**

Mr. Lycan noted that he was a participant in the workshop and area plan study to develop the Silver Valley Plan. He indicated that at those meetings participants talked at length that the plan wasn't site specific. The Plan couldn't go into a detailed study to identify exactly where green space would or would not be. He defined sustainable development as using land that is most suitable for development. If we fail to use what is suitable then we are going to have to move to a new area sooner. If valuable development areas not required for environmental reasons are used as green space, development of Thornhill will happen sooner. Areas that may appear to be lost as green space will be recovered in other areas as developers find that setbacks are greater than anticipated. He spoke in support of the storm water system proposed for the development.

**Gavin Roach**

Mr. Roach asked if there had been a public information meeting for this application. The Manager Development and Environmental Services explained that it was not a requirement for this application. Mr. Roach said it was his understanding that there was a requirement for a meeting if there was an OCP amendment. He had done the calculation and if the proposal followed the OCP there would be 10 less lots. He felt it was the role of Council to protect the environment and the community and to take the vision and put it on the ground. The Manager of

Development and Environmental Services clarified that an information meeting is required if there is an amendment to the OCP but there is a caveat that a meeting is not required if it is a boundary adjustment.

**Lynn Peters**

Ms. Peters noted that it had been said that the creek runs for 6 months. It has been her experience that the creek runs for 9 months and there is no month in which the creek hasn't run. She felt the creek should be protected. She pointed out that the Public Hearing sign had been posted on a dead end road that only one person drives by. She felt that placing notices in the paper was inconsistent. The 50 metre notification area would not link most of the people who would be affected by the development.

**Dr. Shiraz Mawani**

Dr. Mawani expressed surprise that the amendment would be considered an exception for the requirement to hold an information meeting. He felt it was a terrible oversight. He commented that Council must detect pent up aggravation about the Silver Valley Plan as they have been waiting for the bylaw amendments to be made that would allow the plan to proceed. He asked what was holding up that work. The Manager of Development and Environmental Services advised that the Planning Department is working on strategies for implementation. One of those strategies is Development Permit guidelines for the Silver Valley area. This work is in its formative stages and it is the intention of staff to discuss this with Council in late spring or early summer. Dr. Mawani stressed the need to have those regulations in place.

**Don Bowins**

Mr. Bowins identified that the Silver Valley Plan is a living document. Some alterations will always be common once topographic and geographic information is made available. This is the normal process. The plan sets out a general guide plan and as more detailed information is made available it is adjusted. That's what this proposal is trying to do. The proponent has said the proposal is at the low end of the permitted density. They have complied with storm water management requirements. He indicated that that 20% of this particular development would be impervious. He noted that the proponent has a storm water management plan, the main creek in the OCP along the property boundary is being protected, handmade ditches are being eliminated and a rain garden is being put in at the back of homes. He suggested that this is one of the most progressive sites for storm water management.

There being no further comment, the Mayor declared this item dealt with.

Having given all those persons whose interests were deemed affected by the matters contained herein a chance to be heard, the Mayor terminated the Public Hearing at 9:25 p.m.

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K. Morse, Mayor

Certified Correct

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T. Fryer, Municipal Clerk