CONTROL AND PLANNING: A DISTINCTION WITH A DIFFERENCE
A CASE STUDY OF THE CENTRAL OKANAGAN

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This thesis studies the decisions of the Kelowna, B.C. City Council to trace the development of land use control and planning in the central Okanagan. Initially a review of planning literature is conducted which supports the distinction between land use control and land use planning. For the purpose of this thesis, "land use control" is defined as reactive municipal by-laws or resolutions which restrict development on a program or project basis, and "land use planning" is defined as a municipal policy process which is goal oriented guiding the long term development of the community. While early Canadian planning theorists and practitioners advocated land use controls only as part of an overall planning process, a review of planning history shows that Canadian municipalities have often favoured land use controls to the exclusion of land use planning initiatives. Similarly, the case study shows that Kelowna Council adopted land use control by-laws eschewing a commitment to land use planning.

The thesis shows that, although the literature provides no consensus on the underlying political or economic rationale, it contends that the local political process dominates land control and planning. The case study supports this contention and provides evidence to show that land use controls were
politically popular while land use planning was not. The study argues that the local political process does not support goals oriented, policy based planning because it limits political power and flexibility while requiring political commitment.
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CHAPTER I: LAND USE CONTROL AND PLANNING: A REVIEW OF THE LITERATURE

Introduction

Affected by social, economic, and political factors, land use patterns evolve over time. In most societies, as densities increased and communities developed, the traditional freedom of the individual to use land was limited by the community for the communal good. This thesis is an analysis of one community's land use control and planning history. Using the minutes and by-laws of Kelowna City Council as the primary source of data, this thesis will trace the evolution of land use control and planning and its effect on the development of the central Okanagan, and particularly the City of Kelowna, from the time of the first white settlement. Through this historical case study, the thesis will show that there has always been community support for land use control (e.g. zoning) but that there has seldom been support for comprehensive land use planning (e.g. neighbourhood, community, or regional plan implementation).

While many planning theorists and practitioners include both "land use control" and "land use planning" under the general rubric of "planning," the present chapter argues and the following chapters will show that a distinction should be made between control and planning. Subsequently, "land use control" is defined as reactive municipal by-laws or resolutions which restrict development on a program or project basis, and "land use planning" is defined as a municipal policy process which is goal-oriented and guides the long-term development of the community.

There are many factors affecting the pace of land development, and this complexity makes it difficult, perhaps impossible, to determine the
rationale underlying any one, let alone a series, of land use decisions. Because the study uses the discussions and decisions of a city council as its primary source of research material, it facilitates the analysis of the political factors involved in land use development in the central Okanagan. While growing reference to professional planning expertise and increasing intervention of provincial and federal governments were significant influences, this thesis will show that local political agents were the masters of local land use control and planning.

The Question of Planning and Control

There is no consensus even within the profession about the correct definition of the term "planning." The Canadian Institute of Planners, while it is currently reviewing the wording, defines planning somewhat repetitiously as "the planning of the scientific, aesthetic, and orderly disposition of land with a view to securing physical, economic and social efficiency, health and well-being in urban and regional communities" (CIP 1979: 5). After some rumination, Hall (1975) prefers a non-specific definition--"planning as a generic activity is the making of an orderly sequence of actions that will lead to the achievement of a stated goal or goals" (p. 6)--and suggests that urban and regional planning can be distinguished from the generic because of its preoccupation with spatial order. Friedmann (1973: 19), a noted planning theorist, defines planning as the "application of a scientific and technical intelligence to organized action," but he goes on to differentiate between allocative planning which is concerned "with actions that affect the distribution of limited resources among competing users" (p. 243) and innovative planning which is concerned "with actions that produce structural change in the guidance
system of society" (p. 245, emphasis in original). Writing from a critical perspective, Agger (1979: 71) investigates contemporary planning in six countries, three in the communist bloc and three in the west, and concludes that planning can now be defined as "a discipline for controlling the use of physical space. In other words, urban planning affects or controls the way in which human beings interact with physical space...."

Of the historical study of this topic which resists an easy definition, Fishman (1980: 243) states, "diverse in its goals, experimental in its methods, infinitely variable in its specific applications, city planning has resisted all attempts to impose a single definitive historical interpretation."

McLoughlin (1973) contends that planning in Britain is concerned with development control. Arguing that major public intervention for the control of town and regional development began in Britain with the adoption of the British Housing and Town Planning Act in 1909, McLoughlin virtually equates development control with planning. Similarly, the first major thrust of public intervention in the land use development process in the United States was for land use control. Zoning controls, originating in Germany, were adopted in the United States. It is argued that the first comprehensive zoning ordinance to control development, adopted by New York City in 1916, was passed to maintain property values and to prevent nuisance (Bassett, 1936; Moore, 1979: 318). With the support of the judiciary and a growing volume of case law, the United States Commerce Department drafted the Standard State Zoning Enabling Act; several states passed zoning legislation and many municipalities and counties adopted zoning ordinances based on this model legislation in the
1920's (Delafons, 1969: 25). As in Britain, the emphasis in the United States was to provide land use controls, like zoning, which gave local government a tool to ensure order, security, and quality in the urban environment.

Other authors writing more critically about the type of planning which has emerged in western countries would agree with Agger that planning can be equated with the control of development, most often for the preservation or enhancement of property values (Castells, 1978; Harvey, 1978; Jacobs, 1961). Goodman (1972), one of planning's most vitriolic critics, claims that the planning profession is a corps of "soft cops," enforcers of the dictates of the "urban industrial complex," the economic political elite which controls planning to further its own interests. Of more use to the present discussion is the assertion by Kirk (1980: 41) that land use plan formulation and implementation can be separated into two streams "comprising both development control, which can be thought of as negative planning, and public development, which can be thought of as positive planning." Kirk's contention in this regard is supported by this author, who will use the study of the evolution of planning in the central Okanagan to support the hypothesis that the community's political process supported land use control mechanisms, (Kirk's negative planning), but did not support comprehensive planning institutions, (an aspect of Kirk's positive planning).

Canadian Land Use Control and Planning

In the Canadian context, Gerecke (1974; 1976) produced two early studies on the history of planning in Canada, and although he was critical
of its evolution and product, he fails to differentiate between the powers, both negative controls and positive planning, which were exercised through public intervention in the land use development process. Other Canadian planning professionals, all critical (to a greater or lesser degree) of the evolved state of planning in Canada, do not distinguish between land use control and planning (Clark, 1976; Spragge, 1975). Gunton (1979; 1981) posits that there are three distinct ideological approaches to planning which developed in Canada: agrarian radical, urban liberal, and urban radical. Canadian urban liberal planners, the group which Gunton claims dominated the development of planning in Canada, are represented historically by Thomas Adams, the Commission of Conservation, and the Town Planning Institute of Canada. Urban liberals favoured negative planning processes such as zoning and exclusionary land use by-laws. Adams and the Commission did advocate zoning controls through their town planning legislation proposals which were presented to and adopted by most of the provinces (Armstrong, 1959; Artibise and Stelter, 1981a; Gunton, 1981: 111). The other city-oriented planning group, (urban radicals, according to Gunton's typology), supported positive planning or public development options such as those proposed by the League for Social Reconstruction (1935), or even some of the recommendations of the Advisory Committee on Post War Reconstruction (1944).

Canadian geographers have prepared a number of studies on the evolution of planning from the descriptive treatment of the role of successive town councils in Edmonton (Dale, 1969) to a more particular and critical study of the development of zoning control as one aspect of the planning and growth of the City of Toronto (Moore, 1979). Historians, too, have made
valuable contributions, from Weaver's 1979 study of the growth of the planning reform movement in Toronto from 1880 to 1915, to the more general contribution of Artibise and Stelter (1981b) with their production of a comprehensive bibliography of Canadian urban historical literature. In all these works there is some consensus about the role of land use control as part of the planning process. This thesis attempts to add clarity to the breadth and depth of the existing literature by distinguishing between land use control and land use planning through historical analysis.

**Politics and Planning**

When land use control and planning were being institutionalized at the municipal level, zoning and planning commissions were recommended to depoliticize the land use regulatory process (Bassett, 1936; Weaver, 1979). Planning commissions were to be the mechanisms which would free the city of development interventions based on political patronage. Van Nus (1979) contends that the City Efficient movement, which came into prominence in Canada after the end of World War I, promoted professional planning as an administrative, scientific, and essentially apolitical advisor to local government. One of Canada's first professional planners, Thomas Adams, was a major proponent of this type of scientific planning. The study of urban reform and planning commissions reveals early and continuous conflict between the plans of the reformers and the political will and power of city councils (McCarthy, 1977; Petshak, 1973). In fact, in the United States, where planning commissions are given considerable power and autonomy, commissions and councils still battle for control of the development regulation process (Krumholz et al, 1978).
Much of the literature on planning methods comes out of this efficiency tradition and describes the planning process as technical exercise (Chapin, 1965; Izard, 1979; Lynch, 1971). This literature is based on the assumption that the planner is a value-free technician, expert in a number of scientific techniques which enable him to articulate goals, evaluate and select alternatives, and propose a procedure for implementation, with no concern for political context. It was against this pseudo-objectivity in planning and the unfortunate results for which it was sometimes responsible, (particularly in urban renewal), that a critical literature has developed which discusses the effect of political values in land use control and planning (Goodman, 1972; Hall, 1979; Jacobs, 1961). More recent books on planning methods are careful to discuss the limit of scientific techniques in the planning process (Kruckenberg and Silvers, 1974). Nevertheless, a tendency still exists for planners to fail to "recognize themselves as generators or preservers of knowledge or spatial relations or ideologies, but rather see themselves as simply middlemen bringing news from the empirical sciences to complex, real world situations." (Moore-Milroy, 1981: 23).

Historically, in the study of public administration, local government process has been considered as apolitical because of its non-legislative function. In the American literature, local government has generally been presented as administrative, not political (Bollens and Schmandt, 1970; Stanley and Bollens, 1968). Canadian studies of local government, too, have presented civic administration as apolitical and regulatory (Plunkett, 1968; Rowat, 1969). It is only more recently that "municipal government has come to be recognized as more than a purely administrative body
concerned with important, if limited, housekeeping functions...local government is becoming recognized as an important political or community decision-making function in its own right." (Plunkett and Betts, 1978: 3). Plunkett and Betts go on to suggest that the work of a City Council becomes political at the point where "a situation arises (as inevitably it must) in which there is disagreement as to what decision should be made." (p. 15).

While this thesis will show that the Kelowna City Council and other political agents were involved in the regulation of land use, much of the theoretical and case study literature goes beyond the scope of the proposed analysis and attempts to show the underlying rationale for political involvement in the land use development process. A major publication which encouraged the re-emergence of politics as a recognized part of the civic administrative process was Robert A Dahl's *Who Governs?* (1961). Dahl's work and the collaborating evidence of two research assistants (Polsby, 1963; Wolfinger, 1974) contend that the New Haven, Connecticut political system is "dominated by many different sets of leaders, each having access to a different combination of political resources. It was in short a pluralist system." (Dahl, 1961: 86). The authors argue that, while certain actors in the local political system had more influence than others, a dominant elite no longer ruled New Haven. This thesis was well received in much of the academic community, and research began to appear which either tested the existence of a pluralist local government system or accepted outright the existence of such a system (Flinn and Stokes, 1970; Gilbert, 1972). In the planning field, other American authors began to look at the effect of the pluralistic political system on urban land use control and planning (Allensworth, 1975; Altshuler, 1965; Burby, 1968;
If the pluralist approach to urban politics had been the only theory to emerge, there would be little controversy about its role in the regulation of land use development; however, other theories soon developed, in which it was contended that access to political power in the urban arena was limited to the ruling class. Based on the early work of Marx and, particularly, Engels (Benevolo, 1971), the urban political process in the stratification or class perspective is seen as a mechanism to maintain the hegemony of the economic/political elite, the capitalist class (Castells, 1971; Sheffield, 1976). Planners writing from this perspective generally reject the validity of an elitist urban political structure and argue for reform. Some authors suggest that working within the existing class system can produce positive social and political change, as well as produce a more equitable system of land use control and planning (Agger, 1979; Kirk, 1980).

An important study was conducted by Paul Domhoff (1978) of the city of New Haven, Connecticut. Using Dahl's original data which supports the pluralist argument, Domhoff develops a thesis which shows that an elitist and stratified system of urban political control exists in New Haven. Domhoff's study shows how difficult it is to prove the rationale underlying involvement in urban politics. To further complicate this review, Polsby (1980: xiii-xiv) has identified, somewhat facetiously, nineteen categories of theories on the system of political power in urban areas. The following study will not attempt to uncover which theory or theories apply to the city of Kelowna; what is important to note, however, is that,
while there is no consensus on a particular theory, there is, in recent literature, general agreement that the political process does command the development of land use control and planning.

Methods

This thesis uses the case study method to show the relationship between the political process and the development of land use control and planning in the central Okanagan. The research approach used is what A. F. J. Artibise calls the "traditional manner" of selective review and analysis of primary documents supplemented and supported by secondary sources. (Stave, 1980: 142). The major source of primary data on which the case study in the following three chapters is based was drawn from the minutes and by-laws of Kelowna City Council, from 1905 to 1972. Additional primary material includes:

1) the minutes of the Kelowna Advisory Planning Commission;
2) the collection of the Kelowna City Archives;
3) the morgue of the Kelowna Daily Courier;
4) the published statues and regulations of British Columbia; and
5) a series of interviews with officials involved in the development and administration of land use control and planning regulations.

Furthermore, published secondary sources on the history of the central Okanagan contributed to the study, particularly those published in the period prior to the incorporation of the city. The following paragraphs will discuss the major problems which were encountered in the research and how they were resolved.
Firstly, because of the shifting geographic focus of the legislators and administrators concerned with the central Okanagan, the areal focus of the study also shifts. Although the thesis uses the documents of Kelowna City as its major source, the city's interest in land use control and planning often extended beyond the city's boundaries. Chronologically, prior to 1892, the geographic focus of the study is the Mission (see map on page 15) to the south of the Kelowna townsite. From 1892 until the end of World War II, the townsite becomes the focus of the study, and thereafter, as the city expanded, the research begins to have a greater regional emphasis. While concentrating on the decisions taken by Kelowna Council, this thesis is more broadly titled because of the shifting areal concerns of Council and other decision-makers involved in land use control and planning in the central Okanagan.

Secondly, stemming from the first problem of method is the overemphasis of the role of City Council as regulator of land use in the central Okanagan. Because the discussions and decisions of Council are used as the primary data source, the influence of the provincial government and its departments, of the councils of the District Municipality of Glenmore, of the boards of the various irrigation districts and, most importantly perhaps, of the private interest groups of local businessmen and other influential citizens may be underrepresented.

Thirdly, the case study attempts to be chronological, but because of the concomitant evolution of some unrelated land use initiatives, particularly in the period after World War II, it becomes difficult to provide chronological order. Because of the desirability of showing the continuity of events clearly in the development of land use control and planning
in the central Okanagan, it has been decided to present events and decisions leading up to a particular land use initiative in sequence, occasionally at the expense of the overall chronology of the case study.

