

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, SEPTEMBER 26, 2006**

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**DELEGATIONS**

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**UNFINISHED BUSINESS**

**BYLAWS**

**For Adoption.**

**Bylaw No. 791.14.** (All Directors -- One Vote)

That "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.14, 2006", be adopted.

*This is a bylaw to install streetlights on Northwest Bay Road at Beaver Creek Wharf Road and Ballenas Road - Area E.*

**ADMINISTRATOR'S REPORTS**

- 20-27                Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44 -- 7357 Industrial Road -- District of Lantzville. (All Directors One Vote)



Oceanside Development & Construction Association  
 P.O. Box 616, Parksville, BC V9P 2G7

Telephone: 250-752-6214  
 Fax: 250-752-6216  
 Email: odca@shaw.ca  
 Website: www.odca.ca

RDN			
CAO		GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
SEP 21 2006			
CHAIR		BOARD	
Board - Addendum			

**FAX TRANSMISSION**

Date: September 21, 2006  
 Attention: Linda Burgoyne Fax #: 250-390-4163  
 Company: Regional District of Nanaimo  
 From: Marilyn Hayden, Admin. Secretary, ODCA

\*\*\*\*\*

Linda,  
 Would you please put Helen Sims on the September 26<sup>th</sup> RDN Board Meeting Agenda. She will address the issue in the attached letter. Board members will receive a copy of the letter via email and hard copies with attachments will be delivered to the RDN tomorrow.

Many thanks,

*Marilyn*



Oceanside Development & Construction Association  
P.O. Box 616, Parksville, BC V9P 2G7

September 21, 2006

R D N			
CAO		GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
SEP 22 2006			
CHAIR		BOARD	

Board of Directors  
Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo, BC V9T 6N2

**ATTENTION: Board of Directors**

**RE: Proposed Board Policy for Registration of Covenants**

It has come to our attention that RDN Board intends to adopt a policy that will require all conditions of rezoning to be registered covenants before a zoning Bylaw is adopted.

ODCA agrees that the public interest must be protected. However, registering all covenants on the parent parcel can create additional problems.

1. Covenants that affect all the proposed lots could be registered before final adoption of the Bylaw. However, if Road and/or Park are to be registered on a subsequent subdivision plan, the RDN must sign the Plan to release the covenant for Road and/or Park, thus adding an extra step to the subdivision process.
2. In a case where rezoning conditions apply to only part of the parent parcel, covenants must be released and re-registered with the Subdivision Plan or the wrong restrictions would be registered on some of the lots. As an example, we are enclosing copies of a Subdivision Plan and documents that was recently completed in the Spider Lake area. There are different conditions on the 2 ha and 4 ha parcels. If these covenants had been registered on the parent parcel the conditions would have automatically rolled over to all the lots. An example of this is a title search from River's Edge where RDN has 10 covenants registered on title, 3 of which conflict! Lots approximately 1 km from Englishman River are encumbered with floodplain conditions.
3. An additional problem arises if documents are registered and the Bylaw does not receive final adoption. RDN staff is forced to make recommendations that assumes the outcome and decisions of the Board.

The staff report addresses what could possibly happen but it doesn't address if this has ever happened.

We recommend that this policy be referred back to staff and that staff work with the ODCA to create a workable policy that protects the public interest without unnecessarily encumbering titles with unrelated conditions.

Thank you for considering these comments.

Sincerely,



Bruce Cownden  
President



Helen MacPhail Sims  
RDN Committee

c.c. Carol Mason, CAO, RDN  
Wayne Moorman, Manager, Engineering & Subdivision

**Burgoyne, Linda**

---

**From:** Brenda [hoofprints.b@telus.net]  
**Sent:** Monday, September 25, 2006 11:45 AM  
**To:** Burgoyne, Linda  
**Subject:** Re: Budget Steel/Board Meeting

Good moring Linda,

Just emailing to see if we can again be added as a delegation to the board on this tuesday. I realize we are late in asking so I believe late requests are five minutes in length.

Representing the main road residents at this time - resident Twyla Schon will be addressing the board.

