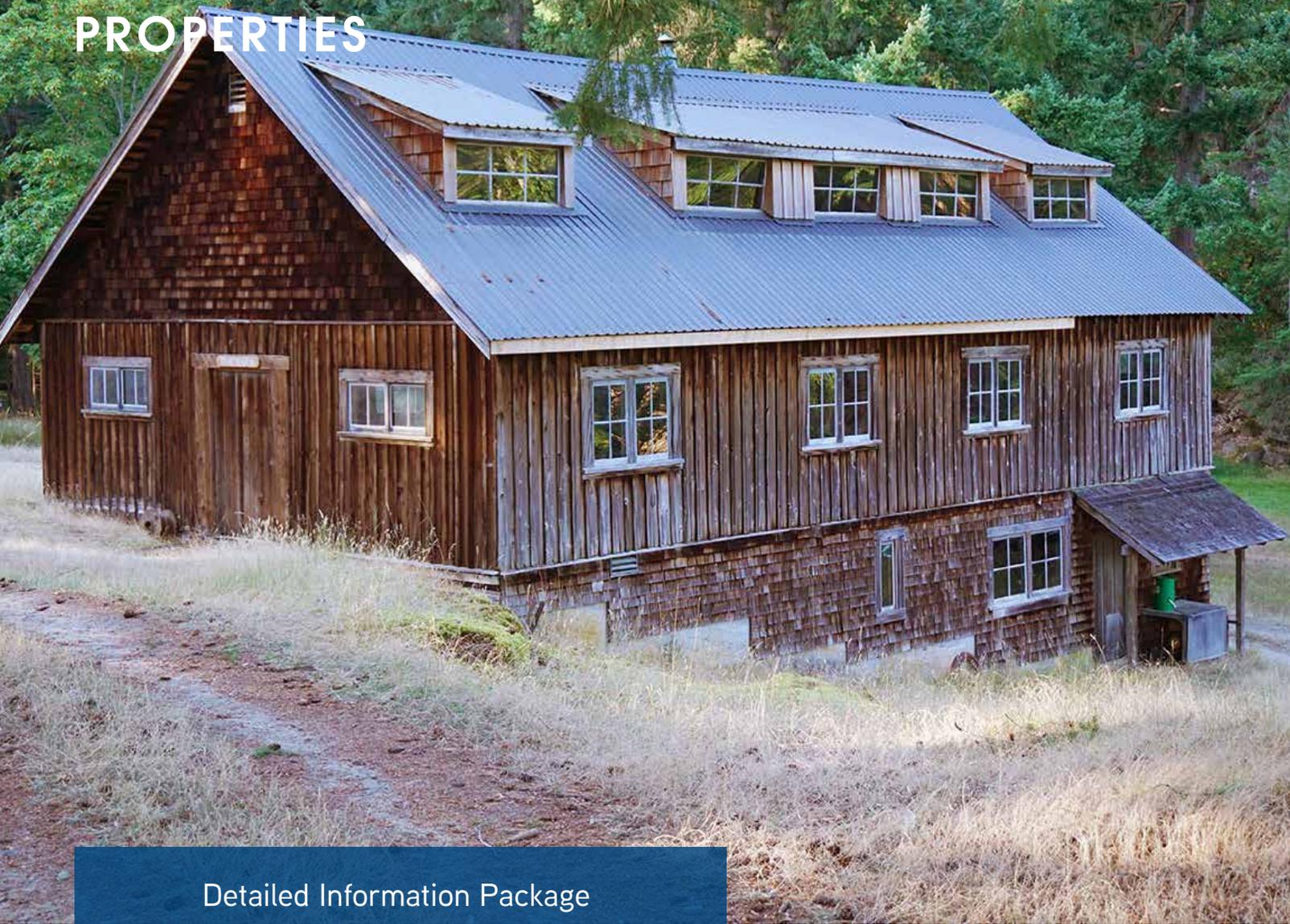


UNIQUE
PROPERTIES



Detailed Information Package

DECOURCY ISLAND FARM, Decourcy Island, BC



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INTRODUCTION

Truly a piece of British Columbia history, the 105 acre Decourcy Island farm is the heart of this rural and quiet Gulf Island.

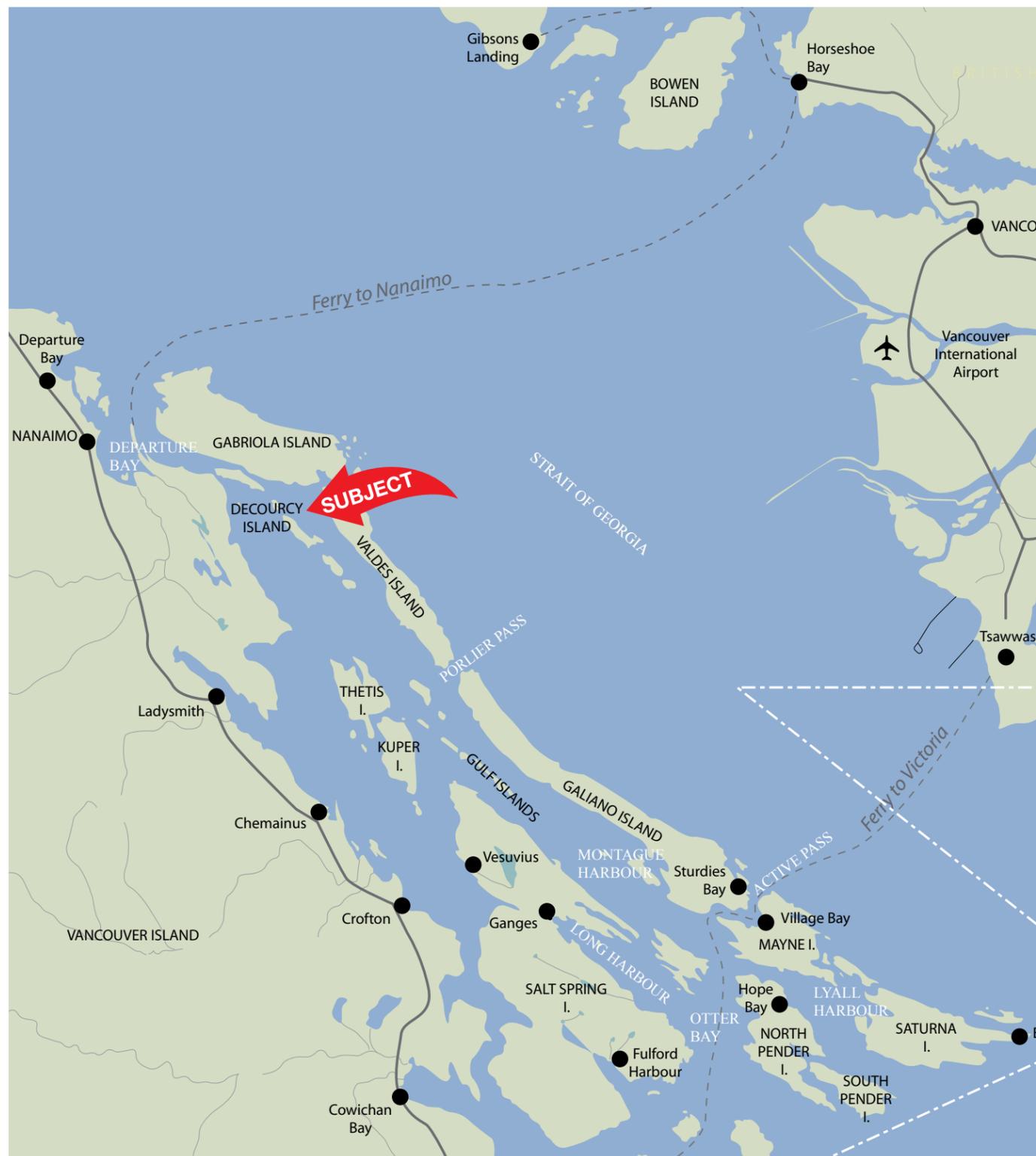
Largely unchanged since the early part of the last century, DeCourcy Island and the Decourcy Island Farm played a pivotal role as the home of the notorious 'Brother XII' and his following. Stories and legends of Brother XII are all that remain now, but the farm itself is preserved much as it would have appeared almost 100 years ago.

