

AIRWAY HEIGHTS PLANNING COMMISSION MEETING

AGENDA

July 14, 2021 6:00 P.M.

Due to COVID 19 Public Meetings and Hearings are being conducted via electronic methods. To participate in this meeting, you may join via Zoom at the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/85452172063>

Meeting ID: 854 5217 2063

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Please note that the microphones will be muted until public comment on the agenda.



- I. Invocation
- II. Call to Order : _____ PM
- III. Roll Call
 - A. Kal Patel, Chair
 - B. Mark Collins, Vice Chair
 - C. Angelena Campobasso
 - D. Hank Bynaker
 - E. Stephanie Lamb
- IV. Pledge of Allegiance
- V. Approval of Agenda
- VI. Approval of Minutes
- VII. Public Comment
- VIII. Presentation
- IX. Public Hearings
 - A. C-963 Ordinance establishing a Public Art Commission and Public Art Fund - Heather Trautman
- X. Action Items
- XI. Workshops
 - A. Project Summary of the King Street Demonstration Project- Zachary Becker
 - B. 2022 Airway Height Comprehensive Plan Logo Options- Heather Trautman
- XII. Commissioner Reports
- XIII. Staff Report
 - A. Next Meeting: Wednesday, August 11, 2021
- XIV. Adjournment: _____p.m



**PLANNING COMMISSION
MEETING MINUTES**

Wednesday, May 12, 2021
Location: Digital Zoom Meeting

I. INVOCATION:

None.

II. CALL TO ORDER:

6:01 pm

III. ROLL CALL:

Chair	Kal Patel	Present
	Mark Collins	Present
	Angelena Campobasso	Present
	Hank Bynaker	Present

Staff Present:

Zachary Becker, Planning Technician
Heather Trautman, Principal Planner

IV. PLEDGE OF ALLEGIANCE: Completed.

V. APPROVAL OF AGENDA: Prior to the approval of the agenda, **Commissioner Collins** made a motion to amend the agenda to add an action item introducing Planning Commission candidate Stephanie Lamb. Motion passed unanimously. **Commissioner Collins** moved to approve the amended agenda. Motion passed unanimously.

VI. APPROVAL OF MINUTES: **Commissioner Collins** moved to approve the minutes for April 12, 2021. Motion passed unanimously.

VII. PUBLIC COMMENT: None.

VIII. PRESENTATION: None.

IX. PUBLIC HEARINGS: None.

X. ACTION ITEMS:

- a. **Introduction of Planning Commission Applicant** Citizen Stephanine Lamb introduced herself to the Planning Commission, giving a brief overview of her experience and motivations to join the Commission. Commission members asked general questions. This action item ended at 6:12 pm.

XI. WORKSHOP:

- a. **2022 Comprehensive Plan Update** Principal Planner Heather Trautman updated the Commission on the status of the 2022 Comprehensive Plan Update, including the hiring of consultant Framework and Big Sky Public Relations. Heather discussed the purpose and the scope of the 2022 Comprehensive Plan update, as well as, describing the request for proposals process. Planning Commission members asked general questions. The workshop ended at 6:44 pm.
- b. **Public Art Funding Ordinance** Principal Planner Heather Trautman presented on the proposed Ordinance C-963 relating to the creation of a public art program and municipal art fund. This would also include the creation of a public art commission, as well as, a financial plan for the facilitation of public art within the City of Airway Heights. Commission members asked questions, including questions regarding the necessity of a residency requirement for service on the Public Art Commission. There was also discussion on the availability of Tribal partners and their potential involvement within the Public Art Commission. **Commissioner Collins** made a motion to move Ordinance C-963 to public hearing. Motion passed unanimously. The workshop ended at 7:13 pm.
- c. **Smart Growth America Grant** Planning Technician Zachary Becker presented on the site selection and general plan for a pop up traffic project located along King Street in northern Airway Heights. Zachary discussed general features that the pop up may feature and the public outreach plans and goals. Planning Commission members made comments and asked general questions. The workshop ended at 7:36 pm.

XII. COMMISSIONER REPORTS: **Commissioner Collins** reported on the growth and road conditions along 21st Ave. Staff provided information on the development plan for the area, along with information on funding traffic projects through transportation impact fees.

XIII. STAFF REPORTS: Planning Technician Zachary Becker reported on the progress of the Smart Growth America Grant and current planning projects throughout the City. Principal Planner Heather Trautman reported on the progress of Hunter's Crossing North 1st Addition, as well as, a potential Urban Growth Area boundary modification that has the potential to bring 180 acres of land into the Airway Heights Urban Growth Area. There was also discussion on the potential sale of the Spokane County Raceway Park to the Kalispel Tribe of Indians.

A. Next meeting: June 9, 2021

XIV. ADJOURNMENT:

Chair Patel adjourned the meeting at 8:00 pm

APPROVED:

Kal Patel, Chair

ATTEST:

Heather Trautman, Principal Planner

DRAFT

**CITY OF AIRWAY HEIGHTS
WASHINGTON
ORDINANCE NO. C-963**

AN ORDINANCE OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON CREATING CHAPTER 2.19 OF THE AIRWAY HEIGHTS MUNICIPAL CODE ENTITLED “PUBLIC ART” CREATING A PUBLIC ART PROGRAM AND MUNICIPAL ART FUND FOR THE CITY OF AIRWAY HEIGHTS; PROVIDING GENERAL PROVISIONS FOR ITS OPERATIONS; CREATING AN ARTS COMMISSION; CREATING A FINANCING PLAN FOR THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF ART; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, The City Council of the City of Airway Heights supports public art to enhance the quality of life and create a unique sense of community identity; and

