

DISTRICT OF WEST KELOWNA

HERITAGE DESIGNATION BYLAW 2009 NO. 0044

A bylaw to designate the Goldie Residence as a protected heritage building.

WHEREAS the *Local Government Act*, R.S.B.C. 1996, c.323 provides Council with authority, by bylaw, to designate real property, in whole or in part, as protected heritage property, on terms and conditions it considers appropriate;

AND WHEREAS the registered owners of land at 2550 Butt Road have requested that Council designate the residential building identified as the Goldie Residence on the land as a protected heritage building;

AND WHEREAS Council considers that the residential building identified as the Goldie Residence located on the property identified as 2550 Butt Road has significant heritage value and character and is a prominent and valued heritage building in the District.

AND WHEREAS Council considers that designation of the residential building identified as the Goldie Residence located on the property identified as 2550 Butt Road as a protected heritage building under the provisions of the *Local Government Act* is necessary and desirable for its conservation;

AND WHEREAS the District has amended the zoning of the land at 2550 Butt Road to permit the continued use of an existing additional residential building on the land to compensate the owners for the designation effected by this Bylaw, and the owners have accordingly waived any entitlement to compensation under s. 969 of the *Local Government Act*;

NOW THEREFORE the Council of the District of West Kelowna, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "HERITAGE DESIGNATION BYLAW 2009 NO. 0044, (2550 BUTT ROAD)".

INTERPRETATION

2. In this Bylaw, the terms "heritage value", heritage character" and "alter" have the corresponding meanings given to them in the *Local Government Act*.

DESIGNATION

3. The residential building known as the Goldie Residence located on the property identified as 2550 Butt Road in the District of West Kelowna, British Columbia, on land legally described as:

Parcel Identifier: 012-087-581
Legal Description: Lot 23, Plan 761, District Lot 486, ODYD,
except Plan KAP71035

(the "Heritage Building")

is hereby designated as a protected heritage building under the provisions of the *Local Government Act* of British Columbia. For certainty, the Heritage Building is that building evaluated in a heritage evaluation report prepared by Donald Luxton & Associates Inc. dated August 2008 and SMARTPLANS LTD. addendum to May 2007 Report Heritage Features to be Preserved dated October 2008, copies of which are attached to this Bylaw as **Schedule A**.

4. Included in the designation effected by this Bylaw are the following interior building features and fixtures of the Heritage Building:
 - (a) square-hewn logs forming the walls of the original two-room cabin;
 - (b) fir plank floors; and
 - (c) tongue-and-groove wainscoting, wood baseboards, wood window and door trim and wood panel doors and door hardware.

PROHIBITION

5. Except as expressly permitted by Section 6 or as authorized under a heritage alteration permit issued by the District, no person shall undertake any of the following actions, nor cause or permit any of the following actions to be undertaken in relation to the Heritage Building:
 - (a) alter the exterior including any exterior façade, roof structure or roofing;
 - (b) make a structural change ;
 - (c) move the building; or
 - (d) alter, remove or damage any interior feature or fixture specified in Section 4.

EXEMPTIONS

6. Despite Section 4, the following actions may be undertaken in relation to the Heritage Building without first obtaining a heritage alteration permit:
 - (a) non-structural renovations or alterations to the interior of a building or structure that do not affect any interior feature identified in Section 4 and do not alter the exterior appearance of the Heritage Building; and

- (b) ordinary non-structural repairs and maintenance that do not alter the exterior appearance of the Heritage Building.
- 7. For the purpose of Section 6, “repairs” means the repair or replacement of elements, components or finishing materials of the building or a protected feature or fixture with elements, components or finishing materials that are equivalent to those being replaced in terms of heritage character, material composition, colour, dimensions and quality.

MAINTENANCE

- 8. The owner shall maintain the Heritage Building in accordance with the following:
 - (a) Protected heritage properties shall be maintained in good repair. Original exterior features shall be retained, as long as the feature is capable of performing its structural or weather protection function. When replacement is necessary, new materials including roofing, cladding and trim elements shall replicate the original in terms of design, colour and texture.
 - (b) Protected heritage properties shall be maintained so as to reasonably prevent, or effectively retard, damage from the elements. This includes, but is not limited to, preventing water penetration and excessive damage to materials from the wind, sun and insect infestations.
 - (c) Protected heritage properties shall be painted as necessary to protect exterior finish materials. Changes to the exterior finish of buildings or structures, including colour changes, require a Heritage Alteration Permit. New exterior colours and colour placements shall be in keeping with the period and style of the building. In considering the issuance of a permit, the District may consider the appropriateness of the colours to the general period and style of the building.