Finally, all historical studies have to resolve the problem of where to begin and where to end. In some studies, the beginning and end date of the study can be easily determined; in other studies these dates are essentially arbitrary. The following case study falls into the latter category. While it briefly reviews the earlier establishment of semi-permanent native settlements, the study really begins with the first white settlement in the central Okanagan. The study ends in 1972, just prior to the major and unilateral extension of the city boundary and the expansion of civic administration by the provincial government, prior to the imposition of the Agricultural Land Reserve, prior to the re-establishment of the City Planning Department and prior to the emergence of the Regional District of Central Okanagan as a major force in the planning of the central Okanagan. All of these factors contribute to make 1972, arguably, the beginning of a new epoch in the history of land use control and planning in the central Okanagan, as well as a reasonable place to conclude the forthcoming study.

After the case study contained in Chapter II through IV, a final chapter analyzes the relationship between the political process and the evolution of land use control and planning in the study area. The difficult question of on whose behalf the political process commands land use control and planning is not resolved in this thesis. Nevertheless, the final chapter shows that the distinction between land use control and land use planning, which emerged in the literature review, is also...
manifested in the study of the practice of land use control and planning in the central Okanagan.
CHAPTER II: LAND USE CONTROL AND PLANNING IN THE CENTRAL OKANAGAN TO 1918

Early History

The Okanagan Valley is located in the south central interior of British Columbia. The thesis study area is located in the middle of the Okanagan Valley on the eastern shore of Lake Okanagan, a long, narrow lake which is the major geographic feature of the valley. As in many areas of western Canada, fur traders were the first white explorers of the Okanagan. Although the semi-arid Okanagan did not support many desirable fur-bearing animals, it did serve as a transport route from the rich fur-trapping lands of northern British Columbia to the Columbia River in the south. Ormsby (1931: 4) states that, "Kelowna was chosen as the site of the first white settlement in the valley because it was a place where food could be produced in abundance, where lumber could be obtained for dwellings and where stock could be turned out to pasture." (See map on following page).

The first white residents, Oblate missionaries, settled within what is now the City of Kelowna in 1859. The office then responsible for land registry in the area, the Gold Commissioner in Rock Creek, records a pre-emption of 852 acres by Father Richard from the mission as a rural land claim "on the great lake and bounded on the east side by the River De L'anse au Sable." (Ormsby, 1935). The size of the pre-emption is larger than the usual claim of 160 acres granted to those who followed the missionaries onto the fertile Kelowna delta.

As in most places in Canada, the white man settled on land taken
from the existing native population. Ormsby (1931) indicates that there were ten semi-permanent native communities in the Okanagan Valley. Indians from the Okanagan Nation, which had sparsely settled the entire valley, had established winter quarters at three places in the study area:

[One was] at Kelowna, which meant "grizzly bear" and referred to the site of the present city. In the same locality was Stakakwalinet. It was situated east from Rutland near a solitary lake which has since dried up. East from Kelowna was another village, Nor-kwa-stin. This name was applied to Black Mountain from which the Indians obtained a hard black rock of the same name which they used for sharpening their arrowheads. (Ormsby, 1931: 9).

The indigenous residents did not welcome the white settlers. An early resident reports that "when the whites first arrived the Indians were opposed to their settlement on the lands, and some of them were very bitter about it." (Lequime, 1937: 18).

Native opposition was not organized, however, and settlement continued apace. Because of a boundary dispute between England and the United States, the fur trail through the Okanagan was closed in 1846. The community which was growing around the Mission soon found or built other routes for the shipment of goods: in 1874, a trail south to Penticton was opened to drive cattle to that southern community; in 1875, a road from Vernon in the north to Okanagan Mission, as the area had come to be known, was completed (Surtees, 1979a: 1). By this time much of the grazing land on the delta and the benches above Okanagan Lake was held in large parcels by cattle ranchers. The Lequime Ranch, for example, was established in 1861 with a rural land claim of 160 acres; by the time it was sold in 1904, it had grown to 6743 acres (Ormsby, 1935).

In addition to ranching, Eli Lequime established a general store, the
only one between Kamloops and Osoyoos. This store and the Mission just to the south were the commercial and cultural centre of Okanagan Mission as the farming and ranching community grew in the 1870's and 1880's. In addition to feed crops, farmers, particularly those close to the creeks, were growing a wide variety of vegetables and were beginning to experiment with tree fruits.

Improvements to transportation in the Valley, with the inauguration of Steamboat service on the Lake in 1886 and the completion of the Okanagan and Shuswap Railway (OSR) six years later, provided the central Okanagan with much better links to external markets. George G. McKay accurately predicted the potential of central Okanagan lands for orchard crops. He purchased a number of small ranches between Mill and Mission Creek in 1890 and subdivided most of the assembled land into ten to forty-acre parcels.

The following year, Lord Aberdeen bought a 480-acre parcel from McKay. Aberdeen, who was later to become Governor-General of the Dominion of Canada, was the first central Okanagan farmer to attempt to grow fruit as a commercial enterprise with the planting of two hundred acres of apples at Guisachan, as his farm and the area around it came to be known. For a variety of managerial and horticultural reasons, Aberdeen was not successful at Guisachan. Many of the orchardists who followed Aberdeen to the McKay subdivision persevered, however, and the central Okanagan was soon exporting fruit crops to other British Columbia and prairie locations.

The major constraint on the expansion of the orchard industry at this time was the shortage of irrigation water. The only method of irrigation
then in use was the diversion of creeks to open ditches which served only those farms with access to creek channels. As the use of irrigation water increased with the shift from ranching and dry land farming to orchards which required irrigation, this method of watering often proved inadequate. Buckland states that "there was no storage water. Creeks ran at flood during the spring run off and dried up in July leaving little or no water for later crops..." (1966: 76).

This was a time of great railway growth in the Valley. OSR had originally chosen Vernon as its southern terminus, and Vernon soon became the leading valley town. An extension of this line to the Mission was proposed by the Vernon and Okanagan Railway Company. In anticipation of this new terminus, a townsite was surveyed to the north of the Mission. Interest in this townsite soon shifted to the lakeshore when it was decided to extend OSR to Okanagan Landing and the steamer service there, rather than build a rail link to the central Okanagan.

The steamboat service became the most important link with external markets. Buckland writes that "Lequîme, the Mission shop owner, realizing the transportation advantage now offered on the Lake, arranged to have property he had acquired on the waterfront laid out as a townsite.... Map 462 is the original Map of the townsite of Kelowna and was deposited on the 13th day of August, 1982." (1966: 82). The original townsite was located where the Kelowna central business district is now located. The 1891 census shows that the population of the Okanagan Mission area was only 348, and no more than a few dozen of that number would have been living in the new waterfront community in 1892.

The increased accessibility of the central Okanagan, coupled with the
potential of a highly profitable and marketable orchard industry being established, led to a land sales boom in the area. McKay's early development lead was soon followed by other land companies: Kelowna Land and Orchard Company, Okanagan Fruit and Land Company, Belgo Canadian Fruit Land Company, Limited, among others. Organizations like the Kelowna Shippers Union (1898) were established to promote the central Okanagan (Clement, 1955: 4). Pamphlets and brochures produced by such groups as the Agricultural and Trade Association of the Okanagan, Mission Valley cast the central Okanagan in a very favourable light. Such pamphlets were distributed throughout Canada and in many parts of Britain and Europe to attract settlers.

The impact of the land companies on the development of the central Okanagan is difficult to overestimate. The companies bought the large ranches which had been established in the area and subdivided them into small orchard properties. To provide the needed irrigation, the companies built dams on upland lakes, creating reservoirs which, with the installation of piping and flume systems, served the valley land below. The Okanagan Fruit and Land Company, established by several local businessmen, including D.W. Sutherland and F.R.E. Dehart, (later to be the second and third mayors of Kelowna), bought the A.B. Knox ranch adjoining the townsite to the north and subdivided it into small acreages (Clement, 1955: 6). The Central Okanagan Land Company dammed the lakes at the headwaters of Mill Creek and, by 1912, were irrigating large areas of Rutland, as well as 6000 acres of the Glenmore Valley. The Belgo Canadian Company, owned by Belgian royalty, secured water rights above Mission Creek and piped it twenty miles to land on the Kelowna delta to
the east of the townsite (Surtees, 1979: 33-34). Initially the land companies found ready purchasers, often "remittance men" attracted from the British Isles, and the price of land rose quickly from $1 an acre in 1898 to $150-200 an acre in 1911, and one source indicates that certain lands were fetching $1000 an acre in this period (Okanagan Basin Consultative Board, 1974: 22).

The early history of the Kelowna Land and Orchard Company (KLO Co.), in close proximity to the Kelowna townsite, is particularly noteworthy. On March 14, 1904 Messrs. Carruthers, Pooley and Stirling purchased the Lequime Ranch of 6743 acres, stretching from Mill Creek, the southern boundary of the townsite, to Mission Creek, and including the western portions of the East Kelowna Bench (Kelowna Capital News, n.d.). The property, which included more than a mile of lakeshore frontage, was bought for less than ten dollars an acre. A local surveyor, Sam Long, quickly conducted a survey of the land, registering a sixty-seven lot subdivision plan on May 10, 1904. The Company installed an irrigation system to serve the new lots, drawing water from headwaters of Canyon Creek.

The company had to build their own roads, including Pendozi Street (now Pandosy Street) which remains the primary route south to the Okanagan Mission area from the original townsite (Nigel, n.d.). Lot 14 of Long's Plan 186 was set aside by the company for a park, but they later donated most of the lot to the Kelowna Hospital for a permanent site. The northern portions of the KLO lands became part of the original incorporated City of Kelowna, and the long streets which run to the west from Pandosy Street to the lake reflect the long narrow lots of the original Sam Long survey.
Incorporation

The Lequime brothers moved their commercial operations from Priest's Valley to the foot of Bernard Avenue near the ferry slip after the registration of the townsite plan in 1892 (see map on following page). The Lequimes also built a sawmill across Bernard, on the lakeshore. The provincial government did not control land use in unincorporated areas at this time, and the new town developed in a rather haphazard fashion. A fire insurance map shows that a number of small houses were scattered among several stores and a hotel which was built soon after the townsite was established. A school was established in 1892, a new post office opened in 1893, and the first doctor, Dr. Boyce, arrived in 1894 (Buckland, 1966). Businessman David Lloyd Jones came to Kelowna from Summerland in this period and bought a half-share of the Lequime Saw Mill, the name of which was changed to the Kelowna Saw Mill. The mill was a very important part of the community at this time, providing jobs for settlers and good lumber for the rapidly developing community.

By mid-decade, Kelowna was a bustling, unincorporated community of a few hundred, who were beginning to see the potential of co-operative actions and community spirit. A new school house was built by the community. The Okanagan Valley Co-operative Association was formed in 1893. In 1898, the Kelowna Shippers Union was brought into being, to market central Okanagan agricultural products in new locations. In 1899 and again in 1902, the Kelowna Saw Mill burned to the ground. With fire a constant threat to the community, the residents of Kelowna responded by purchasing a small fire engine to supplement the bucket brigade which had previously served as Kelowna's fire protection. In 1903, with the lake at record
high levels, Mill Creek broke through its banks, flooding the downtown area.

These events, and others, led some of the townspeople to call for the incorporation of the community of approximately 600 people. An excerpt from the Kelowna Courier (February 23, 1905: 4) gives some indication of the factors which led the community to petition for incorporation:

The health of the citizens, the general appearance of the town, as well as many other matters of public importance demand attention. We expect a large influx of settlers and visitors in the Spring so it is imperative that the place be made as attractive as possible. Kelowna has not been able to retain all who have come here with the intention of staying and the cause can be attributed to a great degree to unsuitable sanitary conditions. Get incorporated and clean up the town.

In subsequent editions, the editor of the recently established newspaper argued for the municipality, once incorporated, to control irrigation waters and to seek provincial assistance to lower the level of the lake. The petition for incorporation was forwarded to the province and on May 4, 1905 the British Columbia Gazette (pp. 927-29) records the issuance of Letters Patent for the incorporation of the "Corporation of the City of Kelowna", under Section 3 of the Municipal Incorporations Act (SBC, 1899, Chapter 55). The Letters Patent describe the metes and bounds of the new 1281-acre city, an area large enough to include the original Lequime townsite and the northern lots of the KLO Company subdivision, a size Kelowna was to remain until 1960. The document also provided for the election of a mayor and five aldermen, described the election regulations, and appointed a returning officer. To save election expenses which were to be borne by the new municipality, the Courier called for the acclamation of the six men best suited to represent the city, although it declined to name any candidates. On Thursday, May 18, 1905, six new council members were
acclaimed: Mayor H.W. Raymer, a local contractor and businessman, and five aldermen, including the postmaster, a rancher, and three businessmen. Interestingly, of the first councillors, only Raymer's name appears on the February 27, 1905 petition for incorporation to the provincial government (BC Gazette, 1905: 421).

The New City and the Park

As has been shown, at the time of incorporation the central Okanagan was a rapidly-growing area, and Kelowna was at the centre of this growth and development. The land companies were investing large amounts of capital acquiring new land, installing irrigation systems, and building roads. New Businesses and professional services were being attracted to the area. Commercial and residential, as well as agricultural, land values were escalating. The population of the city increased sixfold between the 1901 and 1911 census, with the city having 1663 residents by the latter date.

The KLO Company was particularly successful, and by 1910, it had an office in London to market its orchard land. At this same time, a surveyor named R.H. Parkinson was preparing a subdivision plan of the most northerly lots of the old Lequime Ranch property. The property, which was in the new city, was divided into small and large residential lots. The smallest lots (50'x120') were located along Abbott Street and Lake Avenue, lots within easy walking distance of downtown, and were originally designed to appeal to lower-income households, who were not able to afford a horse or land for a stable (Nigel, n.d.).

The first activities of Council reflected the community's optimism. Council had arranged to review by-laws from Kamloops and Revelstoke.
Kelowna's Letters Patent had provided for the appointment of a clerk, and for dividing the city into wards. Enabling by-laws were passed for both of these administrative items in 1905. Other by-laws passed in Council's first term include a Trades Licence By-Law (By-Law No. 2), a Pound By-Law (No. 3), a By-Law Respecting Public Morals and Convenience (No. 4), a By-Law Regulating Streets and Sidewalks and the Traffic Thereon (No. 6), and a Public Health By-Law (No. 8). In addition to the city clerk, both a constable and a medical health officer were appointed in 1905, Dr. Boyce serving in the latter post.

The first by-laws were rather sophisticated and may have benefitted from the examples provided by other municipalities, or from the experience of Clerk R. Morrison, who came to the city after fifteen years of similar experience in Manitoba. The Trade Practices By-Law required only new businesses not previously licenced by the provincial government to obtain a city licence and to pay a fee. Certain licences (for instance, the licence for pawnbrokers at $125 for each six months, compared to a typical retailer's fee of $5) were so expensive that they must have been intended to have an exclusionary effect. Section 5 of the Public Health By-Law provided the medical health officer with the authority "to order to be destroyed" certain buildings dangerous to the public health. This same by-law regulated the maintenance of street railway or tramway carriages, an obviously farsighted piece of regulation for a community of six hundred inhabitants.

In its first assessment of Council, the Courier praises the politicians for their fiscal restraint: "Fortunately for Kelowna all procedure has been characterized by moderation, no rash scheme to plunge the City
in debt having been suggested." (June 15, 1905: 4). From the first days of incorporation, the city contributed to the maintenance of vacant, privately-owned land for city park and recreation purposes: sports grounds for lacrosse and soccer were located on vacant lots in the downtown area, and the present Kelowna City Park, which was then owned by one of the Lequimes, was being used by male bathers as a public beach (Clement, 1955: 2). In the same June 15 article, the Courier went on to call for the City Fathers to ensure that an adequate supply of city lakeshore be available for public users.

