

**TOWN OF COMOX**  
**Minutes of the Regular Council Meeting,**  
**held in Council Chambers on Wednesday September 8, 2021**

**Present:** Mayor R. Arnott  
Councillors A. Bissinger (electronically), K. Grant, S. McGowan,  
N. Minions, M. Swift

**Absent:** Nil

**Staff Present:** J. Wall, Chief Administrative Officer  
S. Russwurm, Corporate Officer  
M. Kamenz, Director of Development Services  
G. Schreiner, Fire Chief (electronically)  
T. Hagmeier, Recreation Director  
S. Ashfield, Director of Operations

**Call to Order:**

The meeting was called to order at 5:00 p.m.

There were 0 members of the public in attendance.

Pursuant to Ministerial Order, the meeting was conducted by electronic means with some or all members of Council participating electronically. Further, in accordance with Ministerial Order, the public was not permitted to be in attendance. The meeting was also live-streamed on the Town's YouTube pages.

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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**1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL**

**2. ADOPTION OF AGENDA:**

**a. Adoption of the Agenda**

**Adoption of the Agenda**

*That the September 8, 2021 Regular Council Meeting agenda be adopted as amended.*

*(2021.330) -- CARRIED*

**3. DELEGATIONS:**

**a. Kelly Clausen & J.P. Gagnon (1153 Tara Road)**

**1153 Tara Road**

Mr. Clausen advise that there are 16 letters on file and four more since he last presented. He advised that two single family homes will not increase the density, that the OCP is 10 years old and this is an infill solution. He suggested that by rezoning, Council can double taxes without additional services.

**b. Dawn Lupton - Claddagh Estates**

**1153 Tara Road**

Ms. Lupton advised that there never was a majority of the neighbourhood in favour. She read out some emails that she had received from the neighbourhood. Ms. Lupton advised that they bought into a planned development that allowed for smaller lots on the waterfront in exchange for five larger lots. She also advised that the Clausens were fully aware of the covenants when they bought Lot 15.

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### 4. ADOPTION OF MINUTES:

#### a. Regular Council Meeting Minutes

##### RCM Minutes

*That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday August 11, 2021, be Adopted.*

(2021.331) -- CARRIED

### 5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

### 6. CONSENT AGENDA:

#### a. Consent Agenda

##### Consent Agenda

1. *That the Consent Agenda items as follows be received:*

1. *August 11, 2021 letter from Susan Boutilier regarding a petition to stop the traffic circle at Comox Avenue and Rodello Street.*
2. *August 16, 2021 email from Susan Ward regarding the parking at Filberg Park.*
3. *August 10, 2021 email from Chris Smith regarding the bicycle parking and security in downtown Comox.*
4. *August 12, 2021 email from Anne Davis regarding Point Holmes.*
5. *August 19, 2021 email from Geoff and Barbara Stagg regarding the Return It Centre in Comox.*
6. *August 18, 2021 letter from Brian Frenkel (UBCM) regarding Canada Community-Building Fund/Gas Tax Fund.*
7. *August 30, 2021 email from Mel McLachlan regarding garbage.*
8. *August 30, 2021 petition regarding a sidewalk on Aspen Road.*
9. *Comox Valley Regional District Board meeting minutes held Tuesday August 10, 2021.*

(2021.332) -- CARRIED

2. *That the August 10, 2021 email from Chris Smith regarding the bicycle parking and security in downtown Comox be removed from the consent agenda for discussion.*

(2021.333) -- CARRIED

3. *That the August 19, 2021 email from Geoff and Barbara Stagg regarding the Return It Centre in Comox and the August 30, 2021 email from Mel McLachlan regarding garbage be removed from the Consent Agenda for discussion.*

(2021.334) -- CARRIED

4. *That the August 30, 2021 petition regarding a sidewalk on Aspen Road be removed from the consent agenda for discussion*

(2021.335) -- CARRIED

5. *That the August 11, 2021 letter from Susan Boutilier regarding a petition to stop the traffic circle at Comox Avenue and Rodello Street be removed from the consent agenda for discussion.*

(2021.336) -- CARRIED

**7. UNFINISHED BUSINESS:**

**a. Strategic Priorities and Action Items Report - September 8, 2021**

**Strategic Priorities and Action Items**

*That the Strategic Priorities and Action Items Report for September 8, 2021 be received and filed for information.*