Located just south of Gabriola Island within British Columbia's well known Gulf Islands, Decourcy Island is a tranquil and quiet sentinel that offers a lifestyle that is challenging to find this close to major population centres. Unlike the larger and more populated islands within this region, Decourcy has retained its charm and privacy due to its boat access status and limited residential only development. The island is home to one of BC's first marine parks, and boasts its own fire hall and volunteer fire department. The Decourcy Island Farm is the centrepiece of the Island, and provides an incredible 850 feet of medium to low bank waterfront and an historic barn and additional farm related improvements. The property is currently configured with a small agricultural component and woodlot operation, with the balance of the property in forest, meadows and wetlands. The agricultural component of the property could be expanded with the property easily able to support a modest farm operation.

Decourcy Island is unusual given its gently topography, large marine park and extremely well protected moorage in Pirates Cove. The Island boasts a substantial number of long term residences and owners who are proactive and involved in their community. This is an exceedingly rare opportunity to acquire a property of this size and nature within the Gulf Islands.

The sale of the Decourcy Island farm is preferably sold in conjunction with the 345 Flewett Drive; (MLS #413490) at a total listing price of \$2,624,000.





LOCATION OVERVIEW

THE GULF ISLANDS

The Gulf Islands are situated along the southeast coast of Vancouver Island, separated from the British Columbia mainland by the Strait of Georgia. Comprised of over a dozen large islands and many smaller islands in various stages of development, the Gulf Islands are blessed with an abundance of sunshine and a diverse ecosystem. The area is in close proximity to Vancouver, Victoria, and Seattle and is easily accessible via ferry, private boat, or float plane.

The Gulf Islands were originally home to the Coast Salish, and were settled by the European explorers in the 18th Century. The name Gulf Islands originated from the “Gulf of Georgia”, a term erroneously used by Captain George Vancouver in his early mapping of the southern part of the archipelago. Each island has a specific and unique history.

The Southern Gulf Islands are made up of seven major islands that have ferry access, as well as numerous less populated islands. In all, The Gulf Islands are home to approximately 14,000 residents. The largest island of the seven is Salt Spring Island which has a population of approximately 9,600. This number increases dramatically in the summer, as vacationers retreat to benefit from the warm climate and sunshine that the area enjoys. In fact, the Gulf Islands boast a Mediterranean microclimate - being the mildest climate in Canada, with just 840 millimeters (33 inches) of rain annually and average summer temperatures of approximately 20.5 degrees Celsius (69° F).

The rural nature and natural setting of the Gulf Islands provides for an abundance of recreational opportunities. The area features clean swimming beaches, picnic grounds, and tremendous opportunities for kayaking, hiking and fishing. The area provides for excellent boating as the seas rarely become too large, and the next anchorage is always just around the corner.

The Gulf Islands also produce an abundance of high quality, local organic goods. The economy of the Gulf Islands is service oriented and is heavily reliant on the tourist industry. This includes a variety of rental properties that help accommodate the large influx of seasonal tourists. The area also has a long history and is well known for its agriculture. Most recently, several vineyards and estate wineries have been established to take advantage of the area’s Mediterranean climate. Small businesses are also a vital part of the local communities, with many artists living in the Gulf Islands, as well as various entrepreneurs and web-based businesses.

LOCATION OVERVIEW



DECOURCY ISLAND

DeCourcy Island is approximately 460 acres in size. It has a gentle topography and provides a number of protected bays and several excellent swimming beaches. One of DeCourcy's principal features is Pirates Cove and the associated provincial marine park. Offering very protected moorage, Pirates Cove is popular for its moorage and includes a private marina that services the residents of the island. The surrounding marine park is approximately 60 acres in size and features tent sites, potable water and hiking trails.

Gabriola Island is blessed with a vibrant community that is serviced with residential neighbourhoods, excellent paved roads, an elementary school, library, shopping and some great restaurants. There are numerous events and festivals that occur throughout the year. The island also boasts its own boat building school where traditional techniques are taught to students from far and wide.

History

If you know a little of the history of Decourcy Island, it is likely that you also know the story of Brother XII. Born as Edward Arthur Wilson, Brother XII created the Aquarian Foundation, a spiritual group (or cult) that was led by him, the reincarnated god of Osiris.

Originally choosing Cedar as their base in the late 1920's, the Foundation eventually settled on nearby Valdes and Decourcy Islands, where they believed they would survive the coming Armageddon. Decourcy Island was purchased using money donated to the Foundation by its members (many of them wealthy women from the US), and a small colony was built complete with fortifications. The barn that currently resides on the Farm was originally built by Brother XII's group as a type of dormitory.

The promised Utopian lifestyle did not last however, as Brother XII and his sadistic mistress Madame Z were abusive and harsh to the other members of the colony. Conditions deteriorated until the settlement and the organization failed. Following a series of sensational court cases, the disciples eventually revolted, and attempted to recover their money. Although the court case was won by those brave enough to see it through, Brother XII reportedly wrecked the colony and fled with the Foundations gold to Switzerland.

There are those of course, that believe the gold is buried somewhere on DeCourcy Island...waiting for a lucky person to find it.

Following Brother XII's ownership, Decourcy Island was owned by a Swiss family that farmed the property between the mid 1940's to the late 1950's. In the early 1960's the Island was purchased by Decourcy Island Estates which developed the island into its current configuration.



