

**City of Kelowna**  
**Regular Council Meeting**  
**AGENDA**



Monday, March 2, 2020  
1:30 pm  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

**1. Call to Order**

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

**2. Confirmation of Minutes**

3 - 12

PM Meeting - February 24, 2020

**3. Development Application Reports & Related Bylaws**

**3.1 Hartman Rd 620-622, A19-0021 - Beatrice Elizabeth Van Den Eerenbeemt**

13 - 25

To support an application to the Agricultural Land Commission (ALC) for a subdivision for the purpose of a homesite severance.

**3.2 Rental Sub-Zones Text Amendment No. TA20-0007 (BL11988)**

26 - 29

To consider a Text Amendment application to create rental sub-zones within Zoning Bylaw No. 8000.

**3.3 BL11988 (TA20-0007) - Rental Sub-Zones addition to Zoning Bylaw No. 8000**

30 - 34

To give Bylaw No. 11988 first reading in order to add a rental subzone to Section 13 and Section 14 of the Zoning Bylaw No. 8000.

**3.4 Harvey Ave 969, OCP19-0009 (BL11989) and Z19-0119 (BL11990) - The Evangel Family Rental Housing Society**

35 - 49

To consider an OCP Amendment application to change the future land use from MRM designation to MRH designation. To consider a Rezoning application to rezone the subject property from RM5 zone to RM6r (rental only) zone to facilitate a proposed six and a half storey multi-family building.

- 3.5 Harvey Ave 969, BL11989 (OCP19-0009) - The Evangel Family Rental Housing Society Inc. No. 516918** 50 - 50
- To give Bylaw No. 11989 first reading in order to amend the Official Community Plan for the subject property.
- 3.6 Harvey Ave 969, BL11990 (Z19-0119) - The Evangel Family Rental Housing Society Inc. No. 516918** 51 - 51
- To give Bylaw No. 11990 first reading in order to rezone the subject property.
- 3.7 Uplands Dr 368, Z19-0141 (BL12002) - Nicole Gosselin** 52 - 59
- To rezone the subject property from RR2 – Rural Residential 2 to RR2C – Rural Residential 2 with Carriage House.
- 3.8 Uplands Dr 368, BL12002 (Z19-0141) - Nicole Gosselin** 60 - 60
- To give Bylaw No. 12002 first reading in order to rezone the subject property.
- 3.9 Spiers Rd, 3652 HD20-0001 (BL12003) - Request for Heritage Designation - Sue Haley** 61 - 121
- To designate the subject property as a Municipal Heritage building.
- 3.10 Spiers Rd, 3652 BL12003 (HD20-0001) - Request for Heritage Designation - Sue Haley** 122 - 124
- To give Bylaw No. 12003 first reading in order to designate the subject property as a Municipal Heritage building.
- 3.11 Nickel Rd 250 BL11772 (Z18-0033) Extension Request** 125 - 126
- To extend the deadline for adoption of Rezoning Bylaw No. 11772 to March 26, 2021.

**4. Mayor and Councillor Items**

**5. Termination**



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Monday, February 24, 2020  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben\*, Mohini Singh, Luke Stack and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Director, Planning & Development Services, Ryan Smith\*; Development Planning Department Manager, Terry Barton\*; Planner, Barbara Crawford\*; Planner Specialist, Wesley Miles\*; Planner, Hailey Rilkoﬀ; Planner, Andrew Ferguson\*; Planner, Tyler Caswell\*; Planner, Lauren Sanbrooks\*; Policy & Planning Department Manager, Danielle Noble-Brandt\*; Planner Specialist, Graham March\*; Divisional Director, Financial Services, Genelle Davidson\*; Social Development Manager, Sue Wheeler\*; Divisional Director, Corporate Strategic Services, Carla Weaden\*; Community Safety Director, Darren Caul\*; Divisional Director, Infrastructure, Alan Newcombe\*; Utility Planning Manager, Rod MacLean\*; Legislative Coordinator (Confidential), Arlene McClelland

Guest: Reanne Holden-Amadio, Community Investment Manager with United Way of the Central and South Okanagan Similkameen

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 1:37 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

**2. Confirmation of Minutes**

Moved By Councillor Donn/Seconded By Councillor Hodge

R0135/20/02/24 THAT the Minutes of the Regular Meetings of February 10, 2020 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

#### 3.1 Hwy 33 W 590, TA20-0006 and Z19-0124 - o838239 B.C. Ltd., Inc. No. BCo838239

##### Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support and responded to questions from Council.

Mayor Basran invited the Applicants, or Applicant Representative, to come forward.

##### Kerri Lore, Director of Policy, BC Liquor Distribution Branch, Applicant

- Displayed a PowerPoint Presentation.
- The purpose of BC Cannabis stores is to make high quality cannabis products available to adult consumers.
- Committed to selling legal, independently tested cannabis products purchased from licensed producers and also educating consumers during the process.
- Social responsibility messages are placed throughout the store.
- Information and education messages are available in store with a comfortable setting to review prior to purchasing.
- Customer, employee and community safety is paramount to the operation.
- Noted that the BC Liquor Distribution Branch is a reputable place to work and will employ between 12-20 staff per store; offer jobs that pay living wages (\$21/hr) with employee benefits and government pension eligibility through unionized employment.
- The current distance between the proposed BC Cannabis Store and the recently approved store at 150 Hollywood Road is approximately 375 meters using the most direct path on foot; this is comparable to the pedestrian distance between cannabis stores in downtown Kelowna that was recently referred to Public Hearing.
- Rutland is generally a vehicular accessed retail area outside the downtown core and due to the highway intersection and left turns required to travel between the two malls, the perceived separation for drivers will feel much greater than 500 m.
- Responded to questions from Council.

##### Moved By Councillor Donn/Seconded By Councillor Singh

**R0136/20/02/24** THAT Zoning Bylaw Text Amendment Application No. TA20-0006 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated February 24, 2020 for Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC, NOT be considered by Council;

AND THAT Rezoning Application No. Z19-0124 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC from the C4rls - Urban Centre Commercial (Retail Liquor Sales) zone to the C4lrCs- Urban Centre Commercial (Retail Liquor Sales and Retail Cannabis Sales) NOT be considered by Council.

**Carried**

Mayor Basran, Councillors Hodge, Given and Wooldridge - Opposed

#### 3.2 Yates Rd 538, Z19-0140 - Carolco Developments Ltd., Inc. No. BCo291464

Councillor Sieben declared a conflict of interest for Items 3.2 and 3.3 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 2:13 p.m.

##### Staff:

- Displayed a PowerPoint Presentation summarizing the application.



Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R0137/20/02/24** THAT Rezoning Application No. Z19-0140 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-538 Yates Rd, Kelowna, BC from the C2 - Neighbourhood Commercial zone to the C2rcs - Neighbourhood Commercial (Retail Cannabis Sales) zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

**3.3 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464**

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0138/20/02/24** THAT Bylaw No. 11991 be read a first time.

Carried

Councillor Sieben rejoined the meeting at 2:18 p.m.

**3.4 Fenwick Rd 2840, Z19-0061 (BL11992) - Odermatt Otto, Odermatt Paul**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Sieben

**R0139/20/02/24** THAT Rezoning Application No. Z19-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 22142 located at 2840 Fenwick Rd, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone and to P3 – Parks and Open Space as shown on Map "A" attached to the Report from the Planning & Development Services Department dated February 24<sup>th</sup>, 2020 be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 24<sup>th</sup>, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the registration of a right of way for the linear park and riparian management area along Mill Creek.

Carried

**3.5 Fenwick Rd 2840, BL11992 (Z19-0061) - Odermatt Otto, Odermatt Paul**

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0140/20/02/24 THAT Bylaw No. 11992 be read a first time.

Carried

**3.6 Clement Ave 816, TA19-0022 (BL11993) - PC Urban Clement Holdings LTD., Inc. No. BC1100007**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R0141/20/02/24 THAT Zoning Bylaw Text Amendment Application No. TA19-0022 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated February 24, 2020 for Lot B Section 30 Township 26 Osoyoos Division Yale District Plan EPP83554 located at 816 Clement Avenue, Kelowna, BC be considered by Council;

AND FURTHER that the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

**3.7 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007**

Moved By Councillor Hodge/Seconded By Councillor Singh

R0142/20/02/24 THAT Bylaw No. 11993 be read a first time.

Carried

**3.8 McCurdy Rd 925-929, LUC20-0001 (BL11994) and Z19-0132 (BL11995) - NT Properties Ltd.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Hodge

R0143/20/02/24 THAT Application No. LUC20-0001 to discharge LUC77-1045 from Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0132 to amend City of Kelowna Zoning Bylaw No. 8000 by changing classification of Lot A, District Lot 143, ODYD, Plan KAP66598 located at



925-929 McCurdy Road, Kelowna, BC from A1 – Agriculture 1 to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Discharge and Zoning Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent the outstanding conditions of approval as set out in Schedule A to the Report from the Development Planning Department dated February 24<sup>th</sup>, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

**3.9 McCurdy Rd 925-929, BL11994 (LUC20-0001) - NT Properties Ltd.**

Moved By Councillor Singh/Seconded By Councillor Hodge

R0144/20/02/24 THAT Bylaw No. 11994 be read a first time.

Carried

**3.10 McCurdy Rd 925-929, BL11995 (Z19-0132) - NT Properties Ltd.**

Moved By Councillor Hodge/Seconded By Councillor Singh

R0145/20/02/24 THAT Bylaw No. 11995 be read a first time.

Carried

**3.11 Alsgard St, McCurdy Rd, Leathead Rd - LUCT20-0001 (BL11996), Z20-0004 (BL11997) - City of Kelowna**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Sieben

R0146/20/02/24 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time of the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract 77-1045 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT20-0001 to terminate LUC77-1045 from properties identified in 'Schedule A', located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application Z20-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B' located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC from A1 – Agriculture 1 zone to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Rezoning Application Z20-0004 for Rezoning Bylaw no. 11997;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

**Carried**

**3.12 Alsgard St, McCurdy Rd, Leathead Rd - BL11996 (LUCT20-0001) - City of Kelowna**

Moved By Councillor Singh/Seconded By Councillor Hodge

R0147/20/02/24 THAT Bylaw No. 11996 be read a first time.

**Carried**

**3.13 Alsgard St, McCurdy Rd, Leathead Rd - BL11997 (Z20-0004) - City of Kelowna**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0148/20/02/24 THAT Bylaw No. 11997 be read a first time.

**Carried**

**3.14 Primrose Rd 435, Z19-0142 (BL11998) - Shaida Langley**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0149/20/02/24 THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 26 Township 26 ODYD Plan 17525, located at 435 Primrose Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the report from the Development Planning Department dated February 24, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

**Carried**

**3.15 Primrose Rd 435, BL11998 (Z19-0142) - Shaida Langley**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0150/20/02/24 THAT Bylaw No. 11998 be read a first time.

**Carried**



### 3.16 Francis Ave 460, Z19-0138 (BL11999) - John Hodges

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0151/20/02/24 THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 District Lot 14 ODYD Plan 7336, located at 460 Francis Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the Ru6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 24, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Carried

### 3.17 Francis Ave 460, BL11999 (Z19-0138) - John Hodges

Moved By Councillor DeHart/Seconded By Councillor Stack

R0152/20/02/24 THAT Bylaw No. 11999 be read a first time.

Carried

### 3.18 Cedar Ave 414-420, (Z18-0021) - Zoning Bylaw Extension

Moved By Councillor Stack/Seconded By Councillor Hodge

R0153/20/02/24 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11644, be extended from July 31, 2019 to July 31, 2020.

AND THAT Council directs Staff to not accept any further extension requests.

Carried

## 4. Non-Development Reports & Related Bylaws

### 4.1 Heritage Register Removal Request - 409 Park Avenue

Staff:

- Displayed a PowerPoint Presentation summarizing the application and reasons for removal from the Kelowna Heritage Register and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

**R0154/20/02/24** THAT Council receives, for information, the report from the Policy and Planning Department dated February 10, 2020, with respect to the Heritage Register Removal Request of 409 Park Avenue;

AND THAT Council endorse the removal of 409 Park Avenue from the Kelowna Heritage Register.

**Carried**

Councillors DeHart, Donn, Given and Wooldridge - **Opposed**

#### **4.2 Introduction to the ModelCity**

Staff:

- Presented the Mayor with an award from Esri Canada for ModelCity.

Staff:

- Displayed a PowerPoint Presentation demonstrating ModelCity and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**R0155/20/02/24** THAT Council receives for information the report from the Policy & Planning Department, dated February 24, 2020, with respect to the award given to the ModelCity data analytics tool.

**Carried**

#### **4.3 Central Okanagan Wellness Analysis and Poverty Strategy Grant Application**

Staff:

- Introduced the Central Okanagan Wellness Analysis and Poverty Strategy and guest Reanne Holden-Amadio, United Way.

Reanne Holden-Amadio, Community Investment Manager, United Way of the Central and South Okanagan Similkameen

- Displayed a PowerPoint Presentation summarizing the information on the Central Okanagan Wellness Analysis and the development of a regional Poverty Reduction Strategy and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0156/20/02/24** THAT Council receives, for information, the report from Active Living & Culture, dated February 24, 2020, that outlines the Central Okanagan Community Wellness Analysis and Poverty Reduction Strategy application.

AND THAT Council endorse the collaborative partnership with the District of Lake Country, City of West Kelowna, District of Peachland, the Regional District of the Central Okanagan, and the Southern Interior BC United Way, to develop a Central Okanagan Wellness and Poverty Strategy.

AND THAT Council endorse the collaborative application to the Union of B.C. Municipalities' Poverty Reduction Planning and Action Grant for \$149,000 for the development of a Central Okanagan Wellness and Poverty Strategy with the Regional District of the Central Okanagan being the primary applicant to apply and manage the funding on behalf of the partnering communities.

**Carried**

#### 4.4 Community Inclusion Team Update and McIntosh Strategy

Staff:

- Displayed a PowerPoint Presentation outlining the ongoing implementation of the Community Inclusion Model focused on supportive housing and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R0157/20/02/24** THAT Council receive for information the staff report dated February 24, 2020 regarding the Community Inclusion Team designed to create the conditions necessary to ensure the successful introduction of supportive housing across the community;

AND THAT Council direct staff to continue to implement the plans outlined in the report and update Council on the progress.

**Carried**

#### 4.5 Purchase of the DeMontreuil Water System

Staff:

- Displayed a PowerPoint presentation outlining the agreement reached with DeMontreuil Water System to convert all assets and liabilities to the City of Kelowna and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

**R0158/20/02/24** THAT Council receives, for information, the report from the Infrastructure Engineering Department dated February 24, 2020, with respect to the Conversion of the DeMontreuil Water System;

AND THAT Council approves the City entering into the Utility System Transfer Agreement with the owner of the DeMontreuil Water System located in the Hall Road area of Kelowna, BC dated February 5, 2020;

AND THAT Council authorizes the Mayor and City Clerk to execute the agreement.

**Carried**

### 5. Bylaws for Adoption (Non-Development Related)

#### 5.1 **BL11981 - Amendment No. 10 to the Development Application Fees Bylaw No. 10560**

Moved By Councillor DeHart/Seconded By Councillor Donn

**R0159/20/02/24** THAT Bylaw No. 11981 be adopted.

**Carried**

#### 5.2 **BL11976 - Amendment No. 8 to the Revitalization Tax Exemption Bylaw No. 9561**

Moved By Councillor Donn/Seconded By Councillor Sieben

**R0160/20/02/24** THAT Bylaw No. 11976 be adopted.

**Carried**



### 5.3 BL11985 - Amendment No. 36 to Traffic Bylaw No. 8120

Moved By Councillor Donn/Seconded By Councillor Sieben

R0161/20/02/24 THAT Bylaw No. 11985 be adopted.

**Carried**

### 6. Mayor and Councillor Items

Councillor Sieben left the meeting at 5:14 p.m.

Councillor Stack

- Spoke to their attendance at the Coldest Night of the Year fundraiser.
- Spoke to the Dreamland Band performing for the Starbright Fundraiser Event at the Mary Irwin Theatre.

Councillor DeHart:

- Spoke to their attendance at the Central Okanagan Heritage Society Awards Luncheon and accepted an award for the barn on Lakeshore Road.
- Spoke to their attendance at the 100th Anniversary of Kin Canada Banquet at the Laurel Packinghouse

Councillor Wooldridge:

- Spoke to their attendance along with Mayor Basran and Councillors Donn and Given at the Signing of Equity Action for Truth and Reconciliation at WFN.
- Spoke to being a Judge at the Swinging with the Stars fundraiser event for the Central Okanagan Hospice Association.
- Will be the Master of Ceremonies at the Sustainable Development Challenge event at the Rotary Centre for the Arts on February 26th.

Councillor Given:

- Spoke to the upcoming event regarding Building Community Resilience in a Changing Climate at UBCO on February 26th.
- Spoke to the Pink Shirt Day breakfast at the Okanagan Boys & Girls Club on February 26th.

Mayor Basran:

- Toured the Child Advocacy Centre last week.

### 7. Termination

This meeting was declared terminated at 5:20 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

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 City Clerk



# REPORT TO COUNCIL



**Date:** March 2, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** A19-0021

**Owner:** Beatrice Elizabeth Van Den Eerenbeemt

**Address:** 620-622 Hartman Road

**Applicant:** Brad Elenko; McElhenney Ltd.

**Subject:** Agricultural Land Commission Application

**Existing OCP Designation:** S2RES – Single and Two Unit Residential

**Existing Zone:** A1 – Agriculture 1

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## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0021 for Lot 4 Sections 25 and 26 Township 26 ODYD Plan 3078, located at 620-622 Hartman Road, Kelowna for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council; AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

## 2.0 Purpose

To support an application to the Agricultural Land Commission (ALC) for a subdivision for the purpose of a homesite severance.

## 3.0 Development Planning

Development Planning supports this subdivision application for a homesite severance as it is consistent with ALC Policy L-11 Homesite Severance on ALR Lands.

To begin with, the owner of the lot has owned and resided on the property since June 1970, and therefore meets the ALC criteria of permitting homesite severances only where the property owner has owned and resided on the property since at least December 21, 1972.

In addition, the proposed homesite severance subdivision minimizes the size of the homesite lot and maximizes the size of the remainder lot with farm. Further, the proposed homesite lot would not in any way create a difficulty for the agricultural operation of the remainder lot. As such, the proposed homesite

subdivision upholds the ALC policy of preserving agricultural integrity when considering homesite severances.

**4.0 Proposal**

**4.1 Project Description**

The applicant seeks a two lot subdivision for the purpose of a homesite severance. The proposal is to subdivide the subject property, which is a total of 1.8 ha (4.45 acres) in size, to create a new homesite at the southeast corner of the lot abutting Hartman Rd. The applicant is seeking a 0.18 ha (0.45 acres) subdivision for the homesite. The remaining parcel would be 1.62 ha (4.0 acres) in size.

The lot contains two single family homes, a garage, and a butcher shop. The western-most single family home and butcher shop are both serviced by sanitary sewer, while the eastern-most home is serviced by a septic system with the septic field to the north of the home and east of the garage. These buildings are all clustered tightly at the southeast corner of the lot.

The remainder of the lot is being leased to raise livestock and poultry and also board horses, and contains three small farm buildings along the eastern edge near the centre of the lot. The farm buildings are being used for animal shelter and also storage of farm supplies.

The proposed subdivision would keep the eastern-most home and garage on the homesite lot. The western-most home and butcher shop would be kept with the remnant lot. In order to separate the buildings this way between the two lots a variance would be required on both lots to vary the minimum side yard setback (see Schedule A for proposed subdivision). These variances are meant to minimize the size of the homesite lot and maximize the size of the remaining lot with farm.

A reciprocal access agreement would be required between the two properties to share the existing driveway. This would nullify any loss of farmland that would be caused by allowing the eastern-most home on the remnant lot to gain a new access to the west of the existing driveway. Should the homesite lot ever need a sanitary sewer service, the sewer main at the intersection of Hartman Rd. and Craig Rd. would have to be extended to the new property line.

**4.2 Site Context**

The subject property is located in the Rutland Sector of the city. Farmland sits to the west, while more urban uses surround the property to the north, west and south. Specifically, a single family subdivision sits to the north, a row housing development sits to the west, Rutland Elementary School sits to the south, and sports fields sit to the southwest.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR <sub>3</sub> – Rural Residential 3	Single Family Homes
East	P <sub>2</sub> – Education and Minor Institutional	Rutland Elementary School
South	A <sub>1</sub> – Agriculture 1	Agriculture / Rural Residential
West	RM <sub>3</sub> – Agriculture 1	Row Housing

**Subject Property Map:** 620-622 Hartman Rd.



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

*Objective 5.33:* Minimize the impact of urban encroachment and land use conflicts on agricultural land.

*Policy 5.33.7 Subdivision.* Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

## 6.0 Application Chronology

Date of Application Received: December 4, 2019

Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on February 13, 2019 and the following recommendations were passed:

- *The AAC recommends that Council support the ALR Application A19-0021.*

**Report prepared by:** Aaron Thibeault, Planner II  
**Reviewed by:** Alex Kondor, Acting Agricultural Planning Manager  
**Approved for Inclusion by:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Proposed Homesite Severance Subdivision  
Attachment A: ALR Application with Supplementary Information  
Attachment B: ALC Policy L-11 – Homesite Severance on ALR Lands



# Illustration: 3

## Proposed ALR Homesite Severance Application

622 Hartman Road

- Propose to subdivide approximately 0.18 ha. from the southeast corner of the property as an ALR Homesite Severance.

### SCHEDULE

This forms part of application # A19-0021

Planner Initials **AT**

Property Boundary  
Proposed ALR Homesite Severance Area

City of Kelowna  
COMMUNITY PLANNING  
PREPARED BY: SCALE NTS  
DATE: Feb. 4, 2019  
MUN. PROJECT: 2422-20274.00



This drawing is a representation of the proposed subdivision and is not a legal document. It is subject to change without notice. The City of Kelowna is not responsible for the accuracy of the information provided in this drawing. The user of this drawing is advised to consult with a professional surveyor or lawyer for more information. The City of Kelowna is not responsible for the accuracy of the information provided in this drawing. The user of this drawing is advised to consult with a professional surveyor or lawyer for more information.

**ATTACHMENT** **A**

This forms part of application  
# **A19-0021**

Planner  
Initials **AT**

City of  
**Kelowna**  
COMMUNITY PLANNING



# **SUPPLEMENTARY INFORMATION**

## **AGRICULTURAL LAND RESERVE SUBDIVISION APPLICATION PURSUANT TO SECTION 21(2) OF *ALC* ACT & ALC HOMESITE SEVERANCE ON ALR LANDS POLICY L-11**

**LOT 4 DISTRICT LOTS 25 AND 26 TOWNSHIP 26  
OSOYOOS DIVISION YALE DISTRICT PLAN 3078**

**Prepared for:  
Beatrice Van Den Eerenbeemt**

**Amended February 5, 2020**





Planner Initials **AT**

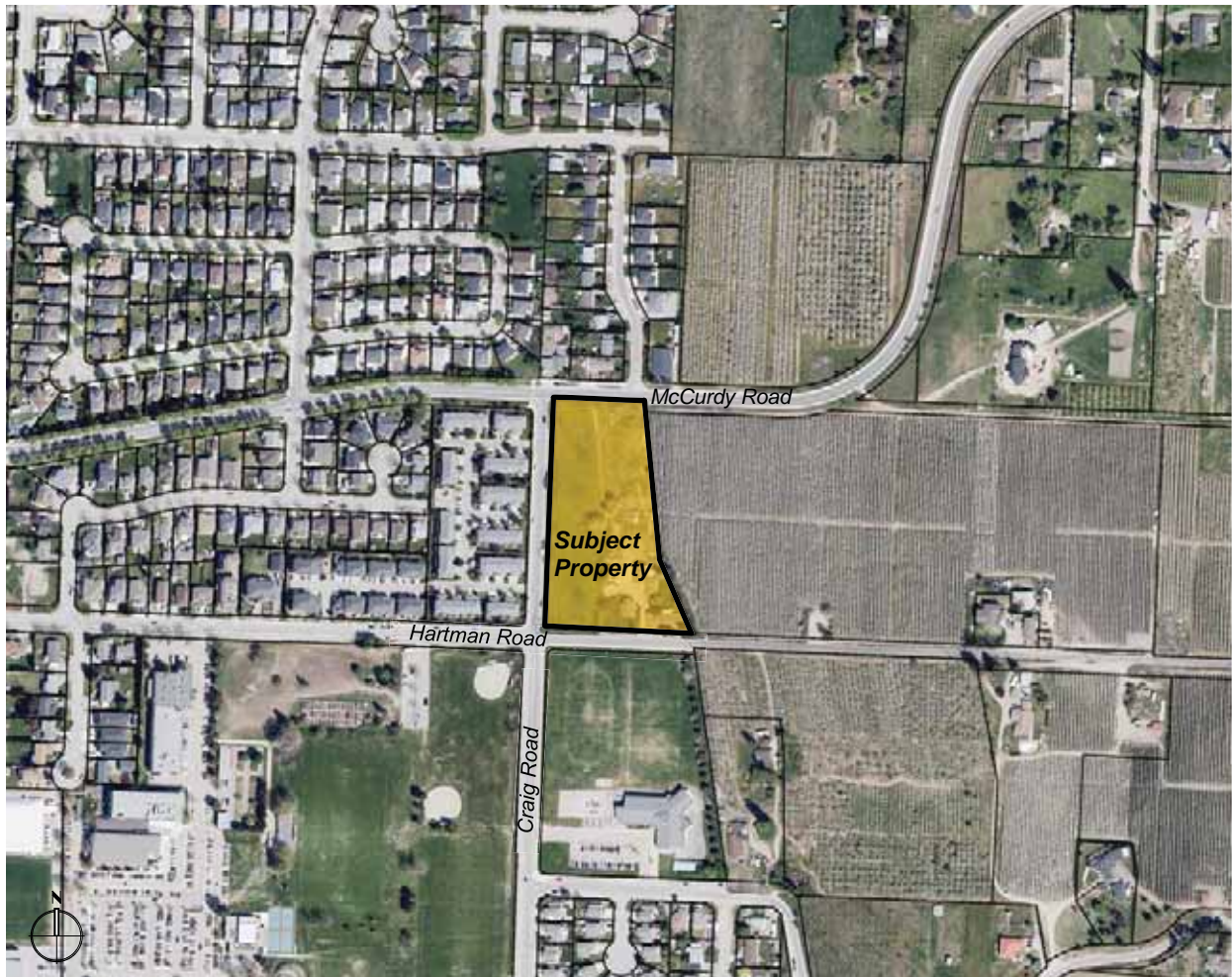
City of **Kelowna**  
PURPOSE  
COMMUNITY PLANNING

The purpose of this application is to request a 0.18 ha. homesite severance subdivision from the parent parcel of land which is approximately 1.9 ha. in area. The owner has owned and resided on the property since June of 1970, and the owner now desires to pursue a homesite severance to subdivide the house, garage and meat shop from the subject property.

**LOCATION**

The subject property is located at 622 Hartman Road within the City Kelowna and is bound by Craig Road to the west and McCurdy Road to the north. Rutland Elementary School is located south of the subject property with the west and north sides of the property adjacent to multi-family and single-family residential development respectively. The east side of the property is adjacent to a vineyard. The subject property is shown in Illustration 1 below.