WHEREAS, providing the opportunity for the citizens to experience public art will promote the general welfare of the community, distinguishes the City of Airway Heights sense of place, supports a diverse and thriving economy, attracts creative talent, and brings visitors to the community; and

WHEREAS, the placement of art in public spaces will improve the aesthetic quality of public buildings and spaces; and

WHEREAS, supporting a public art program will further the goals of the City’s Comprehensive Plan; and

WHEREAS, the City code of the City of Airway Heights currently does not include language regarding public art nor do the City have a regulatory framework to establish a public art program; and

WHEREAS, the City of Airway Heights initiated a public process to study and prepare a Public Art Plan to address public art within the City; and

WHEREAS, it is recognized that a municipal art fund shall be established to support public art in the City of Airway Heights and the plan; and

WHEREAS, Ordinance C-963 repeals Resolution No. 2016-015 authorizing the financing of public art within the City and other matters properly related thereto and adopted Ordinance C-963 which provides general provisions for the municipal art fund; and

WHEREAS, the amendments are not harmful to the public health, safety and welfare and is in the public interest; and

WHEREAS, the amendments do not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan; and

WHEREAS, the amendments are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development; and

WHEREAS, the adoption is deemed necessary by the Planning Commission; and

WHEREAS, public notice was provided in accordance with the public notification requirements of AVMC 14.04 including a public workshop held on May 12, 2021; and

WHEREAS, the adoption of new chapters 2.19 Public Art and 3.06 Public Art Fund into the Airway Heights Municipal Code was adequately addressed and not significance adverse environmental impacts were identified during environmental review under Chapter 18.01 AHMC. A SEPA Determination of Non-significance was issued on April 16, 2020; and

WHEREAS, the Airway Heights Planning Commission has jurisdiction to review and act on all Comprehensive Plan, development code, or map changes; and

WHEREAS, on June 9, 2021, the City of Airway Heights Planning Commission held a public hearing as required by the Airway Heights Municipal Code and voted... in favor andopposed to the text amendment; and

WHEREAS, on XXXX, the City Council of Airway Heights held a public hearing as required by Airway Heights Municipal Code and voted... in favor and ...opposed to the text amendment; and

NOW, THEREFORE, the City Council of the City of Airway Heights does ordain as follows.

Section 1. New Chapter. A new Chapter 2.19 entitled “Public Art” is hereby added to the Municipal Code as set forth herein.

Chapter 2.19 Public Art

Sections

2.19.010 Intent and Purpose

2.19.020 Definitions

2.19.030 Design Criteria

2.19.040 Approval Process

2.19.050 Establishment of the Public Art Commission

2.19.060 Public Art Guidelines/Regulations

2.19.070 Siting, Installation, and Maintenance

2.19.080 De-Accession Policy and Procedure

Section 2. New Section. A new section 2.19.010 entitled “Purpose and Intent” is hereby added to read as follows:

2.19.010 Purpose and Intent

The purpose of this Chapter is to facilitate and encourage Public Art in the City of Airway Heights by creating a streamlined application and review process, guidelines for siting, installation and maintenance of public art, and establishment of the municipal art fund to support and fund public art.

The provisions of this Ordinance are applicable to public art that is installed on publicly owned land within the City of Airway Heights including, but not limited to, city parks, streets and sidewalks within the public right-of-way, and any city-owned property including public buildings.

Section 3. New Section. A new section 2.19.020 entitled “Definitions” is hereby added to read as follows:

2.19.020 Definitions

- A. “Artist” means a practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person’s status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions, receipt of honors and awards, and training in the arts.
- B. “Artwork”, see Public Art.
- C. “De-accession” means the formal process used to permanently remove an artwork owned by the City from the public art collection, usually through sale or exchange or any other transaction by which title of the outgoing artwork is transferred from the City to an individual, institution, agency, gallery, vendor or dealer. Under certain conditions, it may also include disposal by intentional destruction.
- D. “Donation” means a charitable contribution to the City, during lifetime or testamentary transfer, whether whole or fractional interest, including, but not limited to, cash and cash equivalents, real property, personal tangible property, publicly traded equity and debt securities, closely held securities, restricted securities, life insurance policies, intellectual property, artifacts and/or artworks which would contribute to the City’s goals and priorities outlined in the Public Art Plan.
- E. “Extraordinary artwork maintenance” means any non-routine repair, restoration or conservation to the sound condition of artworks that requires specialized services.
- F. “Jury” means a panel of art professionals, technical advisors, and community advisors who convene to select an artist or team of artists.
- G. “Mural” means any piece of artwork applied directly on a wall, ceiling or other permanent surface that does not contain any commercial message or sign. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.
- H. “Municipal art fund” means a special purpose interest-bearing city fund into which shall be deposited all art funding authorized by this chapter together with other moneys as the city council shall authorize for works of art.
- I. “Permanent Artwork” means artwork exhibited with the expectation of indefinite duration.
- J. “Professional artist” means any person who by virtue of professional training, exhibit history, and/or critical review is recognized as skilled in creating works of art.
- K. “Public art” refers to all forms of visual art that are located within the City right-of-way or on public land within the City of Airway Heights that does not contain any commercial message or sign. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. Murals and artwork on private property are not regulated by this Chapter. The aforesaid forms of visual art include, but are not limited to, the following mediums. Additional types of public art and/or mediums not mentioned here are subject to approval of the city and/or Arts Commission;
 - 1. Paintings of all media including both portable and permanently affixed works such as frescoes and murals;
 - 2. A sculpture of any form and in any material or combination of materials, including but not limited to, statues, monuments, fountains, arches, reliefs, mobiles, kinetic, electronic and neon sculptures;
 - 3. Other Public Art shall include, but not be limited to, inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, prints and