My phone number is 754-6105 if you require furthur information.

thanks Brenda Diablo

|

Delegation to September 26<sup>th</sup> RDN Board Meeting

Mrs. Mary Evans

Re Barclay Crescent sewer

c/o Mrs. Forward, 752-5751  
685 Barclay Crescent  
Parksville, BC  
V9P 1X9

**Delegation to September 26<sup>th</sup> RDN Board Meeting**

**Nick Bosma, 248-2572  
French Creek Residents Association**

Re: Barday Crescent

RDN Board Meeting  
6300 Hammond Bay Road

VIA FACSIMILE: (250) 390-4163

Attention: Linda

RE: Barclay Cres. Sewer Project

As residents on Miller Rd. we have some concerns, which we would like to bring to your attention. We are requesting an opportunity to be put on the list to voice our concerns:

Capital Charges

Differences in Parcel taxes compared to current

User fee differences with existing users.

I am sure this will be repetition to some of the other speakers but each opinion is different.

We can be reached at:

(250) 752-9532 work

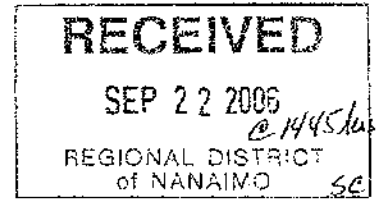
(250) 951-2262 home

Peter and Margaret Spruit

827 Miller Rd.

Parksville





September 21, 2006

Regional District of Nanaimo  
Planning Department  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**Re: Notice of Development**  
**Variance Permit Application No. 90616**  
**Meyer – 3512 Bluebill Road, Nanoose Bay**

To the Members of the Board,

This letter expresses our opposition to the applications for variances to the By-Law No. 500, 1987 that protects the integrity of our natural shoreline. This partial construction is a series of decks and stairs descending from the rock cliff to the ocean level adjacent to 3512 Bluebill Road in Electoral District "E" (Lot 57, District Lot 78, Nanoose District, Plan 15983.

Please be advised that this construction was initiated in obvious contravention to the established By-Laws that preserve the natural shoreline. These By-Laws were created by the Regional District of Nanaimo with profound intent to avoid development, construction and defacement of the natural environmental sanctuary that exists. The assumption of the menial significance of these important By-Laws is obvious. We hope that the RDN, who represents this community, do not condone the assumptions that construction of any kind, let alone those that contravene the By-Laws and environmental protection, can be initiated without as much as an application for a Building Permit. (This is the law.) The lack of respect is blatant. Does the District not have a mandate to overtly discourage, through penalties, the contravention of the By-Laws and maintain established protocol?

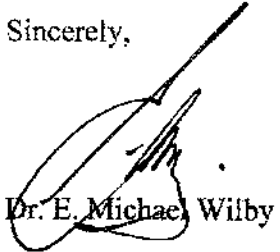
We live in an era of environmental protection. Assertive environmentally devoted organizations would become vigilant at the notification of such an infringement. We wish to protect the natural beauty of our shorelines without the construction of unsightly development. To allow these variances just for one's convenience of occasional beach access is not rational. Note also that the applicant is in close proximity to public access to the same beach.

..../2

Although just partially constructed, one can see that this project is not just a simple staircase. It is comprised of three sizeable "landings" which resemble decks, connecting formidable stair cases. The views from the adjacent shoreline and also from the ocean are degraded. These established By-Laws were created to protect our environment and the natural beauty and to allow their disregard, leading to permanently marring our shoreline, is unacceptable and environmentally irresponsible.

We, Dr. E. Michael Wilby and my wife, Jan Wilby respectfully submit this letter of objection to the applied variances. We trust that the Board of the Regional District of Nanaimo will continue to exercise their fiduciary duty as our community representatives and preserve our environment.

Sincerely,



/emw

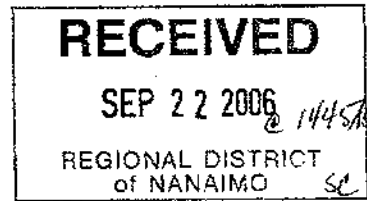
cc Minister Barry Penner  
Office of the Environment  
PO Box 9047  
Station Provincial Government  
Victoria, BC V8W 9E2

Mr. Randy Alexander  
Minister of Environment – Regional Office  
Nanaimo Regional Office  
Environmental Protection Division  
2080 Labieux Road  
Nanaimo, BC

