



The Corporation of the District of North Cowichan

Donnay Drive Land Acquisition Local Area Service Establishment Bylaw

BYLAW NO. 4035

A bylaw to establish a Local Area Service for the acquisition of land adjacent to Donnay Drive for the purposes of nature conservation and the development and preservation of an existing trail network.

WHEREAS Section 210 of the *Community Charter* authorizes Council to establish a local area service for services that the Council considers provide a particular benefit to part of the municipality; and

WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to establish a local area service by bylaw, where the service and its cost recovery methods have been proposed by Council initiative, subject to a petition against by the property owners who would be subject to the local service tax; and

WHEREAS Council has initiated the establishment of a local area service, subject to petition against, for the acquisition of land adjacent to Donnay Drive for the purposes of nature conservation and the development and preservation of an existing trail network, pursuant to Section 213 of the *Community Charter*; and

WHEREAS the *Community Charter* provides that the cost of a local area service is to be borne by the property owners who benefit from the service, and authorizes the levy and imposition of a local service tax on those properties to recover the owners' portion of the costs; and

WHEREAS the Corporate Officer has certified that the petition against the service does not constitute a sufficient petition, as it was not signed by a majority of property owners representing at least half of the assessed value of the parcels that would be subject to the local service tax;

NOW THEREFORE the Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Citation

- 1 This Bylaw may be cited as "*Donnay Drive Land Acquisition Local Area Service Establishment Bylaw No. 4035, 2025*".

Establishment of Service Area

- 2 The District of North Cowichan hereby establishes a local area service under the provisions of Section 211 of the *Community Charter* to be known as the "Donnay Drive Land Acquisition Local Area Service" (Local Area Service). The purpose of the Local Area Service is to acquire land adjacent to Donnay Drive, legally described as Lot A, Plan VIP86516, PID 027-871-665,

and Lot A, Plan VIP62100, PID 023-216-001, for the purposes of nature conservation and the development and preservation of an existing trail network.

Boundaries of Local Area Service

3 The Local Area Service includes all the parcels within the area outlined in heavy black on the map attached to and forming part of this bylaw as Schedule A – Donnay Drive Land Acquisition Local Area Service Boundary (Service Area).

Apportionment

4 100% of the total cost of the Local Area Service shall be recovered from the owners within the Service Area.

Cost Recovery

5 The owners’ portion of the cost of the Local Area Service will be recovered by way of a parcel tax pursuant to Section 200 of the *Community Charter* as follows:

- (a) An annual charge of \$129.66 be levied on each parcel in the Service Area in the form of a parcel tax;
- (b) The annual charge will be levied for 20 years starting in 2026.

One Time Cash Payment (Optional)

6 As an alternative to the cost recovery method set out in section 5 of this bylaw, an owner of a parcel may elect to pay their portion of the Local Area Service charge levied for their parcel in the form of a one-time payment of \$1,756.80 per parcel to be paid prior to March 31, 2026.

Schedules

7 The following schedule is included in and forms part of this Bylaw:

- (a) Schedule “A” - Donnay Drive Land Acquisition Local Area Service Boundary

Severability

8 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

READ a first time on September 17, 2025.

READ a second time on September 17, 2025.

READ a third time on September 17, 2025.

NOTICE of Land Acquisition Local Area Service was posted to the municipality’s public notice board and on the municipality’s website on September 24, 2025, and advertised on the municipality’s social media site on September 24, 2025, and in the Cowichan Valley Citizen on October 1, 2025.

NOTICE of Land Acquisition Local Area Service was mailed to affected property owners on September 25, 2025.

Hand-delivered copies of the notice were provided to all properties within the proposed Local Area Service on September 27, 2025, and couriered to out-of-town property owners on the same date.

COUNTER PETITION under Section 213 of the *Community Charter* was successful on October 31, 2025.

Bylaw No. 4035, 2025 was ABANDONED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "A" to accompany "*Donnay Drive
Land Acquisition Local Area Service
Establishment Bylaw No. 4035, 2025*".

Presiding Member

Corporate Officer

SCHEDULE "A" – DONNAY DRIVE LAND ACQUISITION LOCAL AREA SERVICE BOUNDARY

