

WHISTLER

AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, DECEMBER 1, 2015 STARTING AT 6:00 PM**

**In the Franz Wilhelmsen Theatre at Maury Young Arts Centre
(Formerly Millennium Place)
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the Local Government Act R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing,

Zoning Amendment
Bylaw (Temporary Use
Permits) No. 2096, 2015

PURPOSE OF Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015

The purpose of this Bylaw is to amend the Zoning Bylaw to allow the issuance of Temporary Use Permits to authorize sales from Home-Based Artist Studios and to establish guidelines to be considered prior to approval of Temporary Use Permits.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (Temporary Use Permits - Home-Based Artist Studios) No. 2096, 2015		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw	November 17, 2015	Land Use Procedures Amendment Bylaw (Temporary Use Permits) No. 2097, 2015
Bylaw	November 17, 2015	Sign Bylaw Amendment Bylaw (Home-Based Artist Studios) No. 2098, 2015
Bylaw	November 17, 2015	Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015
Council Minutes	November 17, 2015	Minutes of the Regular Meeting of Council (DRAFT).
Council Report	November 17, 2015	Administrative Report 15-139 to Council.
Presentation Slides	November 17, 2015	Presentation slides by J. Belobaba, Senior Planner.
Correspondence		As received by Wednesday, November 25, 2015 at 12:00 NOON.



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: November 17th, 2015

REPORT: 15-139

FROM: Resort Experience

FILE: 7647.01

SUBJECT: COMMUNITY CULTURAL PLAN IMPLEMENTATION: HOME-BASED ARTIST STUDIOS, COMMUNITY CULTURAL FACILITIES AND ARTIST/ARTISAN MARKETS

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to Zoning Amendment Bylaw (Home-based Artist Studios) No. 2096, 2015; and,

That Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Home-based Artist Studios) No. 2096, 2015 and to advertise for same in a local newspaper; and,

That Council consider giving first and second readings to Land Use Procedures and Fees Bylaw Amendment Bylaw (Temporary Use Permits for Home-based Artist Studios) No. 2097 2015; and,

That Council consider giving first and second readings to Sign Bylaw Amendment Bylaw (Home-based Artist Studios) No. 2098, 2015; and,

That upon adoption of Bylaw 2096, Council pass a resolution pursuant to s. 45.1 of Zoning Bylaw 303 appointing one member of Council to the advisory committee for Home-based Artist Studios; and further,

That Council direct staff to conduct a review of the temporary use permit program within one year of the date of adoption of bylaw 2096 and bring forward any recommended changes to relevant bylaws at that time.

REFERENCES

Community Cultural Plan 2013

Economic Partnership Initiative (EPI) 2013

Administrative Report 13-080: Council Report from September 3rd 2013 (not attached)

Administrative Report 14-078: Council Report from July 2nd 2014 (not attached).

PURPOSE OF REPORT

The purpose of this report is to provide an overview of recent policy work undertaken to implement recommendations of the Community Cultural Plan and to present bylaw amendments to Council that will support Home-based Artist Studios. These include Zoning Amendment Bylaw (Home-based Artist

Studios) No. 2096, 2015 for first and second readings, Land Use Procedures and Fees Bylaw Amendment Bylaw (Temporary Use Permits for Home-based Artist Studios) No. 2097, 2015 for first and second readings and Sign Bylaw Amendment Bylaw (Home-based Artist Studios) No. 2098 for first and second readings.

DISCUSSION

Background

On September 3rd 2013, Council received the Community Cultural Plan which contained 31 recommendations to promote arts, heritage and culture in Whistler including:

- Recommendation # 4: Provide opportunities for local artists to develop and showcase their work.
- Recommendation #5: Ensure local artists have opportunities to earn income from their work.
- Recommendation # 7: Create a program of self-guided tours of artists' home based studios.
- Recommendation #28: Revise existing by-laws that prohibit sales through home-based studios.
- Recommendation #14: Create a more visible community art gallery featuring Sea to Sky artists.

In 2014, together with the Community Cultural Officer, staff began working on implementing the above recommendations. Council received a presentation from the Community Cultural Officer at the October 7th Committee of a Whole meeting outlining a general implementation and engagement strategy for the Community Cultural Plan. Among other things, the presentation identified sales from Home-based Artist Studios, Artist and Artisan Markets, and sales from Community Cultural Facilities as potential focus areas for 2015.

Since these focus areas were similar and interrelated, staff felt that they should be bundled into a single project. Staff developed a comprehensive, consensus-based engagement process focusing on all three topics. Stakeholder representatives from Whistler's arts community, including artists and gallery owners were identified to participate in the process. This process is described in greater detail under 'Community Engagement and Consultation' below.

The engagement process revealed that there was general support for sales from Home-based Artist Studios and associated sales, Artist and Artisan Markets and sales from Community Cultural Facilities. Generally, stakeholders felt that these offerings, if equitably supported, would contribute and be complementary to Whistler's broader arts product. The supported concept for each offering can be summarized as follows:

- Artist and Artisan Markets: Build upon existing events (e.g. Farmers Market, Art Walk) with a single, annual art event located in the Village and open to both local artists and galleries.
- Community Cultural facilities: Generally support retail sales from Community Cultural Facilities with a focus on local and emerging artists whose work is not yet easily marketable.
- Home-based Artist Studios: Expand the range of these studios by allowing customer visits and signage while mitigating impacts on neighbourhoods. Recognize that these studios are not the only facilities that can (or should) support local and emerging artists.

A set of guiding principles (Appendix A) were developed to address questions of exactly how this expanded range of arts-related land uses should be regulated. Existing and available regulatory tools (e.g. zoning, Temporary use permits etc.) were examined to determine the best approach.

For Artist and Artisan Markets, zoning amendments approved in July 2014, allowing special events in the Village, already allow this type of programming. Any new initiatives related to Artist and Artisan Markets beyond those that currently exist (e.g. Bizarre Bazaar, Farmers Market) will be brought forward for Council's prior consideration.

For Community Cultural Facilities, it was determined that most existing and proposed facilities are permitted through zoning. However, for some locations, zoning amendments may be needed to authorize ancillary activities such as retail. Staff intend to bring forward some of these amendments, Such as allowing for retail sales in the community gallery in the Maury Young Arts Centre early in 2016.

It was revealed that a number of bylaw and permitting changes are required to further support Home-based Artist Studios. Currently, these studios are permitted as home occupations under the Zoning Bylaw. However, the sale of art directly from these studios is prohibited. Signage is also limited to a single fascia sign. Feedback during the stakeholder engagement process also uncovered a desire that products sold from Home-based Artist Studios be of high quality and appropriate to Whistler's broader cultural objectives. An initial trial program was seen as a desirable test for sales from Home-based Artist Studios.

There are essentially two regulatory options available to the RMOW to legalize sales from Home-based Artist Studios: Zoning and temporary use permits. The pros and cons of both tools were reviewed with temporary use permits emerging as the preferred approach.

Temporary use permits are authorized under Section 921 of the *Local Government Act* and allow the RMOW to temporarily permit a use that is not specifically authorized in the Zoning Bylaw. The proposed regulations set maximum time limit for a temporary use permit of two years. A municipality must designate areas where temporary use permits may be issued and may establish guidelines for considering and approving them. Temporary use permits were used briefly during the Olympics to permit games-related activities but have not been used since.

