



City Council Study Session

AGENDA

March 13, 2012

6:30 pm – 8:00 pm

Call to Order

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Topics

1. Sister City
2. Planning Commission Handoff-Home Occupation Regulations
3. Discussion: Tree Retention
4. Discussion: Parking Regulations
5. Discussion: Tobacco Free Parks Policy

Adjournment

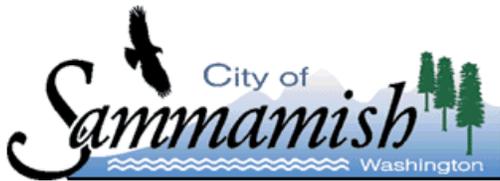
City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

AGENDA CALENDAR

Mar. 2012			
Tues. 3/13	6:30 pm	Study Session	Sister City Planning Commission Handoff-Home Occupation Regulations Discussion: Tree Retention Discussion: Parking Regulations Discussion: Tobacco Free Parks Policy
Mon. 3/19	6:30 pm	Joint Meeting/Parks Commission	Review: Parks, Recreation and Open Space Plan Review: Draft 2012-18 Parks Capital Improvement Plan
Apr. 2012			
Tues. 4/3	6:30 pm	Regular	Proclamation: Child Abuse Prevention Month Discussion: Sister City Executive Session: Potential Litigation Ordinance: First Reading amending Parking regulations Ordinance: Second Reading Solicitor Licensing Resolution: Amend and Adopt Connectivity Procedures Contract: Storm Water Comp Plan Update/ (consent) Contract: GIS ARC Server Implementation/ (consent) Contract: Transportation Improvement Project Update/David Evans (consent)
Tues. 4/10	6:30 pm	Study Session	228 th Operational Analysis Stormwater Mitigation/Improvements Discussion: SE 8 th Street Park Master Plan – Site Alternative
Mon. 4/16	6:30 pm	Regular Meeting	Ordinance: Second Reading amending Parking regulations
May 2012			
Tues. 5/1	6:30 pm	Regular	Public Hearing: Ordinance First Reading Home Occupation Regulations
Tues. 5/8	6:30 pm	Joint Meeting/Planning Commission	Environmentally Critical Areas
Mon. 5/14	6:30 pm	Regular Meeting	Public Hearing: Ordinance Second Reading Home Occupation Regulations
June 2012			
Tues. 6/5	6:30 pm	Regular	
Tues. 6/12	6:30 pm	Study Session	Discussion: Fire Service Options
Mon. 6/18	6:30 pm	Regular Meeting	
July 2012			
Tues. 7/3	6:30 pm	Regular	Public Hearing: First Reading Collective Garden Moratorium
Tues. 7/10	6:30 pm	Study Session	
Mon. 7/16	6:30 pm	Regular Meeting	
Sept 2012			
Tues. 9/4	6:30 pm	Regular	
Tues. 9/11	6:30 pm	Study Session	State Legislator Session
Mon. 9/17	6:30 pm	Regular Meeting	

Item #1 – Sister City

This information will be presented at the meeting.



Planning Commission

801 228th Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: www.ci.sammamish.wa.us

To: City Council

March 13, 2012

From: Joe Lipinsky, Chair

RE: Recommendation for proposed Home Business ordinance

Summary:

On behalf of the Planning Commission, I am pleased to transmit the Planning Commission's recommendations for the Home Business ordinance to the Sammamish Municipal Code. The Commission and staff used a public participation process that included multiple public meetings and a public hearing process.

The Planning Commission **unanimously recommends that the City Council adopt** the proposed Home Business ordinance as an amendment to the Sammamish Municipal Code.