**Illustration 1: Site Location**

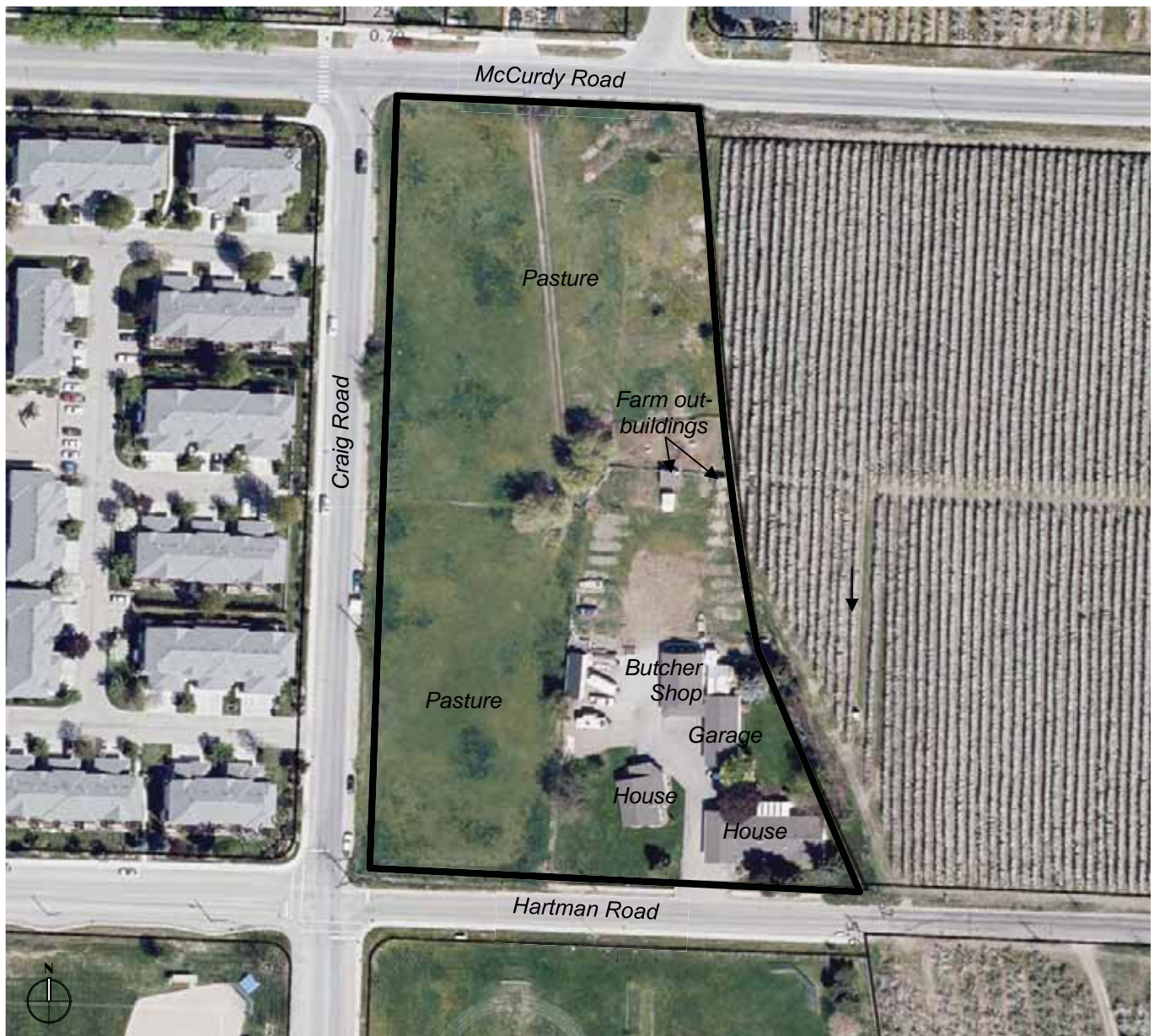






The 1.9 ha. parcel contains two homes; one for the owner (carriage house approximately 88 m<sup>2</sup>) and one for the owner's son and his wife (original farm home approximately 214 m<sup>2</sup>), a three-vehicle garage (112 m<sup>2</sup>) and a butcher shop (93 m<sup>2</sup>). The structures are all clustered quite tightly together in the southeast corner of the property. The north ½ and southwest ¼ of the property contains pasture three small farm outbuildings for animal shelter and storage of farm supplies. The property is relatively flat, dropping in elevation slightly from east to west by approximately 2.5 meters. The site features are noted in Illustration 2.

**Illustration 2: Site Features**







After acquiring the Hartman Road property, the owner quickly began to use the property to raise livestock (cattle and pigs) and poultry. Presently, the area outside of the proposed homesite severance footprint is leased out for boarding horses and raising livestock and poultry.

After acquiring the Hartman Road property, the owners acquired the Bonanza Meats and Deli store on Adams Road and the family has been operating that store for the past 41 years. In addition to Bonanza Meats and Deli providing custom cuts of meat to both retail and wholesale clients, it does provide butcher service for pork producers.

While some of the family operates the Bonanza Meats and Deli operation, the owner constructed a small butcher shop on their Hartman Road property to allow the family to expand its rich history as meat butchers by providing butcher services to the cattle industry.

## **PROPOSAL**

The property owner desires to subdivide a homesite parcel from the south east corner of the parent parcel. The proposed homesite severance would include the principal dwelling and the garage and a small yard area that contains the septic field and would be approximately 0.18 ha. in area. The proposed homesite severance lot is connected to a domestic water source and has a septic field for sewerage disposal. The proposed remainder farm parcel would be approximately 1.72 ha. in area and would contain a small house and an outbuilding that is presently used as a butcher shop. Both the house and the butcher shop are connected to the City of Kelowna sanitary sewer system and the house and butcher shop are connected to a domestic water source for potable water. The farm portion of the property contains an irrigation service for irrigation purposes. The proposed subdivision is shown on Illustration 3.

The property owner meets the tests for a homesite severance application as outlined in ALC Policy L-11.

The proposed homesite severance will not have a negative impact on the ability to farm the balance of the property. The farmland is presently being leased out for farm purposes and the proposed subdivision will not change the uses that are occurring on the proposed homesite parcel. As such, there will be no impacts or impediments on the ability to continue to farm the balance of the property. The proposed subdivision supports agriculture in both the short and long term as the proposed subdivision will not in any way impede the ability to conduct agriculture on the remainder parcel to be created. The presence of the butcher shop on the farm portion of the property will result in a continued agricultural service to local cattle ranchers who require butcher services.

# ATTACHMENT **A**

This forms part of application  
# A19-0021



City of  
**Kelowna**  
COMMUNITY PLANNING

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## Illustration: 3

### Proposed ALR Homesite Severance Application

622 Hartman Road

- Propose to subdivide approximately 0.18 ha. from the southeast corner of the property as an ALR Homesite Severance.

- Property Boundary
- Proposed ALR Homesite Severance Area

DATE: Rev Feb. 4, 2019  
PREPARED FOR: NTS  
SCALE: 2422 20274 00  
M/R PROJECT:



Mott MacDonald

Illustration 3  
Date: Feb 4, 2019

## RATIONALE AND JUSTIFICATION FOR ALR EXCLUSION

The following rationale and justification is provided in support of the ALR homesite severance application.

1. The owner of the property meets the ownership and residency tests of ALC policy L-11 for the ALC to consider approval of a Homesite Severance from the subject property, as the owner purchased the property in June of 1970 and has resided on the property since that time.
2. The owner and her late husband were involved in agriculture prior to acquiring the property in 1970 and after purchasing the property they used the property for agriculture, raising livestock and poultry on the property. The addition of the butcher shop on the property to provide custom cutting to the livestock industry, further entrenched the owner's commitment to agriculture. The owner has been dedicated to agriculture most of her life and she wishes now to retire on her property after years of dedication and commitment to agriculture.
3. The proposed homesite severance will not have a negative impact on the adjacent east farm property or on the ability to conduct agriculture on balance of the property.



 <p><b>Agricultural Land Commission Act</b></p>	<p>Planner Initials <b>AT</b></p> <p>City of  <b>Kelowna</b> COMMUNITY PLANNING</p>	<p><b>Policy L-11 January 2016</b></p> <p><b>HOMESITE SEVERANCE ON ALR LANDS</b></p>
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*This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.*

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

A subdivision application under Section 21 (2) of the ALCA is required.

Persons making use of this homesite severance policy (the “Homesite Severance Policy”) must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the “Commission”) shall be the final arbiter as to whether a particular homesite severance meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the “remainder” will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following guidelines apply to homesite severance applications.

1. A once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since December 21, 1972.
2. Where an applicant for a homesite severance has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may deny any further subdivision under the Homesite Severance Policy.
3. An application for a homesite severance will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application. (An interim agreement for sale, a prospective buyer’s written statement of intent to purchase, a real estate listing, or some other written evidence of a pending real estate transaction may be acceptable as documentation)

In considering the application, the Commission may make an approval subject to sale of the remainder within a specified period of time.

This forms part of application

# A19-0021

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An order of the Commission authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a transfer of estate in fee simple or an agreement for sale is being registered concurrently.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission will therefore exercise its discretion to refuse the homesite severance.

The following two options apply to a homesite severance:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
  - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the remainder, the Commission may, if it deems appropriate, approve the creation of a homesite severance parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:
    - a. the Commission may deny the homesite severance;
    - b. the Commission may require that the remainder be consolidated with an adjacent parcel; or
    - c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.
  6. A condition of every homesite severance approved by the Commission shall be an order stipulating that the homesite is not to be sold for five years except in the case of the death of the owner. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or other legal documentation satisfactory to the Commission setting out this commitment.
  7. Where a homesite severance application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 514 of the [Local Government Act](#) insofar as compliance with local bylaws is concerned.

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.

#### **RELATED POLICY:**

ALC Policy L-17 *Activities Designated Permitted Non-Farm Use in the ALR: Lease for a Retired Farmer – Zone 2*

# REPORT TO COUNCIL



**Date:** March 2, 2020  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning Department (AC)  
**Application:** TA20-0007 **Application:** TA20-0007  
**Address:** n/a **Address:** n/a  
**Subject:** Text Amendment Application

---

### 1.0 Recommendation

That Zoning Bylaw Text Amendment Application No. TA20-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding rental sub-zones to various zones as identified in Attachment “A” and outlined in the Report from the Development Planning Department dated March 2<sup>nd</sup>, 2020, be considered by Council AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

### 2.0 Purpose

To consider a Text Amendment application to create rental sub-zones within Zoning Bylaw No. 8000.

### 3.0 Development Planning

The Local Government Act was amended in 2018 to include the provision for Residential Rental Tenure Zoning. The new legislation provides local governments with a new authority to zone for residential rental tenure and enact zoning bylaws that:

- Require that new housing in residential areas be developed as rental units;
- Ensure that existing areas of rental housing are preserved as such.

The new rental zoning allows local governments to set different rules in relation to restricting the form of tenure of housing units for different zones and can require that a certain number, portion, or percentage of housing units in a building be rental.

Based on the new parking regulations within Zoning Bylaw No. 8000 that were adopted by Council in November 25, 2019, the parking rate for rental housing projects has been reduced. The rationale for the reduction was based upon the probability of developing projects with a parkade that has a greater utilization rate when managed as a common parking pool than allocating parking stalls per unit. In order to secure the rental housing in perpetuity, the new Residential Rental Tenure Zoning is proposed to be introduced to the



Zoning Bylaw. Staff recommend this approach as the current practice of housing agreements and covenants are time restricted (e.g. up to 10 years) which potentially creates problems longer-term.

Staff are proposing to setup the new Residential Rental Tenure Zoning as sub-zones to eight of the City's major urban residential zones (for details see Attachment A).

#### **4.0 Current Development Policies**

##### **4.1 Kelowna Official Community Plan (OCP)**

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.9. Support the creation of affordable and safe rental, non-market and / or special needs housing.

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Objective 5.18. Ensure efficient land use.

##### **4.2 Parking Regulations Amendment – Adopted Nov. 25<sup>th</sup> 2019**

###### Rental Housing Incentive:

Staff are recommending a 20% parking reduction within Urban Centres or 10% parking reduction outside Urban Centres be applied to purpose-built rental housing developments. The parking for rental housing developments can be managed more efficiently with a rental pool of parking and when located in an Urban Centre with associated services, amenities, and alternate transportation options. The rental land use will need to be guaranteed through the new Local Government Act zoning powers for rental apartments.

#### **5.0 Technical Comments**

##### Ministry of Transportation and Infrastructure:

No issues or objections.

#### **6.0 Application Chronology**

Date of Application Received: January 22, 2020

**Report prepared by:** Adam Cseke, Planning Specialist

**Reviewed and Approved by:** Terry Barton, Development Planning Department Manager

##### **Attachments:**

Attachment 'A': Text Amendment Summary to include rental only sub-zone

**ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA20-0007**

<b>Zoning Bylaw 8000 – Updates</b>				
<b>No.</b>	<b>Section Affected</b>	<b>Summary of Change / Current Wording</b>	<b>Proposed Wording</b>	<b>Reason for Change</b>
<u>1.</u>	Section 1.3.1	Existing list of Zones	Add 'r' sub-zone to each applicable zone to list.	Add the new subzone to the comprehensive list of zones.
<u>2.</u>	Section 2.3.3	Section 2 – Add definition of Residential Rental Tenure	Residential Rental Tenure means occupancy of a dwelling unit under a rental agreement that is subject to the Residential Tenancy Act.	See Report
<u>3.</u>	Section 8.2.12	If a <b>development</b> rezones to a sub-rental <b>zone</b> guaranteeing the <b>development</b> as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an <b>urban centre</b> and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an <b>urban centre</b> .	If a <b>development</b> is sub-zoned for <b>Residential Rental Tenure</b> guaranteeing the <b>development</b> as <b>Residential Rental Tenure</b> , then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an <b>urban centre</b> and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an <b>urban centre</b> .	Clarifying Section 8 Parking language to ensure a development must be <b>Residential Rental Tenure</b> in order to achieve the parking bonuses.
<u>4.</u>	Section 13.8	Add a rental sub-zone to the RM2 zone	RM2r – Low Density Row Housing ( <b>Residential Rental Tenure</b> Only)	The new parking bylaw was set up to utilize sub-zones to take advantage of the reduced parking. Instead of Housing Agreements which are time limited (10 years), a rental sub-zone will ensure the reduced parking is matched to a rental land use.
<u>5.</u>	Section 13.8.7	Add rental tenure clarification	In the RM2r zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>6.</u>	Section 13.9	Add a rental sub-zone to the RM3 zone	RM3r – Low Density Multiple Housing ( <b>Residential Rental Tenure</b> Only)	
<u>7.</u>	Section 13.9.7	Add rental tenure clarification	In the RM3r zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>8.</u>	Section 13.10	Add a rental sub-zone to the RM4 zone	RM4r – Transitional Low Density Housing ( <b>Residential Rental Tenure</b> Only)	

**ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA20-0007**

<b>Zoning Bylaw 8000 – Updates</b>				
<b>No.</b>	<b>Section Affected</b>	<b>Summary of Change / Current Wording</b>	<b>Proposed Wording</b>	<b>Reason for Change</b>
<u>9.</u>	Section 13.10.7	Add rental tenure clarification	In the RM <sub>4r</sub> zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>10</u>	Section 13.11	Add a rental sub-zone to the RM <sub>5</sub> zone	RM <sub>5r</sub> – Medium Density Multiple Housing ( <b><i>Residential Rental Tenure Only</i></b> )	
<u>11.</u>	Section 13.11.7	Add rental tenure clarification	In the RM <sub>5r</sub> zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>12.</u>	Section 13.12	Add a rental sub-zone to the RM <sub>6</sub> zone	RM <sub>6r</sub> – High Rise Apartment Housing ( <b><i>Residential Rental Tenure Only</i></b> )	
<u>13.</u>	Section 13.12.7	Add rental tenure clarification	In the RM <sub>6r</sub> zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>14.</u>	Section 14.4	Add a rental sub-zone to the C <sub>4</sub> zone	C <sub>4r</sub> – Urban Centre Commercial ( <b><i>Residential Rental Tenure Only</i></b> )	
<u>15.</u>	Section 14.4.6	Add rental tenure clarification	In the C <sub>4r</sub> zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	
<u>16.</u>	Section 14.7	Add a rental sub-zone to the C <sub>7</sub> zone	C <sub>7r</sub> – Central Business Commercial ( <b><i>Residential Rental Tenure Only</i></b> )	
<u>17.</u>	Section 14.7.7	Add rental tenure clarification	In the C <sub>7r</sub> zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure.	



# CITY OF KELOWNA

## BYLAW NO. 11988 TA20-0007

### Section 13 Urban Residential Zones and Section 14 Commercial Zones

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 13 – Urban Residential Zones and Section 14 – Commercial Zones** be amended by:

- a) Deleting the following:

RM2/RM2h	Low Density Row Housing/Low Density Row Housing (Hillside Area)
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And replacing it with:

RM2	Low Density Row Housing
RM2h	Low Density Row Housing (Hillside Area)
RM2r	Low Density Row Housing (Residential Rental Tenure Only)

- b) Deleting the following:

RM3	Low Density Multiple Housing
-----	------------------------------

And replacing it with:

RM3	Low Density Multiple Housing
RM3r	Low Density Multiple Housing (Residential Rental Tenure Only)

- c) Deleting the following:

RM4	Transitional Low Density Housing
-----	----------------------------------

And replacing it with:

RM4	Transitional Low Density Housing
RM4r	Transitional Low Density Housing (Residential Rental Tenure Only)

- d) Deleting the following:

RM5	Medium Density Multiple Housing
-----	---------------------------------

And replacing it with:

RM5	Medium Density Multiple Housing
RM5r	Medium Density Multiple Housing (Residential Rental Tenure Only)

- e) Deleting the following:

RM6	High Rise Apartment Housing
-----	-----------------------------

And replacing it with:

RM6 RM6r	High Rise Apartment Housing High Rise Apartment Housing (Residential Rental Tenure Only)
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f) Deleting the following:

C4	Urban Centre Commercial
C4rls	Urban Centre Commercial (Retail Liquor Sales)
C4lp	Urban Centre Commercial (Liquor Primary)
C4lp/rls	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)
C4rcs	Urban Centre Commercial (Retail Cannabis Sales)
C4lp/rcs	Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)
C4rls/rcs	Urban Centre Commercial (Retail Liquor Sales /Retail Cannabis Sales)
C4lp/rls/rcs	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

And replacing it with:

C4	Urban Centre Commercial
C4rls	Urban Centre Commercial (Retail Liquor Sales)
C4lp	Urban Centre Commercial (Liquor Primary)
C4lp/rls	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)
C4rcs	Urban Centre Commercial (Retail Cannabis Sales)
C4lp/rcs	Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)
C4rls/rcs	Urban Centre Commercial (Retail Liquor Sales /Retail Cannabis Sales)
C4lp/rls/rcs	Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)
C4r	Urban Centre Commercial (Residential Rental Tenure Only)

g) Deleting the following:

C7	Central Business Commercial
C7rls	Central Business Commercial (Retail Liquor Sales)
C7lp	Central Business Commercial (Liquor Primary)
C7lp/rls	Central Business Commercial (Liquor Primary/Retail Liquor Sales)
C7rcs	Central Business Commercial (Retail Cannabis Sales)
C7lp/rcs	Central Business Commercial (Liquor Primary/Retail Cannabis Sales)
C7rls/rcs	Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)
C7lp/rls/rcs	Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

And replacing it with:

C7	Central Business Commercial
C7rls	Central Business Commercial (Retail Liquor Sales)
C7lp	Central Business Commercial (Liquor Primary)
C7lp/rls	Central Business Commercial (Liquor Primary/Retail Liquor Sales)
C7rcs	Central Business Commercial (Retail Cannabis Sales)
C7lp/rcs	Central Business Commercial (Liquor Primary/Retail Cannabis Sales)
C7rls/rcs	Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)
C7lp/rls/rcs	Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)
C7r	Central Business Commercial (Residential Rental Tenure Only)

2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 2 – Interpretation, 2.3 General Definitions, 2.3.3** be amended by adding the following in its appropriate location:

“**RESIDENTIAL RENTAL TENURE** means occupancy of a **dwelling unit** under a rental agreement that is subject to the Residential Tenancy Act;”

3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 8 – Parking and Loading, 8.2 Off-Street Parking Regulations - Number of Spaces, 8.2.12 Rental Housing Incentives** be amended by:

Deleting the following:

If a **development** rezones to a sub-rental **zone** guaranteeing the **development** as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.

And replacing it with:

If a **development** is sub-zoned for **Residential Rental Tenure** guaranteeing the **development** as **Residential Rental Tenure**, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.

4. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.8 RM2 – Low Density Row Housing/RM2h – Low Density Housing (Hillside Area)** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM2r – Low Density Row Housing (Residential Rental Tenure Only)**”

5. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.8 RM2 – Low Density Row Housing/RM2h – Low Density Housing (Hillside Area), 13.8.7 Other Regulations** be amended by adding:

“(g) In the RM2r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**.”

6. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.9 RM3 – Low Density Multiple Housing** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)**”

7. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.9 RM3 – Low Density Multiple Housing, 13.9.7 Other Regulations** be amended by adding:

“(e) In the RM3r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure**.”

8. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.10 RM4 – Transitional Low Density Housing** be amended by adding a sub-rental zone to the end of the title as follows:

“**RM4r – Transitional Low Density Housing (Residential Rental Tenure Only)**”

9. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.10 RM4 – Transitional Low Density Housing, 13.10.7 Other Regulations** be amended by adding:



"(e) In the RM<sub>4r</sub> zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

10. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.11 RM<sub>5</sub> – Medium Density Multiple Housing** be amended by adding a sub-rental zone to the end of the title as follows:

"RM<sub>5r</sub> – Medium Density Multiple Housing (Residential Rental Tenure Only)"

11. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.11 RM<sub>5</sub> – Medium Density Multiple Housing, 13.11.7 Other Regulations** be amended by adding:

"(d) In the RM<sub>5r</sub> zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

12. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.12 RM<sub>6</sub> – High Rise Apartment Housing** be amended by adding a sub-rental zone to the end of the title as follows:

"RM<sub>6r</sub> – High Rise Apartment Housing (Residential Rental Tenure Only)"

13. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 13 – Urban Residential Zones, 13.12 RM<sub>6</sub> – High Rise Apartment Housing, 13.12.7 Other Regulations** be amended by adding:

"(e) In the RM<sub>6r</sub> zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

14. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.4 C<sub>4</sub> – Urban Centre Commercial/ C<sub>4</sub>rls – Urban Centre Commercial (Retail Liquor Sales) C<sub>4</sub>lp – Urban Centre Commercial (Liquor Primary) C<sub>4</sub>lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)/ C<sub>4</sub>rcls – Urban Centre Commercial (Retail Cannabis Sales)/C<sub>4</sub>lp/rcls – Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)/C<sub>4</sub>rls/rcls – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)/C<sub>4</sub>lp/rls/rcls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)** be amended by adding a sub-rental zone to the end of the title as follows:

"C<sub>4r</sub> – Urban Centre Commercial (Residential Rental Tenure Only)"

15. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.4 C<sub>4</sub> – Urban Centre Commercial/ C<sub>4</sub>rls – Urban Centre Commercial (Retail Liquor Sales) C<sub>4</sub>lp – Urban Centre Commercial (Liquor Primary) C<sub>4</sub>lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)/ C<sub>4</sub>rcls – Urban Centre Commercial (Retail Cannabis Sales)/C<sub>4</sub>lp/rcls – Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)/C<sub>4</sub>rls/rcls – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)/C<sub>4</sub>lp/rls/rcls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales), 14.4.6 Other Regulations** be amended by adding:

"(g) In the C<sub>4r</sub> zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

16. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.7 C<sub>7</sub> – Central Business Commercial/C<sub>7</sub>rls – Central Business Commercial (Retail Liquor Sales) /C<sub>7</sub>lp – Central Business Commercial (Liquor Primary) /C<sub>7</sub>lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)/ C<sub>7</sub>rcls – Central Business Commercial (Retail Cannabis Sales)/ C<sub>7</sub>lp/rcls – Central Business Commercial (Liquor Primary/Retail Cannabis Sales)/ C<sub>7</sub>rls/rcls – Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)/ C<sub>7</sub>lp/rls/rcls – Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)** be amended by adding a sub-rental zone to the end of the title as follows:

**“C7r – Central Business Commercial (Residential Rental Tenure Only)”**

17. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial/C7rls – Central Business Commercial (Retail Liquor Sales) /C7lp – Central Business Commercial (Liquor Primary) /C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)/ C7rcs – Central Business Commercial (Retail Cannabis Sales)/ C7lp/rcs – Central Business Commercial (Liquor Primary/Retail Cannabis Sales)/ C7rls/rcs – Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)/ C7lp/rls/rcs – Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales), 14.7.7 Other Regulations** be amended by adding:

“(f) In the C7r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**”

18. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** March 2, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department (AC)

**Application:** OCP19-0009 & Z19-0119      **Owner:** The Evangel Family Rental Housing Society Inc. No.S16918

**Address:** 969 Harvey Avenue      **Applicant:** Paul Schuster (NOvation Architecture)

**Subject:** Rezoning and OCP Amendment Applications

**Existing OCP Designation:** MRM – Multiple Unit Residential (Medium Density)

**Proposed OCP Designation:** MRH – Multiple Unit Residential (High Density)

**Existing Zone:** RM5 – Medium Density Multiple Housing

**Proposed Zone:** RM6r – High Rise Apartment Housing (Residential Rental Tenure Only)

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP19-009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated March 2<sup>nd</sup>, 2020;

THAT Rezoning Application No. Z19-0119 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located at 969 Harvey Avenue, Kelowna, BC from the RM5 – Multiple Unit Residential (Medium Density) zone to the RM6r – High Rise Apartment Housing (Residential Rental Tenure Only), be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw and Rezoning Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw, be considered subsequent to the outstanding conditions as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 24<sup>th</sup>, 2020;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw, be considered subsequent to the registration of a height restricting covenant to a maximum of six and a half (6.5) storeys on the subject property.

AND FURTHER THAT final adoption of Official Community Plan Map Amending Bylaw and the Rezoning Bylaw, be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property.

## **2.0 Purpose**

To consider an OCP Amendment application to change the future land use from MRM designation to MRH designation. To consider a Rezoning application to rezone the subject property from RM5 zone to RM6r (rental only) zone to facilitate a proposed six and a half storey multi-family building.

## **3.0 Development Planning**

The subject property is located between the downtown Urban Centre and the Capri-Landmark Urban Centre along Harvey Avenue. The subject property is within close proximity to downtown and is well served by nearby amenities including parks, restaurants, shops and transit along the Highway 97 corridor. The property is also close to the Ethel Street Active Transportation corridor providing good cycling connectivity to various core destinations. The properties' Walk Score is 76 (Very Walkable – most errands can be accomplished on foot).