Temporary use permits were seen as the most advantageous option for the following reasons:

1. Temporary use permits are considered on a case-by-case basis, incorporate flexible decision making guidelines, are discretionary and can contain site-specific conditions. The combination of these characteristics provides greater flexibility when responding to unique proposals while ensuring any undesirable proposals can be refused.
2. Unlike uses permitted through zoning, temporary use permits are valid for a limited period of time. When the permit expires the municipality can choose to renew the permit or that the use be discontinued.
3. Because temporary use permits do not establish any permanent uses they are an ideal tool to test new land uses before considering allowing them permanently.

Proposed Bylaws

The proposed bylaws are focused primarily on legalizing sales from Home-based Artist Studios. There are three bylaws presented for Council consideration.

Zoning Amendment Bylaw

The proposed zoning amendment bylaw would amend the Zoning Bylaw to authorize sales from Home-based Artist Studios through the issuance of a temporary use permit. Under the proposed zoning amendments, Home-based Artist Studios in existence before November 17th 2015 will be eligible for a temporary use permit. The new rules establish guidelines for considering permits, including nuisance abatement and application requirements, and allow conditions to be imposed to ensure compatibility with surrounding neighbourhoods. The guidelines also establish a committee of representatives that will review the quality and appropriateness of the works proposed to be sold from the studio.

Sign Bylaw Amendment Bylaw

The proposed amendment to the Sign Bylaw will allow a Home-based Artist Studio holding a valid temporary use permit to install one freestanding sign and one sandwich board. These signs must be located on the same property as the Home-based Artist Studio. Currently, only a single fascia sign is permitted for a home occupation. It was felt that amending the sign bylaw to allow these signs for Home-based Artist Studios would result in unique and creative signage that would enhance the visitor experience.

Land Use Procedures Amendment Bylaw

The land use procedures amendment bylaw will create procedures for approving temporary use permits and delegates the authority to approve temporary use permits to the General Manager of Resort Experience. The proposed bylaw also establishes \$750 fee to issue a temporary use permit and a \$300 fee to renew a temporary use permit.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Arts Culture & Heritage	A range of authentic and creative arts, cultural and heritage opportunities are meaningful, accessible and financially affordable to residents and visitors.	The proposed bylaws allow a new, complementary cultural offering that elevates Whistler's overall cultural product.
Arts Culture & Heritage	Arts, cultural and heritage opportunities attract visitors and contribute to the experience and local economy.	The proposed bylaws expand the mix of cultural offerings and will support emerging artists. In turn this will support a diverse product that will attract more visitors.
Arts Culture & Heritage	Arts, culture and heritage, and their local creators and contributors, are appreciated and supported as cornerstones of the resort community's health, vitality and economic prosperity.	Home-based Artist Studios support emerging and local artists.
Arts Culture & Heritage	There is a physical and organizational focal point for the diversity of arts, culture and heritage activities that spread throughout the community.	The proposed bylaws limit the scale and location of art offerings outside of Whistler Village. The scale of commercial uses outside of the Village will remain appropriate and complementary.
The Built Environment	To maintain vibrancy, Whistler Village is the core of the resort community.	
The Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscape and evoking a dynamic sense of place.	The new regulations will ensure the form and character of neighbourhoods is not impacted.

Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	Local and emerging artists will benefit from the proposed bylaws. As a whole, the profile of Whistler as a tourism destination will be elevated; attracting more visitors and generating economic activity for all local businesses.
Economic	Whistler has a diversified and year-round tourism economy.	Home-based Artist Studios are not weather or season dependant this supports Whistler's more traditional recreational offerings.
Visitor Experience	A diverse range of year-round activities is developed and offered.	
Visitor Experience	Whistler proactively anticipates market trends.	The Community Cultural Plan and EPI recognized arts and cultural offerings as a key component of Whistler's economic diversification and adaptation strategy. Implementing these recommendations is a proactive step into emerging markets.
Visitor Experience	The resort community's authentic sense of place and engaging, innovative and renewed offerings attract visitors time and time again.	Home-based Artist Studios will be a new and ever-evolving contribution to the visitor experience.

OTHER POLICY CONSIDERATIONS

	Policy	Comments
Official Community Plan	4.3.3 Other commercial development will be limited to small amounts of space for local convenience commercial uses, personal service uses, and food and beverage uses associated with commercial accommodation. These uses should be scaled to meet only the needs of the immediate area and should not adversely affect commercial uses in the Whistler Village, Blackcomb Bench, and Whistler Creek areas.	Home-based Artist Studios support local and emerging artists who live in residential neighbourhoods. The proposed bylaws limit the scale of these businesses so as not to conflict with commercial offerings in core commercial areas.

BUDGET CONSIDERATIONS

All costs of preparing the bylaw, and notifying property owners can be covered under the existing planning department budget.

COMMUNITY ENGAGEMENT AND CONSULTATION

The proposed bylaws have been developed after consultation with stakeholders representing private art galleries, artists, artisans and home based studio operators. Two stakeholder sessions were held to determine principles and ideas that would inform the bylaw development process. The first session was held on April 13th 2015 and the second was held on May 27th 2015. Council also received a progress update at the Committee of the Whole meeting on May 26th 2015.

The first session consisted of two separate workshops with identical formats; one for artists and one for representatives representing commercial galleries and similar businesses. In each session, participants were given an overview of the issues, existing regulatory framework and cultural planning process to date. Then, in small groups, principles and ideas were brainstormed for each of the three categories. These were then presented to the larger group and recorded by staff.

In the second session, the two stakeholder categories (artists and businesses) were combined. A summary of the principles collected from the first session was presented and participants were asked to build upon staff's summary and confirm if the summary accurately reflected the results of the first session. Staff refined the principles and ideas (Appendix A) after the session and these principles were used to guide the bylaw drafting process.

A public hearing will be required prior to adoption Zoning Amendment Bylaw (Home-based Artist Studios) No. 2096, 2015. Staff also intend to report back to the stakeholder group on the new temporary use permit program once the proposed bylaws are adopted.

Once the temporary use permit program has been in operation for one year, staff intend to evaluate the success of the program to determine if the program should be expanded and report back to Council at that time.

SUMMARY

Adopting the proposed temporary use permit system for Home-based Artist Studios provides a flexible approval system that promotes and supports local and emerging artists, diversifies cultural offerings and supports the guest experience; while ensuring compatibility with residential neighbourhoods.

Temporary use permits allow proposals to be considered on a case-by-case basis. Conditions can be imposed for studios which have a higher potential for neighbourhood conflict (e.g. wood carving) or waived for studios likely to have minimal impact (e.g. writing). The limited duration of temporary use permits adds to this flexibility. The RMOW can remove or require new conditions when the permit comes up for renewal to address issues that have emerged during the studios operation. Ultimately, the flexibility of the proposed system ensures that unique and desirable cultural offerings are not unintentionally excluded, while undesirable uses of residential properties remain prohibited.

Establishing a diverse committee to provide recommendations on the quality and appropriateness of products ensures a skillful and equitable evaluation. Products sold under this new program can be expected to add to Whistler's existing inventory of high-quality art and artisan works.

The proposed signage regulations are reasonable and appropriate. The regulations would allow for modestly sized signs and it can be expected that artists will endeavor to craft stylish and creative signs reflective of the products they sell. Unique and authentic studio signage is a staple in other jurisdictions such as Salt Spring Island and the Sunshine Coast which have endorsed the concept of Home-based Artist Studios.

Overall the proposed amendment bylaws are consistent with Whistler 2020, the Official Community plan and are generally supported by stakeholders. For these reasons staff recommend approving the proposed bylaws.

Respectfully submitted,

Jake Belobaba
SENIOR PLANNER
For
Jan Jansen
General Manager Resort Experience.