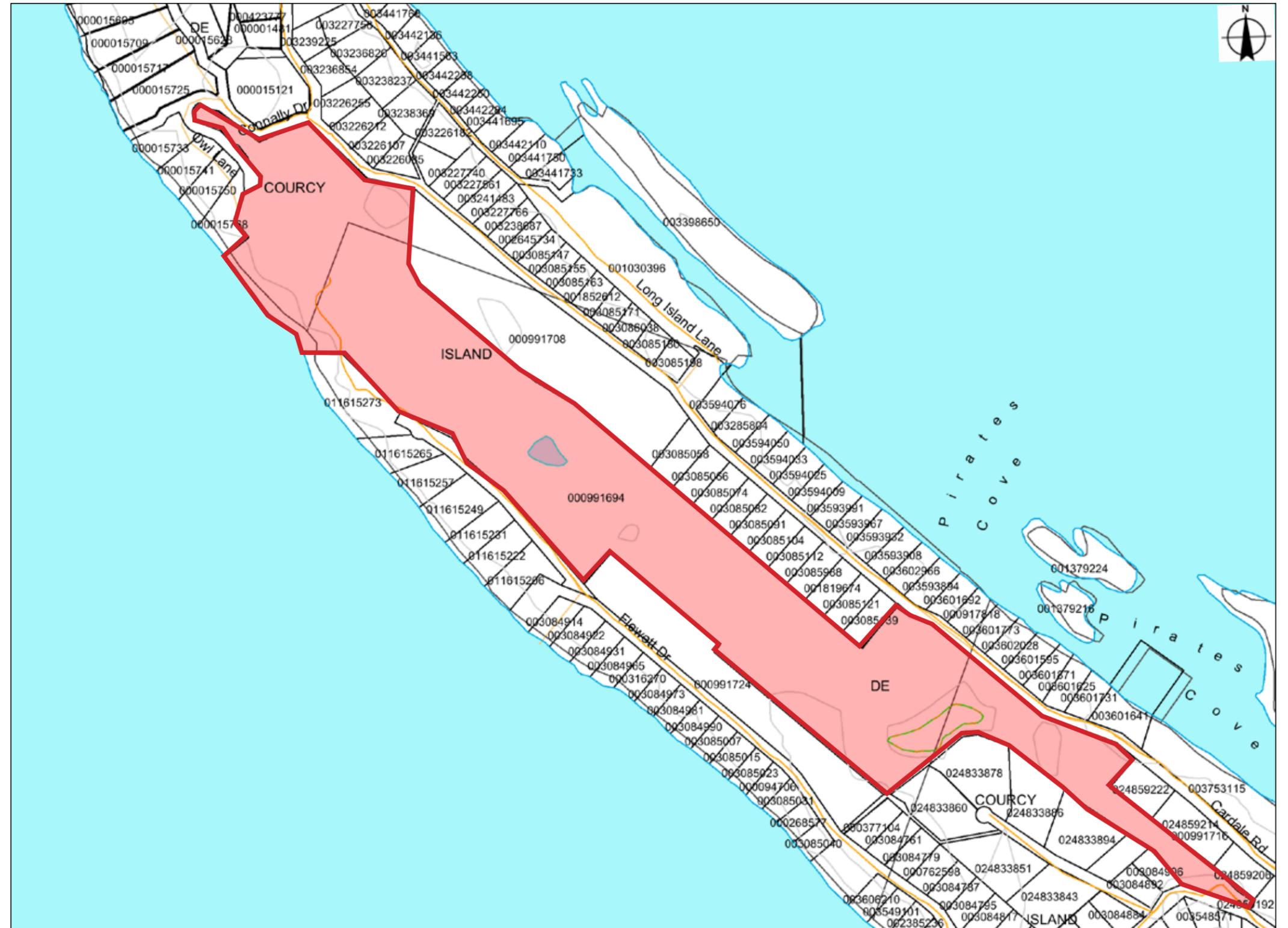
PROPERTY OVERVIEW

OPPORTUNITY

The DeCourcy Farm is approximately 105 acres in size. It consists largely of the centre of the island, occupying some 25% of the total land mass. It features an estimated 850' of low to mid bank waterfront, and consists of a single legal title.

The majority of the Farm consists of forested areas, but includes some wetland habitat which likely provides many of the island residents with their relatively stable groundwater source. A portion of the property is actively farmed with a small vegetable garden and orchard, in addition to a pasture area for the small flock of sheep. A small woodlot operation and private sawmill has been operated on the Farm in the past, with several homes on the island featuring wood from the property. The Farm could support a more substantial agricultural operation.

Several easements are currently being registered over limited portions of the Farm in order to provide access to the wetland areas. These easements are to allow access for the several water lines that feed firefighting equipment on the island. The easements also provide access for the volunteer fire department to check on and maintain this limited infrastructure.



PROPERTY OVERVIEW

Improvements

The main improvements on the Farm consist of the historic barn. This building is still in use today and will provide continued utility for a new owner. Other improvements consist of fencing, a small greenhouse and some irrigation.



Zoning & Land Use

The Gulf Islands are regulated by the Islands Trust. Created in 1974, the mandate of the Islands Trust is:

“to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia”

At the local level, much of the work of the Islands Trust is carried out by local trust committees, a special-purpose form of local government, given authority for land use planning and regulation under the BC Local Government Act for the purpose of carrying out the Islands Trust’s object. Local trust committees develop and adopt Official Community Plans and land use bylaws for each local trust area to carry out the policies expressed in the Islands Trust Policy Statement.

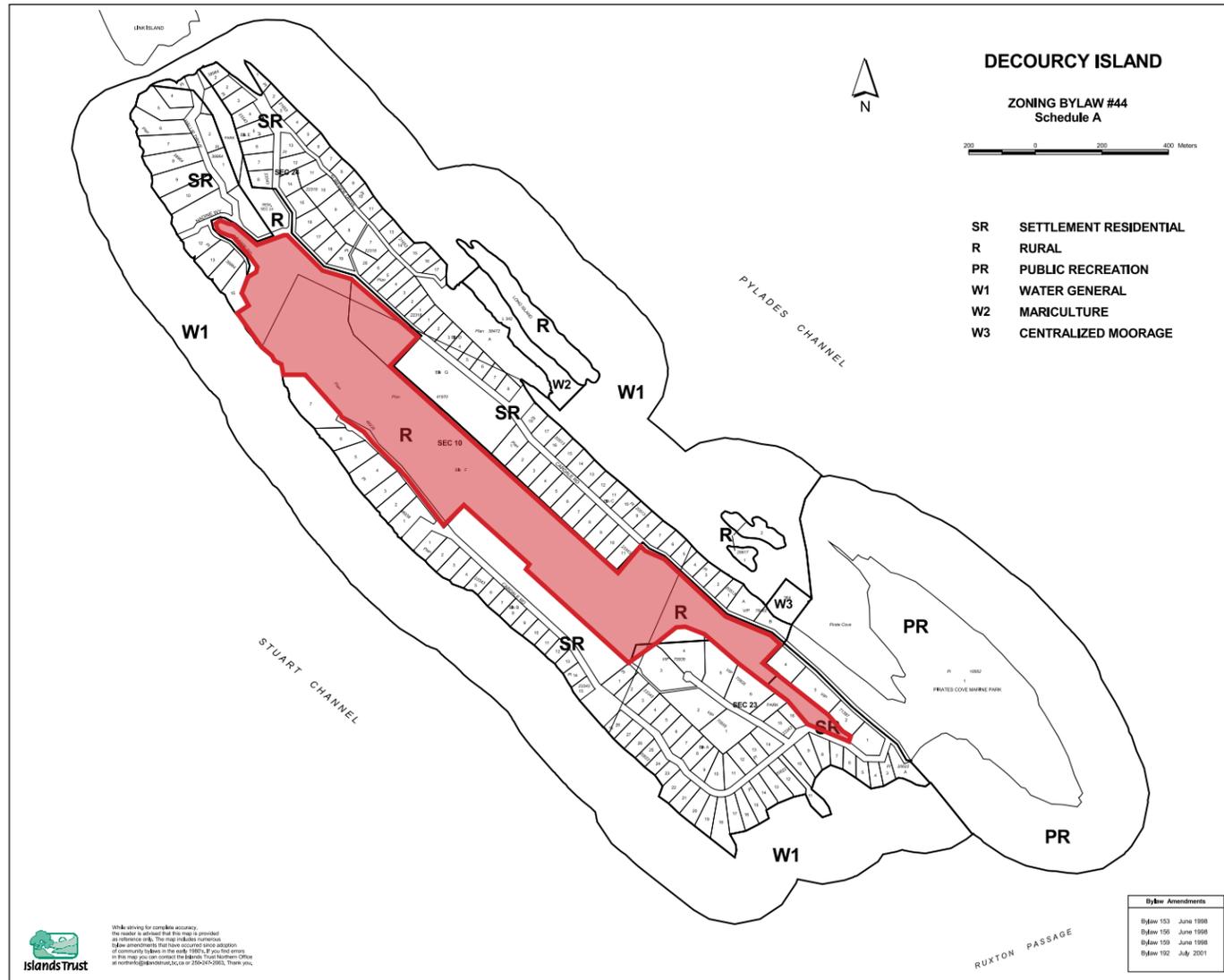
The Farm is not currently within the Agricultural Land Reserve and is zoned both Settlement Residential and Rural. These land uses provide for predominantly single family residential, rural and agricultural uses.

