



# CITY OF SEATAC

## PLANNING COMMISSION MEETING

City Council Chambers, SeaTac City Hall, 4800 S. 188<sup>th</sup> Street  
October 4, 2016, 5:30 p.m.

### MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 3) Approval of minutes of September 20, 2016 regular meeting (Exhibit A)
- 4) Public Hearing: Keeping of Domestic Animals (Exhibit B)
- 5) CED Director's Report
- 6) Planning Commission Comments (including suggestions for next meeting agenda)
- 7) Adjournment

*A quorum of the City Council may be present.*

*The Planning Commission consists of five members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.*

*All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.*

**CITY OF SEATAC  
PLANNING COMMISSION  
Minutes of September 20, 2016  
Regular Meeting**

**Members present:** Joe Adamack, Roxie Chapin, Robert Scully  
**Members absent:** Jim Todd, Tom Dantzler (both excused)  
**Staff present:** Acting City Manager Joe Scorcio; Acting Community Development Director Jeff Robinson; Steve Pilcher, Planning Manager; Kate Kaehny, Senior Planner

**1. Call to Order**

Chair Adamack called the meeting to order at 5:30 p.m.

**2. Public Comment**

None.

**3. Approval of Minutes**

Moved and seconded to approve the minutes of the September 6, 2016 regular meeting as written. **Passed 3-0.**

**4. Public Hearing: Urban Agriculture Code amendments**

Chair Adamack opened the public hearing at 5:31 p.m.

Kate Kaehny, Senior Planner, stated that the hearing was the culmination of a series of work sessions on this topic. She reminded the Commission that the project was partially funded through a PICH (Partners in Community Health) grant the City received in 2015. As a side note, Ms. Kaehny also noted there will be a community garden celebration on September 28<sup>th</sup> and the Community Center, beginning at 5:30 p.m.

Ms. Kaehny then overviewed the policy basis found supporting the proposed changes. She also reviewed the community engagement process that had occurred to receive input on both the general topic of urban agriculture and also a proposed community garden. She reminded the Commission that the Zoning Code already allows quite a range of urban agricultural activities and that these code revisions represent more of a clarification/standardization of how to address these uses. Ms. Kaehny then reviewed the various changes under consideration for: community gardens; market gardens; urban farms; farmers' markets; produce stands (both temporary and permanent) and accessory structures. The regulations also address parking and signage.

The Commission noted that the proposed changes reflect their past discussions.

The Chair inquired whether anyone in attendance at the meeting wished to testify. There being no one who wished to do so, testimony was then closed at 5:48 p.m.

Moved and seconded to approve the recommended code revisions as presented. **Passed 3-0.**

#### **5. Briefing: Potential Park'n'Fly code amendments**

Senior Planner Kate Kaehny noted that the briefing is intended to be informational only. She then reviewed the reason why the Commission is being asked to revisit this issue, which was last discussed as part of the Major Zoning Code update project. She reviewed applicable policy language from the City Center Plan and current code provisions, plus what occurred with the Wally Park and Master Park garages, both of which were developed under development agreements.

Ms. Kaehny also reviewed the proposal that was put forth by a 2012 Ad Hoc Committee that was formed to examine this issue. This proposal was not adopted by Council, in whole or in part.

#### **6. Work session: Domestic Animals regulations**

Planning Manager Steve Pilcher noted this topic had been discussed with the Commission at two prior meetings and that the Mayor has indicated a need for the Commission to make a formal recommendation to the Council. In particular, the issue of keeping roosters is a primary area of concern. Staff has proceeded with scheduling a public hearing on this topic for the October 4<sup>th</sup> Planning Commission meeting.

Mr. Pilcher then reviewed the proposed code amendment language, which includes a prohibition against the keeping of roosters and the deletion of the never-used equestrian overlay district. He also reviewed information he had received from the Police Chief regarding how King County Animal Control responds to complaints regarding noisy animals.

The Chair indicated he may propose alternate language for the Commission's consideration.

#### **7. CED Director's Report**

Acting CED Director Jeff Robinson provided information regarding the "Party on the Plaza" event to occur on Saturday, September 24, celebrating the opening of light rail service to the Angle Lake Station.

#### **8. City Manager's Report**

Acting City Manager Joe Scorcio advised the Commission that the Council's Transportation and Public Works Committee is meeting at this time to review L.I.D. implementation.

