

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW 1354-19**

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF DESIGNATING THE FREETRADER'S CABIN AS A MUNICIPAL HISTORIC RESOURCE.

WHEREAS Section 26 and 27 of the Historical Resources Act, R.S.A. 2000, c. H-9, as amended, permits the Municipal Council of a municipality to designate any heritage resource within a municipality whose preservation it considers to be in the public interest as a Municipal Historic Resource, upon giving notice to the Owner of the Resource in accordance with the Historic Resources Act.

AND WHEREAS the Council of Smoky Lake County has determined that the property legally described as:

**RIVER LOT 3
TOWNSHIP 58
RANGE 17
WEST OF THE 4th MERIDIAN
EXCEPTING THEREOUT ALL MINES AND MINERALS**

is a site of architectural, historical, cultural, environmental, archeological, paleontological, aesthetic and/or scientific value;

AND WHEREAS not less than sixty (60) days after notifying the resource owner of this bylaw, the Council of Smoky Lake County may by bylaw designate any historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in or on which it is located that may be specified in the bylaw, as a Municipal Historic Resource. A Council that designates an historic resource as a Municipal Historic Resource shall:

- a) cause a copy of the bylaw to be served on the owner of the historic resource and on the owner of any land that will be subject to the bylaw; and
- b) if the bylaw relates to or includes any land, cause a certified copy of the bylaw to be registered at the land titles office.

NOW THEREFORE that the Council of Smoky Lake County in the Province of Alberta, having complied with the Historical Resources Act, and duly assembled, hereby enacts as follows:

1. The property known as the Freetrader's Cabin located on lands legally described as RL-3-58-17-4 (27.7 hectares; 68.45 Acres more or less) is hereby designated a Municipal Historic Resource with the County as described in **Schedule "A"**.
2. Council wishes to protect and preserve the original character of the Freetrader's Cabin, while encouraging changes that will make the related buildings and structures functional. The Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms outline in Schedule "B".
3. The administration of this bylaw shall be under the management and control of the Development Authority of Smoky Lake County.
4. This bylaw shall come into effect after third and final reading.

READ A **FIRST TIME** IN COUNCIL THIS **12th** DAY OF **December**, AD **2019**.

READ A **SECOND TIME** IN COUNCIL THIS **12th** DAY OF **December**, AD **2019**.

READ A **THIRD AND FINAL TIME** IN COUNCIL THIS **12th** DAY OF **December**, AD **2019**.


Reeve

SEAL


Chief Administrative Officer

SCHEDULE "A"

This Statement of Significance forms Schedule "A" to Bylaw 1354-19 and provides a *Description of the Historic Place*, explains the *Heritage Value* of the building and identifies, by written description and photographs, those *Character Defining Elements* of the Freetrader's Cabin which are regulated by the "General Guidelines for Conservation" (Schedule "B") and must be preserved (the "Regulated Character Defining Elements").

STATEMENT OF SIGNIFICANCE**FREETRADER'S CABIN****RL-3-58-17-4****27.70 hectares (68.45 acres more or less)****Description of Heritage Place**

The Free Trader's Cabin is located in Victoria Settlement on River Lot 3. It is a one and one-half storey main residence presumed to be built in 1874. A separate summer kitchen and a barn built in the early 1900's are also on the same lot. The Hudson Bay Company (HBC) post at Fort Victoria is nearby and this river lot is within the larger Victoria District National Historic Site.

Heritage Value

The Free Trader's Cabin was built on river lot 7 by trader Edward McGillivray, as described in an 1878 survey, and was later moved to river lot 3. McGillivray served the HBC at various posts before moving to Victoria Settlement, where he was an independent fur trader before retiring. In 1902, James Alexander Kennedy took up residence in this house on river lot 3, where he also farmed, owned a general store and sold farm implements.

The heritage value of the Free Trader's Cabin lies in its association with Alberta's fur-trade period and with the Victoria Settlement, where the HBC had a fur trading post; one of the earliest in Western Canada. This building and the associated structures on river lot 3, represent early Metis settlement and the region's transition from a fur trade to an agricultural economy.

The Free Trader's Cabin is also valuable for its representation of typical Metis construction methods during the fur-trade era in the northwest and it contributes to the historical character of the area in conjunction with the HBC Clerk's quarters at Fort Victoria and the Victoria District National Historic Site as a whole.

Character Defining Elements

Key elements that define the character of the Free-Trader's Cabin are listed below.