Appendix A: Principles Developed from Stakeholder Engagement

Category	Principles	Ideas
General	<ul style="list-style-type: none"> Whistler's arts and culture sector has multiple stakeholders who have a desire to collaborate to elevate the arts sector in Whistler. Whistler enjoys a range of cultural offerings; success in one area will not detract, but rather contribute to, success of the entire sector. Support for all stakeholders should be equitable. Artists must be part of the "business" aspect of art, being responsible for promoting, selling, and evolving their product. 	<ul style="list-style-type: none"> Formalize process for ongoing dialogue Cultural hosts Cultural tours
Home-based artist studios	<ul style="list-style-type: none"> General support for home-based studios as a valuable component of Whistler's cultural offerings <ul style="list-style-type: none"> Desire to broaden the concept to "working studios" inclusive of a wider range of opportunities. Sales and similar activities should be allowed in studios. <ul style="list-style-type: none"> Impacts such as noise, traffic, safety must be addressed. Encouraging home-based studios is important. But they are not the only facilities that can support emerging local artists. 	<ul style="list-style-type: none"> Update zoning regulations Support a variety of venues for emerging artists
Artist Market	<ul style="list-style-type: none"> General support for existing markets; i.e. Bizarre Bazaar; Farmers'. <ul style="list-style-type: none"> Support should continue for these offerings. Avoid "diluting" the market product with too many different options. <ul style="list-style-type: none"> Focus on existing offerings and a single annual arts festival. General support for a multifaceted <i>annual</i> "art festival" <ul style="list-style-type: none"> Goal: ensure all stakeholders have an opportunity to benefit. Model: build on existing cultural offerings, markets, other events Could: be resort-wide Should: include all stakeholders. 	<ul style="list-style-type: none"> Develop annual art/artisan festival
Community Cultural Facilities	<ul style="list-style-type: none"> General support for community cultural facilities including sales from those facilities. 	<ul style="list-style-type: none">

	<ul style="list-style-type: none">○ Programming, developing and promoting community cultural facilities should support emerging and local artists○ Particularly artists whose work is not easily marketable	
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**RESORT MUNICIPALITY OF WHISTLER
LAND USE PROCEDURES AMENDMENT BYLAW (TEMPORARY USE PERMITS) No.
2097, 2015**

A BYLAW TO LAND USE PROCEDURES AND FEES BYLAW NO. 2019, 2012

WHEREAS a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under this Part;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Land Use Procedures Amendment Bylaw (Temporary Use Permits) No. 2097, 2015".
2. Land Use Procedures And Fees Bylaw No. 2019, 2012 is amended as follows:
 - a. By adding, in the first sentence of subsection a under section 10, the words "or a temporary use permit" after "development variance permit".
 - b. By deleting, under section 10, subsections b, c, d and e.
 - c. By adding, under section 10, to subsection f, between "s. 892(7)" and "of", the words "and s.921(4)".
 - d. By adding to the beginning of section 11 "Except for an application for a temporary use permit,".
 - e. By adding as subsection j, under section 19, "issue or renew temporary use permits".
 - f. By adding to the first line of section 28 between the words "of" and (925(2.1)" the words "s. 921(12) and".
 - g. By adding as subsection d. under section 28 "In the case of a temporary use permit, an amount of security that will forfeit to the Resort Municipality if the permit holder fails, prior to the expiry of the permit, to demolish or remove a sign or other structure related to the temporary use or to restore land to the condition specified in the permit."
 - h. By adding as section 28 "Notwithstanding 19(j) The General Manager may refer a temporary use permit application to Council for consideration of issuance." And by renumbering subsequent sections accordingly
 - i. By deleting from Schedule A, under the heading "APPLICATION FEES" from item 6 the word "(not delegated)".

- j. By deleting from Schedule A, under the heading "APPLICATION FEES" from item 7 the word "delegated" and replacing with "renewal".
- k. By adding to the beginning of the paragraph at the bottom of Schedule A, before the words "In addition to the above noted..." the words "Except for an application for a temporary use permit,".

Given first and second readings this 17th day of November, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this _____ day of _____, 2015.

Given third reading this _____ day of _____, 2015.

Approved by the Minister of Transportation this _____ day of _____, 2015.
Adopted by the Council this ____ day of _____ 2015.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a
true copy of Land Use Procedures
Amendment Bylaw (Temporary Use
Permits) No. 2097, 2015.

**RESORT MUNICIPALITY OF WHISTLER
SIGN BYLAW AMENDMENT BYLAW (HOME-BASED ARTIST STUDIOS) NO.
2098, 2015**

A BYLAW TO AMEND SIGN BYLAW NO. 558, 1987

WHEREAS Council has enacted a bylaw under Section 908 of the *Local Government Act* and Section 8(4) of the *Community Charter*, to regulate and impose requirements relating to the number, size, type, form, appearance and location of signs, and wishes to amend the bylaw;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Sign Bylaw Amendment Bylaw (Home-Based Artist Studios) No. 2098, 2015".
2. Sign Bylaw No. 558, 1987 is amended as follows:

by adding under Section 2 Definitions

“Home-based Artist Studio: means a home-based Artist Studio as defined under Zoning and Parking Bylaw 303 for which a valid temporary use permit has been issued.”

by adding under section 6.2

“6.2.2 In addition to a fascia sign permitted under section 6.3.2, one permanent freestanding sign with a maximum area, including all supporting structures and surrounding framework, of 2m² and a maximum height of 2.4 metres is permitted on the premises of a Home-Based Artist Studio.”

, and

by adding the following after section 6.11:

6.12 Sandwich Board Signs

6.12.1 On the premises of a Home-Based Artist Studio, one sandwich board sign with a maximum height of 1.2m, and a maximum area of 1.0m² for each side of the sign, is permitted.

, and

By adding the following after section 10.2.4

“10.2.5 for permit to erect a sandwich board sign for a Home-Based Artist Studio \$30”

,and by renumbering subsequent sections accordingly.

Given first and second readings this 17th day of November, 2015.

Given third reading this _____ day of _____, 2015.

Adopted by the Council this ___ day of _____ 2015.

Nancy Wilhelm-Morden,

Mayor

Shannon Story,

Corporate Officer

I HEREBY CERTIFY that this is a true
copy of Sign Bylaw Amendment Bylaw
(Home-Based Artist Studios) No. 2098,
2015.

**RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (Temporary Use Permits) NO.
2096, 2015**

A BYLAW TO AMEND ZONING AND PARKING BYLAW NO. 303, 1983

WHEREAS Council may in a zoning bylaw pursuant to the Local Government Act, designate areas where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015".

2. Zoning and Parking Bylaw No. 303, 1983 is amended as follows:

by adding the following under Subsection 12 Home Occupation Use in Section 5 General Regulations:

(e) A Home-based Artist Studio home occupation is permitted by temporary use permit only.

by adding the following text under Section 5 General Regulations:

Temporary Use Permits for Home-based Artist Studios

Definitions

28. For the purpose of subsections 28-43:

Artist: means a person who creates works of aesthetic or expressive value including paintings, sculpture, literary works or drawings.

Artisan: means a skilled craftsperson who produces distinctive, usually handcrafted, works in small quantities and which have an aesthetic or expressive value.

Customer: means a person who attends a Home-based Artist Studio to purchase, view or otherwise experience art or artisan crafts and includes a person who is attending a class, or exhibition on the property and does not include an employee of the Home-based Artist Studio.

General Manager: means the General Manager of Resort Experience or a person fulfilling the role of the General Manager of Resort Experience in their absence.

Handcrafted: means created with manual skill including the use of small power tools, printers and photo developing equipment but excluding the use of automated manufacturing systems or equipment, mass production processes and the use of heavy industrial equipment.

