

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-230-010 Purpose and authority. Pursuant to the authority granted by section 140(3), chapter 149, Laws of 1997, the director of the department of (~~general administration~~) enterprise services hereby establishes the following rules governing the design and placement of major and minor works, to include commemorative works and other works of art, on state capitol grounds. The purposes of this chapter are as follows:

(1) To ensure that major and minor works reflect subjects of lasting statewide significance for the people of Washington.

(2) To protect and maintain open space and preserve the natural views and vistas to and from the capitol, as envisioned by the Olmsted Brothers in their 1928 plan for the Washington state capitol grounds, and to conserve options for placement of works by future generations.

(3) To ensure that proposals for commemorative works and works of art on state capitol grounds are evaluated using a deliberate process, acknowledging the unique state capitol environment in which they are to be placed.

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WAC 200-230-020 Roles, responsibilities, and definitions. As used in this chapter, the following definitions and roles apply:

(1) "Proposing entity" - Any individual or group advancing a proposal for placement of major or minor works on state capitol grounds.

(2) "State capitol committee" (SCC) - As established in RCW 43.17.070. The state capitol committee grants final approval for all development plans for state capitol grounds including the master plan, and for the design and site of major works to be located on state capitol grounds.

(3) "Capitol campus design advisory committee" (CCDAC) - As established in RCW 43.34.080(1):

The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of (~~general administration~~) enterprise services to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

The CCDAC is further directed in 43.34.080 (4)(e) to:

. . . review plans and designs affecting state capitol facilities as they are developed. The advisory committee's review shall include . . . (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

(4) "Director" - The director of the department of (~~general administration~~) enterprise services. Under RCW 43.19.125 the director

" . . . shall have custody and control of the capitol buildings and grounds." The director provides preliminary reviews, evaluates proposals for major and minor works, and provides technical assistance to those proposing placement of major or minor works on state capitol grounds. The director approves minor works proposals.

(5) "Department" - The department of (~~general administration~~) enterprise services.

(6) "Washington state arts commission" (WSAC) - As established in RCW 43.46.005 through 43.46.095, and as specifically authorized in RCW 43.46.050:

The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the cultural development of the state of Washington. WSAC may undertake major works on the state capitol grounds as part of its responsibilities under chapters 43.46, 43.17 and 43.19 RCW. The site selection and criteria for these works shall be developed in compliance with the provisions of this chapter.

(7) "State capitol grounds" - Those grounds as defined in WAC 236-12-015(5), as follows:

Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

and including the north capitol campus, Centennial Park, the Tumwater campus and the Lacey campus.

(8) "West capitol campus" - Those state-owned grounds that constitute the state capitol grounds west of Capitol Way, including all of the grounds addressed in the 1928 Olmsted Brothers landscape plan for the state capitol grounds and the state capitol historic district, as designated in the National Register of Historic Places.

(9) "East capitol campus" - Those grounds described in RCW 79.24.500 which includes the campus area north of Maple Park (16th Avenue) and south of 11th Avenue, east of Capital Way and west of Interstate 5 and the Interstate 5 entrance to the state capitol.

(10) "North capitol campus" - Those state-owned grounds north of the west capitol campus and west of Columbia Street, south of 5th Avenue and east of the Deschutes Parkway around Capitol Lake to the Interstate 5 bridge.

(11) "Tumwater campus" - Those state-owned grounds in the city of Tumwater bounded on the west by Interstate 5, on the north by Israel Road, on the east by Linderson Way S.W., and on the south by Airdustrial Way S.W.

(12) "Lacey campus" - Those state-owned grounds in the city of Lacey, bounded on the north by Martin Way, on the west and south by Saint Martin's Park and Saint Martin's Abbey, and on the east by the Woodland Creek protection zone.

(13) "Master plan" - The master plan for the capitol of the state of Washington. As used in this chapter, master plan includes any sub-campus plans for state capitol grounds that describe in greater detail the planned development and use of the areas covered by the master plan.

(14) "Major work" - Any statue, monument, sculpture, work of art, memorial, or other structural or landscape feature, including a garden

or memorial grove, of notable impact to viewers and to its surroundings. The impact of a work is defined by the combined effect of its subject matter, size, placement, and the degree to which it commands the environmental context into which it is set. Examples include the Winged Victory monument commemorating World War I, and the Tivoli Fountain. The term does not include any such item located within the interior of a structure.

(15) "Minor work" - As determined by the director, a work of moderate or minimal impact to viewers and to its surroundings, defined by the combined effect of its subject matter, size, placement, and ability to blend into or contribute to the planned character of its immediate environment. Examples include individual or small groupings of plants such as trees or shrubs, benches and other campus furnishings, historic event or site plaques, small sculptural elements and artistic works.