Exterior:

- one-half storey log house, end-gabled with front oriented south toward the river
- steep-pitched roof covered with cedar shingles, which also cover the gables
- horizontal log construction with dovetail notches,
- hewn spruce logs with chinking to fill gaps between logs
- fenestration pattern with one window and offset front door to the south, central windows on the west and east and a door to the north.
- Windows on the first-floor level are single hung two-over-two units; windows in the gable ends on the second level are six-over-six units with some original float glass

Interior:

- finished exposed square ceiling joists attached with half lap joints to the top logs of the north and south walls with decorative beading along each side of the ceiling beams
 - second floor rafter and cross tie system, with frame for gable ends, openings on east and west portions of ceiling, one for a chimney and one for a stove pipe to upper level
 - wood partition dividing upper level into two areas
- 

- main level has tongue-in-groove ceiling boards
- upper level ceiling constructed of one-inch thick planks of varying widths

Sources:

- Canadian Register of Historic Places, Heritage Resources Management Information System
- August 10, 2019 analysis by Noreen Easterbrook and Graham Dalziel
- John Grigsby Geiger, River Lot Three Victoria Settlement History, 1996
- Public Works and Government Services Canada, Cultural Landscape Inventory and Analysis, 2007 (p 38)
- Our Legacy: History of Smoky Lake and Area, Smoky Lake District Heritage and Cultural Society, 1983 (p 16)

Photographic Detail



SCHEDULE "B"

This is Schedule "B" to Bylaw 1350-19 and identifies the "General Guidelines for Conservation" for the Freetrader's Cabin.

GENERAL GUIDELINES FOR CONSERVATION

1. Approval of Development Alterations

As per Section 26 (6) of the Alberta Historical Resources Act, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair a Historic Resource or remove any historic object from a Historic Resource that has been designated under this Section, without the written approval from Council or a person appointed by Council for that purpose.

Council appoints an approving Authority to protect the integrity of this municipal heritage resource to whom the Applicant shall submit a Heritage Resource Intervention Permit Application for any proposed restoration/changes to the structure. Any development or alterations affecting the Bellis Firehall shall respect and conserve the heritage value and character defining elements identified in the Statement of Significance, in accordance with the below General Guidelines for Conservation and as recommended in the Standards and Guidelines for the Conservation of Historic Places.

2. Compatible Uses

Wherever possible, the use of the Municipal Historic Resource shall be compatible with the existing building such that minimal changes are required to the building. The use of the Municipal Historic Resource for its original purpose is desirable.

3. Original Character

The original distinctive qualities and character of the building as designated by the Municipal Historic Resource Bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

4. The Historic Period

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or later idiom shall be discouraged.

5. Witness to Change

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.

6. Repair and Replacement

Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the features. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

7. Style and Craftsmanship

Distinctive stylistic features and examples of skilled craftsmanship that have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

8. Cleaning

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic integrity and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

9. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated Historic Resource, alterations shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible (i.e. use of epoxy), only those methods and materials that have been thoroughly tested and found satisfactory in situ shall be used.

10. Recording

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning and moving structures), the Applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

11. Original Construction Details

In some historic structures, poor construction details or inappropriate materials resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

12. Enforcement

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty



has been imposed for contravention. If the Development Authority finds that a person is in contravention of this Bylaw, the Development Authority may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require. The order may:

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the Bylaw, including the removal or demolition of a structure or part of a structure that has been erected or placed in contravention of the Bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

13. Improvements

Prior to undertaking any improvements, an Application for a Heritage Resource Intervention Permit must be submitted to Smoky Lake County. The Application shall include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work should also be included.

14. Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for Code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

15. Signs

As a general rule, signs should be limited to signs that were originally present on the building. In instances where new use or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource, wherever possible. All signs must conform to the Smoky Lake County Land Use Bylaw.

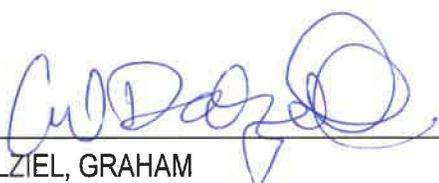
16. Claims

All covenants, undertakings, obligations, and conditions set out in this Bylaw shall constitute covenants running with the Lands and the County may register a Caveat at the Land Titles Office against the Lands to protect its interest under this Bylaw. Smoky Lake County may grant a postponement of the caveat as to any of the land in development. Smoky Lake County will discharge the caveat promptly upon the acceptance of the various matters required to be performed by the Developer under this Bylaw.

The Developer shall indemnify and save harmless the County from any and all losses, costs, damages, actions, cause of actions, suits, claims and demands resulting from anything done or omitted to be done by the Developer in pursuance or purported pursuance of this Bylaw.

17. Consent

This bylaw is hereby agreed to by the Registered Owner of the Certificate of Title No.194E78. Furthermore, the Registered Owner consents to having this bylaw registered by way of a caveat on said Certificate of Title.



DALZIEL, GRAHAM
OWNER