Dr. James Lunney MP  
#6 – 6894 Island Highway North  
Nanaimo, BC V9V 1P6

Mr. Ron Cantelon MLA  
East Annex  
Parliament Buildings  
Victoria, BC V8V 1X4

*Enclosed 14 photographs*



September 21, 2006

Regional District of Nanaimo  
Planning Department  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**Re: Notice of Development**  
**Variance Permit Application No. 90616**  
**Meyer – 3512 Bluebill Road, Nanoose Bay**

Members of the Board,

The home that my husband and I own at the end of Grilse Road has 500 feet of unspoiled waterfront with views to the north, west and east. The rocky shorelines and grassy covered spits of land are the epitome of Vancouver Island's scenic coastline. Looking west up the Strait of Georgia, our sunset view has now been violated by the obtrusive beach access stairs and landings at 3512 Bluebill Place. From our kitchen, dining room, studio, year-round outdoor decks and outdoor activity areas we can see this unnatural manmade partially established development of access stairs and landings. There is public beach access within 150 feet of 3512 Bluebill Place so it is difficult to understand why the residents have a periodic need for access stairs to the same beach.

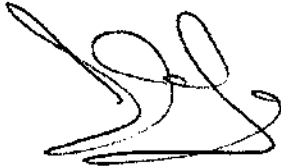
From the waterside the obstruction looks massive and invasive to the surrounding pristine rocky shoreline. Many kayakers and boaters have expressed their distraught sentiments towards this construction. They too feel betrayed by the RDN insomuch that we all believed that our Island shorelines would be protected from building projects on our natural shorelines such as this one.

As residents of Nanoose Bay we take pride in our surrounding natural beauty. We are dismayed at the lack of environmental control by the RDN even when By-Laws governing setbacks have been implemented to protect our shorelines. Without concerned residents alerting the RDN of unpermitted building taking place these kinds of projects will continue to obliterate our shorelines.

..../2

As our community representatives we trust that the Regional District Planning Committee will eliminate any development that destroys the natural pristine coastline for all of us concerned with the protection of our environment and for future generations to enjoy.

Regards,



Mrs. Jan Wilby

/jw

cc Minister Barry Penner  
Office of the Environment  
PO Box 9047  
Station Provincial Government  
Victoria, BC V8W 9E2

Mr. Randy Alexander  
Minister of Environment – Regional Office  
Nanaimo Regional Office  
Environmental Protection Division  
2080 Labieux Road  
Nanaimo, BC

Dr. James Lunney MP  
#6 – 6894 Island Highway North  
Nanaimo, BC V9V 1P6

Mr. Ron Cantelon MLA  
East Annex  
Parliament Buildings  
Victoria, BC V8V 1X4

*Enclosed 14 photographs*

September 20, 2006

Joe Stanhope, Chairman of the Board  
Regional District of Nanaimo

Dear Mr. Stanhope;

RE: COW September 12, item 48-51: Surfside Sewer Plan

We write to you as long time residents of the District, and the owners of Lot 7 McFeely PID# 004-881-745 and Lot 8 Kincade PID# 004-881-753, which are two small lots close to the water in Area G. We have owned these lots for nearly a decade.

At the Sept. 12 meeting of the COW, the following resolution was carried:

MOVED Director Westbrook, SECONDED Director Herle, that staff include in the 2007 work plan, the preliminary design, cost estimates and public consultation activities to include the 61 properties as shown on the attached drawing in the Surfside Sanitary Sewer Service Area and that individual applications for sanitary sewer service connections in the Surfside Sanitary Sewer Service Area be held in abeyance in the interim.

We have learned that this resolution, if approved by the Board on September 26, would result in a moratorium on sewer connections effectively until 2008.

The RDN constructed the Surfside Sanitary Sewer a few years ago, largely to accommodate new subdivisions on McFeely and Flamingo. It was sized adequately to permit connection to all lots in the area, including ours. We welcomed this improvement to our neighborhood.

Many years ago, and again in 2004, we were declined approval for a septic field by the Board of Health. When we were declined the last time, we enquired about connection to the sewer line, which of course seemed sensible because it is immediately in front of us, on our street, and several of our neighbors have connected to it.

In January 2005 we received the formal advice from the RDN that we could attach to the sewer, provided we followed a stipulated procedure and paid some fees. Unfortunately our own plans for the lots changed, and we found it more appropriate to sell the lots to finance our business. We listed the property for sale last spring, and showed the buyers the letters we received from the RDN permitting connection to the sewer.