- crafts, both decorative and utilitarian, in any medium including, but not limited to, clay, fiber, wood, metal, glass, stone, plastic and other materials; and
4. Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.
- L. “Public Art Commission or Art Commission or Commission” means the advisory entity appointed by the City Council to establish policy and procedures to administer the Public Art Plan and program.
- M. “Public Art Plan” means a comprehensive guidebook for Public Art in the City which is intended to be the major tool by which the Public Art Commission achieves its mission. The Public Art Plan is a working document that will assist the Public Art Commission, City Council and other public bodies in planning and funding for art-related projects, identifying key sites for Public Art, and will provide Artists guidance when responding to proposals and projects.
- N. “Public Art Program” means any expression by an artist of visual works available to the public in an open City-owned facility designated as a public area.
- O. “Public property” means all spaces owned by the City of Airway Heights, indoor or outdoor, that are accessible and visible to the general public.
- P. “Qualifying capital improvement project” means projects funded wholly or in part by the City of Airway Heights, see section 3.06.040 Funds for Public Artwork.
- Q. “Request for Proposal” (RFP) means a process in which Artists are asked to submit a detailed proposal for a specific site or project.
- R. “Routine maintenance” means regular routine inspection and care of artwork, such as cleaning and applying protective surface coatings. A trained technician, City employee or 3rd party contracted by the City trained to provide such services will carry out any required maintenance procedures.
- S. “Temporary artwork” means Artwork exhibited for a limited duration. The timeframe for temporary artwork is subjective to a set timeframe determined by the artist and Arts Commission.

Section 4. New Section. A new section 2.19.030 entitled “Design Criteria” is hereby added to read as follows:

2.19.030 Design Criteria

There are no absolute criteria for acceptable Public Art, except for general tenants which include:

- A. Artistic merit and quality as evidenced by an artist’s history of exhibitions or sales, awards or other recognition, or an outstanding first work; as well as the inherent quality in terms of timelessness, vision, design, aesthetics, and excellence.
- B. Intentionality of the Artist concerning the meaning and proposed or desired effect of the work as public art upon the viewing public.
- C. Logical significance and site-specificity by creating a sense of excitement on public property and presenting fresh ways of seeing the community and City while also recognizing the historic and environmental context of the site.
- D. Representation of a variety of styles and tastes in the collection by acknowledging existing works in the Public Art collection, striving for cultural diversity of style, scale, and media, and representing the eclectic tastes of the community.
- E. Unrestricted public viewing, primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations.

- F. Safety and durability including the ability and structural integrity of the Artwork to withstand weather conditions, minimize the possibility of injury, and protect against theft and vandalism.
- G. Installation and maintenance of work from practicality of fabrication and transport, to installation and long-term maintenance and associated costs.
- H. Compatibility with established patterns of use at the site by situating Artwork such that it is accessible, visible, and appropriately scaled to the site, and such that it does not seriously disrupt the flow of pedestrian or vehicular traffic or adversely alter the environmental conditions of the selected site.

Section 5. New Section. A new section 2.19.040 entitled “Approval Process” is hereby added to read as follows:

2.19.040 Approval Process

A. Prior to the installation of any Artwork, a complete Public Art application must be submitted to the Airway Heights Planning Department including all requirements as detailed in subsection (B) below.

B. Application Requirements.

1. Project description, including purpose, Artist’s rationale and/or intention for the proposed work; history and provenance of the Artwork; relationship of the project to other community interests and activities; as well as potential materials and media.
2. Illustrative and/or construction drawings of the proposed work. A scale model of the proposed work is strongly recommended (if applicable).
3. For 3D Artwork, scaled site plan and color images of the proposed installation location and its context.
4. Scaled illustrative drawings or model showing the Artwork in relation to the proposed site.
5. Description of short- and long-term maintenance requirements and costs. For temporary installations, a general liability insurance certificate listing the City of Airway Heights as additionally insured with at least \$1 million of general liability coverage must be included.
6. Artist résumé, annotated exhibition list, and digital images of other works.
7. Project timeline, including (as applicable) fabrication, delivery, installation, maintenance schedule, and removal.
8. Project budget, including both committed and anticipated funding sources.
9. General letters of support. Applicants are encouraged to include letters of support, particularly from neighborhood groups.

C. Review Procedures

1. Within 30 days of receipt of an application, the Planning Department shall review the application for completeness.
 - a) Shall the application be deemed incomplete; the Planning Department shall provide the applicant with written notification and a detailed description of the determination.
 - b) Once an application is deemed complete, the Planning Department shall forward the application to the applicable City departments, the Public Art Commission, and other related agencies for approval of the installation’s proposed site.
- D. The Public Art Commission shall review the application at its next regularly scheduled meeting to determine if the submission fulfills the design criteria and requirements detailed herein. Either the

Public Art Commission or, upon invitation, the Artist may present the application at a public meeting for comment and review.

- E. Upon considering community input, economic feasibility, maintenance requirements, and the appropriateness of the design, the Public Art Commission shall either recommend to the City Council approve, approve with modifications, or deny the application. Failure to act on an application does not result in a default approval. An application may only receive a recommendation of denial based upon objective criteria as set forth in this Ordinance. If the Commission recommends denial the application, the Commission shall provide the applicant with written reasons as to why the application was recommended to be denied within ten (10) business days of its decision.