Finding of Facts

Basis for Amendment: The Planning Commission was directed to review the existing Home Business regulations by the City Council as part of the city's ongoing "code block" work program, which addresses regulations that appear to unnecessarily impede otherwise positive development within the city. In reviewing the proposed regulations, the Planning Commission considered the following:

1. Testimony by the public, in particular small business owners, and the Chamber of Commerce;
2. Examples of home businesses that are not consistent with city regulations but do not appear to be inherently incompatible with surrounding land uses;
3. Examples of home businesses that are consistent with city regulations, but also are the source of ongoing complaints by neighbors;
4. The existing regulations are unclear and have resulted in inconsistent application by the city and confusion by the community;
5. Comprehensive Plan Policies from the Housing and Land Use Elements, in particular LUP-8.3, LUP-8.4, LUP-8.5, LUP-8.7, LUP-8.8, HP-1, HP-2, and HP-11.

Public Process / Viewpoints Considered:

The Planning Commission and staff held several public meetings, commencing on August 26, 2011 and public hearings on October 20, December 1, January 19 and February 2. The Planning Commission received a significant amount of public input regarding the proposed ordinance.

Public comments addressed a number of topics, including comments that:

- A. Expressed support for the proposed amendments;
- B. Expressed concerns about auto repair in the residential zones;
- C. Expressed concerns about traffic generated from home businesses;
- D. Recommended modifications to the standards within the Town Center;
- E. Requested that we modify provisions such that they do not prohibit current business practices (e.g. on-site retail sales by appointment, hours of operation, etc);
- F. Requested additional time for public testimony before the Planning Commission; and
- G. Addressed suggested edits for compatibility.

The Planning Commission believes that this process has received significant public support and is viewed positively.

Planning Commission Review:

The proposed amendments to the Home Business regulations are intended to address “code blocks” identified by the city; in particular, it appears that the current regulations contain prescriptive standards that do not directly address compatibility between home businesses and surrounding neighborhoods. The Planning Commission considered a number of aspects of the home business amendments, including:

1. Focusing the regulations on the operation of the home business rather than on prescriptive standards. In particular home businesses are limited around creating noise, smell, or visible impacts to neighbors;
2. Whether to limit the type of business a home businesses could operate (e.g. auto repair, veterinary clinics, etc);
3. Regulating hazardous chemicals;
4. Authorizing home businesses in the Town Center; and
5. Specific operational limits, such as hours of customer related appointments, number of vehicles related to the business, and deliveries.

Planning Commission Recommendation:

In preparing the recommended home business ordinance, the Planning Commission considered and recommended that the proposed regulations incorporate the following:

1. The operation of a home business should only be limited based upon concerns regarding compatibility (for example, conducting business indoors, limiting deliveries, etc).
Rationale: Based upon the information and policy direction provided, the Planning Commission concluded that the focus of the regulations should be compatibility.
2. The focus of the home business regulations should be on the operation of the business. Specifically the home business should be compatible with adjacent properties and create little or no noise, smell, or visual impacts to surrounding properties.
Rationale: Noise, smell, and visual impacts were generally identified by the Planning Commission as indicators of compatibility, which is the identified basis for the regulations.
3. The city should generally allow most business types (e.g. lawyers, financial advisors, etc) as home businesses, with the exception of some business types that are otherwise normally limited to the Commercial Business zone (e.g. auto repair, veterinary clinics). The director retains discretion to authorize things like auto repair businesses and veterinary clinics through a conditional use permit on a case-by-case basis.
Rationale: The Planning Commission considered testimony most home business uses are compatible with residential zones. However the Planning Commission is also concerned that some uses are inherently incompatible with a residential zoning designation and ultimately concluded that they should only be authorized on a case-by-case basis.
4. The Planning Commission worked hard to avoid any regulations that would serve as an unnecessary impediment to home businesses and to ensure that regulations were clear for future business owners.
Rationale: Consistent with the focus on compatibility and a general goal of promoting appropriate economic development, the Planning Commission attempted to only recommend adoption of regulations that clearly related to compatibility
5. The Planning Commission struggled with the hours of operation and incorporated the Chamber of Commerce’s recommendation to allow for appointments between 8AM and 9PM.
Rationale: The Planning Commission ultimately followed the Chamber of Commerce’s recommendation related to hours of operation, but struggled with this item as it related to compatibility.