We quickly found a buyer for lot 7 who wished to build immediately. We entered into a sale agreement, that was of course conditional on our arranging for the sewer connection. The purchaser agreed to help us with this, but unfortunately, when he checked with the RDN he was advised that the "rules had changed", and that we were "too late" to connect to the sewer.

We were of course shocked, and felt it was quite unfair to change the rules which we had depended upon. We do recognize that the letter indicated we should apply by a particular date which has passed, but naturally we thought that was simply a way for the RDN to justify a change in the fees to be charged, not to deny the application altogether! We did understand that the administration was still considering this matter, and our purchaser and ourselves waited patiently for the decision, which apparently resulted in the motion at the last COW meeting.

In response to an inquiry from our purchaser, Mr. Finnie said:

For the past couple of years we have been dealing with requests for sewer servicing in this area on a one-off basis, i.e. individual requests from home owners. As the interest and requests increase, this approach is not sustainable for us due to the time to consider and process separate requests for inclusion into the sewer service area. We have therefore decided to advance an initiative to provide sewer servicing to the unserved properties in the Flamingo/McFeeley/Kincade/Surfside area. If the initiative is supported by the residents, all new properties in the expanded service area would share in the costs of providing sewer services to the currently unserved properties. This provides economies of scale to the project and results in a more logistical and supportable servicing strategy compared to the present random servicing approach.

For this initiative to advance, however, requires some pre-engineering and cost estimates to determine project costs, a public information process to inform the residents of the estimated costs and process and determine their level of support to proceed, a petition or referendum to gain public support and finally an RFP and project award to complete the work. Staff would also look into the possibility of senior government grants to offset the costs of the project.

Clearly, this will take time and under our current staffing and project/budget priorities, cannot be accommodated this year.

We do have a recent request from Helen Sims (re Plensky) to include two lots into the Surfside sewer service area, and I assume one or both of these lots are the subject of your conditional offer. As Wayne implies, at this point it is staff's intent to take this request forward to the Board in September with a recommendation to consider the request as part of an overall servicing strategy for the general area. We are currently dealing with Fern Road Consulting (Sims) on this matter.

We completely understand the rationale of the staff, and applaud the effort to move forward to connect all of the lots with this sewer. Obviously it is the economic and environmentally appropriate solution. However, Mr. Finnie's note did say that the staff would take our specific application forward to the Board in September "with a recommendation to consider the request [i.e. approve it] as part of an overall servicing strategy..."

Unfortunately, the resolution passed by the COW does not recognize our application, which Ms. Sims filed months ago. As you can see, the resolution stipulates that "individual applications for sanitary sewer service connections...be held in abeyance..."

This creates a very serious problem for us. We have absolutely no alternative to the sewer. We are informed by the staff of the RDN that the only alternative to a sewer or a septic field is participation in the "pump and haul" program. However, there appears to be a "catch 22" to this: the minimum size of any lot to qualify for that program is 700

square meters, and lot 7 is only 625 square meters. We would also add that a requirement of the pump and haul program is that as soon as a sewer is available, the landowner must connect to it. If the petition to attach everyone to the sewer does go through, we are advised that it would involve construction in 2008. It seems quite unreasonable to invest all the money and effort in the equipment required for pump and haul, only to see it ripped out in a few short years.

However, while the time-line is short when considering the lifespan of a pump out tank, it is excruciatingly long for us to wait in the meantime. Our purchaser will not wait until 2008, he wants to build soon. We can't reasonably expect to find any buyer who will wait, except a speculator.

But we are not speculators. We have owned the land a long time, and would like to realize its potential now. If the RDN accepts the resolution of the administration as written, and denies our present application, it will sterilize our land for at least two years. Essentially, we will be expropriated.

We ask for your help in preserving what we thought was Mr. Finnie's intention to allow our application to proceed at this time, notwithstanding the general moratorium on applications until the full design is developed for all 61 properties.

We note that the staff have not provided any justification for a moratorium on applications for connections; they simply find the "approach not sustainable", meaning it is a hassle, and difficult to rationalize overall costs into a comprehensive plan. This has to be balanced against landowner's rights, and is at the core of our present problem.