Section 8. New Section. A new section 2.19.050 entitled “Establishment of the Public Art Commission” is hereby added to read as follows:

2.19.050 Establishment of the Public Art Commission

A. Powers and duties.

1. The Public Art Commission (herein referred to as the Commission) shall provide leadership to enhance the experience of public space, be an effective advisory body to recommend and implement approved Public Art policy and procedures, and maintain thoughtful public participation, outreach, and communications concerning public art.
2. The Commission recommends to the City Council all Public Art applications and City Council approval shall be necessary prior to the installation of public art in the City of Airway Heights unless exempted by the terms of this Ordinance.
3. The Commission shall initiate and develop proposals to receive recommendations and to solicit contributions for additions to the existing collection of Public Art.
4. The Commission shall be responsible for the development and oversight of a Public Art Plan including criteria and guidelines for the selection, of new Public Art, either temporary or permanent. The criteria and guidelines shall relate but are not limited to economic feasibility, maintenance, security, and aesthetics. No Public Art shall be acquired, loaned, or installed, nor shall existing Public Art be deaccessioned or removed from public places without prior review by the Commission.
5. The Commission is authorized to establish a jury, advisory group, or consult with Public Artists when reviewing an application or acquiring a piece of Public Art.
6. The Commission shall submit an annual report to the City Manager on its activities.

B. Membership.

1. The Commission shall consist of a minimum of five (5) voting members who must be residents of the City of Airway Heights.
2. Appointment. Members of the Arts Commission shall be nominated by the Mayor and confirmed by a majority vote of four members of the City Council. Arts Commissioners shall be selected without respect to political affiliations and shall serve without compensation.
3. The Commission shall be composed of the following members:
 - a) When possible, two (2) individuals chosen from the following disciplines: landscape architecture, architecture, urban planning, interior design, engineering, or a related design discipline.
 - b) Two (2) professional Artists.
 - c) One (1) citizen knowledgeable in the field of Public Art, education, or community affairs.

- d) One (1) citizen knowledgeable of the real estate and development community.
- e) One (1) at-large citizen.
4. Nonvoting members of the Commission shall include at least one representative from the Planning Department and a member of the Public Works Department.
5. Members of the arts community may serve as non-voting, at-large members of the Commission to provide specific knowledge and expertise.

C. Terms of office.

1. Commissioner terms shall be for a four-year period. Terms shall expire on the thirty-first day of January.
2. Removal. Members of the Commission may be removed by the Mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from three regular meetings within a 12-month period. Failure to qualify as to residency shall constitute a forfeiture of office. The decision of the City Council regarding membership on the Arts Commission shall be final and without appeal.
3. Any vacancy that results from an expired term or resignation shall be filled by the City Council.

D. Officers.

1. The Commission shall have a Chairperson and Vice Chairperson, as elected by a majority vote of the Commission.

E. Compensation of members.

1. Commission members shall have no compensation for their services.

F. Meetings.

1. The Commission shall meet for the purpose of organization as soon as reasonably possible after January 1 of each year.
2. The Commission shall meet at such times as it finds necessary throughout the year, but not less often than once every quarter.
3. All meeting shall be open to the public.
4. A quorum shall consist of a majority of appointed voting members of the Commission.
5. Public notice of the time and place of a meeting scheduled at least one (1) week prior thereto shall be conspicuously posted in one or more designated public locations.
6. The Commission shall establish and publish rules and regulations governing the conduct of its meetings, the procedure and criteria to be utilized in recommending approving or denying Public Art applications to the City Council and any other matters within its power and duties, provided that the rules and regulations are not contrary to the terms and intent of this Ordinance.

G. Conflicts of interest.

1. Members of the Commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, Chapter 42.36 RCW, Appearance of Fairness, and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City.

Section 9. New Section. A new section 2.19.060 entitled “Public Art Guidelines/Regulations” is hereby added to read as follows:

2.19.060 Public Art Guidelines/Regulations

A. Ownership of Public Art

1. All Artwork commissioned and/or acquired by the City of Airway Heights will be owned by the City of Airway Heights.
2. Artwork loaned to the City will be covered by the City's insurance for the duration of the loan.
3. Acceptance of a gift or loan of Artwork by the City of Airway Heights means a commitment to its preservation, protection, and display for public benefit within the reasonable resources of the City of Airway Heights

B. Acquisitions.

1. An acquisitions program is the most active and visible means of promoting and enhancing the public art collection. By purposefully acquiring individual works, the Commission can make a broad variety of art available and distribute installation locations across the City. Attending to site-specific themes will enhance sense of place and strengthen community character while citizen involvement will advance a greater appreciation for public art and a high-quality physical environment.
2. Acquisitions of Public Art shall be free of restrictive conditions by the Artist or donor unless, at the discretion of the Commission, such conditions are reasonable and not detrimental to the City.
3. The Artist is the rightful owner with all power and authority to loan, donate, or sell to the City and will indemnify and hold the City harmless from any actions, claims, or proceedings challenging title to ownership.
4. Once specific site selection occurs, the Commission will select an artist using one of the following methods:
 - a. Open Request for Proposals. Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include, at a minimum, the Artist's resume and slides of his work. After reviewing the responses, the Public Art Commission will extend interview invitations to a number of the Artists, ultimately selecting one for the commission.
 - b. Limited Invitational/Curated Pool of Artists. A select group of artists submits proposals in response to a direct invitation, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include the artist's resume, slides of his work, and a written narrative of his proposal. After reviewing the responses, the Commission will extend interview invitations to a small number of the Artists, ultimately selecting one for the Commission.
 - c. Blind Request for Proposals. Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include narrative and two-dimensional depictions of the proposed concept, but not contain any artist information; each submission will have an identification number for evaluation purposes. After reviewing the responses, the Commission will extend interview invitations to a number of the artists, ultimately selecting one for the commission.
 - d. Direct Invitation. A single Artist submits a proposal in response to an invitation, which includes a detailed project description and budget, explanation of honorarium, and proposal requirements. The Commission will interview the Artist, who will present his concept using both two- and three-dimensional portrayals.
5. After the Commission agrees on the artist selection method, the Planning Department will prepare materials for advertisement and distribute them as required. The Commission will review each submission to determine if it is complete and responsive to the request. The Commission will return incomplete submissions to the Artist, noting why the proposal is incomplete.