A major event occurred in the city before Council could turn its attention to waterfront access for the public. In the winter of 1905-06, the Kelowna Saw Mill was again destroyed by fire. The mill was still located at the foot of Bernard Avenue in the heart of the commercial district, and it was generally felt that this location was inappropriate for industrial use. In discussions after the fire, Council decided to encourage the owners to rebuild the mill away from Bernard. A special meeting of Council was called on May 4, 1906 to discuss the relocation of the mill. Lloyd Jones, now the full owner, asked Council to consider exempting the mill from property taxation to make the move to a new location more attractive to the company. On October 16, 1906, Council passed By-Law No. 16, which exempted the Kelowna Saw Mill Company from property taxes for a period of ten years. For its part, the company moved the mill a block north from its old location, where it remained until 1945, at which time the mill once again became important to the development of Kelowna. This council decision marks both the first public resolution to affect the civic pattern of land use and the city's first use of a fiscal incentive
for industrial development.

The Tax Rate By-Law of 1906 (By-Law No. 12) shows an assessed value of land and property in the city of $276,000, a budget of $4,005 for the city's general expenditure, $1,510 for school purposes, no budget for debt retirement, all to be raised by a 20 mill assessment on the citizens. In this period, the city began to expend funds for major civic improvements, starting with board sidewalks, quickly progressing to water service, an electric power plant, and a modern hospital facility. The city raised funds for these purposes by selling debentures—by going into debt. By 1908, only two years later, the total municipal debt was reported to be $74,500 (Courier, February 11, 1901: 1), a very rapid accumulation.

In 1907, Mayor D.W. Sutherland was elected, replacing Mayor Raymer, who returned to his contracting business full-time. Raymer later won a contract with the city to build the first permanent bridges across Mill Creek on Abbott, Pendozi and Richter Streets (Council Minutes, Vol. 1, 260). Mayor Sutherland came to Kelowna in 1892 as the school master, teaching first in Lequime's Hall and later in the new school house built by Raymer (Buckland, 1966, 93). By the turn of the century, Sutherland had left his teaching post and had entered the real estate profession, purchasing and subdividing the A.B. Knox farm in partnership with three others, including F.R.E. Dehart. Sutherland served as alderman on the first council.

Dehart was elected in 1908 as an alderman. He was appointed chairman of the Finance Committee and was responsible in this position for preparing a statement of accounts for Council's review and approval, and for
issuing payment thereafter. The *Courier* of November 26, 1908 (p. 3) reports a lively discussion in Council regarding Dehart's payment without Council authority of a small account. Dehart is later publicly censured by Council. Subsequent *Courier* numbers and *Council Minutes* give no indication of Dehart's further contribution to Council discussion, and it is probable that Dehart chose not to return to Council. Not, that is, until after the civic elections of 1909, at which time he contested and won the office of Mayor. Although the incumbent, Sutherland, did not contest the election, he was to return to the mayoralty in 1910, serving the city until 1929. Dehart's election did little to resolve the hard feelings on Council and, upon his election, three aldermen resigned, to be replaced by three new aldermen who were elected by acclamation.

Other than the sparse record contained in *Council Minutes*, little information is available about this tumultuous time in Kelowna's political history. The causes which produced such dramatic political effects are unclear. The major civic issues at this time, however, were the city's financial position and the strain that would be put on that position by the acquisition of the City Park property. It may be that these issues contributed to the obvious political unrest, in a community which four years previously had been able to appoint a full council without dissent.

From the first days of the townsite's inhabitation, the acreage that was to become Kelowna City Park had served a parklike function for the town's residents, although it was owned by the Lequimes. Soon after incorporation, Council began to consider the possibility of buying the thirty-six-acre site. David Lloyd Jones is credited by a local historian with
coming to the aid of the city, purchasing the site from the Lequimes in 1908, to prevent it from being subdivided into residential lots. That same year, Lloyd Jones appealed to Council for exemption from taxes because of the use of the site for public purposes (Council Minutes, Vol. 1: 292). Minutes from the following meeting record Council's decision to grant Lloyd Jones a partial rebate on taxes paid (p. 293).

At this time, Council was reconsidering purchasing the Park through debenture financing. Lloyd Jones wrote to the city indicating that he would be prepared to sell the site, giving the city first option and a discount of $1,000 on the asking price of $30,000: a price of nearly $800 an acre (Minutes, Vol. 1: 293). The Agricultural and Trade Association was interested in selling their fairgrounds to the city also at this time, and R.H. Parkinson, the surveyor, wrote to the city giving his professional opinion that "the Park property is a much more desirable site for a park and recreation ground than the Agricultural and Trade Association fairgrounds." (Minutes, Vol 1: 309). Parkinson also counselled the city "to reconsider Mr. Lloyd Jones' offer before the property passes to speculators."

During this period, major city purchases required the approval of the electorate in specially-scheduled referenda, and after the 1909 election and the acclamation of three new aldermen, Council arranged to hold a vote on a purchase by-law for the City Park (No. 54). An unprecedented meeting of civic voters (British land-owning males over twenty-one) and other interested parties was held on the by-law question. The Courier reported that the city's financial position was the main topic of concern at the meeting. Although admitting to budgetary excess in the past, the
plan to acquire the Park was staunchly defended by aldermen in attendance, as well as by Parkinson. The proponents argued with dissenters in the crowd that portions of the new park could easily be subdivided and sold for residential purposes, if Council desperately needed additional funds. A unanimous vote of support at the civic meeting turned into a referendum victory for the pro-park Council, with 133 of 156 votes cast in favour of the proposed purchase by-law.

Early Residential Considerations

The debenture issued on the authority of By-Law No. 54 raised $33,300, of which only $29,295 was needed to buy the land; the city used the excess to make basic park improvements with the construction of a perimeter park drive, a drive which appears on a 1912 survey plan of adjacent residential properties, probable at this time. The 1912 survey was registered by R.H. Parkinson for the small lot subdivision of the northernmost KLO lands. But for Mill Creek, some of the new lots bordered on the new City Park. While less dramatic than the effect on residential land of Central Park in New York City or Stanley Park in Vancouver, there can be little doubt that City Park enhanced the value of specific residential property and of the community as a whole. The Park served as evidence of the progressive and civilized nature of the little town and was soon being touted, along with the polo and cricket teams, in land company promotions (Surtees, 1979b, n.p.).

In the midst of the controversy surrounding the park acquisition, By-Law No. 57 was passed with no recorded public reaction. The by-law dealt with "the erection and removal of buildings and the prevention of
fires." By-Law No. 57 was the first regulation to exclude certain uses from the generally residential area between Lawrence Avenue and Mill Creek. That Section 4 of the by-law stated, "it shall be unlawful to erect, lease or otherwise obtain any buildings or premises to be used as wash houses or laundries within the boundaries heretofore mentioned...," excluding only those two uses is perhaps more indicative of zoning for racial rather than use exclusion, the proprietors of wash houses and laundries being almost solely Chinese. Kelowna was not alone in this type of regulation. Indeed, the provincial government had delegated authority to local government as early as 1897 to control the location of wash houses and laundries, in the Municipal Clauses Act (SBC, 1897: Chapter 144(91)).

A review of other legislation shows that the province allowed municipalities the right to review the location of certain industrial uses, through an amendment to the Municipal Clauses Act in 1908 (RSBC, 1908: Chapter 50(141a)). In 1912 Kelowna Council passed the Business Location Restriction By-Law (No. 107) which made use of this delegate authority. Specifically, Council gave itself the authority to control the following land uses which had the potential to reduce "the value of accessible property": breweries, stables, sawmills, chemical works, lumber yards, paint works, piggeries, blacksmith shops, foundries, laundries and wash house buildings." Perhaps more important than this early authority to control the location of industrial land uses was the private market decision of Dr. Boyce, who bought the Lequime lots to the north of the new mill, lots which were "turned back from building lots to acreages by consent of the provincial land registry office" (Clement, 1955: 2). Well-removed from the better residential districts, these large lots soon
became attractive for canneries, packing houses, warehouses, and slaughterhouses.

The rapid development of the Okanagan ranch land by a number of competing land companies soon led to a glut of orchard land for sale and an overproduction of fruit crops. In many cases, poor land management also contributed to a collapse of the boom in the early years of World War I (Okanagan Basin Consultative Board, 1974, 22). The effect of the war itself should not be discounted, as new and prospective orchardists turned from agricultural pursuits in the Okanagan to the war effort in Europe, many never to return.

The decline in the agricultural economy at this time also had a debilitating effect on the City of Kelowna's economy. Fiscal conservatives, who had warned of the potentially disasterous effects of debt-financed capital projects, were shown to be correct, and by 1915, the city was in such deep debt that city employees, fearing city bankruptcy and the loss of their jobs, petitioned Council for a reduction in wages. Overdrawn seriously at this time, the city did not have the money to meet its current expenses (Kelowna Archives, n.d.). By-Law No. 216 (March 10, 1916) records the city borrowing $32,000 from the Bank of Montreal on the strength of unpaid taxes, in order to meet the expenses of the city which, at that time, included payments of $30,800 on interest and capital for earlier capital purchases.

Then, as now, provincial legislation gave municipalities the authority to take land from registered owners who were in default of tax payments and the interest thereon. By-Law No. 164 (August 14, 1914), a tax-sale
postponement by-law, was indicative of the city's initial hesitancy to make use of this power, postponing 1914 tax-sales to 1915. By the end of the war, the city had become inured to the tax-sale process and had become a major land owner. Many of the city's new properties were vacant-but-serviced residential lots which the city was able to sell in the years following the war.
CHAPTER III: LAND USE CONTROL AND PLANNING IN THE CENTRAL OKANAGAN 1918-39

Post World War I Development

With the cessation of the conflict in Europe, the stage was set for the economic recovery of the central Okanagan. With the help of the Bank of Montreal, the City of Kelowna had survived the financial crisis caused by the war and the agricultural market collapse, and with the help of Medical Health Officer Knox and three special hospitals (one each for the whites, Japanese and Chinese), the city survived the Spanish influenza epidemic of 1918. Although many in the community believed that rapid growth was soon to begin again, the central Okanagan was slow to recover from the shattering events of the previous ten years.

Overproduction and poor land management, which were earlier cited as reasons for the collapse of the land market in 1912, continued to plague the agricultural industry at this time. Often unable to market their remaining parcels of irrigated land, now recognized as overpriced, the land companies began to increase fees for the provision of irrigation water to the established orchards, to turn a profit. Such an increase in fees put additional pressure on orchardists who were competing in a glutted, and essentially free, market for the sale of their crop. The resultant financial squeeze, caused by increased costs and reduced profits, encouraged the orchardists to form co-operative unions. Ormsby (1931, 90-98) describes the approaches used by Okanagan orchardists to wrest control of irrigation systems from the land companies, ultimately having control and ownership shift to associations of orchardists. Similarly, co-operative marketing agencies, supported by provincial legislation, emerged in
the 1920's to extend the markets for Okanagan fruit and to guarantee prices for producers (Okanagan Basin Consultative Board, 1974).

During this period of readjustment in the orcharding industry, the composition of the population was also changing. Early recruitment of settlers by the land companies had taken place primarily in the British Isles. Many of these early British settlers were the so-called "remittance men" who had been attracted to the Okanagan by the somewhat deceiving land company advertisements appealing to gentlemen farmers. These remittance men and their families generally possessed some financial wealth from other sources and were often poorly prepared for, and only mildly interested in, the hard work necessary to build a successful farming operation. Ormsby (1931, 167) states that, after 1920, 870 soldiers obtained loans under the Federal Soldiers Settlement Act for farming in the Okanagan, but many of the soldiers also had difficulty developing profitable orchards, and by 1931, 430 of these farmers had allowed their property to be reclaimed by the Soldier Settlement Board. Those who did come and prosper were uniformly hard-working and often disliked by the earlier settlers for their success and/or because of their Eastern or Southern European or Asian ancestry.

The failure of the land boom in 1912 and the continued lack of sustained success for Okanagan orchard products in external markets led to a search within the community for other profitable export goods. In this period, market gardens and canneries for the processing of both garden and orchard produce became more prominent in the central Okanagan. The Kelowna Saw Mill and other mills in the valley began to ship poles, ties, and lumber to other Canadian markets. The construction of a rail link from Vernon to Kelowna, completed in 1925 by the Canadian National Railway,
gave the producers of the central Okanagan much easier access to potential markets. The rail link had its southern terminus in Kelowna, and until 1973, rail access south to Penticton and the Kettle Valley Line (completed in 1915) was possible only rail car barge. In 1973 even this method was abandoned.

The City of Kelowna continued to grow after World War I, albeit at a reduced rate. In fact, a review of the 1921 census shows that the city's population grew from 1663 to 2520 between 1911 and 1921, a moderate annual growth rate of approximately four per cent. This rate of growth increased after 1921 and was high enough to establish Kelowna as the largest city in the Okanagan by 1928, with a population of 4313, outstripping the City of Vernon. Some residential growth was occurring outside the boundaries of the City of Kelowna in this period as well, growth which led to the incorporation of the District Municipality of Glenmore in 1922. Glenmore was situated on the eastern boundary of the city and extended several miles to the east and north, into purely agricultural lands.

Council began to develop and adopt more development controls in this period. While only certain retail and industrial uses had been regulated prior to World War I, in 1924, the city passed a detailed Fire Limits and Building Regulations By-Law (No. 398), which established seven building classes and then set limits and regulations for each type of building permitted. The by-law went on to describe by metes and bounds the area of the city in which each type of building was permitted. The by-law also controlled the use of land in certain districts: for instance, Class Four buildings were limited to private dwellings. Such use restrictions closely resembled zoning control, which was not permitted in British Columbia until
the following year, when the Legislature would pass the Town Planning Act (SBC, 1925: Chapter 55). In other business the following year, Council finally recognized the contribution made to the control of public health by Dr. W.J. Knox, the city's second doctor, who also served as the medical health officer, and By-Law No. 407 provided Knox some financial compensation for his efforts.

Census records show that the city began to grow more rapidly in the 1921-1931 intercensal period, the population increasing from 2520 to 4655, an annual growth rate of approximately 6.5 per cent. Additionally, the assessed values of improvements for taxation purposes rose from $1,648,000 in 1921, to $2,361,905 in 1926, and to $3,071,000 in 1931, nearly doubling the value of improvements in a ten-year period.

As the city grew, the need for more stringent regulation and control became more apparent. Council began to adopt more technical regulations in the areas of engineering and public health, and to give more authority to appointed officials to administer these by-laws. In co-operation with the provincial government, a full-time medical health officer was appointed in 1929 (By-Law No. 509). The City Engineer began to issue septic tank permits, not previously required for new construction (By-Law No. 479). The Engineering Department also assumed more responsibility for the regulation of traffic on streets and sidewalks (By-Law No. 514). Council also introduced and adopted the city's first Subdivision Control By-Law (no. 516) which reads in part:

Before any subdivision plan is approved the Council may require the owner of the land proposed to be subdivided to clear and grade all roads and lanes shown on such plans for the full width of the road and lane allowance, and to provide road and land drainage
facilities including all necessary culvert work, and to have all roads contour graded and gravelled or rocked in accordance with the plans and specifications recommended by the City Engineer.

The city also sought methods of taxation in addition to the property tax: in 1928, the city introduced a Poll Tax of $5 on men over the age of twenty-one who were not property owners (By-Law No. 491); in 1939, this tax was supplemented with a Road Tax on the same members of the city's population (By-Law No. 789).