Thank you for your consideration of our recommendations. If you have any questions, please contact Kamuron Gurol at 425.295.0520 or kgurol@ci.sammamish.wa.us.

Planning Commission – Recommended Version (February 2, 2012)

21A.15.605	Home industry (<i>deleted / replaced</i>)
21A.15.610	Home occupation (<i>deleted</i>)
21A.15.605	Home Business (<i>new definition</i>)
21A.20.030	Residential land uses (<i>amended reference to Home Business Type 1 and Type 2, level of review</i>)
21B.20.040	Town Center Residential land uses (<i>amended reference to Home Business Type 1 and Type 2, level of review</i>)
21A.65.010	Purpose (<i>amended to clarify purpose of home business regulations</i>)
21A.65.050	Home occupation (<i>deleted / replaced</i>)
21A.65.050	Home business (<i>new section</i>)
21A.65.060	Home industry (<i>deleted</i>)

"Plain Text" is existing code language

~~"Strikethrough Text"~~ is existing language that will be deleted

"Underline Text" is code language that will be added

21A.15.605 Home industry.

"Home industry" means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource-accessory building and is subordinate to the primary use of the site as a residence. (Ord. O2003-132 § 10)

21A.15.605 Home Business.

"Home business" means a business or profession which is incidental to the use of a residential dwelling unit by a resident of the dwelling unit. Home businesses do not include uses where the use of the premises as a dwelling unit is secondary to the operation of the business or profession.

The home business use definition does not include other permitted uses identified in SMC 21A.20 and defined in SMC 21A.15, including but not limited to:

- a) Bed and breakfast guesthouses,
- b) Senior citizen assisted housing,
- c) Daycare 1,
- d) Specialized instructional schools, and
- e) Self-service storage.

Home businesses are further subclassified as follows:

- a)f) Home business, Type 1 –conducted within a building permitted within a residential zone and that will not result in odors nor obvious visible or audible business activity outside of the building. Type 1 home businesses are generally indistinguishable from other dwelling units in the vicinity.

Home business, Type 2 –conducted within a building permitted within a residential zone and that results in limited odors, and some obvious visible or audible business activity outside of the building. Type 2 home businesses may be characterized by the following types of activities: increased deliveries beyond regular residential mail delivery activity; increased client or customer visitation to the site; and/or visual or audible activity visible from adjacent properties or the street. Home businesses that cannot meet the standards established in SMC 21A.65.050(4) for Type 1 businesses, are Type 2 home businesses and subject to the standards of SMC 21A.65.050(5).

21A.15.610 Home occupation.

"Home occupation" means a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. O2003-132 § 10)

21A.20.030 Residential land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

C – Conditional Use

S – Special Use

SIC#	SPECIFIC LAND USE	ZONE	RESIDENTIAL		COMMERCIAL		
			Urban Residential		Neighborhood Business	Community Business	Office
			R-1 – R-8	R-12 – R-18	NB	CB	O
...							
	DWELLING UNITS, TYPES:						
	ACCESSORY USES:						
*	Residential accessory uses		P5	P5			
*	Home occupation Home Business Type 1		P	P	P	P	P
*	Home industry Home Business Type 2		C	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
*	EV charging station ^(11, 12)		P13	P13	P	P	P
*	Rapid charging station ⁽¹⁴⁾		P15	P15	P	P	P
...							

21A.65.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities. In addition, the intent of the home business regulations is to:

- (1) Maintain and preserve the character of neighborhoods;
- (2) Promote appropriate business and economic development opportunities within neighborhoods;
- (3) Ensure the compatibility of home businesses and surrounding uses; and,
- (4) Mitigate potential impacts to surrounding uses.

21A.65.050 Home businesses.

