



TOWN OF OLIVER
Public Hearing Meeting Agenda
March 14, 2022, at 7:00 PM
in Council Chambers

Page

A. CALL TO ORDER

B. STATEMENT OF THE CHAIR

C. BYLAWS

1. Heritage Designation Bylaw 1407 (Fairview Jail)
- Director of Development Services report attached
[Heritage Designation Bylaw 1407 \(Fairview Jail\)](#)

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D. ADJOURNMENT

1. Adjourn



REGULAR OPEN COUNCIL REPORT
Development Services Department
For the March 14, 2022 Council Meeting

DATE: March 14, 2022 File No.

TO: Mayor and Council

FROM: Randy Houle, Director of Development Services

RE: Heritage Designation Bylaw 1407 (Fairview Jail)

RATIONALE:

The purpose of this report is to introduce Heritage Designation Bylaw 1407, which will designate the Fairview Jail as a heritage building as per Section 611 of the *Local Government Act*.

OPTIONS:

1. Council may choose to support the recommendation.
2. Council may choose not to support the recommendation.
3. Council may choose to refer back to staff for additional information.

RECOMMENDATION:

That Heritage Designation Bylaw 1407 be read a third time and adopted.

General:

Organizational:

Financial:

Legal/Statutory Authority: Part 611 of the *Local Government Act* includes provisions for heritage designation protection:

(1) A local government may, by bylaw, on terms and conditions it considers appropriate, designate real property in whole or in part as protected under this section if the local government considers that

- (a) the property has heritage value or heritage character, or
- (b) designation of the property is necessary or desirable for the conservation of a protected heritage property.

(2) A heritage designation bylaw may do one or more of the following:

- (a) apply to a single property or to part of a property;
- (b) apply to more than one property, including properties owned by different persons;
- (c) apply to affixed interior building features or fixtures identified in the bylaw;
- (d) apply to landscape features identified in the bylaw;
- (e) establish policies or procedures regarding the provision of financial or other support for the conservation of the heritage property;
- (f) specify types of alterations to the property that are allowed without a heritage alteration permit;
- (g) establish policies regarding the issuance of heritage alteration permits in relation to property covered by the bylaw.

(3) Except as authorized by a heritage alteration permit or allowed under subsection (2) (f), a person must not do any of the following:

- (a) alter the exterior of a building or other structure protected under this section;
- (b) make a structural change to a building or other structure protected under this section;
- (c) move a building or other structure protected under this section;
- (d) alter, remove or take an action that would damage an interior feature or fixture that is identified under subsection (2) (c);
- (e) alter, remove or take an action that would damage a landscape feature that is identified under subsection (2) (d);

(f) alter, excavate or build on land protected under this section.

Strategic Plan: Community Enhancement

BACKGROUND:

The Town's Heritage Procedure Bylaw 1395 establishes procedures for heritage designation bylaws which include Staff reviewing the request and forwarding to the Community Heritage Society to evaluate and provide a recommendation to Council. Given that the request stemmed from the Society via the attached letter, Staff did not see the necessity to seek an additional recommendation from the Society.

As per Section 612 (5) of the *Local Government Act*, the following items must be met as part of preparation of a Heritage Designation Bylaw:

(5) The local government must have a report prepared regarding the property to be designated that includes information respecting the following matters:

(a) the heritage value or heritage character of the property;

- A Statement of Significance has been attached, which was completed by the Oliver & District Heritage Society. In terms of heritage value or character, it states that the significance of the Fairview Jail lies in its historic, aesthetic, cultural, social and scientific values particularly in its working history, it's use as a museum exhibit space, it's purpose-built architecture and it's unique construction method.

(b) the compatibility of conservation with the official community plan and any other community planning objectives in the area in which the property is located;

- Section 13.1 of the OCP (Objectives of the Administrative, Institutional and Cultural land use areas) states that the Town will work cooperatively with partners, including the Oliver and District Heritage Society to identify and enhance the Town of Oliver's heritage assets. Formally protecting the Fairview Jail would be a continued step in this direction.

(c) the compatibility of conservation with lawful uses of the property and adjoining lands;

- The Fairview jail has been used as a heritage tourism asset in this location since 1981, and the adoption of the bylaw will not alter the use. It is also located on the same property as the heritage designated museum building (formerly the B.C. Police Station).

(d) the condition and economic viability of the property;

- The property is in fair shape and is municipality owned.

(e) the possible need for financial or other support to enable appropriate conservation.

- Section 613 (1) of the *Local Government Act* states:
 - (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).
- In this case, the property is municipal owned and therefore financial support is not applicable.

In summary, the heritage qualities of the Fairview Jail lend itself to being designated a heritage building under the *Local Government Act*.

PUBLIC PROCESS:

Notice of the March 14, 2022 Public Hearing was provided to the Heritage Society and was advertised in two editions of the local print newspaper.