6. The Commission will review complete submissions and, except when using Direct Invitation, select Artists for interviews. Given the scope of some projects as well as the number of respondents, the Commission may first establish a jury which will be responsible for the selection of the Public Art. The Commission and/or jury may develop a short list for consideration and subsequently identify those to be interviewed. The Commission and/or jury may ask interviewees, in addition to a formal meeting with the Commission and/or jury, to make a public presentation regarding their body of work and initial concepts for the Commission.
7. Following the interviews and consideration of public comments and compatibility with the design criteria set forth in section 2.19.030 the Commission and/or jury will either approve or deny the submission. Following approval, the selected Artist will enter into a contract with the City which will facilitate acquisition and will clearly stipulate the rights and responsibilities of both parties.
8. When the Artist and the City have satisfied contractual requirements, fabrication and installation can begin immediately. The appropriate City department will monitor all work. The Commission will initiate any related marketing and outreach programs and will encourage community dialogue regarding the commissioned artwork.

C. Donations and Unsolicited Offers.

1. The City may also obtain public art through donations, as well as unsolicited offers. Gifts that Artists or owners offer must conform to the Public Art Plan's goals and objectives, and public participation will help achieve community acceptance of a proffered piece.
2. All costs for installation shall be negotiated by the City and the donor at the time of donation.
3. The City has the authority to decline gifts, donated pieces, and unsolicited pieces of Public Art.

D. On-Loan Items.

1. Displaying works that an Artist or owner has loaned is an effective way to expand public art in the community. The on-loan program allows the City to complement or supplement the permanent pieces in the collection for a limited time. It provides opportunities to display well-known works and those that are new or unfamiliar, and it offers the chance to highlight aspiring artists and experienced masters alike.
2. The Commission and artist shall agree upon a reasonable length of time, not to exceed the negotiated agreement, for the art to be displayed.
3. At the end of the agreed time period, as contracted between the City and the Artist, the Artist is responsible for removing the installation.
4. Should the Artist fail to remove the installation within the negotiated time period, the piece will be considered abandoned. The City retains the right to remove the installation in accordance with section 2.19.080 of this Ordinance.

Section 10. New Section. A new section 2.19.070 entitled "Siting, Installation, and Maintenance" is hereby added to read as follows:

2.19.070 Siting, Installation, and Maintenance

A. Siting.

1. The siting and location of all Public Artwork will be the responsibility and right of the City. Recommendations on siting will be made by the Commission in consultation with appropriate City staff.

2. Site selection for Public Art will be reviewed with the following criteria, which may include, but is not limited to:
 - a. The safety and security of the proposed site;
 - b. Ease of access for routine maintenance using standard City equipment;
 - c. Visibility and accessibility by a broad public audience;
 - d. The context of the proposed Artwork at the proposed site as it relates to social, cultural, historical, ecological, physical and functional context; and
 - e. Community support for the proposed site.
3. Public art shall be identified with suitably designed and sized plaques reviewed and with recommendations to the appropriate City Department by the Commission.

B. Installation.

1. Installation, maintenance, alteration, refinishing, moving, and removal of Artwork in public places shall be done in consultation with the Artist.
2. Installation of individual works will be through the combined efforts of the Artist and City staff, or other contractor as specified in the contract.
 - a. The Artist will be responsible for installation with the appropriate City department(s) providing oversight. If the Artist is not able to direct the installation, then City staff shall consult with an expert in art handling and maintenance to assist in the installation at the expense of the Artist.
 - b. The Artist will provide the City with detailed drawings of the piece and descriptions of transportation, unpacking and/or handling methods and scheduling.
3. The Commission will encourage donors to cover installation costs associated with proposed gifts. In all cases, donors must provide sufficient information to generate accurate estimates of such costs.

C. Maintenance.

1. The City of Airway Heights will be responsible for routine maintenance and emergency response for all Public Art acquired, donated, or on-loan to the City.
2. For all acquired pieces, the Artist will define techniques, methods, materials, schedules and costs for regular repairs, and will provide this information at or before installation. Donations and/or loans of Public Art must include sufficient funding to adequately cover maintenance. In some circumstances, the Artist might elect to engage a particular technician for repairs, and therefore must include special provisions allowing the technical access to the piece in contracts between the Artist and the City. The City reserves the right to require the Artist (and/or donor or owner) assume all costs for specialized or extraordinary artwork maintenance.
4. When emergency repair of artworks is necessary, the City will contact the artist regarding proposed remedies. Absent such advice, recommendations from the Commission for routine maintenance will serve as the principal guide for addressing emergency conditions.
5. Artwork loaned or acquired by the City shall be insured by the City's insurance to cover damage, vandalism, theft, fire, and damage from natural disasters. Normal wear and tear are excluded from insurance coverage by the City. Therefore, repairs and maintenance for normal wear and tear of pieces acquired or loaned by the City and put on public display shall be provided by the City at its discretion. "Wear and tear" include such things as normal aging or exposure to the elements, or similar circumstances (e.g., rust, cracks, fading). The City shall make a good faith effort to maintain the Artwork, pedestal, and

- plaque in good condition, on par with other art works on public display owned by or loaned to the City.
6. The City of Airway Heights Department of Public Works is responsible for maintaining all files related to the installation, routine maintenance and emergency response of public art pieces.