- (1) Business License. All home businesses shall obtain required business licenses.
- (2) Compatibility required. All home businesses shall be operated in such a way as to ensure compatibility between the home business and the surrounding neighborhood. In addition to other required standards, home business compatibility shall address the following aspects of the home business:
 - (a) Visibility from adjacent properties and the street;
 - (b) Audibility from adjacent properties and the street;
 - (c) Residential scale and intensity;
 - (d) Odors;
 - (e) Health and Safety; and,
 - (f) Traffic.
- (3) Prohibited. The following uses in subsections (a) and (b) below are presumed to be incompatible with the characteristics identified in section (2) and are prohibited as a home business.
 - (a) The following uses are incompatible and are prohibited outright and may not be authorized as a home business by the director:
 - i. Any use not identified as an allowed use within the city (for example, adult use facilities); and,
 - ii. Any use prohibited within the city limits.
 - (b) The Director may consider an exception for the following uses based upon the impacts to surrounding properties that may be created by the proposed use and subject to a conditional use permit review:
 - i. Automobile, truck, and heavy equipment repair;
 - ii. Auto body work or painting;
 - iii. Adult use facilities;
 - iv. Veterinary clinic or hospitals;
 - v. Businesses that require the outdoor parking and storage of heavy equipment for use off-site;
 - vi. Businesses that require the outdoor storage of building materials for use on other properties; and,
 - vii. Other uses determined by the director to be similar in nature to the prohibited uses listed in this subsection.
 - (c) Exceptions requested for businesses in subparagraph (b) above, shall be evaluated to determine if they meet the criteria for conditional use permits established by SMC 21A.110.040 and the following:
 - i. The use shall be subject to either section (4) or (5), below, as determined by the director based upon the proposed operation of the use;

TOWN CENTER PERMITTED USE TABLES

21B.20.040 Residential land uses.

A. Table of Residential Land Uses.

KEY

P – Permitted Use

U – Permitted Use as Part of Adopted Unified Zone Development Plan

C – Conditional Use

S – Special Use

X – Prohibited Use

SIC#	SPECIFIC LAND USE	TC-A sub-zones					TC-B	TC-C	TC-D	TC-E
		A1	A2	A3	A4	A5				
...										
	DWELLING UNITS, TYPES:									
	ACCESSORY USES:									
*	Residential accessory uses ⁴	p ¹	P	P	X	P				
*	Home occupation Business Type 1	p ¹	P	P	X	P				
*	Home industry Business Type 2	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>XC</u>	<u>CC</u>	<u>CC</u>	X	<u>CC</u>
*	Electric vehicle charging station ^{8,9,14}	P	P	P	P	P	p ¹⁰	p ¹⁰	P	p ¹⁰
*	Rapid charging station ^{11,14}	P	P	P	P	P	p ¹²	p ¹²	p ¹³	p ¹²
...										

Development Conditions:

1. Except for lobbies or other similar entrances, the use is prohibited within 30 feet of the sidewalk on the ground floor of designated pedestrian-oriented streets or corridors.

...