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WAC 200-230-040 Administrative requirements for major and minor works on state capitol grounds. Prior to construction, proposing entities must execute an agreement with the department of (~~general administration~~) enterprise services that addresses the following administrative requirements in proposals for major or minor works.

(1) All development and installation costs, including required modifications and improvements to campus roads, sidewalks and utilities, shall be provided by the proposing entity.

(2) The cost of new works shall be paid for by the proposing entity. Prior to construction or installation of an approved work, the director shall determine that the proposing entity has available sufficient funds to complete the project. The proposing entity shall also make provisions for coverage of all maintenance and repair costs throughout the existence of the work. This is commonly accomplished through an endowment fund estimated at ten percent of the original project cost, or may be set at an amount determined by the director. If a major or minor work is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the proposing entity and the state specifying how the project costs including construction, maintenance and repairs will be shared.

(3) Complete conservation records that include specific information on materials and sources used in the execution, methods of fabrication, installation specifications, recommended method and frequency of maintenance, shall be provided to the state upon the completion of all new works.

Upon final placement and completion of a work that has been designed for or donated to the state for display on state capitol grounds, the state shall become sole owner of the work. The original artist or designer holds no rights to any work commissioned, donated, or purchased for display on state capitol grounds, including reproduction, access, modification, relocation, resale, etc., unless such rights are specifically allowed in formal written agreement between the director and the artist.

The state reserves the right to relocate or remove any works. Relocation planning will include consultation with the original artist and interested parties whenever practical.

Starting in 2030, following the centennial of the legislative building completion, and every fifty years thereafter, the state shall conduct a review of all monuments and memorials on state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria in WAC 236-18-030. The SCC shall approve all such actions.

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WAC 200-230-070 Guidelines for selecting designs for major works. Proposing entities must address the following guidelines in proposing a design for a major work. Formal proposals prepared by proposing entities must include a description of how the design considers and responds to each of these guidelines. ((GA)) DES, CCDAC and SCC will use the following guidelines to evaluate and recommend or approve a final design selection.

(1) Legibility and meaning. The intended message of the work shall be clear and understandable, regardless of its type or style. The work shall convey meaning of enduring value that will continue its significance for future generations.

(2) Approachability and accessibility. Works shall be designed to permit people to engage with them: To have visual clues as to their location and to get close enough to be able to read them and examine details. Because major works often are gathering points, they shall be designed to meet Americans with Disability Act standards and, when necessary, provide such amenities as seating, paving, handrails, and ramps.

(3) Materials. Materials shall be chosen for their durability, sculptural qualities, visibility, and maintainability. Consideration shall also be given to rhythm and harmony with the existing setting.

(4) Vulnerability. The design of major and minor works shall be conscious of the potential for vandalism and minimize the opportunity for intentional defacement or destruction.

(5) Climatic context. The design shall consider issues of sunlight and shade, wind, rain and the variety of Washington seasons.

(6) Evening illumination. Major and minor works may be enhanced with night illumination integral to the work's design. Such illumination shall not conflict with other works, open space, buildings and their inhabitants, and the overall landscape.

(7) Completion. Works that by their nature are not complete at the time of installation, such as those to which names or dates are to be added over time, are strongly discouraged.

(8) Text and inscriptions. Lists of any kind are discouraged. Text and inscriptions shall be meaningful to the broadest possible audience. Inscriptions and text on monuments, works of art and related plaques shall be limited to interpretive information about the work itself or the subject it commemorates. Dedication plaques shall be limited to name of the artist or designer, name of the proponent group, and the date completed or dedicated. The proposed use of donor

tiles not defined as plaques shall be approved as part of the overall design of a work.

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WAC 200-230-080 Procedure for development and review of major works proposals. The department and the state capitol committee will follow a procedure for reviewing and evaluating major works proposed for placement on state capitol grounds, with the advice and assistance of the capitol campus design advisory committee and the Washington state arts commission. As appropriate, the department may also consult with the office of archeology and historic preservation of the state department of community, trade and economic development, and with the department's state facilities accessibility advisory committee.

(1) The purpose of the procedure is to:

(a) Ensure that major works on state capitol grounds are carefully selected, designed, constructed and located to meet the criteria established in WAC 236-18-030 and address the guidelines provided in WAC 236-18-060 and 236-18-070;

(b) Preserve open space as a complete, precious and protected landscape feature of the state capitol grounds that invites public recreation and participation;

(c) Preserve options for placement of works on state capitol grounds for future generations. To further this purpose the department and the SCC shall:

(i) Encourage those proposing commemorative works to consider alternatives to monuments, such as groves, gardens, sculpture, fountains, and the naming of existing campus features;

(ii) Strongly encourage groups with related or similar interests to combine their proposals;

(iii) Encourage proposing entities to consider temporary works, or to consider temporary placement on state capitol grounds of works to be permanently located at other sites;

(iv) Cooperate with local authorities to develop opportunities for proposed works of significance to Washington state citizens which may be located outside the west campus of the state capitol grounds but within the capital community of Olympia, Tumwater and Lacey;

(d) Provide instructions to guide proposing entities in developing successful major works proposals.

