

# Report

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Date	November 19, 2025	File: 3900-50
Subject	Counter Petition Results for Donnay Drive Land Acquisition Local Area Service Establishment Bylaw	

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## PURPOSE

To present the results of the Local Area Service petition regarding the acquisition of two parcels of land adjacent to Donnay Drive, for nature conservation and the development and preservation of an existing trail network.

## BACKGROUND

At the September 17, 2025, Regular Council meeting, Council was presented with a [staff report](#) seeking direction to initiate a Local Area Service (LAS) by Council initiative involving 662 properties. The proposed LAS was for the acquisition of two parcels of land adjacent to Donnay Drive for nature conservation and the preservation of an existing trail network.

The following resolution was passed by Council:

*THAT Council:*

- (1) Authorizes, in accordance with Section 210 of the Community Charter, the initiation of a Council initiated Local Area Service for the acquisition of lands on the west side of Donnay Drive (Lot A, PID: 027-871-665, Size: 3.2 ha (7.7 acres), and Lot A, PID: 023-216-573, Size: 0.76 ha (1.9 acres)) for the purposes of nature conservation and the development and preservation of an existing trail network, subject to the requirements of Section 213 (petition against).*
- (2) Gives first, second, and third readings to Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025; and,*
- (3) Direct staff to provide notice of the proposed service to affected property owners in accordance with Section 94 of the Community Charter.*

## DISCUSSION

### Notice of Petition Against

As directed by Council, the LAS process was initiated, and notice was given in accordance with [Section 94](#) of the *Community Charter* by:

- Posting notice to social media and the Public Notice Posting Places (website and notice board) at Municipal Hall on September 24, 2025.
- Published in the Cowichan Valley Citizen on October 1, 2025.

Notice was also given in accordance with [Section 213\(3\)](#) of the *Community Charter* by:

- Mail to the affected property owners on the morning of September 25, 2025.
- After dropping the notices off at the Post Office, Canada Post announced a mail strike the afternoon of September 25, 2025.

- In consideration of the mail strike, in order to meet the requirements set out in Section 213(3) of the *Community Charter* that 'the corporate officer must mail the notice to the applicable address as set out in the last revised assessment roll', the notice, with a cover letter explaining the mail strike, was reprinted and hand delivered to all 662 properties within the proposed LAS on September 29, 2025, and couriered to all property owners with addresses listed outside of North Cowichan.

### Communication Plan

In addition to the statutory notice that was given noted above, a [Connect North Cowichan](#) page was dedicated to the proposed LAS that was actively used by residents to ask questions.

In addition to the legislatively required communications, the initiative was supported by a news release (September 25) and three social media posts, reaching a combined audience of more than 13,500. The Connect page received over 2,300 visits from nearly 1,700 unique visitors, with 59 questions posed by 37 contributors.

A 'What We Heard' report detailing the engagement and communications related to this initiative is attached to this report as Attachment 1.

### Petition Against Threshold

North Cowichan received counter petitions from property owners opposing the proposed LAS initiative to acquire two parcels of land adjacent to Donnay Drive. The proposed acquisition was intended to support nature conservation and the development and preservation of an existing trail network.

In accordance with the *Community Charter*, affected property owners may submit a counter petition during the specified petition period (October 1 to October 31, 2025). To prevent the proposed LAS from proceeding, the counter petition must be signed by at least 50% of the affected property owners, representing at least 50% of the assessed value of the properties within the proposed service area.

As of the petition deadline of 4:00 p.m. on October 31, 2025:

- Total number of affected parcels: 662
- Total assessed value of affected parcels: \$474,523,300
- Number of valid counter petitions received: 456
- Assessed value of petitions received: \$314,536,300
- Number of invalid counter petitions received that were not included in the petition or assessed value count: 6
  - 2 were received after the deadline, and
  - 4 were missing the signature for the second owner, so they did not meet the criteria of having 'at least 50% of property owners' sign the petition
- Percentage of parcels in opposition: 69%
- Percentage of assessed value represented by opposing parcels: 66.28%

Based on these results, the counter petition meets the statutory threshold to prevent the proposed Donnay Drive Land Acquisition Local Area Service from proceeding. A Certificate of Sufficiency and Validity of Petition Against is attached to this report as Attachment 2.