- ii. The use shall be located in a unique location that will contribute to ensuring compatibility with surrounding uses;
 - iii. The director determines that new development is unlikely to occur in proximity to the proposed use such that an incompatibility will be avoided over time; and,
 - iv. The allowance of an exception shall not be considered precedent setting for subsequent land use authorizations.
- (4) Home businesses that meet the following standards will be considered Type 1 home businesses for the purposes of this chapter:
- (a) Business related activity shall be conducted within the confines of the building(s) associated with the home business;
 - (b) Smoke, odors, dust, or light produced by the business shall not exceed that normally associated with a dwelling unit;
 - (c) Buildings associated with the home business shall be designed consistent with the existing facade, roof pitch, siding, and windows of the dwelling unit;
 - (d) No more than three vehicles associated with the home business shall be visible from the street or adjacent properties on a regular basis;
 - (e) Sales or services shall be by appointment or provided off-site;
 - (f) No more than one outbuilding, in addition to the dwelling unit, may be used for the home business, excluding outbuildings used solely for material storage. All outbuildings used for the home business shall not be visible from the street;
 - (g) On site client or customer related appointments shall occur between the hours of 8AM and 9PM;
 - (h) Vehicles, equipment, and materials associated with the home business shall be stored within the buildings associated with the home business; and,
 - (i) Truck deliveries shall be consistent with normal residential deliveries. Regular and frequent tractor-trailer or semi-trailer deliveries are prohibited.
- (5) Type 2 home businesses require a conditional use permit pursuant to SMC 21A.20.030 and SMC 21A.110.040. In approving, approving with conditions, or denying the conditional use permit the director shall consider the compatibility criteria in subsection (2) above. Type 2 home businesses shall also be subject to the following minimum standards:
- (a) The home business shall be located such that the home business is not visible from the street and the home business activity shall be no closer than 20 feet to property lines;
 - (b) Activities conducted outdoors shall be fully screened from adjacent properties and streets;
 - (c) Vehicles, equipment, and materials associated with the home business shall be fully screened from adjacent properties and streets;
 - (d) Noise, traffic, and odors shall be evaluated to ensure compatibility with the surrounding neighborhood;
- (6) Compatibility review. The director shall review and condition the proposed use to ensure that the home business complies with the compatibility standards established by subsection (2) above. The director may further set conditions to ensure compatibility by:
- (a) Determining that a specific home business cannot be operated as a Type 1 home business and is subject to the review requirements of a Type 2 home business;
 - (b) Limiting the type and size of equipment used by the home business to those that are compatible with the surrounding neighborhood;
 - (c) Limiting the number of client or customer trips to the site related to the home business;
 - (d) Limiting on site retail sales to ensure compatibility;
 - (e) Providing for setbacks or screening as needed to protect adjacent residential properties;
 - (f) Specifying hours of operation;

- (g) Determining acceptable levels of outdoor lighting;
- (h) Limiting or prohibiting odors from the home business;
- (i) Requiring sound level tests for activities determined to produce sound levels that may be excessive for a residential neighborhood;
- (j) Limiting other neighborhood impacts generated by the home business; and
- (k) Establishing other conditions necessary to ensure compatibility consistent with subsection (2) above.

21A.65.050 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

- (1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;
- (2) In residential zones, all the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s) or Daycare 1;
- (3) No more than one nonresident shall work at the home occupation(s) location;
- (4) The following activities shall be prohibited in residential zones only:
 - (a) Automobile, truck and heavy equipment repair;
 - (b) Autobody work or painting;
 - (c) Parking and storage of heavy equipment; and
 - (d) Storage of building materials for use on other properties;
- (5) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 - (a) One stall for a nonresident employed by the home occupation(s); and
 - (b) One stall for patrons when services are rendered on site;
- (6) Sales shall be limited to:
 - (a) Mail order sales;
 - (b) Telephone sales with off-site delivery; and
 - (c) Internet sales;
- (7) Services to patrons shall be arranged by appointment or provided off site;
- (8) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 - (a) No more than one such vehicle shall be allowed;
 - (b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 - (c) Such vehicle shall not exceed a weight capacity of one ton; and
- (9) The home occupation(s) shall not use electrical or mechanical equipment that results in:
 - (a) A change to the occupancy type of the structure(s) used for the home occupation(s);
 - (b) Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
 - (c) Fluctuations in line voltage off premises;
- (10) Uses not allowed as home occupations may be allowed as a home industry pursuant to this chapter. (Ord. O2009-249 § 1; Ord. O99-29 § 1)

21A.65.060 Home industry.

A resident may establish a home industry as an accessory activity, provided:

- (1) The site area shall be no less than one acre;

- (2) The area of the home industry shall not exceed 50 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home occupation;
- (3) No more than four nonresidents shall be employed in a home industry;
- (4) In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
- (a) One stall for each nonresident employee of the home industry; and
 - (b) One stall for customer parking;
- (5) Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:
- (a) One thousand square feet of building floor area; and
 - (b) Two thousand square feet of outdoor work or storage area;
- (6) Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;
- (7) Ten feet of Type I landscaping shall be provided around portions of parking and outside storage areas that are otherwise visible from adjacent properties or public rights-of-way; and
- (8) The director shall ensure compatibility of the home industry by:
- (a) Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
 - (b) Providing for setbacks or screening as needed to protect adjacent residential properties;
 - (c) Specifying hours of operation;
 - (d) Determining acceptable levels of outdoor lighting; and
 - (e) Requiring sound level tests for activities determined to produce sound levels that may be excessive. (Ord. O99-29-5-1)

Conditional Use Permit Criteria (from current code, for reference)

21A.110.040 Conditional use permit.