The existing zoning provides for the potential of limited subdivision into 4 lots. The Decourcy Island fire hall is located on a portion of the farm. Originally built with the intention of a long term lease tenure, the fire hall and its approximately ____ acre site will be formally subdivided off from the main Farm. As such, under the existing zoning, the Farm might have the potential for subdivision into only 3 lots. The current Official Community Plan indicates a preference for the Farm to remain as a single parcel. Ultimately, the Farm will provide the greatest utility to an owner in its current form and status. Copies of the Zoning and OCP are included herein.



PROPERTY OVERVIEW

Site Plan



Services

Water is collected from two drilled wells, two dug wells and a large pond and two dugouts. There are no other services. Power is provided by fuel burning generators.

Access

DeCourcy is easily accessible from Vancouver Island, from either Boat Harbour (in Cedar) or Nanaimo. Many residents make the crossing to DeCourcy from other points on Vancouver Island and the Lower Mainland. Floatplane access is direct to Pirates Cove from the South Terminal. An internal road network connects the residences to the Marina at Pirates Cove.

Pirates Cove Marina

Pirates Cove Marine Park is a 31 hectare (75 acre) provincial park situated on the southeast end of DeCourcy Island. Established in 1966, this park is a significant draw to boaters given its very well protected cove offering fairly good anchorage. Providing two dinghy docks and a number of stern tie mooring rings, Pirates Cove is an active anchorage during the summer months.



PROPERTY OVERVIEW

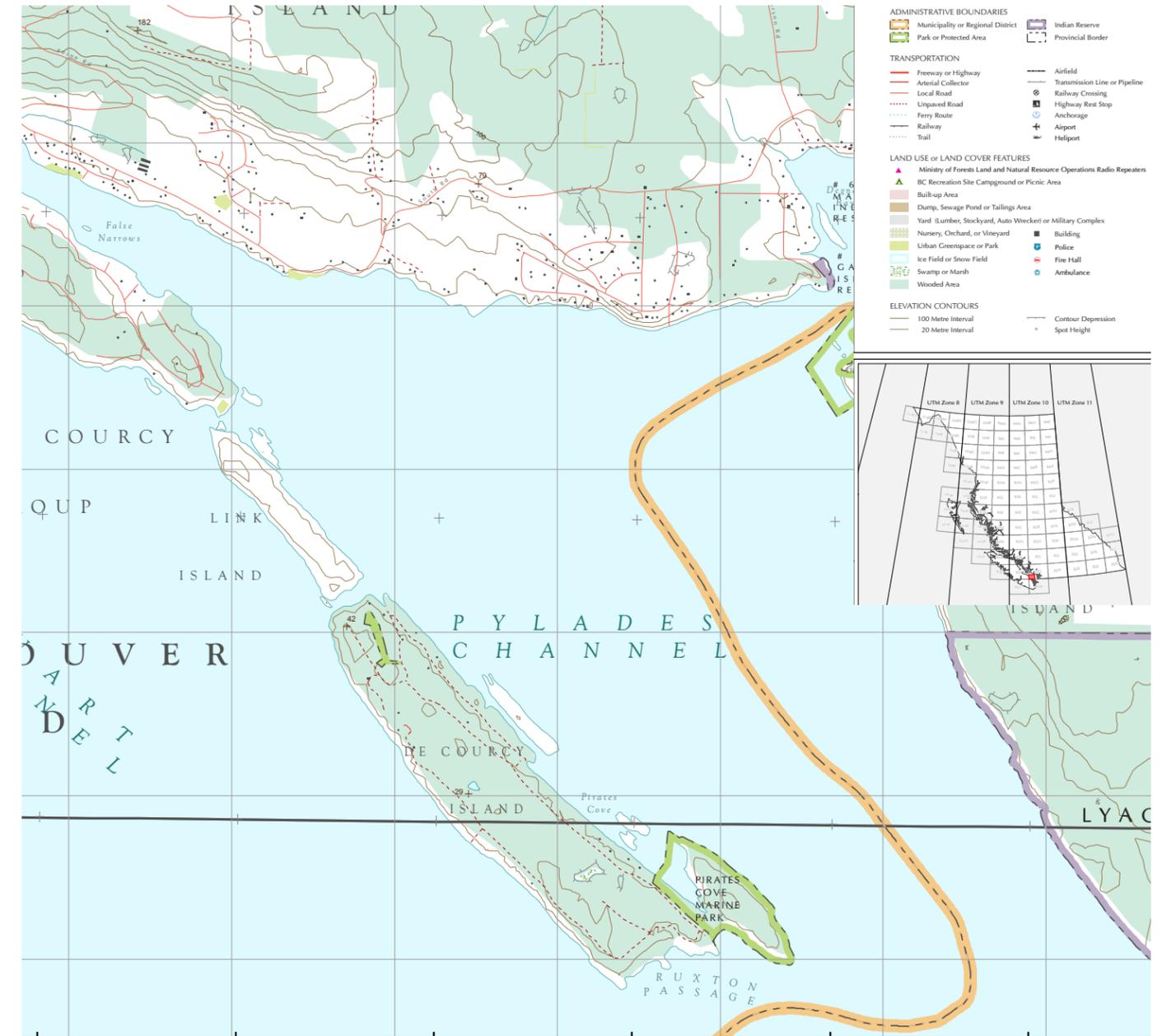
Legal Description PID: 000-991-694
 BLOCK F, SECTIONS 10, 23 AND 24, NANAIMO DISTRICT, PLAN 41970

Taxes (2015) \$5,094.41

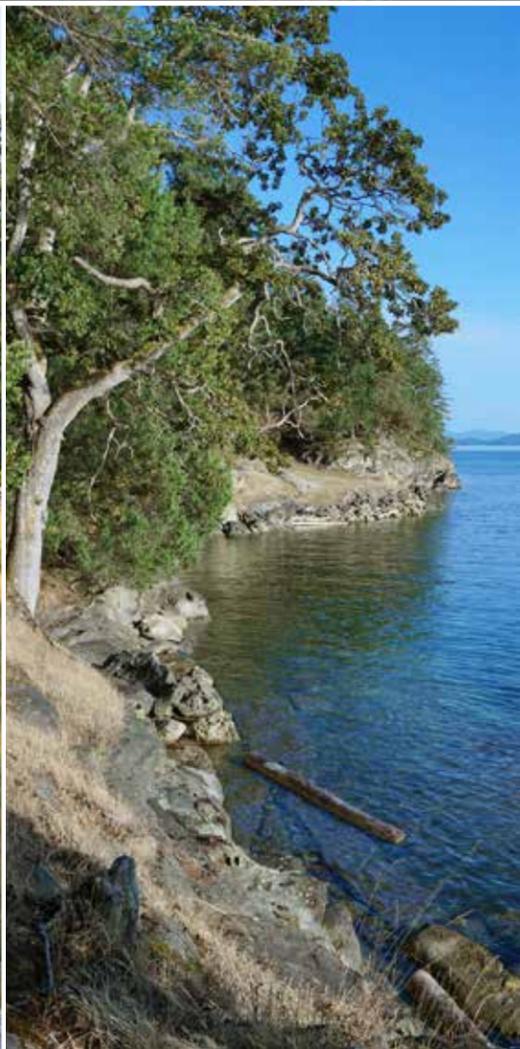
Asking Price CDN \$2,195,000



Topography Map



PROPERTY PHOTOGRAPHS



APPENDIX

Title Document

TITLE SEARCH PRINT

File Reference:
Declared Value \$\$163000.00

2016-07-18, 16:41:12
Requestor: Susan Holmes

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	ED18441 N92847
Application Received	1990-02-16
Application Entered	1990-02-22
Registered Owner in Fee Simple Registered Owner/Mailing Address:	ROUNDTUIT FARMS LTD., INC.NO. 294481 1160-1090 WEST GEORGIA STREET VANCOUVER, BC V6E 3V7
Taxation Authority	NANAIMO/COWICHAN ASSESSMENT AREA
Description of Land Parcel Identifier: Legal Description:	000-991-694 BLOCK F, SECTIONS 10, 23 AND 24, NANAIMO DISTRICT, PLAN 41970
Legal Notations	HERETO IS ANNEXED EASEMENT EP50554 OVER LOT 4, PLAN VIP70935
Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Remarks:	EASEMENT M75836 1983-08-02 10:02 PART IN PLAN 39966; APPURTENANT TO LOTS 12, 13 AND 14, PLAN 39964
Duplicate Infeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Zoning