The applicant is requesting an Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6r – High Rise Apartment Housing (Rental Only) in order to facilitate the construction of a six-storey apartment building. In consideration of the subject property's urban context with surrounding developments such as Cambridge House, Murano, Dorchester, and Central Green, Staff are supportive of the proposed Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6r – High Rise Apartment Housing (Rental only) to facilitate the construction of a six and a half storey apartment building. Staff are supportive of achieving significant density in close proximity to downtown and along a major transit route. The proposal will also create a significant number of rental 3-bedroom units to the affordable housing stock, an important objective in catering to families and households with children.

The reason for the rental only sub-zone is to utilize the new parking bonuses within the updated parking regulations. The new parking bylaw was set up to utilize sub-zones to take advantage of reduced parking. Housing agreements / covenants are time limited (10 years) and if the parking is reduced based upon a rental land use, the City wanted to ensure the rental housing was more permanent than a housing agreement.

Staff have reviewed this application and it may proceed without affecting either the City's Financial Plan or Waste Management Plan.

## **4.0 Proposal**

### **4.1 Project Description**

The applicant is proposing the construction of a new six and a half storey multi-family residential infill building located along Hwy 97 North (Harvey Avenue). This project is an addition to an existing three-storey multi-family building. The current building has a large amount of green space along in the front yard along Harvey Avenue. The proposed building will be built in this green space connecting to the existing dwelling,



creating an enclosed courtyard between the two buildings. In order to maximize the allowable units, they are proposing to rezone to RM6r (rental only). The RM6 zone allows for six and a half storeys. In addition to the rezoning, the applicant is applying for an OCP Amendment from MRM to MRH. The proposed site entrance would be from the back laneway along the south end of the property. The building will be L-shaped to connect to the existing building on each end creating a square shape with a central shared courtyard.

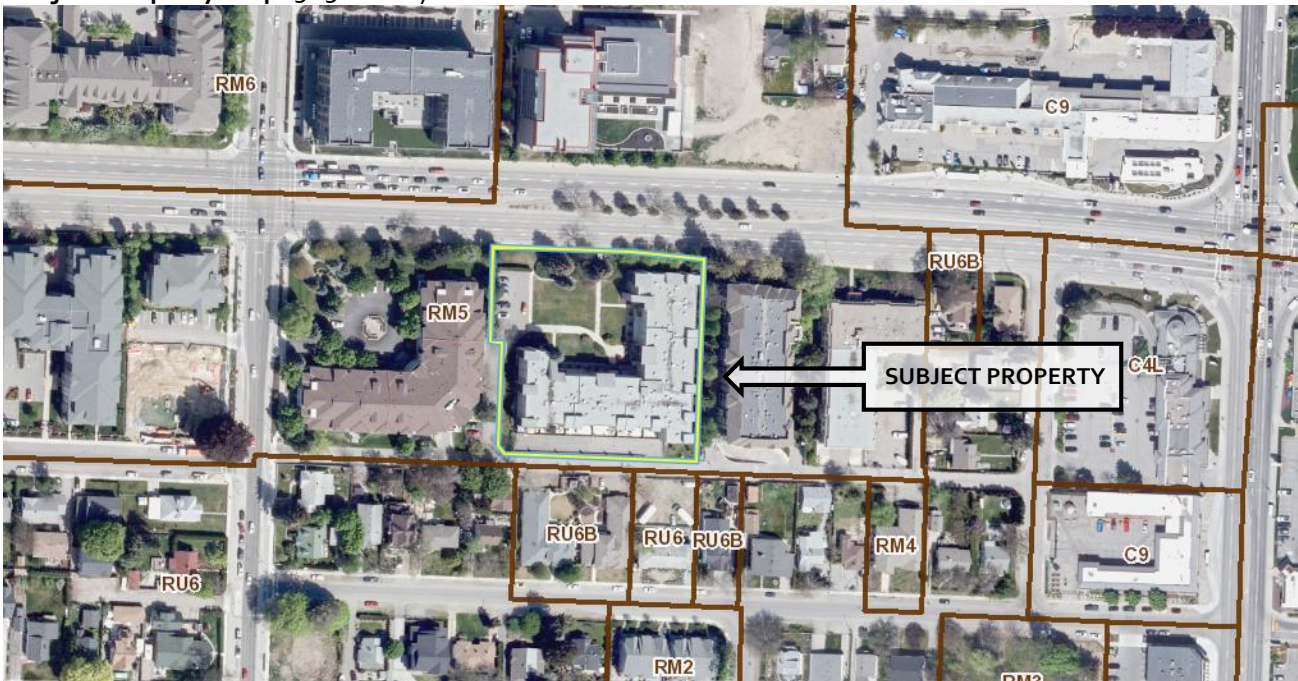
Staff are currently tracking four variances proposed for the initial application. The four variances are for side yard setback, daylight provisions, site coverage, and parking. Should the land use be supported by Council, Staff will bring forth a Council report for the Development Permit detailing the form and character conformance to the design guidelines and a Development Variance Permit Council report with analysis on the proposed variances.

4.2 Site Context

The subject property is located between two urban centres: Capri-Landmark to the East and City Centre to the West. The surrounding area along Harvey Avenue is primarily zoned RM5 and RM6, while the dwellings south are RU6 along Laurier Avenue. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Medium Density Residential
East	RM5 – Medium Density Multiple Housing	Medium Density Residential
South	RU6 – Two Dwelling Housing	Low Density Residential
West	RM5 – Medium Density Multiple Housing	Medium Density Residential

**Subject Property Map: 969 Harvey Avenue**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1700m <sup>2</sup>	7,218m <sup>2</sup>
Min. Lot Width	30.0m	87.0m
Min. Lot Depth	35.0m	85.8m
Development Regulations		
Max. Floor Area Ratio	1.5 (+ 0.18 bonus)	1.68
Max. Site Coverage (buildings, parking, driveways)	3,609m <sup>2</sup> (50%)	5,070m <sup>2</sup> (70%) <sup>❶</sup>
Max. Height	55m	19.43m
Min. Front Yard	6.0m	6.0m
Min. Side Yard (West)	4.5m	3.6m <sup>❷</sup>
Min. Rear Yard	9.0m	9.1m
Other Regulations		
Min. Parking Requirements	162	143 <sup>❸</sup>
Min. Bicycle Parking	24	32
Min. Private Open Space	720.0m <sup>2</sup>	774.3m <sup>2</sup>
Min. Loading Space	m <sup>2</sup>	m <sup>2</sup>
Landscape Buffer (Front)	Level 2 – 3.0m	3.0m
Landscape Buffer (Side)	Level 3 – 3.0m	3.0m
Landscape Buffer (Rear)	Level 3 – 3.0m	3.0m
Daylight Provisions	65%	>65% <sup>❹</sup>
<p>❶ Indicates a requested variance to Section 13.11.6(b) Development Regulations- Site Coverage</p> <p>❷ Indicates a requested variance to Section 13.11.6(e) Development Regulations- Side yard setbacks</p> <p>❸ Indicated a requested variance to Section 8.3.1 Residential Parking Table</p> <p>❹ Indicated a requested variance to Section 6 Daylighting Standards</p>		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 114 people / hectare proposed).

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.9. Support the creation of affordable and safe rental, non-market and / or special needs housing.

Objective 5.10. Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices.

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Objective 5.18. Ensure efficient land use.

Objective 5.19. Ensure development is compatible with surrounding land uses.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

6.1.1 See Attachment 'B', memorandum dated November 20, 2020

### **6.2 Ministry of Transportation**

6.2.1 No objection to proposal.

## **7.0 Application Chronology**

Date of Application Received: September 30, 2019

Date Public Consultation Completed: November 28, 2019

**Report prepared by:** Adam Cseke, Planning Specialist  
Tyler Caswell, Planner I

**Reviewed and Approved by:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment 'B': Conceptual Drawing Package


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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** November 13, 2019  
**File No.:** Z19-0119  
**To:** Urban Planning Management (AC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 969 Harvey Ave

<b>SCHEDULE</b>	<b>A</b>
This forms part of application # Z19-0119	
Planner Initials	AC
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

RM5 to RM6

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The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Aaron Sangster.


### 1. General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) These Development Engineering comments and requirements are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

### 2. Domestic Water and Fire Protection

- a) Property 969 Harvey Ave is currently serviced with a 100mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.



<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0119		
Planner Initials	AC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

## 2. Sanitary Sewer

Our records indicate that these properties are currently serviced with a 200mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

## 3. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems

## 4. Road Improvements

- a) Harvey Ave has been upgraded to an urban standard along the full frontage of this proposed development. No further upgrades are needed at this time.
- b) The laneway standard along the full frontage of this proposed development must be upgraded including a drainage system including catch basins, manholes and pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) The laneway access on Gagnon Pl. requires an improved letdown from the road to the lane. SS-C7 detail shall be used the design.

## 4. Road Dedication and Subdivision Requirements

- a) Grant Statutory Rights of Way if required for utility services.
- b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

## 5. Development Permit and Site Related Issues

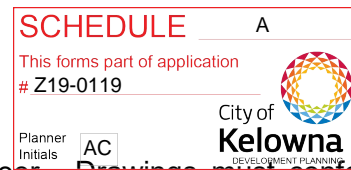
- a) Direct the roof drains into on-site rock pits or splash pads.

## 6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

## 7. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is



subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

#### **8. Servicing Agreement for Works and Services**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

#### **9. Survey, Monument and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

#### **10. Geotechnical Report**

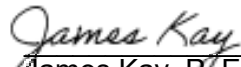
As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics.
- b) Site suitability for development, unstable soils, etc.
- c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.


- e) Additional geotechnical survey may be necessary for building foundations, etc.

11. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i. Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
James Kay, P. Eng.  
Development Engineering Manager

AS

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0119		
Planner Initials	AC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

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**CITY OF KELOWNA**  
**MEMORANDUM**

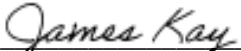
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**Date:** November 13, 2019  
**File No.:** OCP19-0009  
**To:** Urban Planning Management (AC)  
**From:** Development Engineer Manager (JK)  
**Subject:** 969 Harvey Ave.


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The Development Engineering comments and requirements regarding An Official Community Plan (OCP) Amendment to change the Future Land Use from MRM designation to MRH designation to facilitate a proposed six story multi-family bulding.

1. General.
  - a) This application does not compromise any Municipal services.
  - b) For Development Engineering servicing requirements refer to file Z19-0119

  
James Kay, P.Eng.  
Development Engineering Manager

AS

<b>SCHEDULE</b>	<u>        </u> A <u>        </u>	
This forms part of application		
# <u>OCP19-0009</u>		
Planner Initials	<table border="1"><tr><td>AC</td></tr></table>	AC
AC		
 City of <b>Kelowna</b> DEVELOPMENT PLANNING		



**CONSULTANTS:**

**ARCHITECTURAL**  
 NOVATION ARCHITECTURE  
 302-2237 LECKIE ROAD  
 KELOWNA, BC V1Y 9T1  
 TEL: (250) 420-4144  
 FAX: (250) 000-0000

**LANDSCAPE**  
 OUTLAND DESIGN  
 303-590 KLO ROAD  
 KELOWNA, BC V1Y 7S2  
 TEL: (250) 868-9270

**SURVEY**  
 FERGUSON LAND SURVEYOR  
 404-1630 PANDOSY STREET  
 KELOWNA, BC V1Y 1P7  
 TEL: (250) 763-3115  
 FAX: (250) 763-0321

**ZONING ANALYSIS:**

Address: 969 Harvey Ave, Kelowna, B.C.  
 Legal: PID: 003-567-257 Lot A KAP 31933

Zoning (Current): RM5  
 Permitted Use: Refer to Zoning bylaw #8000  
 Zoning (Proposed): RM6  
 Permitted Use: Refer to Zoning bylaw #8000 section 13.12

Site Area:	7,218.0 sq.m.
	77,696 sq.ft.
	0.7218 Ha

	ALLOWED	PROPOSED
Min Lot Width	30.0 m	87.0 m
Min Lot Depth	35.0 m	85.8 m
Min Parcel Size	1700.0 m <sup>2</sup>	7217 m <sup>2</sup>

	ALLOWED	PROPOSED
Front yard	6.0 m	6.0 m
Front yard parking	2.0 m	4.4 m
Side yard/Flanking	6.0 m	N/A
Side yard	4.5 m	3.6 m
Rear Yard	9.0 m	9.1 m

	Level	3.0 m
Front	2	9.81 ft
Side	3	9.84 ft
Rear	3	3.0 m
		9.84 ft

Or Continuous  
 Opaque Barrier

	Level	3.0 m
Front	2	9.81 ft
Side	3	9.84 ft
Rear	3	3.0 m
		9.84 ft

**DRAWING INDEX:**

**ARCHITECTURAL DRAWING LIST**

NO.	NAME
A0.00	COVER SHEET
A0.01	VISUALIZATIONS
A0.02	VISUALIZATIONS
A1.01	SITE PLAN - PARKADE
A1.02	SITE PLAN - ROOF
A2.00	PARKADE FLOOR PLAN
A2.01	LEVEL 1 FLOOR PLAN
A2.02	LEVEL 2 FLOOR PLAN
A2.03	LEVEL 3 FLOOR PLAN
A2.04	LEVEL 4 FLOOR PLAN
A2.05	LEVEL 5 FLOOR PLAN
A2.06	LEVEL 6 FLOOR PLAN
A2.07	ROOF PLAN
A3.01	ELEVATIONS
A3.02	ELEVATIONS
A3.03	ELEVATIONS
A4.01	BUILDING SECTIONS

**ILLUSTRATIONS:**



**CONTEXT SITE PLAN:**



**ATTACHMENT B**  
 This forms part of application  
 #OCP19-0009 / Z19-0119  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials AC

Notes:  
 © Copyright Reserved. This drawing and design, and all  
 lines herein, are the property of Novation Architecture, and can be  
 reproduced only with written consent.

All drawings shall be read in conjunction with specifications and  
 consultant details.

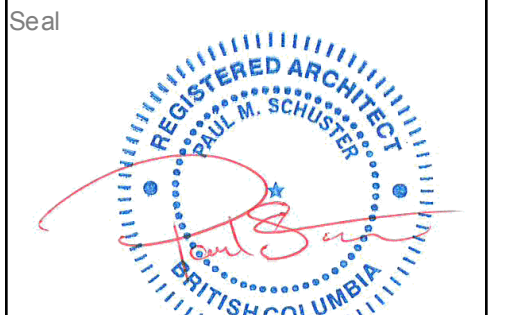
All work shall be carried out in accordance with Canadian  
 standards, specifications, BC Building Code (2018 edition) and  
 local authority by-laws and regulations.

Tabulated scales refer to Arch D size drawings sheet.

The drawing must not be scaled.

Contractors shall verify all dimensions prior to commencement of  
 work.

Any omissions or discrepancies shall be reported to the architect.



2020-01-21

this document is:

- NOT controlled. Revisions may be made without notice.
- A CONTROLLED document. Revisions will be advised.
- The first issue of the document.
- A complete revision. Remove previous issues from use.
- A partial revision. Remove previous issues of corresponding sheets / pages from use.
- Not for Construction.

NOT FOR CONSTRUCTION

1	20190930	ISSUED FOR DP
No.	Date	Description
		Revisions

**NOVATION**  
 ARCHITECTURE

302 - 2237 LECKIE ROAD  
 KELOWNA, BC V1Y 6Y5

project title  
**969 HARVEY AVENUE**  
 LOTA DISTRICT LOT 138 OYD PLAN 31933  
 EXCEPT PLAN 36604  
 KELOWNA, BRITISH COLUMBIA

project no: 1821

drawing title  
**COVER SHEET**

Designed	PS	Scale
Drawn	BD	
Checked	PS	
Drawn no.		

**A0.00**

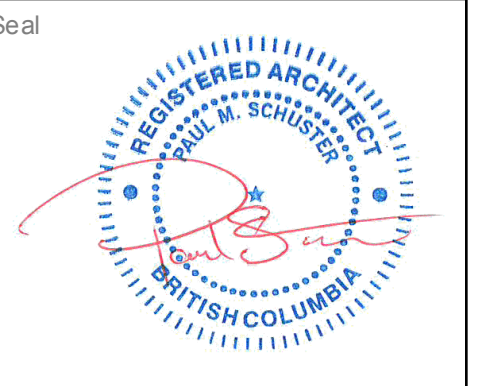
plotted 21/01/2020 10:38:27 AM





**ATTACHMENT B**  
 This forms part of application  
 # OCP19-0009 / Z19-0119  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials AC

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Revisions		

**NOVATION ARCHITECTURE**  
 302 - 2237 LECKIE ROAD  
 KELOWNA BC V1X 6Y5

project title  
**969 HARVEY AVENUE**  
 LOTA DISTRICT LOT 138 OYD PLAN 31933  
 EXCEPT PLAN 36604  
 KELOWNA, BRITISH COLUMBIA

project no: 1821

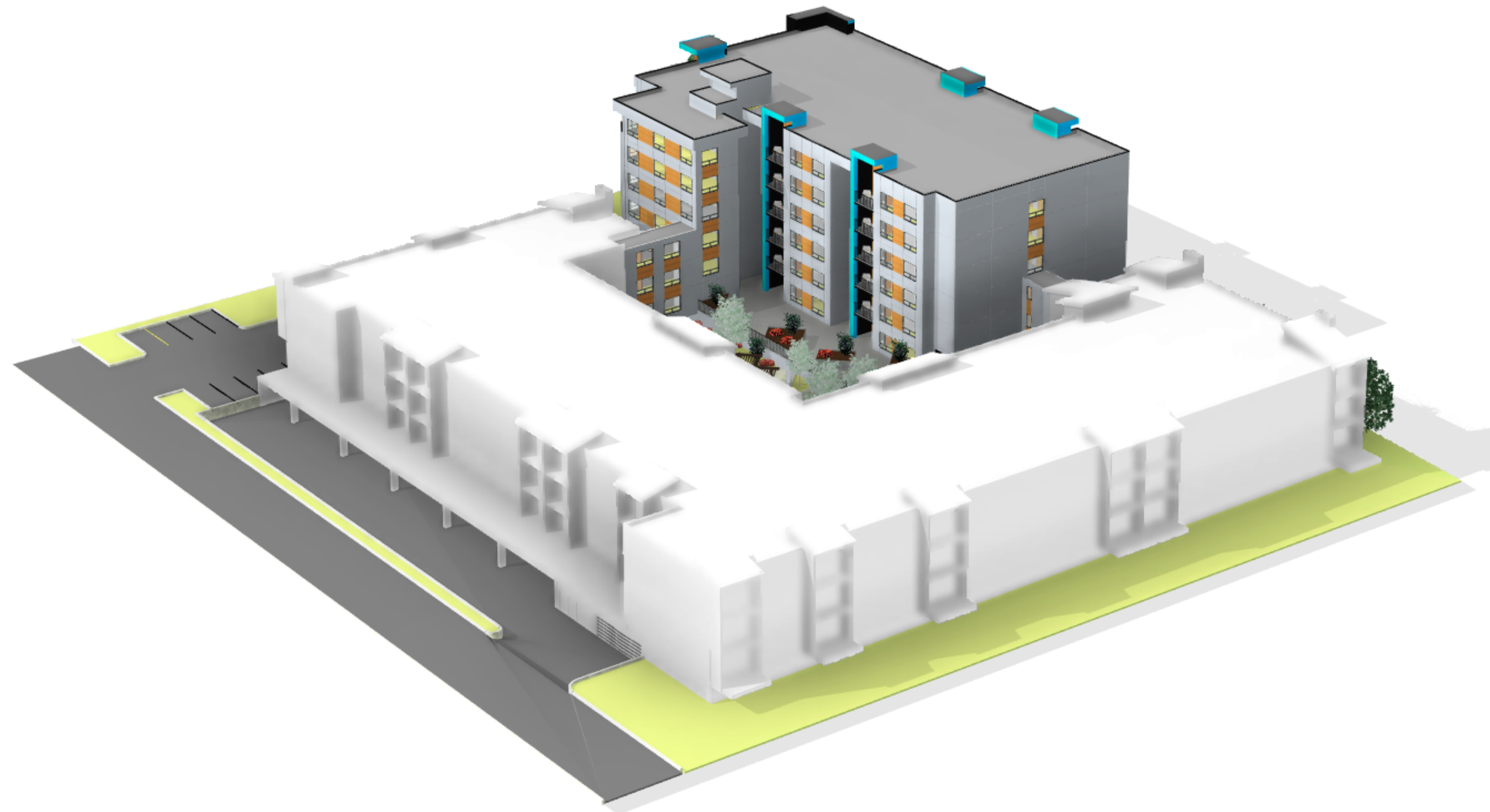
drawing title  
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checked	PS	

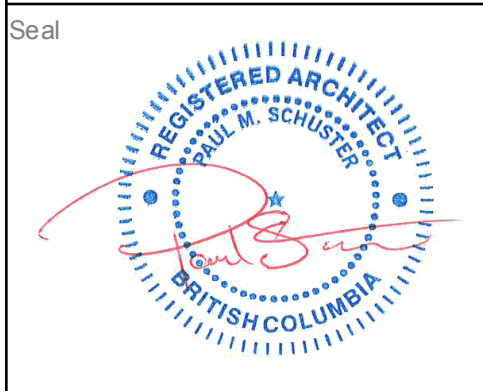
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Revisions		



project title  
**969 HARVEY AVENUE**  
 LOTA DISTRICT LOT 138 OYD PLAN 31933 EXCEPT PLAN 36604  
 KELOWNA, BRITISH COLUMBIA

project no: **1821**

drawing title  
**VISUALIZATIONS**

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drawn	BD	
checked	PS	

drawing no:  
**A0.02**

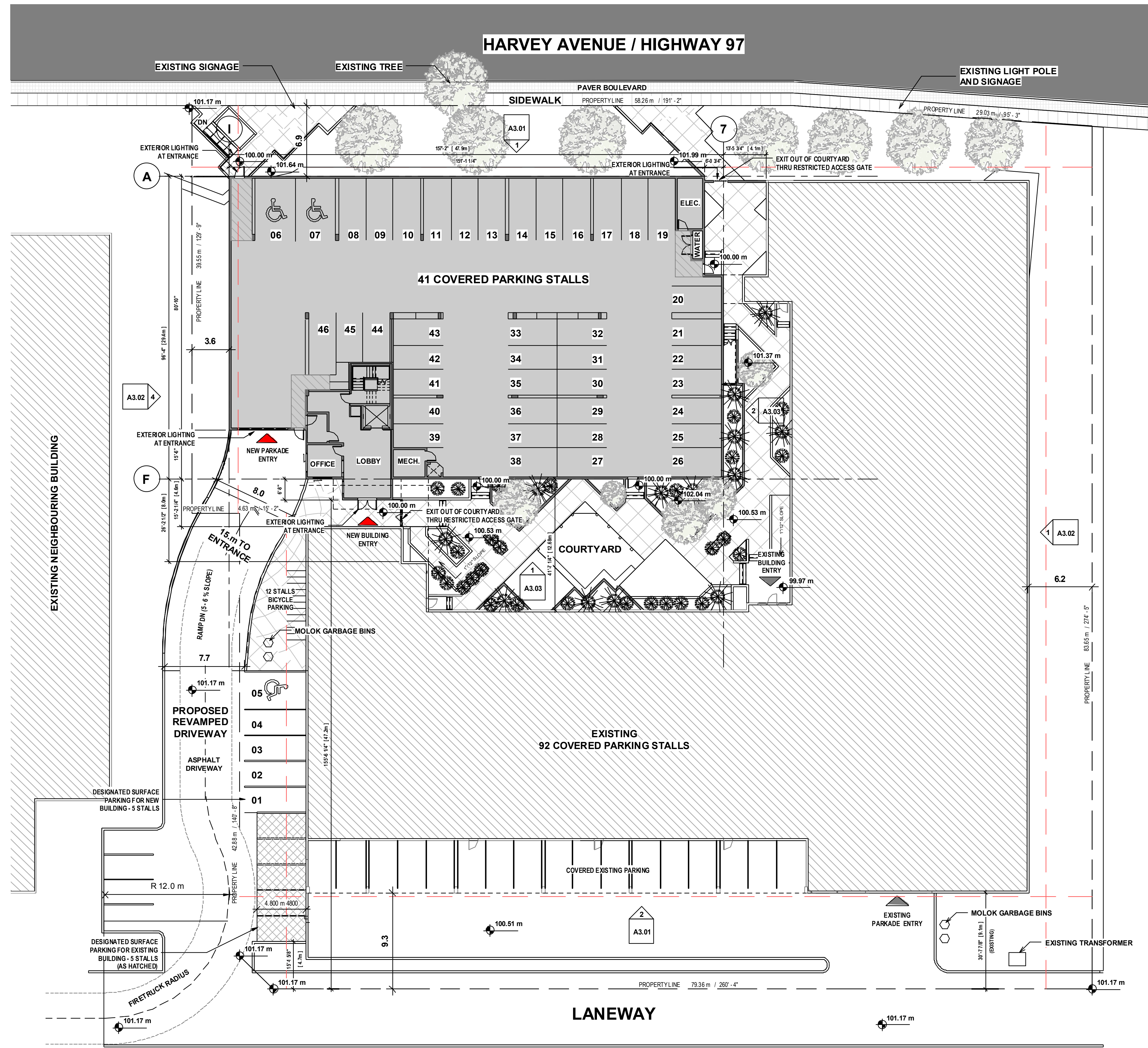
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**ATTACHMENT B**  
 This forms part of application # OCP19-0009 / Z19-0119  
 City of Kelowna DEVELOPMENT PLANNING  
 Planner Initials: AC





5 Molok Garbage Bins  
1 : 100



1 Site Plan - Parkade SITE AREA = 7,225m<sup>2</sup>  
1/16" = 1'-0"

**ATTACHMENT B**  
This forms part of application  
# OCP19-0009 / Z19-0119  
City of Kelowna  
Planner Initials AC

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Seal  
REGISTERED ARCHITECT  
PRIT M. SCHUBERT  
BRITISH COLUMBIA  
2020-01-21

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**NOVATION**  
ARCHITECTURE  
302 - 2237 LECKIE ROAD  
KELOWNA, BC V1X 6Y5

project title  
969 HARVEY AVENUE  
LOTA DISTRICT LOT 138 OYD PLAN 3 1933  
EXCEPT PLAN 36604  
KELOWNA, BRITISH COLUMBIA