HERITAGE ALTERATION PERMITS

- 9. Where a heritage alteration permit is required under this Bylaw for a proposed action in relation to the Heritage Building, application shall be made to the Director of Development Services in the manner and on the form prescribed for that purpose and shall provide all information required by the application form.
- 10. The Director of Development Services is authorized to:
 - (a) issue a heritage alteration permit for situations in which the proposed action would, in the opinion of the Director of

Development Services, be consistent with the heritage protection provided under this Bylaw;

- (b) withhold the issue of a heritage alteration permit for an action which would, in the opinion of the Director of Development Services, not be consistent with the heritage protection provided under this Bylaw;
- (c) vary or supplement the provisions of a District bylaw under Division 7, 10 or 11 of Part 26 of the Local Government Act or a permit under Division 9 of Part 26, provided that no use or density regulation or flood plain specification is varied;
- (d) establish and impose terms, requirements and conditions on the issue of the permit that the Director considers are consistent with the purpose of the heritage protection provided under this Bylaw; and
- (e) determine whether the terms, requirements and conditions of the permit have been met.

RECONSIDERATION BY COUNCIL

11. An applicant or owner, whose application for a heritage alteration permit for alteration of the Heritage Building has been considered, may apply for a reconsideration of the matter by Council, and such reconsideration shall be without charge to the applicant or owner.

Read a first time this 24 day of March, 2009

Read a second time this 24 day of March, 2009

Public Hearing held this 14 day of April 2009

Read a third time this 28 day of April, 2009

RECONSIDERED, PASSED AND ADOPTED this 28 day of April, 2009.

MAYOR

DIRECTOR OF CORPORATE SERVICES

SCHEDULE A

COPY OF LUXTON REPORT

HERITAGE EVALUATION

WESTBANK
GOLDIE
RESIDENCE
2550 BUTT ROAD

REVISED

AUGUST 2008

prepared by:
DONALD LUXTON & ASSOCIATES inc.

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1.0 HISTORICAL CONTEXT OF WESTBANK

The Stekatkoko'ut First Nation group first inhabited Westbank. In 1811, David Stuart of the Pacific Fur Company discovered the Fur Brigade route, which connected Kamloops to the Okanagan Valley. The trail ran along the western banks of Okanagan Lake, which meant Westbank was a stopping point. In 1836, the Hudson's Bay Company took control of the Fur Trade in New Caledonia and the route became even more popular. At this time, Westbank was known as the rest spot, MacDonald's Plain, named after a Hudson's Bay officer. The trail was actively used until 1847, when the Hudson's Bay Company, having withdrawn from the Oregon Territory north to Vancouver Island, no longer needed it. With the advent of the Gold Rush in 1858, the trail once again became a major transportation route.

Settlement of Westbank began in the early 1870s. At the time, the community was known as Westside or Hall's Landing, until the present name was adopted. The first pioneers to settle in area were John Fall Allison (1825-1897), and his wife Susan. John Fall Allison was originally from Leeds, England, but came to British Columbia, via California, as a young medical student. After their arrival in Westbank, the Allison family hired John McDougall to construct a small home made from hewn logs. Located close to Kelowna, the area was attractive to pioneer settlers, offering fertile lands, ample timber for houses, barns and fences as well as open park vegetation for livestock and ample water supply from major creeks.

In 1905, an American land-promoter, Ulysses S. Grant laid out a townsite for the settlement. By 1908, the post office was moved from Shannon Lake and the settlement was renamed Westbank, due to its location on the west bank of Okanagan Lake. The community was sustained by cattle ranching, grain cultivation and commercial fruit production. Currently, Westbank retains substantial amount of agricultural land and is home to Mission Hill Winery and the Quails Gate winery.

GOLDIE RESIDENCE, 2550 BUTT ROAD HERITAGE EVALUATION 2007

2.0 HERITAGE VALUES

HISTORICAL SIGNIFICANCE

The Goldie Residence, located at 2550 Butt Road, is significant as one of the first houses built in the Westbank area. Constructed circa 1891, it was built some twenty years after Westbank's first pioneer residence, John Fall Allison's log cabin (built 1870) which still stands today on the Quails Gate winery. This is a very rare form of vernacular structure and other than the Goldie Residence there are no other known surviving examples in the nearby area.