DECOURCY ISLAND

ZONING BYLAW NO. 44

AS AMENDED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAWS: 192 and 242

NOTE: Certified copies of the Zoning Bylaw are available from the Islands Trust Office

Consolidated January, 2008

Zoning

only:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 192	Amendment No. 1, 2001	July 18, 2001
Bylaw No. 242	Amendment No. 1, 2007	Sept. 7, 2007

 **
 A BYLAW TO DIVIDE DECOURCY ISLAND INTO ZONES AND TO REGULATE THE USE OF LAND INCLUDING THE SURFACE OF WATER AND THE LOCATION, SIZE AND USE OF BUILDINGS AND STRUCTURES

 **

The Gabriola Island Trust Committee being the Trust having jurisdiction on and in respect to DeCourcy Island in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1979, Chapter 208, in open meeting assembled, enacts as follows:

I. **DeCourcy Island Zoning Bylaw**

SECTION 1

ADMINISTRATION

1.1 **General**

- (a) This Bylaw shall be applicable to DeCourcy Island, as shown on Schedule "A", attached to and forming part of this Bylaw.
- (b) This Bylaw may be cited as "DeCourcy Island Zoning Bylaw, 1987".

1.2 **Zones**

- (a) The area covered by this Bylaw has been divided into the following zones, the boundaries of which are shown on Schedule "A":
 - SR Settlement Residential
 - R Rural
 - PR Public Recreation
 - W-1 Water General
 - W-2 Mariculture
- (b) The boundary between water and land zones shall be the surveyed high water mark as shown on a plan registered in the Land Title Office, or where there is no registered survey plan, shall be the natural boundary of the sea.

1.3 **Violation**

No building or structure shall be sited, used, constructed, moved, or altered, except in conformity with this Bylaw and no land or surface of water shall be used or occupied, except in conformity with this Bylaw.

1.4 Penalty

- (a) Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding five hundred (500) dollars for each day the violation continues plus prosecution costs.
- (b) The Islands Trust may seek a court order to authorize the demolition, removal or the bringing up to standard of any building, structure or thing, in whole or in part, that is in contravention of this Bylaw.

1.5 Amendment

Any person applying to have this Bylaw amended shall apply in writing to the Manager of Islands Trust.

1.6 Appeal

The Board of Variance, established under a Bylaw of the Islands Trust Committee, shall hear and determine any appeal pursuant to Section 962 of the *Municipal Act*.

1.7 Severability

If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

SECTION 2

GENERAL REGULATIONS

2.1 Uses and Structures Permitted in any Zone

Bylaw No. 242

Navigational aids and public utility uses and structures shall be permitted in any zone. Distribution stations, transmission towers, pipelines, related storage and repair facilities shall not be permitted. Without limiting the foregoing, fire hall uses are permitted within buildings on lands as shown on Map 1, Section 6.

2.2 Non-compliance with Siting and Size Requirements

A building or structure lawfully existing at the time of adoption of this Bylaw which fails to comply with the requirements relating to siting and size herein shall not be deemed to be nonconforming for such non-compliance, but any subsequent alterations or additions to such buildings or structures shall be permitted only if they are in accordance in all respects with the requirements of the Bylaw.

2.3 Nonconforming Use

A lawful use of premises existing at the time of adoption of this Bylaw, although such use does not conform to the provisions of this Bylaw, may be continued subject to the provisions of Section 970 of the *Municipal Act*, R.S.B.C., 1985, respecting nonconforming uses.

4

2.4 Siting Exceptions

- (a) Where steps, eaves, canopies, balconies or chimneys project beyond the face of a building, the minimum distance to any lot line as regulated elsewhere in the Bylaw may be reduced by not more than 2 metres (6.56 ft.) providing such reductions shall apply only to the projecting feature.

2.5 Height Exceptions

The heights of permitted buildings and structures may be exceeded for retaining walls, radio and television antennas, chimneys, flag poles, lighting poles, stairways, water storage tanks or cisterns, and silos.

2.6 Guest Cottages

- (a) On parcels in excess of 2 ha (4.94 acres) in size in the Settlement Residential and Rural zones, a guest cottage is permitted provided that:
 - (i) The guest cottage has a gross floor area not greater than sixty-five (65) square metres (699.65 ft²).

2.7 Transient Vessels

Notwithstanding any other provisions of this Bylaw, vessels in transit are permitted to moor or anchor in the waters of the W-1, W-2, and PR Zones.

SECTION 3

ZONE SPECIFIC REGULATIONS

3.1 Settlement Residential (S) Zone

The purpose of this zone is to designate land for residential use, both seasonal permanent.

(a) Permitted Uses

In addition to uses permitted in Section 2.1 of the Bylaw, the following uses and no others shall be permitted in the Settlement Residential Zone:

- (i) Single family residential
- (ii) Guest cottages, subject to Section 2.6
- (iii) Boat launching, parking on, and access over Lot 1, Plan 20512, Section 23, DeCourcy Island, Nanaimo District, associated with the use of centralized moorage within Waterlot 364, Pirates Cove, DeCourcy Island, Nanaimo District.

(b) Permitted Buildings and Structures

The following buildings and structures and no others shall be permitted in the Settlement Residential Zone.

Bylaw No. 192

5

- (i) Single family dwellings
 - (ii) Guest cottages, subject to Section 2.6
 - (iii) Buildings and structures accessory to single family dwellings
 - (iv) Structures, excluding buildings, on Lot 1, Plan 20512, Section 23, DeCourcy Island, Nanaimo District, associated with the use of centralized moorage within Waterlot 364, Pirates Cove, DeCourcy Island, Nanaimo District.
 - (iv) Buildings and structures accessory to single family dwellings
- (c) Regulations Pertaining to the Settlement Residential Zone
- (i) Site Density

There shall not be more than one (1) single family dwellings per parcel; except for parcels in excess of 2 hectares (4.94 acres), where a guest cottage is also permitted.
 - (ii) Height of Buildings and Structures

No building or structure shall exceed 9 metres (29.53 ft.) in height.
 - (iii) Siting

No building or structure or part thereof except a fence shall be located within 5 metres (16.40 ft.) of any lot line.
 - (iv) Lot Coverage

Buildings and structures in total shall not cover more than 15 percent of the lot.

3.2 Rural Zone

The purpose of this zone is to designate land for rural use.

(a) Permitted Uses

In addition to uses permitted in Section 2.1 of this Bylaw, the following uses and no others shall be permitted in the Rural Zone.

- (i) Single family residential
- (ii) Guest cottages, subject to Section 2.6
- (iii) Agriculture, including the processing, storage, and sale on an individual farm of agricultural products produced or raised on that farm.
- (iv) Forestry

(b) Permitted Buildings and Structures

The following buildings or structures and no others shall be permitted in the Rural Zone.

