

**Public Hearing Meeting Minutes  
held in d’Esterre Seniors Centre  
on Wednesday August 10, 2022**

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<u>Present:</u>	Mayor	R. Arnott
	Councillors	A. Bissinger, K. Grant, S. McGowan, N. Minions, M. Swiftt, Councillor J. Kerr
	Staff	J. Wall, Chief Administrative Officer S. Russwurm, Corporate Officer M. Kamenz, Director of Development Services
<u>Absent:</u>		Nil

The Public Hearing Meeting was called to order at 6:00 p.m.

There were 21 members of the public in attendance.

Mayor Arnott acknowledged that the Town of Comox is standing on the Unceded traditional territory of the K'omoks First Nation.

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## **PUBLIC HEARING STATEMENT**

Mayor R. Arnott made the following statement:

This Public Hearing is hereby convened pursuant to Section 464 of the Local Government Act for the purpose of hearing representations from members of the public regarding Comox Official Community Plan Amendment Bylaw 2006 (Tree Pruning/Cutting in Hazardous Areas).

To maintain order and to ensure everyone a reasonable opportunity to be heard, I ask that each person wishing to speak first sign the Speaker’s List, located at the desk of the Clerk. Once called by the Chair, please begin your presentation to Council by clearly stating your name and address. Please make your presentation as brief as possible. After all have had an opportunity to be heard, anyone wishing to have further input may once again sign the Speaker’s List.

Council will not debate with each other or members of the public. Council will not answer questions; we are here to hear from you. Technical questions may be directed by the Chair to the staff.

Everyone will be given a reasonable opportunity to be heard at this meeting. No one will be, or should feel, discouraged or prevented from making his or her views heard. Please refrain from any conduct that would intimidate others or discourage them from speaking.

### **Application Summary:**

In summary, the purpose of Comox Official Community Plan Amendment Bylaw 2006 is to amend Development Permit Area (DPA) #13 to:

- exempt routine pruning of some trees from the requirement to obtain a development permit, and
- add the lands that are adjacent to Golf Creek south of Beaufort Avenue into DPA #13

## **Public Hearing Submissions:**

Summary of written submissions:

- Email received August 4, 2022 from Karin Kratz, inviting Council to create a tree protection and management bylaw.
- Email received August 4, 2022 from Chris Edmiston, 321 Wireless Rd, expressing support for the proposal, citing routine pruning which meets a set of specified criteria.
- Email received August 8, 2022 from Garry and Lisa Gordon, 435 Wireless Rd, expressing opposition for the proposal, citing removal of rights and freedoms, giving rights to residents below the bank and potential long and costly legal wrangles.
- Letter received August 8, 2022 from Ken McDonald, 54 Jane Pl, expressing concern with the public consultation process.
- Emails received August 8 & 9, 2022 from Robyn Rushford and Keith Wallace, 305 Wireless Rd, expressing concern with the proposal, citing the permit application process, limits of the bylaw and not being included in the DPA creation process.
- Email received August 8, 2022 from Robert Argall, Wireless Rd, advising Council of the history of pruning and cutting along Wireless Rd and the dangers of trees.
- Letter received August 9, 2022 from Lynne Larson, 1545 Kye Bay Rd, expressing opposition for the proposal, citing cost to remove dead trees due to poor trimming and topping and an archaic covenant.
- Letter received August 9, 2022 from Clarence Hookenson and Teri Posyniak, 1551 Kye Bay Rd, expressing concern with the proposal, citing potential negative impact to slope stability, confusing language and no mechanism to stop work.
- Email received August 9, 2022 from Dave Talbot, 1469 Kye Bay Rd, expressing concern with the proposal, citing the need to protect the bank from erosion and illegal topping of evergreens.
- Email received August 9, 2022 from Robert and Lissa Benson, 313 Wireless Rd, expressing concern with the proposal, citing a flawed process, land title rights and obligations and increased friction between residents.
- Email received August 10, 2022 from Ken and Mena Beatch, 1549 Kye Bay Rd, expressing concern with the proposal, citing the steep and potentially unstable bank, increased exposure to danger and lack of transparent information.
- Letter received August 10, 2022 from Claire Guest, Powell River, providing Council background and history on this issue.
- Email received August 10, 2022 from Mylisa Evans, 1517 Kye Bay Rd, expressing opposition for the proposal, citing the safety and security of their buildings and properties.
- Letter received August 10, 2022 from Robert and Denise Esterer, 365 Wireless Rd, requesting that the bylaw be changed to enable dominant property owners on Wireless Road to be able to apply and be granted permit exemptions to carry out pruning on the servient properties along Kye Bay Road.