He also announced that the City's appeal of the Port of Seattle's SEPA determination on the Flight Corridor Safety Program has been posted on the City's website.

**9. Commissioner Comments**

None.

**10. Adjournment**

Moved and seconded to adjourn. Motion passed 3-0. The meeting adjourned at 6:28 p.m.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Title 15 of the SeaTac Municipal Code, relating to the keeping of domestic animals and eliminating the Equestrian Overlay Zone.

**WHEREAS**, from time to time, the City Planning Commission considers amendments to the Zoning Code (Title 15, SeaTac Municipal Code) in order to provide clarification, greater efficiencies or to respond to changing community concerns and needs; and

**WHEREAS**, certain provisions of the Zoning Code have remained unchanged since City incorporation over 25 years ago; and

**WHEREAS**, the city has become increasingly urbanized in the past quarter century which has resulted in homes being situated in close proximity to one another; and

**WHEREAS**, the keeping of certain types of domestic animals can result in conflicts between neighbors; and

**WHEREAS**, the Equestrian Overlay Zone (SMC 15.315.300) has never been implemented and is not found on the Official Zoning Map; and

**WHEREAS**, on September 16, 2016, City staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106, and no comments were received from any state agency; and

**WHEREAS**, this proposed code amendment is exempt from SEPA review pursuant to

WAC 197-11-800 (19)(b); and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing regarding these proposed changes on October 4, 2016, after which it rendered a recommendation of approval;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:**

**Section 1.** Section 15.105.040 of the SeaTac Municipal Code is hereby amended as follows:

**15.105.040 “D” Definitions.**

**Dairy**

~~Any premises where three (3) or more cows, three (3) or more goats, or any combination thereof are kept, milked or maintained.~~

**Day Care I**

A day care facility that provides for the group care of a maximum of twelve (12) children in any twenty-four (24) hour period. Day Care I facilities may be located within the caregiver’s place of residence.

**Day Care II**

A day care facility that provides for the group care of more than twelve (12) children in any twenty-four (24) hour period.

**Day Care Facility**

An establishment for the group care of nonresident children in any twenty-four (24) hour period. Day care facilities include:

- A. Nursery schools for children under minimum age for education in public schools;
- B. Privately conducted kindergartens when not a part of a public or parochial school.

**Dedication**

The deliberate appropriation of land by an owner for public use or purposes, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.

**Density Bonus**

A commercial or residential bonus in density units granted to developers for providing public benefits in their development plans.

**Department**

Means the Department of Community and Economic Development.

**Department/Variety Store**

Establishment engaged in the retail sales of a variety of lines of merchandise such as: dry goods, apparel and accessories, home furnishings, housewares, travel accessories and electronic items and accessories.

**Development Site – Stand-Alone Parking Structures**

A development site is the sum total of all parcels of property incorporated into the development at any point of time. This includes the incorporation of any additional properties into the development site.

Figure: DEVELOPMENT SITE – STAND-ALONE PARKING STRUCTURES

**Director**

Means the Director of Community and Economic Development or designee.

**Disability**

As used in SMC 15.465.400, Community Residential Facilities Standards, and 15.465.200, Accommodation of Persons with Disabilities, a “handicap” as defined in the Federal Fair Housing Amendments Act of 1988 at 42 U.S.C. Section 3602(h), with respect to a person –

- A. A physical or mental impairment which substantially limits one (1) or more of such a person’s major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in [21 U.S.C. § 802]).

Persons with disabilities include those who are developmentally disabled, mentally ill, as well as those in recovery for alcohol and drug addiction.

### **Distribution Center/Warehouse**

A building, often with refrigeration or air conditioning, which is stocked with products (goods) to be redistributed to retailers, wholesalers or directly to consumers. May also be known as: a “DC”, a fulfillment center, a cross-dock facility, a bulk break center, and/or a package handling center. Does not include truck terminals.

### **Domestic Animals**

Dogs, cats, birds, snakes, small rodents, rabbits, ~~goats~~, pygmy goats, pot-bellied pigs, chickens (~~including roosters~~), miniature horses not exceeding forty (40) pounds, and ducks and other fowl (but not including roosters or peacocks), which can be and are continually kept or raised in a home or on a lot. Animals not considered to be domestic animals include livestock, such as ~~but are not limited to, the following~~: horses, cows, donkeys, and any endangered or exotic species of animals. The number of inside or outside domestic animals shall be limited as shown in SMC 15.440.100.