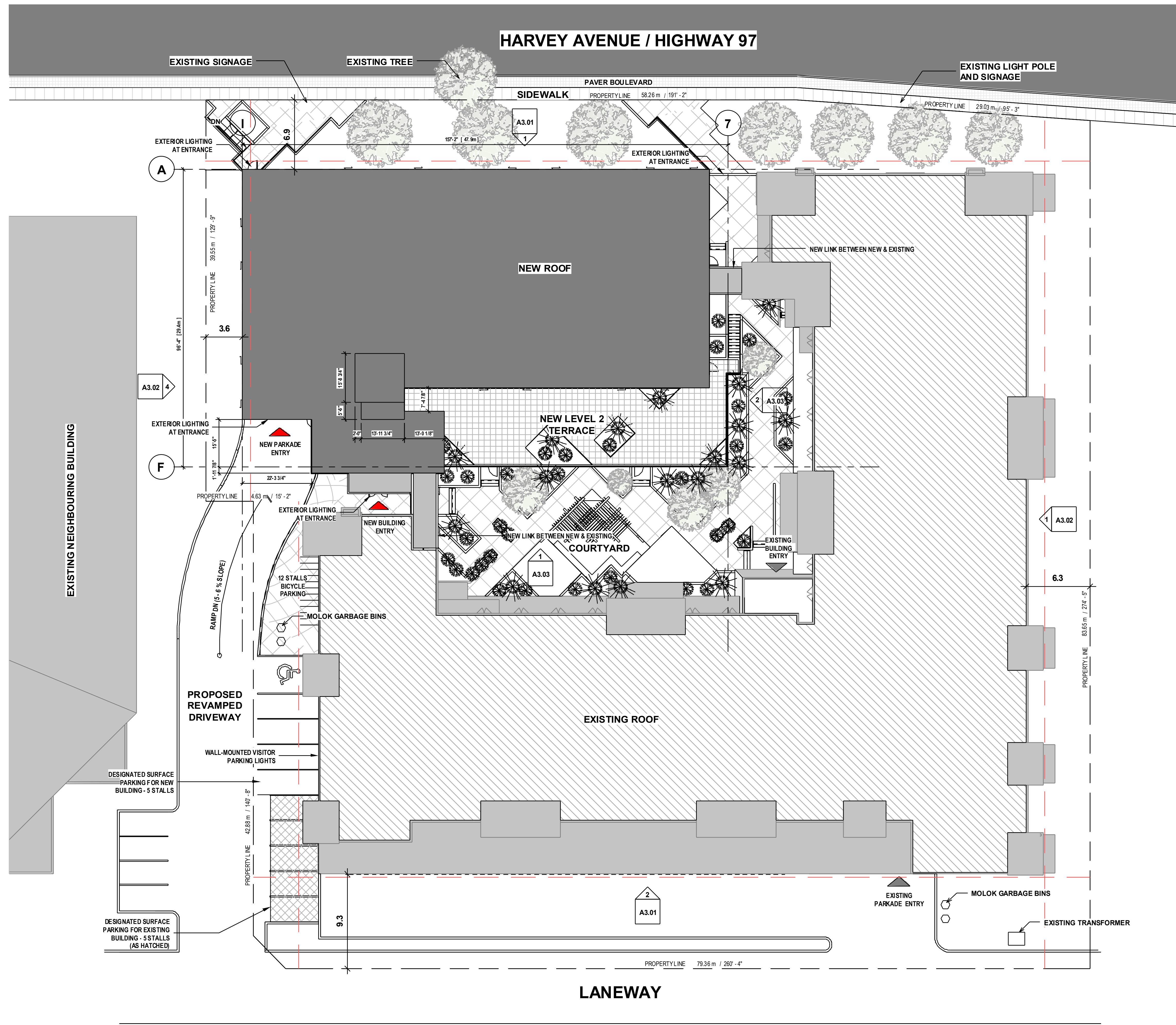
project no. 1821

drawing title  
SITE PLAN - PARKADE

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Drawn	BD		
Checked	PS		

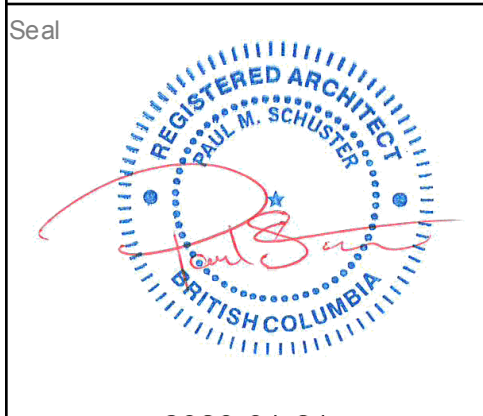
drawing no. **A1.01**  
dated 21/01/2020 10:39:31 AM





1 Site Plan - Roof  
1/16" = 1'-0"

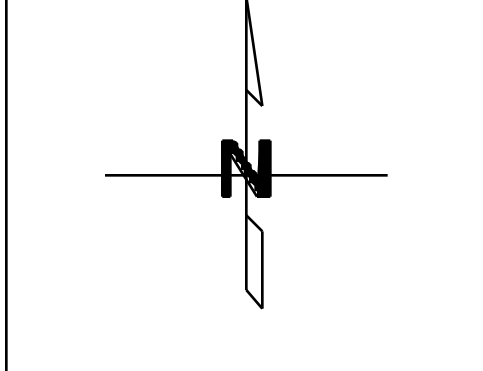
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No.	Date	Description	Revisions
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**NOVATION**  
ARCHITECTURE  
 302 - 2237 LECKIE ROAD  
 KELOWNA BC V1X 6Y5

project title  
**969 HARVEY AVENUE**  
 LOT A DISTRICT LOT 138 OYD PLAN 31933  
 EXCEPT PLAN 36604  
 KELOWNA, BRITISH COLUMBIA

project no. **1821**

drawing title  
**SITE PLAN - ROOF**

designed	PS	scale	1/16" = 1'-0"
drawn	BD		
checked	PS		
drawing no.	<b>A1.02</b>		
printed	21/01/2020 10:39:38 AM		

**ATTACHMENT B**  
 This forms part of application  
 # OCP19-0009 / Z19-0119  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials: AC

# CITY OF KELOWNA

## BYLAW NO. 11989

### Official Community Plan Amendment No. OCP19-0009 969 Harvey Avenue

---

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located on Harvey Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11990**  
**Z19-0119 – 969 Harvey Avenue**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 138 Osoyoos Division Yale District Plan 31933 Except Plan 36604, located on Harvey Avenue, Kelowna, BC from the RM5 – Multiple Unit Residential (Medium Density) zone to the RM6r – High Rise Apartment Housing (Residential Rental Tenure Only) zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** March 2<sup>nd</sup>, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning (TC)

**Application:** Z19-0141

**Owner:** Nicole Gosselin

**Address:** 368 Uplands Drive

**Applicant:** Nicole Gosselin

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES – Single/Two Unit Residential

**Existing Zone:** RR2 – Rural Residential 2

**Proposed Zone:** RR2c – Rural Residential 2 with Carriage House

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0141 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 23, Township 28, SDYD, Plan 42738, located at 368 Uplands Drive, Kelowna, BC from RR2 – Rural Residential 2 zone to the RR2c – Rural Residential 2 with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 2<sup>nd</sup>, 2020.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from RR2 – Rural Residential 2 to RR2C – Rural Residential 2 with Carriage House.

## 3.0 Development Planning

Development Planning staff support the proposed rezoning from RR2 – Rural Residential 2 zone to RR2C – Rural Residential 2 with Carriage House. The subject property is within the Permanent Growth Boundary, is

serviced (ie. sewer) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the ‘c’ designation would meet policy objectives including fostering a mix of housing forms and concentrating growth within the Permanent Growth Boundary.

**4.0 Proposal**

**4.1 Background**

Previous owners of the subject property applied for a Building Permit to construct a three-car garage and storage room in 1986. A bylaw investigation was conducted in March 2012, which showed that the southern portion of the garage had been converted into a suite. The suite was subsequently decommissioned in April 2012. Since the investigation and decommissioning, the subject property has a new owner who is seeking the proper approvals to allow for a carriage house within the existing building.

**4.2 Project Description**

The proposed rezoning from RR2 to RR2C is to allow for a carriage house within an existing building. The proposed suite is on the second floor above a three-car garage and it is 85.7m<sup>2</sup> (922 sq. ft.) in size. The proposed carriage house is located on the south portion of the property towards Uplands Drive. Due to the elevation change and existing vegetation the buildings are minimally visible from the road.

Development Planning staff are currently tracking a Development Variance Permit Application to the building height as the proposed carriage house is taller than the primary house as measured from the midpoint when the slope is considered.

**4.3 Site Context**

The subject property is in the Southwest Mission OCP Sector and the surrounding area is primarily zoned RR2 – Rural Residential 2, RR3 – Rural Residential 3 and RU1 – Large Lot Housing. The surrounding area also has a Future Land Use Designation of S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RR3 – Rural Residential 3	Single Family Dwelling
East	RR2 – Rural Residential 2 & RR3 – Rural Residential 3	Single Family Dwelling
South	RR2 – Rural Residential 2 & RU1 – Large Lot Housing	Single Family Dwelling
West	RR2 – Rural Residential 2	Single Family Dwelling



**Subject Property Map: 368 Uplands Drive**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

Chapter 1: Introduction

*Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

*Objective 5.3 Focus development to designated growth areas*

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council’s specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

**6.0 Technical Comments**

6.1 Development Engineering Department

6.1.1 See attached memo dated January 13<sup>th</sup>, 2020.

**7.0 Application Chronology**

Date of Application Received: December 13<sup>th</sup>, 2019

Date Public Consultation Completed: February 6<sup>th</sup>, 2020

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Wesley Miles, Acting Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Drawing Package

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** January 13, 2020  
**File No.:** Z19-0141  
**To:** Land Use Management Department (TC)  
**From:** Development Engineering Manager  
**Subject:** 368 Uplands Drive      Lot 2 Plan 42738      Carriage House

---

Development Engineering has the following requirements associated with this application to rezone from RR2 to RR2C. to Legalize the existing carriage house

1. Domestic Water and Sanitary Sewer

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the suite.

The property is within Water Extended Service Area 14. An additional \$2,164.00 ( 0.5 of \$ 4,328.00 ESA 14 charge ) is required. Valid until 29-09-2020

2. Sanitary Sewer

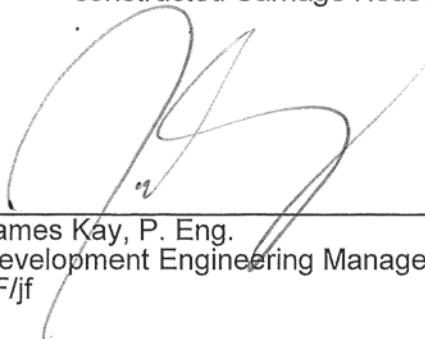
The existing residence is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC).

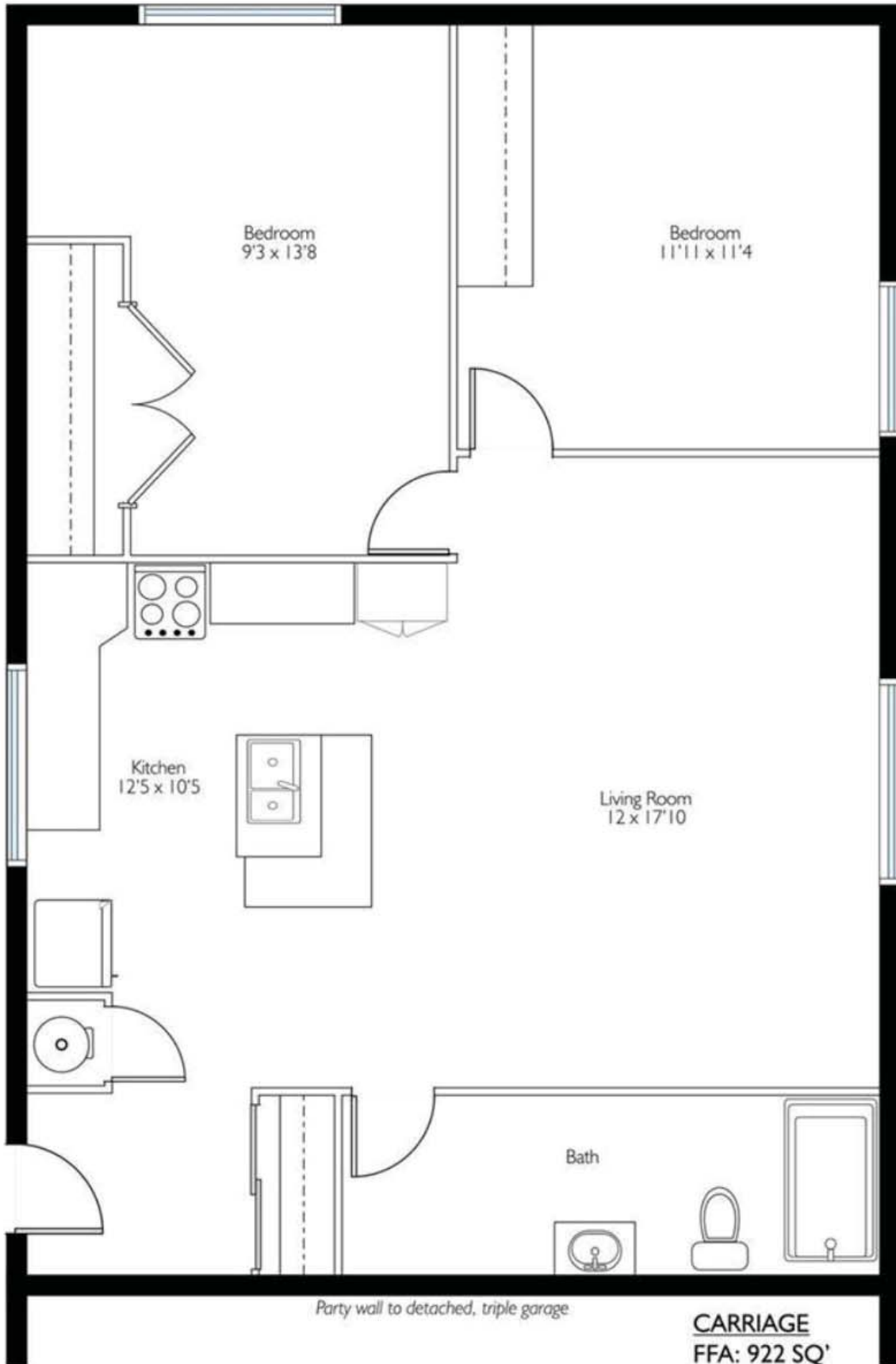
We have no record of a service connection or tie into the existing main for the constructed carriage house.

Service inspection and upgrade if required, will be provided by City forces at the applicant's cost. You will be required to sign a Third-Party Work Order and pre-pay for the cost of this service. For estimate inquiries please contact Mike Thomas, by email [mthomas@kelowna.ca](mailto:mthomas@kelowna.ca) or phone, 250-469-8797.

3. Building and Permitting.

The applicant is required to obtain a building permit for the inspection of the previously constructed Carriage House.

  
\_\_\_\_\_  
James Kay, P. Eng.  
Development Engineering Manager  
JF/jf



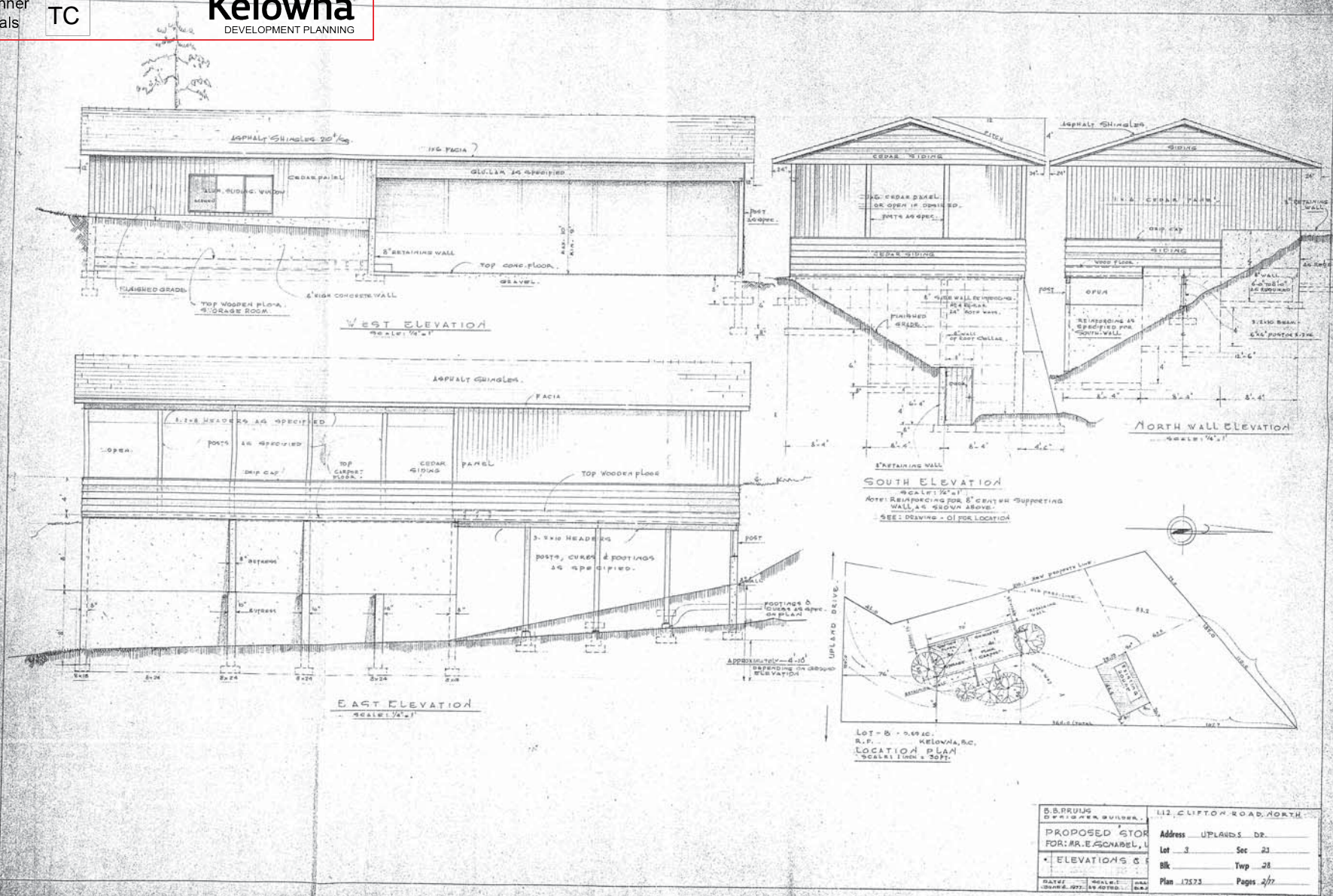


This forms part of application  
 # Z19-0141



City of  
**Kelowna**  
 DEVELOPMENT PLANNING

Planner Initials **TC**

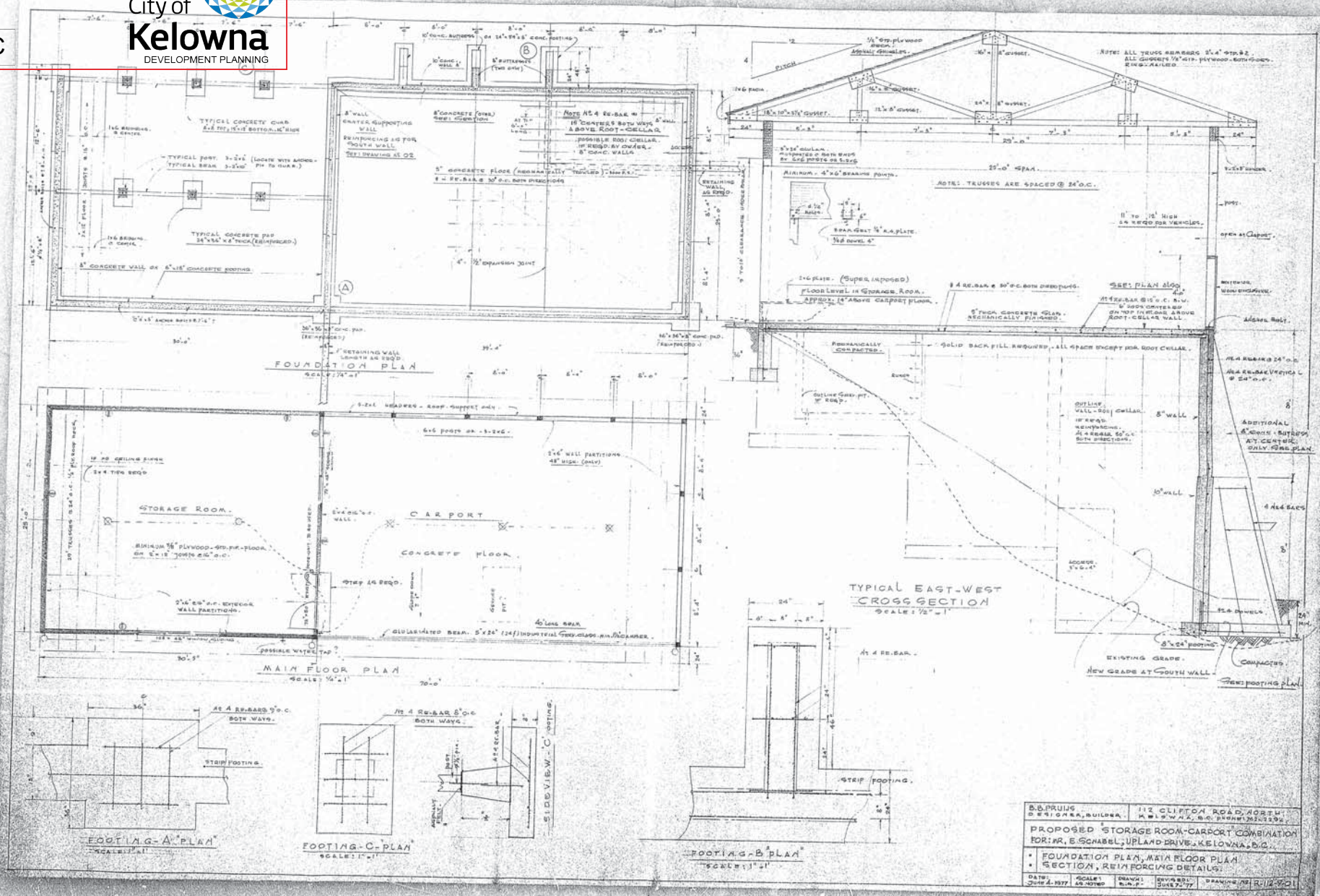


S. BARRUNG D. P. G. H. R. G. B. U. L. B. R.	112, CLIFTON ROAD NORTH
PROPOSED STORAGE FOR: MR. E. SCHABEL, L.	Address UPLANDS DR.
* ELEVATIONS & ...	Lot 3 Sec 23
DATE: ...	Blk Twp 28
SCALE: ...	Plan 17573 Pages 4/77



This forms part of application  
# Z19-0141

Planner Initials TC



S.B. PRUITS DESIGNER, BUILDER	112 CLIFTON ROAD, NORTH KELOWNA, B.C. V1Y 1M1-1194
PROPOSED STORAGE ROOM-CARPORT COMBINATION FOR: MR. E. SCHABEL, UPLAND DRIVE, KELOWNA, B.C.	
• FOUNDATION PLAN, MAIN FLOOR PLAN SECTION, REINFORCING DETAILS:	
DATE: JUNE 4, 1977	SCALE: AS SHOWN
DRAWN: S.B.P.	REVISED: JUNE 7, 1977
PROJECT: Z19-0141	DRAWING NO.: R12-021

**CITY OF KELOWNA**  
**BYLAW NO. 12002**  
**Z19-0141 – 368 Uplands Drive**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 23, Township 28, SDYD, Plan 42738, located on Uplands Drive, Kelowna, BC from RR2 – Rural Residential 2 zone to the RR2c – Rural Residential 2 with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk



# REPORT TO COUNCIL



**Date:** March 2, 2020

**To:** Council

**From:** City Manager

**Department:** Policy and Planning Department

**Application:** HD20-0001

**Address:** 3652 Spiers Road

**Subject:** Request for Heritage Designation – 3652 Spiers Road

**Existing OCP Designation:** Park; REP

**Existing Zone:** A1 – Agriculture 1

**Heritage Conservation Area:** None

**Heritage Register:** Included

**Owner:** Sue Haley

**Applicant:** Mark Haley

---

## 1.0 Recommendation

WHEREAS the Municipal Council of the City of Kelowna considers the building known as the “Cross House” located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule “B” attached to this bylaw located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the site;

AND THAT, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The building known as the Cross House situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the *Local Government Act*.

2. The site envelope as indicated by Schedule "B" attached to this bylaw, situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
3. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit approved by Council, no person shall:
  - a) Alter the exterior of any building situated on the property designated by this bylaw;
  - b) Make a structural change to a building or structure situated on property designated by this bylaw;
  - c) Move any building situated on the property designated by this bylaw; or
  - d) Alter, excavate or build on land designated by this bylaw.
4. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
  - a) Normal day to day maintenance and repairs
5. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 12003 the Cross House.

AND FURTHER THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 Purpose**

To designate 3652 Spiers Road as a Municipal Heritage building under Section 611 of the Local Government Act.

## **3.0 Proposal**

### **3.1 Background**

The property owner of 3652 Spiers Road is requesting that the subject property be designated as a municipal heritage building for long-term protection.

Heritage Designation is the legal protection through passage of a bylaw and is a tool often used to achieve long term protection of a heritage building. Heritage Designation travels with the title and must be registered with the provincial Land Titles Office.

The Cross House, which was originally located within the Abbott Street Heritage Conservation Area, was first added to the Kelowna Heritage Resource Inventory<sup>1</sup> in 1983 and was classified as Class C (over 25 points) under its former address of 2238 Long Street. In 1995, the Cross House was relocated to its current address, 3652 Spiers Road, in order to make room for the Cancer Clinic. The Cross House was then added to the Heritage Register in 1997.

### **3.2 Heritage Value and Heritage Character**

The heritage value of the Cross house, which has been moved from the South Central Neighbourhood to East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its

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<sup>1</sup> The Heritage Register replaces the 1983 Kelowna Heritage Resources Inventory.

architectural characteristics. The house, originally located at 202 Strathcona Avenue<sup>2</sup> is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo-Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. In 1995 the house was removed from its original site to make way for the new Cancer Clinic of Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in East Kelowna.

Its architectural features are unusual including its roof, which combines gable and gambrel forms.

### **Character Defining Elements**

- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch extension
- Unusual roof, gable-like on one side and gambrel-shaped (i.e. double-sloped) with bell cast eave on the other
- Entrance porch with wood posts
- Corbelled brick chimney
- Wood shingle wall cladding
- 6-over-1 and 4-over-1 double-hung wood sash window

### 3.3 Site Context

The subject property is located in South East Kelowna near Mission Creek Greenway. The property is designated Park as well as REP – Resource Protection Area, though it is currently zoned A1 – Agriculture 1 and is used for producing sheep, vegetables and fruit. A small-scale class A provincially licensed abattoir operates on the property as part of the sheep/lamb business. The Cross House is used as a primary residence and a summer rental unit.

### **Subject Property Map: 3652 Spiers Road**

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<sup>2</sup> The house was originally located at 248 Strathcona Avenue. The address changed to 202 and then to 388 Strathcona Ave). In the 1950's the address was changed to 2238 Long Street.





**4.0 Current Development Policies**

**4.1 Kelowna Official Community Plan (OCP)**

**Chapter 5:**

*Objective 5.7 Identify and conserve heritage resources.*

*Policy 5.7.2 Heritage Designation.* Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

**Chapter 9:**

*Objective 9.2 Identify and conserve heritage resources.*

*Policy 9.2.1 Heritage Register.* Ensure that the Heritage Register is updated on an on-going basis to reflect the value of built, natural and human landscapes.