COUNCIL REPORT/RESOLUTION HISTORY:

The following resolution was passed at the February 28, 2022 Regular Open Council Meeting:

R-63/2022 It was MOVED and SECONDED

That Council give first and second reading to Heritage Designation Bylaw 1407; and

That the holding of the public hearing be scheduled for March 14, 2022; and

That Staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

CARRIED

The following resolution was passed at the October 12, 2021 Regular Open Council Meeting:

R-258/2021 It was MOVED and SECONDED

That Council direct staff to undertake the process to formally protect the ca. 1896 Fairview Jail located at 474 School Avenue through a heritage designation bylaw.

CARRIED

Respectfully Submitted:



Randy Houle
Director of Development Services

Approved By:
Ed Chow, Chief Administrative Officer

Department: **Status:**
Approved - 04 Mar 2022

Attachments:

- [Letter to Town Council- Heritage Designation Request](#)
- [Historical Background for Fairview Jail -final](#)
- [1407 - Fairview Jail - Heritage Designation Bylaw](#)
- [Fairview Jail Statement of Significance- Final](#)



Oliver & District Heritage Society

PO Box 847, 430 Fairview Road
Oliver, BC V0H 1T0
www.oliverheritage.ca

Mayor Johansen and Council
Town of Oliver
P.O. Box 638
Oliver B.C. V0H 1T0

7 September, 2021

Dear Mayor and Council,

The Oliver and District Heritage Society requests the Town of Oliver formally protect the ca. 1896 Fairview Jail located at 474 School Avenue with a heritage designation bylaw.

The Fairview Jail is generally recognized as the oldest, externally unmodified building in the greater Oliver area. Early references indicate its existence in the early 1890s just as the new gold rush town of Fairview was beginning to attract permanent settlement. When the gold rush subsided, it remained in place to be used informally for many different things. However, by the late 1970s vandalism was taking a heavy toll and, rather than see it destroyed, the newly formed Oliver Heritage Society relocated it to a safe location, fittingly adjacent to Oliver's first jail. Volunteers moved and stabilized the building, restored the exterior and, over time, slightly reconfigured the interior to provide additional exhibit space for the adjacent Oliver Museum.

The Fairview Jail continues to serve the community well. Volunteers have been central to its ongoing maintenance and adaptive use and visitors appreciate what the Jail has to offer in terms of exhibits and programming. The Oliver and District Heritage Society believes that formal protection is important to ensuring this modest yet irreplaceable heritage building continues to be recognized, respected, and valued for its significant historic value.

The Jail is situated on municipally-owned land immediately beside the 1924 B.C. Police Station, a protected heritage building (see Oliver Village Council designation Bylaw 376, 21 April, 1980). The Fairview Jail is not covered under the existing bylaw because it was moved onto its current location for safe-keeping several years after this bylaw was approved.

We thank you for your support in moving this matter forward.

Sincerely,

Vance Potter, President

Cc: Rick Knodel, Area C Director, R.D.O.S.

Historical Background – Fairview Jail

Built ca. 1896 as a lockup and office for the B.C. Provincial Police constable, the Fairview Jail is credited with being the South Okanagan's oldest remaining example of a purpose-built government structure. The jail's architectural styling reflects its time and place as well the economic uncertainties associated with the many short-lived mining booms happening throughout B.C during the 1890s. Circumstance prompted the construction of this modest, dual-purpose building, using locally-sourced materials, as both a jail and an office for the lone police officer. The decision to provide policing services to this area reflects that mining activity was beginning to attract permanent, non-native settlement in the region.

Special Constable Frederick Elkins served as Fairview's first police officer from 1897-1899. He and the 20 or so officers that were to follow between 1899 and 1927 worked in this small building with its two cells and front office. Serious crime was minimal, drunk miners more the norm. Because of the proximity to the U.S border, duties associated with controlling smuggling and enforcing various provincial and federal statutes were commonplace. By the beginning of WW1, both mining and the need for onsite policing were in decline. So was the need for a jail and full-time staffing. Use of the jail became inconsistent. The establishment of Oliver in the early 1920s saw the Fairview Jail abandoned and policing services re-located.

In the ensuing years, the empty but easily-accessible building was used casually as a granary, a cattle shed, a temporary shelter by itinerants or a hangout for local youth. The Province of BC erected a stop of interest sign in the late 1950s. When vandalism began taking a toll, concern grew that this last standing building in Fairview would be irretrievably damaged. Volunteers and local donors associated with the newly-formed Oliver Heritage Society reluctantly decided to move the jail into Oliver for safekeeping on February 19, 1981 and located it beside the Town's newly-acquired 1924 BC Police Station. The Fairview Jail was put on a permanent foundation, the exterior wood restored, and the interior slightly re-configured for adaptive use as museum exhibit space.