- Copy of verbal comments received August 10, 2022 from Robert Benson, 313 Wireless Rd, expressing concern with the proposal, citing tree health and easement rights, and suggesting that the Town step out of the issue entirely.

Summary of Speakers:

- Keith Wallace, 305 Wireless Rd, advised that he would prefer not to have to go to his neighbours for a permit.
- Robyn Rushford, 305 Wireless Rd, advised she is concerned with slope stability and tree health, has the right to trim trees in perpetuity, and wants to be able to enjoy the right.
- Lynne Lawson, 1545 Kye Bay Rd, expressed opposition to the proposal, citing an archaic ruling.
- Mylisa Evans, 1517 Kye Bay Rd, advised that she did not know that property owners could come onto her property without her knowledge, damage her property and have no account to the damage they cause.
- Robert Worbets, 335 Wireless Rd, advised that he purchased his land with the assumption of property rights, the Supreme Court continued the property rights in 2002, the new DP limits the use of the trail and Comox does not have the jurisdiction to alter the easement.
- David Young, 427 Wireless Rd, advised that he wants to protect his view and his first priority is always the stability of the slope.
- Gary Gordon, 435 Wireless Rd, expressed his opposition to the proposal, citing loss of freedom.
- Robert Argall, 387 Wireless Rd, advised that the bank was historically maintained at 3-4 feet, there has never been trees as they were clearcut in 1930s and arborists have advised that cutting is the best way to keep the bank and trees are the worst way.
- Robert Benson, 313 Wireless Rd, advised that the situation changed when a new owner didn't want her trees topped, a large volume of geotechnical reports unanimously say trees present a hazard and that tree health is only pertinent if it adds to the stability of the bank.
- Ken Beatch, 1549 Kye Bay Rd, expressed opposition to the proposal, citing anecdotal information about damaged trees, and advising one doesn't want general geotechnical information applying to specific trees on specific slopes.
- Robert Benson, 313 Wireless Rd, asked the Town to step out of the issue, advised the pruning and topping window is very short and suggested that permits should be issued to all Wireless Rd. residents.
- Robert Argall, 387 Wireless Rd, advised that the slope in Kye Bay is northeast facing rather than southeast as in Comox bluffs meaning the roots are much stronger in holding the slope.
- Mylisa Evans, 1517 Kye Bay Rd, advised that when the trees are damaged and die, the Kye Bay residents bear the cost when the Wireless Rd residents should.

- Denise Esterer, 365 Wireless Rd, advised that she hopes whatever bylaw is passed is fair to both Kye Bay and Wireless Rd residents.
- Gary Gordon, 435 Wireless Rd, expressed his criticism of the proposed bylaw, advising this issue is not with trees but with fast growing maples.
- Lynne Lawson, 1545 Kye Bay Rd, advised that her wish is for collaboration and cooperation.
- Lisa Benson, 313 Wireless Rd, advised that there should be something in the bylaw about taking care of trees at the end of their lifespan so as to not danger the slope.

**Close of Public Hearing:**

There being no speakers wishing to make representation, Mayor Arnott made the following statement:

I would remind those present that legal considerations prevent the members of Council from considering any representation made after the close of this Public Hearing.

Before closing the Public Hearing, I am going to call three times for any further speakers on any of the matters contained in the proposed bylaws.

For the first time, is there anyone who wishes to make any further representation?

For the second time, is there anyone who wishes to make any further representation?

For the third time, is there anyone who wishes to make any further representation?

There being no speakers, I declare this Public Hearing closed.

**Adjournment:**

Regularly moved and seconded that the meeting adjourn at 7:00 p.m.

*CARRIED*

Certified correct pursuant to Section 97(1)(b) of the Community Charter.

Certified fair and accurate pursuant to Section 890(7) of the Local Government Act.

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MAYOR

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CORPORATE OFFICER