3.2 Heritage Strategy

**Strategy 1 – Preserve and Protect Heritage Resources.** Continue to preserve and protect significant heritage resources through the use of protection tools and heritage planning initiatives.

**Strategy 5 – Update Heritage Register.** Continue to identify the City’s significant cultural/natural landscapes, archaeological and built heritage resources.

5.0 **Application Chronology**

Date of Application Received: January 6, 2020

Heritage Advisory Committee January 24, 2020

The above noted application was reviewed by the Heritage Advisory Committee at the meeting held on January 24, 2020 and the following recommendations were passed:

Moved By Amanda Snyder/Seconded By Doug Joorisity

THAT the HAC recommend to Council that the subject property be designated as a municipal heritage building for long-term protection.

**CARRIED**

6.0 **Legal/Statutory Procedural Requirements**

[Compensation for heritage designation](#) (per s. 613(1)(a) of the LGA):

*1) If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),*

*(a) in an amount or in a form the local government and the owner agree on, or*

*(b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).*

*(2) The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.*

Given the applicant is pursuing voluntary heritage designation, the owner will not be able to apply to the local government for compensation for the reduction in the market value of the designated property.

**Report prepared by:** Lauren Sanbrooks, Planner II, Policy and Planning Department

**Approved for Inclusion:** Danielle Noble-Brandt, Policy and Planning Department Manager

**Attachments:**

Statement of Significance

Letter of Rationale

Description of current uses of property

Site Plan

Topographical Map

Photographs

Cross House Heritage Designation Report

## Place Description

The historic place is the two,-storey wood-frame Cross House, built in 1909 and located at 3652 Spiers Road in the rural East Kelowna neighbourhood.

## Heritage Value

The heritage value of the Cross house, which has been moved from the South Central Neighbourhood to East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

The house, originally located at 202 Strathcona Avenue, is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo-Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue.

In 1995 the house was removed from its original site to make way for the new Cancer Clinic of Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in East Kelowna.



Its architectural features are unusual including its roof combines gable and gambrel forms.

## Character Defining Elements

- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch extension
- Unusual roof, gable-like on one side and gambrel-shaped (i.e. double-sloped) with bell cast eave on the other
- Entrance porch with wood posts
- Corbelled brick chimney
- Wood shingle wall cladding
- 6-over-1 and 4-over-1 double-hung wood sash windows



The rationale to Heritage Designate the currently Heritage Registered Residence and site is as follows:

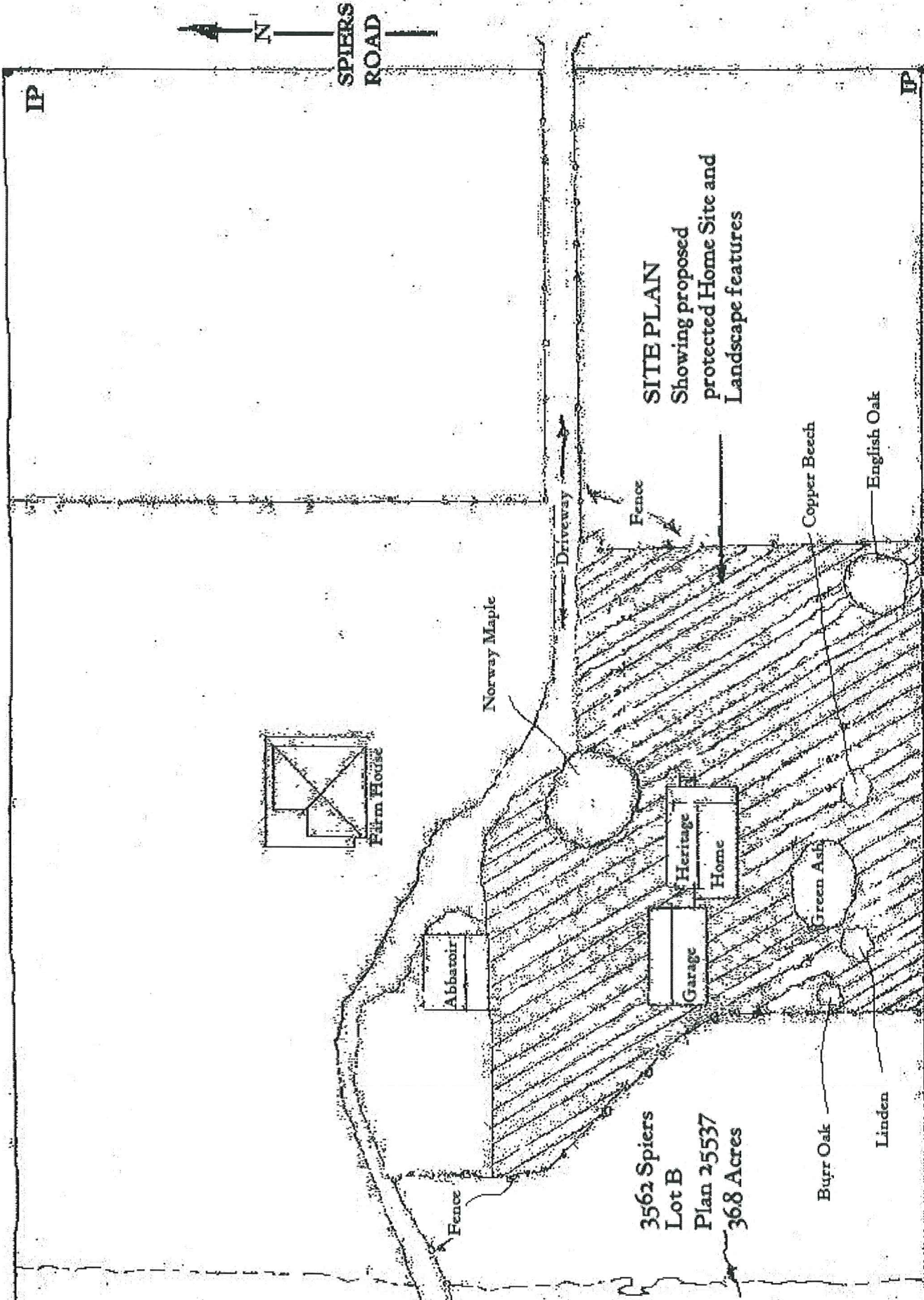
- As the ALR property upon which the building now stands will, in the near future, be transferred to a non-profit land trust (Foodlands Cooperative of BC); heritage designation will strengthen the protection of the building and surrounding home site.
- Additional funding in the form of City of Kelowna heritage grants will be available for maintenance of the structure.
- This historic home is one of the few Heritage Registered buildings on a working farm. Recognition of its heritage value will help future farming operations to remain financially viable.
- Extraordinary care and effort has been expended to save the house from demolition and relocate the house to its current farm land location. All significant repairs and restorations have been undertaken with the goal of retaining heritage value, and preserving it as a community asset.
- The Heritage Designation Report by Lorri Dauncey details the significant social, architectural and cultural attributes of the building and provides strong rationale for heritage designation.
- With heritage designation, this historic building, with its new location on an ecologically valuable food-producing parcel will provide neighborhood and community benefits for years to come.
- Finally, heritage designation will enhance further research and identification of the origins of land settlement and farming history in south-East Kelowna.

## Description of Current Uses of Property at 2652 Spiers Road

The property is currently used for producing sheep, vegetables and fruit.

A small scale class A provincially licensed abattoir operates on the property as part of the sheep/lamb business.

The Heritage registered house is used as a home for the owners and a summer rental unit.



**SITE PLAN**  
 Showing proposed  
 protected Home Site and  
 Landscape features

3562 Spiers  
 Lot B  
 Plan 25537  
 36.8 Acres





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# **Cross House Heritage Designation Report**

**3652 Spiers Road, Kelowna. BC**



Prepared for: **Mark Haley**  
**October 2019**

Prepared by: **Lorri Dauncey, MA, BA, Dip**  
**Heritage Consulting**



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## Purpose

The purpose of the Cross House Heritage Designation Report is to show that the building and its immediate surroundings should receive municipal Heritage Designation and be protected in the future, as requested by the owner. Mark Haley bought the Cross House and moved it from its original location behind the Kelowna Hospital in 1995, thus saving it from demolition when the new B.C. Cancer Agency Cancer Clinic was built. The house was moved to his sister's sheep farm in South East Kelowna on Spiers Road. The house was rehabilitated into a Bed and Breakfast accommodation called the Mission Creek Country Inn, as well as a community venue for various workshops, Elderhostel programs, and community events ("Mission Creek Folk School"). With recent changes being undertaken regarding the ownership of the almost 37 acre farm, Heritage Designation of this significant building is being sought in order to protect the building in the future.

This report will focus on the assessment and evaluation of the heritage value of the Cross House. This will include research on the building's architectural history, its cultural history, its context (in its original and current locations), and its integrity and condition. On-site work included: a current photographic record of the exterior of the building, with the possible inclusion of some interior features; overview of the current condition, along with the alteration history of the building (and how the changes affect the heritage significance and integrity of the building); and the context of the building on Spiers Road. The current City of Kelowna Heritage Register's *Statement of Significance for the Cross House* was reviewed, with recommended updates/changes. The *City of Kelowna's Heritage Register Evaluation Criteria* for heritage buildings will be used in the evaluation of the building. This will show that the Cross House is worthy of municipal heritage designation.

## Process

In order to assess and evaluate the building, the following was undertaken as part of the Heritage Designation Report:

**Site Visits:** A site visit to assess the exterior (and look at the interior) of the house and its site was undertaken in April 2019. The homeowner, Mark Haley, was present and was able to talk about the work that has been done on the building since it was moved in 1995 to its new location. The site visit included: determining the significant architectural and design elements of the exterior of the building; its current condition; and some of its alteration history. The homeowner also provided photos of the house being moved to its new site and the work undertaken, as well as the research material that he has gathered over the years. A second visit to the site included a tour of the neighbourhood by Sarama who had grown up across Berard Road in the 1950s to the 1970s. This provided context for the building and property in the area, including a photo of the original Spiers Road farmhouse before it was torn down.

**Historical Research:** The historical research includes: four visits to the Kelowna Public Archives; on-line research of the Okanagan Historical Society Reports (OHS) and the BC Historical Newspapers; various local history books; talking to local historians.

**Review of Assessments and Evaluations:** The building has undergone two previous assessments and evaluations. The first was undertaken in 1983 as part of the Kelowna Heritage Inventory. The second was undertaken in 1997-1999 as part of the Kelowna Heritage Register. These were reviewed as part of the current assessment and evaluation process. The photographs included were very helpful. These are included in the Appendixes.



**Review of the Statement of Significance (SOS):** The SOS was reviewed and checked for errors and omissions. Recommended changes/updates are included in this report.

**Kelowna Heritage Register Evaluation Criteria Form:** The building was evaluated using the Kelowna Heritage Register Evaluation Criteria form, including the rationale for the given score in each category. The final score is included.

## Understanding the Historic Place

It is important to understand the context of the building within its surroundings (both original and current), as well as the building's evolution in order to effectively assess the heritage value of the heritage resource.

### Description

*Street Address:* 3652 Spiers Road, Kelowna BC (1995- present)

*Legal Description:* Plan KAP25537, Lot B, Section 8, Township 26, O.D.Y.D.  
*Roll Number:* 4118200; *Jurisdiction:* 217; *PID:* 005441-692

*Lot Size:* 36.81 Acres

*Current Zoning:* A1 (Agricultural in the ALR)

*House on Current Site:* September 1995 - 2019 (24 years at time of report)

*Original Street Addresses:* 248/202/388 Strathcona Ave and 2238 Long St, Kelowna BC

*Original Legal Description:* Lots 13 & 14, District Lot 14, Plan 535

*Original Zoning:* Residential (RU- Urban Residential is the 2019 term used)

*House on Original Site:* c.1913- September 1995 (about 81 years)

*Formal recognition status:* The Cross House is listed on Kelowna's Heritage Register. The Kelowna Heritage Register (Community Heritage Register) was established under Section 954 of the Local Government Act (BC). These buildings are also listed on the Provincial and National Heritage Registers.

*Legal protection status:* The Cross House is not protected by a heritage designation bylaw at this time. The building owner is seeking to protect the house in the future through a Municipal Heritage Designation Bylaw.

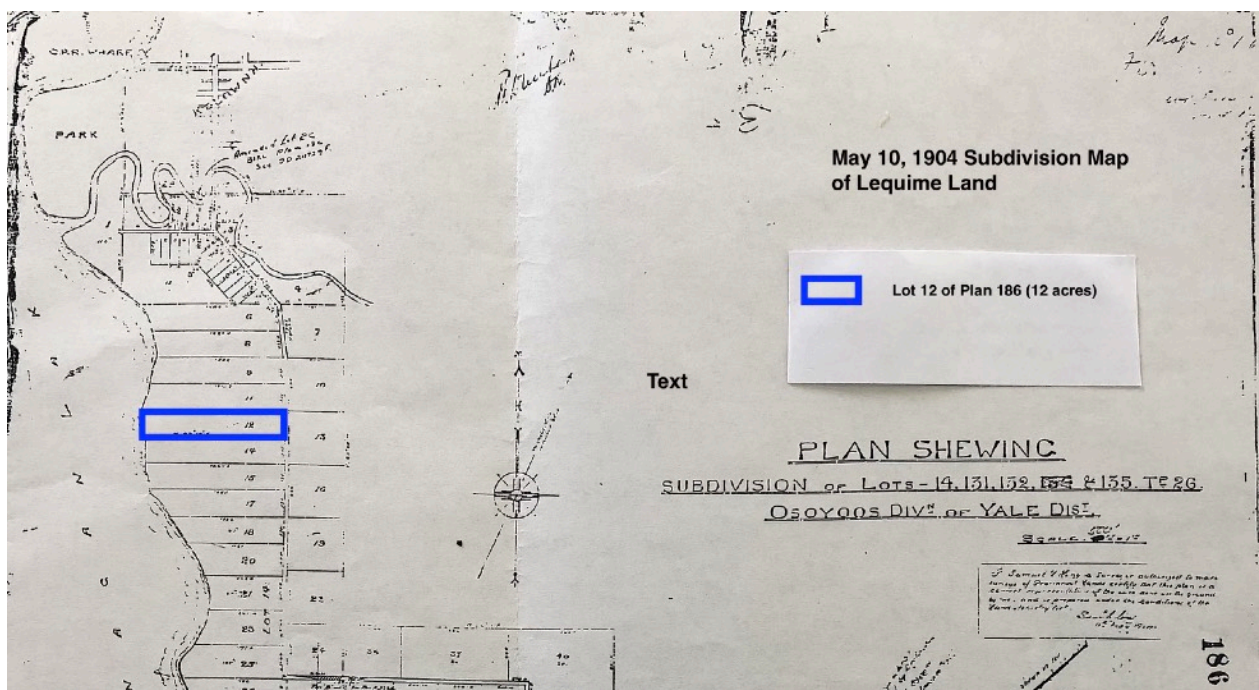
### Historical Context

To help better understand the historic values of the Cross House, a summary of the development of the area where the house was built is necessary. The house was located in the Abbott Street residential area (next to the present day Abbott Street Heritage Conservation Area on two lots that

are now part of the Kelowna Hospital campus). The Abbott Street Conservation Area extends south of Mill Creek to Royal Avenue and west of Pandosy Street to Okanagan Lake.

The original 1884 Crown Land grant, that included this area, was given to (Joseph) Gaston Lequime. Gaston Lequime's brother, Bernard Lequime, created and registered the new Kelowna townsite in 1892. Gaston Lequime transferred a section, Part of Lot 14, Group 1 (which included the land that the Cross House would be built on), to his father, Eli Lequime in 1888. By 1904, the Lequime land was owned by Bernard Lequime.

On March 14 1904, Thomas Stirling and Walter Pooley bought the 6,748 acres of Lequime land for \$65,000, including the half-section (320 acres) south of Mill Creek. The land (Lot 14), west of Richter Street to the lake, was surveyed into various sized lots, mostly 10-20 acre lots for agriculture (fruit acreages on the lake) and some large residential lots located along present day Harvey Avenue and Pandosy Street. Many of Kelowna's early large homes were built on the lots located on the west side of Pandosy Street. Access to these newly subdivided lots was provided when Pendozi (Pandosy) Street was extended south, once a new permanent bridge was built over Mill Creek. At this time, Lot 12 of Plan 186 (12 acres) was created. This was the area that the Cross House would soon be built. Lot 14, to the south would become the site of the new Kelowna Hospital.



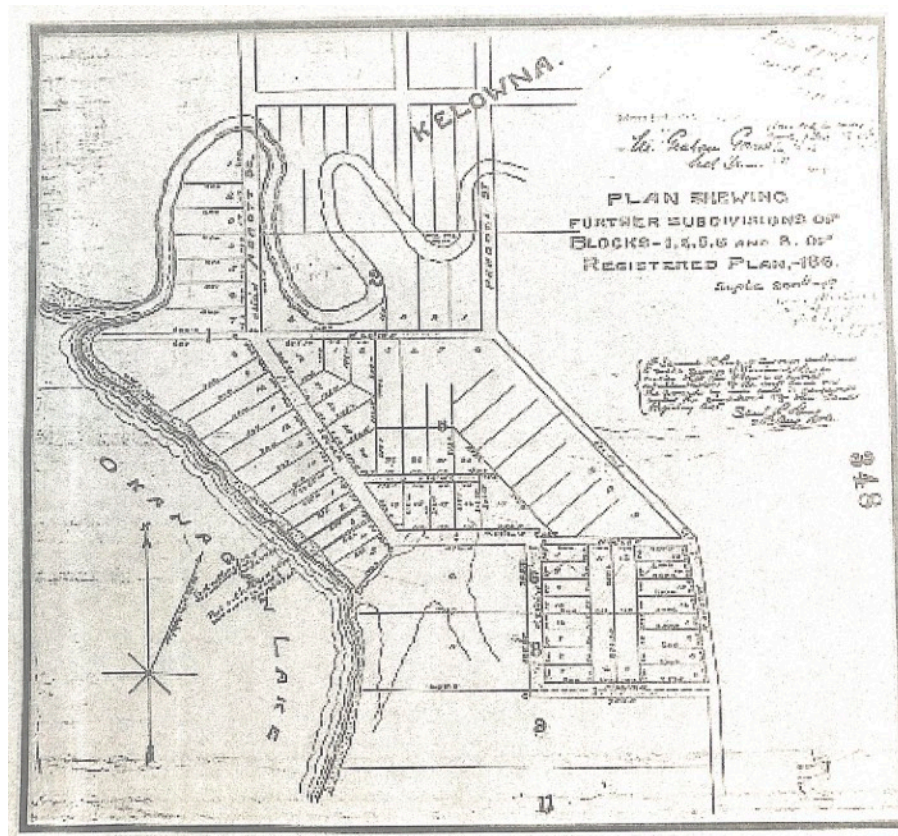
**Original 1904 Subdivision Map (detail) of the Abbott Street area, south of Mill Creek.  
Lot 12, Plan 186 was created as a 12 acre agricultural lot**

Source: Kamloops Land Titles Office

In January 1905, Stirling and Pooley transferred the land to their newly formed Kelowna Land & Orchard Company (KLO Company), of which Stirling was the president. After Kelowna's incorporation in 1905, there was more demand for residential lots in the new townsite. In 1906, the KLO Company surveyed the first residential subdivision in the Abbott Street area. The area was subdivided into long lots that extended from Okanagan Lake or Mill Creek to Abbott Street. On the east side of Abbott Street south to Park Avenue, the lots were subdivided into residential lots. South of Park Avenue to Cadder Avenue, along the west side of Pandosy Street to Long Street, additional



residential lots were surveyed. The Abbott Street area was well on its way to being developed as one of Kelowna's early residential neighbourhoods.



**Map shows the 1904 and 1906 subdivisions of lots on Pendozi St, Lake Ave, Willow (Beach) Ave, & Park Ave**  
Source: Kamloops Land Titles Office

Lot 12 of Plan 186 (12 acres) was bought by Charles, Justin and Jean Marty, in April 1908, as a fruit growing lot. Lot 12 is located between Strathcona Avenue to the south, Royal Avenue to the north, Pendozi (Pandosy) Street to the east and bordered by the lake to the west. A group of investors/land developers (Abel Gagnon, F.W. Groves, Henry Hewiston, and William Mantle) bought Lot 12 from the Marty family six months later. As there was a real estate boom in Kelowna, the group decided to subdivide the land into 44 residential lots.

These new residential lots were located next to the land donated by the KLO Company (Lot 14, Plan 186, 12 acres between Strathcona and Rose Avenues) for the new hospital. An additional 40 feet to the north and south of the original parcel (Strathcona and Rose Avenues) was also set aside to ensure that any future housing development wouldn't crowd the hospital. The first hospital building opened on August 2, 1908 with 19 beds, with the new maternity wing added in 1912.

As Abel Gagnon was a fairly well-known early builder/contractor in Kelowna, it was thought that he might have built the Cross House around 1909 as a spec house. It is more likely that this group of investors began to sell these residential lots once the land was subdivided, without the added cost of building a house. During this time, Abbott Street was extended south through this property and the new Hospital lot. The original 44 smaller residential lots (Lot 12 of Plan 186) was reduced to 42 to accommodate the Abbott Street extension. There were 20 of the 42 lots sold, by the time the investors decided to sell the remaining 24 unsold lots to a larger group of people in real estate/

insurance/law in June 1913. It should be noted that by 1912, the real estate boom in Kelowna had collapsed, which may have been why the remaining lots were sold to a larger investment group.

Richard W. Butler bought lots 13 & 14 of Plan 535 for \$1,000 in July 1913. It is very likely that R. W. Butler, a building contractor/carpenter, designed and built his house in 1913 and moved in by 1914. He is listed in the Okanagan Telephone Directory for the first time in 1914 (addresses were not included) and in September 1916, R.W. Butler and Gertrude Butler are listed as living on Strathcona Avenue (no street address listed).



**Cross House, late 1920s-1930s,**  
Courtesy: Cross Family Fonds

Very little building happened in the Abbott Street area between 1914 and 1920, due to the first World War. When building began again, traditional styles continued to dominate this area. The larger houses continued to be built in styles such as Colonial, Tudor, and Dutch Revival. The smaller homes, usually one to one-and-a-half storey Vernacular Cottages, remained a popular choice. The Fire Insurance Map (c.1925-1930) shows the 42 lots with only ten houses built. This area was slowly developed over time. The lot to the north, between Glenwood and Royal Avenues, was not subdivided until after World War II in 1946.



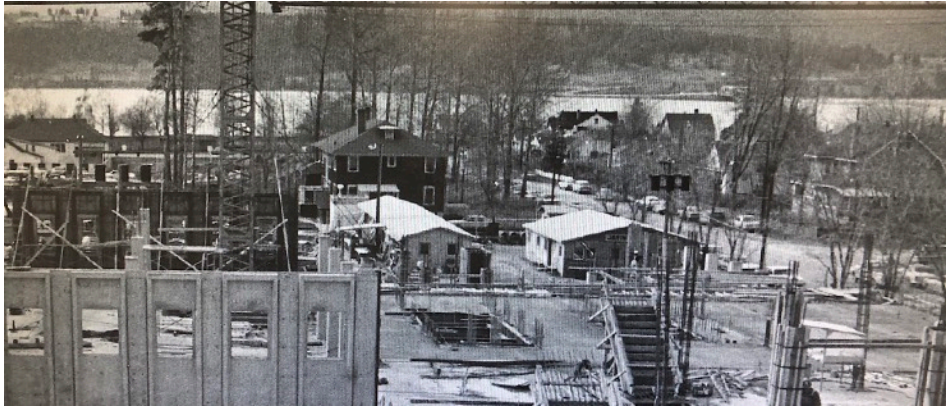
**Cross House built on Lots 13 & 14, Plan 535, highlighted in yellow on Fire Insurance Map, c.1925-1930**

Source: KPA #2011.012.001

The Abbott Street area became Kelowna's most prestigious residential area during the 1920s and 1930s. This was partly due to its proximity to the lake and to the downtown. Many of these homes were associated with the fruit industry, belonged to many packinghouse owners and manager, as well as early developers, bankers, doctors, and shopkeepers.

As Kelowna grew and expanded, it was necessary for the hospital to also continue to meet the needs of the community. The original 1908 hospital building, with its numerous additions was replaced in 1940. In 1969, the five storey Strathcona building was constructed. The historic photographs below show the neighbourhood to the north of the hospital area (Strathcona Avenue is visible). The Cross House can be seen in its original neighbourhood.





**View of construction of the new hospital building in 1940. The Cross House is visible to the right of the historic Nurses Home.**

Source: KPA #2767



**View of construction of the Strathcona building in 1969. The Cross House is visible to the left of the historic Nurses Home.**

Source: KPA #2790

With the need for future expansion, the Kelowna & District Hospital Society Board began to buy up neighbouring properties and in 1982, had been granted permission to close Strathcona Avenue between Pandosy and Abbott Streets. *“Road closures and the change from residential to institutional land use wasn’t without controversy; it took the surrounding neighbourhood some time to accept both the closure and the increasing impact the hospital was having on their area.”* (Source: *Kelowna General Hospital*, S. Simpson, p. 85).

By 1994 the Kelowna & District Hospital Society had purchased the rest of the lots between Strathcona and Royal Avenues west of Long Street, for the new Interior Cancer Clinic building. The Cross House property was sold to the Kelowna & District Hospital Society in October 1994. On July 29, 1995, the Cross House, as well as six other houses and six garages were auctioned off, with the proceeds going towards the new Cancer Clinic. The buildings were to be moved by September 17th in order to clear the area for the new clinic. Mark Haley purchased the Cross House for \$2,800 and moved it to his sister’s sheep farm on Spiers Road, part of the old Berard farm in South East Kelowna. **Refer to Appendix #1: Map showing Original and New Location of Cross House**

The house, moved 24 years ago by Bob Howell of Interior Building Movers of Kelowna, has been well-maintained after its initial rehabilitation in the mid-late 1990s. The Cross House has become a well-known and loved building on Spiers Road.

## Summary of the Heritage Value

The City of Kelowna has set out four main principles used in determining and assessing the heritage value of a building. These are:

- A. Architectural History
- B. Cultural History
- C. Context
- D. Integrity

### A. Architectural History:

The Cross House was built on two lots in the 'Abbott Street Residential Area' (as identified in the *1983 Kelowna Heritage Inventory* as- the area south of Mill Creek and west of Pandosy Street to the lake, south to Wardlaw Avenue). This area "*contains several of the oldest remaining buildings from the Village Phase of the City, and a substantial number of buildings from the First and Second Civic Phases. It is a mature residential area, considered Kelowna's most prestigious residential area during the 1920's and 30's. It is characterised by continuity of wood frame structures and its mature landscaping as well as its association with Okanagan Lake.*" (Source: Kelowna Heritage Resource Inventory, 1983)

Early Kelowna went through four main phases of residential development after incorporation, which is reflected in the architectural styles of homes built during these time periods. The first phase of residential development (1905-1918) included architecture from the revival movements (i.e. Dutch, Victorian, and Edwardian), early Arts & Crafts, and early vernacular cottage styles. These styles are seen in both the upper Bernard & Lawrence Avenues neighbourhood, as well as in the newly subdivided area south of Mill Creek (Abbott Street Residential Area). The Cross House was built during this period.