John Fall Allison's log cabin, Westbank [BC Archives a_07281 and a_07282]

The Goldie Residence has additional significance as an example of an intact historic Westbank farmstead. It consists of a vernacular log cabin and subsequent additions built in 1910 and 1917. Thus, the residence signifies the property's evolution and adaptation over time as the Goldie family and its succeeding owners grew and prospered.

The Goldie Residence is significant for its ownership history. The house was originally constructed as a log cabin by farmer Robert Goldie (1842-1934) on Crown Granted land, issued on January 16, 1891. Ontario-born Goldie built the two-room cabin himself, using logs from his property (Photo 1). He continued to occupy the house until 1910 when he sold it to Mr. Lake, an American, who then added on a kitchen and bathroom (Photo 2). Around 1905, the Goldie property was

GOLDIE RESIDENCE, 2550 BUTT ROAD HERITAGE EVALUATION 2007

purchased by Ulysses S. Grant, an American land-promoter who subdivided the bench land into town and orchard lots. The Lake family continued to occupy the small house with Mrs. Lake remaining resident until 1917, after which she sold it to Ezra Johnson (1865-1938). Ezra Johnson, who was originally from Nova Scotia, added additional rooms to the second floor. He and his wife, Ethel Johnson (nee Baker), proceeded to develop the orchard. The Johnson Family occupied the house until 1931, when they sold it to their niece, Sara Lena Griffin (1899-1985) and her husband, Douglas Harold Griffin (1892-1964). Both skilled orchardists, Sara Lena was originally from Nova Scotia, while her husband, Harold, hailed from London, England. Shortly after the younger Griffins took possession, they added a dairy farm. The Douglas family lived in the Goldie Residence with their four children, Margaret, Harriet, Harold and Donald. Their fifth child, David, was born in 1932. After Douglas Griffin passed away in 1964, his son Harold Griffin and his wife Jean inherited the estate. Harold built an additional home on the property in 1975 and rented the original house. Between 1975 and 2002, the original homestead served as an accessory farm residence. In 1999, Harold Griffin sold all of the property, including the original homestead residence, to Ray and Fay Barry, who are the current owners. Barry Griffin retained the newer home on the small corner lot for himself.



Photo 1: Exterior of Goldie Residence at present



Photo 2: Kitchen showing original logs and chinking

GOLDIE RESIDENCE, 2550 BUTT ROAD HERITAGE EVALUATION 2007

ARCHITECTURAL/STRUCTURAL SIGNIFICANCE

The Goldie Residence is significant as an example of vernacular architecture. The house is additionally among the oldest surviving structures from the early Westbank settlement. Original exterior elements include some of the original windows such as 2-over-2 wood sash windows.

INTERIOR ELEMENTS

The Goldie Residence has a number of its original interior elements, that survive in good condition. These include:

- The original square hewn logs from the two-room cabin, complete with chinking, are exposed in the kitchen.
- Additional remaining interior details from the house's later evolution including an original fir floor, tongue & groove wainscoting (Photos 3-5), baseboards, wooden door trim and wooden window trim.
- Wood-panelled doors with their original hardware.

All of these noted elements should be retained and protected as part of the historical significance of the house.

ENVIRONMENTAL SIGNIFICANCE

The Goldie Residence has many natural heritage features. The Westbank Creek runs diagonally through the Goldie property from the northwest corner to the eastern border. Additionally the property is significant as an example of agricultural land that has been in production for a long period of time.

CONCLUSIONS

The Goldie residence may be considered a significant heritage site within the Westbank context, based on its historical, architectural and environmental values. It is one of the very oldest existing built structures within Westbank, and represents early European settlement within the area. In addition, it is associated with a number of pioneer and early Westbank families.

Overall the site may be considered to be of very high local heritage significance.

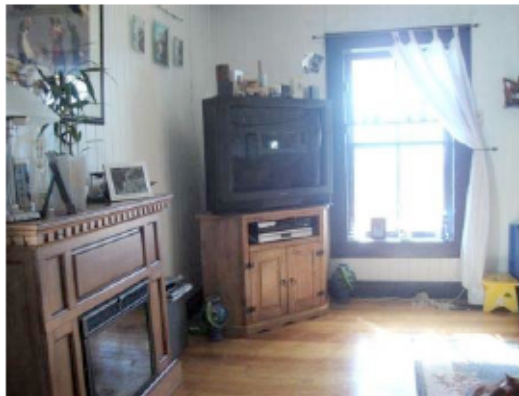


Photo 3: Living Room

GOLDIE RESIDENCE, 2550 BUTT ROAD HERITAGE EVALUATION 2007



Photo 4: Fir Floor



Photo 5: Detail of Interior showing wainscoting

3.0 RECOMMENDATIONS

The Goldie Residence has sufficient historical and heritage value to merit conservation and be considered as a significant heritage site within the Westbank context.