The Depression and the First Zoning By-Law

The British Columbia Town Planning Act was the first provincial statute which delegated the authority to municipalities to regulate land use through zoning. As has been shown, Kelowna was excluding particular uses and regulating the use of land in a zoning-like fashion several years prior to 1925. If we try to reconstruct the general land use of the city at this time, it is apparent that the early exclusionary by-laws, at least from the point of view of the majority of the property owners and voters, had more or less successfully shaped the development of the city. Industry was located primarily to the north of the Kelowna Saw Mill, and was generally buffered from residential development by vacant or commercial land. The 1925 rail line was able to gain access to this industrial area without much disruption of existing residential land uses, providing, in turn, a further incentive for industrial location to the north of the business district. Bernard Avenue and the waterfront continued to be the focus of commercial growth, with retail and office growth occurring to the east on Bernard and to the north and south on parallel avenues near the waterfront. Early Council initiative, too, had secured Chinese shops and residences in a small area near the commercial core just to the south of
Bernard Avenue. Abbott and Pandosy Street addresses came to be the most prestigious for residential location, with additional residential construction in the KLO subdivision and across Mill Creek, in the original townsite to the east of the commercial core. The City Park, now well-treed, was recognized by citizen and tourist alike as a singular benefit to the community, a feature which distinguished Kelowna from other less "well-planned" Okanagan communities (Cushing, 1981).

The year 1929 brought the Great Depression and, once again the state of the Canadian and world economies affected the economy of the central Okanagan which, attempts at diversity notwithstanding, remained essentially an agricultural economy. With the depression in prices in world markets and the further collapse of the prairie wheat farming economy through drought, traditional markets for central Okanagan apples dried up or became unprofitable. The depression in the fruit industry, in turn, had a negative impact on the service and support industries in the City of Kelowna. For the first time since World War I, the city began to take property in the city for non-payment of civic taxes and, through tax sales, owned 470 lots by 1938.

The depression presented Kelowna with a series of challenges. The city was in better financial condition than other British Columbia municipalities; for instance, the City and District of North Vancouver and the District of Fernie went bankrupt during this period. Nevertheless, substantial curbs had to be put on civic initiatives as the tax base dwindled through tax sales and falling property values. The city was also faced with growing relief payments, and the city hired a social welfare officer to administer the local welfare roll. This difficult period provided the city with two major pieces of parkland, however, as Dr. Boyce,
the long-time city physician and land developer, gave the city waterfront property on South Pandosy (now Boyce-Gyro Park) and the mountainous area to the north of the City (Knox Mountain Park).

City records show that the assessed value of property had decreased between 1931 and 1936, while the assessed value of buildings had increased by some $250,000. Although a review of building permits issues in this period was not undertaken, it appears that the local economy was experiencing a bit of a revival by the latter assessment date. With this minor recovery came new initiative for land use controls in the city. A new Fire Limits and Building Regulations By-Law was adopted in 1936 (No. 668). This by-law was in many ways less complex than the 1924 by-law which it replaced, regulating the type of construction in three, rather than six, city building districts; the by-law also did not attempt to regulate the use of land.

At this same time however, Council was considering the adoption of a more comprehensive and straightforward zoning by-law as permitted under the Town Planning Act. In the opinion of the Capital News Illustrated of 1937, many of the city's problems would be more easily solved if a comprehensive plan and town planning commission were respectively adopted and appointed. The editor of the Capital News stated, in part:

Due to a lack of forethought in some of the construction of a few years ago and knowing what benefits can be accomplished by proper planning, a Town Planning Commission has been suggested at many meetings. So far, little has been done in the matter, but it is evident that the day is not far distant when Kelowna will have a Town Planning Commission which will encourage the city to build to a plan rather than to keep on in the more or less haphazard way in which it has gone thus far. (Kelowna City Archives, 1981).

Rather than support the preparation of a plan which had a historical
precedent in British Columbia with the Harland Bartolomew Plan of Vancouver, 1929, Council opted for a comprehensive zoning by-law. The major proponent of zoning on Council was Ald. J.D. Pettigrew. He had obtained a copy of a model zoning by-law from the federal government, which had recently become involved in municipal land use through the passage of the National Housing Act in 1938, (which will be discussed in more detail in following pages). Committee of the Whole minutes (Vol. 6: 18) of September 6, 1938 reveal that the mayor and Council generally agreed that the model regulation was "too cumbersome" for a city the size of Kelowna. Two aldermen (Messrs. Cather and Willets) were appointed to a special committee to revise the text of the zoning by-law for council's earliest consideration. Pettigrew and the City Engineer travelled to Vernon to discover how a similar by-law was being received in that city and, on October 3, 1938, Pettigrew reported that Vernon Council was "very enthusiastic and unanimously in favour of the by-law being passed." (Committee Minutes, Vol. 6: 29).

Pettigrew was able to speed up the work of the revision committee and, at the next Committee of the Whole meeting, he read a draft of the revised zoning by-law to the mayor and aldermen. At this same meeting, the by-law was referred to the city solicitor, and when an affirmative reaction was received, Council scheduled a public meeting to consider the proposed by-law. Records of the city show that letters and petitions were received from concerned citizens regarding the potential adoption of the zoning ordinance, although Council discussion indicates that opposition to the by-law pertained to specific areas and zonings in the city, rather than to the general concept of the by-law. On November 14, 1938, the by-law was referred to Council, and one week later it was adopted.
The 1938 Zoning By-Law (No. 740) divided the city into twelve districts, each described in a metes and bounds schedule. Each district was further described as being included in one of eight zones: A - Retail, B - Light Industry, C - Industrial, D - Oil Storage, E - Agricultural, F - Live Stock, G - Apartment, H - Residential. Part Four of the by-law contained a number of uses absolutely prohibited, including the following: "slaughterhouse, the keeping or rearing of hogs, tannery, or glue factory."

Part Six of the by-law allowed Council to issue permits for special uses, including churches and government buildings. The by-law also provided for expansion of single-family residential land uses while restricting the expansion of retail and commercial uses.

Dispensing model zoning legislation was not the only instance of federal leadership in municipal land use control and planning during the depression. In 1938, Parliament passed the National Housing Act (NHA), Part III of which was of particular interest to Kelowna and other municipalities throughout the Dominion. Part III allowed the federal government to purchase serviced lots in municipalities on which to build modest rental housing. To make it more attractive to municipalities, Part III also guaranteed to pay property taxes on the newly-constructed housing. The program was welcomed both as a social planning initiative to provide housing for many needy residents, and as a secure source of property tax dollars for the community. At this time, the City of Kelowna owned 470 lots which met the criteria of the program, and the city offered 115 lots to the administrators of the NHA for the development of Part III housing. To meet NHA requirements, a Housing By-Law (No. 746) was passed in 1939. The by-law outlined the responsibilities of the city and the federal government for any NHA housing constructed.
The Housing By-Law was the first significant piece of federally-sponsored regulation adopted by City Council. While Council was very enthusiastic about the provisions of Part III of the NHA, there is evidence to suggest that the city fathers were less concerned with the social welfare of the inhabitants of the central Okanagan when the municipal purse was involved. As early as 1932, delegations of unemployed demanding aid were dismissed by Council. Land use controls established by the city had been able to keep squatter settlements from being built in the city and, by 1939, Council was demanding that the shacks built outside the city by unemployed or migratory workers be more strictly regulated by the provincial government. Committee Minutes of January 30, 1929 (Vol. 7: 82) records the first in a long series of submissions to the province seeking the extension of zoning and subdivision controls in the unincorporated areas around the city, to alleviate the "undesirable shack town conditions."
World War II and Postwar Reconstruction

Declaration of war cut short all government planning and land use initiatives in the central Okanagan. Neither the municipality nor the province pursued the matter of shack town suburban development control during the war. Nor did the federal government construct any housing under Part III of the National Housing Act. As all attention turned to the war effort, the land use control and planning initiative which Council was beginning to develop ceased to be a priority. By-laws to amend the city zoning by-law to accommodate more retail development which were in evidence before the outbreak of the war gave way to by-laws encouraging the collection of important war metals and authorizing tag days to raise money for the war effort. By 1942, Council became involved in civil defense programs, and proposals were passed from municipality to municipality, often through their respective Boards of Trade, regarding the various means by which Japanese-Canadians could be 'repatriated' to Japan. Council had several heated discussions about the internment and possible patriation of Japanese-Canadians, and it is clear that some members did not support the internment nor the possible patriation of a group of citizens who had established their value to the community.

The assessed value of land in the city fell almost $140,000 between 1936 and 1941, while the value of improvements increased over $750,000. The cause of the changes in assessed value is not clear; it may be that the price of land did fall in the city or it may be that the assessor chose to increase the value of improvements, taxed at 33.33 per cent of value, more
rapidly than the value of real property, taxed at 100 per cent of value. A review of the population change between 1931 and 1941 shows that the city grew from 4655 to 5118, an annual growth rate of only one per cent. Indeed, Kelowna grew so slowly in this period that both its Okanagan rivals, Penticton, at 5777 and Vernon, at 5209, grew larger.

Unlike several municipalities in the province, Kelowna was able to manage its finances during the depression. In spite of the pressures of relief payments and the recurring problem of non-payment of property taxes, Kelowna emerged from the depression in 1941 paying less money to finance its debt ($32,765) than it had going into the depression 1931 ($40,811). While the city had obtained a number of residential lots through tax sales, the 1941 Census reveals that the community's housing stock emerged from the economic hard times relatively well-maintained and well-equipped. In 1941, there were 1367 dwellings in Kelowna; of that total, 1223 were single-family homes, 834 were owner-occupied, and only 167 were in need of repair. The average value of an owner-occupied home was $1,107, the average household size was 3.5, and the average annual income of a wage-earning occupant was $1,107. At this time, 95 per cent of the households had running water; 84.5 per cent, flush toilets; 99.3 per cent, electric lights; and 61.3 per cent, telephones.

On March 25, 1942, Prime Minister Mackenzie King rose in the House of Commons and, stating that after the war was won, a vast task yet lay ahead of the free nations of the world, announced the establishment of a Special Committee on Reconstruction and Re-Establishment (SCRR). At the first meeting of this parliamentary committee, the Hon. Ian McKenzie, Minister of Pensions and National Health, presented this assessment of the committee's
It is extremely difficult, under present conditions, to project schemes into the future for as the days go by hypotheses, lines of solutions of problems, methods, trends, political philosophies, and even party programs with regard to this whole matter change... social order reconstruction involves so many variables that controversy is inevitable, and some would have us believe that there is some risk of sabotaging the war effort by division of our forces in this life and death struggle by premature discussions. The demand, however, for an idealistic type of reconstruction exists. (SCRR Minutes, 1942, 19)

Four subcommittees were established, and the Subcommittee on Construction Projects was given the responsibility for housing and planning. A special advisory committee of academics and researchers, under Prof. C. Curtis of Queen's University, was established to investigate housing and community planning issues. In June, 1942, Mr. K.M. Cameron, Chairman of the Construction Subcommittee, reported on the initial consensus of the Curtis group, stating that its members were in complete agreement "that adequate city and regional planning is absolutely essential as the basis for any efficient housing program." (SCRR Minutes, 1942, 119). Cameron also reported that "In the case of smaller cities, towns, or regions, properly prepared town plans should be completely developed and adopted before any postwar housing development is finally approved."

It is important to remember that not only the war, but the depression was also very much on the mind of the members of the various reconstruction committee members. SCRR faced a major policy dilemma: whether to risk recommending a Keynesian-New Deal economic program similar to that of the United States, or to risk returning to the prewar laissez-faire economy, a system which had led to economic collapse. To make their task easier, SCRR sought the advice of the business community, and provincial and
municipal governments. In addition to agricultural and resource concerns, the committee heard a great deal about the need for more housing construction and community planning. The Canadian Construction Association advocated six areas of government support for the industry, including "a housing program which will employ a greater proportion of skilled craftsmen." (SCRR Minutes, 1943, 744). The Canadian Federation of Mayors and Municipalities (CFMM) stated, "If we have left the matter of housing to the last, it is not because that we regard it in that order. Rather we are convinced that a full-scale attack on the housing problem is by all odds the ranking A-1 priority for the tasks of peace." (SCRR Minutes, 1943, 873). CFMM called for a bold national policy to house low-income people, as well as programs to rectify the problems of urban blight and slums.

While SCRR was receiving all the delegations, the Curtis Committee was busy conducting its own research. The report which emerged set the stage for postwar reconstruction at the local level. Among the recommendations proposed was the need for the preparation of community plans for small urban communities prior to the end of the war, so that "work on sound housing projects can begin immediately the war ends." (Advisory Committee on Reconstruction, Vol. IV, 1946, 15). The Curtis Committee judged the inadequate supply of housing as one of the most serious problems of Canadian postwar reconstruction. The Report assumed that "the great bulk of housing, whether publicly, privately, or co-operatively owned will be built by private contractors and corporations" (p. 9), with the role of government as protagonist, co-ordinator and, in the case of low rental schemes, owner. The report called for the creation of a Dominion Town Planning Agency to encourage community planning at the provincial
and municipal level, to educate the public on the need for town planning, and to support the training of town planning personnel (pp. 16-17).

Many of the recommendations of the 1944 Curtis Report were embodied in the National Housing Act amendments of that same year, including the encouragement of public interest in community planning in Part V (Carver, 1975, 88). From the Curtis Report came the establishment of the Community Planning Association of Canada, an organization of professional planners and other persons interested in planning, and the establishment of the Central Mortgage and Housing Corporation (CMHC), to co-ordinate the Curtis amendments to the National Housing Act. In the years immediately following the war, the federal government, with the support of provincial and municipal authorities, aggressively pursued the production of housing, initially through Wartime Housing Limited, and later through CMHC.

In British Columbia, as in other provinces, Legislative Committees were established to develop provincial plans for postwar reconstruction. One active member of British Columbia's Postwar Rehabilitation Committee was Mr. W.A.C. Bennett, then a recently-elected Conservative backbencher, representing the central Okanagan (South, 1982: Worley, 1971:39). A Reconstruction Bureau was established by this committee, and the Bureau set about promoting postwar planning in the various provincial departments and in the municipalities. Council Minutes of March 19, 1945 (Vol. 18: 48) records Kelowna Council discussing the possible creation of a Postwar Reconstruction Committee of its own, although the activities of this committee, if, in fact, it was ever established, did not become noteworthy. The stimulus of federal and provincial postwar planning did have an impact on the city, however, and the following pages of this section
will trace the development of two of the major postwar planning initiatives in the City of Kelowna: the Civic Centre Plan and Wartime Housing construction.

In addition to the major plans of Council, a series of smaller programs and projects were introduced by Council in 1944 and, under newly-elected Mayor J.D. Pettigrew, in 1945 and 1946. In conjunction with the provincial government, the city bought the home of David Lloyd Jones, converted it into "a house of aged and infirm men and women" and established a board to oversee the operations of the home (By-Law No. 1117). In 1945, funds were raised by debenture to purchase a site in Rutland for an airfield (By-Law No. 1214). Council also resolved in 1945 to sell building lots not set aside for other purposes to veterans and widows of veterans for two-thirds of their market value (Council Minutes, Vol. 18: 358).

