

**Public Hearing Report and Meeting Minutes  
held in d’Esterre Seniors Centre  
on Wednesday December 7, 2022**

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Present: Mayor N. Minions  
Councillors S. Blacklock, K. Grant, C. Haslett,  
J. Kerr, J. Meilleur, M. Swift  
Staff J. Wall, Chief Administrative Officer  
S. Russwurm, Corporate Officer  
M. Kamenz, Director of Development Services

Absent: Nil

The Public Hearing Meeting was called to order at 6:00 p.m. with 30 members of the public in attendance.

Mayor Minions 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 N. Minions 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 those persons who believe that their interest is affected by the proposed application:

**Comox Official Community Plan Amendment OCP 22-1  
(Tree Pruning/Cutting in Hazardous Areas)**

Comox Official Community Plan Amendment Bylaw 2006

The proposed bylaw has received first and second readings, but has not passed third reading or been adopted by Council. Notices of this Public Hearing have been published in accordance with the requirements of the Local Government Act. Also, a copy of the proposed bylaw, supporting documentation and any submissions to Council received from the public have been available for inspection at Comox Town Hall as required by the Local Government Act. Copies are also available for review at the desk of the clerk.

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 limit your presentation to five minutes. 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 certain trees from the requirement to obtain a development permit provided certain conditions are met,
- exempt alteration of vegetation including tree removal on certain properties in Kye Bay from the requirement to obtain a development permit provided certain conditions are met, and
- add the lands that are adjacent to Golf Creek south of Beaufort Avenue into DPA #13 to protect development within 15 metres of the natural boundary of Golf Creek from hazardous conditions in relation to erosion and unstable slopes.

## **PUBLIC HEARING SUBMISSIONS**

Summary of written submissions:

- Letter received December 5, 2022 from Clarence Hookenson and Teri Posyniak, 1551 Kye Bay Road, clarifying information regarding their property and expressing concern with the Town's process.
- Email received December 6, 2022 from Mylisa and Rob Thompson, 1517 Kye Bay Road, expressing concerns with applicability of the proposed bylaw.
- Letter received December 7, 2022 from Rob Benson, 313 Wireless Road, expressing concerns with the restrictions in the proposed bylaw.
- Email received December 7, 2022 from Rob Benson, 313 Wireless Road, expressing concerns with the restrictions in the proposed bylaw.
- Email received December 7, 2022 from Lynne Larsen, 1545 Kye Bay Road, expressing concerns with the right to top trees.
- Email received December 7, 2022 from David Young, 427 Wireless Road, expressing concerns with limitations in the proposed bylaw.
- Letter received December 7, 2022 from Beverley Worbets, 335 Wireless Road, expressing concerns with the ability to care for the trees and neighbourhood.
- Email received December 7, 2022 from Robyn Rushford, 305 Wireless Road, requesting the proposal be changed to include the topping of all trees.
- Letter received December 7, 2022 from Cathy Cook, 353 Wireless Road, expressing concerns with the proposed bylaw.
- Letter received December 7, 2022 from Lissa Benson, 313 Wireless Road, recommending changes to the proposed bylaw.
- Letter received December 7, 2022 from Robert Argall, 387 Wireless Road, providing information regarding vegetation in the area.
- Letter received December 7, 2022 from Kevin Watson, 353 Wireless Road, summarizing his research of the issue.

## Summary of Speakers:

- Rob Benson, 313 Wireless Road, expressed concerns with the proposed bylaw, citing infringement on property rights, lack of support by geotechnical surveys, inability to obtain views or maintain the path and decrease in public safety.
- Bob Worbets, 335 Wireless Road, expressed concerns with the proposed bylaw, citing the loss in uninhibited views, loss in rights and resulting tree fall.
- Keith Wallace, 305 Wireless Road, expressed concerns with the proposed bylaw, citing slope stability, goodwill amongst neighbours and preservation of views and property values.
- Robyn Rushford, 305 Wireless Road, expressed concerns with the proposed bylaw, citing incorrect statements in the staff report and inability to trim bushes.
- Kevin Watson, 353 Wireless Road, expressed disagreement with the proposed bylaw, citing his review of all reports, and topping and trimming of trees is not detrimental to stability.
- David Young, 427 Wireless Road, identified changes he would like to see in the proposed bylaw.
- Robert Argall, 387 Wireless Road, provided some history on the nature and maintenance of vegetation on the bank.
- Bev Worbets, 335 Wireless Road, expressed concerns with the proposed bylaw, citing poor legislation and a desire to continue past practice.
- Lissa Benson, 313 Wireless Road, expressed concerns with the proposed bylaw, citing a lack of all applicable factors and recommended changes.
- Mylisa Evans, speaking for Lynne Larsen, 1517 Kye Bay Road, expressed concerns with the proposed bylaw, citing decreased property values, cost to remove danger trees and an archaic easement that does not take into account climate change.
- Mylisa Evans, 1517 Kye Bay Road, agreed with other speakers on need for neighbour relations and slope stability.
- Rob Benson, 313 Wireless Road, provided general comments on tree topping.

## **Close of Public Hearing:**

There being no further speakers wishing to make representation, Mayor Minions 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:**

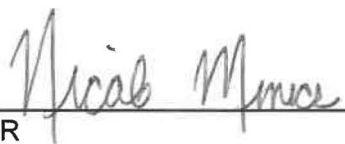
Regularly moved and seconded that the meeting adjourn at 6:53 p.m.

*CARRIED*

**Submissions received at the meeting, are attached to these Minutes:**

- Rob Benson, 313 Wireless Road

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

  
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MAYOR

Certified fair and accurate pursuant to Section 465(6) of the Local Government Act.

  
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CORPORATE OFFICER

Robert Benson 313 Wireless Road

Hi again: I just want to make it clear that we all agree that topping a tree isn't good for its health. This is why we use arborists who use techniques to minimize the damage to the trees. These techniques clearly work since several previously topped trees on the slope are now well over 100' high and have been there for over 30 years.

If a tree is topped, it is below the level of the slope and out of the wind, so the chances of it falling down and taking out a large portion of the slope are greatly decreased. Also, being shorter, the chances of it hitting a house on Wireless Road or Kye Bay road are also diminished.

This is why the geotechnical professional engineers have all said that the trees could be topped. I would add to this that an unsightly topped tree is small price to pay for the enhanced stability of the slope and safety of the surrounding houses.

*Robert Benson*

**RECEIVED**

December 7, 2022

**TOWN OF COMOX**