(2021.337) -- CARRIED

**b. Referred from Aug 11, 2021 RCM: OCP and Rezoning Application OCP RZ 20-5 / Development Permit Application DP 20-9: 1153 Tara Road**

**1153 Tara Road**

*That, in accordance with section 475 of the Local Government Act:*

- 1. Notice of proposed OCP Amendment, as contained in Attachment 1 to the July 14, 2021 Planning Introductory Report OCP RZ 20-5 and DP 20-9, be placed on the Town's bulletin board, website, and Facebook and Twitter social media channels, until replaced by a notice of Public Hearing; and*
- 2. The April 21, 2021 Planning Report OCP RZ 20-5 and DP 20-9 and the July 14, 2021 Planning Introductory Report OCP RZ 20-5 and DP 20-9 be posted on the Town's website.*

(2021.338) -- DEFEATED

[Opposed: Councillors KGrant NMinions MSwift]

**c. Rezoning Application RZ 19-9 / Development Variance Permit DVP 19-9 (425 Stewart Street)**

**425 Stewart Street**

- 1. That Comox Zoning Amendment Bylaw 1950 be Adopted.*

(2021.339) -- CARRIED

- 2. The Development Variance Permit DVP 19-9 be issued subject to the Development Variance Permit Conditions listed in Schedule 1 to the September 8, 2021 Planning Report on DVP 19-9.*

(2021.340) -- CARRIED

**REGULARLY MOVED AND SECONDED THAT THE MEETING RECESS AT 5.54 P.M. UNTIL AFTER THE PUBLIC HEARING ON OCP AMENDMENT 21-2: IMPLEMENTATION OF NORTHEAST COMOX STORMWATER MANAGEMENT PLAN.**

**CARRIED**

**THE MEETING WAS CALLED BACK TO ORDER AT 6:17 P.M.**

**d. Rezoning Application RZ 20-4 Urban Agriculture**

**Urban Agriculture**

- 1. That the Town of Comox prepare for Council's consideration the necessary bylaw amendments to permit farmstands based on the survey results summarized in the September 8, 2021 Planning Report on RZ 20-4 and the urban agriculture bylaws adopted by the City of Courtenay.*

(2021.341) -- CARRIED

**d. Rezoning Application RZ 20-4 Urban Agriculture**

**Urban Agriculture**

2. *That the Town of Comox prepare for Council's consideration the necessary bylaw amendments to permit greenhouses in front yards based on the survey results summarized in the September 8, 2021 Planning Report on RZ 20-4 and the urban agriculture bylaws adopted by the City of Courtenay.*

(2021.342) -- DEFEATED

[Opposed: Mayor Arnott, Councillors KGrant MSwift]

3. *That the Town of Comox prepare for Council's consideration the necessary bylaw amendments to permit raising of chickens on larger lots based on the survey results summarized in the September 8, 2021 Planning Report on RZ 20-4 and the urban agriculture bylaws adopted by the City of Courtenay.*

(2021.343) -- CARRIED

[Opposed: Councillors KGrant MSwift]

**e. North East Comox Implementation Bylaw - Third Reading Report**

**NE Comox Implementation**

1. *That Comox Drainage Infrastructure Protection Bylaw 1824 be given third reading.*

(2021.344) -- CARRIED

2. *That Comox Highway Use Bylaw 1920 be given third reading.*

(2021.345) -- CARRIED

3. *That Subdivision and Development Servicing Bylaw, Amendment Bylaw No. 1977, 2021 be amended as follows:*

- a. *Adding as Section (4), and renumbering accordingly, the following text:  
Section 3.3 Definitions is amended by adding the following definition:  
"Residential Zone" means a zone listed as such in s. 4.1 of Comox Zoning Bylaw 1850 and, for certainty, does not include any multi-family residential zone.*

- b. *Schedule A – New Section 1.5 of Appendix E to Schedule C.1 be amended as follows:*

- i. *By changing the text in Note 6), Table 4 in section 1.5.1.2 from:*

*"Parcels in residential zones are 60% impervious and all other parcels are 90% impervious."*

*To:*

*"Single Family Land Uses are 60% impervious and all other Land Uses are 90% impervious."*