The two planning initiatives of Council within the boundaries of the municipality worthy of more thorough investigation are the decision to buy and develop the Kelowna Saw Mill site on Mill Street as the Civic Centre and the city's decision to agree to build rental housing in conjunction with Wartime Housing Limited. Regarding the former initiative, in 1939, when the mill was destroyed by fire, S.M. Simpson Limited, the mill's owner, decided to move their expanding saw mill operation to Manhattan Beach, in the city's northeast section. Council Minutes of June 12, 1939 record the completion of a new mill office for S.J. Simpson at Manhattan Beach, but the outbreak of war precluded the early reconstruction of a permanent saw mill facility at the new site. During the war, S.M. Simpson Limited continued to buy land to consolidate the new site, including the
purchase and exchange of several city-owned properties (By-Laws No. 925 and 1013).

With the move to the larger Manhattan Beach property underway, S.M. Simpson Limited was able to offer the old site for sale. During the war, the company offered the old site to the city for $30,000, and later also offered the city lakeshore property immediately to the west for $25,000 (Letter to Council, November 25, 1944). Kelowna Council envisioned the use of this large site adjacent to the downtown core as a civic centre, ultimately to include skating and curling rinks, a library, and a city hall. On May 10, 1945, a vote of the city electors was taken on the Civic Centre Purchase By-Law, 1945 (By-Law No. 1117). The vote was successful, and the by-law was adopted on May 21, 1945, authorizing the $30,000 purchase of the original mill site.

A Civic Centre Committee was appointed by Council on May 21, 1945 (Minutes, Vol. 18: 126), and the committee soon recommended that the city purchase the lakeshore property offered by S.J. Simpson Limited. The committee also recommended that the city seek the advice of town planning professionals, specifically Harland Bartholomew & Associates of St Louis, regarding the site of the civic centre. Mr. J.A. Walker, the Vancouver representative of Bartholomew et al, met with Council on May 31, 1945 to discuss the proposed civic centre plan. On July 30, 1945 (Minutes, Vol. 18: 213), Council agreed to spend $1,500 to have Walker report on the future use, not only of the property already purchased by the city, but also "the lakeshore from the northerly entrance to the City Park to the City's Power House."
On August 27, 1945, Council received a letter from Mr. Walker, indicating that consultant from Harland Bartholomew's office would be visiting the city, and Council advised Mr. L.R. Stephens of the Kelowna Civic Centre Committee of the consultant's arrival. In rather short order thereafter, "A Report Upon a Civic Centre Plan, Kelowna, British Columbia" was presented (September, 1945) for Council review. Of the desirability of a civic centre, the consultants reported that "One of the highest forms of municipal accomplishment is represented in the creation of harmonious composition of several large buildings to form a civic centre." (p. 1). On page 4 of the report, the consultants state that:

there are four major and definite factors which must be considered in the selection of a civic centre. These are:
1. Proximity to the main retail and general business district;
2. Character of the site and surroundings;
3. The focal point;
4. Character of the buildings comprising the group.

Basing its decision on the above criteria, the report, after considering two smaller sites as alternatives, recommended that the old saw mill site, as well as the lakeshore property and several other properties along Mill Avenue would be the most suitable for a civic centre. In its concluding comments on page twelve, this short study states that "in the absence of a Town Plan for Kelowna, it is somewhat difficult to make a thorough analysis and produce accurate deductions regarding the future business district" and its potential conflict with the proposed civic centre.

The suggestions for further town plan preparation went unheeded by Municipal Council; however, the consultants' recommendations regarding the purchase of adjacent lands were soon followed. On December 17, 1945, Council passed By-Laws No. 1212 and 1213, which respectively authorized the
purchase of the lakeshore lot for $25,000 from the Kelowna Saw Mill Company and the exchange of other city property for land included in the Civic Centre plan area. Council also followed the general land use plan prepared by the Bartholomew planners for the general location of buildings. By 1947, City Council was authorizing the construction of a War Memorial Arena on the Civic Centre site (By-Laws No. 1363 and 1413). By-laws to authorize the construction of a city hall, a health clinic and a library soon followed. The planners' proposal to maintain an expanse of lawns across Water Street from the site of the city hall to provide a vista was soon rejected in favour of the exchange of this parcel for other property to allow the province to construct a government building and courthouse there in 1949 (By-law No. 1449).

The Civic Centre property acquisition and building program was the first major commitment of civic funds in the postwar period. For planning history the initiative was of consequence for two other major reasons: Council used the advice of an ad hoc advisory committee of appointed citizens for the first time, and Council hired a professional planning consultant for the first time.

Council's other major land use initiative in the city at this time was the construction of subsidized rental housing, in co-operation with the federal government and Wartime Housing Limited (WHL). While Council had agreed to have low-rental housing built under Part III of the NHA in 1938, no housing had been constructed. WHL had been established in 1941 by the federal government to construct housing for workers in urban wartime industries (Rose, 1981: 27-28). At the end of the war, WHL was pressed into service to provide urban housing for returning veterans,
their wives and families. At the time Kelowna Council was becoming concerned with the lack of adequate housing in the city (Minutes, April 23, 1945, Vol. 18: 101), WHL and the federal government were selecting Kelowna as a site to receive subsidized housing.

As a result of tax sales during the depression, the city owned a considerable amount of residential land. The city must have been quite successful selling land during and just after the war, because an unidentified city official reported in 1945 to the Provincial Royal Commission on Provincial Municipal Relations that the city had only ten per cent of its tax sale property remaining uncommitted (Goldenberg, 1946: X50). Nevertheless, when approached by WHL, Council agreed to supply one hundred lots at the price of $1 each.

Gone from this federal housing initiative was the resolve of the federal Special Committee on Reconstruction's subcommittee on housing and town planning to require "properly prepared town plans" in smaller cities before allowing postwar housing developments. Indeed, the lots offered by the city and selected by WHL were in the city's north end, isolated from the city's other residential districts by the industrial district and the railway to the south (see map on following page). The 'North End', as the area came to be known, was adjacent to the new and expanding Simpson Saw Mill, however, and the prospect of employment in, and in proximity to, the mill may have been just as desirable a locational factor as the more traditional residential character of the neighbourhoods to the south. By August, 1945, Council had met with Mr. James C. Grey of WHL to arrange for the construction of one hundred wartime housing units on the lots.
offered by the city under the regulations of the Low Rental Housing Scheme (Minutes, Vol. 18: 240).

On January 1, 1946, Central Mortgage and Housing Corporation (CMHC), formed in 1945, began to assume responsibility for federal urban reconstruction initiatives (CMHC, 1970). Mr. Rex Lupton, later to become a real estate agent and land developer, was appointed the local representative of CMHC in Kelowna. By April 8, 1946, with some low rental housing already completed and rented, Council sent a letter to Mr. Grey of WHL in Toronto, urging him to complete their portion of the construction agreement so that plans of subdivision could be registered and individual properties legally described for taxation and accounting purposes (Minutes, Vol. 19: 100).

On June 5, 1946, Council unanimously passed a motion offering thirty-five more lots for the construction of low-rental housing under the Wartime Housing legislation (Vol. 19, 219-20). The following week, Council finally passed the Wartime Housing By-Law (No. 1297) which established the responsibilities of the various parties to the agreement, namely, the city, WHL and His Majesty the King in Right of Canada. The agreement read in part:

And whereas there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortages has requested his Majesty to provide additional housing accommodation with the City of Kelowna;....

The extent of the shortage was obviously determined to be less severe by the federal government than by the City of Kelowna, because the city's request for more low-rental housing was rejected by the federal government in August, 1946 (Vol 19: 390).
The Federal Advisory Committee on Reconstruction had been firm on the need to have adequately-sized (50"x120") and adequately-serviced lots for postwar housing. Some of the lots the city sold to WHL had to be replotted from 40' frontage to 50', to meet federal standards. The city also had to extend services to the WHL subdivision, including street lighting, water, sewer, and electrical works to comply with federal standards (Kelowna Financial Statements, 1946: n.p.).

At this time, another federal initiative, which was later to have an impact on the development of the city, was also being instituted. Following the recommendations of the Special Committee on Reconstruction, Parliament adopted the Veteran's Land Act, which authorized the establishment of a Veteran's Land Administration (ALA) to purchase, subdivide and sell land at attractive prices to returning veterans. Parcels, large enough for subsistence agriculture, were made available by VLA near Kelowna, in Glenmore to the east of the city and in Lakeview Heights on the west side of Okanagan Lake.

The Advent of Regional Control: The Kelowna Regulated Area

Postwar Council Minutes record a number of emerging land use control and planning issues which later were to become major problems. The Minutes show the emerging concern for sewage disposal, recording complaints about steaming, raw sewage flowing into the lake in an open ditch (Vol. 19: 30-31). The zoning controls provided in the 1938 by-law were proving to be inadequate. Amendment applications were approved which sought more land for apartment construction (By-Law No. 1369) and to provide suburban retail land to the north, east and south of the central business district. The
major issue at this time, however, was Council's concern for the establishment of some form of land use control in the rapidly-developing unincorporated areas adjacent to the city.

While the city had initially become concerned about the type of development which was occurring in areas adjacent to the city during the depression, the rapid growth in these areas following the war exacerbated the city's concerns about public health and safety. The Provincial Bureau of Reconstruction, an administrative body established by the provincial Legislative Committee on Post War Rehabilitation, also recognized the need for better planning outside, as well as inside, municipal boundaries. To this end, the bureau established a Regional Planning Division to assemble "information necessary to undertake a plan aimed at securing a state of economic balance," as well as "giving planning advice to small municipalities" through a form of community planning which included zoning, recreation, transportation, and subdivision planning (Department of Municipal Affairs Annual Report, 1951: 17).

Council did not see the need for planning within the city, an area which they felt to be well-planned and regulated; however, Council sought out the Regional Planning Division to have them deal with the unsanitary and unplanned conditions developing in new subdivisions adjacent to the city. The May 21, 1945 minutes of Council record a debate about letters sent by Council to their provincial representative, W.A.C. Bennett, regarding the condition of buildings outside the city (Vol. 18: 123). A reply from Bennett the following week indicates that the Premier and Provincial Secretary were awaiting a comprehensive review of the whole problem by provincial officials so that the appropriate action could be taken.
Subsequent pressure was exerted by Council on their MLA and the provincial government early the following year, to which the province replied that no action was yet forthcoming. Again, in May, Council contemplated sending a letter to the Attorney General to bring him up-to-date on the deplorable situation in the developing areas adjacent to the city (Vol. 19: 159).

Council was also lobbying other municipalities' regulation of outlying areas, through a resolution forwarded to the Union of British Columbia Municipalities (UBCM). The resolution states in part:

> Therefore be it resolved that this Council goes on record as advising that future subdivision in organized municipalities and unorganized districts also be laid out in lots of not less than 50x120 feet, or not less than about 6,000 square feet, and that not more than one third of the lot area be built upon where private dwellings (one family) are constructed; ... (Vol. 18: 113).

This resolution indicated that the city was willing to accept the minimum standards required by WHL throughout the municipality, but, more importantly, it indicates that the city wanted the support of other municipalities for some land use control in unincorporated areas. The city also presented a brief to the Royal Commission on Provincial Municipal Relations, chaired by Mr. H. Carl Goldenberg, and his report, in turn, supported the concept of "regulation in areas adjacent to municipalities" (Goldenberg, 1947: X19).

Before the Royal Commission could report on provincial-municipal relations, however, the province passed Bill 99 in the 1946 session, an amendment to the Town Planning Act (TPA) which added Part III—"Subdivisions in Unorganized Territory" (SBC, 1946, Chapter 75). The amendment allowed the Lieutenant Governor in Council to make regulations to control
land use in unincorporated areas. On July 15, 1946, Mr. A.G. Graham, Supervisor of the Regional Planning Division, met with a Council-appointed committee, including Mr. W.A.C. Bennett; Mr. H.H. Stevens, the local Provincial Engineer; Dr. D.B. Avion, the Medical Health Officer; Ald. J.H. Horn; and representatives from the District of Glenmore, the Kelowna Board of Trade, and city staff. Stevens discussed the possibility of a regulated area surrounding the city (Vol. 19: 321). A tour was conducted by Mr. Graham, in the company of the committee, to determine the boundaries of the unincorporated area to be regulated under Part. III of the TPA.

On October 17, 1946, Provincial Cabinet approved a set of regulations under the TPA which established the first regulated area in the province in the central Okanagan (B.C. Gazette, 1946: 3099-4101). The regulations provided for some basic control of subdivision, building, and land use: building inspection was required, a local zoning board of appeal was created, and zoning control and amendment became the responsibility of the Regional Planning Division. Commissioner Goldenberg was very supportive of this provincial regulation, recommending in the Royal Commission Report on Provincial Municipal Relations:

That the Provincial Government exercise its authority under the "Town Planning Act," as it has already been done with respect to the area adjacent to Kelowna, to regulate unorganized areas adjacent to municipalities and to prescribe and enforce the necessary regulations with regard to minimum building standards. (X98).

Goldenberg also anticipated the need for municipal annexation of adjoining territory because of the rapid growth of unincorporated areas, and he recommended that the Municipalities Incorporation Act be amended to facilitate such extensions.
In 1947, when the Bureau of Reconstruction was disbanded, the Regional Planning Division became part of the Department of Municipal Affairs. That same year a new, more detailed, set of regulations was issued by Cabinet for both the Kelowna and the Vernon Regulated Areas (B.C. Gazette, 1947: 2085-88). By 1951, there were eight regulated areas in the province (Department of Municipal Affairs Annual Report, 1951: T17).

With the addition of Part IV of the Town Planning Act in 1948, the province provided for regional planning areas, for anticipatory planning, rather than restrictive land use control. Although the metropolitan areas of Vancouver and Victoria soon took advantage of this regional planning legislation, it would be some time yet before the Okanagan established a regional planning board.

The Boundary Extension Question

The ten years after World War II was a period of rapid growth in the central Okanagan, as it was in the rest of the province. The Census shows that the City of Kelowna grew from 5118 to 8517 between 1941 and 1951, an annual growth rate of more than five per cent. A period of slow growth in the city between 1951 and 1956, when the population grew less than one per cent a year to 9181, is not indicative of the growth of the central Okanagan. The 1956 Census records that the outlying areas (Glenmore, Okanagan Mission, Rutland, South and East Kelowna, Bankhead, Benvoulin, and Poplar Point) grew from 2812 to 5135 in the preceding five years. The combined total of the city and the other enumeration areas in the region shows a total population of 14,316, an annual increase of about five per cent. This census review indicates that the major demographic trend which emerged after the war in the central Okanagan (as it emerged in other non-metro-
politan areas of British Columbia at this time) was the growth of the unorganized areas outside the incorporated municipalities.

Not only was a new physical landscape emerging, but at the political level, the turbulence of the preceding years was also creating a new political landscape in the central Okanagan. The traditionally Conservative farming community had been disrupted by the economic depression.

Mr. Owen L. Jones, a local furniture store owner, had joined the Co-operative Commonwealth Federation (CCF) soon after it was formed in 1933 and ran for the party in the South Okanagan constituency, which included Kelowna and environs, in the provincial elections that year (Worley, 1971, 28). Jones failed in his bid for a provincial seat, but ran successfully at the municipal level, serving as alderman, as mayor from 1936 to 1939, and again as alderman. Jones was mayor when J.D. Pettigrew championed the first zoning by-law, and after G.A. McKay served as mayor during the war, Jones sat as alderman under the mayoralty of J.D. Pettigrew in the period of postwar civic initiatives. Jones was finally successful in the 1948 federal by-election for Yale, when he defeated another Kelowna furniture store owner—W.A.C. Bennett.