Section 11. New Section. A new section 2.19.080 entitled “De-Accession Policy and Procedure” is hereby added to read as follows:

2.19.080 De-Accession Policy and Procedure

- A. De-accessioning Public Art should be an action seldom used and should not be used due to fluctuations in taste.
- B. After due consideration, the Commission can recommend such action, however, in cases that meet one (1) or more of the following criteria:
 1. The Artwork has been abandoned.
 2. The Commission finds the Artwork to be fraudulent or inauthentic;
 3. The Artwork possesses substantial demonstrated faults in original design or workmanship;
 4. The current condition of the Artwork presents a public or environmental hazard and repair/restoration is not feasible due to physical conditions and/or the expense would be disproportionate to the value of the Artwork;
 5. The building housing the Artwork or other architectural support system for the piece is slated for demolition and relocation is not feasible;
 6. The Artwork encumbers the use of public property; and/or
 7. Public use and/or ownership of the site have or will change, rendering the artwork incompatible with the property.
- C. Should the Commission justify de-accessioning, it will seek opinions on the disposition of the subject piece from the artist community and general public.
- D. The Commission will give priority consideration to returning works to the Artist or their/his/her, or in the case of donations, to the donor or their/his/her.
- E. The City will store de-accessioned pieces as time and space allow.
- F. The Commission will disclose both the de-accession criteria and possible disposition of such artwork to the Artist and/or donor before finalizing any contractual agreements.
- G. In the case the City chooses to sell a piece of Public Art, all proceeds from the sale will be placed in a City account for acquisition of new works of Public Art or maintenance of the existing collection.

Section 11. New Chapter. A new Chapter 3.06 entitled “Municipal Art Fund” is hereby added to the Municipal Code as set forth herein.

3.06 Municipal Art Fund

Section

3.06.010 Purpose and Intent

3.06.020 Procedure

3.06.030 Municipal Art Fund

3.06.040 Funds for Public Art

3.06.050 Additional Revenue Sources

Section 12. New Section. A new section 3.06.010 entitled “Purpose and Intent” is hereby added to read as follows:

3.06.010 Purpose and Intent

There is hereby created and established a special purpose fund designated the “Municipal Art Fund” into which shall be deposited moneys described in this chapter, together with such other moneys as the city council shall designate for works of art. Such works of art shall be placed outside or inside of any construction project of any public agency or other publicly owned, leased, or rented property in locations where they are readily accessible for public viewing. No work of art may be placed in any office or other area not open to the general public. Such works of art may be attached or detached about such property and may be either temporary or permanent.

Section 13. New Section. A new section 3.06.020 entitled “Procedure” is hereby added to read as follows:

3.06.020 Procedure

Upon consultation with the arts commission, the city manager or his/her designee shall prepare guidelines for the implementation of programs under this chapter.

Section 14. New Section. A new section 3.06.030 entitled “Municipal Art Fund” is hereby added to read as follows:

3.06.030 Municipal Art Fund

- A. There is hereby created a municipal art fund administered by the Public Works Department which shall consist of all contributions received from City Capital Improvement Projects, cash grants and donations to the City for public art.
- B. The municipal art fund shall be used solely for expenses associated with the selection, commissioning, acquisition, fabrication, placement, exhibition or display, transportation, maintenance, public education, promotion, administration, installation and/or removal of public art on public property throughout the city, and insurance of the works of art or in relation thereto.
- C. To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of the artwork into the project architecture. If a particular eligible project is deemed inappropriate for the placement of artwork by the public art commission or by city council, if not otherwise prohibited by law, the funds appropriated for artwork may be used at other more appropriate public sites.
- D. The City of Airway Heights shall establish a municipal art fund to receive donations and other funds contributed and allocated to support the public art plan.
- E. Unspent monies in the municipal art fund shall be carried over to the next fiscal year, unless prohibited by the source of the funds, or applicable laws or regulations.
- F. The funds for public artwork shall be set aside and identified as sources of funding to be appropriated and expended for acquisition for public art in accordance with the provisions of this title.
- G. Appropriations for purposes of acquiring public art in order to carry out the provision of this title shall be made in accordance with law and the budgeting procedures of the city.

- H. Appropriations for public art may include the pooling of public art funds to the extent permissible, to provide artwork of larger scale or significance in a different location than the project. Appropriations for public art shall only be expended for acquisition of public art in a manner consistent with the specific restrictions established for each funding source.
- I. The department shall track the funding sources for all public art funds including pooled funds and shall oversee public art expenditures in a manner consistent with the funding restrictions.

Section 15. New Section. A new section 3.06.040 entitled “Funds for Public Artwork” is hereby added to read as follows:

3.06.040 Funds for Public Artwork

- A. All allocations of funds for eligible projects shall include an amount equal to one percent (1%) of the projected construction costs at the time the project is included in the city's capital improvement program to be used for the selection, acquisition, commissioning and display of artwork. No allocation shall be made for eligible projects with an estimated expenditure of less than the threshold amount for which formal bidding procedures are required. If the source of funding, applicable law governing any particular eligible project or the expenditure of such funds precludes art as a permissible expenditure, the amount of funds so restricted shall be excluded from the construction costs in determining the amount to be allocated as provided in this section.
- B. The city's finance director shall establish a special fund designated the public art account into which funds appropriated as set out in subsection (A) of this section (the public art allocations) or derived from gifts or donations to the city for public art shall be deposited. For the budget year that the city council appropriates funding for the eligible project and that the eligible project is instituted, the public art allocations shall be deposited into the public art account in accordance with procedures established by the city's finance director.
- C. Monies collected in the public art account shall be budgeted and expended in the same manner as other city revenues and used for projects commissioned pursuant to this article. Each disbursement from such account or from other appropriations for artwork shall be recommended by the public art commission and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Separate accounts shall be established whenever funds are required to be used at a designated capital improvement project.
- D. From the effective date of this section, applications for capital improvement projects to granting authorities shall include amounts for artwork as specified in this section, insofar as permissible by the granting authority.
- E. Disbursement of funds from the public art account to pay for artwork acquired pursuant to this article shall be made in accordance with procedures established by the city's finance director but shall at least include the submission from the public art commission of an accurate and complete invoice resulting from a contract with an artist. The invoice for such artwork may include a commission fee of 15 percent of the cost of the artwork for services rendered in connection with the acquisition and installation of the artwork.