Home-based Artist Studio: means the use of a dwelling unit by an artist or artisan to produce, exhibit and sell artwork or artisan crafts and includes the provision arts or crafts instruction.

Designation of temporary use permit areas

29. All zones in which residential uses are permitted are designated as temporary use permit areas for Home-based Artist Studios.

Conditions of issuance

30. Subject to the terms of a temporary use permit under this part, a Home-based Artist Studio must comply with the provisions for home-occupations under Section 12.
31. Home-based Artist Studios are subject to a business licence requirement under Business Licence Bylaw 567, 1987.
32. Only Home-based Artist Studios in operation prior to November 17th 2015 shall be eligible for a temporary use permit under this part.

General Considerations

33. In considering an application for a temporary use permit for a Home-based Artist Studio the General Manager must consider the proposal's impact on:
- 33.1. the coordinated advancement of cultural tourism development opportunities as identified in Whistler's Corporate Plan, Economic Partnership Initiative, Community Cultural Plan and Cultural Tourism Development Strategy;
 - 33.2. the quality and extent of Whistler's inventory of cultural assets and the related impact on the quality of visitors' cultural experiences;
 - 33.3. the Home-based Artist Studio's ability to contribute to Whistler's draw of visitors seeking cultural experiences;
 - 33.4. opportunities for Whistler's artists, artisans and related businesses to generate income from their work; and
 - 33.5. the cumulative impact and compatibility of Home-based Artist Studios on the surrounding neighbourhood, including the number and types of Home-based Artist Studios that have been established.
34. It is a condition of all temporary use permits for Home-based Artist Studios that the temporary use permit be valid for no more than two years.

Additional Application Information

35. Upon review of an application for a temporary use permit, the General Manager may require the applicant to provide:
- 35.1. A description of production methods proposed to be used by the Home-based Artist Studio;
 - 35.2. Hours of operation including hours where production activities will occur and hours when the Home-based Artist Studio will be open for customer visits;
 - 35.3. Information related to deliveries;
 - 35.4. Information related to customer visits;

- 35.5. Site and layout characteristics; and
- 35.6. other information related to the operation of the Home-based Artist Studio that, in the opinion of the General Manager, is necessary to evaluate potential nuisances that may be created by the operation of the Home-based Artist Studio.

Permit Conditions

- 36. A temporary use permit for a Home-based Artist Studio may contain conditions related to noise and other nuisances including:
 - 36.1. Limits on the types and sizes of tools and equipment that may be used and limits on the duration and frequency of their use.
 - 36.2. Limits on the types and scale of production methods and limits on their duration and frequency.
 - 36.3. Structural alterations to prevent or minimize the transfer of noise, odors, dust, glare or other potential nuisances to nearby properties.
 - 36.4. Limits on the hours of operation of the Home-based Artist Studio and the number of customers who may visit the Home-based Artist Studio at any one time.
 - 36.5. Restrictions on the types and quantities of materials that may be stored on the premises and requirements for storing materials.
 - 36.6. Limits on the size of production space.
 - 36.7. Limits on the amount of space used to sell products produced in the Home-based Artist Studio.
- 37. A temporary use permit for a Home-based Artist Studio may authorize the outdoor display of a single sculpture or artisan craft with a maximum volume of 1 cubic meter and a maximum height of 1.5 meters, during the period of time specified in the permit.
- 38. It is a condition of all temporary use permits for Home-based Artist Studios that the premises are open for customer visits only between 8am and 8pm.
- 39. Notwithstanding Section 38, a temporary use permit for a Home-based Artist Studio may authorize customer visits between the hours of 8pm and midnight to accommodate special events, exhibitions, or similar activities for up to 12 evenings per year, as specified in the permit.
- 40. It is a condition of all temporary use permits for Home-based Artist Studios that motor vehicles of residents and employees of a Home-based Artist Studio must be parked on the lot on which the Home-based Artist Studio is located and not on the abutting street.
- 41. It is a condition of all temporary use permits for Home-based Artist Studios that not more than one person who does not normally occupy the dwelling unit in which it is located may be employed in the Home-based Artist Studio.
- 42. It is a condition of all temporary use permits for Home-based Artist Studios that no more than five customers may attend a studio at any one time to receive arts or crafts instruction.
- 43. Any product sold from a Home-based Artist Studio must be produced on the premises where the Home-based Artist Studio is located.

44. A temporary use permit for a Home-based Artist Studio may include a condition that the owner demolish or remove a sign or other structure associated with the temporary use, or restore land described in the permit to a condition specified in the permit, within a specified period of time prior to the expiry of the permit.

Health and safety

45. The General Manager must refuse to issue or renew a temporary use permit for a Home-based Artist Studio if the premises do not substantially comply with RMOW bylaws or applicable health and safety regulations and for that purpose may require inspections, at the applicant's cost, by the RMOW Building or Fire Department.

Eligible works

46. In determining whether to issue or renew a temporary use permit for a Home-based Artist Studio, the General Manager may consider the recommendations of an advisory committee convened to advise the General Manager on the artistic or aesthetic merit of objects that are proposed to be produced in the Home-based Artist Studio, and the General Manager may refuse to issue or renew a permit in the case of objects having insufficient merit.
47. For the purposes of the preceding section, the Council establishes an advisory committee consisting of the following:
- 47.1. One member of Council to be appointed by Council resolution;
 - 47.2. One person appointed by the Whistler Arts Council; and
 - 47.3. One person appointed by the Whistler Chamber of Commerce.
 - 47.4. One person appointed by Tourism Whistler.
 - 47.5. One staff person from the RMOW Resort Experience Division, appointed by the General Manager of Resort Experience.
48. In making its recommendations the advisory committee must consider only whether objects proposed to be produced or being produced in a Home-based Artist Studio are artfully or skilfully made or crafted, whether they are original or unique or have original or unique aspects, and whether they express or exhibit qualities or incorporate materials that are particularly related to the cultural, historical, social or environmental character of the Resort Municipality or its surroundings.
49. The General Manager may prescribe procedures for the advisory committee, including procedures by which applicants for temporary use permits may familiarize members of the committee with the work they propose to produce in a Home-based Artist Studio. The advisory committee shall not hold public hearings or undertake any other form of public consultation, but shall provide its own recommendations to the General Manager as it sees fit.
50. Members of an advisory committee shall not be entitled to remuneration in respect of the performance of their duties as members of the advisory committee.

Given first and second readings this 17 day of November, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this _____ day of _____, 2015.

Given third reading this _____ day of _____, 2015.

Approved by the Minister of Transportation this _____ day of _____, 2015.

Adopted by the Council this ____ day of _____ 2015.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true
copy of Zoning Amendment Bylaw
(Temporary Use Permits) No. 2096,
2015.

Community Cultural Plan Implementation

Council Presentation

November 17th 2015

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada VON 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109

Community Cultural Plan

2013 Community Cultural Plan received by Council. “ a blueprint for cultural development over the next decade...” with 31 recommendations, including:

- Recommendation # 4: Provide opportunities for local artists to develop and showcase their work.
- Recommendation #5: Ensure local artists have opportunities to earn income from their work.
- Recommendation # 7: Create a program of self-guided tours of artists' home based studios.
- Recommendation #28: Revise existing by-laws that prohibit sales through home-based studios.
- Recommendation #14: Create a more visible community art gallery featuring Sea to Sky artists.

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Stakeholder Engagement

Two focus group sessions, three opportunities

1. Cultural tours/Sales from home-based artist studios.
2. Art/Artisan markets.
3. Community art galleries, potential sales from public facilities.

All have regulatory issues.