TOWN OF OLIVER BYLAW 1407

A Bylaw to protect the heritage value of the Fairview Jail

WHEREAS the Council of the Town of Oliver considers the building currently known as the "Fairview Jail," located at 474 School Avenue, 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;

NOW THEREFORE, the Council of the Town of Oliver enacts in open meeting as follows:

The building currently known as the "Fairview Jail," situated on lands legally described as Lots 23 and 24, District Lot 2450S, SDYD, Townsite of Oliver, located at 474 School Avenue, is hereby designated a Heritage Building pursuant to Section 611 of the *Local Government Act*.

Part 1: Citation

- 1.1 This Bylaw may be cited as "Fairview Jail Heritage Designation Bylaw 1407."

Part 2: Severability

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

Part 3: Definitions

- 3.1 In this Bylaw:

"Heritage Alteration Permit" means a permit authorizing alterations or other actions in relation to protected heritage property under Section 617 of the *Local Government Act*.

- 3.2 All references to a bylaw or enactment in this Bylaw refer to that bylaw or enactment as it is in force from time to time.

Part 4: General Prohibitions

- 4.1 Except as authorized by this bylaw or as authorized by a Heritage Alteration Permit, approved by Council, no person shall:
 - (a) alter the exterior of the building designated by this bylaw, including any exterior façade, roof structure or roofing.
 - (b) make a structural change to the building designated by this bylaw.
 - (c) move any building designated by this bylaw.

Part 5: Exemptions

- 5.1 The following alterations to the designated building is hereby authorized without a Heritage Alteration Permit:
 - (a) non-structural renovations or alterations to the interior of the building or structure that do not alter the exterior appearance of the building designated by this bylaw.
 - (b) ordinary non-structural repairs and maintenance that do not alter the exterior appearance of the building designated by this bylaw and that conform to acceptable heritage conservation principles and practices.

Part 6: Reconsideration

- 6.1 An applicant or owner, whose application for a Heritage Alteration Permit for alteration of the building designated by this bylaw 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 and second time on the 28 day of February, 2022.

Public hearing held on the ___ day of _____, 2022.

Read a third time on the ___ day of _____, 2022.

Adopted on the ___ day of _____, 2022.

Mayor

Corporate Officer

Statement of Significance for the Fairview Jail

Site Name:

Fairview Jail

Physical Address:

474 School Ave., Oliver B.C.

**Description of Building:**

Located off of the main street in Oliver, British Columbia, the Fairview Jail is a one-story square building constructed with laminated fir 2" x 4" boards stacked horizontally in a planking construction style with whitewashed wooden drop siding, and a moderately sloped dark brown pyramidal hipped shake roof. Originally built as a lockup and jail for the mining town Fairview, it was moved to its current location behind the Oliver & District Museum to currently contains interpretive exhibits; and therefore, the historic place is confined to the building footprint.

Heritage Value of Site:

The significance of the Fairview Jail lies in its historic, aesthetic, cultural, social, and scientific values particularly in its working history, it's use as a museum exhibit space, its purpose-built architecture, and its unique construction method.

The building is historically valued because it was built in c. 1896 and was used by the BC Police as the main jail and lockup for the Fairview Townsite until the 1920s, after most residents had moved to the newly developed community of Oliver. In the ensuing years, the empty but easily accessible building was used casually as a granary, cattle shed, a temporary shelter by itinerants or a hangout for local youth. On February 19, 1981, after acts of vandalism continued to cause it damage, the jail was moved to its current location behind the Oliver & District Museum for safekeeping by the Oliver Heritage Society.

Aesthetically, the Fairview Jail is credited with being the South Okanagan's oldest remaining example of a purpose-built government structure, built using locally sourced materials, consisting of a modest two cells and a front office. The jail's architectural styling reflects its time and place as well the economic uncertainties associated with the many short-lived mining booms happening throughout B.C during the 1890s.

It is socially and culturally valued by the community as being one of three buildings that remain standing in its original form that came from, was built for, and represent the former Fairview Townsite and its history as it is now used as an adaptive museum exhibit space.

The scientific value of the Fair Jail is expressed through its unique plank-on-plank construction method and remains one of the few examples of this type of structural building in British Columbia.

Character Defining Elements:

The character defining elements of the Fairview Jail include:

Architecture:

- An unpretentious, sturdily built and modestly sized square wooden structure built of laminated fir 2" X 4" s, likely locally sourced, and whitewashed
- Horizontal stacked milled planking construction method, unusual in B.C. building methods
- The moderately sloped pyramidal hipped roof sheathed with wood shakes
- Wood drop siding sporting a simple and common profile typical of housing of the late Victorian/ post WW1 eras
- Iron-barred windows of varying size and placement in 3 of the four sides of the structure
- Front-facing heavy laminated wooden door

Siting:

- Prominent location as part of the town center complex
- Adjacency to Oliver's 1924 Oliver BC Police Station, a designated structure and the current home of the Oliver & District Museum

Social:

- Ongoing use as an interpretive museum exhibit space