

# Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

## Urban Agriculture

November 17, 2010

### WHAT IS URBAN AGRICULTURE?

Urban agriculture can be loosely defined as growing plants and raising animals within and around cities. In August 2010, the Seattle City Council voted to expand opportunities for urban agriculture in the City of Seattle. These code changes help create a more sustainable and secure local food system by increasing opportunities to grow and sell food in all zones.

Seattle's Land Use Code recognizes five different urban agriculture uses: Animal Husbandry, Aquaculture, Community Gardens, Horticulture and Urban Farms.

### 1. ANIMAL HUSBANDRY

Animal Husbandry is a use where animals are reared or kept in order to sell the animals or their products, such as meat, fur or eggs, but does not include pet daycare centers or animal shelters and kennels.

Residential Zones: Not permitted, except through specific regulations related to the keeping of small animals and domestic fowl.

Commercial Zones: In NC1, 2, 3, C1 zones, permitted as an accessory use. Can be a primary use in C2 zone.

Industrial Zones: Not permitted.

### Keeping of Animals

In addition to animal husbandry regulations, the City has specific regulations for the keeping of small animals, which is not considered animal husbandry. The keeping of small animals, farm animals, domestic fowl, and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the standards of Section 23.42.052. Small animals, domestic fowl, farm animals and bees have specific regulations as follows:

### Small Animals

Up to three small animals are allowed (cats, dogs, rabbits, goats, etc.), accessory to each dwelling unit or business establishment. On lots of 20,000 sf. ft. or more, up to four small animals are allowed. One additional small animal is permitted for each 5,000 sf. ft. of lot area in excess of 20,000 sf. ft.

- In no case is more than one miniature potbelly pig allowed. Miniature potbelly pigs may be no greater than 22 inches in height at the shoulder or more than 150 pounds.
- Goats may be kept if they are Miniature, Dwarf or Pygmy. Goats must be dehorned, and male goats must be neutered.

### Domestic Fowl

Up to eight domestic fowl may be kept on any lot in addition to the small animals allowed. On lots greater than 10,000 sf. ft. that include either a community garden or an urban farm, one additional fowl is permitted for every 1,000 sf. ft. of lot area over 10,000 sf. ft. in community garden or urban farm use.

- Roosters are not permitted.
- Structures housing domestic fowl must be located at least 10 feet away from any residential structure on an adjacent lot. Other code restrictions regarding structures in yards may also apply.

### Farm Animals

Farm Animals: Cows, horses, sheep and other similar farm animals are permitted only on lots at least 20,000 sf. ft. On these lots, one farm animal for every 10,000 sf. ft. of lot area is permitted. Farm animals and structures housing them must be 50 feet from any other lot in a residential zone.

- In Single-Family zones, commercially operating horse farms in existence before July 1, 2000 on lots greater than 10 acres are considered a permitted use.



## Bees

Bees are allowed outright when registered with the State Department of Agriculture. No more than four hives, each with only one swarm, are allowed on lots less than 10,000 sf. ft. Hives may not be located within 25 feet of any lot line, except when hives are 8 feet or more above or below the grade immediately adjacent to the lot on which they are located.

## 2. AQUACULTURE

Aquaculture is a use in which fish, shellfish and other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce.

- Residential Zones: Not permitted.
- Commercial Zones: Permitted as primary or accessory use with size-of-use restrictions. NC1 – limited to 10,000 sf. ft. NC2 – limited to 25,000 sf. ft. NC3 and C zones permitted with no size-of-use restrictions.
- Industrial Zones: Permitted as primary or accessory use.

## 3. COMMUNITY GARDEN

Community Garden is a use in which land managed by a public or nonprofit organization or group of individuals is used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land. Examples include P-Patch community gardens administered by the Department of Neighborhoods.

All Zones: Allowed as a primary use in all zones, but community gardens are restricted to rooftops and sides of buildings in designated Manufacturing and Industrial Centers (MICs).

- The total gross floor area of all structures for community garden use may not exceed 1,000 sf. ft. on any lot.
- Structures are limited to 12 feet in height, including pitched roof.
- Structures are subject to the development standards of the zone as they apply to accessory structures. Structures over 120 sq. ft. of gross floor area require a building permit.