The loss of the federal by-election by Bennett was one of the few setbacks in a political career significant to the development of the central Okanagan. Although he never served on City Council, almost from the day of his arrival early in the depression, Bennett was a prominent political influence in the community. There are many chronicles both of the political successes which led Bennett to the premiership in 1952 and of his activities in that office for the next twenty years (Robin, 1973; Walker, 1969; Worley, 1971). What is important for the present investigation
however, is Bennett's impact on the development of the central Okanagan.

Throughout the period of Bennett's rise to power from his election to the legislature in 1941, he worked hard for his central Okanagan constituency. As a member of the Legislative Committee on Postwar Rehabilitation, Bennett was involved with the activities of the Bureau of Reconstruction, and, partially through the activities of that agency, one hundred wartime housing units were built; and two VLA subdivisions were developed in his constituency. Thanks, in part, to Bennett's support, the Kelowna Regulated Area was the first established in the province by the Regional Planning Division of the Bureau of Reconstruction. Bennett's business activities also assured him a high local profile. His furniture business had expanded to several other valley communities. In partnership with Pasquale Capozzi, a local grocer and land developer, and James J. Ladd, a garage owner, Bennett invested in Calona Wines Limited, which was to become a major local employer, supporting a growing local agricultural industry. Ladd, who had served as alderman from 1941, was elected mayor in 1952, just as Bennett rose to the premiership. Other Bennett confederates, including H.A. Truswell, also a garage owner, served on the School Board and Council.

Kelowna Council's activity in the first five years after the war resulted in a considerably different urban landscape. To the north, the Simpson Brothers Saw Mill was in full operation on the Manhattan Beach site, bordered on the east by both federally-subsidized and privately-owned homes of working men. A small commercial area was permitted in the city's north end, as well as to the south and east of the central business district. The Civic Centre site was soon graced by the Memorial Arena
(1948), City Hall (1950), Health Unit (1952), to be followed in the mid-fifties by the Library (1955), and the Provincial Court House and Offices, opened by the Premier on August 11, 1955. The residential areas of the city of 9000 were being filled, and burgeoning residential development in the unincorporated areas was finally being controlled, albeit in a limited way, with both the institution of basic subdivision, zoning, and building inspection in the Regulated Area and the appointment of a city alderman on the Regulated Area Zoning Board of Appeal.

The city had remained the same size, but for the addition of an area of Okanagan Lake, since incorporation in 1950, and Council was coming to realize that growth was being limited by the existing size and zoning of the city. Amendments to the zoning by-law in the early-to-mid-fifties provided more apartment zoning and increased density (By-Laws No. 1662, 1778, 1814). While there was discussion in Council for low rental housing for seniors under Section 36 of the newly-adopted National Housing Act, 1954 (Minutes, Vol. 29, 197, 201, 208), the major senior government involvement in the central Okanagan at this time was the construction of the Okanagan Lake floating bridge. The Social Credit government set a high priority on construction projects and, supported by unprecedented sustained growth in the provincial economy, undertook major road building programs in British Columbia, with the completion of a highway road link through the Okanagan Valley a major part of this program. Combined with provincial road building was the completion of the Roger's Pass and the Trans Canada Highway, a joint federal/provincial initiative, which also served to open up the interior of British Columbia.

The impact of road and bridge building on the central Okanagan is
difficult to estimate. Clearly, the increased accessibility of the area made it more popular as a tourist and recreational area. A boom in residential and recreational subdivision outside the city on both sides of the lake is indicative of the growing demand for Okanagan property. While some residents are reported to have been upset about the construction of floating bridge joining the eastern and western shores of Lake Okanagan at Kelowna (Parkinson, 1969, 1), its construction was generally welcomed by the business community and Council. The June 13, 1955 Minutes indicate that Council was somewhat unhappy that Swan, Wooster and Partners, the bridge design engineers, did not contact the city prior to surveying a road access to the bridge through the southern portion of Kelowna City Park (Vol. 29: 371). Subsequent discussions reveal that the mayor and Council wanted to meet with Highways Minister, P. Gaglardi, to confirm the location and timing of bridge construction.

Coupled with the buoyant economic conditions and rapid growth in the central Okanagan was the increasing problem of congestion in the City of Kelowna. An article in the May 3, 1956 Kelowna Courier charged that Council was approving rezonings and subdivisions under pressure from developers, with little regard for the concerns of the owners of adjacent property. In response, Ald. M.A. Meikle, who was the chairman of the Council Committee on Building, Housing, Land and Airport, as well as a prominent land developer, rose in Council and read a statement answering the Courier's allegations, which states, in part:

The Courier's stand that the City has injured owners through subsequent rezonings is taking a very narrow view of our future development. We cannot sit on the fence and do nothing or play the ostrich stunt. Rezoning of apartments and dealing with each application on its own merits is good planning. (Minutes, Vol. 30: 438).
Subsequent to this defense, Council passed two by-laws allowing higher density in areas of the city; By-Law No. 1823, which created a District for Hotel-Motel or Apartment Motels, and By-Law No. 1832, which permitted two new apartment districts.

Council Minutes of August 27, 1956 record Acting Mayor R.F. Parkinson's telegram (he was soon to be full-time mayor) to Mr. H. Peter Oberlander, stating "the City would like his advice on plan (sic) to extend present boundaries." (Vol. 31: 148). Council records show that the Deputy Minister of Municipal Affairs was also consulted regarding the possible extension of municipal boundaries, a type of municipal expansion which had become relatively common in other areas of the province by this time. Council arranged to have Dr. Oberlander report to Council on the possible extension of Kelowna's civic boundaries.

The Oberlander Report, entitled "Should Kelowna Extend its Boundaries? A Study of the Planned Expansion of the City of Kelowna" (1957), was well received by the mayor and Council. Indeed, Mayor Ladd, in an opening letter to all citizens, states in part that:

Your City Council takes pleasure in presenting a comprehensive study on the problem of extending the boundaries of the Municipality. I respectfully request that you read this report thoroughly, approaching the subject with an open mind, as this report will undoubtedly answer many of the perplexing questions that have confronted us over the past several years (n.p.).

The report begins with a general background on the city and region, including its geology, climate, population, and economic base, and goes on to argue why and where should Kelowna extend its boundaries. The costs and procedures of expansion are reviewed and three alternative expansion schemes are presented, with Proposal Two, an extension of 1701 acres,
being recommended (vii). The built-up areas of Poplar Point to the north, Glenmore and Five Bridges to the east, and Woodlawn, Cameron, Meikle, and North Street subdivisions to the south, as well as enough undeveloped lands so that the city would not have to expand again for a "long time", were recommended to be included in Kelowna's new boundaries. Like Bartholomew and Associates in 1945, Oberlander called for the preparation of a comprehensive community plan to guide the distribution of land use in the city (101-02).

While the report was well received, there was a considerable delay in the implementation of its recommendations. The report recommended the amalgamation of a portion of the District Municipality of Glenmore and the addition of several unincorporated areas, all of which required the approval of the electorate in both the city and the areas to be added.

While the city attempted to organize support for boundary extension, demand for development continued apace in the city. The Okanagan Lake Bridge was completed and the new Okanagan Highway brought more prospective residents to the central Okanagan. To relieve some of the pressure on Council to support higher density development, Council appointed two committees of residents under the delegated authority of the new Municipal Act (SBC, 1957), a Zoning Board of Appeal was established to hear appeals on zoning changes (By-Law No. 1916) and an Advisory Planning Commission was created to advise Council "on matters pertaining to zoning, subdivision of land, and building regulations" (By-law No. 1958). With this new advice, Council continued to support higher density, passing a series of by-laws all permitting multi-family District I rezonings. (Nos. 1941, 1991 and 2088).
In 1960, the Kelowna Boundary Extension Committee distributed a pamphlet on "Boundary Extension Facts." The committee was supportive of boundary extension and reported that:

For many years the City of Kelowna has been a leader in the planning and development of civic enterprises such as a health unit and regulated areas. The result of this careful planning by civic leaders over the years supported by all the residents of the City can be seen and appreciated today in the beautiful parks and playgrounds, particularly the lakeshore development, attractive streets and avenues and the civic centre area containing modern public buildings and recreational facilities. In addition to these apparent and immediately pleasing facilities, Kelowna has added all the facilities of a modern city such as chlorinated domestic water supply, a complete sewerage system, efficient fire and police protection and many other improvements (n.p.).

Decrying the lack of these facilities in the unincorporated areas, the Boundary Extension Committee argued for the addition of the urbanized area of Glenmore and a number of unincorporated areas, essentially the same list recommended for incorporation in the Oberlander Report. The perceived need for the extension of municipal boundaries was heightened by the termination of agreements restricting subdivision in VLA lands in Glenmore and the increasing availability of domestic water and community services provided by irrigation districts in outlying areas. Meetings were held between the councils of the city and the District of Glenmore in 1960 to discuss amalgamation (Minutes, Vol. 37, 61). Records show that some residents of the city were opposed to the boundary extension. The city was not able to obtain the necessary sixty per cent in favour of boundary extension in the South Pandosy and Five Bridges unincorporated areas (Vol. 37, 9). The city was more successful in other areas, and later in 1960, a series of referenda were put to the voters of Kelowna to unite Kelowna and Glenmore (By-Law No. 2167) and to extend the civic boundaries to
include the Knox Mountain Area to the north (No. 2168) and the Woodlawn and Cameron Subdivisions to the south (No. 2169). A subsequent referendum provided for the rural, northern area of the District of Glenmore to revert to unorganized territory, rather than join the city. The amalgamation of the city and the District of Glenmore was the first instance of two municipalities joining in British Columbia municipal history. Later, by-laws authorized referenda to include Five Bridges and Benvoulin in 1964 (No. 2611) and, in 1965, a part of the local district of Guisichan (No. 2679).

In addition to the new Municipal Act, legislation was forthcoming in 1957 for the regulation of unincorporated areas. Under Part 3 of the Local Services Act (SBC, 1957, Chapter 34), Community Planning Areas could be established by regulation to be administered by the Department of Municipal Affairs. Before the city could extend its boundaries, Cabinet established Community Planning Area No. 1 in the central Okanagan to replace the Kelowna Regulated Area (Municipal Affairs Files, 1960). While both an Advisory Planning Commission and a Zoning Board of Appeal were created through this regulation, the force and extend of regulation for unincorporated areas was not substantially increased. For instance, the new CPA regulations still permitted subdividing lots of fifteen thousand square feet (100'x150') with no provision of water service or sewage disposal.

Heightening Urban Crisis: The High Rise Controversy

On the strength of boundary extension and continued immigration, the 1961 Census shows the population of Kelowna rose to 13,188. Because of the boundary adjustment, it is difficult to determine the actual growth
of the city in this period. Comparing it to other Valley centres shows that Kelowna was larger than Vernon at 10,250 and smaller than Penticton, which had a population of 13,859 in 1961. By 1966, the Census shows that Kelowna had grown larger than both of its Okanagan rivals, with 17,006 people, compared to populations of 15,330 and 11,463 for Penticton and Vernon respectively. Between 1961 and 1966, Kelowna grew at an annual rate of approximately five per cent, even with allowance made for the population added through several small boundary extensions within this period.

The provision of more residential land within the city did not seem to satisfy the desire for higher density housing. By-Laws No. 2252 and 2257 in 1961 increased the amount of land available for apartment construction. Council decided to produce a new zoning by-law to provide zoning control for the expanded city and to replace the dated and much-amended 1938 document. While Community Planning Consultants (Dr. Oberlander's firm) was not able to convince Council to prepare a comprehensive land use plan to guide them in the production of a new zoning regulation, or even to prepare a zoning map, the firm was able to prepare a new zoning by-law for Council's consideration in 1961. City of Kelowna Zoning By-Law, 1961 was adopted by Council on October 30 of that year, in accordance with the new legislation pertaining to zoning in the Municipal Act. The following was the stated purpose of the by-law:

The principal purpose of this by-law is to guide the natural growth of the City in a systematic and orderly way for the ultimate benefit of the community as a whole by ensuring that the various uses made of the land and structures in the City develop in proper relationship to one another.
The new by-law provided for four new residential zones (single-family, single- and two-family, multi-family, and motel and trailer court), three commercial zones (central, local, and gas station), two wholesale distribution zones, and one industrial zone. In conjunction with the new zoning by-law, Council passed a revised Zoning Board of Appeal By-Law (No. 2317) which required that surrounding residents be notified in the event of a rezoning application, providing a forum for the appeal of Council's zoning decisions.

The new zoning by-law did not resolve the increasingly contentious issue of multiple dwelling zoning, particularly high rise zoning. In the fall of 1962, an application for rezoning was received by the city for three lakeshore lots near the park and the bridge (Community Planning Consultants, 1964, 1). While the rezoning application requested R-3 multi-family zoning, the scale of the proposed development was larger than anything permitted in that or any other residential zoning. In 1963, Council asked Community Planning Consultants (CPC) to prepare a review of the zoning by-law, in light of the application and other potential applications for high rise zoning in the city. By early 1964, local concern about high rise development had become so great that letters and petitions in opposition to such development were being received by Council (Minutes, Vol. 42, 10).

On February 10, 1964, Mayor Parkinson reviewed CPC's report entitled "Residential Landuse and Zoning Regulations for Kelowna, B.C." in Council (Minutes, Vol. 42, 48). Regarding residential high rise development, CPC recommended that, while the lakeshore should be retained as single family, a small area of R-5 zoning of high density (1.7 to 2.5 floor area ratio)
and potentially high rise (no height limitations other than floor area limitations) bounded by Harvey Avenue, Mill Creek, Abbott, and Water Street be created. The report also recommended slight changes to the existing R-3 zoning and the introduction of R-2A zoning for low density or garden apartment multiple housing to the east of Glenmore Street in the new city. While the garden apartment zoning initiative was well-received, the recommendation on the highly politicized issue of high rise zoning was more carefully handled.

At the same February 10, 1964 meeting, Council adopted a zoning amendment by-law (No. 2569) which restricted developments in C-1, central commercial zones, to a floor area ratio of 3.5 and a height of four storeys or sixty feet. Variations of these restrictions were allowed only by special certificate, and the following week, By-Law No. 2570 authorized the issuance of a special use certificate to Capozzi Enterprises to permit the construction of the six-storey Capri Hotel at Glenmore Street and Harvey Avenue. Once the Capri development was approved, Council became much more difficult to deal with regarding high rise rezoning. On March 2, 1964, Council rejected a request for the rezoning and development of a site for an eleven-storey apartment. Although a by-law was passed to provide for R-2A zoning in two areas of the city (No. 2631), Council did not follow the CPC recommendation for some high rise zoning away from the lakeshore. It would be the mid-seventies before a high rise apartment would be built in the city, and then only a senior citizen's development, interestingly on a site originally zoned R-2A.

Land Use Control and Planning to 1972 in City and Region

As early as 1948, provision was made for the establishment of regional
planning boards and for the preparation of regional plans in British Columbia (SBC, 1948, Chapter 96). Only the metropolitan areas of the province took advantage of this legislation at this early date. Kelowna Council, having successfully petitioned the province for the creation of regulated areas in the adjacent unorganized areas, initially did not feel the need to pursue the establishment of a regional planning board in their area. Provision for regional planning areas was carried over to the omnibus Municipal Act in 1957.

The Department of Municipal Affairs and the advisory Community Planning Association of Canada, B.C. Division (BCCPAC) were interested in developing a single planning board for the whole Okanagan region, but the traditional rivalry between the Valley centres (Vernon, Kelowna, Penticton) precluded any agreement on any initiative to this end (Collier, 1972: 31; Sough, 1982). On August 22, 1960, Council reviewed a letter from BCCPAC which suggested the establishment of a central Okanagan regional planning board and the staffing of a planning office for the board. Unable to overcome longstanding differences, both the South Okanagan and the central Okanagan, including Kelowna, the District of Peachland and the surrounding unorganized territory, established their own planning boards in 1963 (Municipal Affairs Annual Reports, 1963).

