



## King County

Department of Development  
and Environmental Services

900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

# REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: JULY 7, 2005**

**TO:** Building Services Division Staff                      Land Use Services Division Staff  
Mike Dykeman, Manager                                      Joe Miles, Manager  
Chris Ricketts    Lisa Dinsmore  
Jim Chan    Randy Sandin  
Pam Dhanapal    Jeri Breazeal  
Stephanie Warden, Director  
Harry Reinert, Special Projects Manager and RRC Co-Chair  
John Briggs, Prosecuting Attorney's Office

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

Present: Jeri Breazeal, Matthew Caskey, Jim Chan, Pam Dhanapal, Lisa Dinsmore, Nancy Jo Perdue and Randy Sandin; John Briggs was present via telephone speakerphone.

- 1. Are dog runs and exercise yards/areas the same as far as regulations go? Or, are exercise yards something different that do not require a solid eight-foot wall around them?**

### Background

An applicant has applied for a variance to setback requirements for a dog kennel in the A zone. King County Code requires the barn where the applicant is proposing to keep the dogs to be set back 150 feet from the property line. It currently is set back 101 feet.

Kennels are allowed in the A zone, subject to development conditions sited in K.C.C. 21A.08.050, footnote 9, which states:

"9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space for the kennel or office space for the cattery, and:

- (1) Boarding or overnight stay of animals is allowed only on sites of five acres or more;
  - (2) No burning of refuse or dead animals is allowed;
  - (3) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and
  - (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.
- b. The following additional provisions apply to kennels or catteries in the A zone:
- (1) Impervious surface for the kennel or cattery shall not exceed twelve thousand square feet;
  - (2) Obedience training classes are not allowed except as provided in subsection B.34. of this section; and
  - (3) Any buildings or structures used for housing animals and any outdoor runs shall be set back one hundred and fifty feet from property lines."

K.C.C. 21A.30.020(3)(b) states:

" b. For kennels located on non-residential zoned sites, run areas shall be completely surrounded by an eight foot solid wall or fence, and be subject to the requirements in K.C.C. 11.04.060;"

The applicant also is proposing an exercise yard for the dogs, contending an exercise yard is different from a run as a run is used to describe the primary area used for individual confinement. The applicant further states the term "exercise yard" is used to describe an area where the dogs are allowed outdoors for a time to run and play in a group setting.

#### Discussion

K.C.C. Title 11 pertains to hobby kennel licensing, and neither Title 11 or the King County Zoning Code mentions the term "exercise yard".

The applicant's is proposing an indoor/outdoor facility on an 18-acre piece of property. The indoor area would be a barn-type structure where the dogs can be kept in solitary confinement. Each individual cage would be equipped with a doggy door to allow the animal to venture outside where it can engage in running and playing with the other dogs. The applicant is proposing the outdoor exercise area be a grassy yard rather than an impervious surface. An eight-foot-high chain-link fence currently surrounds the area, and the applicant would like to keep this particular fence rather than being required to erect a solid wall. The applicant obtained a building permit to add a bathroom and office area to the barn, but no permit has been issued for the fence.

Condition 9 in K.C.C. 21A.08.050 sets up two portions of facilities associated with kennels. One portion requires the building where the animals are kept to be soundproof. The other requires run areas to be paved and surrounded by an eight-foot-high solid wall. The code does not consider the specific option proposed by the applicant. Therefore there are no standards to use.

Unlike a Conditional Use Permit (CUP), which allows conditions regarding land use to be placed on the permit, a variance can only address bulk and dimensional standards. If a CUP were required, and if approved, the applicant may be allowed to have an outdoor grassy area subject to conditions and standards.

#### Conclusion

Runs and exercise yards/areas are not the same as far as regulations go. Exercise yards are not mentioned in the code (nor are any standards for them). Thus, they are not allowed. The committee's recommendation was kennels are allowed in the A zone with many restrictions, including walled run areas. The code does not speak to exercise areas. If the applicant wants to operate a kennel in the A zone, the barn-like structure where the animals are kept has to be soundproofed. If there is an outdoor run area, it must be surfaced and surrounded by an eight-foot-high solid wall. The applicant must obtain a permit for the wall and delete the outdoor exercise area.

The committee also recommended that the code be changed to include definitions and standards for doggy daycares, exercise areas and soundproof.

cc: Cass Newell  
Matthew Caskey