## Community Sentiment and Feedback

During the petition period, most of the feedback we received from residents focused on concerns with the process itself. Many people expressed discomfort with the counter petition approach, noting that it felt divisive and put neighbours in opposition to one another. A common sentiment was that the burden of support should fall on the minority group initiating the request, rather than requiring those who oppose it to take action. Residents also raised questions about transparency, the financial implications of the proposed service, land ownership, and how the service area boundary was determined—specifically, why only 662 properties were included rather than all North Cowichan residents. Additionally, some felt the method of delivering notices following the sudden postal strike, particularly taping documents to doors, was impersonal and intrusive. Throughout these interactions, staff took the opportunity to educate residents on the legislative requirements and steps involved in the process.

It is also noted that a couple of groups of residents were highly engaged and actively went door-to-door, encouraging others to sign the petition. This activity contributed to increased participation and, in some instances, elevated tensions within the community.

Overall, while there was interest in nature conservation and preserving the existing trail network, feedback suggests that elements of the process influenced how the initiative was perceived. This provides an opportunity to review our approach to similar community-driven initiatives, particularly in terms of engagement methods and non-legislative notice delivery, to ensure that future processes are respectful, transparent, and inclusive.

## OPTIONS

### 1. **(Recommended Option)** THAT Council:

- (1) Receives the results of the Donnay Drive Local Area Service counter petition, which met the statutory requirements to prevent the proposed Local Area Service from proceeding.
- (2) Abandons Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025, which had received three readings but has not been adopted.
- (3) Directs staff to discontinue further action on the proposed acquisition of the two parcels of land on the western side of Donnay Drive for nature conservation and trail development.
- (4) Directs staff to notify the Vancouver Island Providence Community Association (Providence Farm) that the Municipality will not be proceeding with the acquisition.
  - The LAS bylaw cannot be adopted, and Council must formally abandon the bylaw to close the legislative loop.
  - The proposed land acquisition and trail preservation cannot proceed under the proposed LAS framework.

### 2. THAT Council:

- (1) Receives the results of the Donnay Drive Local Area Service counter petition, which met the statutory requirements to prevent the proposed Local Area Service from proceeding.
- (2) Abandons Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025, which had received three readings but has not been adopted.
- (3) Directs staff to explore alternative approaches to acquire the two parcels of land on the western side of Donnay Drive.

- This option acknowledges the outcome of the counter petition while leaving the door open for future action that may be more acceptable to the community.

## IMPLICATIONS

- The existing Purchase and Sale Agreement with Providence Farm expires on December 3, 2025, and North Cowichan will not purchase the lands for public purposes.
- Providence Farm is likely to sell the property to private owners.
- The outcome of the counter petition and the abandonment of the bylaw will be communicated to the affected property owners to help maintain trust and ensure that residents understand the process and outcome.
- As the Council has been prevented from undertaking this local area service due to a successful counter-petition, Council cannot propose the same service on its own initiative within a period of one year after the presentation of the petition.
  - As an exception to this, Council may again propose a local area service on its own initiative within one year *if* the service is varied from or less expensive than that originally proposed to be undertaken.
- All preliminary costs incurred (staff time, public notifications, courier services) will not be recovered through the LAS, as the service will not proceed.
- The successful counter petition indicates a lack of sufficient support among affected property owners.
- Staff may need to revisit community engagement strategies to better understand concerns and explore alternative approaches.

## RECOMMENDATION

THAT Council:

- (1) Receives the results of the Donnay Drive Local Area Service counter petition, which met the statutory requirements to prevent the proposed Local Area Service from proceeding.
- (2) Abandons Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025, which had received three readings but has not been adopted.
- (3) Directs staff to discontinue further action on the proposed acquisition of the two parcels of land on the western side of Donnay Drive for nature conservation and trail development.
- (4) Directs staff to notify the Vancouver Island Providence Community Association (Providence Farm) that the Municipality will not be proceeding with the acquisition.

Report prepared by:



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Tricia Mayea  
Manager, Legislative Services

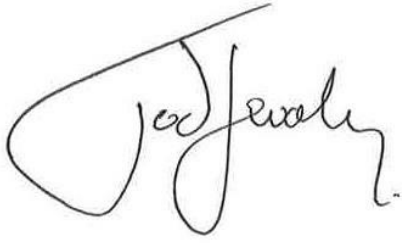
Report reviewed by:



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Teri Vetter  
Acting General Manager, Corporate Services and  
Community Relations

**Approved to be forwarded to Council:**

A handwritten signature in black ink, appearing to read "Ted Swabey". The signature is written in a cursive style with a large initial "T" and "S".

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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) What We Heard Report – Donnay Drive LAS
- (2) Certificate of Sufficiency and Validity of Petition Against
- (3) Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025