- ii. *By replacing Section 1.5.5.1 with the following text:*

*1.5.5.1 Disconnected Roof Leaders (Standard Drawing SE-3)*

*On parcels in residential zones, roof leaders shall not be connected to the municipal storm service. Roof leaders shall be disconnected and directed via lot grading to an unpaved landscaped area per Standard Drawing SE- 3. Splash pads, drain rock or other similar means to displace energy and eliminate erosion at roof leader outlets must be used. Building lots shall be graded so that each property either drains directly to a municipal / statutory right-of-way or, at most, across one (1) other lot before reaching a municipal / statutory right-of-way. Subdivision lot grading and ultimate lot grading (post-building construction) shall be per the details on Standard Drawing SE- 11 or SE – 12 as applicable. Grading away from buildings shall be as per the latest edition of the British Columbia Building Code with a minimum grade away from buildings of 4% for*

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1.8 metres or 2% for 4.0 metres.

- iii. By changing the text in Table 6 in section 1.5.5.6.3 as follows:
- Changing the Approximate Storage Volume (m3) for Dry Detention Pond #2A from 2700 / (2100) to 2700 / (2700),
  - Changing the Approximate Storage Volume (m3) for Dry Detention Pond #4B from 2240 to 2880,
  - Changing the Storage Volume per Hectare (m3/ha) for Dry Detention Pond #2A from 450 / (350) to 450 / 450, and
  - Changing the Storage Volume per Hectare (m3/ha) for Dry Detention Pond #4BA from 350 to 450.
- e. Changing the text in Note 1) from:  
"Single Family Land Use are 60% Impervious and all other Land Uses are 90% Impervious."  
To: "Parcels in residential zones are 60% impervious and all other parcels are 90% impervious."

- iv. By replacing Section 1.5.5.6.21 with the following text:  
1.5.5.6.21 A minimum of 4 signs shall be installed around the perimeter of dry detention ponds. Signs to be per Standard Drawing SE-13.

- v. By replacing Standard Drawing SE-6 with the Standard Drawing SE-6 contained in Attachment 4 of the September 8, 2021 Report to Mayor and Council titled "North East Comox Implementation Bylaw - Third Reading Report".

- vi. By replacing Standard Drawing SE-7 with the Standard Drawing SE-7 contained in Attachment 4 of the September 8, 2021 Report to Mayor and Council titled "North East Comox Implementation Bylaw - Third Reading Report".

- vii. By replacing Standard Drawing SE-8 with the Standard Drawing SE-8 contained in Attachment 4 of the September 8, 2021 Report to Mayor and Council titled "North East Comox Implementation Bylaw - Third Reading Report".

(2021.346) -- CARRIED

4. That Subdivision and Development Servicing Bylaw, Amendment Bylaw No. 1977, 2021, as amended, be given third reading.

(2021.347) -- CARRIED

5. That Comox Runoff Control Bylaw 1919 be given third reading.

(2021.348) -- CARRIED

6. That Comox Storm Drain Connection Amendment Bylaw, No. 1921 be amended as follows:

- a. By adding the following text to Section (1) alphabetically:  
"RESIDENTIAL ZONE" means a zone listed as such in s. 4.1 of Comox Zoning Bylaw 1850 and, for certainty, does not include any multi-family residential zone

- b. By replacing Section 2(b) with the following text:  
b) In Northeast Comox on parcels in residential zones, roof leaders installed after the date of adoption of Comox Storm Drain Connection Amendment Bylaw, No. 1921 shall not be connected to the common drain but shall be arranged and installed so as to discharge, either directly or indirectly via a

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*rain barrel or splash pad, to a landscaped area on the parcel permitting the absorption of drainage, as indicated schematically in Schedule 'C'.*

(2021.349) -- CARRIED

7. *That Comox Storm Drain Connection Amendment Bylaw, No. 1921, as amended, be given third reading.*

(2021.350) -- CARRIED

8. *That Comox Building Amendment Bylaw 1922 be given third reading.*

(2021.351) -- CARRIED

### 8. SPECIAL REPORTS: NIL

### 9. BYLAW ADOPTIONS: NIL

### 10. NEW BUSINESS:

#### a. Appointment of Election Officers and Varying Election Procedures

##### Election Officials and Procedures

1. *That pursuant to Section 54(4) of the Local Government Act, Council appoints Shelly Russwurm as Chief Election Officer for conducting the November 27, 2021 Local By-Election with the power to appoint other election officials as required for the administration and conduct of the 2021 Local By-Election; and further, that Council appoints Lia Pesklevits as Deputy Chief Election Officer for the November 27, 2021 Local By-Election.*