Unlike all of the other properties in the service area, Lot 7 has no alternative but to connect to the sewer. Without that sewer the land cannot be developed. In all likelihood, when the petition is presented 50% in number and value of the landowners will approve connection to the sewer. However, it is far from a certainty. It is possible the compulsory connection which will cost them one-time connections and yearly assessments will not be approved.

But the other landowners have alternatives! Most already have septic fields [bad for the environment!] and the ones that don't are large enough to qualify for pump and haul. We have no choice! If the sewer is not installed to all 61 properties, what assurance do we have that we will be allowed to be connected? Surely you wouldn't want our lots sterilized forever, and have to deal with the spectre of expropriation.

So whether the petition is or is not ultimately approved, it is most likely we will get access to the sewer in several years. But why should we have to wait? The sewer is right there at our doorstep. We have a party who wants to build a home and contribute to the community and the tax base. We are prepared to pay some costs now which would certainly be welcomed by the treasurer of the RDN, especially considering it goes right to the "bottom line" since the sewer has already been constructed.

We do understand there has been some consternation within the staff as to how to price "ad hoc" connections. We have heard some gossip about people getting "free rides" and others paying unfair prices. Yet surely there is a fair and equitable way to price our connection and ensure that no one is taken advantage of.

With respect, there is no principled reason why this has to be handled the way the staff suggest. It is fine to say that they need to rationalize the process of applications for connection; it is fine for them to say we were "too late" in our application [though there was no warning, and the deadline was arbitrary, and we didn't know]; it is also fine for them to say they need fiscal measures that ensure all connections are reasonably priced, fair to everyone, and orderly. Finally, it is quite reasonable for them to say that ad hoc individual applications in the ordinary course ought to be avoided while they are doing their study and putting things in place.

But it is only reasonable if there are in fact alternatives available for the landowners. With lot 7 we have no alternative. It is connection to the sewer or nothing. Moreover, there is no physical or even fiscal reason to deny our application. The sewer is already right there! Any cost associated with physical construction will be absorbed by us, not the RDN.

If it should turn out that the community does vote in favor of connection to all property, then the connection of 2 of the 61 lots at private expense will save some money for all. At worst, we would front some costs to the RDN now, to be recovered when all are connected. We would pay the same future assessments that all others would. These could be appropriate conditions to the approval of our application Ms. Sims has filed.

If it should turn out that the community does not vote in favor of the connection, then what possible harm does it do that there is "ad hocery" in the applications process? Who is harmed if the fee assessed to connect to an existing structure is arbitrary [as long as it is fair] or inconsistent with others? Who would object?

If only 20 of the 61 landowners want connection, and the RDN does not construct it, then perhaps some of the 20 might be unhappy we got connected. But there are answers to that as well: All of the others, except lot 7, have an alternative. Unlike us, the others have not expressed any interest, or done anything like listing their property for sale in reliance on an invitation letter to connect to the sewer. They would of course be part of the democratic process, and would have to accept the outcome.

Surely you would agree that the decision to place our application in abeyance is unfair to us, and neither technically nor fiscally necessary. It is expedient for the staff, and we are sympathetic to their concerns. But with respect, those concerns pale by comparison to the problem we have with a legally subdivided lot that we can't build upon. Please remember, we have no choice! The sewer is right there at our doorstep, and is the only way we can develop the property.



We respectfully request that when this matter comes up for approval at the RDN Board level, you consider our position, the difficulty this resolution would put us in, and vote to amend the resolution by exempting out any applications, including ours, that have already been submitted.

Thanks very much for your attention to this.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Gordon Plensky". The signature is written in a cursive style with a large, prominent initial "G".

Gordon & Christine Plensky  
872 View Rd  
Qualicum Beach V9K 1N3

250-752-4164

RDN Council Members,

Further to the notice below which I received from a neighbor.