### **Dormitory**

An accessory residential building to an educational institution consisting of individual rooms for sleeping and may include common dining, cooking, and interior recreation facilities.



**Driveway**

An access which serves a lot, structure, or parking surface.

**Drug Store**

Establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, including tobacco stores.

**Dry Cleaner**

An establishment engaged in the cleaning of clothing or fabrics with chemical solvents that have little or no water.

**Duplex**

A building containing two (2) dwelling units totally separated from each other by either an unpierced wall extending from basement to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

**Dwelling Unit**

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.

**Dwelling Unit, Caretaker/Manager**

A dwelling unit attached to a nonresidential building.

**Dwelling Unit, Detached**

A dwelling unit that is not attached to any other dwelling unit by any means. (Ord. 16-1009 § 8; Ord. 15-1018 § 1)

**Section 2.** Section 15.105.120 of the SeaTac Municipal Code is hereby amended as follows:

**15.105.120 “L” Definitions.**

**Laboratories, Research, Development and Testing**

A facility in which scientific research, investigation, testing, or experimentation occurs, but not including manufacture and sale of products.

**Landscaping Business**

A business which provides services to preserve or enhance natural or reconfigured land features, ground cover, grass, sod, and other plantings, to promote naturalistic and aesthetic values, or to effect natural or improved drainage and erosion control. The business may include the arrangement of such tangible objects such as pools, walls, steps, trellises, canopies, and other nonhabitable structures, and other such features as are incidental and necessary to landscaping purposes. A landscaping business does not include the wholesale/retail sale of landscaping products including, but not limited to, trees, shrubs, plants, or any other vegetation (except those planted or installed by the business), or of any equipment that is necessary for the movement, planting, growth, and aesthetics of landscape materials.

**Laundromat**

A commercial establishment offering self-serve and assisted laundry facilities for public use.

**Leasable Space**

That area within mobile home parks designated on an approved master plan as lots for locating mobile home units with utility hook-ups.

**Legal Lot**

A lot created by the King County Assessor's Office in accordance with Washington State Laws and Subdivision Code provisions set forth in the Washington State RCW and City of SeaTac Subdivision Code.

### **Library**

A publicly owned facility in which literary, musical, artistic, or reference materials (as books, manuscripts, recordings, or films) are kept for use, or loan, but not for sale.

### **Liquor Store**

State licensed establishments primarily engaged in the retail sales of packaged alcoholic beverages, such as ale, beer, wine, and liquor.

### **Livestock**

~~Domesticated animals,~~ Animals such as horses, cows, goats, sheep, swine and fowl (but not including roosters or peacocks).

### **Lot**

A legal lot for building purposes which shall have sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have access to an improved public street, or to an approved private access.

### **Lot Area**

The total horizontal area within the boundary lines of a lot, including access easements; however, the area contained in tracts or panhandles shall not be included in the lot area of a lot within any plat containing more than two (2) lots. In addition, the area of any easements over one (1) or more servient lots in favor of a dominant lot for the purpose of granting the owner of the dominant lot rights of personal use, possession and occupancy which are typically attributes of ownership shall not be included in the lot area of any servient lot.

**Lot Coverage**

That percentage of the lot area covered by all buildings including accessory buildings, uses and tent structures.

**Lot Lines**

The property lines that establish the boundaries of buildable lots. For information on how lot lines are designated see SMC [15.110.030](#), Designation of Lot Lines.

**Lot, Substandard**

A lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located; and provided, that such lot or parcel was of record as a legally created lot on the effective date of the Zoning Code ordinance codified by the City.

**Lot Width**

The distance between the two (2) established side lot lines of the lot.

**Section 3.** Section 15.440.100 of the SeaTac Municipal Code is hereby amended as follows:

**15.440.100 Domestic Animals – Limitations**

Domestic animals as defined in Chapter 15.105 SMC, Definitions, are permitted outright in all zone classifications within the City. The number of inside or outside animals allowed is listed below.

**A. Inside Animals.**

1. The number of cats kept inside and birds, snakes, and small rodents kept in aquariums, terrariums, cages, or other similar containers shall not be limited unless the property meets the definition of a “kennel” under Chapter [15.105](#) SMC, Definitions, or is limited by health codes.