## 4. HORTICULTURE

Horticulture is a use other than an urban farm, in which plants are grown for sale of them, or their products, or for use in any business, and in which

other customarily incidental products may be sold. Examples include nurseries with greenhouses and garden stores.

- Residential Zones: Not permitted.
- Commercial Zones: Permitted as primary or accessory use with size-of-use restrictions. NC1 – limited to 10,000 sf. ft. NC2 – limited to 25,000 sf. ft. NC3 and C zones permitted with no size-of-use restrictions.
- Industrial Zones: Not permitted.

## 5. URBAN FARM

Urban Farm is a use in which plants, and products derived from them, are grown and sold on the same lot or off site. No other items can be sold onsite. Examples may include flower and vegetable raising orchards and vineyards.

- An urban farm does not have to be on the same lot as the principal use; the planting area may be within 800 feet of the principal use.
- In all zones, odor and fumes, are limited to "what a reasonable individual could tolerate" at a distance of more than 200 feet from the urban farm.

Residential Zones: Permitted as accessory use; no permit required up to 4,000 sf. ft. of planting area. Over 4,000 sf. ft. of planting area requires an administrative conditional use permit (ACU).

SMC 23.42.051.A provides the requirements for urban farms in Residential zones as follows:

1. Only mechanical equipment designed for household use may be used.
2. Retail sales and all other public use of the farm shall begin no earlier than 7:00 a.m. and end by 7:00 p.m. every day of the week.
3. Commercial deliveries and pickups are limited to one per day. On-site sales are not considered commercial pickups.
4. No more than two motor vehicles, each with a gross vehicle weight of 10,000 pounds or less, may be used for farm operations.
5. The farm shall be located on the same lot as the principal use to which it is accessory or on a lot where the planting area is within 800 feet of the lot where the principal use is located.
6. One identification sign is permitted, not exceeding 64 square inches in area.

7. On a lot with no principal structure:
- The total gross floor area of all structures for urban farm use may not exceed 1,000 sf. ft.
  - Structures for urban farm use may not exceed 12 feet in height, including any pitched roof.

An urban farm in a residential zone requires an ACU permit if the planting area exceeds 4,000 sf. ft., and must provide a management plan. The provisions of subsection 23.42.051.B apply, and the Director may approve, condition or deny a conditional use permit based on the general conditional use criteria applicable in the zone and based on potential impacts of the types described in the management plan.

- Management Plan. The applicant shall provide a proposed urban farm management plan that addresses any probable impacts and includes any proposed mitigation measures. The plan shall include:
  - A site plan;
  - The type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
  - Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
  - Disclosure of whether the operation of the farm would involve 750 square feet or more of land-disturbing activity, or would otherwise require drainage approval under Chapter 22.800; and
  - A proposed sediment and erosion control plan.

**Commercial Zones:** Permitted as a primary or accessory use with no size of use restrictions.

**Industrial Zones:** Permitted as a primary or accessory use, but restricted to rooftops and sides of buildings in designated Manufacturing and Industrial Centers (MICs).

## Greenhouses

In all zones except Lowrise and Single-Family, greenhouses dedicated to food production are allowed a fifteen foot exception to the height limit of that zone. In most instances the structure cannot exceed 50 percent of the roof area and must adhere to setback

requirements. Applicants should check the specific requirements that each zone has for rooftop features.

The Land Use Code defines greenhouses and solariums as follows:

**Greenhouse:** A structure, or portion of a structure, made primarily of glass or other translucent material, for which the primary purpose is the cultivation or protection of plants.

**Solarium:** A room, porch or other area that is designed to admit sunlight, is part of a larger structure, is enclosed substantially or entirely by glass or another transparent material, and is not primarily used for the cultivation or protection of plants.

## WHAT OTHER PERMITS DO I NEED?

This CAM applies exclusively to permits administered by DPD. Other permits from other departments, agencies, or jurisdictions may be required.

## Business Licenses

The City of Seattle requires a business license for any produce that is processed for sale. For example, berries grown onsite that are processed to make jam (SMC 5.55.030.O. Exception, Farmers).

