



February 23, 2026

Dear Mayor Dyas and Kelowna City Councillors,

Re: KGH Transit Oriented Area (TOA) in the Abbott Heritage Conservation Area

FRAHCAS appreciates it that Kelowna City Council has expressed support for the preservation and conservation of the Abbott Heritage Conservation Area (AHCA). Thank you.

FRAHCAS has been very concerned about the overlay of the KGH TOA on the AHCA. This allows land assemblies and 6 storey apartment buildings in roughly the southern 25% of the AHCA. This area is very small, being less than 0.5 km<sup>2</sup>. These types of development will have a major impact on the AHCA.

### *Background*

As a bit of background, Bill 47 (Transit Oriented Areas) and Bill 44 (Housing) were being developed at the end of 2023. FRAHCAS and KSAN wrote a joint letter to the Minister of Housing on December 11, 2023 about the TOA overlapping the AHCA. The city of Kelowna also started to revise the zoning regulations.

- Feb 24, 2024

A member of FRAHCAS brought to city council's attention in February 2024, that the AHCA is located on the Mill Creek floodplain (and on the Okanagan Lake floodplain). Bill 47 provides an exemption of TOA density if it is located on a floodplain. FRAHCAS did not hear back from Council.

- June 30, 2024

The province required municipalities to implement Bills 44 and 47 by June 30, 2024.

- March 11, 2024

Council passed the zoning changes for Bill 44 and Bill 47 on March 11, 2025, 3.5 months earlier than the provincial deadline. The city included the TOA zoning regulation on the AHCA.

- May 14, 2024

The zoning changes required the 2040 OCP to be revised. The public hearing to revise the 2040 OCP was held on May 14, 2024, 1.5 months before the Provincial deadline. FRAHCAS and the community attended the Public Hearing, and amongst other critical issues, requested that the TOA be removed from the AHCA.

- January 13, 2025

The Planning Staff presented to Council, on January 13, 2025, the revised Heritage Guidelines that reflected Bills 44 and 47. The TOA was included in revised Heritage Guidelines.

- June 17, 2025

The Public Hearing on the revised Heritage Guidelines was held on June 17, 2025. Council deferred a decision on approving the guidelines at that meeting.

- **August 17, 2025**

Council approved the Heritage Guidelines on August 17, 2025.

## *Coinciding Correspondence*

- April 2025

FRAHCAS prepared a detailed assessment of the KGH TOA in April 2025. This document was shared with a member of council who recommended, because the city's hands were tied on this issue, to reach out to the province.

- June 6, 2025

A member of FRAHCAS connected with the Minister of Housing on June 6<sup>th</sup>, 2025. This resulted in several interactions over many months which also included the Minister of Transportation and our MLAs, Kristina Loewen and Gavin Dew. The FRAHCAS document was shared with the government agencies and the two MLAs.

- September 5, 2025

A call was made to the Ministry of Transportation on September 5, 2025. The representative said she did speak to Kelowna city staff and she said that the staff is in agreement with the TOA.

- October 10<sup>th</sup>, 2025

The two MLAs prepared a letter written to the Provincial government on October 10, 2025 requesting the TOA be removed from the AHCA.

- November 20, 2025

Minister of Housing, Christine Boyle, wrote a letter to MLA Kristina Loewen and MLA Gavin Dew on November 20, 2025 (attached) noting their support of the concerns raised by FRAHCAS. She stated the following:

Under the TOA legislation:

- Municipalities retain the ability to protect heritage buildings and make decisions about how sites with heritage features are developed.
- The TOA designation does not override the development guidelines for the Abbott Heritage Conservation Area (when the TOA was imposed).
- The densities around major transit stops occur within the framework of local land use planning tools.
- Municipal heritage conservation protections remain in effect.
- Municipalities can also identify heritage sites as excluded from the minimum allowable density framework.
- There are several scenarios when municipal bylaws supersede or have a limiting effect on the minimum density such as sites subject to Heritage Revitalization Agreements (houses on the Heritage Registry).
- Municipalities can also turn down rezonings in TOA for reasons such as the preservation of heritage buildings or features.

Minister Boyle goes on to say that Province remains committed to ongoing engagement and collaboration with municipalities including the City of Kelowna.

**Conclusion:**

The City's hands are not tied. The Heritage Guidelines prior to the TOA legislation override the TOA legislation therefore the TOA should be removed from the AHCA for this reason alone, as well as, for all of the other reasons Minister Boyle has set out as above.

- December 02, 2025

FRAHCAS received a letter from Minister Farnsworth, Ministry of Transportation on December 02, 2025 (attached).

Minister Farnsworth stated the following:

- The TOA designation does not override the development guidelines for the Abbott heritage Conservation Area that were in place before the TOA.
- The minimal allowable densities are to be within the framework of local land use planning tools.
- Municipal heritage conservation protections remain in effect.
- The provincial government has worked closed with the City of Kelowna to ensure the TOA aligns with local planning priorities. Based on our recent discussions, the City remains supportive of this designation. (This is very disconcerting.)

**Conclusion:** Based on the above, the City does have the option to remove the TOA from the AHCA for the several reasons above, including that the TOA does not override the guidelines that were in place when the TOA was established.

This has been a long and arduous process, but FRAHCAS is pleased that the Province has clarified that there are several arguments to remove the TOA from the AHCA. As a reminder, FRAHCAS alerted council in February 2024 that the AHCA occurs on the Mill Creek and Okanagan floodplains. Floodplains are exempt from TOA densities.

Based on all of these factors, FRAHCAS requests that the TOA be immediately removed from the Abbott Heritage Conservation Area - before applications come forward.

We look forward to the removal of the TOA from the HCA. We would appreciate hearing from you at your earliest convenience and are available to answer any questions. This is too bad that this was not done early in the process or done at all, but it can now be rectified.

Best regards,

FRAHCAS Board of Directors

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