2. All other domestic animals kept inside shall be limited to not more than five (5) total domestic animals, in an allowed combination of the animals listed in the Outside Animals table in subsection (B) of this section. ~~Miniature horses shall not be allowed as an inside animal.~~ Except for the domestic animals listed in subsection (A)(1) of this section, the total number and type of inside animals allowed shall not exceed the number of animals that are allowed outdoors (see table in subsection B, below) ~~(for example, a property owner could not have five (5) pot-bellied pigs indoors. Only one (1) or two (2) would be allowed indoors based on lot size. No pot-bellied pigs would be allowed indoors on lots of less than fifteen thousand one (15,001) square feet).~~

**B. Outside Animals.** The number of outside animals shall be limited based on lot size as defined in the following Outside Animals table.

<b>OUTSIDE ANIMALS</b>				
<b>Lot Size</b>				
	Less Than 7,200 sq. ft.	7,200 – 15,000 sq. ft.	15,001 – 30,000 sq. ft.	30,000+
Total Number of Outside Animals Allowed	5*	6*	7*	8*
Cats	3	3	4	5
Dogs	3	3	4	5
Rabbits	5**	5**	5**	5**
Goats/Pygmy Goats	1**	2**	3**	4**
Sheep/Goats	1**	2**	3**	3**

<b>OUTSIDE ANIMALS</b>				
<b>Lot Size</b>				
	Less Than 7,200 sq. ft.	7,200 – 15,000 sq. ft.	15,001 – 30,000 sq. ft.	30,000+ sq. ft.
Pigs/Pot-Bellied Pigs	0**	0**	1**	2**
Chickens ( <del>Including</del> <u>but not including</u> Roosters)	5**	5**	5**	5**
Ducks	5**	5**	5**	5**
Other Fowl ( <u>but not including</u> <u>peacocks</u> )	0	0	1**	2**
Miniature Horses	0	0	1**/****	2**/****

\* This denotes the total number of outside animals allowed. This total may be any combination of the above listed animals (for example, three (3) dogs, one (1) goat, and one (1) sheep).

\*\* This is the total number of this animal type that is allowed as part of the total number of animals allowed based on lot size (for example, three (3) sheep would not be allowed on a lot of less than fifteen thousand one (15,001) square feet). All animals and fowl shall be kept in a confined area and maintained. Any covered structure used to house any outside animal shall conform to all yard setback requirements. No confinement area shall be located within a critical (sensitive) area or its buffers.

\*\*\* Not exceeding forty (40) pounds at full maturity.

C. Animals that are kept indoors, but are allowed outside for more than one (1) hour per day, shall be defined as outdoor animals.

D. A hobby kennel license is required for four (4) or more dogs. A hobby cattery license is required for five (5) or more cats, per SMC 6.05.020, General provisions and licensing.

**Section 4.** Section 15.440.200 of the SeaTac Municipal Code is hereby amended as follows:

**15.440.200 Horse/Equine Animal Regulations**

A. Applicability.

1. Any horse or equine animals located within the city limits as of February 2, 1990, in ~~existence at the date of the adoption of this code (or areas annexed into the City)~~ shall be permitted to remain under the authority of a legal nonconforming use as specified under SMC 15.120.060, Nonconformance – Uses of Land, Horses/Equine Animals. ~~Any new horses shall be permitted with the approval of a special district overlay as noted in SMC 15.315.300, Equestrian Overlay Zone.~~

2. ~~All horses and equine animal locations and facilities (existing/proposed) shall be reviewed and approved by the Director or Code Enforcement Officer or designee to ensure compliance with the herein adopted health standards, pursuant to the standards established in SMC 15.315.300, Equestrian Overlay Zone.~~

**Section 5.** Chapter 15.440.300 of the SeaTac Municipal Code is hereby repealed in its entirety.

**Section 6.** The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Commerce within ten (10) days after adoption, and to the King County Assessor.

**Section 7.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016, and signed in authentication thereof on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF SEATAC**

\_\_\_\_\_  
Michael Siefkes, Mayor

ATTEST:

\_\_\_\_\_  
Kristina Gregg, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

[Keeping of domestic animals;  
repeal of Equestrian Overlay Zone]