(2) The procedure for development and review of major works proposals will follow the steps below.

1. Proposing entity.

a) Submits a preliminary proposal to the director for the development and placement of a major work on state capitol grounds. The preliminary proposal must describe:

- The concept and subject matter;
- How the proposal meets the criteria in WAC 236-18-030;
- Preconceived design and site considerations, if any, to include size of the work;
- A description of the kinds of activities the site and the work may need to accommodate (public gatherings or ceremonies, for example);
- Anticipated cost and planned source of funding.

b) Designates a single spokesperson for the proposing entity.

2. Department of (~~general administration (GA)~~) enterprise services (DES).

a) Provides advice and assistance as needed in understanding and addressing the criteria in WAC 236-18-030 and makes available to proposing entities a copy of the master plan.

b) Reviews the preliminary proposal to determine if it meets the criteria in WAC 236-18-030 and should proceed to step three.

c) Informs the state capitol committee (SCC) of all proposals received and reviewed.

3. (~~GA~~) DES director and spokesperson for the proposing entity.

Provide an initial briefing to the members of the SCC on the preliminary proposal. The purpose of this briefing is to identify threshold issues or concerns with the proposing entity's concept, subject, or siting considerations. Capitol campus design advisory committee (CCDAC) members shall also receive initial briefings at this time.

4. SCC.

a) Grants approval to proceed with site selection (step 5); or

b) Denies approval; or

c) Refers the proposal to the CCDAC for review and advice; and/or

d) Requests that the proposing entity reconsider aspects of their proposal.

5. Proposing entity.

Once preliminary proposal has been approved by the SCC, describes the conditions and characteristics of the proposed work that may affect its location, developing a set of criteria that describe a preferred setting and design. In the case of existing works, the criteria will relate only to the setting for the work.

6. (~~GA~~) DES.

a) Reviews appropriate subcampus plans to identify planned sites meeting the criteria developed by the proposing entity. (~~GA~~) DES will consult with the proposing entity, and may provide a campus tour, discuss possible locations, and point out any constraints or barriers to various locations.

b) Selects a short list of sites that best meet the criteria.

c) Establishes specific design and site development guidelines for each site. These specific guidelines describe in greater detail the opportunities or restrictions on design development that are unique to each site.

7. CCDAC and WSAC.

Review selected sites and the development guidelines established by (~~GA~~) DES. CCDAC and WSAC may meet together or separately. Either body may:

a) Recommend revisions to (~~GA's~~) DES' site development guidelines; or

b) Recommend that the proposing entity reconsider aspects of their preliminary proposal; or

c) Offer recommendations for consideration by the SCC.

8. (~~GA~~) DES director and spokesperson for the proposing entity.

a) Brief the SCC on the sites and site development guidelines.

b) If the proposal is for a work yet to be selected or designed, the proposing entity also describes:

- The selection/design process to be used;

- Anticipated budget and source of funding; and

- Preconceived design considerations within the context of the proposed sites.

9. SCC.

- a) Grants site approval and, if the proposal is for placement of an existing work, authorizes the department to acquire the work; or
- b) Requests further consideration by ((GA)) DES and CCDAC.

10. Proposing entity.

- a) Once the site has been approved by the SCC, begins a process to design or select the work if the proposed work is yet to be selected or designed. This step may take several forms: A design competition; selection from a list of appropriate available works; selection of an artist or team which might include an artist, architect, or landscape architect who will design and produce a custom work. ((GA)) DES may provide assistance in this process. One representative of the department and one representative of the CCDAC shall be included in the proposing entity's selection process and final selection committee. The proposing entity is also encouraged to include a visual artist or other design professional as appropriate.

- b) Selects final design proposal or proposes a completed work.

- c) Submits a formal proposal to ((GA)) DES and the SCC that describes:

- How the proposal meets the criteria in WAC 236-18-030;
- How the proposal considers and responds to the guidelines provided in WAC 236-18-060 and 236-18-070;
- How the proposal addresses the administrative requirements of WAC 236-18-040; and
- Scale drawings or illustrations. A scale model may also be provided.

11. CCDAC, WSAC.

Review the formal proposal, meeting together or separately, and make recommendations to the director and to the SCC.

12. ((GA)) DES director and spokesperson for the proposing entity.

Present the formal proposal to the SCC for approval.

13. SCC.

- a) Grants final approval; or
- b) Requests that the CCDAC, WSAC, and ((GA)) DES director continue to work with the proposing entity to redevelop the proposal.
- c) May require future check points.