(2021.352) -- CARRIED

2. *That in accordance with section 6(2)(a) of the Elections in Special Circumstances (COVID-19) Regulation [Mail ballot voting], Council disapples section 6(2)(a) and 6(2)(b) of the Comox Election and Assent Voting Bylaw No. 1888, 2018 [restrictions on which electors may vote by mail ballot].*

(2021.353) -- CARRIED

3. *That in accordance with sections 7(2)(a) and 7(2)(b) [Requirements before elector may be given a ballot] of the Elections in Special Circumstances (COVID-19) Regulation, Council provides that sections 125(1)(b) and 125(1)(c) [Requirements before elector may be given a ballot] of the Local Government Act be read as though it provides that the person must, as directed by an election official,*

- a. *comply with sections 125(1)(b) and 125(1)(c) as written, or*
- b. *make an oral declaration of the facts set out in section 125(1)(b) and 125(c), in which case the election official must make a record that the person made an oral declaration and of the facts declared.*

(2021.354) -- CARRIED

#### b. Notice of Motion from August 11, 2021 RCM: Beckton Drive Parking - Councillor Bissinger

##### Beckton Avenue Parking

*THAT the street parking area on the north side of Beckton closest to the intersection of Beckton Drive and Silversmith, be increased from approximately 45 feet to approximately 90 feet.*

(2021.355) -- CARRIED

#### c. Single Use Plastics Regulations

##### Single Use Plastics

1. *THAT Bylaw No. 1923 'A bylaw to regulate the business use of single use plastics' be defeated at 3rd reading.*

(2021.356) -- CARRIED

**c. Single Use Plastics Regulations**

**Single Use Plastics**

2. *THAT Bylaw No. 1985 'A bylaw to regulate the business use of single use plastics' be given first reading.*

(2021.357) -- CARRIED
  
3. *THAT Bylaw No. 1985 'A bylaw to regulate the business use of single use plastics' be given second reading.*

*THAT the main motion be amended to add the text "as amended to include a ban on polystyrene foam service ware containers provided supplementary to customers when purchasing take out food or other purchases."*

(2021.358) -- CARRIED
  
4. *THAT Bylaw No. 1985 'A bylaw to regulate the business use of single use plastics' be given second reading as amended to include a ban on polystyrene foam service ware containers provided supplementary to customers when purchasing take out food or other purchases.*

*THAT the main motion be further amended to add the text "as well as a ban on single use plastic utensils provided supplementary to customers when purchasing take out food or other other purchases."*

(2021.359) -- CARRIED
  
5. *THAT Bylaw No. 1985 'A bylaw to regulate the business use of single use plastics' be given second reading as amended to include a ban on polystyrene foam service ware containers provided supplementary to customers when purchasing take out food or other purchases as well as a ban on single use plastic utensils provided supplementary to customers when purchasing take out food or other other purchases.*

(2021.360) -- CARRIED
  
6. *THAT the Town of Comox coordinate with other Comox Valley communities to develop similar regulations to be implemented at the same time and any suggested changes be brought to Council for consideration.*

(2021.361) -- CARRIED

**d. Disposition of Property at 695 Aspen Road**

**695 Aspen Road**

1. *That, in accordance with covenant CA8281168, Council authorize staff to accept the offer from Highstreet Aspen View Apartments Ltd. and Highstreet Aspen View (2019) Limited Partnership, to purchase for \$1,113,660.00 six one-bedroom residential strata lots with parking spaces at 695 Aspen Road.*

(2021.362) -- CARRIED
  
2. *That Council authorize staff to assign for \$1.00 the accepted offer to purchase the six one bedroom residential strata lots with parking spaces at 695 Aspen Road to M'akola Housing Society Inc. No. S0018870 (M'akola), to operate such strata lots as affordable housing for low and moderate income households, in partnership with British Columbia Housing Management Commission; that Council provide up to \$437,211.00 from the Affordable Housing Reserve Fund to M'akola to complete the purchase of the six one-bedroom residential strata lots with parking spaces; and further, that after a term of 40 years the Town would have a buyback option to purchase such strata lots for \$1.00 each.*