All represent assets the RMOW could leverage

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Stakeholder Engagement

Session One

- Two identical sessions: one for artists and artisans and one for representatives of galleries and similar businesses
- Overview of cultural planning work and existing regulatory framework
- Brainstorm stakeholder principles, ideas and concerns

Session Two

- Single session: both groups
- Feedback from stakeholders used to refine principles and ideas from first session.

Ongoing dialogue with Stakeholders

- A.C.T
- One-on-one meetings with stakeholders
- Working group to develop Temporary Use Permit program.

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Outcomes of Stakeholder Engagement

General

- Multiple stakeholders and cultural offerings:
 - Desire to collaborate to elevate the entire arts sector.
 - Success in one area will not detract, but rather contribute to, success of the entire sector.
 - Support for all stakeholders should be equitable.
- ✓ Formalize process for ongoing dialogue
- ✓ Cultural hosts
- ✓ Cultural tours

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Outcomes of Stakeholder Engagement

Art/Artisan Market

- Support for one additional art event that complements existing markets; i.e. Bizarre Bazaar; Farmers Market etc.
- ✓ Zoning Bylaw Changes in 2014 for Festivals and Events will already allow and event. Any new initiatives will be forward for Council consideration.

Community Cultural Facilities

- General support for community cultural facilities including sales from those facilities. (e.g. Maury Young Arts Centre, Conference Centre). Focus on artists whose work is not easily marketable.
- ✓ Future zoning amendments to accommodate retail sales where not already permitted.

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Outcomes of Stakeholder Engagement

Home Based Studios

- Support for home-based studios provided:
 - Support is equitable
 - Neighborhood impacts (noise etc.) are mitigated
 - Flexible
- ✓ Temporary Use Permit system to examine applications on a case-by-case basis.
- ✓ Update Zoning, Sign and Land Use Procedures Bylaws to allow sales from studios and accompanying signage.

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Home-Based Studio Sales: Temporary Use Permits (TUP's)

- Allow a use not permitted by a Zoning Bylaw
- Can specify conditions
- Discretionary
- Neighbors must be notified prior to approval
- Time limit with options to renew
- Can be delegated
- Guidelines established by Zoning Bylaw or OCP

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Home-Based Studio Sales: Proposed TUP Rules.

- Eligibility :
 - Residential property
 - In existence prior to November 17th 2015
- Guidelines:
 - Must contribute to resort experience (particularly arts and culture)
 - Neighbourhood impacts must be mitigated. (Conditions can be imposed)
 - Must operate only between 8am and 8pm (exceptions allowed for special occasions)
 - Limit of one employee who doesn't live on the property
 - Must meet health, safety and business licence requirements
 - Two year limit (can be renewed)

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Home-Based Studio Sales: Other Bylaw Amendments

- Signs Bylaw:
 - One freestanding sign and one sandwich board allowed.
 - Size Limits
 - Must be taken down if TUP not renewed
- Land Use Procedures Bylaw
 - Delegated to REX General Manager
 - Can be forwarded to Council for approval
 - Decisions can be reconsidered by Council
 - Input from a committee

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Home-Based Studio Sales: Review Committee

- Committee to evaluate products
 - One member of Council
 - One person appointed by the Whistler Arts Council
 - One person appointed by the Whistler Chamber of Commerce.
 - One person appointed by Tourism Whistler.
 - One REX staff member.
- Reviews works to determine if they align with broader arts and culture goals
- Technical review (e.g. compliance with bylaws) to be done by staff and General Manager
- Decision rests with General Manager or Council

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Home-Based Studio Sales: Implementation

1. Council approval—January 2016
2. Inform stakeholders of program—January 2016
3. First intake of applications—February 2016
4. Monitor program and report back to Council—Early 2017

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Recommendation

That Council consider giving first and second readings to Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015; and,

That Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015 and to advertise for same in a local newspaper; and,

That Council consider giving first and second readings to Land Use Procedures and Fees Bylaw Amendment Bylaw (Temporary Use Permits) No. 2097 2015; and

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Recommendation cont.

That Council consider giving first and second readings to Sign Bylaw Amendment Bylaw (Home-based Artist Studios) No. 2098, 2015; and,

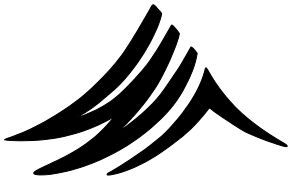
That upon adoption of Bylaw 2096, Council pass a resolution pursuant to s. 45.1 of Zoning Bylaw 303 appointing one member of Council to the advisory committee for Home-based Artist Studios; and further,

That Council direct staff to conduct a review of the temporary use permit program within one year of the date of adoption of Bylaw 2096 and bring forward any recommended changes to relevant bylaws at that time.

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WHISTLER

MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL
TUESDAY, NOVEMBER 17, 2015, STARTING AT 5:30 PM**

**In the Franz Wilhelmsen Theatre at the Maury Young Arts Centre
4335 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Mayor N. Wilhelm-Morden

Councillors: S. Anderson, J. Crompton, J. Ford, J. Grills, A. Janyk,
S. Maxwell

PRESENT:

Chief Administrative Officer, M. Furey
General Manager of Infrastructure Services, J. Paul
General Manager of Corporate and Community Services, N. McPhail
General Manager of Resort Experience, J. Jansen
Director of Human Resources, D. Wood
Director of Planning, M. Kirkegaard
Deputy Corporate Officer, L. Schimek
Manager of Strategic Alliances, J. Rae
Manager of Communications, M. Comeau
Manager of Recreation, R. Weetman
Senior Planner, J. Belobaba
Planning Analyst, B. McCrady
Planning Analyst, R. Licko
Legislative Services Coordinator and Recording Secretary, N. Best

ADOPTION OF AGENDA

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That Council adopt of the Regular Council agenda of November 17, 2015.
CARRIED

ADOPTION OF MINUTES

Moved by Councillor S. Anderson
Seconded by Councillor A. Janyk

That Council adopt the Regular Council minutes of November 3, 2015.
CARRIED

PUBLIC QUESTION AND ANSWER PERIOD

There were no questions from the public.

MAYOR'S REPORT

Mayor N. Wilhelm-Morden reported that the Resort Municipality of Whistler's (RMOW) ninth annual Community Life phone survey is underway. The survey focuses on municipal operations and services, as well as general community life. The phone survey will take place until three hundred permanent, and two hundred part-time, residents have completed it. The phone component of the survey selects residents randomly, but later this month a web version of the survey will be available to everyone. The Community Life Survey is part of Whistler's community monitoring program, and the results inform the annual budget and corporate planning processes. Visit Whistler dot CA slash survey (whistler.ca/survey) to see the results from previous years.

Mayor N. Wilhelm-Morden reported that the Whistler Transit is beginning their early winter ramp up service on Thursday, November 19 to match the early opening of Whistler Blackcomb. The full winter service begins on Saturday, December 12. Please visit BC Transit dot com (bctransit.com) for more details.

Mayor N. Wilhelm-Morden announced that the public is invited to the next Cheakamus Community Forest open house on Wednesday, November 25 at 4 p.m. at the Whistler Public Library. During the meeting, news will be shared about the Old Growth Management Areas, areas off-limits to commercial harvesting that are called "Proposed Ecosystem Based Management Reserves" and "Special Management Zones" which include areas identified as First Nations' cultural areas and other areas important to the operations of commercial recreation tenure holders.

Mayor N. Wilhelm-Morden announced that Michael Audain is giving a free public lecture about the genesis of the Audain Art Museum and the museum's permanent collection. The event is at 7:30 p.m. on Thursday, November 26 at the Rainbow Theatre. Visit audainartmuseum.com/events for more details.