A board consisting of one member from each member municipality and a member appointed by the province was established to provide advice on the planning of the region, although it was not until March, 1964 that the province appointed a representative, allowing the board to convene (Minutes, Vol. 42: 105). One of the first decisions of the Central Okanagan Regional Planning Board (CORPB) was to hire Mr. Vern J. Whieler, a UBC graduate
planner from Richmond, B.C., and Mr. C. Breckenridge, a planning technician from the Alberta Planning Commission, and to establish offices in the recently closed toll office at the western end of the bridge. CORPB's role was purely advisory: in unorganized lands, zoning remained under the control of the Department of Municipal Affairs; subdivision was the responsibility of the Department of Highways; building inspection, the responsibility of the provincially-appointed building inspector. In the municipalities, of course, control of these regulations remained with the elected councils.

The 1963 Municipal Affairs Annual Report foreshadows a significant change for CORPB, suggesting that "there is some apprehension that the Planning Boards will have direct authority to deal with land use control." In 1965, under a new Minister of Municipal Affairs, the Hon. Dan Campbell, with the support of the Deputy Minister, Mr. Everett Brown (Collier, 1972: 32), legislation was passed enabling the establishment of regional districts, with independent political authority and the ability to assume a number of regulatory functions (SBC, 1965, Chapter 28). The third Okanagan rival, Vernon, and its neighbouring municipalities and territories, were the first in the province to be established as a regional district, in 1965.

In 1967, the Central Okanagan Regional District (CORD, later to become RDCO) was established (BC Gazette, 1967: 2140). (See map on following page) The boundaries of CORD were the same as those of the school district, stretching from Oyama in the north to Peachland in the south, and from the height of land separating the Okanagan watershed from the other watershed to the east and west. The unincorporated areas of the district were divided into
electoral areas, each one of which was allowed to elect a board member for a two-year term. Kelowna and Peachland appointed council members to the Board, also for a two-year term. Voting power on the Board was distributed by the population size of the area being represented, with Kelowna dominating because of its size. With this political arrangement, CORD assumed responsibility for community planning in 1969 (\textit{BC Gazette}, 1969: 3866), including under its control all the area which was formerly the Community Planning Area and a portion of Vernon's CPA No. 2 to the north.

Turning from regional government to municipal, in the mid-sixties, Kelowna Council attempted to take advantage of federal funding for urban renewal. Council sought the advice of a firm of consultant planners, Robert Williams and Associates, to assess the potential for urban renewal in Kelowna. A preliminary study was completed and a market analysis undertaken (Robert Williams, 1965; Watts Marketing Research, 1967), but the main study on the renewal of the Kelowna waterfront north of Bernard Avenue was never completed. At this time, Council also began to use the staff planning services provided by the planners of CORPB. In 1965, the Advisory Planning Commission By-Law was revised to permit the commission to receive advice and assistance from a professional planning staff. The professionalism demanded sixty years before for public health through a medical health officer, and forty years before for engineering through the City Engineer, became necessary for land use control and planning only in 1965.

In July, 1965, the federal department of Regional and Economic Expansion declared the Okanagan a designated area, making industries locating there eligible for federal economic incentives. Most areas of the Okanagan benefitted from this program. In the central Okanagan study area,
industrial parks were established on the west side and near the unincorporated community of Winfield to the north of the city. Kelowna Council wanted to take advantage of this federal designation, but there was not sufficient industrial land still available in the city to attract large industrial development. Mayor Parkinson, Ald. Ernie Winter and Mr. Jim Markle recognized the need for the city to acquire a large parcel of land near the railway, if the city was to attract DREE industries (Parkinson, 1969: 1). To achieve this goal, Parkinson and Markle went out and persuaded the owners of property between Spall and Dillworth Road, to the east of the municipal boundaries, to sell to the city. To finance the acquisition of the property, Ald. Winter suggested the formation of a syndicate of local businessmen to lend money to the city to enable it to buy the property. The syndicate was formed, and the city bought 167 acres for $770,000. Subsequently, White Trucks, McGavin's Bakery, CP Merchandising, and Richmond Plastics bought land for industrial construction in the park.

In addition to the advice of the planners from CORPB, the city decided to establish a planning department of its own. In 1967, Mr. Greg Stevens was hired as the Kelowna City Planner. While Mayor Parkinson and the Council were keen to have their new planner develop an urban design scheme for their rapidly growing community, Stevens was initially kept busy updating the city's existing regulations (Eaton, 1981). A major revision of the 1961 zoning by-law was adopted on June 10, 1968 (By-Law No. 3087). The revised by-law provided for two public and institutional zones, two motel zones, and an agricultural zone, as well as the residential, commercial, wholesale and industrial zones already established. Stevens was
able to hire an assistant, Mr. Bill Eaton, and together they completed and had adopted the city's first zoning map in 1968 (By-Law No. 3095).

The Kelowna Advisory Planning Committee (APC) became a much more vocal participant in the planning process in the late sixties. With the support of the planning department, APC came to be a pro-active force in the planning of the city, and ultimately a thorn in the side of Council. In the May 27, 1969 edition of the Kelowna Daily Courier, Ald. R.J. Wilkinson, Chairman of the Planning Committee, had the following to report about the activities of APC:

APC is an effective bridge between Council and the public and between the existing situation and better planning. The planning department has used the Advisory Planning Commission as a sounding board in all matters related to planning, zoning, etc. The feedback has been tremendous for which we thank them. The APC has a little more soul searching to do with regard to terms of reference, aims, objectives and members. They have a big job to do. The Council must give them all the support it can (9).

The city had expanded its boundaries to incorporate the DREE-supported industries with little public controversy. Similarly, the city expanded to include Orchard Park, a regional shopping centre on Harvey Avenue, with very little, if any, public objection (By-Law No. 3372). By 1971, the city had grown to a population of 19,425 and there was considerable pressure for higher density development in the city and for residential subdivision in the surrounding unincorporated suburbs. Given this rapid growth, it is perhaps surprising that the issue that received the most attention in this period within the city was the potential redevelopment of City Park.

City Park had long been recognized as an important community resource.
In addition to providing active and passive recreational services for the community on a year-round basis, the park had become the focus of the Kelowna International Regatta. A portion of the land purchased for the Kelowna Industrial Park had been designated as a community recreation centre (Parkinson, 1969, 6), but when the Regatta's aquatic structure was destroyed by fire in 1969, Council began to promote City Park as the site of a community recreation centre, to include a rebuilt aquatic structure and a senior citizen's activity centre. APC, for its part, presented the following argument in its 1969 Annual Report:

> It can be argued that the loss of the aquatic facilities offers to Kelowna a golden opportunity to plan for the future and to encourage, in fact to determine, where and what kind of private and public development should take place on present waterfront lands. This opportunity will be missed if it is decided to take the most expedient route in using presently developed parkland for building purposes (APC Minutes, 1969, n.p.).

The division between Council and APC on the location of the community centre was exacerbated when Council appointed an Aquatic Replacement Committee with no representation for APC on the committee (APC Minutes, December 16, 1970). In early 1971, a consortium of local architects presented Council with its report entitled "Kelowna Waterfront Study" which, among others, made the following recommendations: "that a Kelowna Community Complex be constructed in Kelowna City Park...and...that Kelowna City Park be replanned to accommodate the new building." (Hartley, Fulker, Aldis, 1971).

APC was opposed to the use of the City Park for the recreation centre, but the Commission had been effectively neutralized by Council, which chose not to refer planning matters to the Commission. On March 10, 1971, APC Minutes records a long discussion "concerning the apparent lack of liason
between Council and the Commission, with Commission members expressing a real desire to enter into dialogue with Council." By May 12, 1971 APC had become most unhappy with this situation, stating in the Minutes that "members went on record as being completely dissatisfied with the role they were playing—that of mere lip service and were more disturbed that Council had given them absolutely no direction." While the Commission felt it was not being an effective voice for the public, and ceased meeting, the public was doing a good job for itself on the park development question. Virtually every meeting of Council in this period was attended by members of the Save Our Park Committee (SOPAC) and other interested parties protesting the development of Kelowna City Park (Council Minutes, Vol 49). While Council passed a by-law on March 29, 1971 authorizing the construction of the community recreation centre (No. 3302), at this same meeting, members of Council passed a resolution to investigate alternative locations for the community centre (Minutes, Vol. 49, 233). A compromise, which still did not suit SOPAC, was passed by Council on May 17, 1971, authorizing the construction of a "teahouse-pavilion" in the park, a retired citizens' activity centre north of the park and the community centre on the lands originally set aside in the DREE industrial lands for recreation (Minutes, Vol. 49, 358). Proponents of SOPAC felt that the pavilion, which contained space for a restaurant as well as change rooms and a snack bar, was an excessive and unwarranted development for the park (Eaton, 1981; Jones, 1981).

Conclusion

Perhaps it is appropriate that this phase of the history of the development of planning in the central Okanagan ends with an issue involving
the city park, the establishment of which was one of the first major planning initiatives of the incorporated community of Kelowna. In the two years after the latter park debate, major changes would occur in the planning and political scene in the city, region, and province. With the election of a new "reform"-oriented Council (Eaton, 1981), an administrative reorganization of City Hall was accomplished with Mr. Doug Herbert, formerly Comptroller-Treasurer and Collector, being made City Administrator, with powers to "control the day to day affairs of the City" and to "suspend any department head, officer or official of the municipality." (By-Law No. 3263). Planner Stevens left the city, and Mr. Eaton joined Mr. Fraser Shotten with the RDCO planning department, now under the direction of Mr. Don Barcham. The planning department of the city was closed, with the city contracting planning services from RDCO with Miss Jane Fleming assuming responsibility for much of the city's planning. Under the direction of Barcham, the district began an ambitious program of community and regional planning, producing community plans for the Municipality of Peachland and the unincorporated areas of Westbank, Lakeview and Winfield-Oyama, and a regional plan for the district.

At the provincial level, with the election of a New Democratic government, major changes in policy and program priorities were soon underway. In 1973, the Land Commission Act was passed, which restricted the development of all agricultural land in the province, sharply curtailing the development of residential subdivisions (still regulated by the Department of Highways) in the unincorporated areas of the province. The New Democrats also acted unilaterally to increase the size of the City of Kelowna, from about eight, to eight-seven square miles, bringing most areas of suburban growth (Rutland, Okanagan Mission, and the Glenmore Valley) under the
control of an expanded city council. In conjunction with this boundary extension, the city undertook a community plan and rehired a planning staff.

The major changes of 1972 and 1973 make it a watershed period in the planning history of the central Okanagan, beyond which the present study will not go. The events of this period heralded a new era in planning in the region, with strong provincial control in agricultural areas, with greater control of development in the city and region, and with a growing commitment in the RDCO Planning Department for the preparation and adoption of land use planning regulation.
CHAPTER V: AN ANALYSIS OF THE CASE STUDY

Land Use Control and the Business Cycle

This thesis must go beyond a chronology of important events in order to evaluate cause-and-effect and analyse the evolution of land use control and planning in the central Okanagan. A historical case study such as the one presented has the potential to illuminate the margin between planning theory and practice. The case study seems to indicate that the evolution of land use regulation followed the local and regional business cycle. Fluctuations in the business cycle affected both land use control, which has been defined as reactive municipal by-laws or resolutions which restrict development on a program or project basis, and land use planning, which has been defined as a municipal policy process which is goal oriented guiding the long term development of the community.

The case study shows that the primary reason for incorporation was the rapid growth of the unorganized townsite and the need for community control over the deleterious effects of that growth. At first, the demand for controls was related to public health, not land use: the free running of animals, the disposal of garbage and sewage, and the regulation of street traffic. As some land use control authority was delegated to municipalities by the provincial government in the period after World War I, the city adopted by-laws first to regulate the location of laundries and wash houses, and later to control other potentially noxious or nuisance industrial uses. As development abruptly slowed after the 1913 economic decline and during
the war, the city introduced no further land use controls.

True to the emerging pattern, as the community began to grow again in the 1920's, development control by-laws, in the form of Fire Limits and Building Regulations and, later, subdivision and septic tank regulations were adopted. The local economic collapse brought on by the Great Depression once again stopped both the rapid growth of the community and the need for further development controls. A comprehensive land use control, the 1938 Zoning By-Law, was passed as development pressure returned to Kelowna; however, World War II intervened, and another development hiatus ensued. After the war, the central Okanagan entered a period of rapid and sustained growth which continued until the end of the study period, during which the city continuously and increasingly became involved in the regulation of land use, both inside and outside the city's boundaries.

Gunton (1981: 337) suggests that, in general, Canadian planning activity reacted to and lagged behind the cyclical booms in the economy. This historical study shows that the process of development control in the central Okanagan was indeed reacting to community growth, but was able to keep pace with that community growth. From a general historical perspective, then, the evolution of land use controls in the central Okanagan was a reaction to intermittent periods of rapid economic growth which, in turn, spurred the physical development of the community.

Control and Planning: A Distinction with a Difference

The parallel ebb-and-flow of economic growth and of land use regulation seem obvious once compared. Less intuitively obvious is the emergence
and subsequent divergence of the trends of land use control and land use planning in the central Okanagan. An early writer on the theory and practice of land use control writes that "zoning is part of the city plan, and as planning commissions become more numerous they will undoubtably be substituted for the present temporary zoning commissions." (Bassett, 1936: 35). In a similar fashion, Gunton (1979: 181) writes that Thomas Adams of the Commission of Conservation believed that a zoning by-law was a very important part of the city plan, but only a part which should come between the civic survey and transportation plan and the consideration of public buildings, parks, and subdivision control in the city planning process. However, other Canadian planning historians show that land use control or zoning, quite apart from civic surveys and the planning of public buildings, became the pre-eminent tool for regulating land use in Canadian municipalities (Moore, 1979; Van Nus, 1979). Little interest was shown in other facets of the planning process advocated by Adams and the Commission of Conservation.

This thesis has argued that the literature of planning theory makes a worthwhile distinction between land use planning and land use control as previously defined. In support of this hypothesis, several planning theorists have been cited (McLoughlin, 1973; Agger, 1979; Castells, 1978). It has also been shown that Kirk (1980: 41) supported this hypothesis, dividing the general process of land use planning into "negative planning" or development control, and "positive planning," which she calls public development. The following section will disaggregate the major public land use initiatives of Kelowna Council into two categories—land use control, and land use planning—to show that, while political support existed for
land use controls, seldom was there support for other than occasional land use planning initiatives of a site-specific or non-comprehensive nature.

**Land Use Planning Initiatives**

There were public planning initiatives from the first days of the incorporation of Kelowna. The first is Council's 1906 decision to forego property taxes for the owners of the Kelowna Saw Mill for ten years, if they would relocate away from Bernard Avenue. The relocation of the mill provided land use consistency for the commercial core: this decision is an excellent example of the city fathers planning for the future land use of the city. The major land use planning resolution in this period, however, was the purchase of the city park site in 1909. The city was anxious to buy the property before it was subdivided for residential development and, once purchased, City Park proved to be a valuable public resource for the community. The land companies also saw the value of the park, and it became a major feature in their land sales promotional literature.