There are several sequential steps that could be followed to ensure that the site can be preserved and protected.

1. The site could be included on a Heritage Register.
2. If the site is added to the Westbank Heritage Register, a Statement of Significance should be prepared that would document the site for inclusion on the Canadian Register of Historic Places. This analysis of heritage value would also help guide the conservation of the site. The Province provides funding for Heritage Register documentation.
3. Further legal protection could be provided through either Land Title covenants or heritage designation. Legal protection is usually enacted on a voluntary basis in exchange for appropriate heritage incentives. Significant interior elements should also be protected.
4. Long-term conservation could be guided through a Conservation Plan that could be prepared for the site.

APPENDIX A: RESEARCH SOURCES

- BC Archives, Vital Events
- Gellatly, Dorothy Hewlett. *A Bit of Okanagan History*. Kelowna: Kelowna Printing Company, 1932.
- Registries Department, Crown Grant Search
- Westbank Museum: <http://www.okanagan.net/wmuseum/> (Accessed August 2007)



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2550 BUTT ROAD, WESTBANK
Rezoning Application
Addendum to May 2007 Report
Heritage Features to be Preserved

A **SMARTPLANS LTD.** Report
By Michael Brown, Manager

OCTOBER 08

APPLICATION SUMMARY

Property Owner: Raymond G. Barry and Fay E. Barry

Phone: (250) 768-4480

Agent: Smartplans Ltd., Michael Brown

Phone: (250) 764-5263, smartplans@shaw.ca

Property Description: Remainder Lot 23, Plan 761, District Lot 486, ODYD (Osyoos Div. of Yale), Except Plan KAP71035

Property Identifier: 012-087-581

Assessment Roll Number: 19-23-723-12509.000

Address: 2550 Butt Rd., Westbank, B.C., V4T 1R2

Lot Area: The original lot area was 9.21 acres, shown on plan 761. A survey plan completed in 1999 severed a Homesite of 0.272 hectares and a road widening of 538 square metres. Therefore the remainder of lot 23 (subject to legal survey), would be 9.21 acres minus 0.272 hectares and 538 square metres...equals 3.40 hectares or 8.40 acres+/- . Further road widening could reduce this somewhat.

Westbank OCP: Agriculture

Zoning: A1 Agriculture, ALR

Key Zoning Provisions: Minimum Lot Area is not controlled by RDCO in ALR designations, *except* Minimum Lot Area is set at 3.8 ha (9.4 ac.) when an *accessory home* is to be permitted on a site in the ALR.

Property History: The first residence (still occupied) was built in 1890. A second residence was built on the property in 1975 by the Griffin family. *From 1975 to 2002, the original homestead served as an accessory farm residence.* The 1975 Griffin residence was given a Homesite severance by the ALC in 1998 (see below) and is now separate from the original property. The Barry family purchased the original farm and farm house from Griffins, and received a building permit for a new residence, conditional upon the Barrys vacating the older residence after the new home was complete. However, the farm house continued to be occupied by family members and remains so today.

Homesite Severance: Application 31754-0 for a 0.27 ha lot was approved on February 24, 1998. This lot was severed off the South-east corner of the property for the Griffin family.

Previous 2003 ALR Subdivision Application: After building a modern residence on the original parcel, other family members occupied the original 1890 residence. Unfortunately, during short periods of vacancy the house was vandalized. The Barry's are aware of the heritage value of the home and want to preserve it. To legalize the accessory farm house they filed Application G-34761 with the ALC to subdivide the property into 2 equal portions. The application was turned down because of reduced parcel size and fragmentation of agricultural land.

Purpose of this Zoning Application: Because this lot continues to have 2 residences, it is subject to the 3.8 ha minimum lot area requirement. The site is only 3.4 ha. The purpose of this rezoning application is to reduce the minimum lot size for this site only. This will legalize the 2 existing residences without fragmenting the agricultural land by way of subdivision.

ORIGINAL HOME

The original home was a 2 room, single storey log cabin, constructed in 1890 by Mr. Goldie.



HERITAGE VALUE TO BE PRESERVED

Exterior House Features

The primary exterior features of the Goldie residence that deserve preservation relate to the windows, wood siding and most notably the two porches on the east end of the building.