I would like the answers to several questions. I have not heard any pressing reasons for proceeding with a sewer on Surfside Dr., other than some applications on Flamingo Ave. for connection which does not affect Surfside residents. Why are the residents not advised and consulted with well in advance that RDN is planning on spending our money on such a major expense? Who is paying for the preliminary cost estimates? Are the people doing the estimates aware of the large cost overruns of the sewer line on McFeely and the soil problem that caused them? Any sewer construction on Surfside would result in the closing of the road for a long period of time, McFeely only stayed open because there were no homes on the one area so they could store the excavated material from the continuously collapsing and widening trench. Front yards, trees and landscaping would be destroyed. Why is this being considered, as I am not aware of any septic fields that are failing? I understand that the existing homes on McFeely pay an annual fee of \$700.00 plus a sewer usage charge. The homes on Surfside could pump their tanks four times a year for that.

I imagine that there are no grants available and the full cost will be borne by the residents if the bureaucratic errors on Barclay Crescent are anything to go by. I am personally tired of the mayors of Qualicum Beach, Parksville and Nanaimo pushing their agendas upon us. As they are not going to bear any of the cost they should not have a vote on what we do and spend. Please vote no to this proposal or at least delay the vote until the above questions are answered and we can be fully consulted on this matter.

Douglas Einarson  
982 Surfside Dr.  
Qualicum Beach, B.C. V9K 2B6  
250 752 9608, [einarsonqb@shaw.ca](mailto:einarsonqb@shaw.ca)

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING**

**TUESDAY, SEPTEMBER 26, 2006**

**7:00 PM**

**Flamingo Drive/McFeely Drive/Surfside Drive – Sanitary Sewer Servicing Options.** (All Directors – One Vote)

*That staff include in the 2007 work plan, the preliminary design, cost estimates and public consultation activities to include the 61 properties as shown on the attached drawing in the Surfside Sanitary Sewer Service Area and that individual applications for sanitary sewer service connections in the Surfside Sanitary Sewer Service Area be held in abeyance in the interim.*

## Burgoyne, Linda

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**From:** Arnold Dey [arnold.dey@shaw.ca]  
**Sent:** Tuesday, September 26, 2006 1:01 PM  
**To:** Burgoyne, Linda  
**Subject:** Budget Steel Recycling Permit

My sister and I are owners of 7 acres, corner of Main and Greenwell RD. We had hoped to perhaps build and retire there someday. A neighbor on Main Road has described how the neighborhood has changed because of Budget Steel. Huge trucks with one and two trailers of old cars rumble down the road...sometimes parking.....waiting to be unloaded at Budget. The old vehicles are unloaded and crushed.....not by a crusher, , but by pounding on them until they are flattened. The noise is unbearable to the neighbors. The fuel tanks are not drained prior to the demolition, and a number of wells nearby are now contaminated.

Is there no one in charge in hat area? Is no one concerned about contamination of land and especially the water? Who would want to own a business or live in that area? Land values?.....I can only imagine.

Your web site is very impressive, describing recycling, being 'GREEN', gas emissions, etc, etc. Yet you allow permits for a business that operates in just the opposite. Pleas tell me who is allowing this to happen.

Doreen Dey.....ph 604 9262381

9/26/2006

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<b>TO:</b>	Sean DePol Acting Manager of Liquid Waste	<b>DATE:</b>	September 22, 2006
<b>FROM:</b>	Angela Mays Engineering Technician	<b>FILE:</b>	4520-20-69
<b>SUBJECT:</b>	Liquid Waste Pump and Haul Bylaws No. 975.43 and 975.44 7357 Industrial Road, Lantzville		

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### PURPOSE

To formalize the withdrawal of an application to include Lot 15, District Lot 44, Wellington District, Plan 15245 into the Pump and Haul Local Service Area (see Schedules 'A' and 'B' attached).

### BACKGROUND

On June 27, 2006 the Board gave first three readings to a bylaw for the inclusion of 7357 Industrial Road into the Pump and Haul Local Service Area. The bylaw for this inclusion was subsequently approved by the Inspector of Municipalities. Following approval from the Inspector of Municipalities but prior to adoption of the bylaw by the Board, the property owner is required to register a restrictive covenant on the property.

Prior to final reading of the bylaw and prior to the registration of the restrictive covenant, the applicant requested the application be withdrawn. Rather than implementing pump and haul, the applicant engaged a qualified professional to reconstruct the on-site disposal system. This septic system repair has been filed with the Vancouver Island Health Authority.

As a result of the removal of Lot 15, District Lot 44, Wellington District, Plan 15245 from the pump & haul bylaw, Bylaw 975.44 will need to be amended to reflect the change.