Section 16. New Section. A new section 3.06.050 entitled “Additional Revenue Sources” is hereby added to read as follows:

3.06.050 Additional Revenue Sources

- A. Additional allocation of funds and expenditures. The City Council thru the Budget may appropriate dollars to be allocated to the Municipal Art Fund in addition to the requirements outlined here. The City Council, at its discretion, may determine the amount to be allocated for the section.

acquisition, and/or installation of individual works of art or the art that may be placed within, on, or about other public facilities. All such expenditures for Art shall be approved by the City Council.

- B. Appropriations for public art may include the pooling of public art funds to the extent permissible, to provide artwork of larger scale or significance in a different location than the project.

Section 17. Repeal. This ordinance repeals Resolution No. 2016-015 authorizing the financing of public art within the City and adopts Ordinance C-963 which provides general provisions for the municipal art fund.

Section 18. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 19. Effective Date. This ordinance shall become effective five (5) days after its passage, approval, and publication.

Introduced this _____ day of _____, 2021.

Passed by the City Council this _____ day of _____, 2021.

Approved by the Mayor this _____ day of _____, 2021.


James "Sonny" Weathers, Mayor

ATTEST:

Stanley Schubert, City Clerk

APPROVED AS TO FORM:

Stanley M. Schwartz, City Attorney

	CITY OF AIRWAY HEIGHTS PLANNING DEPARTMENT STAFF REPORT	City of Airway Heights Planning Department 13120 W. 13 th Airway Heights, WA 99001
Project Name:	Staff Report and Recommended findings for Ordinance C-963 – Creating an Arts Commission and Municipal Art Fund	
To:	Airway Heights Planning Commission	
From:	Heather Trautman, Principal Planner	
Date:	July 6, 2021	
Meeting Date:	July 14, 2021	

PROJECT BACKGROUND

In 2018, the City initiated the Public Art Plan planning process, which was conducted by SCJ Alliance. The creation of the Public Art Plan was realized after the adoption of the 2017 US 2 Corridor Plan followed by the city receiving a proposal from the Spokane Tribe for public art to be placed inside the roundabout just west of the city limits. Coupled with this the knowledge that more roundabouts were to be built along the US 2 Corridor throughout town, with no public art plan or policy on record the city was unable to respond to any current or future proposals for art.

The Public Art Plan was adopted in February of 2021 and is a tool for implementation of public art, in various mediums, and locations around Airway Heights. The plan provides guidance on the types of installations (permanent and temporary) and policy to support the future development and implementation of the public art program and Arts Commission. The plan provides a thorough understanding of the historic culture of Airway Heights providing a central identity, themes, and characteristics that serve as the foundation for public art in Airway Heights.

The Art Ordinance is an implementation mechanism for the Art Plant. It provides for the creation of an Art Commission, and Art Fund, and the methods by which Art is solicited and curated over time.

PROJECT DESCRIPTION

The Art Ordinance C-963 contains the following sections:

- Adopting a new chapter 2.19 Public Art Sections
 - 2.19.010 Intent and Purpose
 - 2.19.020 Definitions
 - 2.19.030 Design Criteria
 - 2.19.040 Approval Process
 - 2.19.050 Establishment of the Public Art Commission
 - 2.19.060 Public Art Guidelines/Regulations
 - 2.19.070 Siting, Installation, and Maintenance
 - 2.19.080 De-Accession Policy and Procedure

Creating a new fund 3.06 Municipal Art Fund

Section

3.06.010 Purpose and Intent

3.06.020 Procedure

3.06.030 Municipal Art Fund

3.06.040 Funds for Public Art

3.06.050 Additional Revenue Sources

PUBLIC PARTICIPATION PROCESS

SCJ Alliance and the City of Airway Heights provided public participation opportunities in a series of engagement activities from 2018 to 2019 including a joint Planning Commission and City Council meeting on the Art Plan. On May 12, 2021, the Planning Commission a workshop on the draft Art Ordinance. A notice of the Planning Commission public hearing was published in the Cheney Free Press on June 24, 2021.

The Art Ordinance was review under SEPA and a Determination of Non-significance was issued on April 16, 2020.

CITY COUNCIL REVIEW PROCESS

Per the Airway Heights Municipal Code 14.02.030 (C), City Council is required to review and act on all Comprehensive Plan, development code, or map changes. After a public hearing conducted by the Planning Commission, Per AHMC 14.05.040, the City Council, following a recommendation from the Planning Commission, shall decide on projects by motion, resolution, or ordinance as appropriate.

PLANNING ANALYSIS

AHMC 14.05.03(D) D. Required Findings. The Planning Commission shall not approve or recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the development code.

Staff Analysis: The proposal for an Art Ordinance are consistent with the City's Comprehensive Plan. The Art Ordinance proposes to create a commission and a fund for public art, furthering the goals of the City's 2020 Comprehensive Plan including:

G.03 *Maintain and improve Airway Heights' small-town scale, unique civic identity and aesthetic beauty.*

G.04 *Develop the historic city center as the "heart" of Airway Heights, enhancing its commercial, service and civic vitality.*

G.10 *Sustain and expand Airway Heights' arts, cultural and civic environment.*

G.12 *Involve the community of Airway Heights in all local government planning and decision-making, helping develop and implement plans for the city's future.*

2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds, and other public utilities.