Mayor N. Wilhelm-Morden shared condolences on behalf of Council and the Resort Municipality of Whistler with the family and friends of Marie-Pier Champagne. Marie-Pier was a vibrant member of Whistler's community for the past five years. She passed away on November 1 in a collision on Highway 99. A celebration of life was held in Whistler on November 7.

Mayor N. Wilhelm-Morden thanked everyone who gave support to the victims of the November 10 fire at Alpine Way. Mayor N. Wilhelm-Morden thanked all the firefighters who responded to the call. The RMOW's Emergency Social Service program registered twenty-nine evacuees from thirteen of the twenty-one townhouse units. Mayor N. Wilhelm-Morden noted that while Emergency

Social Services cares for evacuees for seventy-two hours after an emergency, it is the community that has come together to care for them afterwards. Residents from throughout the Sea to Sky corridor responded generously with donations of clothing, household goods, accommodation and financial donations to a fund arranged by the Community Foundation of Whistler. The Hilton Whistler Resort and Spa has offered free accommodation until December 18 for all of those displaced. The community has also created a Facebook page called "Alpine Fire Recovery and Donations" for coordinating help.

Mayor N. Wilhelm-Morden expressed her heartfelt thoughts and prayers for the people of Beirut and Paris following recent attacks. These are tragic global events. Mayor N. Wilhelm-Morden announces that in recognition, the Canadian flags at Municipal Hall are at half-mast.

Mayor N. Wilhelm-Morden requested that the community members and visitors of Whistler use lights and reflectors when walking outside at night in Whistler. This is because pedestrians are almost invisible to automobile drivers and pose a risk to themselves and those that are driving. Reflectors can be picked up free of charge at Municipal Hall, Meadow Park Sport Centre and are provided by bus drivers and taxi drivers in the resort.

ADMINISTRATIVE REPORTS

Zoning Bylaw
Amendments Regarding
Parking Use In
Residential Zones
Report No. 15-138
File No. RZ 1068

Moved by Councillor J. Ford
Seconded by Councillor S. Anderson

That Council consider giving first and second readings to "Zoning Amendment Bylaw (Amendments to Parking Use in Residential Zones) No. 2102, 2015"; and further

That Council authorize staff to schedule a public hearing regarding "Zoning Amendment Bylaw (Amendments to Parking Use in Residential Zones) No. 2102, 2015", and to advertise for same in a local newspaper.

CARRIED

DVP 1112 – 8633 Drifter
Way & 8637 Drifter Way –
Frontage Variance
Report No. 15-136
File No. DVP 1112

No action was taken by Council.

That Council approve the issuance of Development Variance Permit DVP 1112 to vary the parcel frontage at 8633 Drifter Way and 8637 Drifter Way as described below to facilitate an adjustment to a property line:

1. Vary the minimum parcel frontage to the existing 4.57 metres at 8633 Drifter Way.
2. Vary the minimum parcel frontage to the existing 4.57 metres at 8637 Drifter Way.

All as shown on the subdivision plan dated received August 31, 2015, prepared by Doug Bush Survey Services Ltd. attached as Appendix B to Administrative Report No. 15-136.

Community Cultural Plan
Implementation:
Home-Based Artist
Studios, Community
Cultural Facilities And
Artist/Artisan Markets
Report No. 15-139
File No. 7467.01

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That Council consider giving first and second readings to Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015; and,

That Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015 and to advertise for same in a local newspaper; and,

That Council consider giving first and second readings to Land Use Procedures Amendment Bylaw (Temporary Use Permits) No. 2097, 2015; and,

That Council consider giving first and second readings to Sign Bylaw Amendment Bylaw (Home-based Artist Studios) No. 2098, 2015; and,

That upon adoption of Bylaw 2096, Council pass a resolution pursuant to s. 45.1 of Zoning Bylaw 303 appointing one member of Council to the advisory committee for Home-based Artist Studios; and further,

That Council direct staff to conduct a review of the temporary use permit program within one year of date of adoption of bylaw 2096 and bring forward any recommended changes to relevant bylaws at that time.

CARRIED

Meadow Park Sports
Centre Admission And
Pass Rates: 2016 to 2019
Report No. 15-141
File No. 7737
Bylaw 2107, 2015

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council consider giving first, second and third readings to "Parks and Recreation Fees and Charges Amendment Bylaw No. 2107;

That Council authorize staff to provide annual Meadow Park Sports Centre Squash passes to all Whistler Grade 5 and Grade 10 students at the beginning of each school year.

CARRIED

Whistler's Refugee
Response
Report No. 15-140
File No. 3100.02

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council direct staff to convene a public information session with community members, local groups and immigrant and refugee organizations to discuss how best to coordinate a local response, and

That Council support the neighbouring community initiatives underway by encouraging the Whistler community to form additional Group of Five refugee sponsorship groups in Whistler; and further;

That Council direct staff to report back with recommendations resulting from the information session in regards to what resources and commitments the RMOW may contribute to the Whistler Refugee Response.

CARRIED

POLICY REPORTS

Parks and Recreation
Fees and Charges
Council Policy Update
Report No. 15-137
File No. 7737

Moved by Councillor J. Ford
Seconded by Councillor S. Anderson

That Council rescind Council Policy I-6 "Parks and Recreation Fees and Charges Policy" dated July 3, 2007, and replace it with Council Policy I-6 "Parks and Recreation Fees and Charges Policies" dated November 17, 2015, attached to Administrative Report No. 137 as Appendix B.

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment
Bylaw (Amendments to
Parking Use in
Residential Zones)
Bylaw No. 2102, 2015
File No. RZ1068

Moved by Councillor S. Anderson
Seconded by Councillor J. Crompton

That Zoning Amendment Bylaw (Amendments to Parking Use in Residential Zones) Bylaw No. 2102, 2015 receive first and second readings.

CARRIED

Zoning Amendment
Bylaw (Temporary Use)
Bylaw No. 2096, 2015
File No. 7647.01

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

That Zoning Amendment Bylaw (Temporary Use) Bylaw No. 2096, 2015 receive first and second readings.

CARRIED

Land Use Procedures
Amendment Bylaw
(Temporary Use Permits)
Bylaw No. 2097, 2015
File No. 7647.01

Moved by Councillor A. Janyk
Seconded by Councillor S. Maxwell

That Land Use Procedures Amendment Bylaw (Temporary Use Permits) Bylaw No. 2097, 2015 receive first and second readings.

CARRIED

Sign Bylaw Amendment
Bylaw (Home-Based
Artist Studios)
Bylaw No. 2098, 2015
File No. 7647.01

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That Sign Bylaw Amendment Bylaw (Home-Based Artist Studios) Bylaw No. 2098, 2015 receive first and second readings.

CARRIED

BYLAWS FOR FIRST, SECOND AND THIRD READINGS

Parks and Recreation
Fees and
Charges Amendment
Bylaw No. 2107
File No. 7737

Moved by Councillor A. Janyk
Seconded by Councillor S. Maxwell

That Parks and Recreation Fees and Charges Amendment Bylaw No. 2107 receive first, second and third readings.

CARRIED

OTHER BUSINESS

Moved by Councillor J. Crompton
Seconded by Councillor J. Ford

That the Resort Municipality of Whistler proclaim the week of November 30 to December 6, 2015 "Buy Local Week".

CARRIED

CORRESPONDENCE

Provincial Eating Disorder
Awareness Week
(PEDAW)
File No. 3009.1

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That correspondence from Kimberly Strain, Provincial Eating Disorders Awareness (PEDAW) Committee member dated October 28th, 2015, requesting that February 1- 7, 2016 be proclaimed Eating Disorder Awareness Week (EDAW) and the Annual Launch of the BC Provincial Eating Disorders Awareness (PEDAW) campaign be received and proclaimed.

