



ARTS COUNCIL STAFF REPORT

**Item (1)
November 18, 2024
Regular Business**

AGENDA ITEM INFORMATION

TITLE:	Parks Zone Public Art Development Standards	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Provide input to staff on the development standards for public art in the Parks Zone.	

STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst II Ryan Daly, Recreation Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-15 (Open Space Zone development regulations)

SUMMARY

The Parks Zone is a proposed new zoning district that will establish regulations for most City-owned and/or managed parks. The purpose of the new zone is to ensure park lands are preserved and managed appropriately, in alignment with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, and similar guiding documents. Staff is seeking input from the Arts Council on the development standards specific to public art in the Parks Zone. More information about the zoning code and development standards is provided in the Background and Issue/Discussion sections below.

- The Parks and Recreation Commission (PRC) is collaborating with staff and providing input on the draft Parks Zone development regulations over the course of several meetings.
 - At the October PRC meeting, the commission provided feedback on the purpose, designation requirements, and uses permitted in the new zone.
 - At the November PRC meeting, the commission reviewed and provided feedback on the draft code and began discussing the development standards of the new zone.
- Staff is seeking input from the Arts Council on the development standards specific to public art in the Parks Zone. Staff will incorporate feedback from the Arts Council discussion into the draft Parks Zone development regulations for review by the PRC at their next meeting.
- Over the course of several meetings, staff and the PRC will collaborate on the draft text for the new Parks Zone, ensuring it meets all regulatory requirements. This work is anticipated to continue through March 2025.
- It is currently anticipated that the PRC will hand-off a recommendation to the Planning Commission (PC) in Q2 2025 and the City Council will undertake review and adoption of the new Parks Zone by the end of 2025.

BACKGROUND

Parks Zone/Open Space Zone Background

The scope of work for the 2024 Comprehensive Plan Periodic Update, adopted by the City Council in 2022 with [Resolution No. 1621](#), included the creation of a new Parks Zone. In January 2024, a preliminary Parks Zone draft was presented to the PRC and PC. Following community and commission feedback, the legislative review was paused, and the draft returned to the PRC for further review. In March 2024, the PRC recommended dividing the Parks Zone planning into two phases: creating a zone for City-owned Open Space Lands and another for public park properties.

The PRC and Open Space Conservancy Trust (OSCT) Board then held joint meetings to develop legislation for the Open Space Zone. On May 8, 2024, PRC and OSCT Chairs presented a joint recommendation to the PC, which completed its review in June 2024 as part of the Comprehensive Plan Update. On September 25, 2024, the PC approved a recommendation for the Open Space Zone code amendment. The City Council adopted the [Open Space Zone](#) on November 4, 2024, with an effective date of December 31, 2024.

Now that the PRC's first phase of work is complete on the Open Space Zone, the PRC is shifting focus to development of the new Parks Zone with the goal of presenting a recommendation to the PC in Q2 2025. The PC will then provide a recommendation to the City Council. The City Council is anticipated to undertake review and adoption of the new Parks Zone by the end of 2025.

Parks, Recreation, and Open Space (PROS) Plan

The PROS Plan is a six-year plan that anticipates the programming and capital infrastructure investments necessary to meet the community's needs for parks, recreation, open space, trails, arts, and cultural events. The City Council adopted the [Parks, Recreation and Open Space \(PROS\) Plan](#) on March 1, 2022. The PRC served as the lead advisory board on the PROS Plan update with support provided by the Arts Council and the OSCT Board. The 2022 PROS Plan community engagement process included two statistically significant mail-in surveys with concurrent surveys available online, virtual open houses, a dedicated project webpage, and numerous board and commission meetings.

Chapter 4 of the PROS Plan establishes goals and objectives that serve as the policy framework for the provision of parks and recreation services by the City of Mercer Island. Development of master plans, policies, codes, and other work products should align with this policy framework, which includes development of the Parks Zone.

Zoning Code, Parks Code, and Park Operating Policies

The City has a few tools to regulate development, operations, and allowed uses and activities in parks. The City's zoning code, parks code, and park operating policies and procedures each have a distinct purpose and consist of specific types of rules and regulations regarding parks. The scope of work of the Parks Zone project is limited to regulations in the zoning code. More information about the types of regulations found in the zoning code, parks code, and park operating policies and procedures is provided below.