The Cross House is a unique vernacular building that has a combination of various architectural elements from two main traditional styles (as identified on the Vancouver Heritage Foundation website [www.vancouverheritagefoundation.org/learn-with-us/discover-vancouvers-heritage/vancouver-house-styles/house-styles/](http://www.vancouverheritagefoundation.org/learn-with-us/discover-vancouvers-heritage/vancouver-house-styles/house-styles/)) The house's building elements largely fall under the Dutch Colonial Revival style and the Gable Vernacular style (shares some similarities with the Victorian Revival style in the "*Abbott Street & Marshall Street Heritage Conservation Areas development Guidelines*"). **Refer to Appendix #2: Dutch Colonial Revival Style & Gabled Vernacular Architectural Style**

This unusual styling combination includes the 2.5 storey gable-front with a gambrel bell-cast roof on one side and a gable bell-cast roof with returned eaves and projecting verges on the other (front and back of the house). There were few gambrel roof houses built in Kelowna and only a few still exist. Two of these include the Kincaid Residence on Laurier Ave and the Meikle House on Lawrence Ave. There are also few gable-front houses with returned eaves in Kelowna.

Elements from the Dutch Revival style on the Cross House include: bell-cast, medium gambrel roof; shed dormers on the sides of the house; side wall (exterior) chimney; and wide plain window and door trims. Elements from the Gable Vernacular (Victorian Revival) style include: bell-cast, medium height gable roof; Returned eaves & projecting verges; bay windows; full-width wrap-around porch; and 2.5 storey massing. The house shares elements of both styles in its vertical double hung windows, multiple pane windows, and wood shingle siding.



The Cross House is asymmetrical in design. On the front facade the door is located towards the north side of the house, the windows are different shapes and sizes, and the various roof types, overhangs, and returned eaves, add to the asymmetrical look and feel of the house. There are different roof styles (including hip, gable and gambrel) and levels on the house. Window types include one main floor bay window and two second storey bay windows (variant). Instead of the usual three windows (one on each side of the bay), the second storey bays have a window on each of the sides, with the central section not containing a window.

The vernacular design of the Cross House is evident in the use of local materials, the mix of style elements, and the functional nature of the layout of these building elements. The house appears to be designed from the inside out. The layout of the interior of the house dictate to some degree the exterior shape and elements, such as the windows' shapes and locations. There are a number of porches/verandahs including one enclosed sunporch, another functional part of design in hot Okanagan summers.

It is likely that the house was built by the first owner of the property, R. W. Butler, in 1913. Butler, a carpenter, ran his building contracting business out of his home (Cross House) from 1914 until the early 1920s. Little is known about Butler, except that his house is a unique design in Kelowna and the craftsmanship is of a high standard. The quality of the interior woodwork in the house shows Butler's carpentry skills.



**Cross House, 2019**

**Top L-R: front (east) facade; side (north) facade**

**Bottom L-R: back (west) facade; side (south) facade**

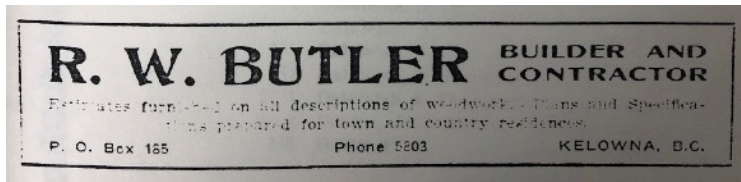
## **B. Cultural History:**

### **Refer to Appendix #3: Summary of Cross House and Land Ownership**

The Cross House is associated with a number of people and institutions in Kelowna, as well as associated with the changes in the land use in its neighbourhood.

Richard W. Butler is valued as the most likely house 'designer' and builder. Little else is known about R.W. Butler except for the relatively short time that he lived and worked in Kelowna as a builder during a period of slow economic growth. Richard W. Butler bought lots 13 & 14 of Plan 535 for \$1,000 on July 14, 1913. **Refer to Appendix #4: R. W. Butler purchase of Lots 13 and 14, Plan 535, July 14, 1913**

It is very likely that Butler designed and built his house in 1913 and moved in by 1914. In the Kelowna Telephone Directory, R. Butler is not listed until 1914 with a residential phone number. This may indicate that Butler did not have a number until after he and his wife moved into their newly built house. The Cross House, a large house (was located on both lots), with a unique vernacular style/design that took elements of different styles, is really a 'custom' designed house for its owners. In 1916, R. W. Butler and his wife Gertrude Butler are listed as living on Strathcona Avenue (no street address listed in the directory).



R. W. Butler Builder and Contractor  
*Estimates furnished on all descriptions of woodwork. Plans and Specifications prepared for town and country residences. P.O. Box 185. Phone 5803. Kelowna, B.C.*

**Okanagan Telephone Directory, July 1914** Source: KPA

R. W. Butler and his wife Gertrude lived in the house until it was sold in 1924 (for about 11 years). They moved to Vancouver, where Butler died in 1927.

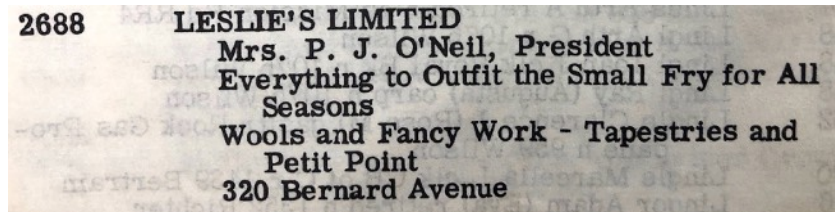
Elwood Lindsay Cross and Islay Mae Cross bought the house in March 1925. The Cross family, for whom the house is named after, owned the house for about 26 years. E.L. Cross, the house's most well-known owner, is valued for his connections with land development and fruit growing.

Elwood Lindsay (E. L.) Cross (Nov 20, 1887 - Jan 28, 1948) grew up in Winnipeg. He spent several years surveying land for the C.P. R. in Saskatchewan and Alberta. He came to Kelowna in 1910 as a land surveyor for the Belgium Company (Belgo Land Company). Attracted to the Okanagan, Cross decided to purchase an orchard of his own. In 1913, Cross brought his new wife, Islay Mae (MacDonald), to their log farmhouse on Vernon Road in Rutland. During World War I, Cross went to work at the Dominion Cannery as the General Manager until 1923. He oversaw the processing of vegetables and dehydration of both fruit and vegetables. In the early 1920s with the arrival of the railroad to Kelowna, E.L. Cross founded the Rutland Cannery Ltd. The Cannery was built on land adjacent to his orchard in Rutland, near the present day Scandia on Highway 97. The Rutland Cannery processed vegetables, mainly tomatoes and juice. E.L. Cross also consulted for other companies, both nationally and in Washington State. After fire destroyed his company's warehouse and cannery buildings in the winter of 1938/39, E.L. Cross became the supervisor of the Bulman Dehydrating operation in Vernon. Bulman's Dehydrator, developed by Thomas Bulman in 1916, was the first commercial dehydrator to operate in Canada. In 1928, Bulman's Ltd built a new cannery and dehydrator in Vernon. As E.L. Cross was convinced that frozen foods was the next step in food processing, he purchased the Frozen Food Lockers from Bulman's. He was in the process of building the Vernon Frozen Food Lockers, when he died in 1948. E.L. Cross and his wife



Islay had six children who grew up in the house on Strathcona Avenue, known as the Cross House. The family owned the house for almost 20 years, selling it in 1944 when they moved to Vernon.

After the house was sold, it was owned for a short time by two different families, before being bought by Patrick & Mary O'Neil who owned the house for about 26 years. The O'Neils owned Leslie's Limited, a children's clothing store on Bernard Avenue. Mary O'Neil was listed as the president of the store in a 1958 advertisement. After Patrick died around 1967, Mary continued to own the house until 1975, as a rental property.



Kelowna City Directory, April 1958  
Source: KPA

The Cross House was bought in 1979 by Fay Dotten (Karp), listed as a first aid attendant and then later as a Registered Nurse on the land titles deed. Fay and her husband Joseph Karp (listed as a businessman) owned the house until it was bought by the Kelowna & District Hospital in October 1994. The Cross House located next to the hospital was a convenient location for health care workers to live. With the Kelowna & District Hospital Society Board buying up properties nearby for new Interior Cancer Clinic (since 1992), it also made this property a good investment.

The Cross House address changes indicate the development of the neighbourhood. As more houses were built in the neighbourhood (i.e. after WWII when there was a building boom), the house number changed and again in the 1950s when all the lots were finally built on.

- 1913-1920s- Strathcona Avenue (No # listed, only the road)
- 1925-1945- 202 Strathcona Avenue
- 1946-1951- 388 Strathcona Avenue
- 1952-1995- 2238 Long Street

The relocation of the Cross House is also representative of the redevelopment of its neighbourhood with the new Interior Cancer Clinic built at the Kelowna Hospital. The purchase and conservation of the Cross House shows the value that was placed on this building.

The Cross House was relocated very close to where the original Berard farmhouse once sat. Berard Road in front of the property, off of Spiers Road is named after this early family. The Komant family owned the farm from the mid-1960s until it was sold to Sue Haley, the current owner. The Komants lived in the Berard farmhouse for a short time while they built their new house on the other side of the driveway. After the new house was built, the old farmhouse and barn were demolishe

**View of the original farmhouse on Spiers Road before it was torn down in the mid-late 1960s**

Courtesy: Eleonore Stacha family photos

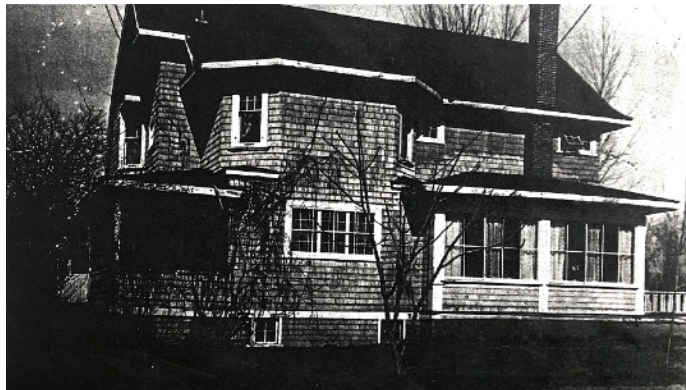


**View of the Cross House, 2019**



### C. Context:

The Cross House, built on two lots at the northwest corner of Strathcona Avenue and Long Street was valued as part of its early residential neighbourhood in Kelowna. The house was part of the continuity of the streetscape. The house faced Long Street, with its back porch facing towards Okanagan Lake. The site was flat with mature landscaping (as it had sat on its two lots for about 81/82 years). Being on the corner of Long and Strathcona, this large house would have been very visible from the street.



South side of the Cross House from Strathcona Ave, c. 1930s

Courtesy: Cross Family Fonds



Front of the Cross House from Long St, 1995

Courtesy: Mark Haley Fonds

When the house was relocated and saved from demolition, it gained a new context which has become part of the building's story. The Cross House is now on an almost 37 acre sheep farm with mixed agriculture. It was moved onto the site, very close to the original location of the old Berard farmhouse that was torn down in the mid-late 1960s. The house, located on a slight rise, is surrounded by lawns, raised gardens, a few trees, and a workshop in the back. The rest of the farm buildings, a 1960s house, and fenced fields surround the Cross House. The neighbourhood is a rural community of mixed farming in the Agriculture Land Reserve (ALR). The Cross House has become a local landmark, largely due to its style, design, size, location, and its uses that include: Mission Creek Folk School (late 1990s-2000s), B&B, and various community events over the years.

The Cross House received two Kelowna Heritage Grants (Kelowna Heritage Foundation in 1998 and City of Kelowna Heritage Grants Program in 2013) towards the conservation of the building, as well as a Central Okanagan Heritage Society award for "*Restoration of the Exterior of a Building Currently in Residential Use*" in 1999. These grants and award show the value that the community places on this important heritage building.



3652 Spiers Road



## **D. Integrity & Condition:**

### **Refer to Appendix #5: Alteration History of the Cross House**

The Cross House has undergone changes over time but these have had minimal affect on the style, design, and character of the building. The change that has had the most affect on the house is the relocation of the house to the rural property in South East Kelowna on Spiers Road. With the move, the house was put on a new, higher foundation, on a bit of a rise. This has actually made the house stand out and added to the original vernacular farmhouse (with the partial gambrel roof) character. The move and new use has benefited the house with the significant amount of conservation work undertaken when it was first moved and the regular maintenance of the building. The house, in general, is in very good condition.

## **Review of Previous Assessments & Evaluations**

There were two previous assessments and evaluations of the Cross House. The first was undertaken in 1983 for Kelowna's Heritage Inventory. **Refer to Appendix #6: Kelowna Heritage Inventory Forms, 1983.** This report is valuable for the information on the building and especially for the black and white photographs included. The building was evaluated and was determined it was a 'C' class building (2238 Long St) with some heritage value. It is likely that the building received this classification and low score because there was little known about the social history of house at the time. The unique architectural style is significant, even without the social history. Even though the criteria has changed (1980 values), the Cross House was still considered worthy of reevaluation and inclusion for the Kelowna Heritage Register in the late 1990s. ***(Note: the A and B buildings and only a couple of the C buildings were added to the Kelowna Heritage Register)***

The Kelowna Heritage Register, begun in the late 1990s, was also helpful to this process. **Refer to Appendix #7: Kelowna Heritage Register Forms, 1997-99.** The Cross House was re-assessed in 1997 at the request of the owner and found to have significant heritage value and was included on the Kelowna Heritage Register. It should be noted that the house had already been moved to its new location by this time. As well, research was undertaken for inclusion on the Heritage Register (by the homeowner, Mark Haley) and for the Statement of Significance for the house.

The house was deemed to have enough heritage value to be included as one of the approximately 200+ A and B class buildings in Kelowna.

## **Kelowna Heritage Register Evaluation Criteria**

The Kelowna Heritage Register Evaluation Criteria is based on the following to determine if the building has heritage value and what those values are. This City of Kelowna evaluation system will be used to determine the heritage values of the building.

The final scoring of the building is summarized and a score given to determine if the building falls within Group A, B, or C and if it should remain on the register, if it might remain on the register, or if it should be removed from the register. Buildings that are in Group A, are likely worthy of heritage designation. **Refer to Appendix #8: Kelowna Heritage Register Evaluation Criteria Definitions**

**A. Architectural History:** Style or type of building, structure or landscape; design attributes; construction methods/materials; notable designer or buildings.

Criterion	Grade	Points	Rationale
A.1 Style &/or Type	E	35	<p>The Cross House is an excellent example of a unique vernacular house style in Kelowna. The building takes architectural elements from both the Dutch Revival style, the Gable Vernacular style (similar elements to the Victorian Revival style), as well as uses design elements from other traditional styles.</p> <p>The Cross House is one of only a couple of gambrel roof homes in Kelowna. With its mix of a bell-cast gambrel roof on one side and a bell-cast gable roof with returned eaves &amp; projecting verges on the other, this makes this building very unique in Kelowna- one of a kind. The Cross House, built likely built in 1913, is part of Kelowna's first civic phase of architecture (1905-1918) in the new Abbott Street neighbourhood created when the Lequime crown grant land was subdivided. This phase is important for its traditional revival architectural styles and elements, of which the Cross House is an excellent example.</p>
A.2 Design	VG	15	<p>The Cross House's vernacular design is both unique and notable in Kelowna. The house is a mix of several functional and some aesthetic design elements. This large house was built by a local builder, likely for his family, living in the hot Okanagan Valley in the early 1900s. The house design had to be functional but also attractive as it may have been an example of the builder's work for potential clients.</p> <p>The house's practical design elements include: the front porch, the side porch (later enclosed with windows), and the back screen-in porch, the gambrel roof and dormers to add extra living space (second storey and attic space), side brick chimney with fireplace, and a mix of window sizes, shapes and locations (windows were installed wherever they were needed instead of in a symmetrical fashion that is more typical of specific architectural styles). The main floor front bay window is both functional and aesthetic, as is the two second-storey bay windows. Leaving the middle section of the bay plain (no window installed) was a functional decision for the rooms use as a bedroom. The use of shingle siding added to the aesthetic appeal of the house. The various roofs, overhangs, returned eaves, and bell-cast details are both functional and add to the over-all design and charm of the house.</p>
A.3. Construction	G	5	<p>The Cross House's wood construction and materials are typical of the early 1900s and can still be found in Kelowna. Even though shingle siding was less common than horizontal wood siding on Kelowna's early houses, there are still a number of early wood shingle buildings that still exist. The use of wood shingles was more common on Craftsman style buildings in the 1920s (Second Civic Phase- 1918-1932).</p>
A.4.Designer/ Builder	F/P	0	<p>It is likely that the Cross House was built by R. W. Butler, a building contractor in Kelowna (c.1910-c.1924) who is relatively unknown. His building contracting business was advertised in the Okanagan Telephone Directory during this time.</p>
SUBTOTAL (max. of 40)		55/40	



## B. Cultural History:

Historical association with important people or events; historical patterns within the city's history.

Criterion	Grade	Points	Rationale
B.1 Historical Association	VG	18	<p>The Cross House has close associations with the following people that are of moderate importance in Kelowna:</p> <ul style="list-style-type: none"> <li>• Elwood L. Cross (E.L. Cross and Islay E. Cross owned the house from 1925-1944. The house was named after the Cross Family): Valued for E.L. Cross's connection with land development (Belgo-Canadian Fruit Lands Company); fruit growing (owned orchard in Rutland) and the fruit industry (general manager of the Dominion Cannery plant in Kelowna; started Rutland Cannery Ltd.; supervisor of the Bulman dehydrating plant in Vernon; started Vernon Frozen Food Lockers)</li> <li>• Patrick and Mary O'Neil (owned the house from 1949-1975): Valued being a small business owner on Bernard Ave in the 1950s. Mary O'Neil was the president of Leslie's Ltd, a children's clothing store. Patrick was the secretary-treasurer of the family business.</li> <li>• Other early owners include: R.W. Butler (building contractor/ carpenter) &amp; Gertrude Butler; George Hewson; Thomas Robinson (Merchant) &amp; Monica Robinson; Edwin Franklyn (Merchant) &amp; Arvilla Franklyn; Fay (Dotter) Karp (Registered Nurse) &amp; Joseph Karp (Businessman)</li> </ul> <p>The Cross House is also associated with the Kelowna General Hospital. The house was bought by the Kelowna &amp; District Hospital in Oct 1994 in anticipation of the new Cancer Clinic. The house was auctioned off and moved, in order for the land to be cleared for the new building.</p>
B.2 Historical Pattern	G	10	<p>The Cross House, in its original location on the corner of Strathcona Ave and Long St, is associated with the subdivision and development of one of Kelowna's early neighbourhoods in the Abbott Street area. The original subdivision of land into fruit lots, then into residential lots that were slowly built on (Cross House one of first houses built), is part of the development of the area.</p> <p>The Cross House is also associated with the development and expansion of the Kelowna General Hospital. The house was built near the original 1908 hospital during Kelowna's early civic development. Due to the house's close proximity to the hospital, it was a desirable place to live for hospital workers (i.e. Fay Dotter Karp, R.N. 1979-1994). As Kelowna grew, the hospital continued to expand in order to meet the needs of the community. The house on its two lots was bought by the Kelowna &amp; District Hospital in Oct 1994, in anticipation of the new Cancer Clinic. The house was auctioned off and moved to its new location, with funds going towards the new building. With the decision that Kelowna would be home to the new Cancer Clinic, the hospital became the new medical centre for the interior of the province.</p>
SUBTOTAL (max. of 35)		28/35	

### C. Context:

Context of each resource within the historical landscape or neighbourhood; compatibility with other buildings and groupings of buildings' symbolic importance as a local landmark.

Criterion	Grade	Points	Rationale
C.1 Landscape/ Site	G	5	<p>The Cross House was originally built on a large flat residential corner lot (two lots combined) with a yard that included mature trees, cedar hedges, and gardens for about 81 years. As the house had to be moved or it would have been demolished, it may have lost its original site context but has gained a new site context.</p> <p>The house was moved about 6.5 kms to its new site at 3652 Spiers Road 24 years ago. The house now sits on a small rise of land on a 36.81 acre rural farm in the Agricultural Land Reserve (ALR). The front of the Cross House faces east, with the back of the house looking towards Okanagan Lake, the same orientation as on its original site. The area around the house has gardens, trees, a workshop and fenced fields, as well as a second house and other farm buildings.</p> <p>The house was relocated very close to where the original Berard farmhouse (the road in front of the property is named Berard Road after the family who once owned the land) once sat. Even though the Cross House was moved, it retains its orientation to the lake and road, its vernacular style and size fits well on the rural property.</p>
C.2 Neighbour- hood	G	6	<p>The Cross House was one of the early houses built in its original residential neighbourhood developed from about 1910 to the 1930s/ 1940s. While its vernacular styling would have been somewhat unique in the neighbourhood, it would have fit into the residential neighbourhood with its age and traditional design.</p> <p>When the house was moved to Spiers Road, it was no longer part of the this residential neighbourhood. However, it was moved to an agricultural area and replaced the original farmhouse that once stood on the property (area of compatible use).</p>
C.3 Visual/ Symbolic Importance	G	8	<p>When the Cross House was built, it would have stood out in its original neighbourhood- largely due to its size and location. On its new site, the Cross House is very visible from the road (on a rise and has been raised higher with the addition of the basement suite). For the past 24 years it has become a local landmark for the area.</p>
SUBTOTAL (max. of 25)		19/25	



**D. Integrity & Condition:**

Degree to which the resource has been altered since originally constructed and designed. The reversibility of alterations was also taken into account.

Criterion	Grade	Points	Rationale
D. Integrity & Condition	VG	-5	The house is in very good condition and has had few alterations. Any changes made have been compatible with the original house and do not detract from its style, design, construction or character. As the house was moved, it was placed on a new, higher concrete foundation for the basement suite. This has raised the house up, making it more visible and prominent on its site. The modern concrete foundation has some impact on the building. By facing the foundation with shingles (similar to the original foundation level), this would add to the building's traditional character not detract from it. The Cross House is well maintained (there are some areas that need new paint) and in very good condition.
SUBTOTAL (subtract from total score)		-5	

**Eligibility for Kelowna Heritage Register:**

Category	Score	Total Allowed	Score out of Total Allowed
A. Architectural History	55	40	40
B. Cultural History	28	35	28
C. Context	19	25	19
D. Integrity	-5	0 to -15	-5
Final Score			<b>82</b>
<b>Eligibility</b>	<b>Group A (60-100) Group B (40-59) Group B (20-39)</b>	<b>Yes Maybe No</b>	<b>Group A - Should remain on Heritage Register and is an excellent candidate for Municipal Heritage Designation</b>

## Summary of the Evaluation and Review of Statement of Significance (SOS)

The assessment and evaluation of the Cross House determined that it is a strong 'A' building with a score of 82/100, using the Kelowna Heritage Register Evaluation Criteria. A score between 60-100 is required to be in the 'A' Group. The Cross House scores a lower score, largely due to its move from its original site and neighbourhood. However, because the house had to be moved, it gains back some points because of its new location on Spiers Road.

The Statement of Significance (SOS) for the Cross House was reviewed and revised. The recommended updated SOS is below. To view the original SOS with the changes marked, **Refer to Appendix #9: Cross House- Statement of Significance-Original with Recommended Revisions**

### Cross House- Statement of Significance (SOS) -Revised 2019



#### Statement of Significance:

Associated with Elwood Cross and Patrick and Mary O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

**Place Description:** The historic place is the two and a half storey wood-frame Cross House, built in 1913 and located at 3652 Spiers Road in the rural South East Kelowna neighbourhood.

**Heritage Value:** The heritage value of the Cross house, which has been moved from the South Pandosy Neighbourhood to South East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

The house, originally located at 248 Strathcona Avenue (address changed to 202 and then to 388 Strathcona Ave), was likely built in 1913 by Richard W. Butler, a local building contractor. Butler and his wife Gertrude lived in the house until 1924.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo- Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. The O'Neils owned the house for 26 years.



In 1995 the house was removed from its original site to make way for the new Cancer Clinic (Sindi Ahluwalia Hawkins Centre) behind the Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in South East Kelowna. The house now sits on a rise on its new site in the same location as the property's original farmhouse.

The Cross House is a vernacular gable-front building with a number of unusual architectural elements including its bell-cast roof that combines the gable and gambrel forms. The asymmetrical design, along with the unusual mix of architectural features, makes this a very unique house in Kelowna.

### **Character Defining Elements**

Key elements that define the heritage character of the Cross House include its:

- Rural setting on a farm in South East Kelowna, with the house set on a rise surrounded by broad lawns, raised gardens, and a couple of mature trees
- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch overhang
- Asymmetrical design and features
- Unusual bell-cast roof, gable-like with returned eaves on one side and gambrel-shaped (i.e. double-sloped) on the other
- Shed roof side dormers
- Bay windows (front first-storey & two second-storey with no middle window)
- Front full-width partially enclosed wrap-around verandah
- Back porch with overhang
- Entrance porch with wood posts
- Brick side-wall chimney (from Corbelled brick chimney)
- Wood shingle wall cladding
- 6-over-1 double-hung wood sash windows and multi-paned wood casement windows



## Recommendations for Heritage Designation

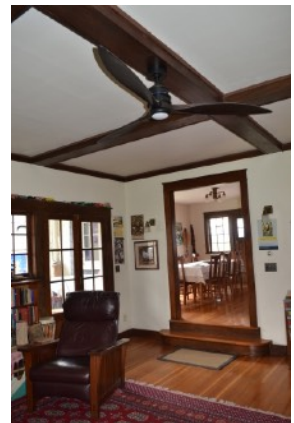
It is strongly recommended that the Cross House be protected with a Kelowna Municipal Heritage Designation Bylaw, as requested by the homeowner(s). The Cross House is a very significant building in Kelowna and is worthy of protection. The (ALR) property at 3652 Spiers Road is in the process of being donated to a not-for-profit society/charity, who will see that the property continues as working farmland. In order to ensure that the Cross House, along with the area around the house is conserved for future generations, designation is necessary.