- (i) Single family dwellings,
- (ii) Guest cottages, subject to section 2.6,
- (iii) Buildings or structures accessory to single family dwellings,
- (iv) Non-residential buildings and structures accessory to farm use.

(c) Regulations Pertaining to the Rural Zone

(i) Site Density

There shall not be more than one (1) single family dwelling per parcel, with the following exceptions:

- On parcels in excess of 2 hectares (4.94 acres), a guest cottage is also permitted,
- On parcels in excess of 8 hectares (19.76 acres), one residential building per 4 hectares (9.88 acres) is permitted

(ii) Height of Buildings and Structures

No building or structure shall exceed 9 metres (29.53 ft.) in height, with the exception of non-residential buildings used exclusively for agricultural purposes which shall not exceed 15 metres (49.21 ft.) in height.

(iii) Siting

No building or structure or part thereof, except a fence shall be located within 7 metres of any lot line. Non-residential buildings used exclusively for agricultural purposes shall not be located within 30 metres (98.43 ft.) of any lot line.

(iv) Lot Coverage

Buildings and structures in total shall not cover more than 10 percent of the lot.

3.3 Public Recreation (PR) Zone

The purpose of this zone is to designate land for public recreation use.

(a) Permitted Uses

(b) Permitted Buildings and Structures

The following buildings or structures and no others shall be permitted in the Rural Zone.

- (i) Single family dwellings,
- (ii) Guest cottages, subject to section 2.6,
- (iii) Buildings or structures accessory to single family dwellings,
- (iv) Non-residential buildings and structures accessory to farm use.

(c) Regulations Pertaining to the Rural Zone

(i) Site Density

There shall not be more than one (1) single family dwelling per parcel, with the following exceptions:

- On parcels in excess of 2 hectares (4.94 acres), a guest cottage is also permitted,
- On parcels in excess of 8 hectares (19.76 acres), one residential building per 4 hectares (9.88 acres is permitted)

(ii) Height of Buildings and Structures

No building or structure shall exceed 9 metres (29.53 ft.) in height, with the exception of non-residential buildings used exclusively for agricultural purposes which shall not exceed 15 metres (49.21 ft.) in height.

(iii) Siting

No building or structure or part thereof, except a fence shall be located within 7 metres of any lot line. Non-residential buildings used exclusively for agricultural purposes shall not be located within 30 metres (98.43 ft.) of any lot line.

(iv) Lot Coverage

Buildings and structures in total shall not cover more than 10 percent of the lot.

3.3 Public Recreation (PR) Zone

The purpose of this zone is to designate land for public recreation use.

(a) Permitted Uses

(ii) Public recreation facilities

(b) Permitted Buildings and Structures

The following buildings and structures and no others shall be permitted in the Public Recreation Zone

- (i) Buildings and structures necessary to accommodate the needs of uses established in this zone.

(c) Regulations Pertaining to the Public Recreation Zone

(i) Height of Buildings and Structures

No building or structure shall exceed 9 metres (29.53 ft.) in height.

(ii) Siting

No building or structure except a fence or sign shall be located within 7 metres (22.97 ft.) of any lot line.

3.4 Water General (W-1) Zone

The purpose of this zone is preserve and protect the natural qualities of the foreshore and water areas on and adjacent to DeCourcy Island and to provide for the orderly development of boat moorage facilities associated with single family residential uses on the upland.

(a) Permitted Uses

The following uses and no others shall be permitted in the Water-1 Zone

- (i) Boat and seaplane moorage associated with single family uses located on adjacent upland
- (ii) Public boat launching facilities
- (iii) Marine navigational aids

(b) Permitted Structures

The following structures and no others are permitted in the Water-1 Zone:

- (i) Mooring buoys, floats, docks, and boat shelters necessary to accommodate boat moorage associated with residential uses on the upland. (Floats, docks, and boat shelters are required to have authorized tenure from the Lands Division, Ministry of Forests and Lands.*)

- (ii) Swimming floats, stairways, and walkways
- (iii) Navigational aids
- (c) Regulations Pertaining to the Water-1 Zone
 - (i) Residential Use Prohibited

Use of any vessel as a residence is prohibited. No float houses are permitted.
 - (ii) Buildings Prohibited

No building, except a boat shelter not exceeding 3 metres (9.84 ft.) in height, shall be erected on any structure permitted in this zone.
 - (iii) Siting

No structure shall be sited within 6 metres (19.69 ft.) of the projection of any side lot line.

* For information purposes only.

3.5 Mariculture (W-2) Zone

The purpose of this zone is to designate water areas for mariculture where such use presently exists.

(a) Permitted Uses

The following uses and no others shall be permitted in the W-2 Zone.

- (i) Shellfish culture
- (ii) Marine navigational aids

(b) Permitted Structures

The following structures and no others shall be permitted in the W-2 Zone

- (i) Mooring buoys and shellfish culture stakes
- (ii) Marine navigational aids

(c) Regulations Pertaining to the Mariculture W-2 Zone

- (i) Residential Use Prohibited

Use of any vessel as a residence is prohibited. No float houses are permitted.

Bylaw No. 192

3.6 CENTRALIZED MOORAGE (W-3) ZONE

(a) Permitted Uses

The following uses and no others shall be permitted in the Centralized Moorage Zone

- (i) Centralized moorage serving only single family uses on any DeCourcy Island upland lot, for which user fees may be charged
- (ii) Boat and seaplane loading and unloading associated with single family uses on any DeCourcy Island upland lot
- (iii) Boat launching facilities
- (iv) Boat tide-grid
- (v) Marine navigation aids.

(b) Permitted Structures

The following structures and no others shall be permitted in the Centralized Moorage Zone

- (i) Pilings, dolphins, floats, ramps, and docks, associated with centralized moorage, boat and seaplane loading and unloading, boat launching, boat tide-grid, and marine navigation aids.

(c) Regulations

The following regulations apply to the use of land (water) and structures in the Centralized Moorage Zone:

- (i) The use of land (water) or structures for purposes of a yacht club or yacht club outstation is prohibited.

SECTION 4

SUBDIVISION PARCEL SIZE REGULATIONS

- 4.1 The land areas of DeCourcy Island and Long Island are designated in the Gabriola Island Trust Committee Bylaw No. 18, cited as DeCourcy Island Subdivision Control Bylaw, 1982", as subdivision districts in accordance with Schedule "A" of that Bylaw.
- 4.2 All land areas shown in the above mentioned Schedule "A" and not designated "A", "B", "C", "D", "E", "F" and "H" are designated "G".
- 4.3 In the designated subdivision districts of Section 4.1 and 4.2 no land shall be subdivided except in accordance with the following requirements:

1	2	3	4
Subdivision District Designation	Minimum Lot Size in ha	Minimum Average Lot Size in ha	Maximum Number * of Lots **
A	0.6	1.19	15
B	0.6	1.22	4
C	0.6	1.11	7
D	0.6	1.39	5
E	0.6	1.32	11
F	0.6	10.82	4
G	30.0	-	1
H	2.0	2.43	2

* This figure indicates the maximum number of lots permitted in each subdivision district if the entire district is subdivided.

** Should a discrepancy occur between the application of the numbers in columns 3 and 4, the numbers in column 4 shall prevail.