Zoning Code

The Mercer Island Zoning Code is established in [MICC Title 19 - Unified Land Development Code](#). The Zoning Code classifies land within the City into zones and regulates land uses and development permitted within each zone. The Zoning Code plays a role in the establishment of other of other regulations; however, the Zoning Code is not the appropriate place for the City to codify other rules that regulate permitted uses

in the Zoning Code. For example, if the Parks Zone includes cycling as a permitted use, the City may develop rules or regulations separately from the Zoning Code for speed limits or designated cycling areas. Similarly, picnic shelters may be included as a permitted use in the Parks Zone, but the Zoning Code would not include policies or rules regarding shelter use, rentals, or maintenance.

Parks Code

The Mercer Island Parks Code (aka “Parks Rules”) is established in [MICC Chapter 9.30 - Park Rules](#). The Parks Code is part of the Criminal Code, which is a collection of laws that define crimes and their punishments within the City's jurisdiction. The Parks Code consists of laws that apply to the City's public parks and are enforced by the Mercer Island Police Department. The Parks Code is where unlawful acts are codified, such as building fires in undesignated areas (MICC 9.30.170), posting unauthorized signs and posters (MICC 9.30.040), and riding horses in undesignated areas (MICC 9.30.060). The Parks Code is on the City's work plan to be updated in 2025-2026. Staff will assist the PRC in identifying and logging items for follow-up that are best suited for consideration as part of the Parks Code update.

Park Operating Policies and Procedures

Operating policies and procedures are established to guide citywide operations, including the City's parks and recreation facilities and programs. Operating policies and procedures include operational processes, activities, tasks, decision-making structures, levels of delegation, and responsibilities of staff. Some operating policies and procedures are intended for internal use, such as roles and responsibilities of parks and recreation staff or equipment repair and maintenance schedules. Some operating policies and procedures are public facing, such as facility rental or recreation program policies. Examples of operating policies and procedures can be found on the [Parks Information & Policies webpage](#).

Parks Zone Materials from Prior PRC Meetings

- [Tuesday, October 8, 2024](#)
- [Thursday, November 7, 2024](#)

ISSUE/DISCUSSION

Staff is seeking input from the Arts Council on the development standards specific to public art in the Parks Zone, which would establish development regulations for public art installations in parks. Staff recommends the Arts Council review the recently adopted [Open Space Zone](#) (see exhibit 1) for examples of development standards. A summary of the zoning code framework for the new Parks Zone, including the development standards, is provided below.

Zoning Code Framework

Zoning in the MICC generally consists of the five components listed below, which were used to guide the development of the draft Open Space Zone and also serve as the framework for the development of the draft Parks Zone.

1. Purpose: What is the goal of the Parks Zone?
2. Designation Requirements: What criteria is used to determine if land is included in the Parks Zone?
3. Uses Permitted: What are the allowed uses in the Parks Zone?
4. Development Standards: What are the regulations for physical modification and structures in the Parks Zone?
5. Definitions: What terms require further definition?

Development Standards for Public Art

Public art installations are incorporated into the City's park system for the purpose of community enjoyment and enrichment, and typically embody public or universal concepts as opposed to commercial, partisan, or personal interests. The [Arts Council](#) serves as the City's advisory body for arts and culture, which includes establishing guidelines for the commissioning, selection, and placement of permanent and temporary works of art in the City. The [Public Art webpage](#) on the City website has more information about the City's public art collection, including a link to the [Public Art Story Map](#) with photos and details about each work of art.

Zoning code development standards typically establish broad regulations for land development such as size/dimensions, appearance, or other high level design aspects of structures. When considering development standards related to art in the Parks Zone, keep in mind that regulations may be challenging due to significant differences in size and design of public art installations. Traditional art installations in the Mercer Island parks system include items such as murals and sculptures. In many cases, art is also incorporated into park developments such as benches, bollards, and pathways.

It is important to note the zoning code is not the appropriate place to establish all rules and regulations related to public art in the Parks Zone. For example, the Arts Council is currently undertaking an internal planning process for the City's public art program, including updating procedures related to acquisition, exhibition, and deaccession, and establishing new criteria for selecting artists and artworks. The new Six-Year Public Art Workplan will need to work in concert with the Parks Zone development standards.

Does the Arts Council recommend development standards be included in the Parks Zone to regulate the installation of public art in parks? If yes, what types of development standards should be included?

Next Steps

Staff will incorporate the Arts Council's input into the draft Parks Zone development regulations for review by the PRC at their next meeting (tentatively scheduled for January 9, 2025, at 5:00 PM). Additional input may be submitted as public comment from individual members of the Arts Council, but that individual input should not be reflected as a recommendation from the Arts Council.

RECOMMENDED ACTION

Provide input to staff on the development standards for public art in the Parks Zone.