A Master Business License from Washington State may be required. You need a license if your business meets one or more of the following criteria:

- Your business grosses \$12,000 or more per year.
- You are doing business using a name other than your full legal name.
- You plan to hire employees within the next 90 days.
- You sell a product or provide a service that is taxable. To find out more information about what products or services are taxable, Department of Revenue's business tax guide can answer most of your questions or call them at 1-800-647-7706. The guide is available at this link: and that guide can be found at: <http://www.dor.wa.gov/Docs/Pubs/ExciseTax/FilTaxReturn/BusTaxGuide.pdf>.
- Your business has specialty licenses available through the Master License Service, which can be found here: <http://www.dol.wa.gov/business/specialtylicenses.html>.

For more information, please visit [www.dol.wa.gov/business](http://www.dol.wa.gov/business).

## King County Public Health

Unprocessed fruits and vegetables that are non-potentially hazardous, non ready-to-eat, and minimally cut are exempt from Seattle-King County Public Health food code. Produce that is processed must be made in a licensed commercial kitchen. For more information visit: [www.kingcounty.gov/healthservices/health/ehs/foodsafety](http://www.kingcounty.gov/healthservices/health/ehs/foodsafety).

## Washington State Department of Health

Egg producers who sell eggs from their own flock at the place of production directly to consumers for their own personal use are not required to be licensed or buy egg seals. For more information visit: <http://agr.wa.gov/FoodAnimal/Eggs/Licensing.aspx>.

## CAN I GARDEN IN A PLANTING STRIP?

Yes, however you are not allowed to sell or conduct business in a planting strip. Fruit trees are not allowed in the planting strip. Healthy trees cannot be removed to plant a garden and any other tree removal in the planting strip requires a permit from the Seattle Department of Transportation (SDOT). For more information on planting or gardening in the right-of-way, see SDOT CAM 2305, *Gardening in Planting Strips* at: <http://www.seattle.gov/transportation/cams/cam2305.pdf>.

## DO I NEED TO TEST MY SOIL?

Although the Land Use Code does not require soil testing, it is highly encouraged. This is particularly encouraged for areas of West Seattle that may have been impacted by the Tacoma Smelter Plume, which caused lead and arsenic to be carried by wind over a wide expanse of King, Pierce, Thurston and Kitsap counties. For more information visit: <http://www.kingcounty.gov/healthservices/health/ehs/toxic/TacomaSmelterPlume/background.aspx>.

King Conservation District provides free soil nutrient testing for residents of King County excluding Issaquah and Federal Way. Gardeners can send up to five samples, including compost, once per year through this program. This service is funded by a local special assessment and state grants with the goal of helping farmers and gardeners to fertilize wisely and reduce water pollution from over-fertilization. Detailed information is available at [http://kingcd.org/pro\\_far\\_soi.htm](http://kingcd.org/pro_far_soi.htm)

The Garden Hotline is a free service that provides expert information on natural lawn and garden care

to Seattle and King County residents and landscape professionals. The team of hotline experts can answer a wide range of inquiries about environment-friendly gardening for our area, from soil building, composting, and creating healthy lawns to water conservation, plant care, and alternatives to pesticide use. Printed materials include copies of the natural lawn and garden guides, fact sheets, and research reports that can be mailed to Seattle and King County residents at no charge. The hotline is managed by the Seattle Tilth Association as part of Seattle Public Utility's Natural Soil Building Program, with additional sponsorship by the Local Hazardous Waste Management Program (LHWMP) in King County and the Saving Water Partnership. Contact: (206) 633-0224 or [help@gardenhotline.org](mailto:help@gardenhotline.org).

## CAN I USE HARVESTED RAINWATER FOR MY GARDEN?

Rainwater harvesting is the capture and storage of rainwater and is considered the clearest form of harvested rainwater. Using harvested rainwater can be highly beneficial. For more information, see CAM 701, *Rainwater Harvesting for Beneficial Use* at: <http://www.seattle.gov/DPD/Publications/CAM/CAM701.pdf>.

## HOW CAN I HAVE A P-PATCH COMMUNITY GARDEN IN MY NEIGHBORHOOD?

For information on how to get a P-Patch community gardening plot or start a new community garden, visit the Department of Neighborhoods P-Patch community gardening program website at: <http://www.seattle.gov/neighborhoods/ppatch>. With the huge and growing interest in gardening and urban agriculture, you will have to wait awhile before getting a community garden plot.

## Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at [www.seattle.gov/dpd](http://www.seattle.gov/dpd). Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.