The entire home is wood clapboard sided 5" cove colonial style. Bottom boards are showing signs of possible replacement requirements in the future, and replacement boards should be wood, and in the same colonial style.

Windows are 4 pane double hung wood sash windows on the original first storey structure. Other windows in subsequent additions for a second storey and kitchen are single or double pane fixed or double hung, all with wood sash and trim. The four pane windows are distinctive of the early window millworks of the era and should be preserved, or replaced with similar 4 pane product when necessary. Other windows in the building should remain in wood sash style when replacement is necessary.

Doors have been replaced over the years, and are not of particular importance to the overall heritage structure.

The upper deck is a significant architectural feature. This deck would have been the first home in Westbank to sport a second storey covered deck to gain the cool summer evening breezes and removed from the radiant ground heat. This became a noticeable feature on many Okanagan homes built pre-air-conditioning, and is evident throughout the Okanagan today. This porch is in need of leveling. Such work should protect the original design of this feature.



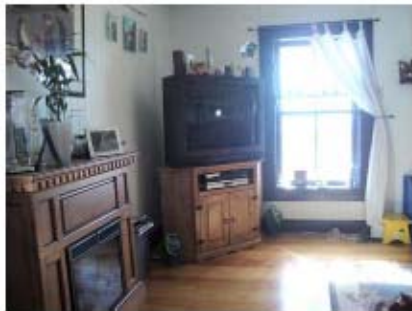
Interior House Features

The home has 3 distinct components, with the original ground-level log structure being the most significant for its history as the first home in Westbank.

The single storey log component is comprised of three rooms, the living room, den and storage cupboard. The log exterior walls are paneled in jointed vertical fir 3½" boards. The same material is used as the partition between the three rooms. Its strength is impressive, given the lack of any framing studs to maintain its structure. The same material is also used for the ceilings, and also for the cupboard door. These coverings have been painted white.

A similar fir plank is used for flooring in the original structure. The current owners have refinished the original planks by sanding to remove water marks, and coating with urethane to provide protection.

All of these components should be preserved.



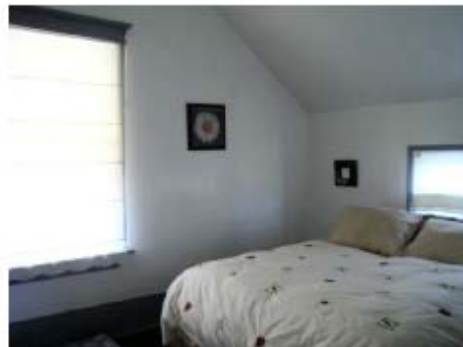


In 1910 the second owners, the Lakes, added a kitchen and bathroom to the west side of the house. The kitchen exposes what used to be the exterior log wall and chinking of the original cabin.



The kitchen and bathroom were wood framed, and finished in wainscoting and paperboard. The paperboard has since been replaced with plaster and drywall. The exposed logs, door and window casings and wainscoting should be preserved.

Ezra Johnson purchased the home in 1917, at which time he added on a second storey above the original cabin portion of the building. This addition was done in the same style as the previous kitchen addition with the use of wainscoting and wallboard in the hallway and stairwell, the bedrooms were wall boarded. Wainscoting, casings and base boards deserve preservation.



Window and door casings throughout are simple, but wide, in the typical craftsman style exhibited in homestead buildings. Baseboards are for the most part simple 2-5" boards throughout most of the home. These should be preserved in their traditional style.

Summary

The Barry family's goal is to preserve the original farmhouse for its historical value and community interest. It is their hope that the community of Westbank and the newly created District of Westside will also value this building for its sense of time and place in the creation and evolution of Westbank.

It is the applicants' opinion the best way to preserve the structure is to keep it actively used as a useful residence. It is feared that letting it sit vacant and unheated will only result in its eventual deterioration and eventual destruction.

They have therefore volunteered to maintain the building at their expense; they have promised to not request heritage funding for this purpose, and have agreed to heritage designation of the home to legally restrict any maintenance and require it to be done in a fashion that respects the original character as it stands today.

REQUESTED REZONING

Notwithstanding Section 3.18.2 of this Bylaw, on the site known as the "Remainder Lot 23, Plan 761, District Lot 486, ODYD (Osoyoos Div. of Yale), Except Plan KAP71035", the minimum parcel area for a parcel having both a primary residence and an accessory home shall be 3.3 ha.