A conditional use permit shall be granted by the City, only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner that is compatible with the character and appearance of an existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those that will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

Item #3 – Tree Retention

This information will be presented at the meeting.



Memorandum

Date: March 6, 2012
To: City Council
From: Laura Philpot, PE Public Works Director
Re: City of Sammamish Parking Regulations

At the City Council meeting on March 13, 2012 staff will be providing an overview of Sammamish's current parking regulations and recommended revisions.

The state of Washington has established parking regulations and they are located in the Revised Code of Washington (RCW) Chapter 46.61. In addition, the City of Sammamish has the following regulations within the Sammamish Municipal Code (SMC) that address parking issues:

- **SMC Chapter 17.05**, Miscellaneous Crimes, currently restricts parking in a designated fire lane with a fine of \$250.00.
- **SMC Chapter 22.10.020**, Parking next to mail boxes, currently restricts parking next to a mailbox between the hours of 10:00 a.m. and 3:00 p.m. on days when mail is scheduled for delivery.
- **SMC Chapter 46.05**, Adopts the States Model Traffic Ordinance found in Washington Administrative Code Chapter 308-330. The Model Traffic Ordinance adopts the RCW Chapter 46.61 for parking regulations and adds language assigning all the RCW provisions of chapter 46.61 to local agencies, where otherwise excepted out.

Based on complaints brought forward by citizens and observations made by our police force, staff is prepared to discuss and seek direction from City Council in the following areas:

- All Sammamish parking regulations should be consolidated into one section of SMC.
- Mail delivery extends far past 3:00 p.m. in Sammamish and we should consider extending the hours of restrictions near mailboxes. This was confirmed by talking with the postmaster from the Redmond Post Office. They said mail is often delivered through 5:00 or 6:00 p.m.

- Storage of unlicensed vehicles, recreational vehicles, trailers and boats in the public right of way.
 - Should there be a number of days restriction?
 - Should they be restricted all together?
 - Should they be allowed indefinitely?

- Currently state law does not address parking in designated bike lanes. Staff is recommending adding a provision in city code to prohibit parking in designated bike lanes.

At the March 13, 2012 meeting staff hopes to receive direction from City Council. Next steps would be to bring back draft code language for the Council's consideration at a later meeting date.



Memorandum

DATE: March 13, 2012

TO: Ben Yazici, City Manager

FROM: Jessi Richardson, Director of Parks and Recreation

RE: Tobacco Free Parks Policy

In the summer of 2010, King County was awarded a national Communities Putting Prevention to Work (CPPW) grant. The focus of the grant is preventing the top causes of death and disease in King County – tobacco use being the main focus. In response to this grant, a steering committee was formed to help cities develop policies prohibiting tobacco use in city and county parks.

To date, a number of King County cities have already adopted tobacco-free park policies including Auburn, Burien, Covington, Shoreline (ordinance), Snoqualmie and the Vashon Parks District. Several other cities, including Kirkland, are in the process of developing their policies.

The proposed Sammamish policy and associated resolution are attached for your consideration.

The tobacco-free park policy is consistent with our goal of providing healthy and safe parks for all users. It should also be noted that this proposed policy complements existing tobacco-free school district policies and will provide consistency for users of both facilities.

Finally, it is worth noting that a group of Bellevue YMCA youth volunteers recently participated in a “Leave No Trace” clean-up event at Beaver Lake Park. I was surprised to learn that they picked-up over 500 cigarette butts during their 3-hour clean-up, which indicates that smoking is definitely occurring in our parks.

Parks Commission Recommendation:

Information on the tobacco-free parks initiative was first presented to the Parks Commission on September 7, 2011. After hearing the presentation and deliberating on the matter, the commission recommended that staff develop a draft policy. The draft policy was presented to the Parks Commission on March 7, 2012 and the commission voted unanimously in support of the policy.

