



**King County**  
**Department of Development and Environmental Services**  
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## REGULATORY REVIEW COMMITTEE

- MINUTES -  
REVISED

**MEETING DATE:** October 10, 2001

**TO:** Building Services Division Staff  
Chris Ricketts  
Jim Chan  
Pam Dhanapal  
Ken Dinsmore

Land Use Services Division Staff  
Joe Miles  
Greg Borba  
Lisa Pringle

Caroline Whalen, Deputy Director  
Harry Reinert, Special Projects Manager  
Tim Barnes, Prosecuting Attorney's Office

**FM:** Lisa Pringle, Co-Chair

Present: Caroline Whalen, Greg Borba, Chris Ricketts, Harry Reinert, Jim Chan,  
Ken Dinsmore, Lisa Pringle, Nancy Hopkins

Issue:

- 1. Under K.C.C. 21A.12.200B, can a project transfer density from one lot to another when the lots are not contiguous?**

Background:

There are several projects in for review that want to transfer density from one lot to another. In both cases, the lots are separated by a road.

K.C.C. 21A.12.200B states that if a lot or site contains residential zones of varying density "any residential density transfer within the lot or site shall be allowed the density, as a result of moving dwelling units from one lot to another within a site or across zone lines within a single lot . . . "

Site is defined under K.C.C. 21A.06.1170 as " one or more contiguous lots that are under common ownership or documented legal control. Used as a single parcel for a

development proposal in order to calculate compliance with the standards and regulation of this title."

Discussion:

Prior interpretations by the Department have been that, depending on the ownership of the road, lots may be contiguous. Generally, if there is an easement granted to King County, the lots would be considered adjacent. There was discussion to determine if that information would interfere with the intent of K.C.C. Title 19A and it was concluded that it did not.

Conclusion:

Each project wanting to transfer density will need to determine the ownership of the road. If it is an easement to King County, the lots will be considered adjacent. If it is not, further analysis of the specific situation will be required.

K.C.C. Title 21A should be amended to include a definition of contiguous/adjacent.

Issue:

- 2. Under K.C.C. 21A.08.100A, are hybrid wolves considered "wildlife"? If not, what requirements of the zoning code apply to hybrid wolves?**

Background:

The subject property is zoned RA. A kennel that rescues hybrid wolves is being operated. The owners are applying for an exhibitor's license with the USDA.

Discussion:

K.C.C. 21A.08.100A allows zoo and animal exhibits as a special use in F, RA, UR, R, CB, and RB zones. In the F and RA zones, these are limited to wildlife exhibits. See, K.C.C. 21A.06.100B.9.

The United States Fish and Wildlife Service (USFWS) has addressed the issue of how to treat hybrid wolves in the context of protection of the Gray wolf, which has been listed as a threatened species under the Endangered Species Act. In a draft rule relating to the listing of the Gray wolf and after evaluating the genetics of hybrid and non-hybrid wolves, the USFWS concluded that hybrids are not wildlife and are not protected under the ESA. See, 65 FR 43449 (July 13, 2000). Thus, for purposes of K.C.C. 21A.08.100A, hybrid wolves are not considered wildlife.

K.C.C. 21A.06.660 defines kennel as "a place where adult dogs are temporarily boarded for compensation..." The definition does not include exhibition as one of the purposes of a kennel.

K.C.C. 11.04.020 defines kennel as a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation..." Again the definition does not include exhibition as one of the purposes of a kennel and refers specifically to "dogs".

A kennel or cattery may be allowed as a conditional use in RA, UR, and CB zones and as a permitted use in the RB zone. K.C.C. 21A.08.050. Kennels on residential zoned sites must

be on at least a five acre parcels and require a conditional use permit. See K.C.C. 21A.30.020E.3.a.

In addition to the zoning code, K.C.C. Chapter 11.28 establishes regulations for exotic animals. K.C.C. 11.28.020C.5 defines exotic animals to include “non-domesticated species of canines and their hybrids, including wolf and coyote hybrids.” K.C.C. Chapter 11.28.030 states “The possession or maintenance of an exotic animal within King County by private citizens as pets is prohibited...”

K.C.C. 11.28.110 states in part that “The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, the provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owner, operated or maintained by... any private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law....”

Even if the citizen claims to be a private zoological park and a USDA licensed is obtained, and the Licensing office agrees with the exemption, the property zoned RA would not permit for a zoological park.

Conclusion:

Hybrid wolves are not considered wildlife and are not able to be exhibited in the F and RA zones under the provisions of K.C.C. 21A.08.100B.9 governing wildlife exhibits.

K.C.C. Chapter 11.28 prohibits the possession of exotic animals, which include hybrid wolves. The Animal Control Section of the Department of Information and Administrative Services is responsible for implementation and enforcement of that code.