



MEMORANDUM

TO: JOSEPH FERNANDEZ, CAO
FROM: JAMES VAN HEMERT, CONSULTING TOWN PLANNER
SUBJECT: MURAL POLICY
DATE: AUGUST 8, 2024

Background

Following the Advisory Planning Commission's deliberations on mural policy, Council has requested background information in consideration of permitting murals.

The Town currently has no mural policy, nor does the sign regulation bylaw address murals.

The bylaw permits, with council approval, a sign promoting community health and welfare:

GENERAL PROVISIONS FOR SIGNS PERMITTED WITHOUT A PERMIT

7.1 Subject to the provisions of the Bylaw, the following may be erected or placed without a permit:

- a) subject to the approval of the Council as to the design, size, location, and period of time to be posted, signs upon or over private or public property announcing the date of an event or function of a charitable nature or ***signs promoting Community health, safety or welfare campaigns;***

This policy is insufficient to address murals.

Wikipedia defines a mural as

'any piece of graphic artwork that is painted or applied directly to a wall, ceiling, or other permanent substrate. Mural techniques include fresco, mosaic, graffiti and marouflage.'



Figure 1 Mural in Chemainus

The Town has not authorized murals in recent years, if ever.

What our neighbours are doing

The City of Duncan and the unincorporated area of Chemainus support murals with policy and decision-making mechanisms.

Chemainus

The Chemainus mural project is claimed to be the world's leading community-art driven art tourism experience by the Chemainus Festival of Murals Society (the Society)

The Society manages the approval process, which issues a call for proposals from artists with a final decision made by the Board of Directors. The murals are funded by the Society and as part of the contract with the artist a Marquette is prepared, essentially a miniature of the mural.

The District of North Cowichan, the authority governing Chemainus, lists murals as an attraction in its Sign Bylaw. However, the bylaw only addresses attraction directional signage. Clearly, the dimensional requirements for signs do not apply. It is not clear whether a sign permit for a mural is required.

The District does address murals in its Development Permit guidelines:

(e) Chemainus Mural Walls: The following guidelines apply specifically to Chemainus in relation to the Mural Walls:

(i) Walls on the front or flanking façade of a building should not be selected for murals.

(ii) Walls appropriate for murals are those that are situated such that a mural will not be obstructed by parking or, if it might be, can be positioned at least 1.5 m above ground level; situated to permit unobstructed viewing by pedestrians; and constructed of a suitable medium for painting.

(iii) Completed mural walls should be:

- illuminated with appropriate down or spot lighting designed into the building and that does not reflect or shine into nearby property; and
- framed or accented with shrubbery and/or landscaped borders.

No product advertising in murals is permitted unless the advertisement is considered historic.

Historic advertisements are to be maintained and preserved.

City of Duncan

The City of Duncan has an ongoing mural project.

A recent mural in Duncan's downtown core with a First Nations theme has gone up on the east-facing wall of the Volume One Books building, located at 49 Kenneth St.



Figure 2 Duncan mural art

The mural project was spearheaded by the Cowichan Valley Intercultural and Immigrant Aid Society, Qw'utsun Elders, the City of Duncan, and a diverse group of community partners, who worked together to see the project to fruition as Nanum 'lyus Tth'ele (Meeting of Joyful Hearts).

The City has a detailed mural policy prepared by the Cowichan Valley Arts Council and addresses the approval process (using a jury), wall specifications, paint specifications, maintenance agreements with building owners, and pre-identification of sites.

Banner on 53 North Shore Road

The banner on 53 North Shore Road (pictured next page) does not meet the definition of a mural, even if it were to be replaced with an actual painting of the same on the building face. The content of the mural, while celebratory of tubing generally, is clearly intended to advertise specific businesses.



Figure 3 Banner at 53 North Shore Road

Policy considerations for the Town of Lake Cowichan

It is apparent from the two neighbouring examples that supporting murals require an artistic partner organization, funding, and ongoing maintenance agreements. As murals are not considered signs, they are not addressed in sign bylaws. In fact, the City of Duncan specifically excludes murals from their definition of signs. Options for consideration are listed below.

1. Identify a sponsoring art society.
2. If an art society is identified, jointly prepare a town policy and sources of funding.
3. Identify and prepare appropriate development permit guidelines.
4. Leave the sign bylaw alone, it is not an appropriate vehicle to address murals. Possibly specify that murals are not signs and are addressed separately via a development permit.
5. Allow temporary artsy advertising banners during the tourist season. Sign bylaw would define.
6. For non-profit proposals, no permit fee.
7. Identify a 'jury' group to review proposals. It may not be wise for council to be directly involved in art review, particularly as conflicts may be inherent.