Funding:

The only cost associated with implementation is the purchase of tobacco-free parks signage for all of the parks. A portion of the CPPW grant funds are earmarked for signage and it is anticipated that Sammamish will qualify for funding. The tobacco-free parks signs were designed by the steering committee to ensure consistent messaging throughout King County.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2012-XXX**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ADOPTING A POLICY PROHIBITING
TOBACCO USE IN ALL CITY OF SAMMAMISH PARKS.**

WHEREAS, tobacco disease is the number one cause of preventable death in Washington residents; and

WHEREAS, the Environmental Protection Agency has classified secondhand smoke as a Group A human carcinogen, and therefore, concludes that secondhand smoke is a risk to non-smokers; and

WHEREAS, there is no safe level of exposure to secondhand smoke; and

WHEREAS, parks are intended to promote community wellness and tobacco-free policies support this objective; and

WHEREAS, tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City parks is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty of the City's parks, and posing a risk to children, pets and wildlife due to ingestion; and

WHEREAS, Sammamish has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement and adult-peer role modeling at City parks; and

WHEREAS, King County Parks received a Communities Putting Prevention to Work Tobacco Prevention grant to develop and implement tobacco-free parks policies in 22 (75 percent) of local government jurisdictions; and

WHEREAS, the City of Sammamish Parks and Recreation Commission unanimously supports a tobacco-free parks policy in order to protect the health, safety and welfare of the citizens of Sammamish.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Adoption of Tobacco-Free Parks Policy. The City Council hereby adopts a tobacco-free parks policy, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Effective Date. The policy shall be effective immediately upon adoption.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF MARCH, 2012**

CITY OF SAMMAMISH

APPROVED

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Resolution No.: R2012- XXX



CITY OF SAMMAMISH POLICIES AND PROCEDURES

Subject: TOBACCO-FREE PARKS		Department: PARKS	
		Number:	
Effective Date: XX/ XX/12	Supersedes: N/A	Approved By: City Council	Date:

1.0 PURPOSE

To establish a policy by which tobacco use, including cigars, pipe tobacco and smokeless or chewing tobacco is prohibited in all Sammamish parks.

2.0 DEFINITIONS

Athletic fields: Includes any property under the jurisdiction of the Sammamish Parks and Recreation Department.

Park areas: Includes any property under the jurisdiction of the Sammamish Parks and Recreation Department. This includes, but is not limited to, buildings, picnic shelters, playgrounds, skate parks, athletic fields and beaches.

Tobacco Use: Included, but not limited to, the smoking or lighting of cigarettes, cigars, or pipe tobacco, or the use of smokeless or chewing tobacco.

Unapproved Nicotine Delivery Product: Any product containing or delivering nicotine intended or expected for human consumption that has not been approved or otherwise certified for sale by the United States Food and Drug Administration as a tobacco use cessation product.

3.0 POLICY

All park users are to be in accordance with the following policies:

3.01 Tobacco-Free Parks

To help protect the health, safety and welfare of the citizens of Sammamish, tobacco use or use of other unapproved nicotine delivery products is prohibited in all city parks at all times.

3.02 Policy Violation

Persons found to be in violation of this policy shall be asked to discontinue tobacco use or leave the park immediately.

3.03 Policy Interpretation

The City Manager or his/her designee shall make any necessary interpretations of this policy.

4.0 PROCEDURE

4.01 Signs shall be prominently posted and maintained in all parks indicating that city parks are “tobacco-free” and that tobacco use is prohibited.

4.02 The tobacco-free policy shall be publicized on the City website and included in other promotional materials.

4.03 Facility rental agreements (governing the use of park facilities such as athletic fields and picnic shelters) shall be amended to reflect that compliance with the tobacco-free park policy is a condition of the permit.

Approval:

City Manager

Date

INTRODUCED: 03/13/12
APPROVED:
RESOLUTION NO.: 2012-XXX