### ***Designation should include:***

- Exterior of the house (see the Cross House SOS for specific Character Defining Elements)
- Yard surrounding the house (**Refer to Appendix #10: Map of Area to be Included in the Heritage Designation Bylaw**)

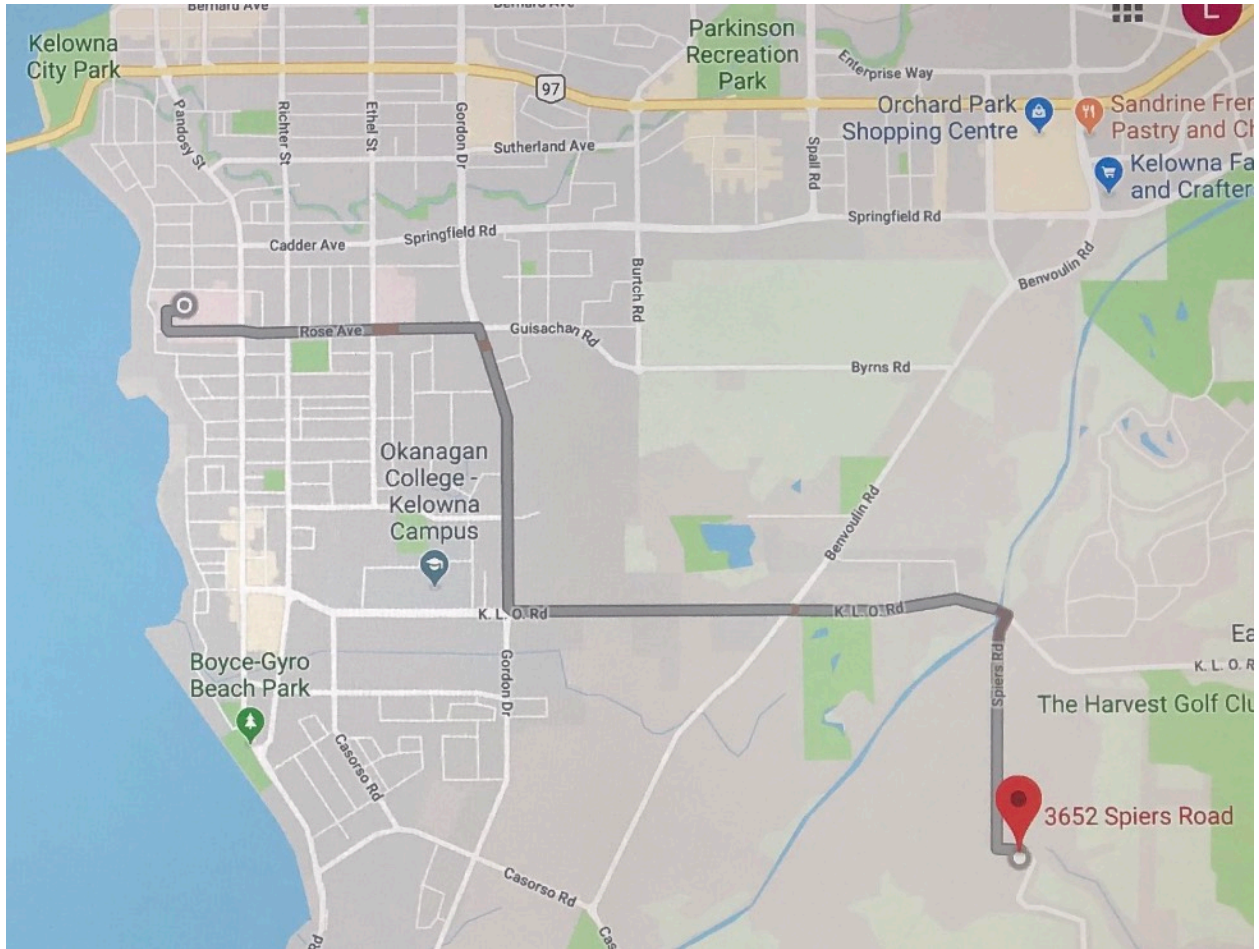
### ***Designation may include:***

- Interior Elements: window, door and floor trims/mouldings; main staircase to second storey; fir floors; ceiling beams on second storey foyer and main floor living room





# Appendix #1 : Map showing Original and New Location of Cross House



Source: Google Maps

## Appendix #2: Dutch Colonial Revival Style & Gabled Vernacular Architectural Styles

### Dutch Colonial Revival Style (1910 - 1940) Architectural Style

Source: <https://www.vancouverheritagefoundation.org/house-styles>



#### FORM

Dutch Colonial Revival buildings are symmetrical 2-storey houses, set near ground level, with double-pitched gambrel (“barn”) roofs almost always with side gables. Usually, a full-width shed-roof dormer occupies the front elevation. The front door is usually centred, often with a fanlight above. Windows are usually double-hung with shutters and often set in pairs or triples. Chimneys were set on the side wall. The cladding is usually horizontal lap siding, occasionally roughcast stucco.

#### BACKGROUND

Early 18th century Dutch and Huguenot settlements in the Hudson River Valley area inspired Dutch Colonial Revival architecture. The style shares similarities with the Georgian Revival popular in the same period, with symmetrical bays of windows and a centered front door. Like other colonial revival styles, Dutch Colonial Revival first reappeared after the American Centennial in 1876. It became more common in the interwar period (between WWI and WWII) as kit patterns in mail order catalogues made the style more accessible. It was one of the most popular designs of this era. The gambrel roof with its full second storey of space made the Dutch Colonial Revival house a practical choice for families. It is still a common style found in interwar suburbs.

#### DETAILS

- Gambrel roof (Barn roof)
- One storey with steeply pitched gambrel making a full second storey
- Either separate dormers or continuous shed dormer
- Central entrance
- Windows usually double-hung with shutters, set in pairs or triples
- Small pane windows
- Horizontal lap siding
- Side wall chimney

#### MATERIALS

Earlier Dutch Colonial Revivals usually had lap siding, a trait that still characterizes many homes of this style. In the thirties, roughcast stucco was more popular. Many have shutters, either ornamental or functional, emphasizing their windows. Green for trim, shutters, windows and doors was the most popular colour choice along with white siding. Some more upscale examples had foundations of concrete with a brick veneer.

**BELLCAST EAVE:** An eave that curves, or flares, outward like the flanges of a bell.

**GAMBREL ROOF:** A ridged roof having two slopes on each side where the lower slope is steeper than the upper (also called a “barn” roof).

**SHED DORMER:** A dormer with a single plane sloping roof.

#### Dutch Revival Characteristics:

(Source: Kelowna Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines)

Bell-cast, medium gambrel roof

Shed or gable dormers

Siding & ornamental- shingle & stucco

Up to 2 storey massing

Vertical double-hung window openings

Multiple pane windows (munton bars)

Wood shingle roofing (original)



## Gabled Vernacular (1886-1915) Architectural Style

Source: <https://www.vancouverheritagefoundation.org/house-styles>

### FORM

The most common surviving houses of old Vancouver, Gabled Vernaculars are 1-1/2 to 2-1/2 stories tall with front-gabled roofs; the roof may have a skirt across the bottom of the gable. In this style, the house is usually set a half to a full storey above the ground (due to the basement space required for central heating). Its full-width front porch commonly has a hipped roof held up by posts (typically round Tuscan-style). The front door is almost always set on one side of the facade in line with the front stairs and there may be a bay window on one side of the porch, sometimes repeated on the upper storey. Dormers may be hipped or gabled. Examples of the style usually have very few decorative elements such as brackets and fretwork.



### BACKGROUND

The Gabled Vernacular style drew on several popular styles, adapted them for simpler homes for everyday living in the late 19th – early 20th century. Following the rise of the Greek revival movement in the 19th century, gable-fronted houses became more common, with designs that echoed the pediments of ancient Greek temples. This style gained popularity for American homes between 1830 and 1850. Pre-fabricated houses like many of the BC Mills houses and mail-order plans made the style easy to access. Gabled Vernacular homes were common in Vancouver since their narrow two-storey form made front-gabled houses well suited for urban lots. Today, the style is one of the most common historical house styles left in the city.

### DETAILS

- Steeplly pitched, front-gabled roof
- Often roof skirt across bottom of gable
- Usually 2 to 2-1/2 storey
- Full-width porch
- Set a half- to full-storey above ground
- Few decorative elements
- Drop siding or narrow lap siding, sometimes shingles

### MATERIALS

Gabled Vernacular roofs were usually made of cedar shingles. Siding was usually drop siding with a pronounced channel or concave cove shape at the top of the board.

### Victorian Revival Characteristics: (shares some similarities with the Gabled Vernacular style)

(Source: Kelowna Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines)

Bell-cast, medium height gable roof

Returned eaves & projecting verges

Up to 2.5 storey massing

Vertical double-hung window openings

multiple pane windows (lead glass)

Front room bay-window

Wrap-around, open porch

Siding & ornamental- shingle & clapboard (vertical)

Corballed brick chimney cap

Wood shingle roofing (original)

Decorative Detailing

### Appendix #3: Summary of Cross House and Land Ownership

Note: compiled from Land Titles search (M. Haley) & Kelowna Public Archives -archival research (maps, telephone directories, voters lists, etc)

DATE	Land/Legal Address & Notes	Owner(s)
1884	Original Crown Grant	Joseph Gaston Lequime
1888	Original Crown Grant	Eli Lequime
1904	Original Crown Grant	Bernard Lequime
Mar 1904	Bought large piece of Lequime land	Thomas Stirling; William Pooley
Jan 1905	Bought approx 6,748 acres of the original Lequime land from Stirling & Pooley, to be subdivided into some smaller and larger agricultural/fruit lots	The Kelowna Land & Orchard Co Ltd
Apr 1908	Bought Lot 12 of Plan 186 (12 acres), valued at \$2,240 which had likely been subdivided into a fruit growing lot. This area is located between Strathcona Ave to the south, Royal Ave to the north, the lake to the west and Pendozi to the east.	Charles Marty; Justin Marty; Jean Marty
Oct 1908	Lot 12 of Plan 186 (12 acres) was bought by four investors/developers with a 1/4 share each for \$550 (total of \$\$2,200). These investors subdivided Lot 12, Plan 186 into 44 residential lots (Plan 535). After being subdivided, these new residential lots, near the new hospital were for sale.	Abel Gagnon (Building contractor); F.W. Groves; Henry Hewiston; William Mantle
June 1913	The 24 of 44 unsold lots (Plan 535) were acquired by a new investment group (for about \$8,000). The lots included: 9,13-19, 21, 23, 25-26, 28-39.	Adelaide Burne; Anthony Temple, William Knox; Philip Du Moulin; Edward Carruthers; Henry Heweston
July 14, 1913	Bought Lots 13 & 14 of Plan 535 for \$1,000. It is likely that it was R. Butler, building contractor, who built the Cross House in 1913 on both lots. 1914 Richard Butler listed in Ok Telephone Directory, no address 1916 Richard Butler listed in Ok Telephone Directory, Strathcona Ave (no street #)	Richard W. Butler (Building contractor/ Carpenter)
1924	Strathcona Ave Not listed in Ok Telephone Directory	George Hewson
Mar 1925	Bought Lots 13 & 14 of Plan 535, with a \$6,000 mortgage. 1926, '28, '29, '36 E.L. Cross listed in Ok Telephone Directory, 248 Strathcona Ave 1938 Ok Telephone Directory new address: 202 Strathcona Ave	Elwood L. Cross (Manager) & Islay E. Cross



DATE	Land/Legal Address & Notes	Owner(s)
1944	202 Strathcona Ave	Thomas Robinson (Merchant) & Monica Robinson
1946	388 Strathcona Ave Sept 1946 Ok Telephone Directory new address	Edwin Franklyn (Merchant) & (Janet) Arvilla Franklyn
Aug 1948	Lots 13 & 14, District Lot 14, Group 1 of Plan 535 388 Strathcona Ave	Alfred Fournier; Stanley J. Bare (listed as lawyers with address on Water St)
Jan 1949	Lots 13 & 14, District Lot 14, Plan 535 388 Strathcona Ave 1952 Ok Telephone Directory new address: 2238 Long Street	Patrick O'Neil & Mary O'Neil (Children's Retail- Leslie's Ltd on Bernard)
July 1967	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Mary O'Neil 'widow' living at 1291 Bernard Ave
Feb 1975	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Martha Virag (estate of John Virag)
1977	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Joseph De'Andrea & Jessica Luhmann
1979	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Pebcar Enterprises on Ellis St.
Oct 1979	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay Dotten (First Aid Attendant)
Sept 1980	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay Dotten (2238 Long St); Joseph Karp (Winnipeg); James Hughes (North Vancouver)
Feb 1983	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay (Dotten) Karp (Registered Nurse) & Joseph Karp (Businessman) living at 2238 Long St; James Hughes (Businessman from North Vancouver)
Nov 1991	Lots 13 & 14, District Lot 14, Plan 535 2238 Long Street	Fay (Dotten) Karp (Registered Nurse) & Joseph Karp (Businessman) living at 2238 Long St)
Oct 1994	2238 Long Street	Kelowna & District Hospital
July 1995	Moved to 3652 Spiers Road on Sept 25, 1995	Mark Haley & Julie Haley (Julie, Mark's sister, owns the land)
2019	3652 Spiers Road	Mark Haley will retain a Life Lease on the Cross House, once it is donated to a not-for-profit

Appendix #4: R. W. Butler purchase of Lots 13 and 14, Plan 535, July 14, 1913

Absolute fee required.

No. 2569

15/257

RECEIVED AT  
Land Registry Office  
OCT 15 1913  
KAMLOOPS, B. C.

LAND REGISTRY ACT.  
FORM "A"

Date Oct. 7, 1913

I, ANTHONY TEPLER of Kelowna, B.C., declare that I am (or Solicitor for ~~James J. Burns et al~~) R.W. Butler of Kelowna, B.C., and that he is entitled to be registered as the owner in fee of the real estate hereunder described, and he claims to be registered accordingly.

The fee is registered in Vol. \_\_\_\_\_, Fol. \_\_\_\_\_ of Fees Book.

TOWN OR DISTRICT.	LOT OR SECTION.	ADMEASUREMENT OR ACREAGE.
City of Kelowna	Lots 13 and 14, Plan 535	1285 <sup>+</sup> 1301 <sup>+</sup> 15/135

DATE.	PARTIES.	CHARACTER OF DEED.
July 14, 1913	A.E. Burns et al to R.W. Butler	Conveyance in fee

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is One thousand dollars, and that the title deeds mentioned herein are all those in my custody, possession, or power, and in the best of my belief in the custody, possession, or power of my principal, relating to the same; and (in the case of an agent) I am duly authorized by the above-named R.W. Butler to make this application, and am of the full age of twenty-one years.

And I make this solemn declaration for the purpose of the same being acted upon under the provisions of the "Land Registry Act," conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act."

DECLARED before me this 6<sup>th</sup> day of October, 1913, at Kelowna, British Columbia.

(Signature) Anthony Tepler

John J. Burns  
Solicitor  
Public


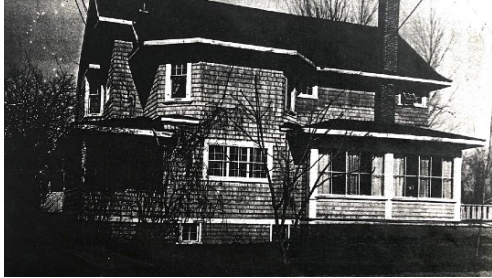

40,000/1913

Source: Kamloops Land Titles Office







## Appendix #5: Alteration History of the Cross House:

The Cross House has undergone a number of alterations, including a move, since it was built. A summary of the changes includes:

Year	Event	Impacts and Changes
1909-1913	<p>The house was likely built by Ricard W. Butler in 1913, after purchasing the property (lots 13 &amp; 14, plan 535) from Adelaide E. Burne (&amp; partners) on July 14, 1913 for \$1,000.</p> 	<p>Large vernacular 2.5 storey house with elements of different traditional styles built on both lot 13 and 14. The house faced Pendozi St. (east), with its back towards the lake (west). The house was built on the northwest corner of Strathcona Ave and Long St.</p>
Late 1920s -1930s	<p>The porch with the roof overhang on the south side of the house was glassed-in to create an unheated sitting area.</p> 	<p>This early alteration is in keeping with the style and character of the building and its function as a home in the Okanagan Valley. The glassed-in area was retained when the house was moved to its new site.</p>
Late 1920s -1930s	<p>The front entry area was screened-in under the overhang of the roof.</p> 	<p>This early alteration would have been practical in the summer to keep out insects. The screened-in area on the north end of the front porch was removed at some point. This was likely when the roof overhang was extended over the whole front porch.</p>
1940s - 1950s	<p>The house originally had an open front porch, with a slight overhang that was almost even with the front bay window. The roof was later extended over the porch, likely after the Cross family owned it and before the 1960s when permits were recorded in the City Files.</p>	<p>The extension of the roof over the porch, although practical, does have an impact on the appearance of the house. Over time, this change has become part of the vernacular styling of the building.</p>

Year	Event	Impacts and Changes
1966	<p>North side addition was built. (14' x 21' recorded in the City Files)</p> 	<p>This addition was added as a separate (rental) suite to the main house on the north side. The window (identical window is near the northeast corner on the front facade) on the north side, near the northeast corner was filled in when the addition was built. A door leading out of the house into the addition was put in.</p>
1970s	<p>The last asphalt shingle roof, before the house was moved, was likely installed sometime in the 1970s.</p>	<p>The original roof would have been wood (cedar) shingles. The wood shingle roof was replaced at some point with (red) asphalt shingles.</p>
1994 - 1995	<p>The Kelowna &amp; District Hospital bought the remaining lots and houses on Long Street (between Strathcona Ave and Royal Ave) in order to clear the land to build the new Kelowna Cancer Clinic.</p>	<p>The Cross House, along with a number of other houses were put up for auction. They were to be demolished if not sold.</p> <p>The Cross House was sold to Mark Haley in September 1995.</p>
September 1995	<p>The house was moved to its new location on Spiers Road. In order to move the house, the roof with the attic area was cut off the top of the house and moved separately due to the size and height of the house.</p> <p><i>Note: The Cross House was relocated very close to where the original Berard farmhouse once sat. The farmhouse and barn were torn down in the late 1960s.</i></p> 	<p>The house was moved onto a new concrete foundation with a full basement suite with access from the back of the house under the kitchen window.</p> <p>The house is higher than it originally was. There are now 6-7 front steps compared to the original 4-5. The original foundation was a partial basement with small (2 over 2) windows. Additional and larger windows have been added (3 over 2). The newer concrete foundation is visible, unlike the original foundation which was faced with wood shingles.</p> <p>The added height and the modern concrete foundation has some affect on the character of the Cross House.</p> <p>The house is more prominent on its new site (with both the added height of the basement and location on the top of the hill) which is a positive change.</p> <p>The foundation stands out, which could be better disguised with a shingle cladding (like on the original foundation) and landscaping.</p>



Year	Event	Impacts and Changes
1995-present	<p>The Cross House has undergone conservation work on both the exterior and the interior, since it was moved. The house was in need of major work in order to rehabilitate it for its new use as a community venue and as a B &amp; B. The house was in fair condition and in need of repairs and maintenance work prior to its move.</p>    	<p>The following work on the exterior was undertaken once the house was moved:</p> <ul style="list-style-type: none"> <li>-The roof overhang and front porch was rebuilt in a similar style. The porch balustrade was rebuilt in a similar style to the original, but is built higher to meet the 1995 building code. Railings on the stairs were added as well.</li> <li>-The north facade underwent a number of changes: the northeast corner window was not restored, but was filled in with new shingles. The door that was created into the 1960s addition was filled in and re-shingled. The second original/early door on the north facade that would have led outside from the house was removed and filled in.</li> <li>-The brick chimney was removed before the house was moved and rebuilt on the south facade.</li> <li>-The back kitchen window was raised up slightly, in order to renovate the kitchen.</li> <li>-The original/early screened-in porch located at the southwest corner of the back of the house underwent two changes when the building was moved: the screens were removed and access off of the porch was removed (the stairs removed). This has changed the function and access to the porch. However, the new basement entry was required as this leads into the owner's basement suite (and interior access into the main house). An overhang has been added which connects to the workshop built behind the house.</li> <li>-The south facade had a new shed roof dormer installed (attic) using similar materials as the house.</li> </ul> <p><b>Roof:</b> The house has had portions of the roof replaced since it was moved. The front roof over the porch is finished in wood shingles, similar to the house and original shingles. The shingles have not been stained or painted and have been left to weather naturally. A couple of areas still have the wood shingles, while the main roof is red asphalt shingles, similar colour to the roof when the house was moved to its new location.</p> <p><b>Colour Schemes:</b> The b&amp;w photos from the Cross family indicate that the house was painted a medium tone colour with light trims and sashes (cream or warm white). When the house was moved, the siding colour was bright white with dark green trims. The 1983 Heritage Inventory photos and record indicate a similar white and green colour scheme. When the north side addition was removed, an earlier colour, a grey-blue was revealed. The current owner has painted the shingle siding a similar grey-blue colour with white trims.</p>

# Appendix #6: Kelowna Heritage Inventory Forms, 1983

B.C. HERITAGE BUILDING INVENTORY  
FIELD RECORDING FORM

SITE IDENTIFICATION ZONING R-1a

Site No.:	Land Dist.:	Sec: 13
Reg Dist:	Dist Lot:	R: 6430
City: Kelowna	Tp: 25	Blk: 13
Street: Long Street	Plan No.: 535	
Number: 2238		

Present Name: \_\_\_\_\_  
 Present Function: residence  
 Present Occupation/Daily Use: \_\_\_\_\_  
 Present Owner: Fay Dotten 763-1590  
 Original Function of Bldg: \_\_\_\_\_  
 Original Location of Bldg if Different: \_\_\_\_\_  
 Date Built: pre. W.W.I Source (if estimate, state): \_\_\_\_\_  
 Architect: \_\_\_\_\_ Builder: \_\_\_\_\_  
 Associated Outbuildings: garage  
 Surrounding Environment: hospital area, fenced yard  
 Historical Information: \_\_\_\_\_  
 Additional Information or sources: \_\_\_\_\_

LOCATION MAP (use sketch or photocopy of street plan) *1903-1904 BUILT*

Name of Recorder: Helen Peters Date of Record: Jan. 11, 1983

DESCRIPTION

Dimensions (front): \_\_\_\_\_ (side): \_\_\_\_\_ (height): \_\_\_\_\_  
 Number of Storeys: 2 1/2 Height Basement/Crawlspace: \_\_\_\_\_  
 Exterior Wall Material: shingle Cond: good  
 Exterior Wall Colour: white with green trim  
 Roof Material: shakes Cond: some moss  
 Construction Method Building: frame  
 Construction Method Foundation: concrete block m/c

Interior Details: \_\_\_\_\_  
 Exterior Details: roof-gambrel with bell-cast over dormers, gable eave, 2 storey bay windows side and back, front verandah and 1  
 Alteration History: storey bay, back screen porch  
 Overall Condition: good  
 Work Needed: fence repair

PHOTOGRAPHIC RECORD *done - see photo file*

Storage Location of Originals: \_\_\_\_\_  
 File Type: \_\_\_\_\_ Film No.: \_\_\_\_\_ Frame No.: \_\_\_\_\_  
 Identify: FRONT, SIDES, REAR, DETAILS OF INTEREST, ETC.

(affix contact prints)

HERITAGE EVALUATION SHEET

NAME: \_\_\_\_\_  
 LOCATION: 2238 LONG ST.  
 REFERENCE NUMBER: \_\_\_\_\_

A. HISTORIC VALUES (maximum 40 points)				
People (maximum 40 points)	E	VS	G	N/A
1) settlers	5	3.75	2.50	0 N/A
2) officials	5	3.75	2.50	0 N/A
3) professions	5	3.75	2.50	0
4) culture	5	3.75	2.50	0 N/A
B. ARCHITECTURAL VALUES (maximum 40 points)				
5) style	5	3.75	2.50	0
6) architect	5	3.75	2.50	0
7) construction	5	3.75	2.50	0
8) design	5	3.75	2.50	0
9) age	5	3.75	2.50	0
10) continuity	5	3.75	2.50	0
11) setting	5	3.75	2.50	0
12) landmark	5	3.75	2.50	0
C. LANDSCAPE AND ECOLOGICAL VALUES (FOR FEATURES OLDER THAN BUILDINGS) (maximum 40 points)				
13) continuity	10	7.5	5	0
14) landmark	10	7.5	5	0
15) ecology	10	7.5	5	0
16) aesthetics	10	7.5	5	0
D. EDUCATIONAL AND SCIENTIFIC VALUES (maximum 40 points)				
17) site integrity	2.5	1.6	.83	0
18) alterations	2.5	1.6	.83	0
19) information	2.5	1.6	.83	0
20) accessibility	2.5	1.6	.83	0
E. ECONOMIC VALUES (maximum 40 points)				
21) compatibility	2.5	1.6	.83	0
22) adaptability	2.5	1.6	.83	0
23) cost	2.5	1.6	.83	0
24) public	2.5	1.6	.83	0
TOTAL SCORE				82

EVALUATED BY: \_\_\_\_\_

INTERPRETATION OF HERITAGE EVALUATION SHEET

POINTS	SCORE	INTERPRETATION	POLICY
75 - 100	A	of major significance	preservation
50 - 74	B	of importance	conservation
25 - 49	C	of value in adding texture	maintenance
0 - 24	D	of little or no value	replacement



Source: Kelowna Public Archives



# Appendix #7: Kelowna Heritage Register Forms, 1997-99

**Kelowna Heritage Register**

Street Number: 3652 Street Name: SPIERS RD KD: 282234 ID Number: 357

Building Construction: wood frame Foundation Construction: concrete

Roof Type: gable with belcast side, shed roof additions, several irregularities, shed roof dormers Window Types: D/I G/T, casement multi-pane (6 & 12)

Exterior Wall Material: wood shingles Landscape Features: 30-35 acres of farmland, pastoral setting

Original Wall Material: presumed same Associated Outbuildings: none

Alterations Documented: 1966 14'x21' addition; 1970 garage; 1995 demolition (moved from downtown). Auctioned off by Kelowna General Hospital to make room for Cancer Clinic.

Alterations Observed:

Site Context: Set amongst farms of similar size

Sources: STREET FILES; K/H/I; WRIGLEY'S 1922-24; SUN 1936-39; History of Rutland, 1858-1971, pp. 55-56; Mark Haley (current owner).

Additional Notes and Comments: Moved from original location, 2238 Long St., in 1995, as part of clearance for hospital expansion. In 1941 address was 202 Strathcona. Letter of nomination from Mark Haley 6 May, 1997 [current resident of 3652 Spiers Rd].

Additional Observations:

Updates:

History Researcher: David Dandy Research Date: 11/3/1997 Field Recorder: Leigh-Ann Carter Field Record Date: 7/15/1997

**Kelowna Heritage Register**

Street Number: 3652 Street Name: SPIERS RD Post-IT Fax Note: 7671E Date: # of Pages: 357

To: Sue Haley From: Greg Routley

Co. Dept: City of Kelowna

Phone #: 862-3537 (466)

Fax #: 860-6108 Fax #: 862-3320

Name(s) of Building: Cross House

Neighbourhood: East Kelowna

Date Built: 1909 Date Documented? Designated? 1983 Inventory Class: Number of Storeys: 2

Historical Significance: Associated with Elwood Cross and Patrick O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

Architectural Significance: Unusual variant of gable front house (roof bay windows etc.); it is interesting for its details and character. Retains its character despite having been moved from an urban to a rural context.

Style/Character: rural vernacular farm house

Design Description/Features: A gable-end house with a number of eclectic alterations/features. Full width-front verandah, belcast/semi-gambrel roof to right, unusual window arrangement in 2nd storey, brick side-wall chimney, partially enclosed verandah.

History: Believed built about 1900 by Abel Gagnon, house was owned 1913-24 by Richard W. Butler. From 1925-1944 owned by Elwood L. Cross and then his wife Isley Cross, who came from Winnipeg in 1910, was manager of Dominion Cannery B.C. Ltd. in 1920s and then c. 1925 built cannery in Rutland which canned fruits and vegetables until it burned in the early 1930s. In 1950s house owned by Patrick J. and Mary D. O'Neil, secretary & president of Leslie's Ltd., a children's wear store at 320 Bernard.