CARRIED

Human Trafficking and
Sexual Exploitation in BC
File No. 3009

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That correspondence from Cathy Peters dated November 1, 2015 regarding raising awareness for Human Trafficking and Sexual Exploitation in BC be received.

CARRIED

RCMP Complaint
File No. 3009

Moved by Councillor S. Maxwell
Seconded by Councillor A. Janyk

That correspondence from Mike Suggett dated November 4, 2015, regarding an incident with RCMP be received and referred to staff.

CARRIED

GivingTuesday
File No. 3009.1

Moved by Councillor J. Ford
Seconded by Councillor A. Janyk

That correspondence from Carol Coffey, Executive Director Community Foundation of Whistler dated November 11, 2015 requesting that December 1, 2015 be proclaimed GivingTuesday be received and proclaimed.

CARRIED

ADJOURNMENT

Moved by Councillor J. Crompton

That Council adjourn the November 17, 2015 Council meeting at 7:14 p.m.

CARRIED

Mayor N. Wilhelm-Morden

Corporate Officer: S. Story

From: Penny - White Dog Whistler [<mailto:penny@whitedogwhistler.com>]
Sent: Monday, November 23, 2015 4:16 PM
To: Mayor's Office
Subject: temporary permit

Dear Mayor and Council,

I am writing to you in regards to the Temporary use permit. This has been brought to my attention by our wonderful arts community. As you know art and culture is what drives most people's decision as an add on their holiday, here in Whistler.

I am artist in Whistler for over 20 years. I have recently both owned and leased commercial space in Whistler all based on arts. I showcased many local artists as a way for us to have a venue to sell our artworks. Unfortunately as you know my lease was terminated. For these reasons I have and am working out of my home studio as both an artist and art dealer, designer and a curator for Art related events in Whistler. We as artists work many jobs just to afford to live in Whistler. We spend many hours to create our art. One of the best ways for an artist to thrive is to combine both work and living space. I own my home, I pay taxes in this community and I volunteer for many committees. I use my garage as studio and one of my bedrooms as an office. I have a business license.

The Temporary Use Permit fee would be another undue expense put upon the local artists working from their homes in various neighborhoods. Many of us artists who already pay for a business license will find the fee of \$750 to be exorbitant and beyond their means. One need only look at the national figures of average artist incomes to appreciate this fact. Other elements of the report that call for a limit of five people gathered at an artists' studio at any given time, and the restrictions on signage are also problematic and run counter to facilitating a culture rich in artistic creation.

Municipalities and towns all over Canada, encourage artists to contribute both culturally and economically to their communities but do not do not impose such monetary and operational obstacles to working as a professional artist. The recommendations cited in the report from both the Community Cultural Plan and the Tourism Development Strategy regarding home-based studios were developed with the intent of encouraging artistic activity and enabling professional local artists to make a viable living in the community.

I would also like to point out that there are numerous home based business, hairdressers, realtors, designers, builders, event coordinators, film makers, chefs, massage therapists, media companies, photographers, car repair, yoga studios, Pilates studios, the list goes on. All these local business people support our local economy, they support our community. We are all just trying to make a living to stay in this wonderful town we call home.

I believe that the report and proposed bylaws regarding home-based artist studios need to be looked at again with an eye to accommodating and encouraging local artistic activity, workshops and events as was the intent in the recommendations in the Community Cultural Plan and the Tourism Development Strategy. I would be happy to assist in any planning committee to try to find a way to better support our local artists.

Creatively and Sincerely,

Penny Eder

White Dog Studio ART HAUS

Mobile 604-938-2525 Studio 604-932-2205 | penny@whitedogwhistler.com



From: Resort Municipality of Whistler [<mailto:communications@whistler.ca>]
Sent: Saturday, November 21, 2015 2:15 PM
Subject: Form submission from: Writing to Council

Submitted on Saturday, November 21, 2015

Full Name: Borgi Rayen
Mailing Address: 2263 Olive Terrace, Whistler

Dear Mayor and Council,

My name is Borgi Rayen and I'm writing in regards of 'the zoning amendment bylaw re: home based Artist Studios No 2096, temporary use permit program.

I am curious if our lawmakers realize that being an artist is mostly a labour of love. Not many artists can make a living by solely selling their creations, especially from a home studio. To put on \$ 750 for temporary permit on top of a business license is not in the finances of most my fellow artisans.

I hope you take this into consideration of this bylaw proposal.

Thank you

Borgi Rayen

Please sign the form by entering your initials: BR

Full Name: Vincent & Cheryl Massey
Mailing Address: 8605 Forest Ridge Dr., Whistler, BC V0N1B8

Dear Mayor and Council,

Thank-you for the efforts made by the Municipal Staff and Council and the Community Cultural Officer to revise the bylaw regarding the restricted sale of art work for home based artist studios. We as artists have been waiting a long time to see progress regarding change to the existing bylaw. We are professional artists that have been making our living from our craft and have been buying a business license and are members of the Chamber of Commerce for over 3 decades.

We were informed by Municipal staff during the Christmas season of 2012 that we were operating an illegal home based business with the sale of our art in our home based gallery. We were also told that our temporary signs that were on the street guiding potential clients to our gallery were also and must be taken down.

We now have a potential temporary user permit proposal before council that would permit artists to create and sell their art legally such as is the case in virtually all communities across the country. We have some serious issues with this proposed amendment of the present bylaw.

We feel that the \$750.00 cost for a temporary 2 year permit should be called a fine on artists for practicing their art in Whistler. I doubt there are many artists anywhere in Canada that would pay this much or anything at all to be a legal artist. Why is the R.M.O.W. singling out artists when there are over 500 home based business in Whistler operating and selling their products and services? We feel that this amendment is deeply flawed and shows little respect for the artists who are continually trying to not only earn a living from their art but are also constantly having to justify their existence.

The Community Cultural Plan, Cultural Tourism Development Strategy and the Whistler 2020 Plan all conclude "to ensure local artists have opportunities to earn income from their work and how important the Arts and Culture is to the communities health and vitality and economic prosperity. How is this in line with this proposal?

The new Audain Art Museum and the Squamish Lill'wat Cultural Centre have been given a tax break to operate. This is hardly equatable considering what you are proposing local artists will have to pay.

The proposed bylaw sign amendment which would amount to no more than a sandwich board and a small sign on our property does very little if anything at all to guide anyone to a home based studio/gallery. What we are asking for is to put out temporary signage and or way finding signs for artists studios such is the case with other culturally stimulated towns.

Also allowing permits to already existing home based artists studios and not considering new artists sends a strong message to aspiring artists or even established artists wishing to start a business in Whistler that you are NOT welcome here. This also brings to question who would be on the the advisory committee to jury an acceptable artist for this permit?

We question why after so long and so much money spent on so many consultants and reports we have gone backwards not forwards. Is the R.M.O.W. trying to protect a perceived negative impact from artists in neighbourhoods or is it the village galleries that maybe feel threatened? From our experience the extremely small amount of traffic we get in our gallery would not cause such a threat to the village galleries. With the exception of the R.M.O.W. bylaw complaint in the winter of 2012, we have not experienced any complaints from any neighbours regarding our gallery. Instead we get comments questioning why there is not more of this kind of artist studio/gallery in our town.