Staff Analysis: The Art Ordinance is an implementation strategy for public art including along the public roadway, transit areas, parks and other public buildings when new construction or when expansions occur for public buildings. Site-specific public development and funding based opportunities will trigger public art. This proposal does not directly require or create open space, drainage, streets, transit, utilities, schools or other public utilities.

3. The development adequately mitigates adverse environmental impacts identified during environmental review under Chapter [18.01](#) AHMC.

Staff Analysis: A determination of Non-significance was issued on April 16, 2020, under the State Environmental Policy Act (SEPA).

4. The development is not harmful to the public health, safety and welfare and is in the public interest.

Staff Analysis: The Art Ordinance is not harmful to public health and safety. The Art Ordinance is in the public's interest as it a mechanism to require art for public projects that improves the quality of life for residents and visitors to Airway Heights.

5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan. If the development results in a level of service lower than those set forth in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of transportation improvements, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

Staff Analysis: The Art Ordinance will not lower the level of service of transportation or park services. The Art Ordinance does not propose projects that affect transportation level of service or neighborhood park facilities. The Art Ordinance has the ability to implement such ideas as 'place making', which improve the public's experience of existing and proposed public facilities.

6. The area, location, and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

Staff Analysis: The Art Ordinance builds upon previous planning efforts under the Art Plan, adopted 2021. One mechanism of funding for public art is through public development such as expansions and new facilities. The Art Ordinance requires funds to be dedicated as a portion of

these projects so that art can be built to enhance the public's experience of the facility and the Airway Heights Community.

PLANNING STAFF RECOMMENDATION

Staff recommends the following motion, "The Planning Commission recommends approval of Ordinance C-963 and forwarding the documents to City Council."

SUGGESTED MOTION

Move to approve and adopt Resolution PC 2021-015 adopting the proposed recommended findings for the City of Airway Heights Ordinance C-963, adopting a new chapter 2.19 Public Art and establishing an Art Fund under 3.06 of the Airway Heights Municipal Code.

Attachments:

- A. Planning Commission Resolution PC 2021-015
- B. Ordinance C-963

**ATTACHMENT A
CITY OF AIRWAY HEIGHTS
PLANNING COMMISSION**

RESOLUTION # PC 2021-015

**A RESOLUTION OF THE AIRWAY HEIGHTS PLANNING COMMISSION RECOMMENDING
TO THE CITY COUNCIL OF AIRWAY HEIGHTS THE ADOPTION OF FINDINGS FOR THE
CREATION OF A NEW CHAPTER 2.19 PUBLIC ART AND A NEW FUND ENTITLED 3.06
MUNICIPAL ART FUND**

WHEREAS, the City adopted the Public Art Plan in 2021 as a tool for implementation of public art, in various mediums, and locations around Airway Heights. The plan provides guidance on the types of installations and policy to support the future development and implementation of the public art program and Arts Commission. The plan provides a thorough understanding of the historic culture of Airway Heights providing a central identity, themes, and characteristics that serve as the foundation for public art in Airway Heights; and

WHEREAS, Ordinance C-963 is an implementation mechanism for the Art Plan. It provides for the creation of an Art Commission, and Art Fund, and the methods by which Art is solicited and curated over time; and

WHEREAS, the amendments to Airway Heights Municipal Code (AHMC) to adopt a new chapter 2.19 Public Art and to create a new fund 3.07 Municipal Art Fund are consistent with the Comprehensive Plan and meets the requirements and intent of the development code; and

WHEREAS, the amendments are not harmful to the public health, safety and welfare and is in the public interest; and

WHEREAS, the amendments do not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan; and

WHEREAS, the amendments are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development; and

WHEREAS, the adoption is deemed necessary by the Planning Commission; and

WHEREAS, public notice was provided in accordance with the public notification requirements of AHMC 14.04 including a public workshop held on May 12, 2021; and

WHEREAS, public notice was also provided in accordance with the notification provisions of AHMC 1.01, including providing notice via generally circulated newspaper on June 24, 2021; and

WHEREAS, the amendments to Airway Heights Municipal Code (AHMC) in Ordinance C-963 adequately mitigate adverse environmental impacts identified during environmental review under Chapter [18.01](#) AHMC. A SEPA Determination of Non-significance was issued April 16, 2020; and



OPTION 1



OPTION 2



OPTION 3



OPTION 4

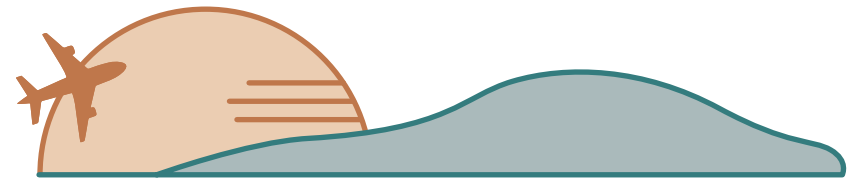


CITY OF AIRWAY HEIGHTS COMPREHENSIVE PLAN
LOGO OPTIONS



CITY OF
AIRWAY HEIGHTS
COMPREHENSIVE PLAN

OPTION 5



**AIRWAY
HEIGHTS**
COMPREHENSIVE PLAN

OPTION 6



OPTION 1



OPTION 2



OPTION 3



OPTION 4



**AIRWAY
HEIGHTS
COMPREHENSIVE PLAN**

OPTION 5