Architect: unknown

Builder: Abel Gagnon

Photo Reference: CD4.62-04 Photographer: Leigh-Ann Carter Photo Date: 7/15/1997

Original Use: Residential Current Use: Residential

- 1 - 1/26/1999



**Kelowna Heritage Register: Work Sheet**

ID Number: 357 Date of Evaluation: 8/12/97

Street Number and Name: 3652 Spiers Road

	Grade	Reason
<b>HISTORICAL VALUES</b>		
A.1 Association / Pattern	E VG (G) F P	late cross, Cross + O'Neil typical - Community - important hospital expansion
A.2 Age	(E) VG G F P	1909
<b>ARCHITECTURAL VALUES</b>		
B.1 Style / Type / Design	E (VG) G F P	Unusual variant of gable front house (orig. gambrel, etc.). Late exterior details - porch
B.2 Construction	E VG G (F) P	
B.3 Architect / Designer / Builder	E VG G (F) P	Gagnon
B.4 Integrity	E VG (G) (X) P	Moved - urban to farmland - 80% character intact preserved (to some)
<b>CONTEXTUAL VALUES</b>		
C.1 Continuity	E VG G (F) P	Moved, diff. context
C.2 Landmark / Recognition	E VG G (F) P	Not known

Score: Rank: Date: Revision:



Source: City of Kelowna City Files

## Appendix #8: Kelowna Heritage Register Evaluation Criteria Definitions

### A. Architectural History

**1. Style and/or Type:** A building's style representative of the City's significant development periods; or a building type associated with a significant industrial, commercial or transport activity.

Excellent (E) 35	<ul style="list-style-type: none"> <li>An excellent example of a style or type in Kelowna</li> <li>A rare surviving or very good example of a style or type in Kelowna</li> <li>One of the earliest, very good examples of a style or type in Kelowna</li> </ul>
Very Good (VG) 18	<ul style="list-style-type: none"> <li>A very good example of a style or type in Kelowna</li> <li>A good example of a style or type that is notably early in Kelowna</li> </ul>
Good (G) 12	<ul style="list-style-type: none"> <li>A good example of a style or type that is common in Kelowna</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>An average example of style or type that remains common in Kelowna</li> </ul>

**2. Design:** A building's notable or special attributes of an aesthetic or functional nature. This may include massing, proportion, scale, layout, materials, detailing, colour, texture, fenestration, ornamentation or artwork.

Excellent (E) 30	<ul style="list-style-type: none"> <li>A design which is outstanding in comparison with other examples</li> </ul>
Very Good (VG) 15	<ul style="list-style-type: none"> <li>A design which is equal to several other examples of recognizable superior or special quality</li> </ul>
Good (G) 10	<ul style="list-style-type: none"> <li>A design which incorporates several special aesthetic or functional attributes</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>A design of no special significance or quality</li> </ul>

**3. Construction:** A building's unique or uncommon building materials, or its historically early or innovative method of construction.

Excellent (E) 15	<ul style="list-style-type: none"> <li>One of the earliest known uses of an important or special material or method</li> <li>A now rare and out-of-use material or method</li> </ul>
Very Good (VG) 8	<ul style="list-style-type: none"> <li>One of the earliest known surviving uses of an important or special material or method</li> <li>A notable or out-of-use material or method of which several examples survive</li> </ul>
Good (G) 5	<ul style="list-style-type: none"> <li>An out-of-use material or method which is typical of a period and still commonly found</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>An example of no particular significance</li> </ul>

**4. Designer / Builder:** A building's architect, designer, engineer and/or builder who has made a significant architectural contribution to the city, province or nation.

Excellent (E) 15	<ul style="list-style-type: none"> <li>An architect, designer, engineer and/or builder who was responsible for establishing or advancing a style, design or construction method that was significant and influential in the city, province or nation</li> </ul>
Very Good (VG) 8	<ul style="list-style-type: none"> <li>An architect, designer, engineer and/or builder whose works are of considerable importance to building and development in the city, province or nation.</li> </ul>
Good (G) 5	<ul style="list-style-type: none"> <li>An architect, designer, engineer and/or builder of some importance to building and development in the city, province or nation.</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>An architect, designer, engineer and/or builder, unknown or of no known significance.</li> </ul>



## B. Cultural History

**1. Historical Association:** A building's direct association with a person, group, institution, event, or activity that is of historical significance to the city, province or nation.

Excellent (E) 35	<ul style="list-style-type: none"> <li>• Closely connected with a person, group, institution, event or activity that is of considerable importance</li> </ul>
Very Good (VG) 18	<ul style="list-style-type: none"> <li>• Closely connected with a person, group, institution, event or activity that is of moderate importance</li> </ul>
Good (G) 12	<ul style="list-style-type: none"> <li>• Connected with a person, group, institution, event or activity that is of moderate importance</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• Little or no known historical association</li> </ul>

**2. Historical Pattern:** A building's association with broad patterns of local area or civic history including ecological, social, political, economic or geographic change. In urban settings, a building's recognition of street pattern and infrastructure.

Excellent (E) 30	<ul style="list-style-type: none"> <li>• A building that can be directly linked to the establishment of an historical pattern of civic importance</li> </ul>
Very Good (VG) 15	<ul style="list-style-type: none"> <li>• A building that can be directly linked to the establishment of an historical pattern of local area importance</li> <li>• One of earliest surviving examples in a local area</li> </ul>
Good (G) 10	<ul style="list-style-type: none"> <li>• A building that provides strong evidence of an historical pattern of local area or civic importance</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• A building of little known association with a recognizable historical pattern</li> </ul>

## C. Context

**1. Landscape / Site:** An intact historical landscape or landscape features associated with an existing building, or a particularly notable historical relationship between a building's site and its immediate environment including original native trees and topographical features.

Excellent (E) 15	<ul style="list-style-type: none"> <li>• Landscape comprised of numerous, significant landscape features which are directly related to the building's style, design and history</li> <li>• A notable and intact historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were part of the building's original function or traditional urban environment</li> </ul>
Very Good (VG) 8	<ul style="list-style-type: none"> <li>• A landscape which includes several dominant features which are directly related to the building's style, design and history</li> <li>• An altered but still strongly apparent historical relationship between a building's site and its immediate urban environment or related geographic features</li> </ul>
Good (G) 5	<ul style="list-style-type: none"> <li>• A landscape which includes one or two important features which are directly related to the building's style, design and history</li> <li>• An altered but recognizable historical relationship between a building's site and its immediate urban environment or related geographic features</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• No significant and recognizable landscape features or building /site relationship</li> </ul>

**2. Neighbourhood:** A building's continuity and compatibility with adjacent buildings and visual contribution to a group of similar buildings.

Excellent (E) 20	<ul style="list-style-type: none"> <li>• A building that is an important part of a visually prominent and notable group of buildings of similar style, type or age, in an area of compatible use</li> </ul>
Very Good (VG) 10	<ul style="list-style-type: none"> <li>• A building which forms part of a contiguous group of similar style, type or age in an area of compatible use</li> </ul>
Good (G) 6	<ul style="list-style-type: none"> <li>• A building which is part of a contiguous group of similar style, type or age in an area of incompatible use</li> <li>• A building which is not part of a contiguous group of similar style, type or age, but is in an area of compatible use</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• A building which is not part of a group of buildings of similar style, type or age and is in an area of incompatible use</li> </ul>

**3. Visual / Symbolic Importance:** A building's importance as a civic or local area landmark; a building's symbolic value to a neighbourhood or the city.

Excellent (E) 25	<ul style="list-style-type: none"> <li>• A landmark building of importance</li> <li>• A building of significant symbolic value to the city</li> </ul>
Very Good (VG) 13	<ul style="list-style-type: none"> <li>• A major landmark within a local area</li> <li>• A building of symbolic importance to a local area</li> </ul>
Good (G) 8	<ul style="list-style-type: none"> <li>• A neighbourhood landmark</li> <li>• A building of symbolic importance to a neighbourhood</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• A building of no landmark or symbolic significance</li> </ul>

## D. Integrity & Condition

**Integrity:** A measure of the impact of changes to the building on the appreciation of its style, design, construction or character. Alterations considered to be reversible (e.g. later sidings that can be removed) should tend to be scored as minor. Alterations which are not reversible, and which have resulted in loss of original building fabric, should tend to be scored as major.

**Condition:** A measure of the current state of the building

Excellent (E) 25	<ul style="list-style-type: none"> <li>• A building with no alterations that detract from its style, design, construction, or character</li> </ul>
Very Good (VG) 13	<ul style="list-style-type: none"> <li>• A building with one or more alterations, the effect of which is recognizable but does not significantly detract from the style, design, construction or character</li> </ul>
Good (G) 8	<ul style="list-style-type: none"> <li>• A building with a major alteration and/or a combination of several minor alterations, the effect of which detracts from the style, design, construction or character.</li> </ul>
Fair/Poor (F/P) 0	<ul style="list-style-type: none"> <li>• A building of no landmark or symbolic significance</li> </ul>



## Appendix #9: Cross House- Statement of Significance (SOS) -Original with Recommended Revisions



Associated with Elwood Cross and Patrick and Mary O'Neil, local business leaders in the agricultural-processing and retail trades. Sold by Kelowna General Hospital to make room for the Cancer Clinic.

**Place Description:** The historic place is the two and a half storey wood-frame Cross House, built in (1909-replace)1913 and located at 3652 Spiers Road in the rural South East Kelowna neighbourhood.

**Heritage Value:** The heritage value of the Cross house, which has been moved from the South (Central- replace) Pandosy Neighbourhood to South East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its architectural characteristics.

**Replace sentences:** The house, originally located at 202 Strathcona Avenue, is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

**New sentences:** The house, originally located at 248 Strathcona Avenue (address changed to 202 and then to 388 Strathcona Ave), was likely built in 1913 by Richard W. Butler, a local building contractor. Butler and his wife Gertrude lived in the house until 1924.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo- Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. The O'Neils owned the house for 26 years.

In 1995 the house was removed from its original site to make way for the new Cancer Clinic (Sindi Ahluwalia Hawkins Centre) behind the Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in South East Kelowna. The house now sits on a rise on its new site in the same location as the property's original farmhouse.

**Replace sentence:** Its architectural features are unusual including its roof combines gable and gambrel forms.

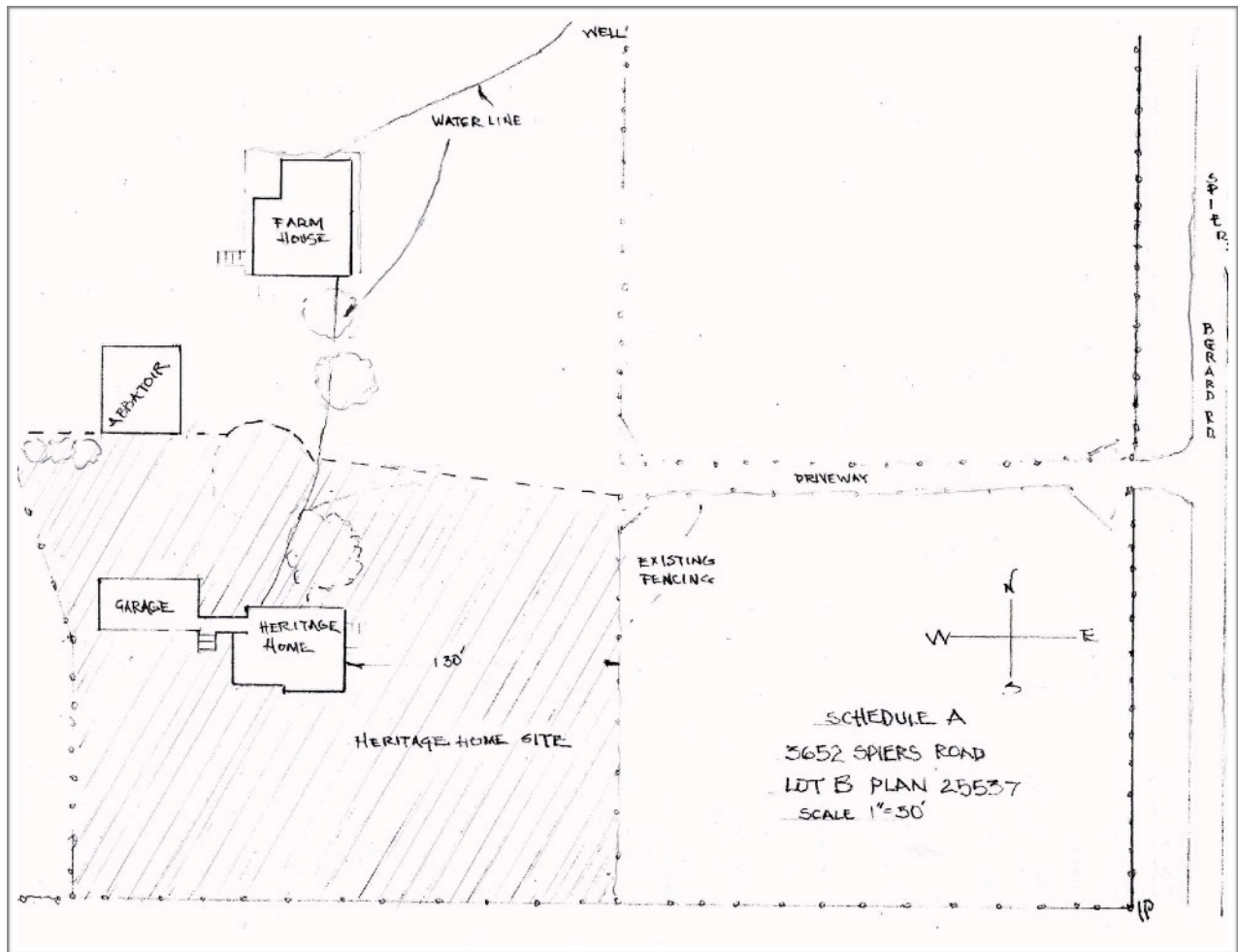
**New sentence:** The Cross House is a vernacular gable-front building with a number of unusual architectural elements including its bell-cast roof that combines the gable and gambrel forms. The asymmetrical design, along with the unusual mix of architectural features, makes this a very unique house in Kelowna.

### Character Defining Elements

**ADD-** Key elements that define the heritage character of the Cross House include its:

- **Add-** Rural setting on a farm in South East Kelowna, with the house set on a rise surrounded by broad lawns, raised gardens, and a couple of mature trees
- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch  
**Replace** extension with overhang
- **Add-** Asymmetrical design and features
- Unusual bell-cast roof, gable-like with returned eaves on one side and gambrel-shaped (i.e. double-sloped) (**Remove-** with bell cast eave) on the other
- **Add-** Shed roof side dormers
- **Add-** Bay windows (front first-storey & two second-storey with no middle window)
- **Add-** Front full-width partially enclosed wrap-around verandah
- **Add-** Back porch with overhang
- **Remove-** Entrance porch with wood posts
- **Change to:** Brick side-wall chimney (from Corbelled brick chimney)
- Wood shingle wall cladding
- 6-over-1 (**Remove-** and 4-over-1) double-hung wood sash windows **Add-** and multi-paned wood casement windows

# Appendix #10: Map of Area to be Included in the Heritage Designation Bylaw



Source: Mark Haley

## **Research Resources:**

B.C. Historical Newspapers

Buckland, F.M. Ogoopogo's Vigil: A History of Kelowna and the Okanagan. Kelowna, BC, 1948.

City of Kelowna Heritage Register, Statement of Significance for 3652 Spiers Road

City of Kelowna Heritage Register Assessment and Evaluation Forms and Photos for 3652 Spiers Road, 1997-1999

City of Kelowna: Official Community Plan (OCP), Zoning Maps, Heritage Register Evaluation Criteria (2012), Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines (1997), etc

Cross Family Fonds

Gray, Art. Tales of Bygone Days. ND

Haley, (Mark) Family Fonds

Hobson, Robert. Kelowna Heritage Resource Inventory: A Report to the Kelowna Heritage Advisory Committee, Dec. 1983

Kamloops Land Titles Office

Kelowna Heritage Inventory and Evaluation Forms and Photos for 2238 Long St, 1983

Kelowna Public Archives (KPA): Archival Maps, Photographs, Telephone Directories, Voting Lists, etc

Okanagan Historical Society (OHS) Reports, various years

Site and Neighbourhood Visit for assessment and current photos

Simpson, Sharron. Kelowna General Hospital: The First 100 Years 1908-2008. Manhattan Beach Publishing, Kelowna, 2008.

Stacha, (Eleonore) (and Sarama) Family Fonds

Vancouver Heritage Foundation website: Style Guide





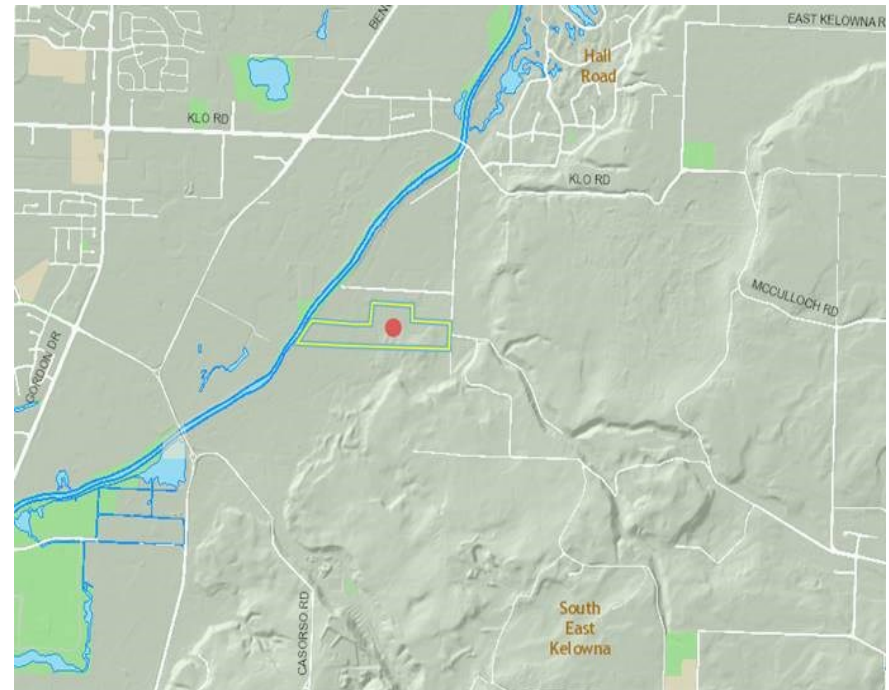
# Request for Heritage Designation

3652 Spiers Road



# 3652 Spiers Road

- ▶ Currently on the Kelowna Heritage Register
- ▶ Requesting Heritage Designation
  - ▶ Seeking long-term protection through Bylaw
  - ▶ Registered on Title



South East Kelowna  
– near Mission Creek Greenway

# Heritage Value



City of Kelowna





*Questions?*

# CITY OF KELOWNA

## BYLAW NO. 12003

### HD20-0001 – Heritage Designation Bylaw - 3652 Spiers Road

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WHEREAS the Municipal Council of the City of Kelowna considers the building known as the “Cross House” located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the Local Government Act is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule “B” attached to this bylaw located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the Local Government Act is desirable for the conservation of the site;

AND THAT, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The building known as the Cross House situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the Local Government Act.
2. The site envelope as indicated by Schedule “B” attached to this bylaw, situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the Local Government Act.
3. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit approved by Council, no person shall:
4. Alter the exterior of any building situated on the property designated by this bylaw;
5. Make a structural change to a building or structure situated on property designated by this bylaw;
6. Move any building situated on the property designated by this bylaw; or
7. Alter, excavate or build on land designated by this bylaw.
8. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
9. Normal day to day maintenance and repairs
10. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 12003 the Cross House.

AND FURTHER THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 12003 the Cross House.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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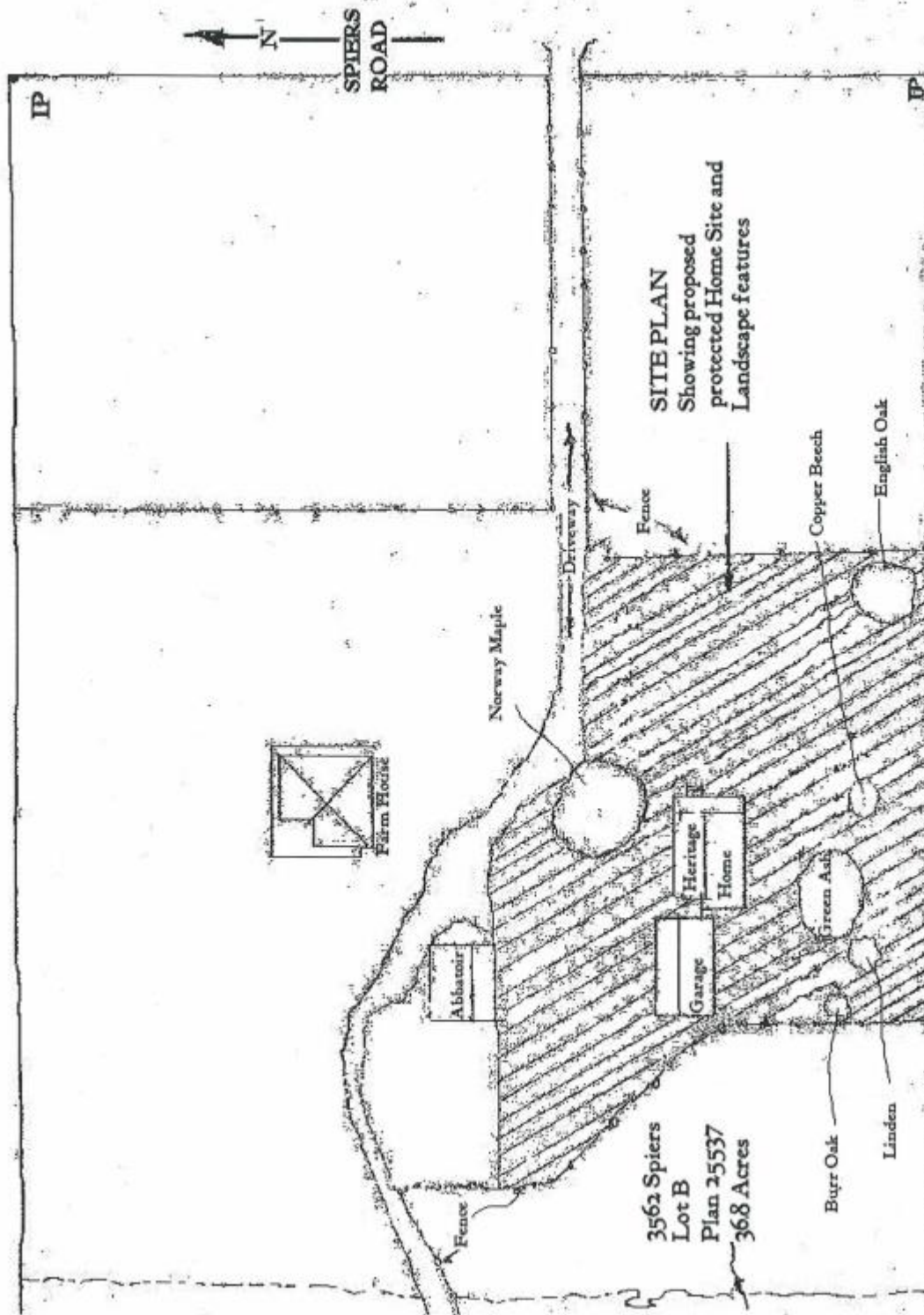
Mayor

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City Clerk



Schedule B – Site Envelope – 3652 Spiers Road



# Report to Council



**Date:** March 2 2020  
**To:** Council  
**From:** City Manager  
**Subject:** Z18-0033 Bylaw No. 11772 Extension Request Nickel Rd 250  
**Department:** Development Planning Department

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## **Recommendation:**

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11772, for Lot A Section 27 Township 26 Osoyoos Division Yale District Plan EPP90723 for 250 Nickel Road, Kelowna, BC, be extended from March 26, 2020 to March 26, 2021;

AND THAT Council directs Staff to not accept any further extension requests.

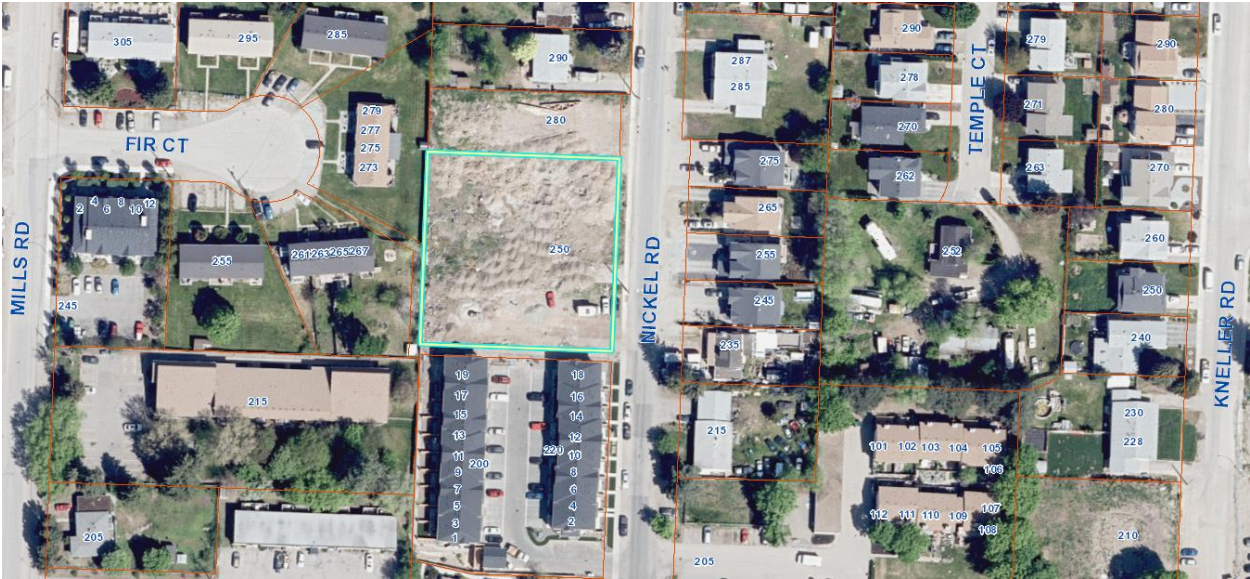
## **Purpose:**

To extend the deadline for adoption of Rezoning Bylaw No. 11772 to March 26, 2021.

## **Community Planning**

Rezoning Bylaw No. 11722 received second and third reading at a Regular Meeting of Council held on March 26, 2019. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements for the Development Engineering Department. The applicant has made progress and is confident all conditions of the Development Engineering Department will be met prior to March 26, 2021. Staff are recommending that Council supports extending the deadline for adoption for Rezoning Bylaw 11772 to March 26, 2021.

**Subject Property Map: 250 Nickel Road**



**Submitted by:** Heather Benmore, Administrative Clerk

**Approved for inclusion:** Terry Barton, Development Planning Department Manager

**cc:** Arlene Janousek, Planner