SECTION 5

DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“ACCESSORY BUILDING OR USE” means a building or use customarily incidental to the permitted use of land, buildings or structures located on the same lot;

“ACCESSORY TO” means subordinate to and in conjunction with;

“AGRICULTURE” means the growing, harvesting, processing, storage, and selling of crops, livestock, and poultry originating on the site, and includes the storage, repair, and servicing of farm machinery and implements used on that site, and includes accessory buildings and structures, excluding those used for human habitation, necessary for farm operations;

“APPROVAL” means approval in writing from the authority having jurisdiction;

“BUILDING” means any structure used or intended to be used for the shelter, habitation, accommodation, assembly, or storage of persons, animals, plants, goods or chattels;

“CENTRALIZED MORRAGE” means the provision of boat and seaplane moorage space only to DeCourcy Island residents, lot owners, and their non-paying guests;

“DWELLING, SINGLE FAMILY” means a self-contained room or set of habitable rooms containing not more than one set of cooking facilities which is used or intended to be used by one family;

“ECOLOGICAL RESERVE” means an ecological reserve established under the *Ecological Reserve Act*;

“FAMILY” means an individual, or two or more persons related by blood or marriage, or five or fewer persons not necessarily related by blood or marriage;

“FLOATHOUSE” means a structure on a flotation system that is intended for residential habitation and is neither navigable nor useful for navigational purposes;

“FLOOR AREA” means the sum of the total area of all the floors, including lofts, enclosed porches and enclosed balconies, measured to include exterior walls;

“FORESTRY” means the establishment, tending, and harvesting of forest trees, excluding processing of wood or wood products.

“HEIGHT” means the vertical distance from the average finished ground level at a distance of one metre out from the perimeter of the building or structure to the highest point of the building or structure.

“HIGH WATER MARK” means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently filed in the Land Title Office, or where no plan exists, means the natural boundary;

“HIGHWAY” means a street, road, lane, bridge, and any other way open to public use, but does not include a private right-of-way on private property;

“LOT OR PARCEL” means the smallest unit in which land is designated as a separate distinct parcel on a legally recorded plan or description filed in the Land Title Office, and includes a strata lot registered under the *Condominium Act*, but does not include a highway;

“LOT LINE, FRONT” means the boundary line between the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front lot line if the adjacent lots front on the same street, except that only front lot line need be provided;

“LOT LINE, REAR” means the lot line furthest from the opposite to the front lot line, except that there shall not be more than one rear lot line;

“LOT LINE, SIDE” means the lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and a public street in the case of a corner lot; of which one or both intersect a front lot line;

“MARICULTURE” means the cultivation, raising and harvesting of marine organisms;

“NATURAL BOUNDARY” means the visible high water mark of the sea, or a lake, a river, a stream, or other body of water where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock a character distinct from that of the bank(s) thereof;

“NON-PAYING GUEST” means an invitee accommodated without remuneration;

“PARK” means public park and includes ancillary uses including park office, information centre, community organization offices, community uses, and caretaker’s quarters and other uses associated with park uses;

“PRINCIPAL” with respect to a use or building means primary and chief;

"RESIDENCE" means occupancy or use of a building, structure vessel, or part thereof as a dwelling;

"SHELLFISH CULTURE" means the cultivation, raising, and harvesting of oysters, clams, and other molluscs;

"STRUCTURE" means a construction of any kind, whether fixed to, supported by, or sunk into land or water, such as buildings, display signs, poles and towers, platforms, sheds, bins, tanks, etc. but shall not include gravel, asphalt, or concrete, paving or similar lot surfacing;

"USE" means the purpose for function to which the land, water surface, buildings and structures are put.

Bylaw No. 242

SECTION 6

6.1 Fire hall uses are permitted on land and in buildings within the area shown on Map 1.

6.2 Residential use within the area shown on Map 1 is prohibited.

MAP 1



READ A FIRST TIME THIS	13th	day of	December	1987
READ A SECOND TIME THIS	13th	day of	December	1987
READ A THIRD TIME THIS	6th	day of	May	1988
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	16th	day of	August	1988
RECONSIDERED AND FINALLY ADOPTED THIS	9th	day of	September	1988

Cynthia Hawksworth
Manager

Nick Gilbert
Chairman



DECOURCY ISLAND

**OFFICIAL COMMUNITY PLAN BYLAW NO. 16
AS AMENDED BY THE GABRIOLA ISLAND TRUST COMMITTEE
BYLAWS NO. 191, 251 and 255**

NOTE: Certified copies of the Official Community Plan are available from the Islands Trust Office, 700 North Road, Gabriola Island, BC, V0R 1X3.

Consolidated: April, 2011

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 191	Amendment No. 1, 2001	July 18, 2001
Bylaw No. 255	Amendment No. 2, 2010	August 19, 2010
Bylaw No. 251	Amendment No. 1, 2010	March 24, 2011

GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 16

A BYLAW TO DESIGNATE THE COMMUNITY PLAN FOR DECOURCY ISLAND AS THE OFFICIAL COMMUNITY PLAN FOR THE SAID ISLAND

WHEREAS by Section 710 of Division (1) of Part 21 of the Municipal Act the Council of a municipality may have community plans prepared and they may be expressed in maps, plans, reports or any combination of them;

AND WHEREAS by Section 711 of the said Division (1), the Council of a municipality may, by bylaw, designate any community plan prepared under the said Section 710 as the Official Community Plan or as part of the Official Community Plan;

AND WHEREAS Section 4(2)(h) of the Islands Trust Act confers on the Gabriola Island Trust Committee all power and authority of a municipality under Section 708 and Divisions (1), (2), (3) and (4) of Part 21 of the Municipal Act and all power and authority of a Regional District under Sections 807 to 813 of the Municipal Act;

AND WHEREAS pursuant to Section 810, except subsection (4), of the Municipal Act, the Gabriola Island Trust Committee has prepared a community plan for Decourcy Island, which said community plan is attached hereto as Schedule "A", and deems it expedient to designate the said community plan as an Official Community Plan;

NOW THEREFORE the Gabriola Island Trust Committee, in open meeting assembled, enacts as follows:

- 1. The Community Plan attached hereto as Schedule "A" and made a part of this bylaw is hereby designated as the Decourcy Island Official Community Plan.
2. Gabriola Island Trust Committee Bylaw No. 4 cited as "Official Community Plan (Gabriola Island) Bylaw, 1978" is amended by deleting from Schedule "A" all reference to Decourcy Island or Decourcy Islands wherever such references appear in the Bylaw.
3. This bylaw may be cited as the "Decourcy Island Official Community Plan Bylaw, 1981".

READ A FIRST TIME THIS 3rd day of October 1981

READ A SECOND TIME THIS 3rd day of October 1981

READ A THIRD TIME THIS 3rd day of October 1981

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 28th day of January 1982

RECONSIDERED AND FINALLY ADOPTED THIS 29th day of January 1982

Tony Roberts
Manager

John Rich
Chairman

SCHEDULE "A"

DECOURCY ISLAND COMMUNITY PLAN

INTRODUCTION

Decourcy Island is approximately 185 ha (460 acres) in extent and lies in the centre of the chain of islands located between Gabriola - Valdes to the Northeast and Vancouver Island to the Southwest. The sandstone island rises with an undulating topography to 35 m or 100 ft. and supports a dry Douglas fir forest with pockets of wetland, pasture and rock outcroppings. Conspicuous island wildlife includes deer, small mammals and birds.

Archaeological sites indicate human habitation for many centuries and evidence of early European settlement is seen in the old farm buildings. These are of historical importance because of their connection with the colourful Brother XII who in the early thirties led a religious community on the island.

The Island contains a Class A Provincial Park 24 ha (60 acres) and 144 recreational lots averaging .49 ha (1.2 acres) in size. Many owners of lots and unsubdivided land were concerned over the future of the island and therefore participated in the Community Plan meetings and workshops at which this plan was formulated.