### ALTERNATIVES

There are no alternatives. The first 3 readings of Bylaws No. 975.43 and 975.44 must be rescinded, and an amendment bylaw must be introduced in order to exclude Lot 15, Plan 15245 from the pump and haul service area.

### FINANCIAL IMPLICATIONS

There are no financial implications.

### SUMMARY/CONCLUSIONS

The owner of Lot 15, District Lot 44, Wellington District, Plan 15245 has requested that the RDN not proceed with his application to include the property in the Pump and Haul Local Service Area. As a result of the removal of this application, Bylaws No. 975.43 and 975.44 would be rescinded, and an amendment bylaw would be introduced to correct the local service area map schedules so that the subject property is not shown within the boundaries of the Pump and Haul Local Service Area. If the bylaws are not rescinded

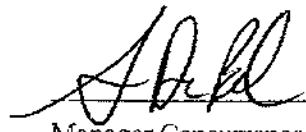

and an amendment bylaw is not introduced, the map schedules will not reflect the removal of the subject property from the Pump and Haul Service area, and the service area boundaries will not be correct.

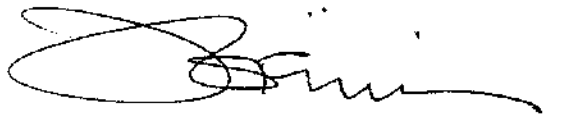
The following recommendations have been confirmed as the appropriate legal protocol in this instance.

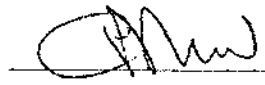
**RECOMMENDATIONS**

1. That the first three readings of "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.43, 2006" be rescinded.
2. That "RDN Pump and Haul Local Service Area Amendment Bylaw No. 975.44" be rescinded at third reading.
3. That schedule 'A' of Bylaw No. 975.44 be amended and replaced with a new schedule 'A' that excludes Lot 15, District Lot 44, Wellington District, Plan 15245.
4. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44, 2006" as amended be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

