



The Ten Acre Freeze

by John Millen

This story takes us back to the early impetus that led to the formation of the Islands Trust. In the mid 1960's the distinctive nature of the Islands of the Salish sea was coming to the attention of many people in British Columbia. The growing wealth of the Province's citizens had led to them seeking places to go outside the cities, and the coastal lands and islands were the main attraction.

Large real estate firms, and locally that meant Nanaimo Realty, took advantage of the opportunity, buying farms and subdividing them into very small lots for sale with a minimum deposit and years to pay. Examples of this are the Sandpiper and Galleon Beach subdivisions on Hornby Island. Most notorious was the Magic Lake subdivision when "Gulf Island Estates" offered for sale a high-density vacation home development on the west shore of North Pender Island. At 1000 lots it was said to be the largest subdivision in Canada at that time. Eventually, about 600 acres of mostly half-acre properties were spread out along the waterfront and into the forested hillsides.

That the Gulf Islands would eventually be totally 'developed' in this fashion was unacceptable to many BC citizens with influence in the Provincial Government which was led at that time by W.A.C. Bennet in the final years of his Social Credit tenure. In November 1969 that government announced the '10 acre freeze' whereby no subdivisions resulting in lots of less than 10 acres would be permitted in the designated 'Gulf Islands'.

Dave Barrett's NDP government was elected in 1972 and in 1974 it passed the Islands Trust Act. It is here the words "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally" first appear. However the powers to achieve that lofty goal were limited. The power to plan and regulate development remained with the Regional Districts. The Islands Trust Council, comprising two elected representatives from each island and three councillors appointed by the Government was to provide recommendations on policies (of all government departments) affecting the islands. It also had veto powers over the plans and bylaws created by the various regional districts as they affected the Islands. Hilary Brown of Hornby Island was appointed the first Chair of the newly created Islands Trust Council.

To a fair degree the horses had already escaped from the barn. The total population of the Trust Islands in 1974 was about 9500 whereas the extent of subdivision by then, if all the lots were occupied (at the current rate of 2.1 persons per household), would lead to a total population of 30,000.

One of the powers available to the early Islands Trust was the creation of Official Community Plans and some of the Southern Gulf Islands were assisted to produce their Plans. However Denman and Hornby Island were not included in this project. The production of Denman's first Community Plan was a slow process and its first OCP was not completed until 1978.

In 1977 the Islands Trust Act was amended to transfer the powers of land use regulation and the creation of bylaws to Islands Trust.

The validity of such Plans and the bylaws derived from them was tested on Denman Island in the latter half of the 1970's when developer Frank Rainsford proposed a new 53 lot subdivision to the south of Graham Lake. Rainsford had already established the 'Little Burnaby' subdivision on East Road, provided with water from Graham Lake. The new subdivision (Owl Cresc. And

Beaver Drive) was also expected to be provided with Graham Lake water. The Community Plan would only allow 22 lots for this acreage and much concern was also expressed about the capacity of Graham lake water to provide for the larger number of lots. The Highways Approving Officer, to his credit, refused to approve the plan for 53 lots and he was sued by Rainsford's Seaview Estates Ltd. for his refusal. Rainsford lost his case in 1980 and again, on appeal, in 1981 establishing that the (Highways) Approving Officer was indeed bound by the provisions of Islands Trust bylaws and plans.

And the '10 acre Freeze'? Well it is still reflected in the Denman Bylaws where the average lot size allowed for subdivision of Rural Residential (R2) land is 4 hectares – just under 10 acres.

My apologies to those elders of our Denman Community for whom this quick sketch provides no recognition of the significant roles they played in the described events.