The Gabriola Island Trust Committee recognizes that under the Islands Trust Act it is required to preserve and protect the Islands Trust area. It also appreciates the public demand for a quiet rural atmosphere on the island. This plan is seen as a policy framework leading to these ends.

GOALS

- 1. To preserve those features of the natural and cultural environment which give the island a marine oriented rural atmosphere.
2. To retain the rural, residential and agricultural uses of land which are presently found on the island.
3. To encourage the conservation of fresh water whether on surface or underground.
4. To retain the present level of transportation, utility and other public services now found on the island.
5. To minimize the aesthetic and physical impacts of development on the natural environment including the coastline, the vegetation and land features.
6. To support the actions of the appropriate authorities in their efforts to supervise and control the quiet recreational use of Pirates Cove Marine Park.

POLICIES

1. LAND USE

In developing a set of land use policies, special attention has been given to achieving compatibility between uses. Existing activities are recognized and the beneficial relationship between these and the natural environment is preserved.

- 1) Commercial and industrial development should be prohibited but centralized moorage facilities having user fees, cottage industry and home occupations are acceptable.

BL 191

- 2) Only one residential building per lot should be permitted and an additional guest cottage when lots are in excess of 2 ha (4.94 acres) in area.
- 3) Notwithstanding Policy 1(2) on lots larger than 8 ha (19.76 acres), 1 residential building per 4 ha (9.88 acres) shall be permitted.
- 4) Restrictive covenants should be used to control building sites.
- 5) The environmental system on the island represented by the farm, wetlands and wildlife corridor which on the Community Plan map are within the area designated Resource Protection should be maintained in present use.
- 6) Productivity of the farm should be encouraged.
- 7) Subdivision and the siting of buildings and structures on the coastal strip should take into account hazards, aesthetics and environmental impacts.
- 8) Community facilities and parking areas located on private land, such as the Firehall and parking, are considered appropriate uses and covenants to protect these uses for future community use are encouraged.

BL 251

2. TRANSPORTATION

A small island such as Decourcy can discourage motor vehicular use thus preserving its peaceful and non-polluted character. The easier the access the greater the pressure for development. It is therefore desirable to avoid vehicular ferries so that development pressures on the social and natural environment can be reduced.

- 1) New road construction should be to the same standards as existing roads.
- 2) New road construction should be minimized.
- 3) Natural vegetation alongside the travelled portion of a road should be maintained.
- 4) Road surfaces should not be hard surfaced.
- 5) A footpath right-of-way should be acquired to complete the circuit of the island using existing roads.
- 6) No vehicular ferry service should be provided to the island.

3. PROTECTION OF THE NATURAL ENVIRONMENT

Many of the pleasures and benefits derived from living in summer cottages and residences or using public parks originate with the natural environment and the life it supports. Landscape therefore needs protection for aesthetic, scientific and social reasons.

- 1) Development should be discouraged in the swampy and wet areas.
- 2) Tree cutting should be regulated by bylaw.
- 3) The forest cover on the island should be retained.

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- 4) Development should be subject to environmental assessment at the discretion of the Trust Committee.
- 5) Hunting should be prohibited.

4. MARINE AND FORESHORE

The foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum.

BL 191

- 1) Moorage space for residents and owners should be centralized at one or more locations.
- 2) Private floats and docks serving only individual lots should be discouraged.
- 3) Houseboats should not be permitted.

5. PARK

It is to the mutual advantage of the recreationalist in the park and the island resident that their activities proceed with the minimum of repercussions for each others enjoyment.

- 1) The park area should be well patrolled during the summer months.
- 2) Park activity should be maintained on the peninsula side of the firebreak.
- 3) The public dock should be moved to the peninsula side of the park.
- 4) Neighbourhood park areas should be acquired.

6. WATER AND SEWAGE DISPOSAL

Public health requires adequate supplies of potable water but it is also essential that disposal of water related waste be carried out with minimum pollution of the environment.

- 1) Proof of potable water supply should be established as a condition of subdivision taking into account the island as a whole.
- 2) Septic fields should be situated to minimize impact on groundwater supplies.
- 3) Septic fields should be well set back from the sea.
- 4) Alternate sewage disposal methods should be encouraged.
- 5) Groundwater should be monitored to determine the effects of septic tank fields.
- 6) There should be no solid waste deposit sites on the island.

7. SUBDIVISION POLICY

Relative to its size Decourcy has a high proportion of land already subdivided into small lots. This makes the protection of the remaining undeveloped areas most desirable. They also have special

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importance as farmland, wetland, coastline and wildlife corridor all of which requires larger minimum lot sizes if they are to remain viable.

- 1) The farm, wetlands, wildlife corridor, Long Island and adjacent upland is placed in a 8 ha (19.76 acres) minimum lot size Resource Protection designation, the remaining unsubdivided lands are placed in a 4 ha (9.88 acres) minimum lot size Rural designation, and the existing small lot areas and park are in a no additional subdivision designation, all as shown on the Community Plan map.
- 2) A comprehensive development plan will be encouraged provided that:
 - the total number of lots in a comprehensive development plan will, notwithstanding Section 7(1), be calculated on the basis of averaging with a 2 ha (4.94 acre) lot size and with a minimum lot size of .6 ha (1.48 acres)
 - the farm area to be preserved intact
 - the 5% dedication provided for in the Municipal Act to be fulfilled
 - the wildlife corridor and wetlands to be preserved in common tenure.
- 3) Consolidation of existing lots is encouraged.
- 4) Upon the subdivision of the remaining unsubdivided part of the island, the subdivider is encouraged to make provision for all Decourcy Islanders to have access to the farm, wetlands, and wildlife corridor which would be preserved in a comprehensive development plan under subsection 7(2).

BL 255

8. CLIMATE CHANGE ADAPTATION AND GREENHOUSE GAS EMISSION REDUCTION

Climate change refers to the increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, GHG emissions have increased by 70%. This dramatic rise in atmospheric GHG concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include GHG emission reduction targets—and policies and actions to achieve those targets—in their Official Community Plans.

The following target is set as the first step to ensuring that the reduction of GHG emissions specifically and the impact of climate change in general become part of the planning process for DeCourcy Island, and also to illustrate the light footprint of residents of DeCourcy Island:

- To achieve by 2020 and 2050 resident per capita emission levels of 50% or less than the Canadian per capita average for 2020 and 2050, respectively, measured from a baseline when an inventory is completed.

The following objectives are set to help to ensure this target is achieved.

Climate Change Adaptation and Greenhouse Gas Emission Reduction Objectives

The objectives of this subsection are:

- 1) To establish climate change as a fundamental factor in land use decision-making, while adhering to the Islands Trust Policy Statement..
- 2) To develop a community-initiated inventory of greenhouse gas emissions on DeCourcy Island to verify the level of per capita emissions.
- 3) To encourage community discussion on the issues of climate change and greenhouse gas emission reductions at all appropriate community meetings and gatherings.
- 4) To support efforts and policies that help the community adapt to climate change impacts.
- 5) To work with other agencies and levels of government to support actions that limit greenhouse gas emissions.

Climate Change Adaptation and Greenhouse Gas Emission Reduction Policies

- 1) The Local Trust Committee encourages information sharing and education on reducing greenhouse gas emissions and on producing energy from alternative sources.
- 2) The Local Trust Committee encourages on-island agriculture and the sharing of local food production.
- 3) The Local Trust Committee encourages all new construction be built at the highest possible standards to reduce energy needs.
- 4) Further Policies and Actions with respect to climate change mitigation will be considered as part of a future review of this Bylaw and incorporated into this Bylaw when it is amended.

UNIQUE PROPERTIES

UniqueProperties.ca

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