The most influential land use planners in the city prior to World War I were land owners operating in the private market. The decision to establish the townsite was made by the Lequime brothers, who owned the relevant property and needed the waterfront location for a ferry landing. The Kelowna Land and Orchard Company actively sought to have a portion of their lands, south of Mill Creek, included in the new city. Early entrepreneurs made the first residential subdivision decisions: Nigel (n.d.) reveals that the KLO Company decided to develop small lots near the downtown which, because of their size and location, were attractive to low-income buyers.
Clement (1955) states that Dr. Boyce bought the Lequime lots to the north of the commercial core, and consolidated them into large lots so that they would appeal to industrial users. Through these and other ad hoc decisions, the private developers were the most influential planners in the early development of Kelowna.

After the collapse of the residential and agricultural land market in the central Okanagan region in 1913, land use planning, both publicly- and privately-initiated, became less noteworthy. While the city became a major land owner through property tax defaults during World War I, no plans were made for the disposition of this property. Again, in the Great Depression, the city increased its stock of residential lots, as well as adding to its park lands, when Dr. Boyce gave the city Gyro and Knox Mountain Parks, rather than be pressed for the payment of property tax.

The 1938 National Housing Act's provision for the construction of federally-subsidized housing was a major land use planning program subscribed to by the city. While the city offered 115 lots and passed the necessary by-laws to accommodate the new construction, no housing was built prior to the outbreak of World War II. A Wartime Housing Project replaced the pre-war housing plan, and one hundred low rental houses were built in 1945 on many of the same lots offered in 1938. Other ad hoc planning initiatives were developed by City Council after the war. The most significant was the Civic Centre Plan prepared by Harland Bartholomew and Associates and adopted by Council. Although both the federal government, through the Special Committee on Reconstruction, and the professional planners retained by the city, recommended the preparation of a land use plan to guide future development, City Council had no desire to have such
a plan prepared. Such was still the case when the city had planning consultants prepare a report on boundary extension in 1956. Once again, while the city followed the immediate advice of the consultant, the longer term advice recommending the preparation and adoption of a comprehensive land use plan went unheeded.

In 1958, Council established an Advisory Planning Commission to advise Council on matters pertaining to the development of the city. Through the activity and advice of the provincial government and the British Columbia Division of the Community Planning Association of Canada, a Central Okanagan Regional Planning Board was established to advise the city and the provincial Department of Municipal Affairs on regional and local planning concerns. CORPB hired a planning staff who provided professional advice on matters referred to it by Council. However, aside from a number of small boundary extensions, particularly one to incorporate the city's new industrial park, no significant future-oriented public planning emerged as a result of the establishment of these advisory bodies. From as early as 1937, when the Capital News Illustrated called for a land use plan, formal and informal requests were made for the preparation of land use plans for Kelowna; however, it was not until the end of the study period (1972), and the creation of the new large city, that a community plan was prepared.

Land Use Controls

In sharp contrast to the ad hoc development of planning in the central Okanagan, land use controls were early recognized and continuously reaffirmed as a necessary part of the civic administration. Immediately after
incorporation, Council adopted trade regulations which had the effect of excluding certain undesirable commercial uses. In 1909, the Kelowna by-law to exclude laundries and wash houses parallels controls being adopted all along the west coast of North America, to exclude these uses and their owners, generally Chinese, from residential areas (Delafons, 1969: 19). In 1912, the by-law adopted to exclude potentially-undesirable industrial uses is also indicative of the zoning-like controls being adopted throughout North America before World War I (Bassett, 1936). After the war, but before the passage of the Town Planning Act in 1925, Council adopted Fire Limits and Building Regulations, which controlled the type of land uses in certain building districts, once again having the effect of zoning. These development controls were all adopted with no recorded opposition, and the standards adopted served the community well in the next few years preventing the encroachment of the shack developments which appeared outside the city during the depression.

Although the city was given the authority to introduce a zoning by-law after the passage of the Town Planning Act, it was not until 1938, with the city trying to take advantage of the federal housing program, that the city adopted a comprehensive zoning ordinance. Using a model by-law supplied by the federal government, a committee of Council prepared the city's first zoning of specific areas; this land use control by-law passed quickly. By 1938, with development in the city well-controlled, Council began to be increasingly concerned with the "undesirable shack town conditions" just beyond the city boundaries, and petitioned for the extension of land use controls outside municipal boundaries.

Kelowna Council can take some credit for initiating provincial
legislation creating land use control in unincorporated areas of the province. After World War II, Council began to petition its Member of the Legislative Assembly, the provincial government, the Royal Commission on Provincial Municipal Relations, and other municipalities supporting the extension of zoning and subdivision controls outside municipal boundaries. The Regional Planning Division of the provincial Bureau of Reconstruction established a basic zoning regulation to control development in the unincorporated areas surrounding Kelowna in 1946, the first such regulation in the province.

Boundary extension was also seen as a method of extending the city's development control, particularly as the city began to run out of land suitable for development inside its boundaries, and as the regulated-area concept proved to give the city less influence over the development of unincorporated territory than was originally anticipated. Under the pressure of rapid population growth, exacerbated by the completion of the Okanagan Highway, the city, the District of Glenmore, and some unincorporated areas were amalgamated in 1960. A new zoning by-law, prepared without the benefit of the land use plan suggested by Community Planning Consultants, was adopted in 1961 for the enlarged city.

The high rise zoning issue which emerged in 1963 is another example of the control which Council exercised over the city's land use, in this case clearly with public support. While many other cities were passing by-laws to allow high rise development, Kelowna's desire to maintain existing land uses on the waterfront and near the park triumphed over the plans of private developers. As the pace of development quickened, the civic boundaries were further extended and more zoning amendments were adopted.
It is illustrative of Council's preoccupation with land use control that, when the city first hired a planner, his first duties involved substantial amendments to the zoning by-law and the preparation of a new zoning map.

The preceding analysis shows that comprehensive land use controls were long supported and used in the City of Kelowna, while planning was only occasionally supported. A clear distinction between land use control and land use planning is made in the earlier literature review, but the central Okanagan study shows that the distinction is often blurred in practice. While land use control through zoning was the pre-eminent concern of the local political process, it would be unfair to say that no future-oriented planning resulted from zoning by-law implementation. In all the major comprehensive land use controls passed from 1924 to the end of the study period, Council planned the future land use pattern of the city. Council consistently provided for more single-family residential development through the rezoning of agricultural or vacant land. Furthermore, vacant land in the North End was industrially-zoned to provide additional lands for retail and multiple-family zones. While these more controversial uses were generally supported, Council's support came only in reaction to privately-sponsored rezoning applications.

Gunton claims that

Liberal planning's favourite tools for implementation were negative regulations such as zoning and subdivision control. The state was not expected to play a major entrepreneurial role in shaping the spatial order of the city. (1981: 332)

In 1968, the Report of the Federal Task Force on Housing and Urban Development, which reviewed the "state of the art" in Canadian planning, claimed that reactive control, rather than proactive planning, was still the
unfortunate preoccupation of Canadian planners. The following statement is illustrative:

So much of it planning work was a negative scripture written in "thou shalt not's," when the situation cried out for positive thoughts and initiatives. The Task Force found rules upon rules to establish the widths of streets, yet it found hardly a single community with a long term plan and a design for basic transportation corridors. It found a multiplicity of regulations at all levels to set minimum requirements and hardly anyone to spell out maximum objectives.

The closer examination of a particular community afforded by this study reveals that a certain amount of non-controversial positive planning was also carried out by Kelowna Council through their land use control by-laws. Nevertheless, although often advised to undertake a comprehensive land use plan, Council chose not to become involved in overall, policy-oriented planning.

Planning and Local Politics: Theory and Practice Compared

In the literature on the role of politics in planning, which generally includes land use control and planning under the general rubric of planning, no consensus exists or is likely to emerge on the relationship between planning and politics. Had this thesis proceeded with the purpose of uncovering this relationship, it is probable that more than one type of relationship (e.g. pluralist or elitist) could have been proposed and supported through historical investigation. It is clear, nevertheless, that unlike many instances in the American experience, where urban reformers attempted to separate land use planning from the local political process, civic politicians in Kelowna have maintained their command over local planning. Like most of the literature available in Canadian planning history, from Armstrong (1959) to Gunton (1981), the previous case study has
shown the continuous involvement of the local political process in land use planning.

In his analysis of the effects of the 1848 revolutions on European town planning, Benevolo (1975: 105) states that "a systematic study of the relationship between politics and town planning does not yet exist, and thus hints and hypotheses, which can only be confirmed by further research, must be the basis for any discussion of the subject." In a similar fashion, while this historical review is less than a "systematic study of the relationship between politics and town planning," the hints and hypotheses which can be derived from the case study provide a wealth of information for the analysis of the political process in land use control and planning.

Local council members were the first public planners in Kelowna, and they represented an elite of the community: British land-owning males over the age of twenty-one were the only townsfolk allowed to vote in 1905. Council supported the interests of this electorate who, in the early days of the city, were predominantly local businessmen. The early conflict between Ald. Dehart and Council, previously described, is illustrative of the fact that, while Council may or may not have been committed to representing class interests explicitly, such commitments did not overshadow personal animosities. It is also important to note that market conditions determined the early land use in the city, while Council only undertook the task of preventing unwanted development.

Authority was delegated by the provincial government for Council to control land uses, and the historical evidence shows that the local politicians were not prepared to give up their command of the land use control
process as senior government intervention and professional planning advice increased. While the federal Curtis Report suggested that small urban communities develop comprehensive land use plans as a prerequisite for any postwar reconstruction, if any such request was made to Kelowna Council, no action was taken. Similarly, professional planners contracted by the city uniformly recommended the preparation of a comprehensive land use plan to aid in the resolution of other planning assignments, but Council consistently disregarded proposals for overall plans.

A comprehensive plan directing the future development of the city was not politically attractive to Kelowna Council. Firstly, with population growth and commercial floor space projected, and existing and proposed land uses and transportation corridors mapped, Council would have had much less flexibility as decision-makers. Because of small electorates, short terms of office, and non-partisan elections, local politicians often demand that land use decisions remain adaptable so that their political response can account for changing circumstances in the community, and a land use plan could limit that flexibility. In the case study, Kelowna Council was willing to plan for non-controversial land uses like single-family dwellings by rezoning vacant land. For more contentious land uses, multiple-family residential, for instance, Council was much more inclined to reserve their right to review each application on its own merits.

Secondly, the adoption of a plan transfers some authority from Council's political sphere to the administrative sphere of an appointed planning commission or a hired planner. Once limited by a plan, the local political process may be further emasculated by these administrative delegates. The case study shows that, with no land use plan committing it to
a particular development policy, Council was able to be adaptable and to maintain its political authority when questioned by its appointed advisors. While it was established to advise on planning matters, the study shows that the Advisory Planning Commission was constantly ignored by Council. With no land use plan establishing city policy, APC was not able to contest Council's development proposals.

Finally, once adopted, a land use plan can become a device to measure the political suitability of a council. If a council adopts a land use policy which provides considerable land for industrial development, the community's industrial and business sectors may support council, while the community's retired residents may not. With no land use plan, the development policy of a council need not be articulated nor, indeed, developed at all. In the study, Kelowna Council eschewed the preparation of a land use plan, thus forestalling any judgment of Council for development programs and projects not yet undertaken. Making no commitment to a comprehensive plan, Council provided no device for the electorate to assess Council's land development policy.

Land use controls, on the other hand, can be politically attractive. Development of the city was good for business and the community as long as it did not conflict with existing uses. Gunton (1981: 333) reinforces this assertion, claiming that liberal planning which favoured negative controls over positive plans "essentially reinforced the status quo under the banner of the public good." A zoning by-law and a zoning amendment procedure gave Council the ability to consider change incrementally. As Ald. Meikle said: "Rezoning of apartments and dealing with each application on its own merits is good planning." (Minutes, Vol. 30: 438). Such a reactive procedure was
recognized as the politically-expedient course to take when land use decisions were potentially contentious.

The political longevity of Kelowna councillors is illustrative of the close and harmonious relationship which generally existed between the electorate and the elected. Mr. David Sutherland sat as mayor for a total of sixteen years between 1907 and 1929; Mr. O.L. Jones, Mr. J.D. Pettigrew, Mr. W. Hughes-Garnes, Mr. J.J. Ladd, and Mr. R.F. Parkinson all rose to become mayor after long terms as alderman, with Parkinson serving as mayor for eleven years between 1959 and 1969. Long-lasting civic representation also suggests that local politicians were representative of the electorate and that the community had a consensus of opinion regarding the management of civic affairs.

An example of the breakdown of this long-evident consensus occurs near the end of the study period. Some observers indicate that the election of Herbert Roth as mayor in 1970, replacing Parkinson, was an attempt to introduce reform and modernize civic politics and administration (Eaton, 1981; Jones, 1981). That Roth and his council generated one of the biggest uprisings of negative public opinion ever witnessed in Kelowna with their support of the proposal to develop the park (Hartley, Fulker, Aldis, 1971) indicates that the Roth Council did not have a good understanding of the historical significance of maintaining the park's character. The development initiative was rejected by many of the city's residents, just as they had rejected the construction of a high rise apartment near the park only eight years previously. The value of an undeveloped park must have been obvious to many of the deposed aldermen, as it was obvious to the Advisory Planning Commission, the Save Our Parks Committee, and many other Kelowna
residents. The force of public opinion was soon felt by Council, and a less controversial site was selected for the new recreation centre.

Conclusion

At the end of the study period, while legislation may have provided more delegated authority to Council, while more federal and provincial programs may have existed to share financing and responsibility for local planning programs, and while more advice may have been provided by committees, citizens and staff, Council remained in command of the local planning process. And the planning process they commanded was essentially a series of reactive land use controls which were politically acceptable because of their flexibility and because of the clear authority that Council had to amend and adjust the controls. Explicit commitment to comprehensive land use planning was and remains unattractive to local political representatives.

Over the almost seventy-year study period, Kelowna Council repeatedly reacted to land use development pressure with land use controls. Delegated authority to intervene in the development process increased throughout the study period, and the local political process used this further authority to articulate controls. The city was quick to respond to federal and provincial programs and projects (WHL, DREE), but little thought was given to the long-term implications of such ad hoc initiatives. Council was content to develop controls on a program or project basis, with scant concern shown for overall land use policy strategies or long-term development trends.

Aside from the provision of further land for non-controversial uses in successive zoning by-laws, Council did little land use planning. Council
continually avoided the preparation and implementation of a policy-based, goals-oriented land use plan. Despite advice from senior government advisors, as well as contracted planning consultants, Council did not pursue an overall planning process. Because of this hesitancy to plan in the political forum, professional planners hired by the city were directed to devote most of their effort to the articulation of land use controls, while long-term land use policy was ignored.

This thesis has argued that land use controls are politically popular, providing municipal politicians with a development regulator which is flexible and adaptable, and permitting Council to maintain its authority over the development process. Conversely, it has been argued that land use planning, which is by definition dedicated to a consistent, long-term policy, is not politically attractive. Land use planning limits the flexibility of local political decision-makers, committing them to a particular development strategy. Land use planning also limits a council's political authority, transferring responsibility to plan administrators, (such as an appointed advisory planning commissioner and hired planning staffs).

In conclusion, this thesis argues that distinction can be made between land use controls and land use planning. It has also been argued that land use controls have come to predominate urban planning. A review of the literature of planning theory and history supports these arguments, and the case study in this thesis adds further support. An analysis of the case study also provides evidence to suggest why land use controls are considered to be expedient by local municipal politicians, while land use planning, with its explicit statement of development policy, is politically menacing and, therefore, less desirable.
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