We also question "why" we would sign on to such expensive, rule restricted bylaws when we have been operating with just a business licence for over 30 years? Artists should NOT be considered a cash cow for any municipal government hoping to cover their costs. We originally asked the R.M.O.W. to support artists in Whistler instead we have been informed that these new proposals would make it a lot more

expensive for local artists to work and thrive in Whistler. The cost of doing business for artists in Whistler does not make our community very attractive for future artists to move to here. Removing these barriers would allow the local arts and culture scene to flourish with ease instead of stagnation.

We seek support from the RMOW and community but instead feel more restricted then ever before with this proposal. We would ask council to NOT accept these amendments for a third reading and bring forward meaningful and respectful positive change.

If the RMOW desires to actually make positive change towards a more culturally stimulated town then it should help nurture artists to thrive rather than continually trying to suppressing their art.

Vincent & Cheryl Massey

Please sign the form by entering your initials: VLM

Full Name: Stephen Vogler
Civic address: 5-5678 Alta Lake Rd.

Dear Mayor and Council,

Thank you for the efforts made by Municipal Staff and Council and the Community Cultural Officer in developing the report and proposed bylaws to allow for home-based artist studios. Such studios enrich Whistler's culture and economy as do many home-based businesses in the community.

Having sat on the advisory group for the Cultural Tourism Development Strategy and the steering committee for the Community Cultural Plan, I would like to voice some concerns about certain elements of the proposed Temporary Use Permit program for home-based artist studios.

The recommendations cited in the report from both the Community Cultural Plan and the Cultural Tourism Development Strategy regarding home-based studios were developed with the intent of enriching local culture by encouraging artistic activity and enabling professional local artists to make a viable living in the community rather than being forced to search out more amenable towns in which to work as an artist.

Various elements of the Temporary Use Permit run counter to this intent.

Primary among these is the cost to be burdened by local artists to ply their trade in Whistler's neighbourhoods. Many of these artists who already pay for a business license will find the fee of \$750 to be exorbitant and beyond their means. One need only look at the national figures of average artist incomes to appreciate this fact. Other elements of the report that call for a limit of five people gathered at an artist's studio at any given time, and the restrictions on signage are also problematic and run counter to facilitating a culture rich in artistic creation.

Towns which welcome their artists to contribute both culturally and economically to their communities do not impose such monetary and operational obstacles to working as a professional artist. It should be noted that other home-based businesses are not being asked to pay fees beyond the purchase of a business license.

I believe that the report and proposed bylaws regarding home-based artist studios need to be looked at again with an eye to accommodating and encouraging local artistic activity as was the intent of the recommendations in the Community Cultural Plan and the Cultural Tourism Development Strategy.

Thank you.

Sincerely,

Stephen Vogler

5-5678 Alta Lake Rd.
Whistler, BC
V0N 1B0

November 24, 2015

Mayor and Council,

I am writing with regard to the temporary use permit (TUP) bylaw amendment for home-based artist studios. I am an artist with a home-based studio as well as a director on the Whistler Arts Council and an art instructor. I have participated at all levels of the consultation process for the proposed bylaw amendment. I was shocked to read the TUP proposal put forth to council. It appears that the thinking during consultation was misdirected in the final outcome. There are several points that are of concern to me and I suggest further consultation with artists needs to happen before this amendment goes back to council for final reading.

I agree with an overwhelming number of artists and non-artists alike who I have spoken to that the \$750 fee for a 2-year TUP and \$300 for renewal is excessive and outrageous. To require artists to pay a business licence fee on top of it plus an additional \$30 fee to put a sandwich board sign on their property just adds further insult. It was made clear by artists present at consultation that any fee except the most minimal would be unaffordable and a disincentive. Few artists sell enough work to make even the most modest of living and most must supplement their income through other work (very often having nothing to do with their craft). Why, if under 'budget considerations' the proposal reads: "All costs of preparing the bylaw and notifying property owners can be covered under the existing planning department budget" is this exorbitant fee being proposed? Or any fee for that matter? I can only interpret this as a money-grab from those least able to afford it.

The stipulation stating that to qualify for a TUP a home-based studio must have been in existence prior to November 17th seems arbitrary and illogical. My husband and I plan on downsizing to a new home in a few years after all our children have grown and moved out. My plan is to build a new studio, but if when I finally have the time to pursue my art I can't participate in community art tours or run an occasional art class or sell the odd painting because it's too late to apply for a TUP, I wonder what the logic of the requirement is and what good it hopes to do? The bylaw amendment as proposed would also preclude any professional artists considering a move to Whistler from setting up a home-based studio and prevent amateur artists from making the jump to becoming professional. There are no other viable studio options available in Whistler, affordable or not, besides home-based studios.

I am concerned with the proposed requirement that all products sold from a home-based artist studio must be produced in said studio. That requirement would exclude any art I create at artist residencies and 'plein air' painting, or art created in community facilities such as Alta Lake Station House during open studios, village paint-off contests, live art demonstrations during Artwalk, live painting at The Point during winter carnival and performance pieces... etc...etc... you get the idea. Would it not be better to simply require that art sold from a home-based artist studio must be created by the artist whose studio it is without stipulating where the artist must create it?

Lastly, I would like the bylaw amendment to stipulate that any advisory committee to the General Manager of Resort Experience, who is to review appropriateness and quality of works

proposed to be sold from home-based artist studios, be made up of a majority cross section of artists and experienced people within the arts and cultural field.

Thank you for considering my concerns and for the immense amount of work done to date by staff on this exciting and important evolution toward truly supporting local artists and creating a thriving arts and cultural scene in Whistler. With further artist consultation this bylaw has potential to be a key component in this evolution.

Sincerely,

Lisa Geddes

8649 Forest Ridge Drive
Whistler, BC
V0N 1B8

778-772-6045

lisannotbill@gmail.com

Full Name: Bea Gonzalez

Mailing Address: 7311 Spruce Grove lane, Whistler, BC V0N

I am writing regarding some issues with the proposal for the temporary use permit for home-based artist studios. After reading the report, many questions have arisen for me.

I attended a consultation meeting hosted by RMOW staff with other stakeholders in which we reviewed all the points being considered. For many of the points the consensus was that the current by-laws were sufficient in protecting the neighbourhoods from noise and nuisance. We agreed it wasn't necessary to limit opening hours, parking etc. However these are limited in the report. Why would there be a limit to the number of customers at a time? My own income tax service which I offer out of my home has lots of client traffic in tax season and I have never had a complaint from a neighbour.

The fee proposed of \$750 for the TUP is very high. Other businesses don't have to pay fees of this nature. Why would it be levied to artists who can least afford it? I think the cost of a business license should suffice. Isn't the production of art for showing and sale outside of the home currently legal? For artists making a living from their art, most of their sales occur at shows and galleries outside of the home. What will be the criteria for sales that require a TUP? What about on-line sales? If I have friends over for dinner and one of them sees a painting on my wall that they want to buy, is it illegal for me to sell it to them?

The proposal limits eligibility to those artists who had existing studios prior to Nov 17, 2015. What about people who move to Whistler after this date? There may be artists who are practicing art currently but are not selling their work who might want to start selling. For example, I have a studio in my home where I practice art but I don't consider it a business.

At some point in the future I may wish to start pursuing art as a business. How would I establish that I have had a studio that was not a business prior to November 17, 2015? At what point does an art practice turn into a business? At what point does a particular activity fall under this TUP?

Many of the rules in the report seem to be arbitrary and unnecessarily complicated. Why not keep it simple and work within the spirit of "open for business"? The Home Occupation Regulations are short and sweet and easy to understand. Can we not make an equally simple set of regulations for Artists?

I appreciate the complexity in working with by-laws. Thank you for addressing this issue that will impact the livelihood of artists and enrich the cultural experience of residents and visitors alike.

Regards,

Bea Gonzalez