(2021.363) -- CARRIED

**d. Disposition of Property at 695 Aspen Road**

**695 Aspen Road**

3. *That, in accordance with covenant CA8281168, Council authorize staff to accept the offer from Highstreet Aspen View Apartments Ltd. and Highstreet Aspen View (2019) Limited Partnership to purchase for \$575,000.00 approximately 190 m2 commercial strata lot with parking spaces and dedicated outdoor area at 695 Aspen Road.*

(2021.364) -- CARRIED
  
4. *That Council authorize staff to enter into a 60 year lease agreement with Comox Valley Children's Day Care Society for the prepaid rent of \$10.00 to operate a childcare facility for 28 children within approximately 190 m2 commercial strata lot with parking spaces and dedicated outdoor area at 695 Aspen Road.*

(2021.365) -- CARRIED

**e. DL-194, Northeast Woods, Transfer to Komoks First Nation**

**DL194 Northeast Woods**

1. *THAT notice of disposition for Lot 1 District Lot 194 Comox District Plan EPP31743 be made with the intent for sale to K'omoks First Nation.*

(2021.366) -- CARRIED
  
2. *THAT Council authorizes the sale of Lot 1 District Lot 194 Comox District Plan EPP31743 to K'omoks First Nation for the price of \$10.*

(2021.367) -- CARRIED
  
3. *THAT Council authorizes the Town to enter a 99 year lease with K'omoks First Nation for the use of Lot 1 District Lot 194 Comox District Plan EPP31743 as a public park.*

(2021.368) -- CARRIED

**f. Canada Community Revitalization Fund**

**CA Community Revitalization**

1. *THAT Council support's the Town of Comox's application to the Canada Community Revitalization Fund for the construction of a skate park and;*  
  
*THAT Council commits to covering any expenses in the construction of the skate park in excess of the amount received by the grant.*

(2021.369) -- CARRIED
  
2. *THAT Council support's the Town of Comox's application to the Canada Community Revitalization Fund for additional funds for the construction of the Marine Services Building and;*  
  
*THAT Council commits to covering any expenses in the construction of the Marine Services Building in excess of the amount received by the grant.*

(2021.370) -- CARRIED

**11. NOTICES OF MOTION: NIL**

**12. CORRESPONDENCE: NIL**

**13. LATE ITEMS: NIL**

**14. REPORTS FROM MEMBERS OF COUNCIL:**

**a. Councillor Swift**

Councillor Swift advised that she attended the Regional District board and recreation commission meetings.



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**b. Councillor McGowan**

- Councillor McGowan advised that she attended:
- a Comox Valley Substance Use meeting,
  - a Comox Valley Social Planning Committee meeting,
  - a Comox Valley Food Policy Council meeting,
  - a conference call for elected officials, and
  - attended a phone meeting with Minister Whiteside.

**c. Councillor Grant**

- Councillor Grant advised that he attended:
- the Comox Valley recreation commission and board meetings,
  - an infrastructure meeting, and
  - attended the Party in the Parks event.

**d. Councillor Minions**

- Councillor Minions advised that she:
- attended the Party in the Parks event,
  - attended the Minister's meeting with Councillor McGowan,
  - met with members of the public regarding chickens, garbage and the Northeast Comox Storm Water Management Plan, and
  - talked with the executive director of the BIA regarding a plastics bylaw.

**e. Councillor Bissinger**

- Councillor Bissinger advised that she:
- prepared for Community Justice Centre and Nautical Days meetings, and
  - talked with residents regarding Buena Vista.

**f. Mayor Arnott**

- Mayor Arnott advised that he:
- met with the owner the Recycle Depot along with the CAO,
  - attended the Town barbeque,
  - opened the Island Iron outrigger event,
  - attended the Party in the Park event,
  - attended Minister's meetings with the Ministers of Education and Transportation, and
  - met with a resident regarding sidewalk letdowns.

**17. RESOLUTION TO GO IN-CAMERA: NIL**

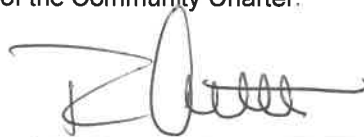
**18. RISE AND REPORT FROM IN-CAMERA: NIL**

**Adjournment:**

Regularly moved and seconded that the meeting adjourn at 7:40 p.m.

*CARRIED*

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



MAYOR



CORPORATE OFFICER