  
Report Writer

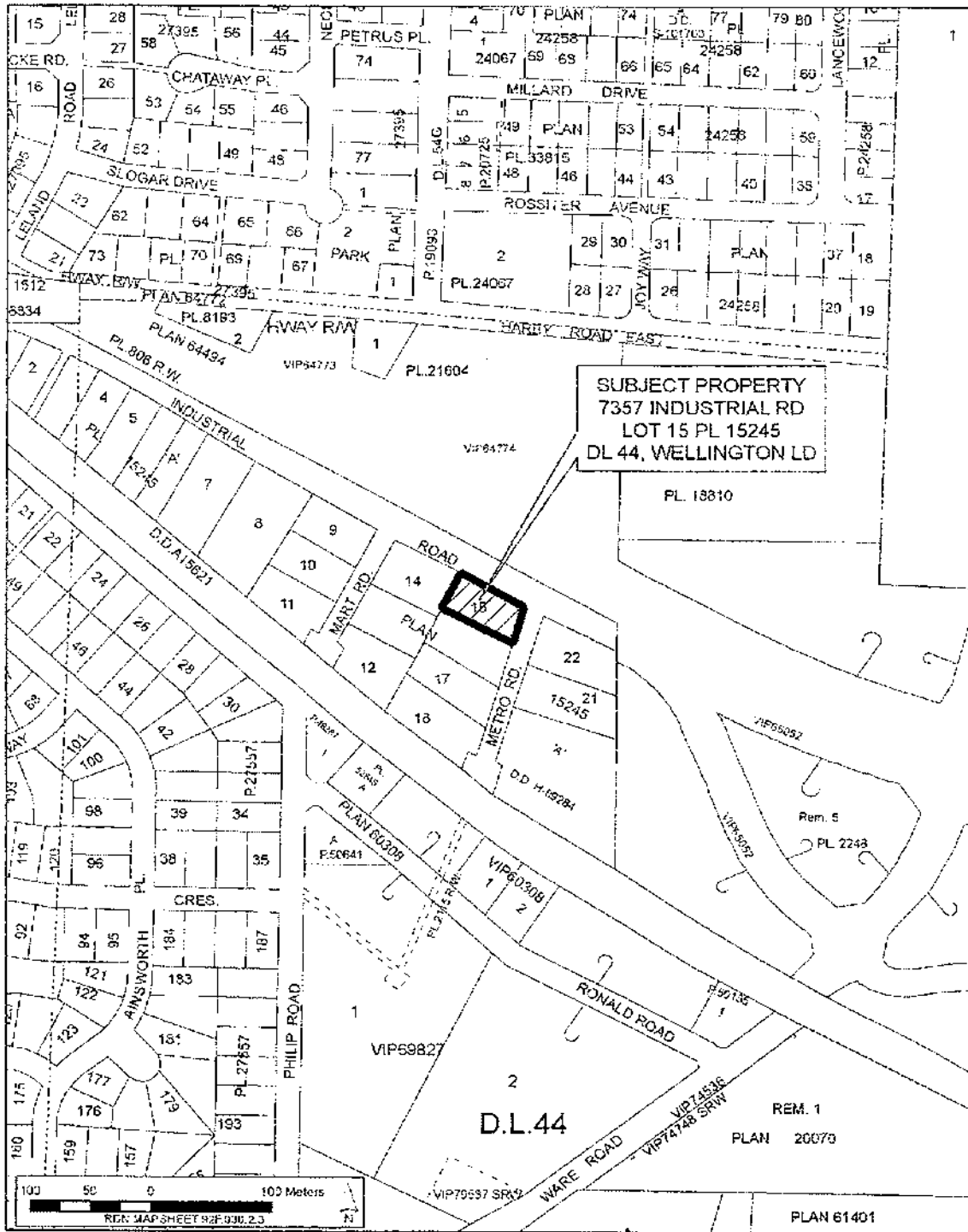
   
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:

Schedule "A"



Schedule "B"

Sept 8/06


Regional District of Vancouver

Re File 4520-20-69

To whom it may concern:

Please cancel this permit for pump  
and haul at 7357 Industrial Road,  
Langley, B.C.

Thank you.

Yours truly  
  
HARDY VEASEY  
MID ISLAND HOLDING  
AND SERVICES LTD.

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 975.44**

**A BYLAW TO AMEND THE REGIONAL  
DISTRICT OF NANAIMO PUMP AND  
HAUL LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 975**

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', a defined portion of 'C', 'E', 'F', 'G' and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Councils of the City of Nanaimo and the District of Lantzville have consented, by resolution, to the adoption of Bylaw No. 975.44;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following property:

Lot 14, Section 21, Plan 5958, Nanaimo Land District (Gabriola Island)

NOW THEREFORE the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 975 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44, 2006".

Introduced and read three times this 25th day of July, 2006.

Amended at third reading this 26th day of September, 2006.

Received the approval of the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2006.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
MANAGER, ADMINISTRATIVE SERVICES



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Chairperson

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Manager, Administrative Services

## BYLAW NO. 975.44

### SCHEDULE 'A'

#### Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 24, Section 5, Plan 19972, Nanaimo Land District.
5. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
6. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
9. Lot 7, Section 18, Plan 17698, Nanaimo Land District.
10. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
11. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
12. Lot 85, Section 18, Plan 21586, Nanaimo Land District.
13. Lot 14, Section 21, Plan 5958, Nanaimo Land District

**Electoral Area 'C' (Defined portion)**

**Electoral Area 'E'**

1. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.
2. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
3. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
4. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
5. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
6. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
7. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
8. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
9. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
10. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
11. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
12. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
13. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
14. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.

**Electoral Area 'F'**

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.
4. Strata Lot 179, Block 526, Strata Plan VIS4673, Cameron Land District.
5. Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.
6. Strata Lot 181, Block 526, Strata Plan VIS4673, Cameron Land District.
7. Strata Lot 182, Block 526, Strata Plan VIS4673, Cameron Land District.
8. Strata Lot 183, Block 526, Strata Plan VIS4673, Cameron Land District.

**Electoral Area ‘G’**

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

**Electoral Area ‘H’**

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 2, District Lot 9, Plan 21610, Newcastle Land District.
8. District Lot 2001, Nanaimo Land District.
9. Lot 1, District Lot 40, Plan 16121, Newcastle District

**City of Nanaimo**

1. Lot 43, Section 8, Plan 24916, Wellington Land District.

**District of Lantzville**

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.
3. Lot 1, District Lot 85, Plan 15245, Wellington Land District.